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SENATE—*Wednesday, September 24, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Father, the fountain of all blessings, with grateful hearts we enter Your courts today. We thank You for ordering our steps and directing our paths. Lord, we have lived long enough to know that we can't escape Your presence or Your love. We have sought fulfillment on destructive avenues, but Your love has always found us. Thank You for showing us the way to abundant living. Use Your Senators today to make the world a better place. Provide a shield for our military and comfort those who mourn. Lord, give wisdom to the leaders of our world. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct a period of morning business to allow Senators to speak. Following morning business, at approximately 10:35, the Senate will begin consideration of the DC appropriations bill. I know there is one issue that will require some debate and a vote, but it is my hope we can complete this bill in a relatively short period of time. Typically, this is an appropriations measure that has not consumed a great deal of floor time. Senator DEWINE will be ready at a little after 10:30 this morning, and we will monitor progress on this legislation, with the hope of finishing soon.

I also add that we hope again to be receiving from the House some of the completed appropriations conference reports. Once those reports are received, I will be speaking to the Democratic leader about scheduling those measures for floor action. Again, I hope we can move quickly on those items and get them to the President's desk for his signature as soon as possible.

Finally, I also want to remind Members that we will continue to schedule votes on available nominations throughout the week. We have eight judicial nominations pending on the Executive Calendar. Four of these nominations should be ready for Senate action, and we will schedule them over the course of the next day or so. As always, we will keep Members apprised of the voting schedule and as to when the first vote is ordered today.

Some people have asked about next week. I have already told people that we will be voting on Monday of next week. I mention that because a number of people have asked me.

IRAQ RECONSTRUCTION REQUEST

Mr. FRIST. Mr. President, very briefly, I want to make a comment on the President's comments yesterday before the United Nations.

The President of the United States and leaders from across the globe gathered yesterday at the United Nations headquarters in Manhattan to receive the President's address. It is worth pausing to consider just where that was. The address yesterday was in New York City, in the heart of Manhattan, a few dozen blocks from Ground Zero. The world's leaders were able to safely assemble and freely debate their proposals in a city that had borne the tragedy of September 11. Many were able to exercise more freedom yesterday in New York than is allowed in their own countries.

President Bush, in his address, boldly challenged the assembly to support the cause of liberty in Iraq. His case was powerful, and his case was powerful in part because the cause of freedom itself is so powerful. Some of my colleagues have basically questioned again and again the overall war on terror. There is this magnification of each setback along the way, and many people dismiss the many advances that are being made each and every day. There seems to be this attempt to discredit the war on terror.

Some people say we have acted unilaterally. We know that is false. The truth is we were joined by 49 countries to depose Saddam Hussein and remove his regime. Now we hear increasingly that there was a lack of broad international support on the ground. That is not true. We know there are 31 nations that currently have troops deployed to Iraq. British troops are leading a multinational division, as are the Polish troops; and the President hopes to have at least one more international division helping to bring stability and security.

I think those people claiming the President has lost opportunities to make his case before the American people ignore the many times the President has spelled out his case and argued his case before the American people, to this Congress, and, indeed, multiple times now to the United Nations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The President's opponents continually move the goalposts further and further, so that never is there enough detail or never are there enough specifics. But we have these claims. These claims are specious; they can be rebutted one by one.

I think the most powerful rebuttal is what the Iraqi people feel and what they say. Finally free to speak their own minds in a remarkable poll—the first of its kind—conducted in August and published by the Wall Street Journal, the Iraqi people themselves say loudly and clearly that they want us to stay and they want us to finish the job.

They are optimistic about the future. Seven out of ten say they expect that their country and their personal lives will be better 5 years from now. A third say much better. When asked about which country they would prefer as a political model out of five—Syria, Saudi Arabia, Iran, Egypt, or the United States—the most popular by far is the United States.

A majority of those who hold an opinion have a negative view of terror leader Osama bin Laden, and 74 percent of respondents want to see Saddam's henchmen punished. They want us—not Saddam or Osama bin Laden—to stay and help make their country whole.

The President has submitted a reconstruction plan to us with three clear objectives: to improve security by aggressively hunting down the terrorists; to expand international participation; and, finally, to help Iraq and Afghanistan become free, democratic, and stable nations.

This week, there are a number of hearings being conducted on both the Senate side and the House side to closely examine the President's proposal and to assess what is needed in a thoughtful way. These proceedings give us all the opportunity to ask questions and allow the administration to demonstrate how, when presented accurately, carefully, and clearly, we can achieve the objectives we have set out in the war on terror.

The debate, I hope, will continue to be dignified and serious, and in good faith I believe we can complete consideration of this emergency request by the end of next week. There are a lot of questions being asked. I encourage that. Ultimately, I am confident we will overwhelmingly support the President's request.

Mr. President, we will stand by the Iraqis. We will help them build a free, prosperous, and democratic country. Their future security—indeed, our security—and the security of civilized people everywhere depends on it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, for not to exceed 60 minutes, with the first 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and 30 minutes under the control of the Democratic leader or his designee.

Who seeks time?

The Senator from the great State of Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased to call on the Senator from Mississippi for the first 10 minutes or so of my time, after which Senator MCCONNELL and then Senator SESSIONS will speak, all of them for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for up to 10 minutes.

SUPPORTING PRESIDENT BUSH AND OUR TROOPS

Mr. LOTT. Mr. President, I rise this morning in support of President Bush and our troops as this Nation continues to fight and win the war on terrorism in Afghanistan, Iraq, and around the globe.

We all know there are many great attributes in our United States of America. The people of America will rise to any occasion and will do what is necessary to protect freedom and opportunities for themselves and future generations. But there are some attributes on which sometimes we fail a little bit. One of those is we are a bit short sometimes in our memory, remembering back to what happened a few years ago. Sometimes our patience is a little short and we want immediate action. We will rise to any occasion, fight off any chaos, but then we want to deal with that situation and move on to something else.

I think that is a little of what we are seeing now as we listen to what I consider to be sometimes overheated rhetoric in questioning motives and resisting doing what is necessary to complete the job: a little patience, a little commitment to support freedom and democracy which we are trying to assist in Iraq and in the war on terrorism.

I said we seem to have forgotten. What happened to that era of the great Senator Vandenberg who stood up and said, when it comes to foreign policy and war, partisanship ends at the shoreline, or something to that effect; that when we are dealing with an international problem, a conflict, a war, we are all together. Or even more recently, Lyndon Johnson aggressively supported the policies of President Eisenhower even though the leader of the Republicans at the time, Senator Taft, did not necessarily go along with it. But there was a bipartisan policy.

We have had that in our efforts to deal with these very difficult issues in Iraq and Afghanistan and homeland security, but it seems to be a little frayed right now. I think that is dangerous. I don't think it is good for America. I don't think it is good for what we are trying to achieve in fighting terrorism around the world. I don't think it is good for our troops.

Also, how short is our memory that we don't even remember the debate that was going on 1 year ago? We were discussing what to do about Iraq. The President was then going to the United Nations, and Secretary Powell had been to the United Nations. We were demanding more information. We were saying the President needed to go to the United Nations. And in each incident, he actually did what people were asking him to do. He did it. He went to the United Nations. He made the plea. Unfortunately, the United Nations didn't support what they said for 10 years in a dozen resolutions. They said: We can continue to negotiate; more inspections, more inspections. They would not step up and take action against this brutal tyrant, Saddam Hussein. But we did. America did. The President did. The Congress did. That is the point I am trying to make.

We had this debate. We knew what we were going into. We had looked at the intelligence. Was the intelligence perfect? No. Is it ever? It is always subjective. But we voted in this body 77 to 23 for the Iraq resolution. The House of Representatives voted almost 300—296—to 133. So we should not forget that vote. We should not forget the tremendous successes that have been enjoyed in terms of getting Saddam Hussein out of his position where he was spending money on palaces and allowing the people to suffer. He was murdering his own people and his neighbors. The infrastructure was just decaying beyond repair. We stepped up, and we did the same in Afghanistan. Our troops did a great job. Now are we going to say, It's your problem? Do we really expect the French to do the job? I don't think so. We are going to have to stay the course. We are going to have to do this job, and there is nobody else going to do it for us.

Oh, when the problem is in their immediate neighborhood, such as Bosnia or Kosovo, the Europeans say: You must lead; you have to come in. We supported that operation. Almost every action that was requested by President Clinton we supported, sometimes very reluctantly. I remember thinking: OK, I support the bombing of the site in Afghanistan and the Sudan, because we thought they had chemical precursors. They didn't have them. But generally we came together and we provided leadership.

I saw a lady from England on TV this morning. Somebody asked her: Why do the Europeans and other people in the world not feel good about Americans right now? She said: It is because you are leaders; the world expects you to do the job. You do the job, and they are jealous of you. They want it, but they don't like it. It is human nature. We should not be too hard on them. I called on cooling the overheated rhetoric, and I want to remember that myself. We all overspeak and overstate our positions sometimes, but this is serious stuff with which we are dealing.

We called on the President a month ago: Mr. President, you have to step up and remind us what the vision is. He did. He went on TV. He rocked us back on our heels. He didn't ask for $55 billion or $65 billion to do the job as we thought he would. It was $87 billion. Oh, yes, I was a little stunned. I don't like the deficits we are beginning to have. They were caused by the economy, 9/11, by the stock market problems—all kinds of situations. Still, that kind of money deserves some close examination.

I have been saying for several days now I want some answers. As representatives of the people, we should ask for answers. We deserve that. Exactly how is this money going to be broken out? Fifty-one billion dollars will go for the Iraqi campaign; $11 billion for the Afghanistan campaign. It is not over. Are we are going to follow the example of generations of failure in Afghanistan or are we going to finish the job there? Of course, Noble Eagle, $4 billion for homeland defense. The job goes on.

We have the list of where the money would go for reconstruction, and I have asked questions. Mr. President, there is $5 billion for border enhancement. We need that because terrorists are coming into that country from all over the region to attack our coalition troops—the Americans, the British, the Poles, and the United Nations. We need to do more—basic electricity services, water and sanitation services, transportation, oil infrastructure.

Some people have said and I have said: Why don't the Iraqis do more on their own? They are going to have this oil coming in; they are going to have oil. They don't have it. They are broke. The infrastructure is more decimated than we ever dreamed. So I have questioned this money, but I have looked at it. I have thought about it. I listened very carefully to Ambassador Bremer yesterday, and I am convinced we have to do this. We have to have the money for our troops to do the job, for homeland security, for the reconstruction, and we have to do it now. It is a critical part of restoring security right now.

Leaders who are working with us are being intimidated, assaulted, and murdered. People from whom we had been getting information, who were helping us get people into the police and developing a force for the future, have withdrawn because they are a little concerned whether we will stay the course.

A lot of it is affected by the people's attitude. Right here, in the DC area, we have people without power. It weakens defenses. So we need to move in there quickly without going through an international organization, without trying to hassle through a loan arrangement, and provide the money so we can get the power back on, so we can get the water flowing.

There should be a process that others join in. Surely, countries of the United Nations, if it is worth anything, will help the Iraqis with their humanitarian needs as they continue to rebuild the infrastructure, as they try to develop their own government. Can the United Nations help with that? I hope so. I would like to give them a chance. I have not seen a lot yet, but they could.

After we get over this initial phase, I think the reconstruction money right now is every bit as important as the security money. It is a part of the security. We want to stop the assault on our troops. We want to begin to get the border under control. We have to do it and we have to do it now. A year from now it will be worse, maybe impossible.

So I came this morning to say I did not just leap to accept this amount of money. I did question how it could be done, but I am convinced if we do not do this, others will not follow suit. We are going to be going to other countries around the world that should be of assistance, Japan and countries such as Turkey that can hopefully provide some troops. We are going to ask them to ante up and kick in. But we are going to have to set an example. If we haggle over the details of this arrangement, they will not do their job. Then we are going to have to go to countries such as Russia, France, and Germany and say they have to forgive the debt that they have accumulated over a period of years because they were working with Saddam Hussein. We have to lead. We have to set an example, but it is tough.

I am going to support the whole package. We should do it quickly because if we do not, this moment could get away from us, and we could just walk away, leave that country and those people, that region, in chaos. In the end, if we do not stop it here, over there it will be here. So I urge my colleagues to stand up; let us do what we did last year. Let us do the right thing; let us finish the job.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time?

The Senator from the great State of Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the comments of the distinguished Senator from Mississippi, Mr. LOTT. He has been in this body a long time. He has wrestled with a lot of difficult issues. He knows that a lot of times, one just has to lead. They have to stand up and be counted and do the right thing. Once a nation commits itself, a Congress commits itself, there is no way we can turn around and waffle around next week based on some polling data or some comment from France or the U.N. That is not the way great nations behave.

I am proud of the United States of America. We have stood up. We have been counted. We have been on the side of right in the world. When should look at the wars and decimation that has occurred in Afghanistan. I was there a few weeks ago and they are rebuilding houses, using the same procedure of straw, mud, and brick covered with a mud stucco, that they have used for 2,000 years. They are building everywhere in Afghanistan after 20 years of oppression, war, and destruction, to a degree that few nations in the world have ever seen.

These are good and decent people, but Afghanistan was used as a base from which to attack the people of the United States of America. The Government of Afghanistan would not renounce that, would not say they were going to stop it, so the United States of America led. We have changed that Government. Anybody who has seen President Karzai, as I had the opportunity to do—and we have seen him on television—knows that he is a man of vision, talent, and decency. He loves the people of Afghanistan. He wants to see them succeed and do better.

The same is true of Iraq. I was there also, and I saw the oppression, the total devastation of a country that had every opportunity to be so much better. The people should have had a better life than they did, but Saddam Hussein took his people into war after war. He developed weapons of mass destruction. His megalomania led him to believe that he could be the next Nebuchadnezzar and take over the Middle East, then rule the world. Do not think his goals did not include developing the most dangerous weapons the world has ever known. He was prepared to do that, and he did that.

When he would not renounce these weapons or demonstrate that he did not have those weapons, so we moved against him and his sinister aims. We have liberated that country.

There have been a lot of complaints, and we debated this on the Senate floor many times. Those who complain have expressed concerns of all kinds. They said there were going to be problems in the Arab streets, the Arab nations would all turn against us, there would be street-to-street fighting in Iraq, we would lose thousands of soldiers, it would take months and months to succeed, the weapons of mass destruction would be used against our troops, we would bog down, there would be a humanitarian disaster, there would be starvation and refugees everywhere by the millions, and we did not have enough troops to win the battle.

All of those things and more were raised. We talked about them. We debated them, and everybody had their say. We had open hearings and closed hearings. We read, we talked, we debated for months on end. There was not any secret about it. It was not any plan hatched in Texas. It was a plan voted on and debated in this body. We voted 77 to 23 to commit the United States of America to this action. Our military performed better than anybody could ever have imagined. Decisively and swiftly they defeated the Iraqi army, ousted them from power completely, put Saddam Hussein on the run, put an end to his evil sons, and have set about to establish a good government there.

I was in Mosul and was introduced to the city council. They have an Arab, a Turk, a Christian, and others on that council. They were men of ability and wisdom. We talked. They love the city of Mosul and the country of Iraq, and they want an open, free society where people with whatever beliefs can be able to function. They want to renounce and turn away from the past of Saddam Hussein. That is true all over this country, but it is difficult. It has proven to be a challenge for us, no doubt about it, to completely have peace and order in that large country.

I am pleased when I go and see soldiers from my State of Alabama, many of them National Guardsmen—I had dinner with them and talked with them. They believe they are making a difference in this area of the Middle East, where there has been so much disorder, so much oppression, so much killing, particularly in Iraq. Millions have died as a result of Saddam Hussein's wars and oppression at home. One can go there and see the graves. With the energy and dedication of these fine soldiers, I think we are going to be successful.

I am glad President Bush went to the United Nations. It is an organization that deserves our respect. It is entitled to courtesy, and President Bush has given it that. The Christian Science Monitor today said President Bush went to the U.N. yesterday with a message of both reconciliation and resolve, and that is exactly what he ought to do. Reconciliation, we want to talk to them and deal with their concerns, but we are resolved.

What then is our difficulty with the U.N.? I will share a couple of thoughts. The first is, the U.N. is incapable of taking decisive action. It has not done so in Iraq. It has never done so in its history. Why? Well, the Security Council requires unanimity in order to act. Russia is on the Security Council, as well as France, Germany, and others. Some rotate on each year or two, and they serve a period of time. The idea that they can get a unanimous vote is almost impossible. So decisive action is not possible. It has never happened, and it is not going to happen with the U.N. But President Bush did get a resolution that Secretary Colin Powell worked so hard on, which in my view—authorized us to take military action.

Then they said they wanted another resolution, and we sought that. Then France flipped on us, and Germany said no. France even lobbied other countries around the world and blocked a further vote.

What were our options then? Do we just stop and not defend our legitimate national interests? Do we not carry out the foreign policy we believe is in our interests? Should we make it our policy to cede the decisionmaking authority the American people have vested in us, our elected President, our elected Congress, to some world body that has proven incapable of decisive action? I don't think so.

I believe we are on the right track in with the U.N. The President is showing respect to this group, but we are not going to allow the decision making power of our country to be shifted to the U.N. We are not going to turn over our military that the American people have supported, funded, and created, the finest military the world has ever known—we are not going to turn it over to them. In Kosovo, that is basically what we did. The NATO nations met to deploy our Air Force. We did that, and they kind of liked that. Maybe they think that is what the world is going to be like from now on, but it is not. We have a responsibility to lead.

As Tony Blair asked the question: Why America? Why now?

He said: My answer to you is that it is your destiny, it is your time. Who else can do it?

I believe in the values of this country. I trust our wisdom. I trust our good judgment. I believe in what we are doing, and I believe it is good for not only America but the world. I don't apologize for that, and I don't believe some socialist leftover Marxist veto in the U.N. should stop us from doing what is necessary for the world.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we all watched with great interest the President's remarks at the U.N. yesterday. When one looks at the U.N., it is impossible not to have kind of a mixed view. Certainly the U.N. has, on many occasions over the years, done worthwhile work. But rarely, if ever, has it taken the lead on anything of significance.

The reason for that, obviously, is that the membership is so diverse. Many of the governments that are represented there of course are not democracies; they are not particularly interested in what America stands for, so it is not entirely surprising that the President's decision—and the support of Congress for that decision was 77 out of 100 votes to change the regime in Iraq—was viewed with mixed reactions at the U.N.

Had the United States waited on the U.N., Saddam Hussein would still be in power. But that is not what the President decided to do. The President led a coalition of 19 willing governments to liberate the people of Iraq. Although many in the U.N. actively opposed and many others were just completely ambivalent about that effort, there is no question that the world is better off with Saddam Hussein gone.

Make no mistake about it, that regime is no more. The only Iraqis who are not immensely better off are those who perpetrated crimes against humanity on a massive scale and abetted in the murder of 300,000 innocent Iraqi civilians. Not since Saddam Hussein was in power have innocent Iraqis been hauled off in the middle of the night to rape rooms and torture chambers. Not since Saddam Hussein was in power have innocent Iraqis been summarily executed. Not since Saddam Hussein was in power have ethnic and religious minorities been gassed or murdered at will by a tyrannical regime. And, yes, Saddam Hussein no longer provides succor and support to international terrorists who plot the murder of Israelis, Americans, and everyone who opposes their radical interpretation of Islam.

There are no more terrorist training camps in Iraq, and Saddam Hussein no longer cuts checks to support suicide bombings in Israel. The Iraqi regime is no longer pursuing weapons of mass destruction, and it will never be able to use them against its own people, not ever.

Are there problems in finishing the job in Iraq? You bet. But free Iraq remains hostile to terrorists and to tyranny. President Bush noted yesterday that there are still challenges in Iraq and they are challenges that confront all free nations. The terrorists are making a desperate last stand in Iraq and, frankly, I would rather be fighting them there than fighting them here.

The world's challenge now is to secure Iraq. We know nobody else is going to do that job for us. That is an American responsibility. We would like to have help from others, and we are going to get help from others, whether the U.N. officially endorses some kind of American effort here or not. But we are going to lead this effort and we are going to finish the job.

We are going to have a great debate here next week about providing the funds to finish the job. There will be a lot of amendments offered, a lot of amendments voted on, a lot of speeches made. But at the end of the day, with a bipartisan, overwhelming majority, the Senate is going to give the President the money to finish the job. We are helping the Iraqis round up terrorists and the Baathist thugs who oppose liberty for the Iraqi people. We are helping the Iraqis to rebuild roads and schools and hospitals. We are helping the Iraqis to build for themselves a multiethnic moderate democracy in the very heart of the Middle East.

This is a great cause. We ought to be rallying behind it. This is everything for which America has stood for several hundred years. Everything we believe in, we are promoting in Iraq. The Iraqis will be better off. The world will be better off when we finish this job.

Failure is not an option. Waffling around here just because the going is a little tougher than some had expected—and others had anticipated—is not what is called for at this particular time. Going home early is surely the way to reinvigorate al-Qaida and to make it possible for some other kind of thuggish regime to come to power there in Iraq.

Given the magnitude of the threat the proliferation of Islamic radicals and terrorism pose, not only to us but to the entire world, I am a little mystified that this seems to have become so controversial. As Senator LOTT was pointing out just a few moments ago, we have very short memories. Just 2 years ago, 3,000 of our people were killed in New York and in Washington. That is what this is all about: Taking the war to the terrorists where they are rather than here on the streets of the United States.

So, yes, we will have our debate. It will be vigorous. But at the end of the day, I am confident that the Senate, on a bipartisan basis, is going to do what is right for the Iraqis, for the United States, and for the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I heard and appreciate Senators LOTT, SESSIONS, and McCONNELL speaking this morning about the importance of what we are doing in Iraq. We are preparing in the Senate to take up a supplemental appropriations bill at the request of the President to try to make sure we do two things:

First and foremost, to give support to our troops in the field. I visited them in the middle of August. I have seen how they live, and I have seen what they are doing. They deserve to have the troop support which allows them to do the job—the equipment, the living conditions, and troop protection. Everything we can do to allow them to do their jobs more effectively we are going to do. That is what the major part of this supplemental appropriations will do. We are going to support our troops in the field.

The second thing the President is asking for is money to rebuild Iraq. We will not be able to rebuild Iraq if we continue to have the ongoing terrorist attacks that tear down everything we have built. So we want to go in there with a full plan to get the electricity grid going, to get the water supply going, and to try to start building the economy by rebuilding the oil infrastructure.

We are going to support the President in his request. I have no doubt about it. We must win this war, and we must win the peace. We must stabilize Iraq if we are going to keep the terrorists out of our country and stop them where they are.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

REBUILDING IRAQ

Mr. DASCHLE. Thank you, Mr. President. I will use my leader time this morning so as not to take away from the allocated time in morning business for the Democratic caucus.

I wanted to come to the floor this morning to respond perhaps in part to the comments made by our distinguished colleagues.

I will start by emphasizing that there are many areas for which there is absolutely no disagreement. I don't think you will find any disagreement in the Senate today that it was a good thing that Saddam Hussein was removed from power. We acknowledge that it was a good thing. Saddam Hussein posed serious threat to the region, to his country, and to the United States. His absence is a positive development.

There is also broad recognition that we owe a deep debt of gratitude to our troops and to the military overall for the extraordinary challenge they face and the success with which they face it.

Let us also recognize that there is little disagreement that it is important to Iraq and this country that we allow for the reconstruction of Iraq. I think many of us are very concerned. This is where some of the disagreement and differences may begin to arise about the extraordinary lack of planning that went into the reconstruction effort. Some have suggested that we planned for months—maybe years—for the military effort, and it shows. It was a great success.

I have been told—and I will not say that this is confirmed, but I have been told—that we planned for less than a month on efforts to reconstruct Iraq. That also shows, if that is true. I think it is a fact that reconstruction has certainly not met with the same success and with the same degree of support within our own country that the military effort itself has.

That is where we come to our point of disagreement. I regret that the President lost the opportunity that he had yesterday in making his presentation to the United Nations. He lost an opportunity to make the case for broader involvement in the world community. He didn't ask for more troops. For whatever reason, he didn't ask for more resources. He failed to build the broad coalition that will be required if ever we are successful in the future reconstruction of Iraq. There is no disagreement whatsoever that it is in our interest to find ways to engage the world community more effectively and to make a better effort at public relations required to do it successfully in Iraq.

There is a front-page story in the Sioux Falls Argus Leader this morning about an Iraqi businessman from Sioux Falls who, months ago, left Sioux Falls to work in his hometown in Iraq as they began to rebuild. He became very involved in the creation of a new government. He was an ardent opponent to Saddam Hussein. He commented this morning that he comes back with grave regret about what he has seen. He said that, unfortunately, more and more Iraqis are losing their confidence and trust in the reconstruction effort; that more and more we are losing the public relations battle.

While we all want to find a way to ensure that we are successful, it would be wrong for us to bury our heads in the sand, to plow forward, to salute the flag, and say: Look, everything is just great. All we need is more money.

We can't do that. We have to make an honest assessment of our circumstances, acknowledge that there is work to be done, and be honest with ourselves and the world community on how we accomplish all that we have set out to do. To do it successfully requires candor first and honesty second. Unfortunately, we have not seen enough of that today.

We are being told that we are going to rush through this request for resources, $87 billion—a couple of days of hearings, a quick markup, a couple of days of floor debate and, bang, it is done. I have to say that isn't going to happen. We have to be deliberative.

As the Senator from Kentucky suggested, we have to consider alternatives, offer amendments, have a good debate, and make sure this $87 billion was committed appropriately.

I say that the President missed his chance to speak candidly yesterday. I would have hoped that he could have laid out a plan, and that he could have been very specific with regard to how we more effectively put this coalition together. We hear so much discussion about the involvement of other communities. We are told that we would expect the world community to produce about $55 billion in resources to match the $87 billion requested by the President by the United States. Yet, again, yesterday Ambassador Bremer had to acknowledge that out of that $55 billion expectation, the world community has only provided $1.5 billion.

I would have hoped the President could have been more specific with regard to our plan for troops. What will they be doing? How long will they be there? To what extent will we have to keep them there, and for how long?

Over the course of the next couple of weeks, it would be my hope that the President could come to the Congress with very specific requests with regard to that $87 billion and with regard to the resources he says he needs. I hope he could lay out with some specificity what his plan is for the reconstruction of Iraq. We were told by Ambassador Bremer yesterday that the $20 billion over and above the $65 billion request for our troops is the last, final installment. There will be no more additional requests for Iraq from here on out.

I wish I could believe that. I wish I knew they had that level of confidence that not one dollar more would be requested.

I wish I could better understand their opposition to a proposal made by the distinguished Senator from North Dakota, Mr. DORGAN, and others who have suggested we collateralize the oil revenues in Iraq for the next 20 years. We are told that could be upwards of $160 billion. Collateralized through an IMF loan may not necessitate the need for $20 billion or $30 billion on the part of the United States. They may have the second most formidable oil supply in the world. Why we would not collateralize and find ways with which to utilize the resources available to them is something the administration needs to more thoroughly explain.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Is it true that the request of the President, if granted, will cause the United States sometime next summer to increase the debt ceiling of this country?

Mr. DASCHLE. Unfortunately, I have to acknowledge to the Senator from Nevada, that is what we are now being told. I was going to address that in a moment, but the Senator is absolutely right. We have been forced to address the debt ceiling this year for the second time. We will be called upon within this Congress now to address it the third time. We are told by CBO that we could see in excess of $6,000 billion of debt by the end of this decade. Some have suggested that if all of the tax cuts that are now scheduled to be implemented go into effect, that number would reach $10,000 billion by the end of this decade.

The CBO, in a very rare moment, in my view—we do not often hear them editorializing on things of this matter; they usually give us the fact and leave it at that—used the word "unsustainable." That $10,000 billion, even $6,000 billion, of debt is unsustainable.

The American people have said, if we are going to be mired in unsustainable debt, somebody better start asking questions about whether this $87 billion or the $22 billion for reconstruction, or whatever other additional expenditures, will not so seriously undermine the investments in our own country—education, health, and social security—it could be one of the most damaging things to our own security, ironically, that we could be considering.

Mr. REID. Will the Senator again yield?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I ask, through the Presiding Officer to the distinguished Democratic leader, this question. It is true, is it not, in the first gulf war there were 200,000 troops supplied by other countries? It is also true, is it not, that 90 percent of the cost of the war was borne by other countries? It is also true in this war that 90 percent of the costs or more are being borne by the United States, 90 percent of the casualties, 90 percent of the troops on the ground is the United States.

There is a tremendous difference between the first gulf war and the second gulf war; is that true?

Mr. DASCHLE. Unfortunately, the Senator in his question makes a very important point. We talked about international involvement. I call it more cosmetic than real. As he has noted, there has been minimal involvement in a broad coalition of countries that oftentimes are considered Third World, countries that economically, militarily, do not have the weight and the breadth and depth of power and potential that countries that are traditional allies of the United States have always had.

For whatever reason, we cannot involve Europe, we have not involved Russia, we have not involved China, we have not involved India, we have not involved countries in a meaningful, substantive, and consequential way. As a result, as the Senator has noted, the lion's share—over 90 percent of the responsibility financially, militarily, organizationally—has fallen upon the United States.

I talked to a young woman in Brookings, SD, on Saturday. She told me she is leaving for Iraq within the month, that she was going to be gone anywhere from 8 to 13 months. She has a family, a job, and she is prepared to do that as a member of the National Guard. She has the right to be very proud of the extraordinary contribution our members of the Guard have made, but they and we have a right to ask, Where is the help from others? Where are the Europeans? Where are the Chinese? Where are the Russians? Where are the Japanese? Why is it that we are asking that young woman to provide 90 percent of the sacrifice?

Where is the sacrifice even in this country among some? Those at the top, the top 1 percent, who will be getting an average of $283,000 in a tax break this year, where is the sacrifice? Should they not be required to help share the burden of paying for the war, if nothing else?

Every single dollar we will be considering next week, every single dollar, will be borrowed. We were told yesterday in the New York Times that every dollar we borrow costs $3.60 to pay back—not over 10 years but over 6 years. So one could say that this is not an $87 billion cost to the Treasury; it is more like $300 billion because that is what it will take to pay back over a 6-year period of time alone.

That is why I say it is very important we ask these questions; that the President come forth with greater clarity and far more substance with regard to his specific plans on how this money is going to be used and with far more transparency.

Some generals recently noted that we have no appreciation, no real understanding of where this money is going now. We spend $1 billion a week and no one can tell us on what with any clarity. We know some goes to troops; we know some goes for reconstruction. We do not know how fast it is being spent down or where the money is going with regard to payment for other countries for their involvement, nor do we know what kind of profiteering is going on.

There was a report in the New York Daily News yesterday that Halliburton could generate more than $7 billion in one contract right now—that is billion, with a B, $7 billion. Should there be more competitive bidding and transparency with regard to the contracts? Of course there should.

We will continue to persist with our questions. We will offer amendments. We look forward to the debate.

I yield the floor.

Mr. DURBIN. I ask to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank the Democratic leader for his statement. It raises some critical issues.

I listened as my colleagues on the Republican side came to the floor this morning when they had the opportunity to talk about the situation in Iraq. The premise of many of their statements is undeniable, and that is the fact we cannot walk away from Iraq. As expensive as it may be, as dangerous as it may be, as many lives as it may claim, the fact is, once the decision was made to invade Iraq and topple the government, we have a responsibility there. For us to leave now and let Iraq descend into chaos to become a training ground for more terrorism in the region and against the United States is totally unacceptable.

The fact is, for good or for ill, we are in a situation where we are faced with this responsibility. It is a substantial responsibility. As we look to the reasoning that led us into Iraq, there have been a lot of revelations over the last 3 or 4 weeks. You may recall initially the administration said: We believe that Iraq is in a position where it can build nuclear weapons that could threaten the world; these nuclear weapons could be used for terrorist purposes. In fact, the President of the United States in the State of the Union Address spoke of this fissile material coming into Iraq from Niger, an African nation.

Further investigation leads us to conclude that perhaps we were wrong. The President has conceded his statement in the State of the Union Address was wrong. There was no evidence of fissile material coming from Africa into Iraq.

Frankly, today, 5 months after the end of military operations, there has been no evidence uncovered to suggest there were nuclear weapons in Iraq when the administration told us. That was one of the reasons we had to go to war.

Of course, the other reason that was raised—with some frequency—was weapons of mass destruction, chemical and biological weapons that could threaten the region and the world. In fact, at one point in time someone in the administration said—I believe it was the President—that within 45 minutes the Iraqis could launch an attack on the United States with chemical and biological weapons.

Well, we know where we are today. Five months after the military hostilities have ended, those overt hostilities, we have found no evidence of weapons of mass destruction. None. Our troops went in, in full gear, prepared to confront chemical and biological warfare, and it never happened. The administration has said that is really irrelevant; the important consideration is the fact that many years ago Iraq had chemical and biological capability.

I have to remind them, that is not what they told us before we invaded Iraq: It was a real threat, an imminent danger, and one that had to be preempted, that we had to move on, even before the Iraqis showed any hostilities directly toward the United States.

Today we are emptyhanded. Today we can find no evidence of weapons of mass destruction. Perhaps something will be found.

I always qualify my remarks thinking, How could we have missed it? How could we have said that we identified 550 sites of weapons of mass destruction before the invasion of Iraq and today, after thousands of inspectors on behalf of the United States have combed through Iraq, after the end of the military operations, we find nothing. I still think we are going to find something, but as the days go on and weeks go on and months go on and nothing turns up, it becomes more and more apparent that the weapons of mass destruction threat in Iraq was grossly exaggerated—exaggerated far beyond reality. And it was one of the real bases for our invasion of Iraq.

The third one was a miscalculation by some people in the administration to associate Saddam Hussein with 9/11 and to suggest that Saddam Hussein and Iraq had something to do with it.

Well, there is no evidence of that. Despite the fact that loose rhetoric by members of the administration led some to conclude there was a linkage, that somehow Saddam Hussein was supporting the al-Qaida terrorists who attacked the United States, despite that loose rhetoric, there is no evidence of it.

Last week or the week before, the President came out and publicly said that. He said his Vice President was wrong on "Meet the Press." They could find no linkage between al-Qaida and Saddam Hussein.

So those three elements that led us to invade Iraq have all virtually disappeared.

The one that remains, the one that the Democratic leader alluded to, I do not quarrel with. Saddam Hussein was a terrible man, a terrible leader, and a terrible threat to the people in his region. The fact that he is gone is good for Iraq and good for the world. That is a positive thing.

But all of the other justification that led to such a substantial vote for use of force in Iraq, all of that justification has evaporated right before us. That is the reality. It appears that the facts have changed pretty dramatically from what the administration told us we would find in Iraq.

But when I listen to my Republican colleagues on the floor, their arguments about the invasion of Iraq have not changed.

This much we do know. Our military did an outstanding job. Let me add, parenthetically, that during the course of the Presidential campaign, then-Governor Bush, now President Bush, alluded to the fact that our military was so weak and so hollow and so unprepared because of deficiencies of the Clinton administration that they did not do a good job in the Department of Defense, they did not prepare our military.

Well, look what happened when that Clinton-prepared, Clinton-equipped, Clinton-financed military went to war in Iraq. They did a spectacular job. The bravest, most skilled men and women in uniform in the world, with the best technology, rolled over Iraq in 3 weeks—an amazing military victory, a tribute to their skill and their planning.

Let me underline that word "planning" because you have to say that at the end of these open hostilities, May 1—the conquest of Baghdad and the military victory in Iraq—we have to say, from that point forward we have not seen the same skill and we have not seen the same planning. Exactly the opposite has been the case.

It is apparent to us, as we listen every single day to reports, tragic reports about the loss of American life and more American casualties, that little planning took place to anticipate what we would find in Iraq.

Do you remember the scenarios painted by the Bush administration about what would happen after Saddam Hussein was gone—how the Iraqis would cheer us in the street with open arms, putting flowers into our rifle barrels, and all the rest?

Unfortunately, that celebration was short-lived. In a very brief period of time, the Iraqis, who were glad to see Hussein gone—and I am sure that is the overwhelming majority—also asked that we leave. When we did not, more tension was created, and that tension has led to a loss of American lives. More lives have been lost in Iraq since the President declared the end of military operations than occurred during the course of the invasion and war in Iraq. That is a sad reality.

It is clear the Bush administration did not have a plan to deal with Iraq after the war was over. That is so obvious and so evident. Frankly, I think the President's speech of 9 days ago told that whole story. The President came to the American people—and Presidents rarely do this—on a Sunday evening and announced we needed $87 billion in an emergency supplemental appropriations for Iraq.

The American people were stunned, stunned by the size of that number. Now, when you break out that number, you see that some $67 billion is going to go for our troops. I think I can say without fear of contradiction that there will not be a single Senator—Democrat or Republican—voting against that. We are going to give our troops in the field every dollar they need to be successful, to be safe, and to come home. That money will be appropriated by this Senate with very little debate. There will be some questions about how it will be spent, but I believe, when it is all said and done, the $67 billion will come racing through the Senate, as it should. We should never shortchange our sons and daughters and relatives and friends and family who are serving in the military of the United States.

But it is the rest of the appropriation that has raised so many questions and so much concern—$20 billion for the construction and reconstruction of Iraq. Five billion dollars goes for a police force. I am for that. The sooner we can get American soldiers out of the jobs of directing traffic, keeping order and law in place in marketplaces, guarding banks and guarding universities, the sooner we can get American combat soldiers out of that role the better. Iraqi policemen should do that job. But that is $5 billion.

The remainder is $15 billion for the construction and reconstruction of Iraq for a variety of things—the draining of the wetlands in Iraq, the refurbishing and construction of 1,000 new schools in Iraq, the building of new hospitals, railroads, telecommunications, electric supply, water and sewer—a massive infrastructure investment.

Yesterday, the man who is responsible for that, Ambassador Paul Bremer, came to speak to us just a few yards away from this Chamber. He addressed our senatorial luncheon on the Democratic side. I asked him a few direct questions.

First, I asked him: We gave you some $79 billion for the troops and reconstruction just a few months back. How long will that money be there for you to use? When will you run out of the $79 billion we have already appropriated?

Ambassador Bremer said: December the 1st.

Now, that is an important date to remember because you are going to hear from the Republican side of the aisle that we need to pass this supplemental emergency appropriations bill by the end of next week, at the latest by the end of next week. Well, that would be by October 3.

By my calculation, that is 2 months away from when the money is actually needed. So if we take another week to ask some questions about how this money is being spent, it certainly is not going to be at the expense of either our troops or our efforts in the reconstruction of Iraq today. I think we owe that to the American people.

I then asked Ambassador Bremer: What is the total cost for construction and reconstruction in Iraq?

He said: The World Bank estimate is $60 billion.

We are pledging, with the new $87 billion appropriation, $20 billion of the $60 billion, so that leaves some $40 billion that needs to be found.

I said to him: Where will we find the additional $40 billion?

He said: From donors around the world.

I am very skeptical of that. I think the American people should be. The President found yesterday that his visit to the United Nations did not result in countries around the world standing in line queuing up to send their troops and their treasure to help us in Iraq.

They have their own concerns and their own problems and their own financial priorities. In fact, we asked Ambassador Bremer, the total amount pledged by the world to help us in Iraq for reconstruction to this point does not even reach $2 billion, so we have a shortfall of some $38 billion in the planned reconstruction of Iraq. I said to the Ambassador: I assume then that the $20 billion you are asking for now from the American people is just a downpayment. You are going to be back for more?

Oh, no, he said. This is it. This is all we are going to ask for, $20 billion.

I doubt it. I am skeptical of that. What are we going to do if the other countries around the world don't put their money into the reconstruction of Iraq? Are we going to give up on that and walk away? I started this statement by saying that is unacceptable. We can't do that. It is our responsibility. Once the President and this country made a decision to invade, we had a special responsibility, as painful and expensive as it may be, to Iraq. That was the administration's decision. That is where we find ourselves today.

This, incidentally, is the plan of the administration, "The Coalition Provisional Authority in Baghdad, Achieving the Vision to Restore Full Sovereignty to the Iraqi People, an Overview." I first saw it yesterday. It is dated July 21—2 months ago. We asked Ambassador Bremer: Why is this plan for the future of Iraq just surfacing now?

He said: I thought we had sent that out to every Senator and Congressman.

Well, none of my colleagues with whom I have talked saw it until just within the last day or two.

When you look through this plan, you start asking a lot of questions. Let me go to an early part of the plan, on page 7: "Resources to Rebuild Iraq." Let me quote from the plan:

> It is difficult at this point to quantify the external assistance needed to support Iraq's transition to representative government in a market economy. Eastern European experience suggests that a substantial international commitment will be needed.

It goes on to say:

> Only a coordinated international effort can bring prosperity and stability to the Iraqi people and contribute to a lasting peace in the Middle East.

I don't quarrel with that conclusion, but the facts today say this so-called plan by the Bush administration isn't going to work. If we could only raise some $2 billion from around the world to deal with the reconstruction of Iraq out of a total cost of $60 billion, where is the significant commitment that is needed from countries around the world? It isn't there. Once again, it is going to fall on the shoulders of America's taxpayers. It is going to fall on the shoulders of American families to deal with.

It couldn't come at a worse time, when we are dealing with America's economy today. We have lost more jobs under this President than any President in the last 70 years. More jobs have been lost under President George W. Bush, 3 million more jobs lost, than under any President since Herbert Hoover in the Great Depression.

I feel it in my State, where we have lost about 20 percent, and one out of every five are manufacturing jobs that have gone overseas, to China and other places. Other States around the Nation are experiencing the same.

We are also dealing with a failed effort by the Bush administration to revive the economy and get it moving. They initiated all of these tax cuts which are pushing America beyond the brink of bankruptcy, tax cuts that are driving us into a deficit hole the likes of which we have never seen in the history of the United States, tax cuts that go primarily to the highest income individuals. What have they achieved? They have created record deficits.

Think of this: When this President took office, he was dealing with a record surplus left over from the Clinton administration. Now, in just 3 short years, he has taken that surplus and turned it into a record deficit, aggravated by the cost of sustaining what is inevitable in Iraq.

What does it mean when that deficit comes down to our own budget here at home? It means cutbacks in education and health care. If you followed the Senate debate 2 weeks ago about the appropriation for education, you would have found us day after day, hour after hour, voting down amendments—supported by Democrats, opposed by Republicans—to put more money into education. We offered one amendment that said we want to take the President's promise for No Child Left Behind and make it a reality. Senator ROBERT BYRD offered an amendment that we would take the $6 billion shortfall in the President's promise to school districts around America and we were going to appropriate it. It was voted down by the Republican side of the aisle. Why? They said we couldn't afford $6 billion for American schools.

Think about that for a second: $20 billion for Iraq reconstruction. Yes, the Bush administration says we must. But $6 billion as promised for American schools? The answer was: No, we can't do it.

As a matter of fact, the $87 billion requested by the President for Iraq is more than the total we will spend next year on education and homeland security in the United States. Think about that for a second.

There is another element, too. We are financing the war in Iraq with deficits. We are borrowing money to pay for that war. We are not cutting spending. We are not raising taxes. We are borrowing the money from the Social Security trust fund. We are endangering Social Security. We are limiting the reserves and resources of Social Security at a time when millions of baby boomers are just years away from showing up for their Social Security checks. It is the height of irresponsibility.

The President's tax cuts have pushed us to this point of bankruptcy and deficits, the deepest deficits in the history of the United States, at the expense of health care, education, and the solvency of the Social Security trust fund. All of those things are part of the Bush package over the last 3 years. Yet this President came to us 9 days ago and said: We need to dig deeper; we need $87 billion more to pay for the war in Iraq.

When you ask the American people what is a good way to pay for the war in Iraq, they say: Why don't you eliminate or at least postpone some of the tax cuts for the wealthiest people in America that the Bush administration has pushed for?

That certainly seems reasonable to me. If someone happens to be making $1 million a year and are receiving $38,000 or more in tax cuts, is it too much to ask that person making $1 million a year to give up that tax cut to deal with our deficit, to pay for our war in Iraq? I don't think it is unreasonable. But, frankly, the administration says that is totally unacceptable. They want even bigger tax cuts, more permanent tax cuts for people in higher income categories. It is the height of irresponsibility.

The American people understand this. Our economy is weak. We have lost a record number of jobs. Our deficit is growing at a pace unrivaled in American history. We find health care and education being cut back, Social Security endangered, and the President wants $87 billion for Iraq, a pricetag without a plan.

This is no plan. What we have been handed by the administration is, frankly, a wish list of ideas that isn't backed up in reality. There is no explanation here of what we will do in Iraq if other countries around the world don't join us, don't come to our side and our alliance in terms of the future of Iraq. There is no plan whatsoever. Without that plan, there are a lot of questions that need to be asked here in the Senate.

I sincerely hope my Republican colleagues who fashion themselves as fiscal conservatives will come to understand what we are faced with. They have voted for tax cuts which have bankrupted America. We now find ourselves in a position where the bankruptcy hole is getting deeper and deeper. We need to ask the hard questions. Some of them are painful.

We will never scrimp when it comes to paying for the support of our troops, nor should we; we will give them all the money they need. But when it comes to rebuilding Iraq, we need to ask some hard questions.

One question that needs to be asked, front and center, is the question of profiteering in Iraq. It is unconscionable, it is unexplainable, it is indefensible that Halliburton, Vice President CHENEY's former corporation, stands to gain up to $7 billion in no-bid contracts for Iraq where they, in fact, are the single bidder on contracts. When we asked the Department of Defense, Why in the world are you giving Halliburton so much work to the exclusion of all the other companies in America, they said: We would like to tell you, but it is top-secret classified information.

Excuse me. I don't believe that. I think, frankly, having competitive bidding for work to be done in Iraq is only reasonable. It should be a supreme embarrassment to this administration that the company that continues to pay the Vice President, a company which had a close, personal, financial tie to him for so many years, is the company that continues to profiteer in Iraq.

There have to be other companies in America capable of doing this work that should at least be allowed to bid on the contract. But that has not taken place. Unless and until it does, I am afraid a lot of people will be skeptical about this plan to rebuild Iraq.

There is one last point I wish to make. The President basically announced on May 1 that military operations in Iraq were over. Recently, the American people were asked if they believe the war is over. By a margin of 89 to 10, the American people said, no, the war in Iraq is not over. When you wake up every morning, turn on your radio or television, and the lead story is another American soldier being killed, you realize the war is not over. When you reflect on the pricetag of $1 billion a week to sustain the military operation in Iraq, you know the war is not over. When the President asks for $87 billion in a deficit-ridden economy for a plan that doesn't exist to rebuild Iraq, you know, sadly, that the war is not over.

We can do better as a nation. We need to come together as a nation. We need to plan to find a way to bring security to Iraq in a responsible fashion.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time in morning business?

Mr. DURBIN. Yes, Mr. President.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2765, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 1783

Mr. DEWINE. Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1783.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD under "Text of Amendments.")

Mr. DEWINE. Mr. President, as chairman of the District of Columbia Subcommittee, it is my pleasure to present to the Members of the Senate this morning a bill that has been approved by the Appropriations Committee.

Let me first thank the Senator from Louisiana, Ms. MARY LANDRIEU, my colleague, for her excellent work on this bill. She has worked very hard with me. I thank her for her efforts in drafting this appropriations bill that is before us this morning.

This bill provides $545 million in Federal funds for the District of Columbia, and it also includes the city's own local budget of $5.7 billion. The funds in this bill focus on a number of key priorities for the District of Columbia. I wish to highlight four of those priorities.

First is improving the lives and opportunities for children in foster care.

Second is enhancing educational opportunities for inner-city students.

Third is reducing and preventing crime in the District of Columbia.

Fourth is increasing the security in our Nation's Capital.

Mr. President, I wish to discuss the first priority at some length—improving foster care in the District of Columbia. No one who is familiar with our Nation's Capital needs to be reminded about the sorry state of the foster care system in the District of Columbia. No one who reads the Washington Post, no one who lives in the District of Columbia, no one who listens to the radio needs to be reminded of this. The foster care system in the District of Columbia is a scandal; it is a crime; it is a tragedy. The fact that it exists in our Nation's Capital makes it even worse. We have an obligation as Members of the Senate and this Congress to do something about it.

Senator LANDRIEU and I started well over a year ago to focus on the foster care system. We decided to have a series of hearings, where we would bring in experts from the District and from across the country to look at the foster care system in the District of Columbia. Our goal was to try to find out as much as we could about the foster care system in the District of Columbia, try to find out what was wrong with it, and try to find out what we could do as Members of the Senate, what the Federal Government could do to try to be of assistance.

This bill represents the first attempt by the Federal Government to directly impact this foster care system in a very meaningful way. What we did was listen to the testimony, listen to the foster parents, listen to the experts, and take their suggestions. What you will find in this bill are the ideas that came from these parents, from the experts, from the people who see this system day after day. We have provided some money, which we believe will help with these ideas and begin to change this system. It is the right thing to do.

As Members know, over the years, the District of Columbia has had an abysmal record in protecting the lives and well-being of the children in the District's care. Children in foster care have died, been abused, or they have languished for years in foster care, often bouncing from foster home to foster home without ever finding permanent placement with a loving family.

The statistics are shocking. Children in foster care in the District spend an average of 5 years in foster care before they achieve a permanent placement. I will repeat that. The children in the District of Columbia spend an average of 5 years before they ever find a permanent home. Obviously, that means some children languish in foster care much longer than 5 years. That is wrong, and we must do something about it.

During our subcommittee hearings, we found that the District of Columbia is unable to track its children in foster care. They cannot even keep track of them. We have this very sophisticated—supposedly—computer system, yet inputs are not being made, the tracking is not taking place, and complete data is not even available in the child and family services computer system for over 70 percent of children in foster care today. How can we keep track of these poor kids and determine their well-being when much of their personal information is not ever entered into this automated computer system? This simply must change.

While putting together this bill, Senator LANDRIEU and I learned a lot. We learned that only about one-third of the children in foster care who need mental health services are actually receiving the services. Moreover, many children who come into care wait for weeks and weeks, or months and months, before they even receive that first mental health assessment.

Let's understand that these are not just your average children. These are children who, many times, have been neglected, abandoned, physically or sexually abused, or they have witnessed, many times, terrifying domestic violence. These are obviously children who need some initial, at least, assessment in regard to their mental health problems. For them to wait months before an assessment is just wrong. It makes no sense. It is just asking for trouble.

Clearly, we all understand that these kids, after experiencing trauma and abuse and neglect, are in desperate need of mental health services. We need to provide those services quickly to these children.

Furthermore, during our committee hearings on foster care, Senator LANDRIEU and I learned that there is a severe shortage of social workers in the District. That should not have been a revelation to anybody. We know that from articles we have read in the newspapers. But it was brought home even more starkly in the hearings we held—the shortage of well-trained social workers in the District of Columbia. Many of these workers are carrying extremely high caseloads, making it very difficult for them to do their job. Also, many of these caseworkers simply are not being provided the tools they need to get their jobs done.

We found there are several critical needs that, if addressed, could certainly go a long way in improving the lives of thousands of children in the District's foster care system, and it would expedite their placement in stable, loving homes. Therefore, this bill does contain $14 million in new money to address these needs.

Let me explain what these new programs and ideas are.

No. 1, we provide for intensive early intervention. This means when a child comes into care, the case will be treated as an emergency situation. Just as hospitals triage medical trauma, the District's child and family service agency triage the emotional trauma facing children who are brought into their care. The earlier a child is stabilized, the better his or her chances of avoiding long-term damage. If a child can remain with an appropriate or qualified family member, he or she will face much less emotional trauma.

Some of the funds provided in this bill will allow the agency to staff such an early intervention program and will establish a flexible fund for the purchase of beds, clothing, and other items to ensure that a relative can bring a child into his or her home immediately without forcing the child to stay in a group home or foster home.

Second, early mental health evaluations and timely mental health services for all children in foster care. What does this mean? The bill provides $3 million for the District's Department of Mental Health to ensure all children receive mental health assessments within 15 days of coming into foster care; further, that all mental health assessment reports are provided to the court within 5 days of assessment and that all children receive mental health services immediately after the court orders those services. This will help alleviate the current intolerable situation.

According to the District of Columbia Family Court, in most child abuse and neglect cases where mental health services have been ordered, there are long delays in providing these services to the child or to the family. It can often take up to 6 to 8 weeks, or longer, to complete an evaluation and up to 60 days after the evaluation before the mental health services are actually provided, even in very serious and dangerous situations. Under this bill, that would change.

The third provision of this bill will provide for the recruitment and retention of qualified social workers and will begin to deal with this problem. How do we do this? The bill will provide $3 million in new money for the repayment of student loans to encourage social workers to enter or to stay in the field. It will allow this money to be provided as an incentive to pay back student loans if the young social workers agree to continue to stay and work. It will take that burden away from that social worker.

One of the problems, of course, is a person wants to be a social worker, they want to do good, they want to stay in the field, but because of this low rate of pay and they have this big burden, this big debt, they cannot stay in the field very long. They have to do something elsewhere where they can make more money to pay back the debt.

This bill will help them ease that burden. It is no surprise that the higher the caseload per social worker, the lower the quality of service to each of the children.

The District, like many cities, suffers from a high turnover of social workers. That is not good for the kids. In fact, the national current turnover rate has doubled since 1991. Clearly, the relatively low pay and difficult working conditions of social workers have resulted in a child welfare workforce crisis in the District. Without doubt, steps must be taken to encourage more social workers to enter the child welfare workforce and we must improve the salaries, we must improve the working conditions and the training of workers, and we want to retain more of the qualified and experienced social workers. The reality is, the longer a social worker is there, the more experience they get, and we want to retain the experienced social workers.

The fourth provision of this new program is recruitment and retention of foster parents. The bill provides $1.1 million to recruit and retain foster parents. CFSA has experienced difficulties with recruiting and retaining an adequate number of appropriate foster care parents. One reason for this is lack of availability of respite care for foster parents. This is one of the items Senator LANDRIEU and I heard foster parents tell us—good people who were very much overburdened. One mom who came in was taking care of many children. She said: If we just had the opportunity for a few hours to have a break, this would be of great help.

Foster parents do not have the same opportunities for respite as biological parents many times do. The funds in this bill would provide emergency respite, planned respite, and ongoing regularly scheduled respite care. This is critical to provide foster parents the rest they need to continue to stay on as foster parents.

The fifth provision is to improve computer tracking of all children in foster care. I talked earlier about the situation of the computer system and how bad it is. The bill provides $3 million to move the agency's current client-server system to a Web-based architecture and to provide laptop computers to all CFSA social workers.

The subcommittee heard testimony from the General Accounting Office that CFSA's database lacks many active foster care cases and the system is often down. In addition, social workers do not have access to the database via laptop computers when they are with children, foster families, or while waiting in court. This would be a great opportunity to better utilize the precious time of social workers so they can use that time sitting in court or, when they are out in the field, to put the data directly, immediately into that computer. This is to better utilize the precious time social workers have.

Social workers now must return to the office late at night and enter the data of children in care. With laptop computers and Web-based access to information, social workers would then be able to enter key data from off-site locations. We want social workers to use that precious time hands on, dealing with kids, dealing with families. That is most important. Using technology better will enable them to spend more time with these families. We want them to spend time on case plans and working with the families. This will enable them to do that.

I spoke at length about the foster care initiative in this bill because it is so very important. It breaks new ground. It does something about which Senator LANDRIEU and I feel very passionately. We feel passionately about it because we learned so much about it in the hearings we held. This subject deserves this Congress's time. It deserves our attention. It deserves our money.

As chairman of this subcommittee, I and the ranking member, Senator LANDRIEU, have listened to far too many horror stories about children dying or being abused in the District's foster care system. As a Federal partner with this city, I believe it is imperative we provide funds and seek ways to protect the lives of these very precious children. It is our duty and it is our moral responsibility to do so.

The second priority which this bill funds is enhancing educational opportunities for inner-city kids. This bill provides a total of $40 million new money—I emphasize "new money"—for three interrelated components: $13 million to promote excellence in traditional public schools in the District of Columbia; $13 million to expand choice through high-quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools to attend private schools; and $1 million for administrative fees. That is $40 million in new money for the District of Columbia's children to help educate them.

This is a balanced approach. It is balanced because, as I said, it is $13 million, $13 million, and $13 million. It is evenly divided. The charter schools, $13 million; public schools, $13 million; and $13 million for the new scholarships.

Let us make no mistake about it. This is new money. It is not taking it from the public schools. It is not taking it anywhere else from public education. This is money that Senator GREGG has worked long and hard to come up with, other Members have worked long and hard to come up with, to put together in a package that is balanced, that is reasonable, and that we will be talking about more on the Senate floor later.

It is for the kids in the District of Columbia and it makes sense. This is a plus-up in funding. This is new money. It is for the kids in the District of Columbia.

Turning to the bill itself, I will read directly from the language of the bill. We will be discussing this later. I think the bill says it very well on page 21, when we talk about these scholarships. It provides students and their families with the widest range of educational options, because that is really what we are talking about: public schools, charter schools, and, with this additional $13 million to scholarships, options for the parents, options for the students.

I am pleased to report that this three-sector approach to improving DC schools is wholeheartedly supported by Mayor Anthony Williams. He has been out front in leading the charge for this plan. He was on Capitol Hill yesterday very eloquently describing why this is needed for the District of Columbia.

The plan for the District has wide support, but the most important supporters for this program are the thousands of low-income parents of schoolchildren in this city whose children are languishing in failing schools. Under this bill, the priority for children to be able to get these scholarships is children who are in what are described as the failing schools. These parents want an opportunity to try a new approach. I believe they deserve that opportunity. Their hope is for a brighter future for their children.

The third priority funded by this bill is reducing and preventing crime in the District of Columbia. The Federal Government entirely funds the DC courts and the Court Services and Supervision Agency. This bill provides a total of $377 million for these agencies, which is $18 million more than the President's budget request. Most of these additional resources are to integrate the 18 different computer systems that track offender and litigation information.

In addition, the bill provides additional resources to allow the Court Services and Supervision Agency to enhance its supervision of high-risk sex offenders, as well as offenders with mental health problems and offenders with a history of domestic violence. I submit that these are the most dangerous offenders. These are offenders who are the most likely to cause harm and damage to the citizens of the District of Columbia, and to the tourists and visitors who come here every single day.

Senator LANDRIEU and I held a hearing. We heard from the people in the Government of the District of Columbia and the Federal officials who are charged by law with supervising these individuals who are out on parole and probation. What they told us was these are the most high-risk offenders. They are out on the streets. Right or wrong, they are out on the streets. They told us these are the most dangerous individuals.

I must say from my experience years ago as a county prosecutor that there is no doubt these are the most dangerous offenders. What we learned is that the ratio of the supervisors to these offenders today is only 42 to 1, many times. In other words, 42 offenders to 1 supervisor. What our bill would do is to take that ratio down to 25 to 1. It is the right thing to do, and we are going to do it with this bill. We are targeting those dangerous offenders. This is a boost to safety in the District of Columbia.

Additional resources also will expand the Agency's use of GPS-based electronic monitoring equipment to ensure that offenders are not near locations such as schools or specific residences.

The fourth priority in this bill is increasing security in the Nation's Capital. Since September 11, we all understand the importance of security in the District of Columbia. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center which will be the center for coordinated multiagency responses in the event of regional and national emergencies.

Funds also are included to continue to prepare the District's largest hospital, Washington Hospital Center, and its only dedicated children's hospital, Children's National Medical Center, for bioterrorist and chemical attacks. We began this process last year and further funding is in this year's budget.

The bill also continues to provide funds to reimburse the District for increased police, fire, and emergency personnel costs associated with the presence of the Federal Government.

Let me again thank Senator LANDRIEU, who is the ranking member of the subcommittee. It is always a pleasure to work with her. She has done a great job on this bill. She and I share the same concerns for the children and the residents who live in our Nation's Capital. We have worked very closely together on this bill. I believe we have put together a bill that is within budget. It is a bill that focuses on improving the well-being of the District's children and protecting the safety of all those who live and work here.

So I thank Senator LANDRIEU, I thank the Chair, and I will at this point yield to Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I begin by thanking the chairman for the breadth and depth of those excellent opening remarks, which demonstrate beyond any doubt his commitment to the budget before us and to the plans that it supports.

I also acknowledge our strong working relationship and commend him for his leadership on so many important issues for the District and also for the Nation at large. He has gone into great detail about the child welfare issues, which is one of the issues that he has led on not just in the District but in his home State and around the Nation.

We have been working together now for almost 3 years, sharing the chairmanship, depending on the majority of this Senate. It has been a joy to work with someone who shares so many of the same goals and objectives.

As Senator DEWINE has outlined, our bill is small in size but it often carries a powerful punch, because it is a bill that supports a city but also a symbol. It is a city of 500,000 residents but it is a symbol in many ways of this great Nation and home to the Federal Government. Because of that, oftentimes on this bill—and we will experience that over the next couple of days—there will be some rigorous debates about issues surrounding this bill, which is understandable because this is a budget for a city but also a symbol.

I hope, as we move through the debate on this bill, that we can provide more light than heat, and I hope colleagues from both sides of the aisle will come to the floor with that in mind.

I want to begin my brief opening remarks saying that Senator DEWINE and I in many instances share not only the same views about the District, but we also share the same priorities, which makes for a great working relationship and very smooth operations. One of the subjects he and I feel very strongly about is committing to the financial stability of the city. We both recognize the great work the Mayor, the City Council, and Congresswoman ELEANOR HOLMES NORTON have contributed, as have other officials who have the hands-on responsibility for the financial support and operations of the city. I commend them for their work.

This is particularly important because this city in just recent history was under the direction of a Control Board, established by this Congress because the city was in a huge deficit position. Mismanagement was rampant and that became necessary. Senator DEWINE and I served at the time when that Control Board has been moving out, so it has been an imperative, and our first priority, that the safeguards and guidelines and parameters that keep this city moving in the direction of surplus and strength continue. I am proud to say that we have accomplished that goal in partnership with the city leaders, who get the most credit for keeping their city in a strong financial position. That is so, even with the very difficult times the city has faced, in terms of being a target, in some cases the No. 1 target, of terrorism in the whole Nation.

Along those lines, one of my priorities, shared with the leadership as well as the other Members—Senator KAY BAILEY HUTCHISON, Senator DICK DURBIN from Illinois—we have put into this bill a $25 million infrastructure investment because we want to be a strong, reliable partner for the financial security of the city. That is on top of the $50 million that was put in last year, which helps one of the major infrastructure challenges of the city, which is to clean up the Anacostia River. We have to remember this region is a region of two rivers, not one. We hear a lot about the Potomac but not a lot about the Anacostia. Both are great and contribute a lot to the health and vitality of the region, and the cleaner these are, for esthetics, for health and recreation, is important.

The city cannot do this on its own. It is a regional effort, and we are proud to step up, in the place of a State because there is no State, to serve in that role on the budget, to help them with these great infrastructure needs. I am thankful for the allocation of funds for that effort to the chairman of the Appropriations Committee and the ranking member, Senator BYRD, who has been strongly in favor of this particular undertaking, which will cost hundreds of millions of dollars, to be done over the course of the next couple of years.

The next issue on infrastructure, briefly, is one on which we are making some progress. We have budget constraints and we do not have, as much as we would like, unlimited money. We have budget constraints because there is not much money, but wisely the chairman has allocated funds to infrastructure initiatives—parks, recreation, and some help with transportation. Again, transportation is not just a challenge for the District residents, but it is a real challenge for the region. We have at least begun to lay down a small mark for help with transportation. I will get back to why that is so important at the end of these brief remarks.

Helping with the financial strength of the city, continuing to improve it, making sure the CFO is supported and his office is independent, streamline the management, and helping keep the city on a strong financial course is something I am proud of and is reflected in this bill.

The second important focus—and these are not in terms of priorities because they are all sort of equal, but I wanted to reflect, maybe, perhaps this is one we would agree is the top priority—is security for the Nation's Capital. Again, our bill reflects an ongoing commitment for investments in bioterrorism and investments, last year particularly, in the bill for interoperability for police officers in the District and the Federal agencies, as the District remains the No. 1 target in the Nation. That commitment is also found in this bill. It is an ongoing commitment I share with the chairman.

Senator DEWINE did a beautiful and thorough job describing the child welfare initiatives in this bill. I will not repeat what he said. I will only say thank you to the Washington Post, particularly, for continuing to bring to light the deficiencies in the child welfare system, to thank my own staff and all the Members who contribute, and to say the District of Columbia is not alone in its struggle with reforming its child welfare system and improving foster care and increasing adoptions and establishing a family court. All cities, all communities, and all States are struggling with those same challenges.

Because budgets are tight, when budgets are cut, the first things, of course, that are cut, in many instances, are the services for children and courts and judicial systems that help to support excellent child welfare services in the Nation.

We are trying to fight against those budget reductions, adding money to this bill, with accountability, with mandates for new management, and with a new system to try to increase reunifications where possible, so children are not separated endlessly from their families and to give those families support. If that is not possible—and in many instances, as the chairman knows, it is not possible—then to move those children quickly through a caring and loving system that enables those children to get safely into a new family who will raise and nurture and love them, and to minimize the time in foster care.

That is not done by waving a magic wand or by rhetoric or by bumper stickers or by slogans. There is no substitute for that kind of work other than just tough slogging in terms of new policies and new investments. No one has done that better than this chairman. I thank him for that. This bill reflects a significant increase, in partnership with the District, working with them, to create a new court system, to create new opportunities in the child welfare system.

The fourth area the chairman and I focused a lot of time on, and I think we are making some progress, although it will be the subject of much of the debate on this bill, is in the area of education. I want to say what is in the underlying bill is a significant improvement over the shortsighted and very problematic education initiative that was placed in the House bill on the District of Columbia. What the chairman has laid down is a significant improvement over that shortsighted and problematic initiative which was basically a vouchers-only, take-it-or-leave-it approach by the House, which is going to be rejected pretty unanimously here in the Senate.

In its stead, there is a three-sector improvement approach offered by this bill which, in my opinion, still needs some significant work. But, as I said, it is a major improvement over the take-it-or-leave-it, vouchers-or-nothing approach by the House. The three-sector approach, as the chairman has outlined, is an equal amount of money distributed to charter schools, to public schools, and then to private scholarships for low-income children who are struggling.

Let me talk about charter schools for a minute and say something on the record. I will get back to this at a later time, when the debate gets underway.

There is not a district in this country, not one, not in Ohio, not in Louisiana, not California, not New York, that has made a stronger and better effort for charter schools than the District of Columbia, and that needs to go on the record as this debate starts.

There are more children per capita in charter schools in this District than any place in the Nation. With limited resources and with a relatively small jurisdiction, this community is making a superior effort in charter schools. Every one of them is excellent. We know they are trying new things that are important. They don't get enough credit for that. I want the Mayor and ELEANOR HOLMES NORTON, who has been a strong supporter of charter schools and public choice, and Mr. Chavez, members of the DC Council, and members of the school board who have supported this charter school initiative to feel proud of what they have done. They do not get as much credit as they should. Those charter schools provide a real choice and real opportunities.

I am proud that in the bill last year Senator DEWINE and I helped fund, at the request of many of our colleagues, the first urban boarding school for low-income children in the Nation—the first low-income boarding school for children in the Nation—so they can stay in school Monday through Friday and have an opportunity to go home on weekends, if they choose. Sometimes their home life is not conducive to academic excellence and achievement. With accountability and oversight, we created that school. I am proud to say those children are extremely happy. And some of them were able to go to Greece because of the generosity of the Greek Ambassador. Nothing could thrill me more than to see real progress being made in opening up new educational opportunities for children.

The charter school movement is healthy and underway, and it doesn't need our criticism and it doesn't need our undermining; it needs our support.

The other leg of that is the investment in public schools. The progress is slower but it is still substantial, as is true of all major cities struggling with this issue throughout the country. But any number of improvements have been made. Later on in the debate, that information will be spread on the RECORD. But those two legs of the investment are universally supported.

There are additional investments. Leave No Child Behind does not meet the full requirements to which the District is entitled, but at least it is a $13 million increase to help the public school system meet the new accountability requirements and excellence that we seek in all of our schools when we are using public funds, and to help support charter schools.

The piece on the scholarship program sector, as I said, needs improvement. But because it is a three-sector approach and not just vouchers and take it or leave it, it is far superior to the House provision. With some adjustment, it could potentially receive votes of some Members on the Democratic side and have universal support on the Republican side. We will get to that later in the day.

Let me say in closing that the last 2 years have been unprecedented in the amount of discretionary Federal dollars that have gone to this city. Just this year alone, this budget reflects $124 million over the President's request for the District of Columbia. That is a substantial amount. That reflects the confidence that is being built in this Congress in the leadership of this city and the willingness to step out on issues that can help this city be the great city it was intended to be, and it is well on its way to being—across the board, whether it is in health care, transportation, public services, education, et cetera.

Nobody deserves more credit as a group than the city leadership collectively. They have done a very good job working together in that regard.

I close, however, with a challenge that Senator DEWINE and I are faced with this year; that is, the landmark report that this city faces a structural deficit of $400 billion to $401 billion between their revenue capacity and their cost of providing services. This report was done by an objective agency. It was conducted by the GAO at the request of Congresswoman NORTON and myself and others to really look at the structural deficit, if there were such a thing as a structural deficit, even though the city is in surplus, even though they are moving in the right direction by streamlining their operations. If you look at the path for the next year or two, there are dark clouds on the horizon. We want to basically know what the reason is for those dark clouds. Is it something that is under the control of the city or the Congress to fix?

I will paraphrase the study and will submit it for the RECORD.

While the city could continue to adjust and streamline its practices and make sure that fraud and abuse are taken out of the system, there is in fact a structural imbalance. Even if they did that perfectly—and no city does—they still would have a structural imbalance because their tax base is strained to almost a breaking point. That means their sales taxes are high, their property taxes are high, their fees are high. To continue to go back to the residents of the District and ask them to contribute more would be detrimental to the economic growth and vitality of this city.

We have in this bill a marker—basically a $3 million Federal share to contribute to the infrastructure, which is a small but I think substantial marker that the chairman and I are willing to lay down to say we understand there is a structural deficit, that we don't have the money right now to fix it, and that we are not even sure how to fix it nor have the answer but recognize there is one. Hopefully, that will be the subject of future hearings to help the city of Washington be the best city and the symbol for the Nation.

Finally, let me summarize. As the chairman said, this bill also includes $172 million for the operation of the DC courts, an $8 million increase over the President's request. We talked about that. There are certain things for which we are directly responsible. One of them is the Court Services and Offender Supervision Agency. I am very proud that the chairman has gotten that ratio down from 40 to 1 to 25 to 1, which will help. I again commend the Washington Post for their excellent series that helped to call our attention to this glaring and terrible problem. It is a tragedy that exists in the District. More work needs to be done.

But this bill and what it represents I think is a significant compliment to the city and its leadership. The considerable investment in the future for the residents of the District is something of which our people around the Nation can be proud.

I urge our colleagues as we move into the afternoon and the debate regarding education that we attempt to fill this Chamber with light and heat because this issue, the children who depend on our deliberations, their families, and the taxpayers deserve no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

RECESS

Mr. DEWINE. Madam President, I ask unanimous consent that the Senate stand in recess until 1 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 1:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. HAGEL).

The PRESIDING OFFICER. The Senator from Ohio.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Mr. DEWINE. Mr. President, as we proceed with the District of Columbia appropriations bill, I again thank Senator LANDRIEU for her great work on this bill. We will be proceeding later on today on the issue of the District of Columbia vouchers. I thank Senator LANDRIEU for her contribution to this discussion.

We are working on some possible amendments, but I wish to take this moment, if I can, to also thank Senator FEINSTEIN for her contribution to that section of the bill. As I have stated publicly in the past—I said it yesterday in a press conference—that section of the bill which has to do with vouchers, the scholarship section was significantly improved because of what my colleague from California, Senator FEINSTEIN, contributed to the bill.

She came to me and Senator GREGG and said: I have some suggestions; I have some changes; I have some ideas that I think need to be in this bill to improve the bill, to bring more accountability; to ensure the bill's constitutionality; and also to make sure that the Mayor of the city of Washington is much more directly involved in running this scholarship program.

We took those suggestions from Senator FEINSTEIN. She drafted sections of the bill, and we incorporated them in the bill. Those changes are now in the bill that is now before the Senate. I appreciate very much her work.

I yield, without losing my right to the floor, for a question from Senator LANDRIEU.

Ms. LANDRIEU. Mr. President, I thank the Senator for his comments. He is correct that there have been some improvements made to this section of the bill, but it remains a work still in progress. There are many Members on the Democratic side and some Members on the Republican side who are still not comfortable with the language. There are some who are absolutely opposed to the underlying concept of private school vouchers or scholarships.

I thank the chairman for remaining open and working on some amendments and language. That is taking place at this time. We will proceed with the debate later in the afternoon.

Mr. DEWINE. Mr. President, I take back my time. I look forward to working with Senator LANDRIEU to try to accommodate the concerns she has. I know she is well intentioned, certainly dedicated to the children of the District of Columbia, as I talked about earlier today.

I believe the bill before us is a good bill. I believe the scholarship program before us is a good scholarship program. I believe it is clearly constitutional. I believe it is a good program in the sense, as I discussed earlier this morning, that it is value-added. It is a balanced program. It is a program that provides a third of the money for scholarships for the children, $13 million. This is all new money, $13 million new money for the District of Columbia schools, and $13 million additional money for charter schools. It is a three-pronged approach, a very balanced program. I think the language is good language. The bill before us is a good bill.

In deference to my colleague, with whom I have worked so very closely on this bill over the last few years, certainly we can take some more time to see if it is possible to reach any kind of compromise or accommodation with regard to any additional language that would satisfy her. I am more than happy to take some time to try to do that. I do believe we have a good bill right now. It is a bill that I think is good for the children of the District of Columbia.

Mr. WARNER. Mr. President, I rise today in support of the limited private school choice provisions in the District of Columbia Appropriations bill.

As you know, private school choice, also commonly known as a voucher, refers to the use of public money to allow a limited number of students to attend a K–12 private school.

As a strong supporter of our Nation's public schools, I certainly appreciate the views of those who believe that public money should be used to improve only public schools.

However, as a member of the Senate's Education Committee, I also strongly believe that if our educational system is to improve, as needed, we cannot remain stuck in the status-quo. We must look for innovative ways to improve our schools. While providing additional money into an educational system can help—money alone is never enough.

I commend the Mayor of Washington, DC—Mayor Anthony Williams—who along with others have all come together in support of an innovative idea to improve the educational system in the District of Columbia: an infusion of money into the public school system along with a limited private school choice option for the District of Columbia.

How fortunate we are to have the leadership of Mayor Williams in the District of Columbia.

The legislation before us does just what Mayor Williams has requested. It adds an additional $40 million in education spending in the District. $27 million of that $40 million will go to the District's public schools and charter schools. The remaining $13 million will be used for the limited private school choice option provided in this bill.

And while some may be critical of spending $13 million on private school choice, I believe it is important to view this money in the context of other education spending.

In comparison to the $13 million we will spend in this bill on private school choice, the Federal Government currently spends about $12.5 billion on the Pell Grant program. And as we all know, the Pell Grant Program provides grants to students to help them afford the cost of tuition at an institution of higher learning, regardless of whether the institution is a public or private one.

Similarly, the proposal before us today will allow certain low-income students in the District to attend private K–12 school.

More specifically, the school choice provisions in this legislation will provide scholarships of up to $7,500 to allow 2,000 low-income students the opportunity to attend private school.

These scholarships will be sufficient in dollar amount to cover the cost of tuition at approximately two-thirds of the private schools in the District. It is my hope that the remaining one-third of private schools in the District, whose tuition is more expensive than $7,500 a year, will consider making special exceptions to also open their doors to the low-income students in the District who are scholarship recipients.

In my view, the proposal supported by Mayor Williams and put forth in this legislation is a win-win situation. The school system gets more money and low-income students are given a unique educational opportunity.

Over 50 years ago, I was given a similarly unique opportunity to obtain a quality education as I was a recipient of the GI bill. The education that I was fortunate enough to receive as a result of the GI bill has allowed me to achieve most of the dreams to which I have aspired. Without the GI bill, I certainly would not be standing here today.

Similarly, the private school choice proposal before the Senate today will provide certain students in the District with an opportunity to receive a strong education. And, along with that education, these scholarships will provide these students the same opportunity I had to achieve my goals in life.

I commend the work and leadership of the chairman, Senator DEWINE, my colleague in the Virginia congressional delegation, TOM DAVIS, Mayor Anthony Williams, the local media, and other philanthropists and community leaders who have worked closely together in support of this private school choice initiative.

It is my intention to support this limited private school choice initiative, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate be in a period for morning business until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DEWINE. Madam President, I ask unanimous consent that the Senate remain in morning business until 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Madam President.

DO NOT CALL REGISTRY

Mrs. FEINSTEIN. Madam President, I come to the floor because I have just learned of a decision made by an Oklahoma district judge that the National Do-Not-Call registry is invalid. This is amazing to me.

This is the result, apparently, of a lawsuit filed by the Direct Marketing Association, U.S. Security, Chartered Benefit Services, Global Contact Services, and in InfoCision Management Corporation challenging the Federal Trade Commission's authority to implement the wishes of millions of Americans who have gone on the Federal Trade Commission's web site and signed up to say to telemarketers they don't want to be called.

I would like to read into the RECORD a statement of FTC Chairman Timothy Muris. He said:

> Late last year, the Federal Commission issued rules creating the National Do Not Call Registry under the Telemarketing and Consumer Fraud and Abuse Prevention Act. On February 13, 2003 the Congress passed the Do Not Call Implementation Act, which authorized the FTC to collect fees from sellers and telmarketers to "implement and enforce the provisions relating to the 'do-not-call' registry." The President signed this bill on March 11, 2003. Moreover, on February 20, 2003, the President signed the Omnibus Appropriations Act, which authorizes the FTC to "implement and enforce the do-not-call provisions of the Telemarketing Sales Rule."
>
> Despite this clear legislative direction, the U.S. District Court for the Western District of Oklahoma has ruled that the FTC exceeded its authority in creating the National Do Not Call Registry.
>
> This decision is clearly incorrect. We will seek every recourse to give American consumers a choice to stop unwanted telemarketing calls.

This registry is due to go into effect in a week. A Federal judge has essentially prevented it from going into effect. In a week, tens of millions of Americans who have registered their names not to be called by telemarketers are going to find out that it is all a myth. They are going to get called in any event. I think they are going to be very angry.

I also believe this decision strikes a blow against the basic privacy interests of millions of Americans. Presently, these people are subjected to unwanted marketing calls to their homes at all times of the day, including the dinner hour. The FTC's Registry will give Americans who want to avoid these unsolicited sales pitches an option to stop their telephone from ringing.

As I mentioned, tens of millions of Americans have registered more than 50 million phone numbers for this program. Ultimately, the Federal Trade Commission expects 60 percent of the Nation's households with approximately 60 million home phone lines to sign on to the registry. This registry is crucial because it puts consumers in charge of the number of telemarketing calls they receive. Telemarketers who disregard the Registry could be fined up to $11,000 per call.

The district court today ruled that the Do Not Call Registry is "invalid"—that is the word the judge used in his decision—because it was created without congressional authority.

This conclusion I find surprising since Congress passed H.R. 395, the Do-Not-Call Implementation Act on February 13th of this year. The legislation clearly authorizes the Federal Trade Commission and the Federal Communications Commission to collect fees sufficient to implement the Registry. And the Appropriations Committee granted $18 million for the program.

I also note that the FTC's rule came after the most extensive deliberations. The FTC announced its plan to proceed with the Registry on December 18, 2002, after receiving 64,000 comments. The overwhelming majority of these comments favored the creation of the Registry. Millions of Americans were promised protection from annoying, unwanted telemarketing calls starting October 1. They are truly going to be outraged by this.

There are two ways of going about this. The first is to let the FTC appeal the case, which they have just said they are going to be in the process of doing. The other is to perhaps unanimously adopt and pass legislation which clearly authorizes, specifically authorizes—and in bold letters authorizes so that no Federal judge can misunderstand it—and get this done as quickly as we can. I have asked my Judiciary counsel to prepare this legislation. We will be submitting it before the end of the day.

I would like to invite all of my colleagues to join as cosponsors. Then, hopefully, we will be able to move this through very quickly, particularly in view of the fact that we believed we did authorize it earlier, the President did sign it earlier this year, and we believed it was a concluded issue.

I ask unanimous consent to have printed in the RECORD the judgment of the Western District Court of Oklahoma which finds that the portion of the final amended rule that pertains to the National Do Not Call Registry is invalid.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

U.S. SECURITY, ET AL., PLAINTIFFS, VS. FEDERAL TRADE COMMISSION, DEFENDANT

NO. CIV-03-122-W—JUDGMENT

Pursuant to the Order filed this date, the Court finds that judgment should be and is hereby entered as a matter of law in favor of the plaintiffs, U.S. Security, Chartered Benefit Services, Inc., Global Contact Services, Inc., InfoCision Management Corporation and Direct Marketing Association, Incorporated, on the plaintiffs' claims that that portion of the Final Amended Rule that pertains to the national do-not-call registry is invalid. The Court further finds that judgment should be and is hereby entered as a matter of law in favor of the defendant, Federal Trade Commission, on all remaining claims asserted by the plaintiffs.

Dated at Oklahoma City, Oklahoma, this 23rd, day of September, 2003.

Lee R. West, *United States District Judge*.

Mrs. FEINSTEIN. Madam President, I have concluded within the 10 minutes. I thank the Chair. I yield the floor.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2555.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, reserving the right to object, we have been in touch with Senator BYRD, who is comanager of this bill, and he has no objection to proceeding to this conference report. He simply wants to be able to be heard prior to our scheduling a vote on adoption of the conference report.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 23, 2003.)

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it is my honor and pleasure to present for the Senate's approval today the conference report on H.R. 2555, the fiscal year 2004 Homeland Security Appropriations Act. As all Senators know, this is an historic occasion. Not only is this the first appropriations bill for the new Department of Homeland Security, but it is also the first of the 13 fiscal year 2004 appropriations bill conference reports to be presented to the Senate.

The conference agreement provides total new budget authority for the new Department of $34.9 billion, including $4.7 billion in advance appropriations for future fiscal years. Of the amount provided for fiscal year 2004, $29.4 billion is for discretionary programs. This is approximately $1 billion more than the level requested by the President. It is also $890 million more than the Senate-passed bill level, due to inclusion in the conference report of $890 million in fiscal year 2004 funding for biodefense countermeasures, so-called BioShield, as recommended in the House bill and the President's recently submitted revised budget request.

To further strengthen the capacity of the Nation's first responders to prepare for and respond to possible terrorist threats and other emergencies, this conference report provides a total of $4.037 billion for the Office of Domestic Preparedness. This includes $1.7 billion for the State and local formula-based grant programs; $500 million for law enforcement terrorism prevention grants; $725 million for high-threat, high-density urban area grants; and $750 million for the firefighter assistance grant program which will remain a stand-alone program.

The conference report also includes $180 million for emergency management performance grants which will be managed by the Emergency Preparedness and Response Directorate.

The conference report includes a total of $4.5 billion for the Transportation Security Administration. Air cargo security was a priority of the conference committee, as evidenced by the fact that the conference report provides $85 million for air cargo security, which is $55 million higher than the President's request. This funding will allow the Department to enhance its efforts to identify and prohibit the transportation of high-risk cargo on passenger aircraft as well as to advance efforts to research, develop, and procure the most effective and efficient air cargo inspection and screening systems.

Additionally, $8.6 billion is provided for the defense of our borders; $9.1 billion for emergency preparedness and response; $6.8 billion for the Coast Guard; and $1.5 billion for research, analysis, and infrastructure protection.

The conference committee met and completed action on Wednesday of last week, and the conference report was filed yesterday, September 23. It was adopted by the House of Representatives earlier this afternoon by a vote of 417 yeas to 8 nays. Senate passage of this conference report today is the final step necessary to send this fiscal year 2004 appropriations bill to the President for his signature into law before October 1, the beginning of the new fiscal year.

I must acknowledge the assistance and important work by the ranking member of the subcommittee, the distinguished Senator from West Virginia, Mr. BYRD; also the chairman of the House committee, Mr. ROGERS, and the ranking member of the House subcommittee, Mr. SABO, for their substantial contributions to the development and writing of this bill throughout the year.

We began the year with extensive hearings, reviewing the proposals for the budget of all of the directorates and the individual agencies that are funded in this bill, which includes the Secret Service, the Coast Guard and others. A lot of time has been devoted to understanding the missions and responsibilities of the 22 Federal agencies that were brought under the jurisdiction of the new Department of Homeland Security.

We have also worked closely and consulted with the distinguished Secretary of the Department, Tom Ridge. In my judgment, Secretary Ridge is doing an excellent job of starting up this new Department, understanding the importance of the mission, and helping our country prepare for and prevent terrorist attacks, and prepare for and respond to natural disasters.

The chairmen and ranking members of the full committees have also been very helpful in the development of this legislation. We want to express our appreciation for their good work and their important assistance.

It is with pleasure and honor that I recommend to the Senate the adoption of this conference report.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I understand other Senators, including Senator BYRD, may be speaking on this and will be here in a few minutes. I thought I would take the opportunity to make some comments on a specific provision in this conference report.

First, I am pleased that the Senate is considering this very important appropriations conference report for the new Department of Homeland Security, and I am pleased that the chairman of this subcommittee is my colleague from Mississippi. He has shown real leadership and stamina in getting this done, bringing it to the floor of the Senate, and holding the line on making sure that what we spend is what we need, a reasonable amount, and not allowing it to spiral out of control, which it could have very easily.

He deserves a lot of credit. It went right into conference and secured an agreement. This is going to be one of the appropriations bills that gets to the President for his signature early. That is the way this process should be done, because it is going to be finished before the beginning of the next fiscal year. There are not many appropriations bills that are going to do that this year or in most years.

I do have a concern and am disappointed with a particular provision in this conference report that affects the FAA reauthorization conference report. As chairman of the Aviation Subcommittee, we had extensive hearings, as I know this appropriations subcommittee did as well, in developing the legislation that led to the FAA reauthorization bill. It became very clear early on that one of the major issues that we had to confront was how to pay for security capital costs at airports. We have additional needs. There are additional costs. Many of the airports' lobbies are crowded because they have the new equipment that has been installed there to scan our luggage. A lot of additional costs have been heaped on the airports, local authorities, and, as a matter of fact, the TSA, the Transportation Security Administration.

The majority of the costs they are dealing with in the airports themselves are associated with modifying the airports to install explosive detection systems so that the baggage can be fully screened. Eventually, we will have to move them out of the lobbies because we have lines in airports now outside the buildings. That equipment is going to have to be moved.

The estimated cost associated with these modifications ran up to as much as $5 billion. I must say I gulped when I heard that. I have asked a lot of questions about just how much is needed and how are we going to fund it. That was the natural question to come up.

In the immediate aftermath of 9/11, as we worked aggressively to deal with tighter security at airports, the TSA was allowed to take $500 million out of the Airport Improvement Program. Those funds are supposed to go for improving the airports, for aprons, runways, security fences. But that money was diverted, $500 million of it, out of the normal AIP program into the security area.

The Transportation Security Administration came before the committee and said: We are going to need another $500 million, and we are going to need more and more and more. We made it clear that they could not take another $500 million bite out of the airport improvement program, which is what they intend to do. But we do see that we need probably at least $250 million a year to help airports fund these important security projects. So we had to also come up with a way to provide that money.

The way that has been done is a $2.50 security fee that has been assessed on all airline passengers. The airlines will tell you that the passengers are not paying that fee. They are just having to absorb it. Because if they raised ticket prices even a little bit, that would affect decisions that passengers make to go a different way or go on some other airline. So they maintain they are having to eat that fee. Regardless, the actual fee is supposed to be on the passengers.

I have some problems with that, particularly when you look at how that money is really being paid. It is a tremendous cost that is one of the issues affecting our airline industry and the ability of airlines to make a profit and to stay in business.

So I actually considered the idea of eliminating this fee. The other side of the coin is that we have to come up with some way, if we are going to provide for these security changes, to pay for them. While I think everybody has a responsibility to assume some of the cost—the Federal Government and local governments, perhaps, and airport authorities—the people themselves are getting additional security. So we decided to leave the fee in place.

Now, in my view, that is kind of like the highway trust fund. It is a fee charged for a specific purpose: aviation security. It should be used for that purpose, and that purpose should include airport security. For years, the highway trust fund money was held in the trust to make the deficit look lower than it really was. It was also quite often used in ways other than highways and bridges, and it has continued to change. On the last highway bill, we had a big discussion about that. The budget people wanted to keep some of that money in the trust fund to help with the budget numbers; the appropriators didn't want to mandate that that money be spent, even though we needed highways and bridges. We came up with a compromise that the Budget Committee and appropriators could live with, and we spent more money and built more roads and bridges.

This is how I view a fee being paid for security at the airports. We said it would go into a fund where it would be earmarked for that purpose. The Appropriations Committee indicated that that was a problem for them because they don't like, understandably, that this money is earmarked in a particular area. They say the Appropriations Committee will look at that and make those decisions. Therefore, in the Homeland Security conference report, even though I thought we had worked our disagreement out, we originally had a fund of $500 million and we went to $250 million, leaving money that could be used for discretionary purposes, the appropriators chose to override the authorizing committee. That is the way it went through the Senate, with Senator COCHRAN raising concerns at the time the FAA Reauthorization was on the floor, but I thought it was with an understanding to allow the process to move forward.

Now the conference report knocks that provision out—it is kind of novel because the appropriations conference report knocks out a section in a bill that has not yet been passed. That was a little unusual, I thought. But I do think money that is paid by the passengers as a security fee for purposes such as airport security should be spent for that purpose, at a level designated by the authorizing committee. It should not be left to the discretion of the appropriators or anybody else to spend it at a level they see fit, although they may be spending the money on justified programs in other aviation areas of the Transportation Security Administration.

So I am concerned about this. This bill is too important for our country, it affects too many people, and there are too many things to be delayed. I would not do that. I wanted to go on record expressing my disappointment particularly in this section—how it was done—and say that if we are not going to mandate spending this money for airport security, it would be my desire to eliminate the fees. That may be where we will have to go next year. For now, this is a small part of a very large bill, although I think it is an important one. I had to raise my concerns and my objections, while not being prepared, of course, to delay this important legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN, is recognized.

Mr. COCHRAN. Madam President, I appreciate the comments made by my good friend and State colleague, who is chairman of the Aviation Subcommittee.

When the FAA bill was on the floor, I offered an amendment to strike that language, which would have reduced resources available to meet the Department of Homeland Security requirements for aviation security. That amendment was adopted without an objection.

Madam President, I would like to briefly explain the order in which these events occurred and the reason for providing the funding prohibition that was included in this conference report.

On June 12 the Senate considered H.R. 2115, the Vision 100–Century of Aviation Reauthorization Act reauthorizing Federal Aviation Administration (FAA) activities. The FAA reauthorization bill contained language that established a new entitlement for the Transportation Security Administration, an Aviation Security Capital Fund, by earmarking the first $500 million derived from the aviation security service fees which are currently available and relied on as an offset to funding appropriated by Congress for aviation security.

This provision would have directed $500 million used by the Transportation Security Administration to offset the funds appropriated by Congress for aviation security. During consideration of the bill, I offered an amendment with Senator BYRD that would instead "authorize to be appropriated to the Fund up to $500 million for each of the fiscal years 2004 through 2007" for security improvements at our Nation's airports.

This amendment was adopted by the Senate without objection. However, when the FAA reauthorization bill was reported from conference, the language of that amendment was reversed. The conference agreement included $250 million in direct spending, not subject to appropriation, to be taken from the offsetting fee collections. The concerns raised that the Department of Homeland Security would have to take a cut in its budget for aviation security to offset this new entitlement were not taken into consideration.

There is no argument that our nation's airports need the resources to make structural changes for the safety and security of the traveling public. We have provided funding to address these needs in this conference report. We would not have been able to do this without the inclusion of the provision prohibiting the reduction of offsetting collections.

I ask unanimous consent at this point that a letter to me from the Secretary of the Department of Homeland Security on this subject, dated June 11, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY,
Washington, DC, June 11, 2003.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration appreciates the continued support of Congress for improvements in the security of the Nation's civil aviation system and supports Senate passage of S. 824, the Aviation Investment and Revitalization Vision Act (Air-V). However, the Administration opposes a provision in S. 824 that would divert fees collected for security activities for purposes other than the provision of direct security services.

With the Homeland Security Act of 2002, Congress identified the Department of Homeland Security (DHS) as the focal point of the federal government's homeland security efforts, with the mission of preventing terrorist attacks and reducing the nation's vulnerability to terrorism. While the Department welcomes and appreciates the assistance of other agencies in improving security, any diversion of security fees, such as that proposed in S. 824, would directly undermine the Department's ability to fulfill its mission. Air-V would establish an Aviation Security Capital Fund that is both outside the control of the Department and funded by diverting $500 million per year of passenger and air carrier security fees collected by the Transportation Security Administration (TSA). This would diminish the Department's funding capacity. As you know, the direct annual costs of operating the aviation security system are not fully offset by these fees, and diverting fee revenue for other purposes clearly weakens the intended financing structure of TSA set forth in the Aviation and Transportation Security Act. Diversion of the fees into a fund outside of DHS undermines the ability of the Administration to apply these resources to the most pressing security needs.

The Administration looks forward to working with Congress to ensure that the version of the bill presented to the President eliminates this objectionable provision.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of these views for the consideration of the Congress.

Sincerely,

TOM RIDGE.

Mr. COCHRAN. I think it is important for us to continue to discuss and consider the appropriate way to deal with these fees and funds that are used for airport security. I assure my friend from Mississippi that I want to consider his suggestions and thoughts, and those of his committee, as we proceed in the administration of these programs. I want to see that the fees are fair for the airlines, fair for passengers, that they achieve the results we all want, which are improved airport security and the security and safety of the traveling public. I hope we can do that and work out an appropriate way of handling this issue in the future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. BYRD. Mr. President, it seems to be the ill fortune—the ill fortune—of the present occupant of the chair to have to find himself in the chair when I make speeches. It seems that every time I make a speech, the Senator from Texas is in the chair.

Well, I am glad to see him there. He is a good Presiding Officer. He is alert to what is going on on the floor. He listens, and he is always very pleasant, congenial, and I congratulate him, because sitting in the chair while I speak makes it very difficult for any Senator to carry on his other necessary activities—the work in his office and meeting with constituents and so on. So I not only congratulate him, I also thank him.

Mr. President, this afternoon, the Senate finds itself with the first Homeland Security appropriations conference report before it. I thank Senate Chairman THAD COCHRAN, House Chairman HAROLD ROGERS, and the ranking member on the House Homeland Security Subcommittee, Representative MARTIN SABO, and all of the House and Senate conferees for their hard work on this important legislation. We all share the goal of ensuring that the new Homeland Security Department has the resources it needs to secure the homeland.

The conference report that is before the Senate provides $29.4 billion for discretionary programs for fiscal year 2004 for the new Department. With the limited resources that were made available under the budget resolution, the conference agreement is fair and balanced. And so much of that is due to the fair and balanced approach that the distinguished chairman here, Senator THAD COCHRAN, always displays. It comes as a habit to him. It is just second nature.

This bill provides a $1 billion increase over the President's request, and it makes a number of significant improvements in the organization of the Department.

In particular, I am pleased that the conference agreement includes language that will ensure that the new airline passenger screening system, known as CAPS II, will not be deployed before February 15, 2004, until the General Accounting Office has had the ability to review and report on the personal privacy protections, including an appeal process for individuals who are prevented from flying because the system has identified them as a security risk.

Funds are included, consistent with the Senate bill, to enhance border security—none of which were requested by the President—including funds for an additional 570 Border Patrol agents and funds to establish a northern border air wing.

Mr. President, $60 million is included to begin the development of an antimissile device for commercial aircraft.

The conference agreement restates both House and Senate language regarding full funding of antidumping enforcement provisions as well as calling on the Bureau of Customs and Border Protection to rigorously enforce trade laws pertaining to steel imports.

The conference agreement is good for disaster-prone States. The bill contains $200 million for flood map modernization, which is the largest amount ever appropriated for this account. Further, the bill strikes a balance between premitigation and postmitigation grants. The bill contains $150 million for predisaster mitigation grants, so that States have access to funds that help them to plan for and prevent damage from disasters.

The bill also continues to fund postdisaster mitigation, which is made available to States as a percentage of disaster relief money received from FEMA. The President had proposed to eliminate funding for postdisaster mitigation.

The conference agreement provides $180 million for emergency management performance grants. These grants allow States and localities to develop basic emergency preparedness and response capabilities. This program is the only Department of Homeland Security grant program that is focused on all hazards, such as terrorist attacks, floods, and building collapses. The administration had recommended rolling this program into the ODP State grants program.

As Hurricane Isabel confirmed, we must make sure that this new Department of Homeland Security maintains its ability to respond to natural disasters, while preventing and responding to terrorist attacks. These are all significant improvements over the program proposed by the President.

Regrettably, even with these improvements, the conference agreement leaves significant gaps in the security of our homeland. After 9/11, Congress passed the PATRIOT Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act, and the Enhanced Border Security Act. The President signed these measures with great fanfare, but the President has done little to fulfill the promise of those laws.

The inadequate allocation given to the subcommittee has forced the conferees to underfund a number of these critical new authorities.

Last Wednesday, I offered an amendment in conference to add $1.25 billion of emergency funding to the bill to secure the homeland by funding some of the authorities that the President had signed into law after 9/11 but failed to fund. The amendment included funding for port security, aviation security, chemical security, first responder grants, and for the Coast Guard Deepwater Program. The White House opposed and the Republicans rejected the amendment.

On the same day, last Wednesday, the President sent to Congress a supplemental request for his war in Iraq that totals $87 billion. No funding was requested to help secure our homeland. Yet included in his request was $20.3 billion for the reconstruction of Iraq, of which $5.1 billion is for homeland security in Iraq.

If my amendment had been approved, the conference report that is before the Senate would have included $125 million more to hire 1,300 more Customs inspectors on our U.S. borders, $200 million more for first responder grants to equip and train police and firefighters here at home, and $100 million for the U.S. Coast Guard to secure our ports.

Instead, next week, the Senate will be considering the President's request for reconstructing Iraq, including $290 million for Iraqi fire departments; $150 million for Iraqi border enforcement, including 2,500 customs inspectors; $150 million for an Iraqi "911" emergency system; $499 million for Iraqi prisons; and $82 million for an Iraqi coast guard.

I continue to maintain that the Senate should take some time to review the President's supplemental request for the cost of the war in Iraq. We should hold further hearings in the Senate Appropriations Committee. We should hear from outside witnesses, not just administration witnesses. The Senate should not act as a rubberstamp for any President. I find it more than ironic that the Bush administration would oppose homeland security protections for American citizens but ask Congress to express dollars to Iraq for security efforts there.

With regard to the Homeland Security conference report that is before us, I again thank Chairman COCHRAN and his staff for their hard work in producing the first Homeland Security appropriations conference report. I also thank my own staff in this regard, and I thank all of the subcommittee members on both sides of the aisle and their staffs as well. While this conference report does not include sufficient resources to fund many of the new homeland security programs that this Congress authorized in response to the attacks of 9/11, it is a significant improvement over the President's request. I support its adoption.

The chairman would have done more if he had had more funds with which to do it. I again thank him for his many courtesies. I thank the floor staff and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his kind words, his compliments to me and the members of our staff. He also devoted a great deal of personal attention and effort to the development of this legislation, and his experience and good judgment have been invaluable in the presentation of this conference report to the Senate today.

I know of no other Senators who are seeking to speak on the conference report at this time. Not wanting to leave anyone out of the debate who wants to join in, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I will support the Homeland Security appropriations conference report today because this funding is vital to our first responders and all of those responsible for protecting us. I am disappointed that the conference committee rejected additional funding for first responders, port security grants, aviation security, additional Customs inspectors at our borders and other protective measures. At a time when homeland security should be a top priority, we should not be underfunding these programs.

In addition to inadequate funding, the grant formula that is used to distribute funding under the Office of Domestic Preparedness State Homeland Security Grant Program is inequitable and needs to be changed. This program distributes funds using a minimum State funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States, regardless of need. Many Federal grant programs provide a minimum State funding level to ensure funds reach all areas of the country. But the State minimum formula in this Department of Homeland Security appropriations bill, which is taken from the USA Patriot Act and sets aside 0.75 percent of the total funds as a base for each State, is unusually high and therefore inequitable. I will continue to work to change this formula so that funding is allocated in an equitable and reasonable manner.

I am also disappointed that this bill does not sufficiently address a problem known as "corporate inversions." As young men and women are putting their lives on the line for us and our country, some corporations have put profits before patriotism by pretending to reincorporate in Bermuda or some other offshore tax haven to avoid paying their fair share of U.S. taxes. This process is called corporate inversion. It is unfair, it is founded on a deception, it mistreats the average American taxpayer, and it undercuts U.S. corporations that do pay their taxes. A company simply set up a shell headquarters in a tax haven, while all the benefits of living in America remain, all the benefits we would hope to provide in this bill—for instance, protection, homeland security, police, fire, port security. They take advantage of all the other services which are provided to these particular corporations. But because a shell headquarters has been opened up for a few of these corporations in Bermuda, they have avoided paying taxes.

I am disappointed that the conferees chose to allow a special benefit to these unpatriotic companies to continue to exist. Back in July, when this body debated the bill before us, the Senate adopted the amendment I offered with Senator REID that disqualified these unpatriotic companies from competing for homeland security contracts. Unfortunately, the conference committee dropped this amendment from the bill, so those who have engaged in these so-called inversion transactions in past years can still enter into homeland security contracts.

They continue to use our roads and our law enforcement, our education system. They use our free-trade laws. But then they avoid paying taxes by opening up a post office box and a computer in a tax haven.

Inversions are unfair to the taxpayers who are left holding the bag and unfair to the U.S. companies that are doing the right thing by not inverting but who nevertheless are at a competitive disadvantage because of these sham moves. Those that engaged in these specious inversion transaction in past years can still enter into homeland security contracts—the current prohibition in the law only applies to future inverters, not those that did so previously. The competitive advantage these inverters enjoy vis-a-vis every other U.S. company, therefore remains undisturbed.

Senator REID and I, along with other of our colleagues, have introduced a bill that would deny tax benefits to U.S. companies that invert by continuing to treat them as U.S. companies for tax purposes. This bill would not only level the playing field between these companies and their U.S. competitors, it would also save other U.S. taxpayers from having to make up an estimated $4.9 billion in lost tax revenues over the next 10 years.

I hope that we will soon have an opportunity to act on this legislation in order to address this problem.

Mr. NICKLES. Mr. President, today we are considering the conference report to accompany H.R. 2555, the Homeland Security appropriations bill for fiscal year 2004.

I commend the distinguished chairman and ranking member. They and their staffs need to be congratulated on successfully reporting and conferencing the very first Homeland Security appropriations bill.

The pending bill provides $30.2 billion in total budget authority and $31.0 billion in total outlays for fiscal year 2004. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the program of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004: SPENDING COMPARISONS: CONFERENCE REPORT

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Conference Report:			
Budget authority	29,411	831	30,242
Outlays	30,110	847	30,957
Senate 302(b) allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	28,004	831	28,835
Outlays	28,581	847	29,428
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
Senate-passed bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	890	....	890
Outlays	373	....	373
2003 level:			
Budget authority	1,142	(58)	1,084
Outlays	2,552	29	2,581
President's request:			
Budget authority	1,407	....	1,407
Outlays	1,529	....	1,529
House-passed bill:			
Budget authority	....	....	....
Outlays	(390)	....	(390)
Senate-passed bill:			
Budget authority	890	....	890
Outlays	373	....	373

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 9/24/2003.

Mr. NICKLES. Mr. President, the conference agreement on the fiscal year 2004 appropriations bill for the Department of Homeland Security includes funding for the Project Bioshield proposal, a $5.6-billion initiative proposed in the President's 2004 budget to develop and purchase countermeasures to combat public health threats.

The appropriation itself is very unusual, providing 10 years' worth of discretionary program funding all at once, with $890 million for 2004 and essentially a gigantic $4.7 billion "advance" appropriation to cover the next 9 years. Further, this funding is being provided without authorization, since that bill, S. 15, has been blocked from consideration in the Senate by a small minority of Senators.

I am very concerned about appropriating this much money for any purpose without a proper authorization. I am equally concerned about protecting the integrity of the budget due to the proposal's unconventional use of advance appropriations authority. It is rare to provide 10 years' worth of appropriations to a program in one fell swoop, and it opens the door to future "piggy-banking" or redirection of those funds.

My colleagues may remember that Congress decided in the 2001 budget resolution to begin limiting the use of advance appropriations since they had become a way to avoid annual spending limits. The potential to abuse advance appropriations for scoring purposes was never more clearly illustrated that with the recent consideration of the Labor-HHS appropriations bill in the Senate, as amendment after amendment altered the timing of advance appropriations and claimed it as an "offset."

Since the potential for redirecting, rescinding, delaying, or accelerating the $4.7 billion Bioshield advance appropriation presents too great a temptation, the HELP Committee Chairman JUDD GREGG is working with me to prevent these abuses by creating a new scorekeeping rule to protect the unique purpose of this funding. The rule would ensure that any funding for Bioshield will be spent on that program, or not spent at all, by providing that any legislation changing the availability of the funds will not be scored for purposes of budget enforcement. However, until the authorization bill including our protections is enacted, the budget remains at risk.

Since the President originally requested that Bioshield be a mandatory spending program, the 2004 budget resolution did not provide for its consideration as a discretionary spending program. Thus, my colleagues should be aware that its inclusion in this bill subjects the entire bill to a 60-vote point of order.

I plan to take whatever steps are necessary this year, and in next year's budget resolution, to ensure that this program is properly authorized and that the integrity of the budget is protected. I look forward to working with our leader and my fellow committee chairmen in this regard.

Mr. McCAIN. Mr. President, the primary purposes of the Department of Homeland Security, DHS, are to prevent terrorist attacks within the United States; to reduce America's vulnerability to terrorism; and, to minimize the damage and recover from attacks that may occur. The fledgling agency has begun to address many of the challenges presented it, including the monumental restructuring of 22 domestic Federal agencies. The Appropriation Committee's role is to provide the DHS the funds necessary to continue to carry out its important missions. I am pleased that, in this first homeland security appropriations bill, the agency's priorities were, for the most part, placed above the special interests'.

The conference report and the accompanying Statement of Managers is relatively free of objectionable provisions. There are, however, a couple of provisions that merit the attention of my colleagues.

One such provision would prohibit any funds from being used to implement section 44922(h) of title 49. Interestingly, there is no such section under existing law.

So why have the appropriators taken action to prohibit the implementation of a provision of law that doesn't exist? Well, the FAA reauthorization conference report, which has yet to be voted on by the full Senate, includes such a section that we expect will become law as soon as we can take final action on the bill and send it to the President for his signature.

The FAA reauthorization conference report provision would provide $250 million per year to airports for capital costs associated with security at our Nation's airports. We received testimony during our many oversight hearings on aviation security that such costs could total almost $5 billion. Therefore, the FAA conference report appropriately provides funding for such costs.

Do the appropriators disagree that such funding is needed? Apparently not, since the DHS conference report actually contains on appropriation of $250 million—exactly the same amount as the FAA bill—for such costs. So what is behind the appropriators' actions?

Given that the DHS conference report doesn't provide an explanation, one can only conclude they want to ensure complete and total control, as usual, even if it means taking action to nullify a provision not in their jurisdiction and that has not even been enacted.

The funding under the FAA conference report is taken from the revenue collected by the $2.50 security fee imposed on all airline passengers. That fee was first established by legislation originating in the Commerce Committee after the September 11 attacks. The legislation also specified that the revenue could be used by the appropriators to help pay for the costs of aviation security.

The FAA conference report simply expands the uses of the fee revenue to include capital security costs at airports. The report also makes the money available directly to the Secretary of Homeland Security without further appropriation.

Our Nation's security, including the very important issue of aviation security, which the Congress has spent considerable time and attention addressing, should not be jeopardized due to needless jurisdictional fights. It is unfortunate that such a provision was included in such an important funding bill without any consultation with the authorizing committee of jurisdiction. I would hope we could do better for the sake of our Nation's security interests.

In addition, I am concerned about a provision in the conference report that would transfer funding for the Assistance to Firefighters Grant program from the Department of Homeland Security's Emergency Preparedness and Response Directorate to the Office for Domestic Preparedness.

The Assistance to Firefighters Grant program is a highly successful Federal program created to meet the basic day-to-day needs of our Nation's firefighters. The program uses a competitive, merit-based review process to distribute funds directly to fire departments demonstrating the greatest need. Grants under this program are used for improving local response to "all-hazards," including wildfires, hazardous materials accidents, tornadoes, floods, and structural fires, and are not solely for antiterrorism efforts.

I am greatly concerned about the effects of this transfer on the program. ODP has little experience at running merit-based programs, such as the Assistance to Firefighters Grant program. ODP is focused on counterterrorism, and may not have the experience necessary to understand the basic requirements of today's firefighter to deal with non-terrorism related disasters.

I understand that the administration's fiscal year 2004 budget submission seeks to transfer this grant program to ODP. However, changes to the Assistance to Firefighters Grant program should be made after a thorough review and subsequent legislative changes by the appropriate authorizing committees, not as a provision in an appropriations bill.

Compared to other appropriations measures, the conference report and Statement of Managers contain fewer objectionable provisions and earmarks. I would hope future appropriations measures follow suit.

Mr. COCHRAN. Mr. President, we have no other Senators who wish to speak on the adoption of the conference report on the Homeland Security appropriations bill. We are prepared to proceed to a vote on the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased that the Senate has acted favorably on this conference report. Before we leave the subject, I have to express my appreciation to the members of the staff of our subcommittee in the Senate on our side of the aisle who worked so hard to make this conference report a reality. This was breaking new ground; there is no precedent for this bill. This is a historic event and a lot of hard work went into writing the bill and guiding it to passage on the floor of the Senate and then working out our differences with the other body.

I am pleased that the Senate has unanimously adopted the conference report. I especially want to express my appreciation to Rebecca Davies, chief clerk of the subcommittee, and to the other staff members who assisted her in the hard work that was done in furtherance of our efforts to get a bill, including Les Spivey, Rachelle Schroeder, Carol Cribbs, James Hayes, and Josh Manley. They all deserve our thanks and congratulations for a job well done.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CAMPBELL. Madam President, speaking for the leader, as in executive session, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 358, the nomination of Larry Burns to be a U.S. District Judge for the Southern District of California. I further ask unanimous consent that the Senate proceed to a vote on the confirmation of the nomination; that following the vote, the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? The Democratic whip.

Mr. REID. Reserving the right to object, and I will not object, this is the 154th judge we have approved. As I recall, there are three we have not approved. It is 154 to 3. That is a pretty good record.

I also ask that the unanimous consent request be modified to allow Senator BOXER 2 minutes to speak prior to the vote on the nomination of Larry Burns.

The PRESIDING OFFICER. Does the Senator so modify his unanimous consent request?

Mr. CAMPBELL. I so modify the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2657

Mr. CAMPBELL. Madam President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 2657, it be considered under the following time limitation: myself, 10 minutes, Senator DURBIN, 10 minutes, and Senator STEVENS, 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the conference report be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Executive Calendar No. 572, which the clerk will report.

The legislative clerk read the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Mrs. BOXER. Madam President, we are about to have a vote on a judge. I wanted to take this time, 2 minutes, to offer my support for this nominee. I want to say this particular nominee for the Southern District Court of California, Larry Burns, is very qualified for this position. He is a native Californian. He is a graduate of Point Loma College and the University of San Diego Law School.

I want to emphasize the wide support Judge Burns has from law enforcement and civil rights organizations. His firm commitment to the law was well regarded while he was both a Federal and a State prosecutor. He has developed an equally respected reputation as a judge, due to his character and his legal expertise.

So I believe the Southern District will benefit greatly from the exemplary services of Judge Burns. I fully support confirmation of this nominee.

At a time when we have a lot of partisan discord, I think it is important to know that in California, Senator FEINSTEIN and I, working with the administration, have a wonderful process in place by which the two Democrat Senators get three people on a committee to pass judgment on these nominees and the administration appoints three people. Each nominee for the district court goes through our process and they are then recommended to the President on a majority vote.

What has happened is we have taken the politics, truly, out of this judicial selection process. We have come up with mainstream candidates. That is very important because I believed the President when he came forward and said he was going to govern from the center. When he puts forward judicial nominees who are from the center, who are not radical, who are not far to the right, I am the first one to support them, and I have supported well over 90 percent of them.

When it comes to voting for nominees who are off the scales and not representative of the values of America, I am the first one to say it is not right. We have a process in place for the district courts that I only wish we had for the higher courts—the circuit courts—because it isn't working that well. But it is working very well in the district courts.

Again, I urge my colleagues to vote yes on Larry Burns's nomination, and I hope it will be a unanimous vote.

Mr. LEAHY. Madam President, I am pleased that we are now turning to the nomination of Magistrate Judge Larry Alan Burns for the Southern District of California. This well qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's federal courts.

Judge Burns has been a United States Magistrate for the past six years in San Diego. Prior to becoming a Magistrate, Mr. Burns gained significant trial experience as a State and federal criminal prosecutor. Judge Burns has also served as a mentor to disadvantaged students, assisting them in achieving their educational and career goals. He was honored for his work in this area with a Faculty Mentoring Award from San Diego State University in 1996. In addition, he has taught legal courses at both the undergraduate and graduate school levels at several San Diego universities. In light of his remarkable record of public service and trial experience, it is not surprising that the American Bar Association was unanimous in its determination that Judge Burns is "Well-Qualified" to be a federal district court judge.

The Southern District of California the busiest federal district in the nation. Last Congress, in enacting the DOJ Reauthorization legislation, we created the seat that Judge Burns is nominated to in an effort to alleviate their staffing shortage. In light of their demanding caseload and corresponding staffing needs, the Judiciary Committee expedited nominations to the Southern District. Judge Burns was nominated on May 1, 2003 and was voted out of committee on September 4, 2003. It is unfortunate that Judge Burns and another nominee for this court have been pending on the floor all month but I am pleased that we are voting on Judge Burns today. The path of his nomination demonstrates that the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges.

Another consensus nominee for another vacancy in that district remains on the Senate executive calendar awaiting action. I implore the Senate Republican leadership to allow a prompt vote on the nomination of Dana Makoto Sabraw. I expect that vote to be unanimously in support, as well.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15.

The Judiciary Committee held hearings of Magistrate Judge Burns and others just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was three weeks ago. In addition to the nomination of Dana Makoto Sabraw, which is already favorably reported and on the Senate executive calendar awaiting action, two more nominees to two additional vacancies recently created for the Southern District of California should be considered and reported by the Judiciary Committee tomorrow.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

Mrs. BOXER. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma

(Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Dodd
Edwards
Graham (FL)
Gregg
Inhofe
Kerry
Lieberman
Specter
Sununu

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report to accompany H.R. 2657.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The Conference report is printed in the House proceedings of the RECORD of September 18, 2003.)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I am pleased to present the conference report to accompany the legislative branch fiscal year 2004 appropriations.

I thank Senator DURBIN and his staff for all their help and hard work. He was certainly cooperative in this process. I also thank Chairman STEVENS, chairman of the full Appropriations Committee, who has been extremely helpful in getting the conference report to the Senate.

The legislative branch bill totals $3.549 billion, just 2.5 percent of the fiscal year 2003 level. Highlights of the bill include funding of $220 million for the Capitol Police for a total of 1,592 police officers. In addition, the police would have authority to hire 75 civilian personnel to improve administrative operations and move about 30 officers from desk jobs to field jobs.

Funding is included for a mounted horse unit which will provide enumerable benefits for the police department. I understand they are working out an agreement with the Park Service to house the horses with the Park Service horses.

The bill also includes language that will move forward the merger of the Library of Congress police force with the U.S. Capitol Police to improve the security of the entire Capitol complex.

The Architect of the Capitol: Funds total $405 million, which includes $47.8 million for the Capitol Visitors Center so we can finally move forward and fill up that big hole that is outside our front door. The Visitors Center project funding is partially offset by using unobligated prior year funds.

The Library of Congress: Funds total $528 million for the library with funding going to such important programs as the veterans history project and the audio-visual conservation center being built in Culpeper.

The Open World Program is funded at $13.5 million. This program has been very successful in showing firsthand democracy and how we lead a country in democratic institutions to emerging Russian leaders and has been expanded to include certain countries of the former Soviet Union.

Funds are also included for the General Accounting Office, the Congressional Budget Office, and the Government Printing Office, as well as the House and Senate.

The supplemental appropriations portion totals $937.6 million in title III of this bill for the emergency supplemental items, such as additional funding for FEMA, which has been doing such a terrific job facing the number of natural catastrophes we have had in America this last year.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am happy to have worked with Senator CAMPBELL of Colorado on this fiscal year 2004 legislative branch appropriations bill. It is a good and fair bill. Considering our limited resources, I think it accomplishes many objectives. The bill totals $3.547 billion, which is $27 million below the Senate and $36 million above the House. The Senate portion totals $717 million.

The Capitol Police funding totals $220 million. The Architect of the Capitol funding is $405 million, including $47.8 million for the Capitol Visitors Center. The funding for the tunnel from the new Capitol Visitors Center to the Library of Congress is capped at $10 million. This is pursuant to an amendment offered by a conferee, Congressman DAVID OBEY of Wisconsin.

The Library of Congress total funding is $528 million. The Open World Leadership Center is funded at $13.5 million. I am especially happy to see the Visitors Center fully funded. This was quite a challenge for Congress but well worth the effort. Beyond everything else this center has to offer, security remains the top benefit.

Many of us can still recall vividly September 11, 2001, when in the early morning hours we were forced to evacuate the Capitol for fear that this building, this symbol of our great country, was under attack. We learned later from some of the sources available to us that the plane that was brought down by the heroic passengers in Pennsylvania was destined to crash into the U.S. Capitol Building, undoubtedly resulting in a lot of innocent people dying. The heroism of the passengers and crew on that United Airlines plane saved our lives, and we are forever grateful to them and their families for their extraordinary feats of bravery.

I can recall that day, going down the steps of the Senate onto the lawn, and standing there with thousands of people who didn't know which way to turn. Elderly tourists came up to me and said: "Where are we supposed to go, do you know?" The obvious answer was that there was no place to go. You could hardly direct those people or the visitors and staff and Members working in this Capitol Building to a safe location.

At the time, it was my honor to serve as chairman of the Legislative Appropriations Subcommittee, and I felt at that moment that I had to do whatever I could to accelerate the conversation leading to the construction of the Capitol Visitors Center—a place clearly to be designed for security and designed to accommodate the needs of the growing responsibilities of the U.S. Capitol.

I am happy to report that President Bush agreed and the leaders in Congress came to a similar agreement. And if anyone has visited Washington since then, they know we have a massive excavation taking place outside the Capitol Building, which, over time—a reasonable period of time—will be filled with an extraordinary engineering feat, a Capitol Visitors Center, which will give us security and a lot of the space we dearly need to serve the people of the country.

I am glad that this appropriations bill, among others, appropriates some $48 million for that purpose. It makes certain we are going to maintain our responsibility in seeing this through to its completion. We simply cannot afford to put the security of those who visit the Capitol and those who work here in jeopardy. Having been here on September 11, 2001, seeing so many people at a loss as to where to turn for safety, I understand we are going to give them the answer—the very best answer—when it comes to security when they visit one of the most well-known and important buildings in our entire Nation. This project deserves to go forward as planned, and it will when this conference report is adopted for this legislative branch appropriation.

I also wish to say a few words about the Capitol Police. After September 11, we spent a lot of time acknowledging the overtime and extraordinary courage of these men and women who protect us every single day. They had to change their family lives, their personal lives, and make a career commitment to all of us who work here, and they did it. We can never thank them enough for all they have done. Since then, we have tried to increase staffing as necessary and make certain that those who were hired—men and women—met the highest standards of all who have served before them. I am happy to say that funding for the Capitol Police totals $220 million.

The key differences from the bill we passed include no additional hires of sworn officers until they have a final strategic plan. One of the other things we do, though, is really take an important step forward in integrating the security force of the Library of Congress with the Capitol Hill Police. It is going to become, I hope, a seamless security force on Capitol Hill, and this is an important step forward.

We also provide for Library of Congress police officers to be hired by the Capitol Police and allow for their training by police officers in the Capitol Police Department.

We also make certain that several important projects at the Library of Congress are well funded: $528 million for the Library of Congress. There are funds for "Adventures of the American Mind" totaling over $8 million. From my personal experience, this has been a very successful project engaging the universities and colleges around the country and in my State of Illinois to discover what we have to offer at the Library of Congress. I encourage all who are following this debate to go to the Web site of the Library of Congress, and you will find an amazing array of opportunities for knowledge and information.

Mr. President, I am prepared to recommend to my colleagues when this conference report comes to the floor that they all vote favorably.

I thank Drew Willison, Nancy Olkewicz, and Pat Souders of my personal staff for their very hard work in helping prepare this legislative branch appropriations conference report. I think it is a product well worthy of the support of all Senators of both political parties.

I am prepared to yield the floor to my colleague from Colorado, if he is prepared to say a few words on behalf of the conference report. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I take this opportunity to inform the members of this distinguished body about H.R. 2657, the legislative branch appropriations bill for FY 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides $3.5 billion in new budget authority and $3.7 billion in new outlays for FY 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior-years and other completed actions, the Senate bill totals $3.6 billion in budget authority and $3.8 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is $73 million below the subcommittee's 302(b) allocation for budget authority, and is at its 302(b) allocation for outlays. The Senate bill is $312 million in BA and $130 million in outlays below the President's budget request.

In addition to providing appropriations for FY 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for FY 2003. The FY 2004 concurrent resolution on the budget, H. Con. Res. 95, established levels for FY 2003 and provided an allocation, pursuant to section 302(a) of the Congressional Budget Act of 1974, to the Committee on Appropriations for FY 2003 in the joint explanatory statement accompanying the resolution, see page 130 of H. Rept. 108–71.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

With regard to the emergency 2003 supplemental funding, the conferees did not fund all elements of the President's request, they did not exceed the total amount of his request, as adjusted for the supplemental FEMA appropriations already enacted in July.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS, 2004: SPENDING COMPARSIONS—CONFERENCE REPORT

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Conference Report:			
Budget authority	3,539	109	3,648
Outlays	3,737	109	3,846
Senate 302(b) allocation:			
Budget authority	3,612	109	3,721
Outlays	3,737	109	3,846
2003 level:			
Budget authority	3,620	104	3,724
Outlays	3,327	103	3,430
President's request:			
Budget authority	3,851	109	3,960
Outlays	3,867	109	3,976
House-passed bill:			
Budget authority	3,480	109	3,589
Outlays	3,599	109	3,708
Senate-passed bill:			
Budget authority	3,575	109	3,648
Outlays	3,689	109	3,798
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	(73)	....	(73)
Outlays	....	....	....
2003 level:			
Budget authority	(81)	5	(76)
Outlays	410	6	416
President's request:			
Budget authority	(312)	....	(312)
Outlays	(130)	....	(130)
House-passed bill:			
Budget authority	59	....	59
Outlays	138	....	138
Senate-passed bill:			
Budget authority	(36)	....	(36)
Outlays	48	....	48

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 9/24/2003.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the conference report is agreed to and the motion to reconsider is laid upon the table.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, SEPTEMBER 25, 2003

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 25. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee, and the remaining 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business the Senate then proceed to the consideration of the conference report to accompany H.R. 2658, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, tomorrow, following morning business the Senate will begin debate on the Defense appropriations conference report for 2004. We do not anticipate a great deal of debate on that important conference report prior to a vote on its adoption. In addition, the Senate will resume consideration of the DC appropriations bill. Senators therefore should expect rollcall votes throughout the day, and Members will be notified when the first vote is scheduled.

ORDER FOR ADJOURNMENT

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks to be offered by Senator PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATIFYING THE DO-NOT-CALL REGISTRY

Mr. PRYOR. Mr. President, I rise today to support legislation that would clearly allow the Federal Trade Commission to move forward with its national do-not-call registry. I have submitted an amendment to that effect, amendment No. 1786 to the DC appropriations bill, as well as cosponsored S. 1652, a bill to ratify the do-not-call registry provision of the telemarketing sales rule. As we have heard today, the U.S. District Court in Oklahoma issued a decision that the Federal Trade Commission lacked the authority to develop its national do-not-call list. The court ruled that, although Congress appropriated the funds to the FTC in order to have the program, it did not actually have the language necessary to authorize the establishment of the program and the implementation of the program.

Today, I rise in support of my proposal that would basically give the Federal Trade Commission the clear authority and the statutory responsibility to establish a national do-not-call program. In addition, it affirms the finding that the Federal Trade Commission was authorized in the Telemarketing and Consumer Fraud and Abuse Prevention Act to implement and enforce the national do-not-call registry.

Last, it specifically ratifies the do-not-call registry provision of the FTC's telemarketing sales rule.

Before I was elected to this august body, I had the great privilege of being the attorney general of my State. I remember back in 1998 when I ran for attorney general of Arkansas, everywhere I would go, every little town I would go into, and every time I would talk to a group, whether it was veterans or whoever it happened to be, senior citizens or townspeople at large, they would tell me: Please, please, if you can do anything about telemarketers calling us at home and bothering us and trying to sell us something over the telephone, do it.

I was proud to do that. When I was elected to the office and began serving in January of 1999, the first thing I did was pull the staff together at the attorney general's office and write the State's do-not-call program. It was very different from the one the Federal Trade Commission came up with but both are equally good. They both get to the problem and I think can be very effective fighting against unwanted telephone calls.

Listen, we have all been there. We have all received those calls. We have all been eating dinner, trying to put our children down, trying to do homework, or watching our favorite TV show, whatever the situation might be, when we have been subjected to these unwanted calls. For most people it is an inconvenience. They don't like to be bothered. They want us to find a way to respect the integrity of the privacy of their own homes. After all, they are paying the phone bill; they are paying for the service. They should be able to have some control on the amount of calls coming in and to put a stop to these unwanted calls. Some of the phone companies actually offer a service that blocks calls from people who block their caller ID. That is another subject. That can be fairly expensive for some consumers. It's not always expensive.

The Federal Trade Commission came up with an idea to do this nationwide, to do it free, and to do it by use of toll-free numbers and Web sites allowing people to sign on. In fact, I signed on in the first week because one thing I noticed in Virginia is they do not have do-not-call laws, as far as I can tell, and we get bombarded in our home in Virginia. Unlike in Arkansas where we signed up for the AG's list and we may get one or two telemarketing calls a month, in Virginia we get 3 or 4 a day, and it seems they always try to call at an inopportune time.

One thing I noticed, one fact that apparently is true, as I understand it, the Federal Trade Commission now has 50 million phone numbers that have been registered under the Federal do-not-call program. Fifty million Americans can't be wrong. They want relief. They want us, as their lawmakers, as their elected Representatives here in Washington, to do something to stop these calls.

The Federal Trade Commission, to its credit, and I appreciate them greatly for doing this, tried to come to their aid, come to their assistance, to make a national do-not-call registry a reality.

I think this is something the Nation is ready for. Fifty million people have already tried to sign up in the first few weeks after the announcement of the national do-not-call program. It is something we as Members of this body and as Members of the Congress, of the Federal Government, should try to do to ensure that the people of this country, if they want it, on a voluntary basis, can have some relief from unwanted telemarketing calls.

Congress mandated that this list be implemented on a national scale, and the President signed it into law. The legislation I am proposing now clarifies our intentions, and I certainly ask my colleagues to support the legislation in any way they can. I hope we will have a vote on this matter in very quick order.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET TAX NON-DISCRIMINATION ACT OF 2003

Mr. FRIST. Mr. President, S. 150, the Internet Tax Non-discrimination Act of 2003, will be referred to the Finance Committee for a brief 30-day review. As many of my colleagues are aware, this consensus legislation was unanimously approved by a voice vote by the Senate Commerce Committee on July 31. In addition, the House passed a similar measure on September 17. The current moratorium ends on November 1 and I am committed to acting before it expires.

As the strong bipartisan support of these measures indicates, there is a growing consensus that the Internet should never be singled out for multiple or discriminatory taxation. Rather, the unprecedented benefits of the Internet to our society and economy should be encouraged by policymakers. I am confident that the Finance Committee's review of this matter will confirm Congress' intent to permanently extend the moratorium, and I look forward to an expedited and non-controversial review of this matter as a member of the committee.

NORTHERN KENTUCKY UNIVERSITY'S METROPOLITAN EDUCATION AND TRAINING SERVICES PROGRAM

Mr. McCONNELL. Mr. President, I rise to pay tribute to Northern Kentucky University's Metropolitan Education and Training Services, METS, program. The ceremony to formally dedicate the METS center is scheduled for this morning in Boone County, KY.

The rapid rate of economic growth in the Northern Kentucky/Cincinnati metropolitan area has created a need for better-trained workers. In an attempt to address this problem, Northern Kentucky University has developed an innovative partnership with the Tri-County Economic Development Corporation, the Northern Kentucky Chamber of Commerce, the Greater Cincinnati Chamber of Commerce, and Delta Air Lines. The partnership ensures that the workforce has the skills needed to promote the region's growth.

Businesses that need educational services or a certain skill-set for its employees can contact METS, who will work with Northern Kentucky University to design the appropriate curriculum. If Northern Kentucky University does not offer a particular set of classes, METS arranges for students to take classes at other institutions via the Internet or Tele-conferencing.

The opening of this new state-of-the-art corporate training center is exciting for the region's business community and Northern Kentucky University. I am confident that METS can serve as a model for rapidly growing metropolitan communities, and I am pleased that this facility is in the Commonwealth. I ask my colleagues to join me in recognizing the official dedication of Northern Kentucky University's METS center.

FCC MEDIA OWNERSHIP RULES

Mr. BAUCUS. Mr. President, I rise today in support of Senator DORGAN's effort to overturn the Federal Communication Commission's media ownership rules. I commend Senator DORGAN on his resolve to work with his colleagues in a bipartisan manner to bring forward a commonsense solution to this pressing issue.

Every 2 years the FCC is required to review its media ownership rules. This most recent decision to roll back media ownership limitations was the most sweeping in a generation. Was it in response to the American people asking for this reform? No, in fact over 2 million Americans contacted the FCC opposing the rule changes. In my office, I received over 1,000 letters from Montanans opposing the decision. It seems that the FCC turned a deaf ear to the will of the American public. I hear them loud and clear.

I support Senator DORGAN's effort for three basic reasons: diversity, localism, and economics. First, if America is to have a vibrant democracy, one where our citizens are free to express their views and have equal accessibility to the news, we as policymakers must protect that right. The FCC's decision allows large corporations that already have considerable clout over what we hear and see to further consolidate. The decision allows TV networks to own more stations reaching more Americans. Even worse, these same stations could own the local newspaper in the same market.

We as Americans must have access to diverse news and information. The FCC's decision runs contrary to this axiom and would allow a few large television stations to reach nearly one-half of the viewing public. If the UHF discount is factored, nearly 90 percent of our Nation's households could be covered by one entity. Diversity is jeopardized when one company has this much leverage over what we see and hear.

Senator DORGAN has pointed out that localism is being lost to the bottom line. I cannot agree more. A generation ago, Americans sat around the radio and listened to local news. We huddled around the TV to watch our local news anchor give us the latest information about our communities. Today, news and information is being portrayed as local, when, in reality, it is being broadcast to us from hundreds or even thousands of miles away. Instead of broadcasting news about our communities from our communities, media companies are broadcasting about our communities even though they are nowhere near us. This is not localism and we should not stand idle to this emerging trend.

This decision has the potential to cause job loss in Montana. In Montana we have many "mom-and-pop" newspapers and television stations. Typically, these companies serve the rural areas of our State and do a tremendous job reporting about local activities and news. And they are often owned and operated by local citizens living in the communities they serve. And very often they are run on a very tight budget. The FCC's ruling jeopardizes our local stations and newspapers because these new larger companies will be able to squeeze these companies out of the market through advertising revenues with sheer economic clout. With additional leverage over the media landscape, these small, rural companies will find it harder and harder to compete and keep their doors open. As Montana's senior Senator, I will fight to protect our small TV and newspaper owners.

While I disagree with a majority of the FCC's decision, I would like to point out for small market broadcasters to survive, they may need the chance to utilize duopolies and other means to stay in business. And while I am concerned about the broad sweeping changes the FCC made, I remain cognizant of the fact that small market broadcasters may potentially need to utilize the very changes we may revoke today, and I will work with my colleagues to find market relief for these small broadcasters when warranted.

Over the next several months we will continue to argue the merits of this issue. However, I will only support any legislation that protects diversity, localism, and Montana's small businesses.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Berkeley, CA. On May 12, 2003, the victim, a 23-year-old male Sikh wearing a turban, was assaulted while on an evening walk at the University of California. The attacker, and his two male companions, started to walk past the victim, then yelled, "Taliban, look out!" The suspect punched the victim in the nose then pushed him to the ground. The suspect later pulled the victim back to his feet and the men left the scene on foot.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CMS' PROPOSED CHANGES TO THE 75 PERCENT RULE

Mr. NELSON of Nebraska. Mr. President, I would like to express my concern with a proposed rule by the Centers for Medicare and Medicaid Services, CMS, that would threaten the ability of rehabilitation hospitals to continue to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally recognized premier rehabilitation facility that offers specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and other rehabilitating injuries. If this proposed rule goes into effect, Madonna would not be able to offer the same critical care to its patients as it currently does.

When CMS first looked at whether facilities would qualify as an IRF, a list of criteria was created to determine eligibility. The current criteria, generally referred to as the 75 percent rule, were established in 1984 and have not been updated since then. To qualify as an IRF under the 75 percent rule, 75 percent of a facility's patients must be receiving treatment for one of 10 specified conditions. Because the rule has not been updated in almost 20 years, newer rehabilitation specialties are not reflected and, therefore, are not counted in determining facility compliance with the 75 percent rule.

Since the 75 percent rule was implemented, IRFs have argued that the list of conditions should be expanded to reflect advances in modern rehabilitation medicine. The need for new rehabilitation specialties to treat cardiac, pulmonary, cancer, and other conditions was not even foreseeable when the 75 percent rule was implemented. Yet CMS has repeatedly refused to update the rule—even after implementing a payment system that specifically recognizes many more conditions than the 10 listed in the 75 percent rule.

On September 9, 2003, CMS published proposed modifications to the outdated 75 percent rule. I commend CMS for recognizing the need to update the regulation. Unfortunately, I believe that the proposed changes do not go far enough and may have serious consequences for Medicare beneficiaries and other patients who need inpatient rehabilitative care.

On its face, it appears that CMS expanded the rule by increasing the number of conditions from 10 to 12 and by lowering the percentage threshold from 75 percent to 65 percent. However, this "expansion" is illusory. The proposed rule will, by CMS's own estimate, reduce Medicare payments to IRFs by $223 million annually and shift hundreds of thousands of patients—both Medicare and non-Medicare—into alternative care settings that may be inappropriate.

It is worth noting that Congress gave CMS a directive to implement the rehabilitation prospective payment system in a budget-neutral manner. Yet this rule—without any congressional directive—seriously cuts rehabilitation hospital funding.

Although CMS expanded the number of conditions from 10 to 12, it did so by replacing one of the existing conditions—polyarthritis—with three new conditions that collectively are much more narrow than the original condition. CMS acknowledges that the industry historically has understood hip and knee replacement cases to fall within the definition of "polyarthritis." Unfortunately, CMS now proposes to count joint replacement cases only if the patient has made no improvement after an "aggressive and sustained course of outpatient therapy."

This means that, instead of being directly transferred from an acute care hospital to an IRF, the patient will be forced into a skilled nursing facility, SNF, and/or outpatient therapy before being eligible for inpatient rehabilitation. IRFs would become a setting of last resort, and patients who might have returned to function after a brief IRF stay will be forced to endure weeks if not months, of therapy in other settings that may be inappropriate before being admitted to an IRF.

CMS also proposes to lower the threshold from 75 percent to 65 percent for a three-year period to give facilities time to come into compliance with the new criteria. Although this change is an improvement, it simply does not go far enough to prevent a significant negative impact on rehabilitation patients and providers.

RAND data indicate that only about 25 percent of IRFs, at most, could meet a 65-percent threshold under the current list of 10 conditions. Since the proposed rule actually narrows the agency's interpretation of arthritis-related conditions, the percentage of facilities that could comply with the revised list of conditions is probably lower. This means that, even under a 65 percent standard, at least 75 percent of facilities will be deemed out of compliance if CMS finalizes the proposed rule.

The proposed rule glosses over the negative impact that this dramatic shift will have on patients by assuming that all sites of care are equally effective and equally available. But I am very concerned about the impact that the proposed rule would have on patients living in rural areas, where alternative sites of rehabilitative care may be unavailable or highly inconvenient. Where SNF beds are scarce and few home health providers offer physical therapy services, these patients could be forced to travel long distances for daily outpatient care in a weakened state, risking reinjury and rehospitalization.

Because compliance with the proposed rule will hinge on an IRF's total patient population, not just its Medicare population, CMS estimates that the proposed rule "may have an effect" on approximately 200,000 non-Medicare patients. CMS was not able to quantify or describe this effect because of inadequate information. In my opinion, it would be irresponsible to implement this rule without further studying its likely impact on Medicare beneficiaries, non-Medicare patients, rehabilitation providers, and the Medicare Program.

The Medicare Payment Advisory Commission, MedPAC, agrees that the rule needs to be updated. In a July 7, 2003, letter to CMS Administration Tom Scully, MedPAC Chair Glenn Hackburth proposed that CMS lower the threshold to 50 percent for at least a year to enable an expert panel of clinicians to reach a consensus on the diagnoses to be included in the 75 percent rule.

I agree with MedPAC and worked with Senator JIM JEFFORDS to file an amendment to the Labor, Health and Human Services and Education Appropriations bill that would have implemented MedPAC's recommendations.

I decided against offering my amendment for a vote, but I leave open the possibility of offering the amendment on another vehicle if CMS does not take appropriate action. I hope that the 75 percent rule can be updated to ensure that my constituents and all Americans continue to have access to necessary medical rehabilitation services.

HONORING OUR ARMED FORCES

Mr. McCAIN. Mr. President, I was recently informed of the passing of MSG Al Bland, USAF Ret. This distinguished veteran of the United States Air Force served his country admirably for 20 years. His military career included service during World War II, where Master Sergeant Bland was ordered to beach defense on the Bataan perimeter. Captured at Bataan in April of 1942, Master Sergeant Bland survived the Bataan Death March, carrying another soldier for most of the journey. As a POW, Bland was imprisoned at Camp O'Donnell in the Philippines, later on a Japanese Hell Ship and finally in Manchuria. He was finally released from prison camp in 1945, after three torturous years. As a result of his combat, he was 100 percent service related disabled.

The list of awards Master Sergeant Bland received for his valiant service include the Bronze Star and the Purple Heart. Upon completing his service, Master Sergeant Bland became a leader on POW related issues for many years. He was instrumental in establishing the Andersonville National Park and was awarded the POW Medal by President Reagan in 1988. I was fortunate enough to work with Master Sergeant Bland and more importantly call him a friend. Master Sergeant Bland was a true patriot and he will be sorely missed and by a grateful nation.

DO NOT CALL REGISTRY

Mr. KOHL. Mr. President, regrettably, a Federal judge in Oklahoma has voided the Federal Trade Commission's national "do not call" list that was set to go into effect on October 1. This action frustrates the wishes of more than 48 million Americans who have signed up for the "do not call" list. Though a judge ruled that the FTC lacked Congressional authority to create the national list, I strongly disagree and believe that Congress explicitly granted the Commission both the authority and the funding earlier this year to create a "do not call" list.

Indeed, absent Congressional action, the FTC's "do not call" list would have failed to have become a reality this year. I recall discussing the matter with FTC Chairman Tim Muris at a hearing before the Antitrust Subcommittee last September. He asked me for help in getting Congressional authority in order to raise fees necessary to implement the "do not call" list. We were able to grant the Commission this authority in the Consolidated Appropriations Resolution which passed in February of this year. We further authorized the FTC's initiative in the Do-Not-Call Implementation Act on March 11, 2003.

These actions more than authorized the FTC's "do not call" list, in my view. That said, this bill will make it crystal clear that Congress endorses, supports, and authorizes the FTC to create a national "do not call" registry.

I commend the FTC's hard work to create a national "do not call" list. Such action was long overdue. The deluge of telemarketing sales calls is the number one consumer complaint in this country. It is a problem that has gotten out of control. The average American receives two to three telemarketing calls per day. I often receive even more than that. Some estimate that the telemarketing industry is able to make 560 calls per second or roughly 24 million calls per day. No wonder people feel like they are under siege in their own home. Therefore, we in Congress acted to ensure that the FTC's "do not call" list became a reality. Should we need to do more to overcome a court's objections, we can and shall do it.

Given the enormous response of nearly 50 million Americans who have signed up in less than 3 months, the "do not call" list is clearly needed. Though I am troubled by the court's decision, we can set the record straight and authorize the FTC's action. I urge quick passage of this legislation, so that the "do not call" list can start up as scheduled on October 1, 2003.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHELBY. Mr. President, I rise today in support of H.R. 3087, the Surface Transportation Extension Act of 2003. This bill, which was crafted in a bi-partisan, bicameral fashion will extend the Federal transportation programs for an additional 5 months to February 29, 2004.

The Transportation Equity Act for the 21st Century expires on September 30 of this year. Legislation is necessary to carry on the essential functions of the highway, highway safety, motor carrier safety, transit and other programs that are recipients of highway trust fund money. This bill accomplishes just that. It funds the programs at five-twelfths of the fiscal year 2004 budget conference report level.

H.R. 3087 is a clean reauthorization of these programs. This bill contains no new projects and no new programmatic changes. It simply extends TEA–21 and current provisions of transportation law. As the chairman of the Banking Committee whose jurisdiction includes the reauthorization of the transit title of TEA–21, I was hopeful that, working with the chairman of the relevant committee, we would have achieved passage of a multiyear bill. As funding levels and an appropriate source for those funds have yet to be identified, that proved to be impossible.

While I am not overly confident that 5 months of negotiating will resolve this problem, I support this piece of legislation. I believe it is essential that we continue to authorize our Nation's highway and transit infrastructure. I think this necessary stop-gap measure is the way to achieve that. I recommend the bill to my colleagues and ask for their support.

ADDITIONAL STATEMENTS

HONORING JUDY HADLEY OF LINCOLN, RI

• Mr. CHAFEE. Mr. President, I would like to share with my colleagues a story demonstrating one person's ability to protect the environment from the threat of pollution, for the benefit of wildlife and human enjoyment, alike.

Thirty years after the passage of the Clean Water act, the Blackstone river has shaken off a legacy of neglect and re-emerged as a vital community asset. The water quality has improved, a bikeway is under construction, and mill buildings are being restored as apartments and condominiums. The National Park Service is promoting a new appreciation for the work and culture of the families who have made the Blackstone Valley their home. And just last week, I joined the Army Corps of Engineers in celebrating the restoration of wetlands in a floodplain that had been paved over for 50 years. So there is a great deal of activity on the banks of the Blackstone.

While the federal government has been a major player in the river's rebirth, none of these exciting developments would have been possible without the personal commitment of Blackstone Valley residents. It is their hard work and, more importantly, their heightened vigilance and renewed sense of ownership of the river, that have helped it to thrive.

Once such resident is Judy Hadley of Lincoln, RI—a town of about 21,000 people, located on the Blackstone River. As the chair of the Lincoln Land Trust, Judy is a staunch defender of her town's remaining open spaces and a passionate advocate on behalf of the Blackstone. She is active a number of other local organizations, including the Friends of the Blackstone River, the Blackstone River Watershed Council, and the Lincoln Tree and trail Commission. She has organized river clean-ups and educated her fellow residents about the impact that stormwater has on the Blackstone and its wildlife population.

For many years, a 60-ton excavator sat abandoned on a manmade island in the river—a relic of an old gravel mining operation. It was an eyesore and a potential environment hazard. Two years ago, Judy Hadley went to work:

canvassing State and Federal authorities, trying to find the best solution for this problem. No agency seemed to have the right equipment or the resources to handle such an unusual request, but Judy persisted. If she could have dismantled it herself and taken it away piece by piece, I think she would have.

Fortunately, Mr. President, it did not come to that. Last year, the Rhode Island Department of Environmental Management removed more than 300 gallons of diesel fuel and other fluids from the machinery. The excavator itself was finally taken away this summer by the Army Corps via a temporary land bridge, as part of the wetland restoration project that I mentioned earlier.●

IN TRIBUTE TO JOHN CARL WEST

● Mr. HOLLINGS. Mr. President, John Carl West was the smartest in our class of 1942 at The Citadel. I will never forget in the political science course COL Carl Coleman would pass around Time magazine's current accounts test. John was the only one who knew all the answers each time and he was long on common sense to go along with his brilliance.

At a later time I want to detail his contributions to our State and Nation, but the article in The State newspaper in Columbia, SC, appearing on September 21, has a pretty good summary of it. I ask that it be printed in the RECORD.

The article follows.

[From the State, Sept. 21, 2003]

WAY AHEAD OF HIS TIME

(By Aaron Gould Sheinin)

HILTON HEAD ISLAND.—At 81, former Gov. John West is no lion in winter, no aged warrior. He is, as he's always been, a dove.

Battling cancer, West goes to his Hilton Head Island law office each morning. He still wears a tie and his trademark horn-rimmed glasses.

Nearly 33 years after South Carolinians answered his campaign call to "elect a good man governor," several projects are under way to ensure that West's legacy endures. That legacy will center on his progressive stands on race.

"My whole ambition and my whole thrust was to first get the state's racial relationship in better order," West says from his law office conference room, an expanse of saltwater marsh visible beyond a wall of windows.

A biography is in the works, and, at USC, an oral history and archive are complete. Also, a new program, called the West Forum, will perpetuate the Kershaw County native's interest in state government and policy.

As state senator, lieutenant governor and governor, West was out front on improving race relations when doing so meant you and your family got death threats from the Ku Klux Klan leader who lived less than a mile from your home. He also was out front on race relations in South Carolina when that meant you did not win elections.

And yet West did.

West, who once carried a pistol for protection, helped carry the state out of segregation. He created the state Human Affairs Commission and appointed Jim Clyburn to be the first black senior gubernatorial aide. He fought for better health care for all, for increasing teacher pay and stabilizing the education system.

West vetoed a capital punishment bill because, he said then, "I do not believe man has the right to take a life that only God can create." For a state still escaping the scourge of lynchings, West's actions spoke volumes to blacks, African-American leaders say. The Legislature, however, overrode the veto.

Later, West was U.S. ambassador to Saudi Arabia under President Jimmy Carter, choosing the posting over more pleasant locales.

SAW ENORMOUS POTENTIAL IN BLACKS

Now, West has a new fight, against cancer. Kind and polite, he declines to talk about his illness. But he's being treated at MUSC in Charleston, where, he says, the Hollings Oncology Center is a terrific asset for the state.

A self-described "old politician," West is pleased to remember the days when his beliefs were considered shocking by some. "In the election of 1970, I probably wouldn't have been elected without the black vote," West says. "The fact that we had relegated a large percentage of our people to service jobs, to limited education, limited opportunity, was just not smart. I felt that if we could unleash that potential, it would be a great boon for South Carolina. I like to think I was right about that."

For today's Democratic candidates, attracting the black vote is necessity and norm. In West's heyday, it was "almost revolutionary," he says.

Former President Carter and West became friends when both were governors, Carter in Georgia. Carter calls West a trailblazer in race relations. "He was and has always remained way ahead of his time, not only in race relations, but also in a deep commitment to make sure that every citizen of South Carolina was given an opportunity for good education and health care," Carter says. "His heart was in the right place and still is."

WEST "BELIEVED STRONGLY IN GOOD"

In his 1971 inaugural address, West said South Carolina must "in the next four years eliminate from our Government any vestige of discrimination." Sitting in the crowd at the State House was newly minted state Rep. I.S. Leevy Johnson of Columbia, one of three African Americans elected that November to the House, the first blacks to serve since Reconstruction. West "changed the course of South Carolina history" when it came to relations between blacks and whites, Johnson says. "People recognized him as a person who believed strongly in good."

Clyburn believes he should have been in the crowd that day, too, as the fourth black House member. But the future congressman went to bed on election night believing he had won by 5,000 votes, only to wake up the next morning and be told that a counting error had been discovered. He'd lost by 5,000 votes.

When West asked him a week after the election to come to Columbia and work for him, Clyburn was reluctant. "I told him," Clyburn remembers, "that I didn't think it would be a good fit. I thought my politics and his may not have been suited for each other." But West "looked at me and said something I've never forgotten. He said, 'If I had your talent and I was black, I'd be more militant than you are.' And so I went to work for him."

After two years on the governor's senior staff, West appointed Clyburn to lead the Human Affairs Commission, the first state agency charged with fighting discrimination in employment, housing and public accommodations. Twenty years later, Clyburn became the state's first black congressman since Reconstruction.

"JUST A SENSE OF RIGHT AND WRONG"

Through the turbulent 1950s, '60s and early '70s, West was the rare politician for whom race had not been anathema. "I had worked with blacks all my life," West says. "I had plowed fields with them, went through the Depression with them. I had no hatred of blacks. I guess it was just a sense of right and wrong."

It was that sense that led him to cross paths with the Klan. In the 1950s, when West was in the Senate, the doomed segregationist mantra of "separate but equal" was still the law in South Carolina.

The band at the white high school in Camden was accomplished and decorated. The band at the nearby black high school was not. So the white band teacher offered to help the black band improve. He was beaten nearly to death by the Klan, West says. When the Kershaw County sheriff didn't seem too concerned, West approached J.P. "Pete" Strom, legendary director of the State Law Enforcement Division.

Strom's agents bugged a Klan hideout and within a week had made arrests. When a grand jury refused to indict the Klan leaders, West eventually worked against the Klan in a related civil suit. "The Ku Klux Klan threatened my life, ran my wife off the road," West said. "There were some questions there for a while of who was going to win, between me and the Klan."

West's wife, Lois, also was not one to be intimidated. "She was known as a crack shot," West says, emotion choking his words as he remembers his wife's brave actions at the time. "She sent word to the grand dragon that if anything happened to me, don't worry about the grand jury—she was going to kill him."

HELPED EASE RACIAL TENSIONS

In 1966, West was elected lieutenant governor.

In 1970, he ran for governor against Albert Watson, the state's first Republican congressman since Reconstruction. Watson had the backing of two top Republicans—U.S. Sen. Strom Thurmond and President Richard Nixon, who "campaigned harder for my opponent than my opponent did," West says.

Watson spoke against forced integration of schools. Days before the vote, he rallied a group in Darlington County upset over court-ordered busing. Soon after, a group of whites overturned two buses of black children in what became known as the Lamar riot. Several children were injured and more than two dozen arrests were made.

In the 1970 election, West won nearly 54 percent of the vote as African-Americans went to the polls in record numbers. Just days later, Thurmond hired Tom Moss, the first black aide to work for a Southern U.S. senator. The segregationist Thurmond began his conversion then into a racial moderate, West says, and "saw the light with that election."

One biographer wrote "when John West entered office, racial tensions had never been higher. By the end of his term, relations between blacks and whites had never been better."

IT'S A PEOPLE GAME

About the time West was leaving office in 1975, Carter was running for president.

"There were 49 other governors," Carter says, "and John West was my favorite of all."

Carter thought so highly of West that he offered him an ambassadorship. He was told to pick a country where "the living was nice," West remembers. Instead, he chose Saudi Arabia. The Middle East was just three years removed from the bloody war between Israel and its Arab neighbors. West wanted to be of use.

"People ask me how did I get along as well as I seemed to" in Saudi Arabia, West says. "I told them that the Saudis' religion was different, government was different, language, of course, was different.

"Politics was amazingly like South Carolina. It's a people game." Whatever it was, Carter says, West had it down. "That was the most challenging place in the world then," says Carter, who negotiated peace between Israel and Egypt. "The Saudis were a great potential problem for us," he says, "but because of John's unprecedented good relations with the Saudi leaders, it was not."

A GOOD MAN GOVERNOR

When West was still on the 1970 gubernational campaign trail, one of his closest advisers was Crawford Cook, a local Democratic activist still on the state's political scene. They needed a slogan, Cook remembers.

They tried several.

Then someone suggested "probably the most appropriate slogan we ever put together," Cook said: "Elect a Good Man Governor." Former Gov. Dick Riley, a West friend and supporter, says history books undoubtedly will say South Carolina did just that in 1970.●

HONORING DR. TODD PALMER

● Mr. HARKIN. Mr. President, today I come to the floor to pay tribute to Dr. Todd Risley of Palmer, AR on the occasion of his retirement.

I recall meeting with him a number of years ago regarding his book "Meaningful Differences" which taught us profound lessons about the processes by which children learn language. This seminal effort is a part of his lifetime of work that has improved knowledge and practice across a broad spectrum of issues in human development, especially for individuals with developmental disabilities.

Whether by developing innovative educational methods such as incidental teaching and correspondence training, or by designing major paradigm shifts and system changes in strategies for delivering services, his remarkable vision and prodigious research and writing have literally revolutionized the process and outcome of supporting people who challenge our knowledge and resources.

As a pioneer in the field of applied behavior analysis and through his decades of contributions since, he will always be remembered as a scientist with a soul.●

HONORING DR. MONTROSE WOLF

● Mr. HARKIN. Mr. President, I am pleased to honor Dr. Montrose Wolf of Lawrence, KS.

I share in the celebration of his remarkable career, one that has been singularly dedicated to the betterment of others, particularly children who have challenged our educational and clinical knowledge and services.

Dr. Wolf is universally acknowledged as a founder of the field of applied behavior analysis, its principles and its practices. As the creator of its premier journal and author of its most definitive articles, he disseminated this burgeoning science to professionals who theretofore were resigned to study human behavior in laboratory settings only. Of equal importance, his demonstrations of the power of these principles and methods in effecting significant positive outcomes in people with real challenges set the stage for all that followed in the educational and clinical practices in widespread use today.

Among many other notable contributions, Dr. Wolf's Teaching Family model revolutionized systems and supports for disabled, troubled and at-risk boys and girls, and enhancing the lives of well over a million youth through the Boys Town program and Teaching Family homes around the Nation.

Dr. Wolf's life and career have truly embodied the belief that the meaning of a good and worthwhile life is to give rather than receive. No one has given more of their talents and time. To his colleagues, consumers, and champions of children everywhere, he is a true hero.●

HONORING OUR ARMED FORCES

● Mr. LIEBERMAN. Mr. President, one of the most solemn duties that any Senator has is the memorializing of a constituent who has fallen in the line of duty in a far-away land. This is the fifth time I stand to do so, and on each occasion I am reminded of the remarkable character and quality of this generation of Americans; I would hope that their supreme sacrifice is noticed and remembered by their fellow citizens. But all too often the din of daily life in the 21st century threatens to drown out the news of the steady stream of allied casualties in Iraq. It is our duty to make sure that the rolls of the dead and wounded are read aloud: read, heard, and honored.

Therefore, Mr. President, I wish today to fulfill a sacred obligation, and to honor United States Army Sergeant David Travis Friedrich, of the 325th Military Intelligence Battalion out of Waterbury, CT.

Sergeant Friedrich was killed when mortar fire struck the base he was stationed at near the Abu Ghraid prison to the west of Baghdad. He died a true soldier; he died at his post.

Sergeant Friedrich was raised in upstate New York, he attended Brockport State University, and he was accepted into the forensics studies program at the University of New Haven in the Spring 2000. But while the Sergeant was a New Yorker by birth, his studies and work in Connecticut and his role in a Connecticut Battalion, the 325th to be precise, makes him an honorary son of our State.

It is a sad thing indeed for parents to bury their child, and I imagine that few words of solace spoken in this Chamber by the representatives of New York and Connecticut will penetrate the shroud of grief that must surround the Sergeant's family. With that in mind, however, I say this: know that as you grieve, a grateful Nation grieves with you. You are not alone in this time of sorrow, and your son's sacrifice will never be forgotten.●

NATIVE AMERICAN BUSINESSWOMAN OF THE YEAR, KARLENE HUNTER

● Mr. JOHNSON. Mr. President, I wish to publicly congratulate Karlene Hunter, of Kyle, SD, for receiving the Native American Businesswoman of the Year award at the National Indian Business Association Conference.

Karlene Hunter understands what many business owners have learned: owning a business requires talent, know-how, and a lot of hard work and perseverance. Karlene saw a need in her community and started Lakota Express, Inc., the only direct marketing and telemarketing company in the United States that is Indian-owned and operated. Lakota Express, Inc., employs trained professionals that have exceptional marketing skills. Because the company has provided telemarketing and direct mailing services for various organizations, it has an impressive track record of success.

Lakota Express, Inc., has become a valued member of the Pine Ridge community and is truly a South Dakota success story. For the past 5 years, Karlene has worked as CEO of Lakota Express, and has followed her dream of building a small business run out of her basement into the company that has raised $10 million to fund the Oglala Lakota College's first public library, as well as 10 college centers across the Pine Ridge Indian Reservation in South Dakota. Karlene and Lakota Express have also worked to build the first independent Indian-owned public radio station.

Lakota Express' mission is to operate a business that creates economic opportunities for the Lakota Nation and participates in social, educational, and political issues that empower the people and protect the earth. I would like to take this opportunity to acknowledge the staff of Lakota Express, Inc., who have helped Karlene achieve this remarkable accomplishment: Mark Tilsen, Betty Brave, Theresa Zottola, Jim Head, Stephanie Sorbel, Nick Tilsen, April Rosales, Nicole Pourier, Mary Under Baggage, and Marlene Mesteth. I know that all these individuals and countless others, who have contributed richly to the company's many achievements, take great pride in the personal and collective accomplishments that are recognized through this honor.

It is with great appreciation that I join with the community, the employees, the customers, and the many people who interact with the company, in congratulating Karlene Hunter on her years of service and success. I wish Lakota Express, Inc., enduring good fortune and prosperity in their continued pursuit of excellence.•

EPSILON CHAPTER OF ZETA TAU ALPHA FRATERNITY AT UNIVERSITY OF ARKANSAS, FAYETTEVILLE

• Mrs. LINCOLN. Mr. President, I wish to recognize the Epsilon Chapter of Zeta Tau Alpha Fraternity at the University of Arkansas at Fayetteville. Zeta Tau Alpha Fraternity was founded on October 15, 1898, by nine women at the State Female Normal School in Farmville, VA. The Epsilon Chapter of Zeta Tau Alpha, founded on December 18, 1903, at the University of Arkansas at Fayetteville, will celebrate 100 years of sisterhood from September 26–28 on the campus of the University of Arkansas at Fayetteville. The Centennial Celebration is expected to bring many Epsilon alumnae back to the campus, including Amber Elbert, a member of my staff and 1998 Epsilon initiate.

The Epsilon Chapter is unique in many ways. It is the first chapter in Zeta Tau Alpha history to reach a centennial mark and the first chapter founded west of the Mississippi River. Epsilon was also the very first chapter to be announced through the fraternity's official magazine, "Themis." The first pictures ever used in "Themis" were those of Epsilon, its chapter room and the University of Arkansas. The University of Arkansas students who founded the chapter in 1903 were Elizabeth Kell Rose, Hattie Williams, Margaret Hutcherson, Grace Jordan, Bess Byrnes, Della McMillan and Mabel Sutton.

The mission of Zeta Tau Alpha is to make a difference in the lives of its membership by developing the potential of each individual through visionary programming, which emphasizes leadership development, service to others, academic success and continued personal growth for women with a commitment to friendship and the future based on the values and traditions of our past. Having been actively involved with Chi Omega Fraternity as both a collegiate member and an alumna, I have witnessed firsthand the lifelong benefit that can come from membership in a Greek organization, such as Zeta Tau Alpha.

On behalf of all Arkansans, I would like to extend congratulations to the Epsilon Chapter of Zeta Tau Alpha Fraternity for 100 years of excellence and enriching the lives of its members from Arkansas and across the Nation.•

COMMENDING WORK TO AID VICTIMS OF TORTURE

• Mr. COLEMAN. Mr. President, I wish to acknowledge the important work that is being done to aid victims of torture, in particular the work of the International Rehabilitation Council for Torture Victims, IRCT. IRCT will be honored in a ceremony today, in New York City, where the Dalai Lama will present them with the Conrad N. Hilton Humanitarian Prize.

Torture is a sophisticated form of social and political control designed to stifle dissent through terror. It violates the basic rights of human beings and is contrary to the principles of the U.S. Constitution and the fundamental nature of our republic.

Freedom from torture is a universal and fundamental human right. Yet torture continues to take place in more than 120 countries. It is estimated that one-third of the world's 12 million refugees are victims of torture. Politicians, journalists, teachers, students, religious leaders, trade union and human rights activists are all targets. The aim of torture is not to kill the victim, but to break down the victim's personality. Crippled, traumatized, and humiliated, the victims are returned to their communities as a warning to others.

That are an estimated 500,000 torture survivors in the United States alone—refugees and asylum-seekers who have fled repressive regimes. And in recent years, there has been a dramatic increase in the number of victims of torture seeking help at U.S. rehabilitation centers.

The IRCT has been a vital part of the global effort to aid torture victims. The Council began with a group of four doctors in Denmark who responded to a call by Amnesty International in 1973 to help diagnose torture victims. Today the IRCT is a global network of 200 rehabilitation centers operating in 80 countries to meet the needs of some 100,000 victims of torture each year. IRCT's mission is to support and promote the rehabilitation of victims of torture, to advocate for the prevention and eradication of torture worldwide, and to provide documentation and research that will ultimately bring perpetrators to justice.

Minnesota is home to the Center for Victims of Torture, CVT, the first comprehensive torture treatment center in this country—and third such facility in the world. The CVT helped establish National Consortium of Torture Treatment Programs, under which the 34 torture rehabilitation centers and programs in the United States operate. As mayor of St. Paul I worked together with the CVT to build a torture treatment center on the east side of the metro area.

The work of IRCT and the U.S. torture treatment programs is all the more relevant given pending legislation. I am proud to be the chief Senate author of the Torture Victims Relief Act, TVRA, of 2003, which will enable the U.S. to continue its leadership in caring for victims of torture. This reauthorization of the TVRA is included as an amendment to the fiscal year 2004 Foreign Relations authorization bill, and I look forward to the passage of this bill.

Once again, I commend the IRCT for their tireless work on behalf of torture victims in the U.S. and around the world.•

TRIBUTE TO VICE ADMIRAL JOHN TOTUSHEK

• Mr. COLEMAN. Mr. President, I am pleased to congratulate VADM John B. Totushek upon the completion of his career of service in the United States Navy and Naval Reserve. Throughout his 36-year military career, Vice Admiral Totushek served with distinction and dedication, ultimately becoming the first Naval Reservist Commander of the Naval Reserve Force to wear three stars, achieving the rank of Vice Admiral.

Vice Admiral John B. Totushek is native of Minneapolis, MN. A 1966 graduate of the University of Minnesota, he earned his commission through a Navy ROTC scholarship and was designated a pilot upon completion of flight training in June 1968.

Vice Admiral Totushek began his Naval Aviation career in 1969 flying the F–4 Phantom with Fighter Squadron 41 based at Naval Air Station Oceana, VA. He continued his career as an F–4 instructor pilot and Landing Signal Officer with Fighter Squadron 101, also based at Naval Air Station Oceana. In November 1973, he resigned his regular commission and accepted a commission in the Naval Reserve. During the next 24 years, Vice Admiral Totushek served in numerous capacities with the Naval Reserve and several civilian companies.

As a Reservist, he served as commanding officer of three Virginia-based air-combat training squadrons, including Squadron Reinforcement Unit VC–1006, Squadron Reinforcement Unit VC–686, and Fighter Composite Squadron VC–12. He served as commanding officer of several Atlantic Fleet air support commands, including Naval Air Atlantic 1086 and Naval Air Forces Eastern Atlantic.

As his Reserve career advanced, he served in several senior strategic and management positions within the Navy, including command of the Atlantic Fleet's Logistics Task Force and the Naval Reserve Readiness Command Region Eight. Upon successful completion of these command tours, he served on the staff of the Chief of Naval Operations as the Deputy Director for Naval Air Warfare, Reserve Programs.

In early 1997, Vice Admiral Totushek was asked to return to active duty to lead the Navy's environmental, safety and occupational health programs. He then was selected as Commander, Naval Reserve Force on October 17, 1998. His duties include command of 88,000 Naval Reservists and 181 nationwide Reserve facilities. Vice Admiral Totushek also represents the Naval Reserve before Congress as Chief of Naval Reserve, and on the staff of the Chief of Naval Operations as Director, Naval Reserve. He was promoted to vice admiral on 24 May 2001, becoming the first Naval Reservist three-star admiral in history to lead the Naval Reserve.

During his tenure, Naval Reserve Forces were mobilized three times: the Kosovo Campaign in 1999, Operation Noble Eagle in 2001 and Operation Iraqi Freedom in 2003. Under his leadership, Naval Reservists served with great honor, dedication and sacrifice during the global war on terrorism, in war zones in Afghanistan and Iraq, and here at home as part of the homeland defense network.

His family and fellow shipmates can be proud of his service. Vice Admiral Totushek, his wife Jan, and children Courtney and Chris have made many sacrifices during his Naval and civilian careers, and we appreciate their contributions of conscientious service to our country. As he departs the Pentagon to start his third career, I call upon my colleagues to wish John and his family every success, and the traditional Navy "fair winds and following seas."●

THE DEATH OF MORRIS "MOE" BILLER

● Mr. LIEBERMAN. Mr. President, it saddens me to note the recent passing of an old friend, Moe Biller. Moe was, until 2001, the long-time president of the American Postal Workers Union, and a tireless advocate for the postal employees he worked with and represented.

I met Moe through my first Senate chief of staff, Michael Lewan, who was a long-time friend of Moe's from his days as a local union official in New York. Michael invited him to attend my Senate swearing-in ceremony, and we hit it off immediately.

Moe was one of a kind—some would say the last of the breed of old time labor leaders. He was passionate about the causes he believed in, but always remained just a "regular guy." It's fair to say that Moe was a pioneer who created the modern labor movement for Federal and postal employees. Surely he paved the way for the establishment of those employees' rights—postal workers, in particular, had little clout until Moe came along.

He began his career as a substitute postal clerk in 1937 on Manhattan's Lower East Side, earning 65 cents an hour with no vacation benefits or sick pay. His success in negotiating a sick leave benefit for his fellow workers led to the beginning of his rise through the ranks of the union hierarchy, which culminated in his election as President of the national union in 1980.

However, his national reputation as a fiery, but effective, leader was solidified a decade earlier in 1970, when his efforts encouraged Congress to pass the landmark legislation that created today's United States Postal Service, the Postal Reorganization Act of 1970. Among the important changes instituted by this law was the right postal workers received to engage in collective bargaining over pay, benefits, and working conditions.

In addition to his vital work to improve wages and working conditions for postal workers, Moe was an active supporter of civil rights and women's rights. He also gave generously of his time, serving on numerous trade, charitable, and civic organization boards, including the Muscular Dystrophy Association and the United Way International.

Moe will be sorely missed by all of those who knew him, but I know that his achievements and his work will live on.●

75TH ANNIVERSARY OF MOTOROLA'S FOUNDING

● Mr. DURBIN. Mr. President, I rise today in recognition of the 75th anniversary of the founding of Motorola, Inc., which has been a significant icon in the history of America's heritage of innovation, while continually finding new ways to make things simpler, smarter, safer, synchronized, and fun.

On September 25, 1928, Paul V. Galvin and his brother, Joseph E. Galvin, opened the Galvin Manufacturing Corporation at 847 West Harrison Street, in Chicago, Illinois, with assets of $1,315. Galvin Manufacturing Corporation entered the electronics industry as a manufacturer of household battery eliminators and grew steadily throughout the 1930s and 1940s, introducing a wide variety of devices to the electronics market.

In 1930, Galvin Manufacturing Corporation introduced the first practical, affordable and commercially successful car radio, and founder Paul V. Galvin created the brand name "Motorola," linking the ideas of "motion" and "sound." In 1936, the Police Cruiser radio receiver was Galvin Manufacturing Corporation's first entry into the new field of mobile radio communications, and in 1937, Galvin Manufacturing Corporation entered the home entertainment business with a line of phonographs and table and console radios.

Galvin Manufacturing Corporation also made significant contributions to our Nation's efforts during World War II. In 1940, Galvin Manufacturing Corporation developed the Handie-Talkie SCR536 radio, a handheld two-way radio, and provided more than 100,000 units of this crucial communications tool to the Allied Forces. In 1941, company founder Paul V. Galvin was elected president of the Radio Manufacturers Association, where he helped lead the radio industry's war efforts in the United States. Also in 1941, Galvin Manufacturing Corporation introduced its first commercial line of FM two-way radio systems and equipment, installing its first FM system in Philadelphia, Pennsylvania. In 1942, Galvin Manufacturing Corporation helped organize and lead the procurement and production of quartz radio crystals, eventually subcontracting production to more than 50 crystal manufacturers who, with Galvin Manufacturing Corporation, supplied more than 35 million radio crystals to the U.S. War Department during World War II. Later in 1942, Galvin Manufacturing Corporation received the first of five U.S. Army-Navy "E" Awards for excellence in production achievements during World War II, the first ever awarded to a radio manufacturer.

In 1943, Galvin Manufacturing offered its first sale of public stock, and in 1947, Galvin Manufacturing Corporation changed its name to Motorola, Inc. Motorola continued to be an innovator, by introducing technologies which have significantly impacted Americans' lives. In 1947, Motorola's first television, the Golden View model VT71, was priced to sell for under $200 and was so well-received that 100,000 more units were sold in one year. In 1949, Motorola established a research and development operation in Phoenix, Arizona, to investigate the new field of solid-state technology, and by anticipating the enormous potential of the transistor, helped create the semiconductor industry and became one of the world's largest semiconductor manufacturers. In 1955, Motorola's new Handie-Talkie radio pocket pager selectively delivered a radio message to a particular individual, and pagers began to replace public announcement systems in hospitals and factories.

In 1956, Robert W. Galvin, Paul V. Galvin's son, became president of Motorola, Inc., serving the company devotedly, until his 2001 retirement. Robert W. Galvin currently serves Motorola as Chairman Emeritus.

Following the 1958 introduction of Explorer I, a 31-pound, Earth-orbiting satellite, Motorola provided radio equipment for most manned and unmanned U.S. space flights for the next

40 years. Also in 1958, Motorola introduced the Motrac radio, the first vehicular two-way radio to have a fully transistorized power supply and receiver, with such low power consumption that the radio could be used without running an automobile engine.

In 1961, Motorola developed low-cost techniques to produce silicon rectifiers used in automotive alternators, making the alternator an economical replacement for the less durable generator. In 1962, Motorola introduced the fully-transistorized Handie-Talkie HT200 portable two-way radio. In 1969, Astronaut Neil Armstrong's first words spoken from the moon were relayed to Earth by a Motorola radio transponder aboard the Apollo 11 lunar module.

In 1971, NASA's lunar roving vehicle used a Motorola FM radio receiver to provide a voice link over the 240,000 miles (386,000 km) between Earth and the moon, earning Motorola the credit for "the first car radio on the moon." In 1974, Motorola's first microprocessor, the MC6800, contained 4,000 transistors and was used in automotive, computing and video game applications. In 1975, Motorola transponders were used aboard the historic Apollo-Soyuz "Handshake in Space" docking mission. In 1978, Motorola introduced its first computer-controlled radio systems and equipment using trunking technology to help radio operators use crowded radio frequencies more efficiently. Also in 1978, Dr. Daniel E. Noble, Motorola director emeritus and former chief scientist, was awarded the Edison Medal by the Institute of Electrical and Electronics Engineers, which provided recognition from his peers for his role as a founder of the modern land mobile radio and semiconductor industries.

In 1980, Motorola was one of the first to develop computerized, electronic engine control modules that reduced fuel consumption and emissions. In 1983, the world's first commercial handheld cellular phone, the Motorola DynaTAC phone, received approval from the U.S. Federal Communications Commission, culminating a 15-year, $100 million investment in the development of cellular technology. In 1984, Motorola developed the MC68HC11 8-bit embedded controller for use in everyday consumer, automotive and industrial products. In 1986, the historic Voyager airplane, the first aircraft to make a nonstop, non-refueled flight around the world, used a Motorola satellite radio. In 1987, Motorola initiated its Six Sigma Quality Initiative, which launched a global pursuit of manufacturing and other process-oriented quality initiatives and established Motorola as a role model for global corporations. In 1988, Motorola was a winner of the first Malcolm Baldrige National Quality Award, established by the U.S. Congress to recognize and inspire the pursuit of quality in American business. In 1989, Motorola introduced the MicroTAC personal cellular telephone, which was the smallest and lightest cellular phone on the market.

In 1990, General Instrument Corporation was the first to propose an all-digital high-definition television (HDTV) technical standard. In 1991, Robert W. Galvin, former Motorola chairman and CEO, was awarded the National Medal of Technology by President George Bush, the highest honor bestowed by the President of the United States for technological achievement, "for advancement of the American electronics industry through continuous technological innovation, establishing Motorola as a world-class electronics manufacturer." In 1992, Motorola opened its first of more than 20 software centers. In 1995, Motorola developed the DragonBall MC68328 microprocessor that became widely used in consumer electronics applications, including handheld video games and personal digital assistants. In 1996, Motorola's 3.1-ounce (88 grams), StarTAC wearable cellular telephone was the world's smallest and lightest. Also in 1996, Motorola received the Albert F. Gore LifePage Achievement Award for donating 10,000 numeric pagers to patients waiting for organ transplants. Also in 1996, Motorola created the PageWriter pager, the world's first full-text two-way pager, which was selected for the permanent collections of the Smithsonian's National Museum of American History. Also in 1996, Christopher B. Galvin, grandson of Motorola founder Paul V. Galvin, was elected chief executive officer of Motorola, in 1996, assuming his responsibilities in 1997. In 1998, Motorola telematics automotive technologies provided vehicle occupants with location-specific security, information and entertainment services. Also in 1998, Motorola introduced the iDEN i1000 portable radio handset that combined two-way radio, telephone, text messaging and data transmission in a single unit.

In 2000, Motorola and General Instrument Corporation merged their businesses; the largest acquisition in Motorola's history. Also in 2000, Motorola implemented the world's first commercial General Packet Radio Service (GPRS) cellular systems in the United Kingdom and Germany, providing always-on access to the Internet. Also in 2000, Motorola conducted the world's first 700MHz wideband high-speed data trial with public safety users, enabling advanced mission-critical solutions.

In 2001, Motorola introduced the i.250 wireless chipset for GSM/GPRS (Global System for Mobile Communications/General Packet Radio Service) cellular handset manufacturers. Also in 2001, Motorola's Project 25 and TETRA-compliant IP-based wireless communications systems were designed to enable public safety and first response users to transfer pictures, fingerprints, video and Internet-based data using two-way radios. Also in 2001, Motorola introduced its first metal mobile phone, the V60 phone, which a year later became available in all three cellular technologies—GSM, TDMA and CDMA—and quickly became a worldwide best seller. Also in 2001, Motorola's Broadband Communications Sector received an Emmy Award from the National Academy of Television Arts and Sciences (NATAS) for outstanding achievement in the development of consumer digital set-top boxes, marking Motorola's seventh Emmy win.

In 2002, Motorola launched its first 3G nationwide voice and data network using Code Division Multiple Access 1X (CDMA 1X) technology with KDDI, one of Japan's largest wireless operators, enabling Internet access at speeds more than double that of existing networks. Also in 2002, the Motorola Instant GPS chip was the first single-chip Global Positioning System receiver solution, a breakthrough technology that enabled designers to add accurate location sensing features to portable consumer electronics products. Also in 2002, Motorola's Commercial, Government and Industrial Solutions Sector was honored with the Malcolm Baldrige National Quality Award. In 2002, Motorola had achieved $27.3 billion dollars in sales. On July 30, 2003, Motorola declared its 226th consecutive quarterly dividend.

Since 1974, Motorola has received more than 90 awards for workplace health and safety, community service and environmental stewardship from the United States Government and governments and non-government organizations worldwide. Motorola is today a global leader in wireless, automotive and broadband communications. Motorola is also a global corporate citizen dedicated to ethical business practices and pioneering important technologies that make things smarter and life better, honored traditions that began when the company was founded 75 years ago.

I would like to applaud the great impact that Motorola has had on the business, social, and cultural landscape for Americans and, indeed, citizens of all nations by virtue of its achievements throughout its remarkable 75-year tradition of delivering on the power of technology to improve the way we live. I would like to recognize that Motorola's essence as an American icon has been and continues to be to link people's dreams with technology's promise.

I congratulate Motorola on finding new ways to make things simpler, smarter, safer, synchronized and fun for people around the world. I recognize that Motorola continues to demonstrate technological leadership, the highest standards of corporate responsibility and respect for the individual, all while continuing to lead the nation and the world into our technological future. I congratulate Motorola, on the achievements of its employees, retirees, suppliers, and distributors worldwide as they commemorate and celebrate the company's 75th anniversary while the company looks to deliver an even greater impact in the 21st century as a leading force in American technology superiority.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE IMPORTANCE OF WOMEN-OWNED SMALL BUSINESSES

● Mr. KERRY. Mr. President, I speak today to congratulate the 17 recipients of the Small Business Administration's Outstanding Women Entrepreneur Award.

These inventive and resourceful entrepreneurs are leaders in a national community of women's businesses, which continue to outpace all other companies in overall growth—in number of firms, employment and sales. Women-owned firms are constantly breaking down the barriers of our past and proving that the business world is no longer a boys-only club. As many in the small business community are aware, women-owned companies have become increasingly important to our Nation's jobs and economy. Today there are over 10.1 million women-owned firms, employing 18.2 million workers, and generating $2.32 trillion in sales.

With assistance from the SBA, these 17 women honored during last week's Small Business Week have created businesses that serve as remarkable examples of successful entrepreneurship in a variety of industries.

Patricia Miller, Barbara Bradley Baekgaard, Rebecca Matthais, and Dr. Taryn Rose all started their own businesses in the fashion industry, relying on the SBA for loans and counseling. Patricia and Barbara created Vera Bradley Designs, a company that produces a popular line of luggage and handbags. Rebecca's company, Mothers Work, is now one of the leading providers of maternity clothes of women across the country. Taryn combined her medical knowledge as an orthopedic surgeon with her love of fashion to create a footwear company that is projecting to reach over $20 million in sales this year.

The SBA has also helped several of these women break into male-dominated industries, like construction and defense. Donna Brinkmeyer-Asman of Clark Manufacturing, Lurita Doan of New Technology Management, and Carolyn Minerich of Carmin Industries have all created companies that have grown to include major defense-industry clients. Tina Cordova looked to the SBA's Small Business Development Center and SCORE programs to help her company, Queston Construction, expand from 2 to 26 employees.

Kathryn Freeland, Marilyn Melkonian, Patty DeDominici, Nikki Olyai, Jeannette Lee White, and Julie Morgenstern all looked to the SBA to help them create their businesses. Now they are advising much larger businesses on potential employees, technology, and management issues.

These women and their employees are not only beneficiaries of their companies' successes. In addition to starting and growing successful businesses, these women have made significant contributions to their communities. Blue Crab Bay, started by award recipient Pamela Barefoot, creates specialty food items for seafood lovers and uses its profits to give back to the Chesapeake Bay community. The company has given back to its community through scholarships, charity events, and donations to groups like the Chesapeake Bay Foundation.

I would also like to recognize the accomplishments of awardees Heather Howitt, Judy George, and Maria Welch. Heather, along with cofounders Tedde McMillen, Carla Powell, and Lori Woolfrey, recognized a potential market for their traditional Chai drink, and now their company, Oregon Chai, sells its chai tea lattes at stores in all 50 States. Maria's company, Respira Medical, is a leading respiratory and durable home medical care equipment distributor in Maryland. Judy's Domain home furnishings company was recently featured on the popular television makeover program "Queer Eye for the Straight Guy."

I commend these 17 women for their creativity in business, their leadership for women entrepreneurs, and their generous contributions to their local communities. As the number of women business owners continues to grow—currently the number of women-owned businesses is growing at double the rate of all U.S. firms—we must do everything we can to ensure that these businesses have every opportunity to flourish. To that end, we are working to pass the Small Business Administration 50th Anniversary Reauthorization Act of 2003, legislation that will protect the extremely effective and well-established Women's Business Center network. With this bill we will also reestablish the Interagency Committee on Women's Business Enterprise to give women in business a greater voice in Federal policymaking. The 2003 SBA reauthorization legislation also closes the loopholes in Federal procurement practice that have allowed agencies to bundle contracts and limit Federal contracting opportunities for small and women-owned businesses. In addition, this bill will strengthen all of the SBA's access to capital, entrepreneurial development, and contracting programs, including those that helped bring success to the 17 recipients of the Outstanding Women Entrepreneur Award.

I hope my colleagues in the Senate will join me and Senator SNOWE in recognizing the important contribution these women, and other women in business across America, make to our Nation's economy by passing the SBA Reauthorization Act of 2003 and fully funding the SBA's programs.●

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1209. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

H.R. 1409. An act to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

H.R. 2059. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase.

The message also announced that pursuant to 20 U.S.C. 2004(b), and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Mr. Skelton of Missouri.

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2003, and for other purposes.

At 3:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1209. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1409. An act to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2059. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4328. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Determining Eligibility Requirements for Free and Reduced Price Meals in Schools—Verification, Reporting, and Recordkeeping Requirements" (RIN0584–AD20) received on September 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4329. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Removal of Areas from Quarantine" (Doc. No. 02–117–10) received on September 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4330. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture, at the request of a participating State, to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4331. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenazate; Pesticide Tolerance" (FRL#7328–1) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4332. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imazapy; Pesticide Tolerance" (FRL#7321–4) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4333. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiacloprid; Pesticide Tolerance" (FRL#7325–8) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4334. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Etoxazole; Pesticide Tolerance" (FRL#7324–8) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4335. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flufenpyr-Ethyl; Pesticide Tolerance" (FRL#7325–4) received on September 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4336. A communication from the Deputy Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–4337. A communication from the Acting Assistant of the Army, Civil Works, Department of the Army, transmitting a report relative to rehabilitation and modification of dams in Minnesota constructed by the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps; to the Committee on Armed Services.

EC–4338. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas" (FCC03–115) received on September 22, 2003; to the Committee on Armed Services.

EC–4339. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program" (RIN0720–AA79) received on September 22, 2003; to the Committee on Armed Services.

EC–4340. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Changes Included in the National Defense Authorization Act for Fiscal Year 2003" (RIN0729–AA85) received on September 22, 2003; to the Committee on Armed Services.

EC–4341. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Secretary of the Army's report of the operational evaluation of the initial Stryker Brigade Combat Team (SBCT); to the Committee on Armed Services.

EC–4342. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending)" (Doc. R–1157) received on September 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4343. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Equal Credit Opportunity Act)" received on September 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4344. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224; to the Committee on Banking, Housing, and Urban Affairs.

EC–4345. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery Management Plan Final Rule; Partial Delay" (RIN0648–AI78) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4346. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 200 Biennial Regulatory Review—Requirements Governing the

NECA Board of Directors Under Section 69.602 of the Commission's Rules and Requirements for the Computation of Average Schedule Company Payments Under Section 69.606 of the Commission's Rules" (FCC03-151) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4347. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Access Charge Reform, Price Cap Performance Review for LEC's, Low-Volume Long Distance Users, and Federal-State Joint Board on Universal Service" (FCC03-170) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4348. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers" (FCC03-36) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4349. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation Requirements; Restrictions to Commercial Fishing Operations" (RIN0648–AP91) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4350. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation Requirements: Pound Net Fishery" (RIN0648–AP81) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4351. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife: Sea Turtle Conservation Requirements; Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations" (RIN0648–AP40) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4352. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Summer Flounder Trawling Requirements" (RIN0648–AM89) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4353. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation Requirements; Resuscitation and Safe Handling" (RIN0648–AN64) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4354. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation Requirements; Restrictions to Commercial Fishing Operations" (RIN0648–AP91) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4355. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements—Parker Soft TED" (RIN0648–AK66) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4356. A communication from the Chief, Endangered Species Division, Office of Protected Resources, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions to Fishing Activities" (RIN0648–AP63) received on September 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4357. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, transmitting, pursuant to law, the report of a rule entitled "Amend Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Third Report and Order" (ET Doc. No. 98-206) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4358. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, transmitting, pursuant to law, the report of a rule entitled "Amend Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range" (ET Doc. No. 98-206) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4359. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Okeechobee, Florida)" (MB Doc. No. 03-89) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4360. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fort Stockton and Sanderson, Texas)" (MB Doc. No. 03-68) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4361. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bunnell and Palm Coast, Florida)" (MM Doc. No. 03-13) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4362. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Valliant, Oklahoma and Gainesville, Texas)" (MM Doc. No. 01-216) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4363. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pelham and Meigs, Georgia)" (MB Doc. No. 03-58) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4364. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lincoln City and Monmouth, Oregon)" (MB Doc. No. 03-41) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4365. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grants and Bosque Farms, New Mexico)" (MM Doc. No. 01-78) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4366. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port St. Joe and Eastpoint, Florida)" (MB Doc. No. 03-21) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4367. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sonora Texas)" (MB Doc. No. 03-88) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4368. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (George West, Texas)" (MB Doc. No. 03-86) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4369. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dalhart, Kermit, and Leakey, Texas)" (MB Doc. No. 03-52, -53, and -54) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4370. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC03-164) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4371. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Magnolia, Arkansas and Oil City, Louisiana)" (MB Doc. No. 02-199) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4372. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton and Thomas, Oklahoma; Ghturie, Hebbronville, Premont, Roaring Springs, Rocksprings, and Sanderson, Texas)" (MB Doc. Nos. 02–240 thru 02–249) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4373. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ridgecrest, California)" (MB Doc. No. 03–79) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4374. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bridgeton and Pennsauken, New Jersey)" (MB Doc. No. 02–382) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4375. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Noblesville, Indianapolis, and Fishers, Indiana)" (MB Doc. No. 01–143) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4376. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Los Banos and Planada, California)" (MB Doc. No. 02–186) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4377. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Cadillac and Manistee, MI)" (MB Doc. No. 02–45) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4378. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Billings, MT)" (MB Doc. No. 02–116) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4379. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Owens, Winconsin)" (MB Doc. No. 02–120) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4380. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Christiansted, VI)" (MB Doc. No. 03–20) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4381. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Odessa, TX)" (MB Doc. No. 02–90) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4382. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Charleston, WV)" (MB Doc. No. 02–155) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4383. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Burlington, VT)" (MB Doc. No. 02–82) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4384. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations. (Anchorage, AK)" (MB Doc. No. 00–99) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4385. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Laramie, Wyoming and Timnath, Colorado)" (MM Doc. No. 02–365) received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4386. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Pelagic Shelf Rockfish in the Western Yakutat District of the Gulf of Alaska" received on September 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4387. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's inventories of commercial and inherently governmental activities for 2003; to the Committee on Commerce, Science, and Transportation.

EC–4388. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Annual report for Fiscal Year 2002; to the Committee on Commerce, Science, and Transportation.

EC–4389. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a report entitled "Electronic Signatures: Review of the Exceptions to the Electronic Signatures in Global and National Commerce Act"; to the Committee on Commerce, Science, and Transportation.

EC–4390. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance Regulations" (RIN1991–AB57) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4391. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Compliance With Floodplain and Wetland Environment Review Requirements" (RIN1901–AA94) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4392. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Value Engineering" (AL2003–04) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4393. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Collection of Claims Owed the United States" (RIN1901–AA98) received on September 23, 2003; to the Committee on Energy and Natural Resources.

EC–4394. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "Geological and Saismological Characteristics for Sitting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations" (RIN3150–AG93) received on September 17, 2003; to the Committee on Environment and Public Works.

EC–4395. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "Consolidated NMSS Decommissioning Guidance, NUREG–1757" received on September 17, 2003; to the Committee on Environment and Public Works.

EC–4396. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "Combustible Gas Control in Containment" (RIN3150–AG76) received on September 17, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Special Report entitled "Report on the Activities of the Committee on the Judiciary During the 107th Congress." (Rept. No. 108–152).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108–153).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1640. A bill to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century (Rept. No. 108–154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself and Mr. JOHNSON):

S. 1647. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1648. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1649. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 1650. A bill for the relief of Katarina Galovic; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1651. A bill for the relief of Gustav F. K. Wallner; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. DEWINE, Mr. LEAHY, Mr. KOHL, Mr. SCHUMER, Mr. FEINGOLD, Mr. HARKIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. VOINOVICH, and Mr. PRYOR):

S. 1652. A bill to ratify the do-not-call registry provision of the Telemarketing Sales Rule, as amended by the Federal Trade Commission, effective March 31, 2003; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 1653. A bill to ensure that recreational benefits are given the same priority as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. HOLLINGS):

S. 1654. A bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 429

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 429, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 617

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 852

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1246

At the request of Mr. ROBERTS, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1292

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1524

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1524, a bill to amend the Internal Revenue Code of 1986 to allow a 7-year applicable recovery period for depreciation of motorsports entertainment complexes.

S. 1545

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1618

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1618, a bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. CON. RES. 70

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Con. Res. 70, a concurrent resolution supporting National Funeral Service Education Week.

S. RES. 78

At the request of Ms. STABENOW, her name was added as a cosponsor of S. Res. 78, a resolution designating March 25, 2003, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Missouri (Mr. TALENT), the Senator from Maine (Ms. SNOWE) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. JOHNSON):

S. 1647. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would give Medicare recipients the same hearing care options available to veterans and Senators. Specifically, it would give Medicare beneficiaries direct access to qualified, licensed audiologists. I am pleased to be joined in this effort by my colleague, Senator TIM JOHNSON.

Today, approximately 28 million Americans are hearing disabled. Many of them are older Americans—a statistic that is fast increasing with the aging of the "baby boomers." With 80 to 90 percent of hearing problems not medically or surgically treatable, it seems only reasonable that Medicare patients be allowed to consult with an audiologist without first seeing another provider. It is part of regular audiological practice to refer patients for medical management when clinical indicators are present.

In the 1990's, the Department of Veterans Affairs (VA) and the Office of Personnel Management changed their respective healthcare policies to allow for the option of direct access to a licensed audiologist. Earlier this year, I wrote the VA asking if veterans were satisfied with that coverage for audiological services. According to the VA response, "The policy has provided and continues to provide high quality, cost effective, and successful hearing health care to veterans." It is important to point out that this bill would not diminish the important role of medical doctors, or expand the scope of practice for audiology.

This legislation is consumer friendly. It will help our elderly and rural citizens who often find it difficult to access health care services. It will provide consistency of policy among Government agencies. That is why I urge my colleagues to act quickly on this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Health Accessibility Act of 2003".

SEC. 2. DIRECT ACCESS TO QUALIFIED AUDIOLOGISTS FOR MEDICARE BENEFICIARIES.

Section 1861(ll)(2) of the Social Security Act (42 U.S.C. 1395x(ll)(2)) is amended by inserting before the period at the end the following: ", without regard to any requirement that the individual receiving the audiology services be under the care of (or referred by) a physician or other health care practitioner or that such services are provided under the supervision of a physician or other health care practitioner".

SEC. 3. INCLUSION OF AUDIOLOGY SERVICES AS A PART B MEDICAL SERVICE; PAYMENT.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (U), by striking "and" after the semicolon at the end;

(2) in subparagraph (V)(iii), by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following new subparagraph:

"(W) audiology services (as defined in subsection (ll)(2));".

(b) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(W)," after "(2)(S),".

SEC. 4. CONSTRUCTION; EFFECTIVE DATE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed to expand the scope of audiology services for which payment may be made under title XVIII of the Social Security Act as of December 31, 2003.

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect with respect to services furnished on or after January 1, 2004.

Mr. JOHNSON. Mr. President, today I am happy to join my colleague, Senator CAMPBELL, in introducing legislation that will provide millions of seniors with direct access to important audiology services through the Medicare Program.

Approximately 28 million people in the U.S. have some degree of reduced hearing sensitivity, and of this number, 80 percent have irreversible hearing loss. The majority of these individuals are 65 and older, and as the baby boom generation ages, this number will skyrocket. Hearing loss is the 3rd most prevalent chronic condition in the older population. One in three people older than 60 and half of those older than 85 have a hearing loss problem and only about one-fourth of those who could benefit from a hearing aid actually use one.

Hearing problems can make it difficult to understand and follow a doctor's advice, respond to warnings, and to hear doorbells and alarms. They can also take away from the enjoyment of the simple things in life, like talking to friends and family, or listening to the radio or television. Additionally, the 21st century work environment requires intense use of communication and information skills and technologies. As seniors continue to remain in the workforce for longer periods, work-related hearing challenges will become increasingly evident and the individual who has a communication disability, disorder, or difference will be at a distinct disadvantage.

This legislation will help seniors challenged by hearing problems obtain direct access to licensed audiologists through the Medicare Program. Because most of these hearing conditions are not medically or surgically treatable, direct access to audiology services will allow comprehensive and timely care through the diagnosis, treatment, and management of hearing loss. Audiologists can conduct a variety of specialized auditory assessments and based on such examinations, can present numerous options to help patients cope with hearing problems. This legislation will not diminish the important role of primary care physicians, who work closely with audiologists and will remain intimately involved in patient care as needed under this bill.

Direct access to such audiology services is supported by numerous governmental agencies. The Centers for Disease Control and Prevention has recognized the importance of this issue by making access by persons with hearing impairments to rehabilitative services a Health People 2010 objective. Additionally, the Veteran's Administration and Office of Personnel Management have established policies to allow beneficiaries such access. Seniors under the Medicare Program deserve similar benefits, and I urge my colleagues to support this important bill.

By Mrs. FEINSTEIN:

S. 1648. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that would partially repeal language from the Omnibus Indian Advancement Act of 2000; language that circumvents the Indian Gaming Regulatory Act's common-sense protections and regulatory safeguards against the inappropriate siting of Nevada-style casinos.

In 2000, a one-paragraph provision was attached to the Omnibus Indian Advancement Act taking land into trust for a single Indian tribe, the Lytton, with the aim of allowing the tribe to expedite plans to establish a large gaming complex in San Pablo, CA.

The site which is not part of, nor adjacent to, any land traditionally held by the Lytton is, in fact, a 10-acre property which includes a card club and parking lot, and is located in a major urban area just outside of San Francisco. The process to bring this land into trust and sidestep gaming oversight was done without regard for Federal laws currently in place to regulate the siting of such a casino.

Today California is home to 109 federally recognized tribes. 64 tribes have gaming compacts with the State and there are 54 tribal casinos. With more than 50 tribes seeking Federal recognition and approximately 25 recognized tribes seeking gaming compacts from the Governor, revenues from California's tribal gaming industry are expected to be the highest of any State's by the end of the decade.

I have serious reservations about the expansion of Nevada-style gaming—with its slot machines and in-house banking—into urban areas, and I am particularly concerned about off-reservation gambling and "reservation shopping". Off-reservation casinos often cause counties additional costs in public and local services, intrude on residential areas, and are responsible for an increase of traffic and crime within local communities.

That said, under proper regulation, gaming in California has the potential to yield much needed benefits for tribal members in terms of healthcare, education and general welfare, as Congress and California voters intended. However, the question is not whether gaming should be permitted, but rather how and where. Those questions have been appropriately addressed by the Indian Gaming Regulatory Act.

Without this legislation, the Lytton will be able to take a former card club and the adjacent parking lot as their reservation and turn it into a large gambling complex outside the regulations set up by the Indian Gaming Regulatory Act. Allowing this to happen would set a dangerous precedent not only for California, but every State where tribal gaming is permitted.

The changes I seek today are extremely limited. This legislation would not reverse restoration of the tribe. It would not infringe on Native American sovereignty. It does not even block the casino proposal. It only seeks to give the State and the local communities a voice in the process and ensure that gaming continues to be organized within the framework of the Indian Gaming Regulatory Act.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local governments of their political power to protect their communities.

That is why I believe it is important to seek a remedy which would restore the Indian Gaming Regulatory Act's oversight over the matter.

The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian gaming by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of casinos. This law works. It is a fair process that should continue to be followed.

It is simply not asking too much to require that Lytton be subject to the regulatory and approval processes applicable to newly acquired tribal lands by the Indian Gaming Regulatory Act.

I hope my colleagues will support this legislation and I look forward to working with the Chairman and Ranking Member of the Indian Affairs Committee to pass this legislation quickly.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (114 Stat. 2919) is amended by striking the last sentence.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1649. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am proud to introduce the "Ojito Wilderness Act", a wilderness bill that has broad support in New Mexico. This bill designates the State's fourth Bureau of Land Management Wilderness area, and its first new wilderness area in more than 15 years. Keeping in mind Theodore Roosevelt's statement that "there are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm," the Ojito can be described as nearly 11,000 acres of dramatic landforms and multi-colored rock formations, with sculptured badlands, expansive plateaus and mesa tops, a high density of cultural and archaeological sites and paleontological resources, and a diverse array of plant and animal species. It is an area that is big enough to get lost in, but small enough that it will not change the fact that only one percent of New Mexico's BLM lands are designated as wilderness. The bill also provides for the acquisition of some adjacent public lands by the Pueblo of Zia for preservation as public open space. I am pleased that the senior Senator from New Mexico, Senator DOMENICI, is cosponsoring this bill and that my distinguished colleague from the Third District of New Mexico, Representative UDALL, is introducing a companion measure in the House of Representatives.

The support for this proposal truly is impressive. It has been formally endorsed by the Governor of New Mexico; the local Sandoval County Commission and the neighboring Bernalillo County Commission; the Albuquerque City Council; New Mexico House of Representatives Energy and Natural Resources Committee Chairman James Roger Madalena; the Governors of the Pueblos of Zia, Santa Ana, Santo Domingo, Cochiti, Tesuque, San Ildefonso, Pojoaque, Nambe, Santa Clara, San Juan, Sandia, Laguna, Acoma, Isleta, Picuris, and Taos; the National Congress of American Indians; the Hopi Tribe; The Wilderness Society; the New Mexico Wilderness Alliance; the Coalition for New Mexico Wilderness, on behalf of more than 375 businesses and organizations; the Rio Grande Chapter of the Sierra Club; the National Parks and Conservation Association; the Albuquerque Convention and Visitors Bureau; 1000 Friends of New Mexico; and numerous individuals.

The designation of the Ojito Wilderness was recommended by Secretary of the Interior Manuel Lujan, Jr.,—a former New Mexico Congressman of 20 years—in 1991. Secretary Lujan found the Ojito to have "high quality wilderness values" with "outstanding opportunities for solitude and primitive and unconfined recreation," as well as "outstanding photographic and sightseeing opportunities." The "close proximity to the Albuquerque and Santa Fe population centers, cultural and paleontological special features, and the lack of resource conflicts" made the recommendation particularly strong. President George H.W. Bush concurred in the recommendation and forwarded it to Congress for designation. This bill adopts the boundaries recommended at that time, so there should be no question or dispute that all of the lands proposed for wilderness in this bill fully qualify for wilderness status under the Wilderness Act.

This bill also takes advantage of a unique opportunity to benefit both the Pueblo and the public by authorizing the Pueblo to acquire some public lands that are sandwiched between the Zia Reservation and the Ojito Wilderness Study Area. The general public will benefit from the assurance that these lands will be protected for the future, forming a protective buffer around the Ojito Wilderness and providing additional opportunities for primitive public recreation. This bill secures continued public access to this open space for recreational, scenic, paleontological, scientific, educational, and conservation uses.

While these lands are—and will remain—important to the public, they have special importance to the Pueblo and its people. These lands are part of the Pueblo's aboriginal land base, and they harbor many cultural, religious, historical, and archaeological sites of great import to the Pueblo. By acquiring these lands, the Pueblo will finally unite the two non-contiguous parts of its Reservation. The Pueblo may continue to graze its cattle on these lands, but it is prohibited from using the lands for housing, gaming, mining, or other commercial enterprises.

The Pueblo will purchase these lands for fair market value, which will, of course, take into consideration the restrictions and prohibitions on various uses, the requirement that the natural characteristics of the land be preserved in perpetuity, and the guarantee that public access be maintained. Existing rights are protected, so, for example, the main access road will remain a county road and the existing pipelines and transmission line will be unaffected. The Pueblo also has agreed to recognize the grazing privileges of a neighboring ranch that has the only other outstanding grazing permit on the lands to be transferred, and it is working on memorializing that agreement.

The New Mexico Commissioner of Public Lands, Patrick H. Lyons, supports this transfer. In a letter endorsing the proposal, he told the Pueblo that it "makes sense from a management perspective, and I applaud your efforts to address this matter in a cooperative manner. Once transferred, I am confident that the Pueblo of Zia will manage its acquisition with the same sensitivity with which it manages all its lands." I agree, and this bill authorizes the Pueblo to manage this land pursuant to regulations that are approved by the Secretary of the Interior.

I am particularly pleased to introduce this legislation in celebration of the upcoming 40th anniversary of the Wilderness Act of 1964 and the eightieth anniversary of the Nation's first administratively-designated wilderness. This celebration is particularly meaningful to my State of New Mexico, for it is both the proud birthplace of wilderness and the home to two of its fathers: Aldo Leopold, who worked from Albuquerque for 15 years to create in 1924 the Gila wilderness near my home in southern New Mexico, and New Mexico Senator Clinton Anderson, who was instrumental in codifying Aldo Leopold's wilderness and ethic 40 years later.

Forty years later still, the Ojito provides a unique wilderness area that is important not only to its local stewards, but also to the nearby residents of Albuquerque and Santa Fe, as well as visitors from across the country. It is an outdoor geology laboratory, offering a spectacular and unique opportunity to view from a single location the juxtaposition of the southwestern margin of the Rocky Mountains, the Colorado Plateau, and the Rio Grande Rift, along with the volcanic necks of the Rio Puerco Fault. Its rugged terrain offers a rewarding challenge to hikers, backpackers, and photographers. It shelters ancient Puebloan ruins and an endemic endangered plant, solitude and inspiration.

The words of Aldo Leopold and Senator Clinton Anderson are fitting for the Ojito, for it is "what the land was, what it is, and what it ought to be"; let this "Ojito Wilderness Act" be "a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say this we will leave as we found it."

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ojito Wilderness Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ojito Wilderness Study Area, located in Sandoval County, New Mexico, contains dramatic landforms and rock structures, multicolored badlands, expansive plateaus and mesa tops, and a high density of cultural and archaeological sites, paleontological resources, and diverse plant and animal species;

(2) the Bureau of Land Management evaluated the Ojito area and found that the area has sufficient land area and natural characteristics to qualify for full wilderness status and protection;

(3) in 1992, President George H.W. Bush concurred with the recommendation of Secretary of the Interior Manuel Lujan, Jr., that Congress designate the Ojito Wilderness based on the high quality wilderness values, close proximity to the Albuquerque and Santa Fe population centers, cultural and paleontological special features, and the lack of resource conflicts in the area;

(4) the Pueblo of Zia has worked in cooperation with other interested parties to reach an agreement under which the Pueblo would acquire public land adjacent to the Zia Reservation and the Ojito Wilderness Study Area that would—

(A) enhance the protections for the land in the Ojito area; and

(B) ensure that the land will remain open to the public for recreational, scenic, scientific, educational, paleontological, and conservation uses; and

(5) the transfer of certain parcels of public land to the Pueblo of Zia and the designation of the Ojito Wilderness as a component of the National Wilderness Preservation System—

(A) is in the best interest of people of the State of New Mexico and people from other States;

(B) would preserve and maintain the Ojito as an enduring resource of wilderness; and

(C) would provide for the management and promotion of the wilderness character and various resources of the Ojito area for wildlife habitat protection, scenic and historic preservation, scientific research and education, primitive recreation, solitude, and inspiration for present and future generations of the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Pueblo.—The term "Pueblo" means the Pueblo of Zia.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) State.—The term "State" means the State of New Mexico.

(4) Trust area map.—The term "Trust Area map" means the map entitled "Lands Transferred to Pueblo of Zia—Proposed", numbered , and dated .

(5) Wilderness.—The term "Wilderness" means the Ojito Wilderness designated under section 4.

(6) Wilderness map.—The term "Wilderness map" means the map entitled "Ojito Wilderness Study Area: Ojito Proposal", numbered NM-010-024, and dated April 1990.

SEC. 4. DESIGNATION OF THE OJITO WILDERNESS.

(a) In General.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 10,903 acres, as generally depicted on the Wilderness map, and which shall be known as the "Ojito Wilderness".

(b) Map and Legal Description.—The Wilderness map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and Wilderness map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) Management of Wilderness.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—Any land within the boundaries of the Wilderness that is acquired by the Federal Government shall become part of the Wilderness within which the land is located and shall be managed in accordance with this Act and other laws applicable to the Wilderness.

(e) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)).

(f) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

SEC. 5. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the Trust Area map shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) MAP AND LEGAL DESCRIPTION.—The Trust Area map and a legal description of the land described in subsection (a) shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and Trust Area map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary.

(2) CONDITIONS.—

(A) IN GENERAL.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

(f) EFFECT.—Nothing in this section shall have the effect of terminating or affecting the renewal of any validly issued right-of-way or the customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted by the Secretary on the date of enactment of this Act.

By Mr. INOUYE:

S. 1653. A bill to ensure that recreational benefits are given the same priority as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Environment and Public Works.

Mr. INOUYE. Mr. President, I rise to introduce the National Beach Recreation and Economic Benefits Act. This measure would require the U.S. Army Corps of Engineers, Army Corps, to give recreational benefits the same priority as hurricane and storm damage reduction benefits when justifying beach restoration projects.

The Army Corps performs a valuable service in protecting our nation's beaches against erosion. They have effectively restored and repaired damaged beaches for over the past 50 years. Unfortunately, under current policy, the Army Corps only authorizes and funds beach restoration projects that protect property against storm and hurricane damage. The Army Corps does not recommend authorization or funding of beach restoration projects that only provide recreational benefits.

Beaches help support tourism and serve as an important source of fun for many Americans who seek inexpensive recreation. Many of these beaches are not eligible for beach restoration because they lack sufficient structural development along coastlines to warrant a restoration project solely on the basis of storm or hurricane damage reduction. While local governments and communities have taken proactive measures to avert flood damage, they are being denied the much needed beach restoration assistance by the Army Corps.

In addition, by limiting beach restoration projects to storm and hurricane damage reduction, the Army Corps has established a policy that inadvertently aids more developed shorelines than others. The method for determining storm and hurricane damage reduction benefits is based on the assessed value of the private property and public infrastructure immediately adjacent to the beach. Therefore, the benefits will be much higher for densely developed shorelines than less densely developed shorelines. For example, a high-rise residential condominium or hotel would provide more storm reduction benefits than a single family home.

Accordingly, the National Beach Recreation and Economic Benefits Act will ensure that recreation benefits are accorded the same considerations as storm and hurricane damage reduction benefits. I urge my colleagues to support this measure. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Beach Recreation and Economic Benefits Act".

SEC. 2. GOALS TO BE ADDRESSED IN PLANNING OF WATER RESOURCE PROJECTS.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended to read as follows:

"SEC. 904. GOALS TO BE ADDRESSED IN PLANNING OF WATER RESOURCE PROJECTS.

"(a) IN GENERAL.—Each of the goals of enhancing national economic development, the quality of the total environment, the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary.

"(b) DISPLAY OF ASSOCIATED BENEFITS AND COSTS.—The quantifiable and unquantifiable costs and benefits associated with the goals relating to water resources projects described in subsection (a) shall be displayed in any analysis of the costs and benefits of those projects.".

SEC. 3. GIVING RECREATIONAL BENEFITS THE SAME STATUS AS OTHER BEACH RESTORATION BENEFITS.

Subsection (e)(2)(B) of the first section of the Act of August 13, 1946 (33 U.S.C. 426e(e)(2)(B)), is amended by striking clause (ii) and inserting the following:

"(ii) CONSIDERATIONS; PROCEDURES.—In making recommendations relating to shore protection projects under clause (i), the Secretary shall—

"(I) consider the economic and ecological benefits of the shore protection projects; and

"(II) develop and implement procedures for the determination of national economic benefits that treat benefits provided for recreation, hurricane and storm damage reduction, and environmental restoration equally.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1783. Mr. DEWINE (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1784. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2765, supra; which was ordered to lie on the table.

SA 1785. Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1584, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1786. Mr. PRYOR (for himself, Mr. BREAUX, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1783. Mr. DEWINE (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support hospital bioterrorism preparedness in the District of Columbia, $10,000,000, of which $7,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $3,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $172,104,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,775,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $83,387,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $40,006,000, of which not to exceed $1,500 is for official reception and representation expenses; and $39,936,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That funds made available for capital improvements may remain available until September 30, 2005: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in adoption proceedings under Chapter 3 of title 16, D.C. Code, payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code or pursuant to a contract with a non-profit organization to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $32,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $173,396,000, of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, of which not to exceed $2,000 is for official receptions and representation expenses related to Community and Pretrial Services Agency Programs; of which $110,775,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $25,210,000 shall be transferred to the Public Defender Service for the District of Columbia to include expenses relating to the provision of legal representation and including related services provided to the local courts and Criminal Justice Act bar; and of which $37,411,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 33 of title 40, United States Code, the Director shall acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Director is authorized to accept appropriation reimbursements from the District of Columbia Government for space and services provided on a cost reimbursable basis: *Provided further*, That these reimbursements are subject to approved apportionments from the Office of Management and Budget.

Federal Payment to the Chief Financial Officer of the District of Columbia

For a Federal payment to the Chief Financial Officer of the District of Columbia, $20,000,000: *Provided*, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That each entity that receives funding under this heading shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due March 15, 2004, on the activities carried out with such funds.

Federal Payment for Transportation Assistance

For a Federal payment to the District of Columbia Department of Transportation, $3,500,000, of which $500,000 shall be allocated to implement a downtown circulator transit system, and of which $3,000,000 shall be to offset a portion of the District of Columbia's allocated operating subsidy payment to the Washington Metropolitan Area Transit Authority.

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, $25,000,000, to remain available until expended, to continue implementing the Combined Sewer Overflow Long-Term Control Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2004 Federal contribution.

Federal Payment for the Anacostia Waterfront Initiative in the District of Columbia

For a Federal payment to the District of Columbia Department of Transportation, for implementation of the Anacostia Waterfront Initiative, $6,000,000, to remain available until expended.

Federal Payment to the District of Columbia for Capital Development

For a Federal payment to the District of Columbia for capital development, $5,000,000, to remain available until expended, for the Unified Communications Center.

Federal Payment to Children's National Medical Center

For a Federal payment to Children's National Medical Center, $10,000,000, for construction costs associated with the expansion of a neo-natal care unit, pediatric intensive care unit, and cardiac intensive care unit.

Federal Payment to St. Coletta of Greater Washington Expansion Project

For a Federal payment to St. Coletta of Greater Washington, Inc., $2,000,000, for costs associated with establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction.

Federal Payment for Foster Care Improvements in the District of Columbia

For a Federal payment to the District of Columbia for foster care improvements, $14,000,000: *Provided*, That $9,000,000 shall be for the Child and Family Services Agency, of which $2,000,000 shall be to establish an early intervention unit to provide intensive and immediate services for foster children; of which $1,000,000 shall be to establish an emergency support fund to purchase items necessary to allow children to remain in the care of an approved family member; of which $3,000,000 shall be for a loan repayment program for social workers who meet certain agency-established requirements; of which $3,000,000 shall be to upgrade the agency's computer database to a web-based technology and to provide computer technology for social workers: *Provided further*, That $3,900,000 shall be for the Department of Mental Health to provide all court-ordered mental health assessments and treatments for children under the supervision of the Child and Family Services Agency: *Provided further*, That the Director of the Department of Mental Health shall ensure that court-ordered mental health assessments are completed within 15 days of the court order and that all assessments be provided to the Court within 5 days of completion of the assessment: *Provided further*, That the Director shall initiate court-ordered mental health services within 10 days of the issuance of an order: *Provided further*, That $1,100,000 shall be for the Washington Metropolitan Council of Governments to develop a program to provide respite care for and recruitment of foster parents: *Provided further*, That the Mayor shall submit a detailed expenditure plan for the use of funds provided under this heading within 15 days of enactment of this legislation to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the funds provided under this heading shall not be made available until 30 calendar days after the submission to Congress of a spending plan: *Provided further*, That no part of this appropriation may be used for contractual community-based services: *Provided further*, That the Comptroller General shall prepare and submit to the Committees on Appropriations of the House and Senate an accounting of all obligations and expenditures of the funds provided under this heading: *Provided further*, That the Comptroller General shall initiate management reviews of the Child and Family Services Agency and the Department of Mental Health and submit a report to the Committees on Appropriations of the House and Senate no later than 6 months after enactment of this Act.

Federal Payment for School Improvement

For a Federal payment for a School Improvement Program in the District of Columbia, $40,000,000, to be allocated as follows: for the State Education Office, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality charter schools in the District of Columbia; for the Secretary of the Department of Education, $13,000,000 to administer opportunity scholarships for students in the District of Columbia in accordance with title II of this Act: *Provided further*, That $1,000,000 shall be for administrative expenses necessary for carrying out title II of this Act: *Provided*, That the State Education Office shall submit a plan for the use of funds provided under this heading for public school education to the Committees on Appropriations of the House of Representatives and Senate within 30 days of enactment of this Act: *Provided further*, That the funds provided under this heading for public school education shall not be made available until 30 calendar days after the submission of a spending plan by the State Education Office to the Committees on Appropriations of the House of Representatives and Senate.

TITLE II—DC STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 2003

SECTION 1. SHORT TITLE.

This Act may be cited as the "DC Student Opportunity Scholarship Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, available educational alternatives to the public schools are inadequate, and more educational options are needed. In particular, funds are needed to assist low-income parents to exercise choice among enhanced public opportunities and private educational environments, whether religious or nonreligious.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in the District of Columbia demonstrated proficiency than was the case for any State. Seventy-six percent of the District of Columbia fourth-graders scored at the "below basic" level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent

of the District of Columbia fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under Zelman v. Simmons-Harris, 536 U.S. 639 (2002), if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(5) The Mayor of the District of Columbia and the President of the District of Columbia Board of Education support this Act.

(6) This Act provides additional money for the District of Columbia public schools and therefore money for vouchers is not being taken out of money that would otherwise go to the District of Columbia public schools.

(7) This Act creates a 5-year pilot program tailored to the current needs and particular circumstances of low-income children in District of Columbia schools. This Act does not establish parameters or requirements for other school choice programs.

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 4. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this Act, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(b) DURATION OF GRANTS.—The Secretary may make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this Act.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this Act, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this Act unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary schools and secondary schools in the District of Columbia to participate in the program, and will ensure that participating schools will meet the applicable requirements of this Act (including those related to the admission of participating eligible students) and provide the information needed for the entity to meet the reporting requirements of this Act;

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9.

SEC. 6. PRIORITIES.

In awarding grants under this Act, the Secretary shall give priority to applications from eligible entities who will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(3) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary school or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this Act to an eligible student participating in the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—A grantee shall make scholarship payments under the program under this Act to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—The amount of assistance provided to any eligible student by a grantee under a program under this Act may not exceed $7,500 for any academic year.

(4) CONTINUATION OF SCHOLARSHIPS.—Notwithstanding section 12(3)(B), an eligible entity receiving a grant under this Act may award a scholarship, for the second or any succeeding year of an eligible student's participation in a program under this Act, to a student who comes from a household whose income does not exceed 200 percent of the poverty line.

(b) ADMINISTRATIVE EXPENSES.—A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this Act during the year, including—

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing the scholarships to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 8. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) APPLICABILITY.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its discretion in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this Act to eligible students that are received by a participating school, as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this Act shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this Act shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF SECRETARY.—The Secretary, directly or by grant, contract, or cooperative agreement, shall—

(A) conduct an evaluation using the strongest possible research design for determining the effectiveness of the programs funded under this Act that addresses the issues described in paragraph (2); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, as well as other appropriate measures of student success, and on the impact of the programs on students and schools in the District of Columbia.

(2) ISSUES TO BE EVALUATED.—The issues described in this paragraph include the following:

(A) A comparison of the academic achievement of students who participate in the programs funded under this Act with the academic achievement of students of similar backgrounds who do not participate in such programs, including a consideration of school factors that may contribute to any differences in their academic achievement.

(B) The success of the programs in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the programs.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the programs funded under this Act with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students and public elementary schools and secondary schools in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate—

(1) annual interim reports not later than December 1 of each year for which a grant is made under this Act on the progress and preliminary results of the evaluation of the programs funded under this Act; and

(2) a final report not later than 1 year after the final year for which a grant is made under this Act on the results of the evaluation of the programs funded under this Act.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this Act for the year.

SEC. 10. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each grantee receiving funds under this Act during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee shall ensure that each school participating in the grantee's program under this Act during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this Act shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(c) ASSESSMENTS.—Each participating school shall—

(1) ensure that participating eligible students receive comparable academic assessments in the same grade levels as those provided to District of Columbia public school students, and ensure, to the maximum extent possible, that the assessment results are capable of being compared to determine the relative achievement levels between participating eligible students and District of Columbia public school students in the same grades; and

(2) ensure academic assessment results containing any personally identifiable information shall be disclosed only to the parents of the student taking the assessment.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) ELEMENTARY SCHOOL.—The term "elementary school" means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(A) An educational entity of the District of Columbia Government.

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term "eligible student" means a student who—

(A) is a resident of the District of Columbia; and

(B) comes from a household whose income does not exceed 185 percent of the poverty line.

(4) PARENT.—The term "parent" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term "secondary school" means an institutional day or residential school, including a public secondary charter school, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

TITLE III—DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and provisions of this Act (D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2004 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,326,138,000 (of which $3,832,734,000 shall be from local funds (of which $96,248,000 shall be funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance funds), $1,568,734,000 shall be from Federal grant funds, $13,766,000 shall be from private funds, $910,904,000 shall be from other funds) and $109,500,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That an amount of $263,759,000 shall be for Intra-District funds: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2004, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Governmental Direction and Support

Governmental direction and support, $284,415,000 (including $206,825,000 from local funds, $57,440,000 from Federal funds, and $20,150,000 from other funds), in addition, $20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Chief Financial Officer of the District of Columbia", and $1,100,000 from funds previously appropriated in this Act under the heading "Federal Payment for Foster Care Improvement in the District of Columbia": *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, $2,500 for the City Administrator, and $2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That an amount not to exceed $25,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12–104; D.C. Official Code, sec. 2–308.20), is hereby made available, to remain available until expended, for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund.

Economic Development and Regulation

Economic development and regulation, $276,647,000 (including $53,336,000 from local funds, $91,077,000 from Federal funds, $125,000 from private funds, and $132,109,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, $745,958,000 (including $716,715,000 from local funds, $10,290,000 from Federal funds, $9,000 from private funds, and $18,944,000 from other funds): *Provided*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, $1,157,841,000 (including $962,941,000 from local funds, $156,708,000 from Federal grant funds, $4,302,000 from private funds, and not to exceed $6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund), in addition, $17,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" and $26,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia", to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—$870,135,000 (including $738,444,000 from local funds, $114,749,000 from Federal funds, $3,599,000 from private funds, and $6,527,000 from other funds shall be available for District of Columbia Public Schools: *Provided*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2004, unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia Public Schools shall submit to the Board of Education by January 1 and July 1 of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered: *Provided further*, That the Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A upon its approval.

(2) STATE EDUCATION OFFICE.—$38,752,000 (including $9,959,000 from local funds, $28,617,000 from Federal grant funds, and $176,000 from other funds), in addition, $17,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" and $26,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for the State Education Office: *Provided*, That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2005 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$137,531,000 from local funds shall be available for District of Columbia public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available as follows: (1) the first $3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, approved September 20, 1996 (Public Law 104–208; 110 Stat. 3009; 20

U.S.C. 1155(e)); and (2) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved November 19, 1997 (Public Law 105–100, section 172; D.C. Official Code, section 38–1804.03(b)(2)): *Provided further*, That of the amounts made available to District of Columbia public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(6)): *Provided further*, That $660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2004, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005.

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$80,660,000 (including $48,656,000 from local funds, $11,867,000 from Federal funds, $703,000 from private funds, and $19,434,000 from other funds) shall be available for the University of the District of Columbia: *Provided*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2004, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2004, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—$28,287,000 (including $26,750,000 from local funds, $1,000,000 from Federal funds, and $537,000 from other funds) shall be available for the District of Columbia Public Libraries: *Provided*, That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) COMMISSION ON THE ARTS AND HUMANITIES.—$2,476,000 (including $1,601,000 from local funds, $475,000 from Federal funds, and $400,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,360,067,000 (including $1,030,223,000 from local funds, $1,247,945,000 from Federal funds, $9,330,000 from private funds, and $24,330,000 from other funds, of which $48,239,000, to remain available until expended, shall be available for deposit in the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14–190; D.C. Official Code 4–204.51 et seq.)), in addition, $12,900,000 from funds previously appropriated in this Act under the heading "Federal Payment to Foster Care Improvement in the District of Columbia": *Provided*, That the funds deposited in the Medicaid and Special Education Reform Fund are allocated as follows: no more than $6,816,000 for District of Columbia Public Schools, no more than $18,744,000 for Child and Family Services, no more than $7,795,000 for the Department of Human Services, and no more than $21,700,000 for the Department of Mental Health: *Provided further*, That $27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): *Provided further*, That no less than $2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Provided further*, That $4,500,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): *Provided further*, That no less than $640,531 of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code, section 4–1001).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $327,046,000 (including $308,028,000 from local funds, $5,274,000 from Federal funds, and $13,744,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a), such amounts from local funds as are necessary to meet the balance requirements for such funds under such section.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–204.75, and 1–204.90), $311,504,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $3,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $4,911,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $22,522,000: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $3,704,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, $22,308,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, $19,639,000 (including $11,455,000 from local funds, and $8,184,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act: *Provided*, That $5,000,000 in local funds shall be available to meet contractual obligations, and $11,455,000 in local funds shall be for anticipated costs associated with the No Child Left Behind Act.

EMERGENCY PLANNING AND SECURITY COSTS

From funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia", $15,000,000.

TRANSPORTATION ASSISTANCE

From funds previously appropriated in this Act under the heading "Federal Payment for Transportation Assistance", $3,500,000.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, $11,267,000, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003, approved by the Council of the District of Columbia on 1st reading, May 6, 2003 (Title 25 of Bill 15–218). Pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of this Act.

TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, $1,940,000 from local funds.

CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 107–96; D.C. Official Code, section 47–392.02(j)(2)), $50,000,000 from local funds.

MEDICAID DISALLOWANCE

For making refunds associated with disallowed Medicaid funding an amount not to exceed $57,000,000 in local funds to remain available until expended: *Provided*, That funds are derived from a transfer from the funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's Grants Disallowance balance.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $259,095,000 from other funds, of which $18,692,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($18,094,000 and payable to the District's debt service fund).

For construction projects, $199,807,000, to be distributed as follows: $99,449,000 for the Blue Plains Wastewater Treatment Plant, $16,739,000 for the sewer program, $42,047,000 for the combined sewer program, $42,047,000 for the Combined Sewer Overflow Long-Term Control Plan, $5,993,000 for the stormwater program, $24,431,000 for the water program, and $11,148,000 for the capital equipment program, in addition, $25,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority".

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $55,553,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,501,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $242,755,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $13,979,000 from local funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1–711), $13,895,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $69,742,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $7,849,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,004,796,000, of which $601,708,000 shall be from local funds, $46,014,000 from Highway Trust funds, $38,311,000 from the Rights-of-way funds, $218,880,000 from Federal funds, and a rescission of $99,884,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $904,913,000, to remain available until expended, in addition, $5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Capital Development in the District of Columbia" and $6,000,000 from funds previously appropriated in this Act for the "Anacostia Waterfront Initiative": *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended.

TITLE IV—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Official Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 108. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of

Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of fiscal year 2004, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2004 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2005. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2004 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2) of this subsection); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2004 an inventory, as of September 30, 2003, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2004 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 123. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 124. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 125. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 126. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 127. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 128. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003 and any subsequent fiscal year.

SEC. 129. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 130. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 131. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 132. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000 (D.C. Law 13-172; D.C. Official Code, sec. 2-402).

SEC. 134. All funds from the Crime Victims Compensation Fund, established pursuant to section 16 of the Victims of Violent Crime Compensation Act of 1996 (D.C. Law 11-243; D.C. Official Code, sec. 4-514) ("Compensation Act"), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established pursuant to section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 135. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

SEC. 136. From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

SEC. 137. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 138. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: *Provided further*, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 139. Chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new section:

"SEC. 16–316. APPOINTMENT AND COMPENSATION OF COUNSEL; GUARDIAN AD LITEM.

"(a) When a petition for adoption has been filed and there has been no termination or relinquishment of parental rights with respect to the proposed adoptee or consent to the proposed adoption by a parent or guardian whose consent is required under D.C. Code section 16–304, the Court may appoint an attorney to represent such parent or guardian in the adoption proceeding if the individual is financially unable to obtain adequate representation.

"(b) The Court may appoint a guardian ad litem who is an attorney to represent the child in an adoption proceeding. The guardian ad litem shall in general be charged with the representation of the child's best interest.

"(c) An attorney appointed pursuant to subsection (a) or (b) of this section shall be compensated in accordance with D.C. Code section 16–2326.01, except that compensation in the adoption case shall be subject to the limitation set forth in D.C. Code section 16–2326.01(b)(2)."

The table of sections for chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new item:

"Sec. 16–316. Appointment and compensation of counsel; guardian ad litem.".

SEC. 140. (a) The amount appropriated by this Act as Other Type Funds may be increased no more than 25 percent to an account for unanticipated growth in revenue collections.

(b) CONDITIONS OF USE.—The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) CERTIFICATION BY THE CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in Other Type authority in the amount request.

(2) NOTICE REQUIREMENT.—The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate in writing 30 days in advance of any obligation or expenditure.

SEC. 141. (a) The amount appropriated by this Act may be increased by no more than $15,000,000 from funds identified in the comprehensive annual financial report as the District's fund balance.

(b) CONDITIONS ON USE.—The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) CERTIFICATION BY THE CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality.

(2) PURPOSE.—The District of Columbia may only use these funds for the following expenditures:

(A) Unanticipated one-time expenditures;

(B) To address potential deficits;

(C) Debt reduction;

(D) Unanticipated program needs; or

(E) To cover revenue shortfalls.

(3) LOCAL LAW.—The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) RECEIVERSHIP.—The amounts may not be used to fund the agencies of the District of Columbia government under court-ordered receivership.

(5) NOTICE REQUIREMENT.—The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate in writing 30 days in advance of any obligation or expenditure.

(6) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section shall remain available until expended.

This Act may be cited as the "District of Columbia Appropriations Act, 2004".

SA 1784. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL DO-NOT-CALL REGISTRY.

(a) FINDING.—Congress finds that the Federal Trade Commission was authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to compile and implement a national do-not-call registry.

(b) RATIFICATION.—Congress hereby ratifies the do-not-call registry provision of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)(B)), which was promulgated by the Federal Trade Commission, effective March 31, 2003.

SA 1785. Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1584, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 116. Notwithstanding paragraph (2) of section 8163(c) of title 38, United States Code, the Secretary of Veterans Affairs may enter into an enhanced-use lease with the Medical University Hospital Authority, a public authority of the State of South Carolina, for approximately 0.48 acres of underutilized property at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina, at any time after 30 days after the date of the submittal of the notice required by paragraph (1) of that section with respect to such property. The Secretary is not required to submit a report on the lease as otherwise required by paragraph (4) of that section.

SA 1786. Mr. PRYOR (for himself, Mr. BREAUX, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL DO-NOT-CALL REGISTRY.

(a) FINDING.—Congress finds that the Federal Trade Commission was authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to compile and implement a national do-not-call registry.

(b) RATIFICATION.—Congress hereby ratifies the do-not-call registry provision of the Telemarketing Sales Rule (16 CFR 310.4(b)(1)(iii)(B)), which was promulgated by the Federal Trade Commission, effective March 31, 2003.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 25, 2003, at 10 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing on the reauthorization of the Head Start Program.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "Privacy & Piracy: The Paradox of Illegal File Sharing on Peer-to-Peer Networks and the Impact of Technology on the Entertainment Industry." At the September 30 hearing, the Subcommittee intends to take testimony regarding the music industry's initial salvo of copyright infringement lawsuits and its amnesty program; what steps the music industry is taking besides ligation to preserve its intellectual property in this digital age; whether those steps unduly infringe upon consumer's privacy rights; how peer-to-peer networks plan to move from a business model predicated upon stealing copyrighted works to a business model based upon trading licensed music, movies and software; how the illegal trading of copyrighted works has hurt the music industry; and how to inform and educate a whole generation of children and young adults that trading copyrighted music on peer-to-peer networks is illegal.

The hearing will take place on Tuesday, September 30, 2003, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, Staff Director of the Subcommittee, at 224-3721.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a field hearing in Minnesota entitled "SARS: Is Minnesota Prepared?" This hearing will be the third hearing the Subcommittee has conducted on the issue of Severe Acute Respiratory Syndrome (SARS). At this field hearing, the Subcommittee will focus on what Minnesota has done to prepare for a possible outbreak of SARS this year and what still needs to be done; how the Federal Government can help; and how schools, businesses and communities should respond when someone they know develops a possible case of SARS.

The hearing will take place on Wednesday, October 8, 2003, at 10 a.m. at the University of Minnesota in Minneapolis, MN. For further information, please contact Joseph V. Kennedy of the Subcommittee staff at 224-4198.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 30 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine S. 1097, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Kellie Donnelly or Meghan Beal at 202-224-7556.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 24, 2003, at 9:45 a.m., in open session, to receive testimony on the report of the panel to review sexual misconduct allegations at the United States Air Force Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2003 at 9:30 a.m. to hold a hearing on Iraq: Next Steps.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2003 at 2:30 p.m. to hold a hearing on Iraq: Next Steps.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 24, 2003, at 9:30 a.m. for a hearing titled "Penalty for Public Service: Do the Social Security Government Pension Offset and Windfall Elimination Provision Unfairly Discriminate Against Employees and Retirees?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Intellectual Diversity during the session of the Senate on Wednesday, September 24, 2003 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 24, 2003, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Wednesday, September 24, at 9 a.m. to examine the findings of the General Accounting Office concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security.

The hearing will take place in SD 406, hearing room.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME, CORRECTIONS AND VICTIMS' RIGHTS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime, Corrections and Victims' Rights be authorized to meet to conduct a hearing on "Elder Abuse, Neglect and Exploitation: Are we doing enough?", on Wednesday, September 24, 2003, at 2:30 p.m. in SD226.

Panel 1: Daniel L. Mihalko, Inspector In Charge, Congressional and Public Affairs, United States Postal Service, Washington, D.C.; Honorable James G. Huse, Jr., Inspector General Social Security Administration, Washington, D.C.

Panel 2: Honorable Christopher Chiles, Prosecutor, Cabell County, WV, Vice President, National District Attorney's Association; James Wright, Director of TRIAD, National Sheriff's Association, Alexandria, VA; Lori A. Stiegel, J.D., Associate Staff Director, Commission on Law and Aging, American Bar Association, Washington, D.C., AARP, Washington D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Thursday, September 25, at 9:30 a.m.

There being no objection, the Senate, at 6:50 p.m., adjourned until Thursday, September 25, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 24, 2003:

THE JUDICIARY

LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—*Wednesday, September 24, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DUNCAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 24, 2003.

I hereby appoint the Honorable JOHN J. DUNCAN, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. David Shibley, President, Global Advance, Dallas, Texas, offered the following prayer:

"Our fathers' God, to Thee, author of liberty, to Thee we sing. Long may our land be bright with freedom's holy light. Protect us by Thy might, great God our King."

Eternal Father, we acknowledge, as President Lincoln said, "the sublime truth, announced in the Holy Scriptures and proven by all history that those nations only are blessed whose God is the Lord." We humbly affirm that "unless the Lord builds the house, they labor in vain who build it; unless the Lord keeps the city, the watchman stands guard in vain."

May You be our defense, and may You grant to this Congress Your wisdom and compassion. May the Members of this great House, their families and staffs experience the joy of knowing You and walking in Your ways.

Forgive us when we have tried to govern independent of Your will. Grant us the moral clarity and moral courage that will make us a lighthouse to the nations. May we as a Nation and may these public servants be guided by Your Word and Your Holy Spirit.

I ask this in the name of Your Son, Jesus Christ, who loved us and gave Himself for us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1404. An act to amend the Ted Stevens Olympic and Amateur Sports Act.

WELCOMING REVEREND DR. DAVID SHIBLEY, PRESIDENT, GLOBAL ADVANCE, DALLAS, TEXAS

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I am honored to have the world's minister here. He is my neighbor in Rockwall, Texas. Rockwall is the smallest county of 254 counties in Texas, and he is my neighbor, he is my friend, and, as I say, he is the world's pastor.

Dr. Shibley has spent his life dedicated to the spreading of the Gospel throughout the world. Through his work and through private donations, he has afforded on-site training for over 193,000 pastors and church leaders in 53 nations and has equipped them with books and ministry resources in 13 languages.

Today, as we worry about the Nation and worry about the men and women overseas and we pray for our President, we may have the strongest intercontinental ballistic missile system and the best military hardware of anyone in the world, but we know today the greatest power we have and the power we need is the power of prayer.

Thank you, Dr. Shibley, for your prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will hear up to 10 one-minute messages from each side.

REIN IN THE FEDERAL COURTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the first amendment does not guarantee us freedom from religion in government or anywhere else, but freedom of religion. That is an important difference. It offers the people the ability to determine the role of religion that takes place in society.

But as the issue stands now, the courts, elected by no one, can determine the time, place and content of all religious displays at every level of government. They have even prevented a 4-year-old in New Jersey from giving his classmates pencils that happen to say "Jesus loves the little children" on them. The courts have embarked on a crusade to save us all from religion.

The sad thing is that this debate is over religion in public life and has moved away from what the Founders intended. The Founders understood that religion, like all other ideas, should be thoroughly debated and considered as part of representative government. It should not be used to impose a lifestyle on anyone, but should play a role in our discussion. That is democracy.

Congress can and should take action, before this country is ruled by judicial fiat instead of the consent of the people.

NATIONAL DEBT CONTINUES TO INCREASE

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, it has been 867 days since the administration began implementation of their economic plan for our country. During that time our national debt has increased by $1,159,358,743,968, according to the Bureau of the Public Debt at the Treasury Department. Yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt, the total debt, was $6,799,684,130,327. Further, in fiscal year 2003, the interest on our national debt, what I call the debt tax, D-E-B-T tax, is $304,978,878,641 through August 31.

Mr. Speaker, our country, the administration and Congress needs to return to fiscal responsibility.

CONDEMNING OUTRAGEOUS STATEMENTS REGARDING U.S. POLICY IN IRAQ

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as I am sure you know by now, last week the war in Iraq was called "a fraud made up in Texas to give Republicans a political boost."

I am sure that our military, who are putting their lives on the line for this war, do not appreciate this characterization of their mission.

Yesterday I visited Walter Reed Hospital. I spoke with our military who were wounded and with their family members. To a person, they support what we are doing in Iraq. They firmly believe that it is in the benefit of not only this country, but certainly the Iraqi people.

However, we should be outraged at what was said. We should be outraged that the statements were based not on facts, but on disinformation.

Mr. Speaker, misinformation is mistaken information. However, disinformation is just plain lying, and that is a shame.

It is for this reason that I stand before this body to condemn these outrageous statements. They remind us all of the value that some people in this country place on political gain and the lengths that they are willing to go to to achieve it.

SUPPORTING ISRAEL IN ITS FIGHT AGAINST TERRORISM

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise today to speak about my commitment to an Israel that can live in a safe and secure environment.

Over August I had the opportunity to travel to Israel with 28 of my colleagues. This trip was the largest congressional delegation ever to travel to the state of Israel. We had the opportunity to see the strength and resilience of the Israeli people as they face the threat of terrorism on a daily basis.

The United States must not stand in the way of Israel protecting its citizens from terrorists who threaten them. Israel did not ask us to restrain ourselves when we acted against the terrorists responsible for the 9/11 attacks, and we should not ask that from them.

For a true and lasting peace to come about, the Palestinian Authority must act against the terrorist groups like Hamas and Islamic Jihad. But before the Palestinian Authority can act against these terrorists, they must clean up their own acts. The first step is to remove Yasser Arafat from any position of power. Arafat has done enough to destroy the aspirations of the Palestinian people.

Recently we all read in the paper how the IMF discovered that Arafat diverted $900 million of public funds to a special bank account under his control. Arafat is not a partner for peace. We know that. We need to convince our allies of that as well. The Palestinian Authority must rid itself of Yasser Arafat if it truly wants to bring about a peaceful coexistence with the state of Israel.

EXPRESSING HEARTFELT SUPPORT FOR ISRAEL

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I returned from Israel this summer inspired by its ability to resist terror. On September 11, Americans learned what it was like to lose friends and neighbors to fanatics on a suicide mission. Israel has been living with terror, and during this trip we got a glimpse of their daily reality.

A day after our visit to the border between Israel and Lebanon, a missile killed a 16-year-old boy near where we had been. When we toured Hadassah Hospital, we met with a doctor who had stayed up all night saving a woman's life. She had been struck by a sniper's bullet. Both attacks came during the so-called cease-fire, a time no one was supposed to die.

We have a lot to learn from Israel about improving communication, coordination and intelligence. After 9/11 we were supposed to have a governmentwide database on terrorism. Two years later, there are nine Federal agencies maintaining 12 different lists of terrorist organizations.

Israel is our greatest ally in the Middle East. It deserves our heartfelt support.

STANDING SIDE-BY-SIDE WITH ISRAEL

(Mr. CARDOZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDOZA. Mr. Speaker, I recently had the opportunity to travel to Israel with the gentleman from Maryland (Mr. HOYER), the gentleman from New York (Mr. CROWLEY) and over 20 of my Democratic colleagues.

As timing would have it, our visit preceded the departure of Palestinian Prime Minister Abu Mazen by 1 week. We met with the Prime Minister, who told us that he was trying to implement important reforms within the Palestinian Authority. But during the Prime Minister's 4-month tenure, Mr. Arafat consistently opposed his reform efforts and took steps to maintain his hold on power and erode support for Mr. Abbas among the Palestinian people.

As these events have demonstrated, measurable progress will not be realized as long as Mr. Arafat remains in power.

If the Palestinian Authority will not or cannot destroy Palestinian terrorist groups, the Israeli Government has every right to defend its citizens against further violence. The Israeli Government has started building a security fence for exactly that purpose. I believe the United States should support Israel's efforts, which is a reasonable measure of self-defense against suicide bombers.

Further, I believe it would be a terrible mistake for the U.S. to reduce its loan guarantees to the State of Israel. At this time of great peril, we must stand side by side with Israel and its citizens in the fight against terrorism.

EXPRESSING STRONG SUPPORT FOR ISRAEL

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise today to express my strong support for Israel, as well as my frustration and anger over the continued Palestinian terrorist attacks on innocent men, women and children.

I am especially angered over the action, or rather inaction, of the so-called Palestinian President Yasser Arafat.

The Palestinians were given a unique and exceptional opportunity 3 years ago at Camp David when Israel offered nearly all the land in the West Bank, the Gaza Strip, control of the Muslim holy sites in Jerusalem and billions of dollars guaranteed to build an infrastructure and a new Palestinian state in exchange for two simple things: peace and an end to terrorism.

□ 1015

Arafat was in a unique historical position to finally bring peace. Instead, Arafat chose violence rather than compromises, terrorism rather than harmony. He chose to embrace cowardice and fear rather than to lead the Palestinians on the path to peace and statehood.

The United States and Israel stand together in a worldwide struggle against terrorism. However, instead of standing decisively with our strongest ally, the only democracy in the Middle East, we continue to threaten our level of aid, subjecting Israel to a quid pro quo better befitting an adolescent child than a sovereign nation. I speak of Israel's need for a security fence in order to protect its citizens against continued terrorist attacks. Let us not deduct the cost of the fence from our loan guarantees.

HISPANIC HERITAGE MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize Hispanic Heritage Month and to honor all of the contributions of the Latino community in the United States.

Right now, the Latino community is the largest minority group in America, with over 37 million people. We continue to become more powerful and a more dominant force in the United States. In fact, this year, we will have a purchasing power within the Latino community reaching almost $600 billion. Marketers and advertisers, CEOs and companies are realizing that we are a target for consuming, and we are becoming the fastest growing consumer sector in this Nation.

Our increasing power and influence in this country cannot be ignored. So this week, so many Latino groups are in town preparing an agenda for the future, and a good Hispanic agenda is a good agenda for America.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 374 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 374

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 374 is a rule that provides for the consideration of the conference report for the fiscal year 2004 Department of Homeland Security Appropriations Act. This is a standard rule for a conference report, providing for 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

As we continue the 2004 appropriations cycle, Mr. Speaker, it is fitting that the first appropriations bill, and now the first conference report this House considers, is the Homeland Security Appropriations Act. It has been over 2 years since the Nation was savagely attacked by a group of cowardly terrorists on September 11, 2001. Appropriate, decisive, and necessary steps in our defense and foreign policy have been evident under the leadership of President Bush through successful efforts to eliminate al Qaeda from its government-sponsored haven of Afghanistan, the elimination of the Taliban regime and, recently, to remove the ruthless dictator Saddam Hussein in Iraq, and operations throughout the world in furtherance of U.S. national security.

The U.S. military has performed and succeeded with distinction each and every time we have called upon their gallant services. But much more work has to be accomplished in the homeland; and this legislation, Mr. Speaker, provides communities the necessary tools to effect necessary security efforts.

In this conference report, Congress is providing almost $30 billion to protect the homeland, $1 billion above the President's request.

The legislation provides $4.2 billion to the Office of Domestic Preparedness. I have seen firsthand the work of Federal dollars when supplemented with State and local funding to make our communities safe. In south Florida, the local governments and municipalities have taken extensive steps to ensure the safety of airports, seaports, utilities, and water supplies; but they still require the supplemental funding and grants that this legislation provides. With over 7,500 miles of land borders and 361 seaports, local authorities will always be the frontline of defense.

First responders are the key to the effective protection of our communities. In addition to many other programs, this conference report provides $1.7 billion for basic formula grants under the Office of Domestic Preparedness; $500 million for State and local enforcement terrorism prevention grants; $750 million for firefighter grants, and $725 million for high-threat, high-density urban areas.

To further ensure the safety of the American people, we have instituted very clear guidelines for grant eligibility. Local and State officials must create a multiyear homeland security plan. This will ensure that we are not just throwing money at the problem, but we are working to find comprehensive, long-term solutions to problems.

The Department of Homeland Security is also working hard to protect our ports of entry. There is $62 million in this bill for the Container Security Initiative. It is our belief that security at our ports should be the last line of defense, not a first.

Through the Container Security Initiative, the Bureau of Customs and Border Protection is working with the world's largest ports to screen cargo before it leaves for the United States. We now require 24-hour advanced notice for manifests of any cargo ship heading to the United States. This allows the Department of Homeland Security to see what is on a ship before it gets anywhere near the coasts of the United States. Through a sophisticated database screening system and ground personnel working with host countries, the Department is creating a frontline of defense hundreds, sometimes even thousands of miles away.

This conference report also provides $236 million for immigration services, $80 million of which is dedicated to alleviating the current unsatisfactory backlog of immigration applications. Under President Bush's Blueprint for New Beginnings, Director Aduardo Aguirre of the Bureau of Citizenship and Immigration Services is committed to achieving a maximum term of 6 months for immigration applications between the time of application and the time of swearing in, including for citizenship, specifically. Some parts of our Nation have seen the wait for citizenship applications grow and grow to the point that now it is not anywhere near 6 months, but rather years, in many instances. Effective funding to eliminate this backlog and streamline the process is essential, as is congressional oversight; and I want to thank the gentleman from Kentucky (Chairman ROGERS) who, in the Committee on Rules yesterday evening, again committed to continuing forceful oversight to make sure that this goal of the President and of the director really is achieved. Six months, 6 months should be the maximum time between an application for citizenship and the swearing in of a new American.

Easing the backlog will enhance national security by ensuring that those who should be in the country are given their citizenship papers and those who have goals other than enjoying American prosperity and freedom and may seek to potentially harm America are quickly removed from the consideration process and dealt with appropriately.

We must also allow those with a desire to enter the United States legally to do so without undue burden. Again, Mr. Speaker, I look forward to working with the chairman and the administration to ensure that, with necessary security, the borders of this country remain open to those who seek freedom and prosperity.

Again, I would like to thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for their important bipartisan work on this very important appropriations bill which I think, appropriately, is the first one that we bring in final form before our colleagues.

Mr. Speaker, H.R. 2555 is good legislation essential to our continued commitment to the security and safety of all of the citizens and the residents of the United States, the well-being of the homeland. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, this legislation has been described as historic because it is the first bill appropriating funds for the new Department of Homeland Security. But because of an economy that continues to lag and the largest deficit in history, and the mounting costs of rebuilding Iraq, this government is in bad fiscal shape. Nonetheless, we have to do whatever is required to secure the country. Does this bill provide enough money for aviation security, for safety around the perimeter of the Nation's airports, for security at our economically-vital ports, and for the Coast Guard to fulfill its previous and additional duties? This body agreed that all cargo traveling on passenger planes would be fully screened, but that security measure was dropped from the bill; and full screening of cargo on passenger planes will not be required.

Are we providing enough money to prepare our first responders, the local police departments and emergency medical agencies? Recently, the Council on Foreign Relations issued a comprehensive report on the status of America's first responders. The council found that its dedicated police officers, firefighters, and emergency personnel are underfunded and underrescurced. In fact, it determined that the first responders need an additional $98.4 billion to meet their needs. We know, Mr. Speaker, that regardless of whether or not we train them adequately or provide them with the equipment that they need, when called upon, they will go. But surely they deserve from this government a chance to increase their odds to the greatest extent possible.

Are we dedicating enough resources to secure our northern border? I represent the second biggest gateway between the United States and Canada, and I see the need to increase the resources along the over 4,000-mile border between the United States and Canada. For years, we did not need to pay attention to our northern border because our Canadian friends and the United States were such good, compatible friends. In fact, it was the largest unguarded border in the world. But if we are going to maintain the $1.5 million trade between the United States and Canada every single day and still maintain the United States' and Canada's safety and security, we have to provide enough resources to do it.

In conference, an additional $1.25 billion for airport and seaport security for first responders and for more Customs officials on the northern border was sought. But, unfortunately, the proposal was refused.

Mr. Speaker, the creation of the Department of Homeland Security was also a historic event. The Department was recently described as the "government's hobbled giant." Will DHS be known for its disorganization? Will the Department be able to use effectively and efficiently this nearly-$30 billion investment in homeland security? Will the Department perform a complete national threat assessment, which has been required for 2 years and we still do not have, but is a necessity to develop and implement a comprehensive homeland security plan? Will the Department develop the criteria for the evaluation of our preparedness so that local and State governments are able to determine the readiness and needs of first responders? And will the Department quickly get the grant money to the local first responders?

□ 1030

The testimony that we have had at our hearings recently does not give us much hope.

Also, Mr. Speaker, it must be noted that next week is the end of the current fiscal year. And, in fact, fiscal year 2004 begins one week from today. However, Congress has not sent any bills making appropriations for fiscal year 2004 to the President's desk for his signature. If we are lucky, we might have three of the 13 appropriations bills ready to become law by October 1.

Mr. Speaker, finishing only 23 percent of our work on time is not acceptable, and we can and should do better for the people of this great and wonderful country.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud of the fact that all of the appropriations bills, all 13, have been promptly completed by this House. And I think that it stands as a testament to the hard work of the leadership of this House and especially of that very hard-working Committee on Appropriations under the leadership of Chairman YOUNG and the subcommittee chairs.

We obviously can, working hard, fulfill our responsibilities as the Committee on Appropriations has done in this House. We do not control the other House. We wish that they would also complete their work in a timely fashion as this House has.

Now, this is the first appropriations bill that is finalized in the sense of a conference, the final product. We are looking forward to many others being able to be sent shortly to the President for his signature. But I feel very proud of the work of this House and especially the Committee on Appropriations.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership on this bill along with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Minnesota (Mr. SABO).

We cannot be debating a more important issue to our homeland security than how much money the Federal Government is going to spend over the next year to secure the people of our country. The President has been able to find a way to spend $87 billion in Iraq to protect American security on top of an additional $65 billion which we have already spent, but this administration can only find an additional 2 percent for homeland security. And after inflation, that pretty much gobbles it up.

While this theory that somehow or other al Qaeda is going to be attacking us 5,000 miles away and not here on our own shore belies the reality of where the threat is to the American people which is in their homes, in their places of work.

Now, just a couple of months ago on this House floor, we passed an amendment by a vote of 278 to 146. That amendment required that in addition to each of us who are passengers on planes in America having to take off our shoes, having to put our cell phones through security, having to put our computers through security, having to put our carry-on bags through security, having to put our luggage, if it is too big, down and under the plane through security, that the cargo which goes on those very same passenger planes is also screened.

Believe it or not, although 22 percent of all air cargo in the United States is placed on passenger planes that we all fly on, there is no screening program. So as we all sit up in the passenger seats now, thinking that everyone who is seated with us in the passenger section has also been screened, and thereby we are safe because there are two air marshals, there is a double-reinforced steel door on the pilot's cabin, the pilot may have a gun, every passenger may be looking to see how they may respond if al Qaeda jumps up on that plane as to how they will tackle al Qaeda, but in the cargo bin of that very same plane, a package just this size, the same size as your luggage goes on that plane without being screened. Cargo.

Now, there is something wrong when your luggage, which is this size, gets screened but a piece of cargo does not get screened. Al Qaeda, not even flying on that plane, not even flying on that plane, can send cargo on that same plane unscreened, unseen, that destroys that plane. And the consequence would be another half-a-trillion or trillion-dollar hit to our economy.

So here is the bizarre situation in which we now see ourselves as the Republicans bring this bill out on the House floor, we, the average American, will have to go through airport security doing whatever it is that those screeners ask us to do. And we do not mind, we want security for our families, for our country, but going around the screening is the cargo on the very same plane.

By the way, with those people who put the cargo on the plane not flying on it, unless, if you followed this a couple of weeks ago, there was a young man who actually shipped himself across the country. Thank God that young man was a tourist and not a terrorist. That is where we are.

You can get a bomb onto a plane without a boarding pass. You can go right around the whole system that all of us have to go through to get on that passenger plane. So in this bill, rather than accepting the amendment which passed here on the House floor, which would require the TSA to construct a plan to ensure that there is a screening for cargo which goes on passenger planes, instead they removed it on a partisan, Republican-Democrat, vote in the conference committee, party line.

So while the passengers are having their nail clippers taken away from them because it may pose a threat to security on the plane, a piece of cargo can go on without any screening whatsoever. Now, that is just wrong. At Logan Airport, which I represent, 2 years ago, 10 al Qaeda, who had a sleeper cell in our city, got on 2 planes and terrorized our country and the world by then destroying the lives of not only the passengers on that plane from New England, but also 3,000 additional lives in New York City and a good chunk of our economy. We cannot run the risk on those very same planes taking off today, that al Qaeda could put cargo on the very same passenger flights without any screening. And I do not think the American people want to fly on planes that do not have cargo which is screened.

This provision, which has been deleted, has been endorsed by Coalition of Airline Pilots Association. All the airline pilots in America endorse the provision.

Let me read what the victims of Pan Am Flight 103 have to say about this provision. Here is what they say in a letter to us: "The victims of Pan Am Flight 103 Organization is dedicated to and strives for passenger planes to be as secure as possible. Our goal is to have 100 percent physical screening of passengers, crew, luggage and cargo. Trading lives or dollars is totally unacceptable to the families who have paid the price of ineffective security."

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me time.

I had not intended to speak on the rule. I was going to wait and present the material that I have on the debate on the conference report itself, but I cannot let the gentleman's remarks go unresponded to at this point in time.

It is just not so that anyone can place cargo on a passenger plane without it being checked and screened. That is incorrect. We have a very sophisticated system in place today that verifies whether or not you are a known and trusted shipper. If you are not so certified by the government after having been investigated and your background checked and all of those procedures, if you are not a known shipper, they will search your packages you put on the passenger plane.

The gentleman is incorrect, and I do not want it to be said nor heard around the world that you can get by with the things he said. You cannot. Today you cannot. And yet in this bill, in the conference report, we direct the Secretary to research, procure and install machinery that can x-ray all this cargo going on passenger planes. We do not have the equipment today to do that, and so we rely upon the known shipper program; and if you are not a known shipper, we personally inspect your cargo.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from California.

Mr. LEWIS of Kentucky. Mr. Speaker, I must say the gentleman's comments are very, very appropriate. I am taking a group of 16 Members over to Iraq this weekend to begin to try to lay the foundation for a better understanding of what is happening there by Americans; but to have this kind of outrageous presentation on the floor, which could very well tempt kooks in the world to do things that otherwise they would never think of doing, is absolutely not acceptable. And the House should react the same way the gentleman is reacting. I appreciate the chairman yielding me time.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for his comments. I am not characterizing the comment of the gentleman from Massachusetts (Mr. MARKEY). All I am saying is do not be overly alarmed, for goodness sakes.

There is a program in place while we get the machinery to actually x-ray the cargo that goes on passenger planes. We do not have it now, and it is going to take some time to develop, but in the meantime we are doing the next best thing, and that is certifying who it is we are receiving cargo from to put on those planes and directing the Secretary to proceed forthwith at the earliest date possible to secure the machinery to make that happen.

I thank the gentleman for yielding me time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, today I rise to express my respect for both the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO) for their work on H.R. 2555, the conference report on fiscal year 2004 Homeland Security appropriations.

I think it is important that we raise some of the questions that we are hearing from our constituents back home and from the people who are operating security at some of our airports.

□ 1045

I think that the questions that were raised by my colleague from Massachusetts (Mr. MARKEY) are appropriate, but those are the same issues that are raised to us when we tour some of the airports in our districts and in our States. But I want to add my voice to the growing concern that a number of people have, that the Federal Government is cutting back dramatically on our commitment to our Nation's airports at a very critically important time. Just now the American traveling public is beginning to regain confidence in flying since the horrific terrorist attacks of September 11, and we must continue to reward that confidence by funding the necessary number of baggage screeners at our Nation's airports.

Earlier this week I had the privilege to tour Logan International Airport in Boston, Massachusetts, with the CEO of the Massachusetts Port Authority, the airport operator and the airport's Federal security director. Regrettably, Logan is remembered by many as the airport from which both planes that hit the World Trade Center Towers were hijacked. What is not as well known is that no other airport in the country has moved more quickly and aggressively to address passenger security than Logan.

Massport and the TSA at Logan enjoy a tremendous cooperative relationship reinforced by daily meetings 7 days a week. Logan has the Nation's only fully automated 100 percent bag screening system at a major airport, and unlike airline hub airports where many passengers are connecting from one gate to another and never pass a security checkpoint or have their luggage screened, 90 percent of Logan's departing passengers will go through a checkpoint, and most of those will check at least one bag.

Despite these challenges, the screeners at Logan have done a tremendous job in protecting the 11 million passengers that depart that airport every year. These screeners do an incredible job. It is hard work. These people who work to screen baggage and do other things to enhance the security at that airport do tremendous work. And they do not get the gratitude, quite frankly, they deserve.

The TSA at Logan will never compromise safety, but their staffing levels at Logan have been steadily decreasing this year, and this inevitably will result in longer lines at checkpoints and delays. At a time when we are trying to help the commercial airline industry do better, it seems to me that we need to be sensitive to the fact that without proper staffing we will see longer and longer lines.

There are currently 100 fewer screeners at Logan than when the Federal Government took over. That is unimaginable. We cannot continue to bail out airlines without first meeting our commitment to our Nation's airports.

This whole procedure, this conference report, began with providing 56,000 screeners. Then it went to 49,000, and now this bill caps screeners at 45,000. With all due respect to the great work that the chairman and others have done, I think we need to do better, and I hope that at some point in this process we will find a way to do that.

I thank the gentlewoman for yielding me the time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. TURNER), who is the ranking member on the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, we all know it is the first duty of this Congress to protect and provide for the defense of the American people. In the first days of the 21st century, this means that we have to do everything we can to protect America from terrorist attack.

After September 11, the question that each of us must answer is are we doing all we can to protect America. With only 3 percent of our cargo containers being checked as they enter American ports, can we say that we are doing enough to close that security gap?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. TURNER of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, is the gentleman not aware of the container security initiative where we are checking these containers at 24 megaports around the world, even as I speak?

Mr. TURNER of Texas. Mr. Speaker, reclaiming my time, I am very much aware of it. I am just convinced that we are not doing it enough, and we are not providing the essential security that we need.

I participated just yesterday in an exercise out at the National Defense University, went through a simulation of a terrorist attack utilizing container cargo. The estimates of the devastation to our country and our economy that something coming through on cargo containers would do to this Nation is shocking, and I think it is very important that we do even more than we are doing today.

Mr. ROGERS of Kentucky. Mr. Speaker, if the gentleman would yield briefly on that point, I agree with the gentleman, we should do all we can. However, it is inaccurate to say we are only checking 3 percent of these container pieces. We are doing a lot more than that.

Mr. TURNER of Texas. Mr. Speaker, I do agree we are doing more than we were. The question is are we doing enough to protect America?

When we look at what we are doing to protect our borders, we have yet to meet the levels that we mandated in the PATRIOT Act for border security guards, and we clearly do not know today who comes into this country and who leaves this country, and that is without dispute. We also know that we have got 12 incompatible terrorist watch lists, and it has been 2 years since we all knew that we had to have a common single watch list to be sure that all agencies of government knew who was on the terrorist watch list. We know the Coast Guard struggles with outdated equipment, equipment that needs to be upgraded. The list could go on and on and on.

The Council on Foreign Relations issued a report just about a month ago entitled Emergency Responders Drastically Underfunded, Dangerously Unprepared, a bipartisan report issued by a bipartisan group chaired by Warren Rudman, former Republican Senator.

There seems to be no question, Mr. Speaker, that we must do more to protect the security of America, and when we look at it in the context of the priorities, what we see is the increase in the Homeland Security budget provided by this conference report is only 2½ percent above what it was last year. That is a $535 million increase in funding for Homeland Security, and keep in mind, this Homeland Security budget funds all these 22 agencies that we had in existence before we combined them into one agency. So we are really paying for a whole lot in this bill that we were already doing, and the total increase is about the rate of inflation.

In terms of priority, the President has requested that we spend approximately $20 billion additional to rebuild Iraq, and it is probably just a down payment. We are spending only 2½ percent additional on homeland security, 2½ percent of that $20 billion here at home to protect America. When we look at the total size of this increase, $535 million, that is just one one-thousandth of the size of the deficit that we have this year.

So in terms of priorities, there should be no debate that we are not doing enough to protect America, to protect America from chemical attack, from biological attack, from nuclear attack, from traditional explosives. This is what the war on terror is all about, and we must wake up and be prepared to defend America against the terrorist enemies that we know are plotting as we speak to harm America and American citizens here and around the world.

So I say, Mr. Speaker, that it is time for us to be real about what our needs are in the area of homeland security. I will be the first to tell my colleagues that we also need to get smarter about how we spend our money. That is why the Democrats on the Select Committee on Homeland Security, joined by most of the Democratic Caucus, will introduce legislation today to create a task force that will be a grassroots group of local responders that will advise the Department of Homeland Security as to what the legitimate essential needs are of every community in America, because today we do not pass out money on any rational basis.

Let us get smarter, let us get real, and let us be honest about the security needs of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, as we debate a bill to ensure that our homeland is secure, while we struggle to reconcile another $87 billion of war expenses, this Congress has once again provided a special benefit to a handful of financial traitors who have literally skipped out on paying the bill.

The House Committee on Appropriations unanimously passed an amendment to prohibit lucrative Federal contracts from being awarded to corporations who run offshore to avoid U.S. income taxes. Then the Committee on Rules struck it out. Then the Senate passed an amendment on the floor to prohibit these contracts with tax cheats. Then the conference committee struck it out.

Sound familiar? I feel like Bill Murray in Groundhog Day. No matter how hard we try, we keep hitting it from every angle, but nothing seems to work to get these companies to come back to the United States and pay their fair share of taxes. It seems that there are some in this Congress who are intent on protecting the new Bermuda citizenship of these companies. We end up where we started at the beginning, with corporate expatriates avoiding $5 billion, listen to that, $5 billion in taxes, and yet they win $2 billion annually in lucrative Federal contracts with the United States Government, 70 percent of which are in defense and homeland security.

By a whopping vote of 318 to 110, this House last year voted to prohibit these corporate expatriates from sharing in the increase of contracts with the new Homeland Security Department. Senator Wellstone added similar language during the Senate debate, but after Wellstone's death and after the election was over, the bill came back, and guess what, we got rid of the provision.

Despite a promise from House and Senate leadership during a close vote to three Republican Senators that this contract ban, and two other controversial provisions, would be fixed in later legislation, no ban has been enacted.

These corporations benefit from America's defense and homeland security, but they are not willing to help pay for it. With 150,000 soldiers in Iraq today willing to give their lives for this great Nation, Congress should ensure that the resources exist to support that effort. If the tide of corporations flowing offshore for tax avoidance continues, those resources are put at serious risk. It is shameful that this year we have nothing again to show for our efforts.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Let me go through this once again. If you are on a passenger plane, and this is the size of your carry-on luggage, you have to put that luggage through screening, each person in America, no exceptions; Members of Congress, no exception. We are known trippers. They do not say to Members of Congress, oh, we know who you are, you are a known tripper, just bring that bag right around security. They do not say to businessmen who fly between New York and Boston every day, you are a known tripper, come right around security, we are only going to check these people who do not fly that often. No. Every single one of our carry-on pieces of luggage gets screened, and that is the way it should be, no exceptions for Members of Congress, no exceptions for business people, no exceptions for anybody.

But if you have got a piece of cargo, and they say you are a known shipper, they do not put it through any screening on the same plane that we are on.

But listen to this: If it is under 16 ounces, and, by the way, Richard Reid, who had explosive plastic material in his shoes had less than this, this does not get screened. There is no paperwork required. There is no known shipper program. Nothing, if it is 16 ounces and under to go on passenger planes if it is cargo.

Now, that is a huge loophole. Why can we not screen this? What is so complicated about screening this going onto passenger planes?

□ 1100

Why is there no equipment to do this? If you can screen a huge bag which we are all taking on our vacation for 10 days, how can a cargo shipper who is putting this on a plane not have it screened; does not even require paperwork, if we know an explosive could be put in it? It is wrong, and this bill should be defeated.

We owe the passengers of America the knowledge that as they put their families on planes to fly around this country that this package is being screened; that there is paperwork that is attached to it; that we know what is in it as we are putting it on a passenger plane. This bill says no, we are not going to have a requirement. We are not going to make that a part of the compact which we have with American people for homeland security.

We know there is no uranium or nuclear weapons in Iraq. We now know that. But we know that al Qaeda is still in our country trying to figure out ways of targeting the airline industry. Give them the right to know that their families are safe. Vote "no" on this homeland security bill until they give every American family that level of protection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security of the Committee on Appropriations, who along with the rest of the subcommittee has been working long and hard, and not with empty shoeboxes but for the security of the American people, actually getting things done.

Mr. ROGERS of Kentucky. Mr. Speaker, I shall not take that time.

I cannot believe the gentleman from Massachusetts would stand before the body and make the statements, as he did, without knowing the facts. The 16-ounce package the gentleman held before us and said this is not searched, this is not searched, this is not searched, all packages under 16 ounces are checked by canine teams. And I would trust the canine teams more than the gentleman from Massachusetts on this point.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. First of all, Madam Speaker, all packages 16 ounces and under are not checked by canine. They have a pilot project to check some of the packages 16 ounces and under. They do not have every 16-ounce package checked by canine.

Moreover, why in the world should everyone in these galleries, every American have to take off their shoes, put through their computer, put all of their packages through screening and then have a dog sniff however many packages the cargo shipper or the airlines feel like they should sniff? Why should those packages not get the same screening? Why should there be any risk of mistake?

They do not screen us by sniffing dogs. They do not have dogs sniffing our bags or our packages. They want to make sure that it is absolutely guaranteed that no one is getting on to the passenger section of a plane with an explosive. It is just wrong. It makes no sense, in fact. Why make people take off their shoes if someone can put it on in the belly of the same plane without the same screening? It makes no sense.

We should have a known-tripper program, then. Let 98 percent of all Americans get on with no screening because we know they are not a big risk. We do not say it that way. We say we are not taking any chances with the lives and safety of Americans on planes. We are going to have everyone go through. Regardless of status, regardless of income, everyone goes through. And I think it is reassuring to other Americans when they see Members of Congress taking off their shoes, putting their own carry-ons through. I think they know that we are serious about it. But they know we cannot possibly be serious when their nail clippers are being confiscated and they bite their own nails while they watch the cargo go onto the same plane with no physical screening at all.

Vote "no." It is just not a good enough bill on the issue that we know al Qaeda still puts at the very top of their list the airlines of our country with passengers on them. We owe those people better 2 years after what happened on September 11.

Ms. SLAUGHTER. Madam Speaker, I yield myself 1½ minutes.

I am proud to be a member of the Select Committee on Homeland Security; but having attended all the hearings that we have had, I have been struck by the fact that, basically, in 2 years, we have not achieved a great deal. The watch list is one item that particularly concerns me, and I do not think we are paying enough attention to what I would like to call the enemy within.

I was struck this week by the two men who were charged with espionage who worked at Guantanamo, one a chaplain, the other working for the United States Government. And as we work to make America safe, if we do all our concentrations and spend all of our money on securing the borders from people coming in and forget and do not put adequate emphasis on the people who are here already, then I think we are missing the chance to do our job adequately, nor should the American people feel any safer.

I agree with what the gentleman from Massachusetts (Mr. MARKEY) said, this could be a better bill. I wish it could be. And certainly I want to reiterate what the gentleman from Massachusetts (Mr. NEAL) said. It has been one of the sorrows of my life watching the inability of Congress to say to corporations who have the gall to incorporate overseas to avoid paying Federal taxes yet are awarded Federal contracts. Surely, surely we can do better than that and finally at least stop that hemorrhage.

It has troubled me all the way through to see some of the contractors out here doing the work on the Capitol itself and who are working for corporations that have gone to Bermuda. If they are saying to the United States residents, here, you go ahead and pay for the war yourself, we opt out, but please give us the contracts, we ought to be smart enough, we ought to be intelligent enough to put a stop to that.

Madam Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

This has been an interesting debate. I feel very proud of the work that the gentleman from Kentucky (Mr. ROGERS) and his subcommittee have done in bringing forth this legislation, which is not only the first appropriation bill that is being sent to the President but one could say certainly one of the most important, if not the most important one.

Many important programs are funded. I happen to have followed, and feel very strongly, for example, that the funding in this bill and the oversight that Chairman ROGERS is providing to make sure that the goal that President Bush has set for immigrants in this country who are seeking the great honor of American citizenship is met: that there be no more than a 6-month period between the time of application and swearing in for immigrants in this great land. We are going to follow up with oversight to make sure that that goal of President Bush and Director Aguirre is met. It is funded in this legislation.

Many important security initiatives are also funded. Chairman ROGERS has stated, and I think it is important to reiterate that the Secretary of the Department has been instructed to forthwith devise and implement a system for the screening of all cargo. So in addition to the very important existing programs that have been improved and their funding has been increased to assure the security of the American people today, this legislation calls for the development forthwith of a program to screen all cargo. I thank Chairman ROGERS and his committee for that work as well.

So this is very important legislation that is brought forth today with this rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California (during consideration of H. Res. 374) submitted the following conference report and statement on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

Conference Report (H. Rept. 108–283)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,247,667,000.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,217,298,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,971,897,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,910,868,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,568,725,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,002,727,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $571,444,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,288,088,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,500,369,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,174,598,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $25,029,346,000: Provided, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance: Provided further, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,146,658,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,440,323,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,904,731,000: Provided, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,226,841,000, of which not to exceed $30,000,000 may be available for the CINC initiative fund; and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,998,609,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,172,921,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,179,388,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,340,581,000.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,431,216,000.

Overseas Contingency Operations Transfer Account

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $5,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $284,619,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006: Provided, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,154,035,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,505,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,857,054,000, to remain available for obligation until September 30, 2006: Provided, That of the funds made available under this heading, $35,000,000 shall be available only for advance procurement items for the fifth and sixth Stryker Brigade Combat Teams.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,387,759,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,774,452,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, *and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,110,848,000, to remain available for obligation until September 30, 2006.*

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,095,784,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $934,905,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $1,186,564,000;

NSSN, $1,511,935,000;

NSSN (AP), $827,172,000;

SSGN, $930,700,000;

SSGN (AP), $236,600,000;

CVN Refuelings (AP), $232,832,000;

SSN Submarine Refuelings, $450,000,000;

SSN Submarine Refuelings (AP), $10,351,000;

SSBN Submarine Refuelings (AP), $105,800,000;

DDG–51 Destroyer, $3,218,311,000;

LPD–17, $1,192,034,000;

LPD–17 (AP), $135,000,000;

LHD–8, $355,006,000;

LCAC Landing Craft Air Cushion, $73,087,000;

Mine Hunter SWATH, $4,500,000;

Prior year shipbuilding costs, $635,502,000;

Service Craft, $23,480,000; and

For outfitting, post delivery, conversions, and first destination transportation, $338,749,000.

In all: $11,467,623,000, to remain available for obligation until September 30, 2008: Provided, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,941,098,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,165,727,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,086,201,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,165,633,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,262,725,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,558,799,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, including not to exceed 3 passenger motor vehicles for the Defense Security Service; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,709,926,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $400,000,000, to remain available for obligation until September 30, 2006: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $78,016,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,363,941,000, to remain available for obligation until September 30, 2005: Provided, That of the amounts provided under this heading, $8,500,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A, shall remain available until expended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $15,146,383,000, to remain available for obligation until September 30, 2005: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,500,984,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,900,715,000, to remain available for obligation until September 30, 2005.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $305,861,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,641,507,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,066,462,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That, notwithstanding any other provision of law, $6,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,730,013,000, of which $14,914,816,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $328,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; and of which $486,371,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,500,261,000, of which $1,169,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no less than $132,677,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $44,168,000 shall be for activities on military installations and $88,509,000 shall be to assist State and local governments: Provided, That notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $835,616,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $300,000, to remain available until September 30, 2005, shall be for Research, development, test and evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $175,113,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: Provided, That of the funds appropriated under this heading, $44,300,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

F/A–18 aircraft;

E–2C aircraft;

Tactical Tomahawk missile; and

Virginia Class submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class submarine per year.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of

the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000.

(b) EXCEPTIONS.—(1) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, shall not apply to a commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2005 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. (a) Of the funds made available in this Act, not less than $32,758,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $21,432,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,540,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $786,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) Notwithstanding section 9445 of title 10, United States Code, or any other provision of law, of the funds made available to the Civil Air Patrol Corporation in this Act under the heading "Aircraft Procurement, Air Force", not more than $770,000 may be transferred by the Secretary of the Air Force to the "Operation and Maintenance, Air Force" appropriation to be merged with and to be available for administrative expenses incurred by the Air Force in the administration of Civil Air Patrol Corporation. Funds so transferred shall be available for the same period as the appropriation to which transferred.

(c) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,321 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $74,200,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Shipbuilding and Conversion, Navy, 2001/2005", $3,835,000;

"Shipbuilding and Conversion, Navy, 2002/2006", $9,336,000;

"Aircraft Procurement, Army, 2003/2005", $47,100,000;

"Weapons and Tracked Combat Vehicles, Army, 2003/2005", $30,000,000;

"Procurement of Ammunition, Army, 2003/2005", $36,000,000;

"Other Procurement, Army, 2003/2005", $8,000,000;

"Other Procurement, Air Force, 2003/2005", $10,000,000;

"Procurement, Defense-Wide, 2003/2005", $48,000,000;

"Research, Development, Test and Evaluation, Army, 2003/2004", $2,989,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2003/2004", $25,000,000; and

"National Defense Sealift Fund", $105,300,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act or hereafter in any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8082. The Secretary of Defense shall provide a classified quarterly report, beginning December 15, 2003, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8083. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8084. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS

WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. (a) Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", $48,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", $177,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

SEC. 8093. In addition to amounts provided elsewhere in this Act, $3,800,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, $2,000,000 shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary, and notwithstanding any other provision of law, $1,800,000 shall be available only for deposit into the Army, Navy, and Air Force Fisher House Non-appropriated Fund Instrumentalities and shall be used in support and upkeep of existing Fisher Houses.

SEC. 8094. Amounts appropriated in titles II and IV are hereby reduced by $504,500,000 to reflect savings attributable to improvements in the management of professional support services, surveys and analysis, and contracted engineering and technical support, and to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

(1) From "Operation and Maintenance, Army", $48,500,000;

(2) From "Operation and Maintenance, Navy", $84,400,000;

(3) From "Operation and Maintenance, Marine Corps", $4,300,000;

(4) From "Operation and Maintenance, Air Force", $196,300,000;

(5) From "Operation and Maintenance, Defense-Wide", $91,000,000;

(6) From "Research, Development, Test and Evaluation, Navy", $40,000,000; and

(7) From "Research, Development, Test and Evaluation, Defense-Wide", $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project and activity within each appropriations account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $144,803,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. In addition to amounts provided elsewhere in this Act, $60,000,000 is hereby appropriated for "Aircraft Procurement, Navy": Provided, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $635,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/04":

LPD–17 Amphibious Transport Dock Ship Program, $95,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1998/04":

New SSN, $81,060,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/04":

DDG–51 Destroyer Program, $44,420,000;

New SSN, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/04":

DDG–51 Destroyer Program, $24,510,000;

LPD–17 Amphibious Transport Dock Ship Program, $112,778,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/04":

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

SEC. 8098. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8099. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8100. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8101. The total amount appropriated in title II is hereby reduced by $200,000,000 to reduce cost growth in information technology development, to be derived as follows:

(1) From "Operation and Maintenance, Army", $40,000,000.

(2) From "Operation and Maintenance, Navy", $60,000,000.

(3) From "Operation and Maintenance, Air Force", $60,000,000.

(4) From "Operation and Maintenance, Defense-Wide", $40,000,000.

SEC. 8102. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: Provided further, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8103. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8104. The amounts appropriated in title II are hereby reduced by $372,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $107,000,000.

(2) From "Operation and Maintenance, Navy", $45,000,000.

(3) From "Operation and Maintenance, Air Force", $220,000,000.

SEC. 8105. The amount appropriated in title II for "Operation and Maintenance, Navy" is hereby reduced by $44,000,000 to reduce excess funded carryover.

SEC. 8106. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,500,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,500,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8107. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program in order to field this system in the 2008 timeframe. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8108. Of the funds made available in this Act, not less than $40,600,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from "Military Personnel, Air Force", $25,100,000 shall be available from "Operation and Maintenance, Air Force", and $11,700,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8109. Of the funds made available under the heading "Operation and Maintenance, Air Force", $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson: Provided, That the Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska. The total cost of such phased projects shall not exceed $26,000,000.

(TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in Public Law 107–206 under the heading "Defense Emergency Response Fund", an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8111. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8112. In addition to the amounts appropriated or otherwise made available in this Act, $34,950,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amount of $8,500,000 to the Fort Benning Infantry Museum; $6,000,000 to the University of South Florida for establishment and operation of the Joint Military Science Leadership Program; $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $3,500,000 to the National D-Day Museum; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; $2,100,000 to the National Guard Youth Foundation; $2,100,000 to the Intrepid Sea-Air-Space Foundation; $2,000,000 to the Army Museum of the Southwest at Fort Sill, Oklahoma; $1,500,000 to the Tredegar National Civil War Center; $1,000,000 to the Philadelphia Korean War Memorial; and $250,000 to the CSS Alabama Association.

SEC. 8113. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Account" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Account": Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8114. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8115. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8116. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(TRANSFER OF FUNDS)

SEC. 8117. Of the amounts appropriated in this Act under the headings "Research, Development, Test and Evaluation, Navy" and "Operation and Maintenance, Defense-Wide" $56,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8118. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8119. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, "Operation and Maintenance, Navy", to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

SEC. 8120. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8121. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

SEC. 8122. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8123. The Secretary of the Air Force shall convey, without consideration, to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located in San Bernardino, California, that consist of approximately 39 acres and are leased, as of June 1, 2003, by the Secretary to the Defense Finance and Accounting Service. The conveyance shall be subject to the condition that the Inland Valley Development Agency and the Director of the Defense Finance and Accounting Service enter into a lease-back agreement, acceptable to the Director, for premises required by the Director for support operations conducted by the Defense Finance and Accounting Service.

SEC. 8124. Notwithstanding the provisions of section 2401 of title 10, United States Code, the Secretary of the Navy is authorized to enter into a contract for the charter for a period through fiscal year 2008, of the vessel, RV CORY CHOUEST (United States Official Number 933435) in support of the Surveillance Towed Array Sensor (SURTASS) program: Provided, That funding for this lease shall be from within funds provided in this Act and future appropriations Acts.

SEC. 8125. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, and notwithstanding any other provision of law, $17,000,000 is hereby appropriated to "Operation and Maintenance, Army", to remain available until September 30, 2004, to be available only for a grant in the amount of $17,000,000 to the Silver Valley Unified School District, Silver Valley, California, for the purpose of school construction at Fort Irwin, California.

SEC. 8126. (a) The total amount appropriated or otherwise made available in titles II, III, and IV of this Act is hereby reduced by $1,662,000,000 to reflect savings from outsourcing, management efficiencies, and revised economic assumptions, to be distributed as follows:

"Title II", $554,000,000;
"Title III", $554,000,000; and
"Title IV", $554,000,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account: Provided, That appropriations made available in this Act for the pay and benefits of military personnel are exempt from reductions under this provision.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8127. (a) The amount appropriated in title II for "Operation and Maintenance, Air Force" is hereby reduced by $451,000,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $451,000,000 from the Department of Defense Transportation Working Capital Fund to "Operation and Maintenance, Air Force" to offset the reduction made by subsection (a). The transfer required by this subsection is in addition to any other transfer authority provided to the Department of Defense.

(RESCISSION)

SEC. 8128. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading "Iraq Freedom Fund", $3,490,000,000 are hereby rescinded.

SEC. 8129. Of the total amount appropriated by this Act under the heading "Operation and Maintenance, Defense-Wide", the Secretary of Defense may use up to $855,566 to make additional payment under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a) to those local educational agencies whose percentage reduction in the payment amount for fiscal year 2002 was in excess of the reduction otherwise imposed under subsection (d) of such section for that fiscal year. The Secretary of Defense may waive collection of any overpayment made to local educational agencies under such section for fiscal year 2002.

SEC. 8130. None of the funds appropriated or otherwise made available by this Act may be used to implement any amendment or revision of, or cancel, the Department of Defense Directive 1344.7, "Personal Commercial Solicitation on DoD Installations", until 90 days following the date the Secretary of Defense submits to Congress notice of the amendment, revision or cancellation, and the reasons therefore.

SEC. 8131. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this or any other Act may be obligated for the Terrorism Information Awareness Program: Provided, That this limitation shall not apply to the program hereby authorized for Processing, analysis, and collaboration tools for counterterrorism foreign intelligence, as described in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, for which funds are expressly provided in the National Foreign Intelligence Program for counterterrorism foreign intelligence purposes.

(b) None of the funds provided for Processing, analysis, and collaboration tools for counterterrorism foreign intelligence shall be available for deployment or implementation except for:

(1) lawful military operations of the United States conducted outside the United States; or

(2) lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States citizens.

(c) In this section, the term "Terrorism Information Awareness Program" means the program known either as Terrorism Information Awareness or Total Information Awareness, or any successor program, funded by the Defense Advanced Research Projects Agency, or any other Department or element of the Federal Government, including the individual components of such Program developed by the Defense Advanced Research Projects Agency.

SEC. 8132. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than 6 months after enactment of this Act.

(b) IMPLEMENTATION.—The closure provided for in subsection (a), and subsequent disposal, shall be carried out in accordance with the procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) OFFICE OF ECONOMIC ADJUSTMENT ACTIVITIES.—Notwithstanding any other provision of law, the Office of Economic Adjustment of the Department of Defense may make grants and supplement other Federal funds using funds made available by this Act under the heading "Operation and Maintenance, Defense-Wide", and the projects so supported shall be considered to be authorized by law.

SEC. 8133. Up to $2,000,000 of the funds appropriated by this Act under the heading, "Operation and Maintenance, Army", may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8134. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision "to celebrate the American Spirit".

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the "man who won the war for us" because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the "greatest generation" of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an

advanced format theatre, and a new United States pavilion.

(16) The planned "We're All in this Together" exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as "America's National World War II Museum".

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as "America's National World War II Museum", to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF "AMERICA'S NATIONAL WORLD WAR II MUSEUM".—The National D-Day Museum, New Orleans, Louisiana, is designated as "America's National World War II Museum".

SEC. 8135. NATIVE AMERICAN VETERAN HOUSING LOANS. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out "expenses: Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003." from the paragraph under the heading "Native American Veteran Housing Loan Program Account" and inserting in lieu thereof "expenses.".

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

SEC. 8136. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8137. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

SEC. 8138. (a) The Secretary of Defense—

(1) shall review—

(A) contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, agreements, and waivers on the national technology and industrial base.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the national technology and industrial base.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or a related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers an appropriate response to the findings resulting from the Secretary's review.

SEC. 8139. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SEC. 8140. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST. (a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stationed in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on their findings and recommendations.

SEC. 8141. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committees of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—

(1) Not later than February 1, 2004, the Comptroller General of the United States shall submit to the congressional defense committees a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

SEC. 8142. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

SEC. 8143. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS. (a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004, examine and report back to the congressional defense committees on—

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) Report from the Comptroller General.—The Comptroller General shall examine and report back to the congressional defense committees on—

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

Sec. 8144. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This subsection shall remain in effect for fiscal year 2004.".

Sec. 8145. (a) The Secretary of the Navy shall transfer by gift under section 7306 of title 10, United States Code, the Sturgeon Class submarine NARWHAL (SSN–671) to the National Submarine Science Discovery Center, Newport, Kentucky, upon receipt of an application for donation of such vessel to the Center that is satisfactory to the Secretary.

(b) Before transferring the submarine as required under subsection (a), the Secretary shall remove the nuclear reactor compartment and the other classified or otherwise sensitive military equipment of the submarine.

(c) Subsection (c) of section 7306 of title 10, United States Code, does not apply to the cost of carrying out subsection (b) of this section, any other cost of dismantling the submarine, and the cost of any recycling or disposal of equipment and materiel removed from the submarine before transfer.

(d) Subsection (d) of section 7306 of title 10, United States Code, does not apply to the transfer required under subsection (a).

Sec. 8146. Fiscal Year 2004 Exemption for Certain Members of the Armed Forces From Requirement to Pay Subsistence Charges While Hospitalized. (a) In General.—Section 1075 of title 10, United States Code, is amended—

(1) by inserting "(a) In General.—" before "When"; and

(2) by striking the second sentence and inserting the following:

"(b) Exceptions.—Subsection (a) shall not apply to any of the following:

"(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

"(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 because of an injury incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.

"(c) Applicability.—The exception provided in paragraph (2) of subsection (b) shall apply only during fiscal year 2004.".

(b) Effective Date.—Subsections (b) and (c) of section 1075 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2003, and apply with respect to injuries incurred before, on, or after that date.

This Act may be cited as the "Department of Defense Appropriations Act, 2004".

And the Senate agree to the same.

Jerry Lewis,
C. W. Bill Young,
David L. Hobson,
Henry Bonilla,
George R. Nethercutt,
Jr.,
Randy "Duke"
Cunningham,
Rodney P.
Frelinghuysen,
Todd Tiahrt,
Roger F. Wicker,
John P. Murtha,
Norman D. Dicks,
Martin Olav Sabo,
Peter J. Visclosky,
James P. Moran,
David R. Obey,
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Mitch McConnell,
Richard C. Shelby,
Judd Gregg,
Kay Bailey Hutchison,
Conrad Burns,
Daniel K. Inouye,
Ernest F. Hollings,
Robert C. Byrd,
Patrick J. Leahy,
Tom Harkin,
Byron L. Dorgan,
Richard J. Durbin,
Harry Reid,
Dianne Feinstein,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658), making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 2004, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 108–187 and Senate Report 108–87 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Definition of Program, Project, and Activity

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2004, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply: for the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits his budget for fiscal year 2005, the conferees direct the Department of Defense to transmit to the congressional defense committees budget justification documents to be known as the "M–1" and "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2005.

Special Interest Items

Items for which additional funds have been provided as shown in the project level adjustment tables or items identified in paragraphs using the phrase "only for" or "only to" in this Statement, are congressional interest items for the purpose of the Base for Reprogramming (DD 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, or a revised amount if changed during the conference or if otherwise specifically addressed in the conference report. These items remain special interest items whether or not they are repeated in a subsequent conference report or Statement.

Reprogramming Guidance

The conferees note that the conference report accompanying Public Law 108–7 provided a temporary increase in the thresholds for the prior approval reprogramming of funds for the procurement and research, development, test and evaluation accounts of the Department of Defense. The conferees wish to emphasize that this revision was intended to effect only the execution of funds available for fiscal year 2003.

The conferees are aware that the Department of Defense believes a greater degree of latitude is needed to best utilize the resources appropriated by the Congress. The conferees have long held that better management and budget preparation is the solution to DoD's needs, not greater fiscal flexibility which would result in less accountability to America's taxpayers. It is true that the effect of inflation has diluted the value of numerical below threshold limits. The conferees, therefore, agree to continue the temporary reprogramming threshold increases, approved for fiscal year 2003, for procurement and research, development, test and evaluation funds provided in this Act for fiscal year 2004. The conferees believe the Defense Department needs to provide more convincing arguments if it expects the Committees to approve this change permanently. The conferees also want to be clear that the approved below threshold reprogramming limitations are the specific dollar threshold allowed for fiscal year 2003, or 20 percent of any specific line item, which ever is less.

The conferees direct that the Secretary of Defense provide guidance to this effect to the military Services and Defense-Wide activities within 15 days of enactment of this Act and provide the congressional defense committees with a copy of this guidance.

Timeliness of Budget Justification Materials

The conferees concur with Senate Report 108–87 regarding the timeliness of budget justification materials received from the Department of Defense, and expect the problem to be resolved with the fiscal year 2005 budget estimate.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the classified annex accompanying this report.

TITLE I -- MILITARY PERSONNEL

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
30800 RECAPITULATION				
30850 MILITARY PERSONNEL, ARMY	37,386,380	28,233,436	28,282,764	28,247,667
30900 MILITARY PERSONNEL, NAVY	25,282,454	23,052,001	23,309,791	23,217,298
30950 MILITARY PERSONNEL, MARINE CORPS	9,559,441	8,962,197	8,994,426	8,971,897
31000 MILITARY PERSONNEL, AIR FORCE	26,715,990	23,121,003	22,993,072	22,910,868
31050 RESERVE PERSONNEL, ARMY	---	3,568,625	3,584,735	3,568,725
31100 RESERVE PERSONNEL, NAVY	---	1,983,153	2,027,945	2,002,727
31150 RESERVE PERSONNEL, MARINE CORPS	---	571,444	587,619	571,444
31200 RESERVE PERSONNEL, AIR FORCE	---	1,267,888	1,332,301	1,288,088
31250 NATIONAL GUARD PERSONNEL, ARMY	---	5,382,719	5,598,504	5,500,369
31300 NATIONAL GUARD PERSONNEL, AIR FORCE	---	2,140,598	2,228,830	2,174,598
31350 GRAND TOTAL, MILITARY PERSONNEL	98,944,265	98,283,064	98,939,987	98,453,681

ACCURACY OF OBLIGATIONS

The conferees recommend a reduction of $115,000,000 to the budget request, based on a General Accounting Office (GAO) review of prior year unobligated and unexpended military personnel account balances. The Services certify the accuracy of present and prior year obligation balances annually; however, not all of the funds obligated are expended, and those unexpended balances are not always identified in the annual review certification process. Because the Services account data continue to show a pattern of underspending their appropriated funds, the conferees believe that the fiscal year 2004 military personnel budget request is overstated and can be reduced.

The conferees believe the Services can improve their appropriation balance review below the budget activity to ensure that funds are properly obligated and expended. The conferees direct the Secretary of Defense to ensure that the Services strengthen the annual review process by including a review of the accuracy of prior year appropriations below the budget activity level. To facilitate this review, the financial management improvement initiative should include financial decision-making processes that provide transparency of disbursements at the same level as the budget submission.

FAMILY SEPARATION ALLOWANCE AND IMMINENT DANGER PAY

The conferees recommend $128,000,000 above the budget request for Family Separation Allowance and Imminent Danger Pay instead of $210,205,000 as proposed by the Senate. These funds are provided for increases in Family Separation Allowance and Imminent Danger Pay as authorized in Public Law 108–11.

FORCE STRUCTURE CHANGES

The conferees recommend a total of $147,100,000 in the military personnel, operation and maintenance, and procurement accounts for force structure that was not included in the budget request, as follows:

[In thousands of dollars]

	Milpers	O&M	Proc.	Total
Air Force B–52 aircraft	$3,800	25,100	$11,700	40,600
National Guard Full-Time Support:				
ARNG Civil Support Teams AGRs	18,000	39,300	26,900	88,200
ANG Civil Support Teams AGRs	4,000			4,000
Ground-Based Midcourse Missile Defense Program AGRs	14,300			14,300

ACTIVE END STRENGTH

[Fiscal year 2004]

	Budget	Conference	Conference vs. budget
Army	480,000	480,000	
Navy	373,800	373,800	
Marine Corps	175,000	175,000	
Air Force	359,300	359,300	
Total, Active Personnel	1,388,100	1,388,100	

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
50 MILITARY PERSONNEL, ARMY				
100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
150 BASIC PAY	4,412,910	4,412,910	4,412,910	4,412,910
200 RETIRED PAY ACCRUAL	1,195,923	1,195,923	1,195,923	1,195,923
250 DEFENSE HEALTH PROGRAM ACCRUAL	361,924	361,924	361,924	361,924
300 BASIC ALLOWANCE FOR HOUSING	811,721	811,721	811,721	811,721
350 BASIC ALLOWANCE FOR SUBSISTENCE	168,721	168,721	168,721	168,721
400 INCENTIVE PAYS	77,194	77,194	77,194	77,194
450 SPECIAL PAYS	209,965	209,965	212,498	209,965
500 ALLOWANCES	68,583	68,583	77,084	68,583
550 SEPARATION PAY	66,865	66,865	66,865	66,865
600 SOCIAL SECURITY TAX	336,736	336,736	336,736	336,736
700 TOTAL, BUDGET ACTIVITY 1	7,710,542	7,710,542	7,721,576	7,710,542
750 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
800 BASIC PAY	9,574,058	9,574,058	9,574,058	9,574,058
850 RETIRED PAY ACCRUAL	2,594,570	2,594,570	2,594,570	2,594,570
900 DEFENSE HEALTH PROGRAM ACCRUAL	1,856,387	1,856,387	1,856,387	1,856,387
950 BASIC ALLOWANCE FOR HOUSING	2,046,666	2,046,666	2,046,666	2,046,666
1000 INCENTIVE PAYS	71,540	71,540	71,540	71,540
1050 SPECIAL PAYS	497,276	474,776	500,119	480,776
1100 ALLOWANCES	448,776	448,776	494,100	448,776
1150 SEPARATION PAY	271,029	271,029	271,029	271,029
1200 SPEC COMP FOR COMBAT-RELATED DISABLED	151,000	151,000	151,000	151,000
1250 SOCIAL SECURITY TAX	725,951	725,951	725,951	725,951
1350 TOTAL, BUDGET ACTIVITY 2	18,237,253	18,214,753	18,285,420	18,220,753

	(In thousands of dollars)			
	Budget	House	Senate	Conference
1400 ACTIVITY 3: PAY AND ALLOW OF CADETS				
1450 ACADEMY CADETS	49,667	49,667	49,667	49,667
1500 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
1550 BASIC ALLOWANCE FOR SUBSISTENCE	853,758	853,758	853,758	853,758
1600 SUBSISTENCE-IN-KIND	550,205	550,205	550,205	550,205
1650 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,598	1,598	1,598	1,598
1750 TOTAL, BUDGET ACTIVITY 4	1,405,561	1,405,561	1,405,561	1,405,561
1800 ACTIVITY 5: PERMANENT CHANGE OF STATION				
1850 ACCESSION TRAVEL	196,036	196,036	196,036	196,036
1900 TRAINING TRAVEL	56,557	56,557	56,557	56,557
1950 OPERATIONAL TRAVEL	218,847	218,847	218,847	218,847
2000 ROTATIONAL TRAVEL	376,968	376,968	376,968	376,968
2050 SEPARATION TRAVEL	167,205	167,205	167,205	167,205
2100 TRAVEL OF ORGANIZED UNITS	1,946	1,946	1,946	1,946
2150 NON-TEMPORARY STORAGE	26,535	26,535	26,535	26,535
2200 TEMPORARY LODGING EXPENSE	18,996	18,996	18,996	18,996
2300 TOTAL, BUDGET ACTIVITY 5	1,063,090	1,063,090	1,063,090	1,063,090
2350 ACTIVITY 6: OTHER MILITARY PERS COSTS				
2400 APPREHENSION OF MILITARY DESERTERS	615	615	615	615
2450 INTEREST ON UNIFORMED SERVICES SAVINGS	202	202	202	202
2500 DEATH GRATUITIES	3,366	3,366	3,366	3,366
2550 UNEMPLOYMENT BENEFITS	78,195	78,195	78,195	78,195
2600 SURVIVOR BENEFITS	4,519	4,519	4,519	4,519
2650 EDUCATION BENEFITS	4,268	4,268	4,268	4,268
2700 ADOPTION EXPENSES	250	250	250	250
2750 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	9,200	9,200	9,200	9,200
2800 TRANSPORTATION SUBSIDY	4,364	4,364	4,364	4,364
2850 OTHER (PARTIAL DISLOCATION ALLOWANCE)	2,500	2,500	2,500	2,500
2950 TOTAL, BUDGET ACTIVITY 6	107,479	107,479	107,479	107,479

	(In thousands of dollars)			
	Budget	House	Senate	Conference
3000 LESS REIMBURSABLES	-285,156	-285,156	-285,156	-285,156
3010 INCREASED PAY TABLES AUTHORIZED	---	---	9,296	---
3020 ONW/OSW CONOPS	---	---	-74,169	-74,169
3200 UNOBLIGATED BALANCES	---	-32,500	---	-32,500
3255 INCREASE IN DEATH GRATUITY	---	---	---	3,400
3260 INCREASE IN FSA/IDP	---	---	---	79,000
3300 TOTAL, ACTIVE FORCES, ARMY	28,288,436	28,233,436	28,282,764	28,247,667
3400 ACTIVITY 7: RESERVE PERSONNEL, ARMY				
3450 UNIT AND INDIVIDUAL TRAINING:				
3500 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,142,059	---	---	---
3550 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	41,615	---	---	---
3600 PAY GROUP F TRAINING (RECRUITS)	168,541	---	---	---
3650 PAY GROUP P TRAINING (PIPELINE RECRUITS)	13,364	---	---	---
3700 DEFENSE HEALTH PROGRAM ACCRUAL	353,984	---	---	---
3800 TOTAL, UNIT AND INDIVIDUAL TRAINING	1,719,563	---	---	---
3850 OTHER TRAINING AND SUPPORT:				
3900 MOBILIZATION TRAINING	18,548	---	---	---
3950 SCHOOL TRAINING	111,285	---	---	---
4000 SPECIAL TRAINING	157,879	---	---	---
4050 ADMINISTRATION AND SUPPORT	1,286,251	---	---	---
4100 EDUCATION BENEFITS	47,182	---	---	---
4150 ROTC - SENIOR, JUNIOR	116,560	---	---	---
4200 HEALTH PROFESSION SCHOLARSHIP	29,648	---	---	---
4250 DEFENSE HEALTH PROGRAM ACCRUAL	65,087	---	---	---
4300 OTHER PROGRAMS	34,122	---	---	---
4400 TOTAL, OTHER TRAINING AND SUPPORT	1,866,562	---	---	---
4450 UNDISTRIBUTED ADJUSTMENT	-2,500	---	---	---
4750 TOTAL, BUDGET ACTIVITY 7	3,583,625	---	---	---

	(In thousands of dollars) Budget	House	Senate	Conference
4800 ACTIVITY 8: NATIONAL GUARD PERSONNEL, ARMY				
4850 UNIT AND INDIVIDUAL TRAINING:				
4900 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	1,936,855	---	---	---
4950 PAY GROUP F TRAINING (RECRUITS)......................	237,886	---	---	---
5000 PAY GROUP P TRAINING (PIPELINE RECRUITS)............	26,327	---	---	---
5050 DEFENSE HEALTH PROGRAM ACCRUAL.......................	605,970	---	---	---
5200 TOTAL, UNIT AND INDIVIDUAL TRAIINING...............	2,807,038	---	---	---
5250 OTHER TRAINING AND SUPPORT:				
5300 SCHOOL TRAINING......................................	225,190	---	---	---
5350 SPECIAL TRAINING.....................................	198,365	---	---	---
5400 ADMINISTRATION AND SUPPORT...........................	2,061,781	---	---	---
5450 EDUCATION BENEFITS...................................	109,636	---	---	---
5500 DEFENSE HEALTH PROGRAM ACCRUAL.......................	112,309	---	---	---
5650 TOTAL, OTHER TRAINING AND SUPPORT..................	2,707,281	---	---	---
6150 TOTAL, BUDGET ACTIVITY 8...........................	5,514,319	---	---	---
6300 TOTAL, MILITARY PERSONNEL, ARMY....................	37,386,380	28,233,436	28,282,764	28,247,667

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[in thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
1050 Special Pays/Selective Reenlistment Bonuses	−16,500
Other Adjustments:	
3020 ONW/OSW/ODS CONOPS	−74,169
3200 Unobligated Balances	−32,500
3255 Increase in Death Gratuity	3,400
3260 Increase in FSA/IDP	79,000

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
	Budget	House	Senate	Conference
6350 MILITARY PERSONNEL, NAVY				
6400 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
6450 BASIC PAY	3,029,230	3,029,230	3,029,230	3,029,230
6500 RETIRED PAY ACCRUAL	820,921	820,921	820,921	820,921
6550 DEFENSE HEALTH PROGRAM ACCRUAL	247,898	247,898	247,898	247,898
6600 BASIC ALLOWANCE FOR HOUSING	830,513	830,513	830,513	830,513
6650 BASIC ALLOWANCE FOR SUBSISTENCE	111,221	111,221	111,221	111,221
6700 INCENTIVE PAYS	181,696	181,696	181,696	181,696
6750 SPECIAL PAYS	245,270	245,270	247,688	245,270
6800 ALLOWANCES	58,182	58,182	63,629	58,182
6850 SEPARATION PAY	37,085	37,085	37,085	37,085
6900 SOCIAL SECURITY TAX	230,716	230,716	230,716	230,716
7000 TOTAL, BUDGET ACTIVITY 1	5,792,732	5,792,732	5,800,597	5,792,732
7050 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
7100 BASIC PAY	7,833,599	7,833,599	7,833,599	7,833,599
7150 RETIRED PAY ACCRUAL	2,122,905	2,122,905	2,122,905	2,122,905
7200 DEFENSE HEALTH PROGRAM ACCRUAL	1,465,143	1,465,143	1,465,143	1,465,143
7250 BASIC ALLOWANCE FOR HOUSING	2,355,412	2,355,412	2,355,412	2,355,412
7300 INCENTIVE PAYS	101,680	101,680	101,680	101,680
7350 SPECIAL PAYS	885,452	865,152	888,002	865,152
7400 ALLOWANCES	400,383	261,383	439,520	400,383
7450 SEPARATION PAY	180,251	148,251	180,251	154,251
7500 SPEC COMP FOR COMBAT-RELATED DISABLED	64,000	64,000	64,000	64,000
7550 SOCIAL SECURITY TAX	594,271	594,271	594,271	594,271
7650 TOTAL, BUDGET ACTIVITY 2	16,003,096	15,811,796	16,044,783	15,956,796

	(In thousands of dollars)			
	Budget	House	Senate	Conference
7700 ACTIVITY 3: PAY AND ALLOW OF MIDSHIPMEN				
7750 MIDSHIPMEN..	52,851	52,851	52,851	52,851
7800 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
7850 BASIC ALLOWANCE FOR SUBSISTENCE......................	577,540	577,540	577,540	577,540
7900 SUBSISTENCE-IN-KIND..................................	398,881	398,881	398,881	398,881
7950 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE............	500	500	500	500
8050 TOTAL, BUDGET ACTIVITY 4...........................	976,921	976,921	976,921	976,921
8100 ACTIVITY 5: PERMANENT CHANGE OF STATION				
8150 ACCESSION TRAVEL.....................................	59,115	59,115	59,115	59,115
8200 TRAINING TRAVEL......................................	54,924	54,924	54,924	54,924
8250 OPERATIONAL TRAVEL	168,055	168,055	168,055	168,055
8300 ROTATIONAL TRAVEL	255,429	255,429	255,429	255,429
8350 SEPARATION TRAVEL....................................	106,978	106,978	106,978	106,978
8400 TRAVEL OF ORGANIZED UNITS............................	25,000	25,000	25,000	25,000
8450 NON-TEMPORARY STORAGE................................	11,354	11,354	11,354	11,354
8500 TEMPORARY LODGING EXPENSE............................	13,446	13,446	13,446	13,446
8550 OTHER..	7,424	7,424	7,424	7,424
8650 TOTAL, BUDGET ACTIVITY 5...........................	701,725	701,725	701,725	701,725
8700 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
8750 APPREHENSION OF MILITARY DESERTERS...................	825	825	825	825
8800 INTEREST ON UNIFORMED SERVICES SAVINGS...............	209	209	209	209
8850 DEATH GRATUITIES.....................................	1,470	1,470	1,470	1,470
8900 UNEMPLOYMENT BENEFITS................................	57,794	57,794	57,794	57,794
8950 SURVIVOR BENEFITS....................................	853	853	853	853
9000 EDUCATION BENEFITS...................................	1,370	1,370	1,370	1,370
9050 ADOPTION EXPENSES....................................	236	236	236	236
9100 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES...	5,433	5,433	5,433	5,433
9150 TRANSPORTATION SUBSIDY...............................	4,391	4,391	4,391	4,391
9200 OTHER..	500	500	500	500
9300 TOTAL, BUDGET ACTIVITY 6...........................	73,081	73,081	73,081	73,081
9350 LESS REIMBURSABLES...................................	-336,805	-336,805	-336,805	-336,805
9400 UNDISTRIBUTED ADJUSTMENT.............................	-9,300	-9,300	---	---
9410 INCREASED PAY TABLES AUTHORIZED......................	---	---	7,141	---
9420 ONW/OSW CONOPS.......................................	---	---	-1,203	-1,203
9450 LEGISLATIVE PROPOSALS NOT ADOPTED....................	---	---	-9,300	-9,300
9550 UNOBLIGATED BALANCES.................................	---	-11,000	---	-11,000

(In thousands of dollars)

	Budget	House	Senate	Conference
9610 INCREASE IN DEATH GRATUITY	---	---	---	1,500
9620 INCREASE IN FSA/IDP	---	---	---	20,000
9650 TOTAL, ACTIVE FORCES, NAVY	23,254,301	23,052,001	23,309,791	23,217,298
9750 ACTIVITY 7: RESERVE PERSONNEL, NAVY				
9800 UNIT AND INDIVIDUAL TRAINING:				
9850 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	722,921	---	---	---
9900 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	4,052	---	---	---
9950 PAY GROUP F TRAINING (RECRUITS)	2,273	---	---	---
10000 DEFENSE HEALTH PROGRAM ACCRUAL	133,994	---	---	---
10150 TOTAL, UNIT AND INDIVIDUAL TRAINING	863,240	---	---	---
10200 OTHER TRAINING AND SUPPORT:				
10250 MOBILIZATION TRAINING	6,599	---	---	---
10300 SCHOOL TRAINING	23,013	---	---	---
10350 SPECIAL TRAINING	59,797	---	---	---
10400 ADMINISTRATION AND SUPPORT	937,333	---	---	---
10450 EDUCATION BENEFITS	865	---	---	---
10500 ROTC - SENIOR, JUNIOR	39,120	---	---	---
10550 HEALTH PROFESSION SCHOLARSHIP	31,695	---	---	---
10600 DEFENSE HEALTH PROGRAM ACCRUAL	66,491	---	---	---
10750 TOTAL, OTHER TRAINING AND SUPPORT	1,164,913	---	---	---
11150 TOTAL, BUDGET ACTIVITY 7	2,028,153	---	---	---
11350 TOTAL, MILITARY PERSONNEL, NAVY	25,282,454	23,052,001	23,309,791	23,217,298

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
7350 Special Pays/Selective Reenlistment Bonuses	−20,300
7450 Separation Pay	−26,000
Other Adjustments:	
9420 ONW/OSW/ODS CONOPS	−1,203
9550 Unobligated Balances	−11,000
9610 Increase in Death Gratuity	1,500
9620 Increase in FSA/IDP	20,000

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
11400 MILITARY PERSONNEL, MARINE CORPS				
11450 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
11500 BASIC PAY	996,480	996,480	996,480	996,480
11550 RETIRED PAY ACCRUAL	270,031	270,031	270,031	270,031
11600 DEFENSE HEALTH PROGRAM ACCRUAL	83,253	83,253	83,253	83,253
11650 BASIC ALLOWANCE FOR HOUSING	235,530	235,530	235,530	235,530
11700 BASIC ALLOWANCE FOR SUBSISTENCE	38,608	38,608	38,608	38,608
11750 INCENTIVE PAYS	47,559	47,559	47,559	47,559
11800 SPECIAL PAYS	2,598	2,598	2,997	2,598
11850 ALLOWANCES	21,181	21,181	23,053	21,181
11900 SEPARATION PAY	10,393	10,393	10,393	10,393
11950 SOCIAL SECURITY TAX	75,768	75,768	75,768	75,768
12050 TOTAL, BUDGET ACTIVITY 1	1,781,401	1,781,401	1,783,672	1,781,401
12100 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
12150 BASIC PAY	3,434,846	3,434,846	3,434,846	3,434,846
12200 RETIRED PAY ACCRUAL	929,781	929,781	929,781	929,781
12250 DEFENSE HEALTH PROGRAM ACCRUAL	715,607	715,607	715,607	715,607
12300 BASIC ALLOWANCE FOR HOUSING	733,024	733,024	733,024	733,024
12350 INCENTIVE PAYS	8,360	8,360	8,360	8,360
12400 SPECIAL PAYS	112,820	111,020	114,323	111,020
12450 ALLOWANCES	162,247	162,247	178,202	162,247
12500 SEPARATION PAY	57,683	57,683	57,683	57,683
12550 SPECIAL COMP FOR COMBAT-RELATED DISABLED	18,000	18,000	18,000	18,000
12600 SOCIAL SECURITY TAX	262,463	262,463	262,463	262,463
12700 TOTAL, BUDGET ACTIVITY 2	6,434,831	6,433,031	6,452,289	6,433,031

	(In thousands of dollars)			
	Budget	House	Senate	Conference
12750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL				
12800 BASIC ALLOWANCE FOR SUBSISTENCE	268,450	268,450	268,450	268,450
12850 SUBSISTENCE-IN-KIND	185,762	185,762	185,762	185,762
12900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750	750	750
13000 TOTAL, BUDGET ACTIVITY 4	454,962	454,962	454,962	454,962
13050 ACTIVITY 5: PERMANENT CHANGE OF STATION				
13100 ACCESSION TRAVEL	42,555	42,555	42,555	42,555
13150 TRAINING TRAVEL	8,351	8,351	8,351	8,351
13200 OPERATIONAL TRAVEL	72,626	72,626	72,626	72,626
13250 ROTATIONAL TRAVEL	103,070	103,070	103,070	103,070
13300 SEPARATION TRAVEL	41,799	41,799	41,799	41,799
13350 TRAVEL OF ORGANIZED UNITS	2,513	2,513	2,513	2,513
13400 NON-TEMPORARY STORAGE	4,901	4,901	4,901	4,901
13450 TEMPORARY LODGING EXPENSE	10,167	10,167	10,167	10,167
13500 OTHER	2,268	2,268	2,268	2,268
13600 TOTAL, BUDGET ACTIVITY 5	288,250	288,250	288,250	288,250
13650 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS				
13700 APPREHENSION OF MILITARY DESERTERS	1,577	1,577	1,577	1,577
13750 INTEREST ON UNIFORMED SERVICES SAVINGS	16	16	16	16
13800 DEATH GRATUITIES	984	984	984	984
13850 UNEMPLOYMENT BENEFITS	35,054	35,054	35,054	35,054
13900 SURVIVOR BENEFITS	1,539	1,539	1,539	1,539
13950 EDUCATION BENEFITS	2,785	2,785	2,785	2,785
14000 ADOPTION EXPENSES	81	81	81	81
14050 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	900	900	900	900
14100 TRANSPORTATION SUBSIDY	952	952	952	952
14150 OTHER	615	615	615	615
14250 TOTAL, BUDGET ACTIVITY 6	44,503	44,503	44,503	44,503

		(In thousands of dollars)		
	Budget	House	Senate	Conference
14300 LESS REIMBURSABLES	-31,950	-31,950	-31,950	-31,950
14310 INCREASED PAY TABLES AUTHORIZED	---	---	3,000	---
14320 ONW/OSW CONOPS	---	---	-300	-300
14560 UNOBLIGATED BALANCES	---	-8,000	---	-8,000
14570 INCREASE IN DEATH GRATUITY	---	---	---	1,000
14575 INCREASE IN FSA/IDP	---	---	---	9,000
14600 TOTAL, ACTIVE FORCES, MARINE CORPS	8,971,997	8,962,197	8,994,426	8,971,897
14700 ACTIVITY 7: RESERVE PERSONNEL, MARINE CORPS				
14750 UNIT AND INDIVIDUAL TRAINING:				
14800 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	180,764	---	---	---
14850 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	17,333	---	---	---
14900 PAY GROUP F TRAINING (RECRUITS)	75,213	---	---	---
14950 PAY GROUP P TRAINING (PIPELINE RECRUITS)	183	---	---	---
15000 DEFENSE HEALTH PROGRAM ACCRUAL	69,282	---	---	---
15150 TOTAL, UNIT AND INDIVIDUAL TRAINING	342,775	---	---	---
15200 OTHER TRAINING AND SUPPORT:				
15250 MOBILIZATION TRAINING	2,319	---	---	---
15300 SCHOOL TRAINING	10,990	---	---	---
15350 SPECIAL TRAINING	33,730	---	---	---
15400 ADMINISTRATION AND SUPPORT	151,919	---	---	---
15450 EDUCATION BENEFITS	17,820	---	---	---
15500 ROTC - SENIOR, JUNIOR	5,007	---	---	---
15550 DEFENSE HEALTH PROGRAM ACCRUAL	10,475	---	---	---
15600 OTHER PROGRAMS	12,409	---	---	---
15700 TOTAL, OTHER TRAINING AND SUPPORT	244,669	---	---	---
16000 TOTAL, BUDGET ACTIVITY 7	587,444	---	---	---
16250 TOTAL, MILITARY PERSONNEL, MARINE CORPS	9,559,441	8,962,197	8,994,426	8,971,897

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[in thousands of dollars]

Budget Activity 2: Pay and Allowances of Enlisted Personnel:	
12400 Special Pays/Selective Reenlistment Bonuses	−1,800
Other Adjustments:	
14320 ONW/OSW/ODS CONOPS	−300
14560 Unobligated Balances	−8,000
14570 Increase in Death Gratuity	1,000
14575 Increase in FSA/IDP	9,000

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16300 MILITARY PERSONNEL, AIR FORCE				
16350 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICER				
16400 BASIC PAY	4,015,299	4,015,299	4,015,299	4,015,299
16450 RETIRED PAY ACCRUAL	1,088,146	1,088,146	1,088,146	1,088,146
16500 DEFENSE HEALTH PROGRAM ACCRUAL	324,881	324,881	324,881	324,881
16550 BASIC ALLOWANCE FOR HOUSING	889,301	889,301	889,301	889,301
16600 BASIC ALLOWANCE FOR SUBSISTENCE	144,656	144,656	144,656	144,656
16650 INCENTIVE PAYS	309,672	309,672	309,672	309,672
16700 SPECIAL PAYS	217,363	217,363	219,191	217,363
16750 ALLOWANCES	62,369	62,369	67,085	62,369
16800 SEPARATION PAY	103,486	103,486	103,486	103,486
16850 SOCIAL SECURITY TAX	306,073	306,073	306,073	306,073
16950 TOTAL, BUDGET ACTIVITY 1	7,461,246	7,461,246	7,467,790	7,461,246
17000 ACTIVITY 2: PAY AND ALLOW OF ENLISTED PERS				
17050 BASIC PAY	7,348,882	7,348,882	7,348,882	7,348,882
17100 RETIRED PAY ACCRUAL	1,991,547	1,991,547	1,991,547	1,991,547
17150 DEFENSE HEALTH PROGRAM ACCRUAL	1,317,958	1,317,958	1,317,958	1,317,958
17200 BASIC ALLOWANCE FOR HOUSING	1,898,484	1,898,484	1,898,484	1,898,484
17250 INCENTIVE PAYS	33,086	33,086	33,086	33,086
17300 SPECIAL PAYS	382,279	382,278	402,276	382,279
17350 ALLOWANCES	370,087	370,087	403,268	370,087
17400 SPECIAL COMP FOR COMBAT-RELATED DISABLED	122,000	122,000	122,000	122,000
17450 SEPARATION PAY	99,543	99,543	99,543	99,543
17500 SOCIAL SECURITY TAX	562,190	562,190	562,190	562,190
17600 TOTAL, BUDGET ACTIVITY 2	14,126,056	14,126,055	14,179,234	14,126,056

(In thousands of dollars)

	Budget	House	Senate	Conference
17650 ACTIVITY 3: PAY AND ALLOWANCES OF CADETS				
17700 ACADEMY CADETS	50,362	50,362	50,362	50,362
17750 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERS				
17800 BASIC ALLOWANCE FOR SUBSISTENCE	713,180	713,180	713,180	713,180
17850 SUBSISTENCE-IN-KIND	149,061	149,061	149,061	149,061
17900 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,215	1,215	1,215	1,215
18000 TOTAL, BUDGET ACTIVITY 4	863,456	863,456	863,456	863,456
18050 ACTIVITY 5: PERMANENT CHANGE OF STATION				
18100 ACCESSION TRAVEL	82,538	82,538	82,538	82,538
18150 TRAINING TRAVEL	83,524	83,524	83,524	83,524
18200 OPERATIONAL TRAVEL	163,847	163,847	163,847	163,847
18250 ROTATIONAL TRAVEL	463,149	463,149	463,149	463,149
18300 SEPARATION TRAVEL	115,407	115,407	115,407	115,407
18350 TRAVEL OF ORGANIZED UNITS	9,192	9,192	9,192	9,192
18400 NON-TEMPORARY STORAGE	25,076	25,076	25,076	25,076
18450 TEMPORARY LODGING EXPENSE	35,184	35,184	35,184	35,184
18550 TOTAL, BUDGET ACTIVITY 5	977,917	977,917	977,917	977,917
18600 ACTIVITY 6: OTHER MILITARY PERS COSTS				
18650 APPREHENSION OF MILITARY DESERTERS	100	100	100	100
18700 INTEREST ON UNIFORMED SERVICES SAVINGS	595	595	595	595
18750 DEATH GRATUITIES	1,494	1,494	1,494	1,494
18800 UNEMPLOYMENT BENEFITS	31,069	31,069	31,069	31,069
18850 SURVIVOR BENEFITS	3,178	3,178	3,178	3,178
18900 EDUCATION BENEFITS	4,140	4,140	4,140	4,140
18950 ADOPTION EXPENSES	800	800	800	800
19000 SPECIAL COMPENSATION FOR SEVERELY DISABLED RETIREES	9,400	9,400	9,400	9,400
19050 TRANSPORTATION SUBSIDY	11,030	11,030	11,030	11,030
19100 OTHER	2,612	2,612	2,612	2,612
19200 TOTAL, BUDGET ACTIVITY 6	64,418	64,418	64,418	64,418

	(In thousands of dollars)			
	Budget	House	Senate	Conference
19250 LESS REIMBURSABLES	-382,451	-382,451	-382,451	-382,451
19253 INCREASED PAY TABLES AUTHORIZED	---	---	7,782	---
19255 ONW/OSW CONOPS	---	---	-235,436	-235,436
19620 UNOBLIGATED BALANCES	---	-40,000	---	-40,000
19625 B-52 ATTRITION RESERVE	---	---	---	3,800
19630 INCREASE IN DEATH GRATUITY	---	---	---	1,500
19635 INCREASE IN FSA/IDP	---	---	---	20,000
19650 TOTAL, ACTIVE FORCES, AIR FORCE	23,161,004	23,121,003	22,993,072	22,910,868
19700 ACTIVITY 7: RESERVE PERSONNEL, AIR FORCE				
19750 UNIT AND INDIVIDUAL TRAINING:				
19800 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	538,831	---	---	---
19850 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	108,553	---	---	---
19900 PAY GROUP F TRAINING (RECRUITS)	23,513	---	---	---
19950 DEFENSE HEALTH PROGRAM ACCRUAL	100	---	---	---
20000 OTHER	136,841	---	---	---
20100 TOTAL, UNIT AND INDIVIDUAL TRAINING	807,838	---	---	---
20150 OTHER TRAINING AND SUPPORT:				
20200 MOBILIZATION TRAINING	1,800	---	---	---
20250 SCHOOL TRAINING	77,959	---	---	---
20300 SPECIAL TRAINING	157,925	---	---	---
20350 ADMINISTRATION AND SUPPORT	163,163	---	---	---
20400 EDUCATION BENEFITS	10,530	---	---	---
20450 ROTC - SENIOR, JUNIOR	77,104	---	---	---
20500 HEALTH PROFESSION SCHOLARSHIP	28,359	---	---	---
20550 DEFENSE HEALTH PROGRAM ACCRUAL	7,210	---	---	---
20700 TOTAL, OTHER TRAINING AND SUPPORT	524,050	---	---	---
21050 TOTAL, BUDGET ACTIVITY 7	1,331,888	---	---	---

	(In thousands of dollars)			
	Budget	House	Senate	Conference
21100 ACTIVITY 8: NATIONAL GUARD PERSONNEL, AIR FORCE				
21150 UNIT AND INDIVIDUAL TRAINING				
21200 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	788,738	---	---	---
21250 PAY GROUP F TRAINING (RECRUITS)	64,797	---	---	---
21300 PAY GROUP P TRAINING (PIPELINE RECRUITS)	1,208	---	---	---
21350 DEFENSE HEALTH PROGRAM ACCRUAL	178,118	---	---	---
21500 TOTAL, UNIT AND INDIVIDUAL TRAINING	1,032,861	---	---	---
21550 OTHER TRAINING AND SUPPORT:				
21600 SCHOOL TRAINING	142,196	---	---	---
21650 SPECIAL TRAINING	76,243	---	---	---
21700 ADMINISTRATION AND SUPPORT	878,399	---	---	---
21750 EDUCATION BENEFITS	40,443	---	---	---
21800 DEFENSE HEALTH PROGRAM ACCRUAL	52,956	---	---	---
21950 TOTAL, OTHER TRAINING AND SUPPORT	1,190,237	---	---	---
22250 TOTAL, BUDGET ACTIVITY 8	2,223,098	---	---	---
22550 TOTAL, MILITARY PERSONNEL, AIR FORCE	26,715,990	23,121,003	22,993,072	22,910,868

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
19255 ONW/OSW/ODS CONOPS	−235,436
19620 Unobligated Balances	−40,000
19625 B-52 attrition reserve	3,800
19630 Increase in Death Gratuity	1,500
19635 Increase in FSA/IDP	20,000

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $15,105,951,000 in Reserve personnel appropriations, $14,296,667,000 in Reserve operation and maintenance appropriations, and $400,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve end strength of 863,300 as shown below.

SELECTED RESERVE END STRENGTH

[Fiscal year 2004]

	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve	205,000	205,000	
Navy Reserve	85,900	85,900	
Marine Corps Reserve	39,600	39,600	
Air Force Reserve	75,800	75,800	
Army National Guard	350,000	350,000	
Air National Guard	107,000	107,000	
Total	863,300	863,300	

SELECTED RESERVE END STRENGTH—Continued

[Fiscal year 2004]

	Budget	Conference	Conference vs. Budget
AGR/TARS:			
Army Reserve	14,374	14,374	
Navy Reserve	14,384	14,384	
Marine Corps Reserve	2,261	2,261	
Air Force Reserve	1,660	1,660	
Army National Guard	25,386	25,597	+211
Air National Guard	12,140	12,193	+53
Total	70,205	70,469	+264
Technicans:			
Army Reserve	7,594	7,594	
Air Force Reserve	10,081	10,081	
Army National Guard	26,189	26,189	
Air National Guard	23,156	23,156	
Total	67,020	67,020	

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
22600 RESERVE PERSONNEL, ARMY				
22650 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
22700 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)........	---	1,142,059	1,142,059	1,142,059
22750 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY).........	---	41,615	41,615	41,615
22800 PAY GROUP F TRAINING (RECRUITS)......................	---	168,541	168,541	168,541
22850 PAY GROUP P TRAINING (PIPELINE RECRUITS).............	---	13,364	13,364	13,364
22900 DEFENSE HEALTH PROGRAM ACCRUAL.......................	---	353,984	353,984	353,984
23050 TOTAL, BUDGET ACTIVITY 1............................	---	1,719,563	1,719,563	1,719,563
23150 MOBILIZATION TRAINING................................	---	18,548	18,548	18,548
23200 SCHOOL TRAINING......................................	---	111,285	111,285	111,285
23250 SPECIAL TRAINING.....................................	---	157,879	157,879	157,879
23300 ADMINISTRATION AND SUPPORT...........................	---	1,286,251	1,286,251	1,286,251
23350 EDUCATION BENEFITS...................................	---	47,182	47,182	47,182
23400 ROTC - SENIOR, JUNIOR................................	---	116,560	116,560	116,560
23450 HEALTH PROFESSION SCHOLARSHIP	---	29,648	29,648	29,648
23500 DEFENSE HEALTH PROGRAM ACCRUAL.......................	---	65,087	65,087	65,087
23550 OTHER PROGRAMS	---	34,122	34,122	34,122
23650 TOTAL, BUDGET ACTIVITY 2............................	---	1,866,562	1,866,562	1,866,562
23700 UNDISTRIBUTED ADJUSTMENT.............................	---	-2,500	---	---
23705 LEGISLATIVE PROPOSALS NOT ADOPTED....................	---	---	-2,500	-2,500
23710 INCREASED PAY TABLES AUTHORIZED......................	---	---	1,110	---
23900 UNOBLIGATED BALANCES.................................	---	-5,000	---	-5,000
23950 RESERVES COST AVOIDANCE..............................	---	-10,000	---	-10,000
23955 INCREASE IN DEATH GRATUITY...........................	---	---	---	100
24000 TOTAL RESERVE PERSONNEL, ARMY.......................	---	3,568,625	3,584,735	3,568,725

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
23900 Unobligated Balances	−5,000
23950 Reserves Cost Avoidance	−10,000
23955 Increase in Death Gratuity	100

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	(In thousands of dollars) House	Senate	Conference
24050 RESERVE PERSONNEL, NAVY				
24100 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
24150 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	722,921	722,921	722,921
24200 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	---	4,052	4,052	4,052
24250 PAY GROUP F TRAINING (RECRUITS)	---	2,273	2,273	2,273
24300 DEFENSE HEALTH PROGRAM ACCRUAL	---	133,994	133,994	133,994
24450 TOTAL, BUDGET ACTIVITY 1	---	863,240	863,240	863,240
24500 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
24550 MOBILIZATION TRAINING	---	6,599	6,599	6,599
24600 SCHOOL TRAINING	---	23,013	23,013	23,013
24650 SPECIAL TRAINING	---	59,797	59,797	59,797
24700 ADMINISTRATION AND SUPPORT	---	937,333	937,333	937,333
24750 EDUCATION BENEFITS	---	865	865	865
24800 ROTC - SENIOR, JUNIOR	---	39,120	39,120	39,120
24850 HEALTH PROFESSION SCHOLARSHIP	---	31,695	31,695	31,695
24900 DEFENSE HEALTH PROGRAM ACCRUAL	---	66,491	66,491	66,491
25050 TOTAL, BUDGET ACTIVITY 2	---	1,164,913	1,164,913	1,164,913
25055 INCREASED PAY TABLES AUTHORIZED	---	---	618	---
25060 ONW/OSW CONOPS	---	---	-826	-826
25300 UNOBLIGATED BALANCES	---	-5,000	---	-5,000
25370 RESERVES COST AVOIDANCE	---	-40,000	---	-20,000
25380 INCREASE IN DEATH GRATUITY	---	---	---	400
25450 TOTAL, RESERVE PERSONNEL, NAVY	---	1,983,153	2,027,945	2,002,727

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
25060 ONW/OSW/ODS CONOPS	−826
25300 Unobligated Balances	−5,000
25370 Reserves Cost Avoidance	−20,000
25380 Increase in Death Gratuity	400

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
25500 RESERVE PERSONNEL, MARINE CORPS				
25550 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
25600 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	180,764	180,764	180,764
25650 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	---	17,333	17,333	17,333
25700 PAY GROUP F TRAINING (RECRUITS)	---	75,213	75,213	75,213
25750 PAY GROUP P TRAINING (PIPELINE RECRUITS)	---	183	183	183
25800 DEFENSE HEALTH PROGRAM ACCRUAL	---	69,282	69,282	69,282
25950 TOTAL, BUDGET ACTIVITY 1	---	342,775	342,775	342,775
26000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
26050 MOBILIZATION TRAINING	---	2,319	2,319	2,319
26100 SCHOOL TRAINING	---	10,990	10,990	10,990
26150 SPECIAL TRAINING	---	33,730	33,730	33,730
26200 ADMINISTRATION AND SUPPORT	---	151,919	151,919	151,919
26250 EDUCATION BENEFITS	---	17,820	17,820	17,820
26300 ROTC - SENIOR, JUNIOR	---	5,007	5,007	5,007
26350 DEFENSE HEALTH PROGRAM ACCRUAL	---	10,475	10,475	10,475
26400 OTHER PROGRAMS	---	12,409	12,409	12,409
26500 TOTAL, BUDGET ACTIVITY 2	---	244,669	244,669	244,669
26520 INCREASED PAY TABLES AUTHORIZED	---	---	175	---
26600 UNOBLIGATED BALANCES	---	-2,000	---	-2,000
26650 RESERVES COST AVOIDANCE	---	-14,000	---	-14,000
26750 TOTAL, RESERVE PERSONNEL, MARINE CORPS	---	571,444	587,619	571,444

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
26600 Unobligated Balances	−2,000
26650 Reserves Cost Avoidance	−14,000

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
		(In thousands of dollars)		
26800 RESERVE PERSONNEL, AIR FORCE				
26850 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
26900 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	538,831	538,831	538,831
26950 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	---	108,553	108,553	108,553
27000 PAY GROUP F TRAINING (RECRUITS)	---	23,513	23,513	23,513
27050 DEFENSE HEALTH PROGRAM ACCRUAL	---	100	100	100
27100 OTHER	---	136,841	136,841	136,841
27200 TOTAL, BUDGET ACTIVITY 1	---	807,838	807,838	807,838
27250 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
27300 MOBILIZATION TRAINING	---	1,800	1,800	1,800
27350 SCHOOL TRAINING	---	77,959	77,959	77,959
27400 SPECIAL TRAINING	---	157,925	157,925	157,925
27450 ADMINISTRATION AND SUPPORT	---	163,163	163,163	163,163
27500 EDUCATION BENEFITS	---	10,530	10,530	10,530
27550 ROTC - SENIOR, JUNIOR	---	77,104	77,104	77,104
27600 HEALTH PROFESSION SCHOLARSHIP	---	28,359	28,359	28,359
27650 DEFENSE HEALTH PROGRAM ACCRUAL	---	7,210	7,210	7,210
27800 TOTAL, BUDGET ACTIVITY 2	---	524,050	524,050	524,050
27810 INCREASED PAY TABLES AUTHORIZED	---	---	413	---
27900 UNOBLIGATED BALANCES	---	-4,000	---	-4,000
27910 RESERVES COST AVOIDANCE	---	-60,000	---	-40,000
27920 INCREASE IN DEATH GRATUITY	---	---	---	200
28150 TOTAL, RESERVE PERSONNEL, AIR FORCE	---	1,267,888	1,332,301	1,288,088

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:

27900 Unobligated Balances	−4,000
27910 Reserves Cost Avoidance	−40,000
27920 Increase in Death Gratuity	200

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
28200 NATIONAL GUARD PERSONNEL, ARMY				
28250 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
28300 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	1,936,855	1,936,855	1,936,855
28350 PAY GROUP F TRAINING (RECRUITS)	---	237,886	237,886	237,886
28400 PAY GROUP P TRAINING (PIPELINE RECRUITS)	---	26,327	26,327	26,327
28450 DEFENSE HEALTH PROGRAM ACCRUAL	---	605,970	605,970	605,970
28600 TOTAL, BUDGET ACTIVITY 1	---	2,807,038	2,807,038	2,807,038
28650 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
28700 SCHOOL TRAINING	---	225,190	225,190	225,190
28750 SPECIAL TRAINING	---	198,365	198,365	198,365
28800 ADMINISTRATION AND SUPPORT	---	2,061,781	2,144,281	2,131,881
28850 EDUCATION BENEFITS	---	109,636	109,636	109,636
28900 DEFENSE HEALTH PROGRAM ACCRUAL	---	112,309	112,309	112,309
29050 TOTAL, BUDGET ACTIVITY 2	---	2,707,281	2,789,781	2,777,381
29070 INCREASED PAY TABLES AUTHORIZED	---	---	1,685	---
29350 UNOBLIGATED BALANCES	---	-5,000	---	-5,000
29410 RESERVES COST AVOIDANCE	---	-80,000	---	-50,000
29420 SUSTAIN AGR GROWTH	---	24,400	---	---
29430 MOBILIZED AGRS	---	-71,000	---	-30,000
29435 LEWIS AND CLARK BICENTENNIAL ACTIVITIES	---	---	---	750
29440 INCREASE IN DEATH GRATUITY	---	---	---	200
29500 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	---	5,382,719	5,598,504	5,500,369

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 2: Other Training and Support	
28800 Administration and Support/Full Time Manning for AGRs	37,800
28800 Administration and Support/Civil Support Teams AGRs	18,000
28800 Administration and Support/Ground-Based Midcourse Missile Defense AGRs	14,300
Other Adjustments:	
29350 Unobligated Balances	−5,000
29410 Reserves Cost Avoidance	−50,000
29430 Mobilized AGRs	−30,000
29435 Lewis and Clark Bicentennial Activities	750
29440 Increase in Death Gratuity	200

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
	Budget	House	Senate	Conference
29550 NATIONAL GUARD PERSONNEL, AIR FORCE				
29600 ACTIVITY 1: UNIT AND INDIVIDUAL TRAINING				
29650 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	---	788,738	788,738	788,738
29700 PAY GROUP F TRAINING (RECRUITS)	---	64,797	64,797	64,797
29750 PAY GROUP P TRAINING (PIPELINE RECRUITS)	---	1,208	1,208	1,208
29800 DEFENSE HEALTH PROGRAM ACCRUAL	---	178,118	178,118	178,118
29950 TOTAL, BUDGET ACTIVITY 1	---	1,032,861	1,032,861	1,032,861
30000 ACTIVITY 2: OTHER TRAINING AND SUPPORT				
30050 SCHOOL TRAINING	---	142,196	142,196	142,196
30100 SPECIAL TRAINING	---	76,243	76,243	76,243
30150 ADMINISTRATION AND SUPPORT	---	878,399	883,399	882,399
30200 EDUCATION BENEFITS	---	40,443	40,443	40,443
30250 DEFENSE HEALTH PROGRAM ACCRUAL	---	52,956	52,956	52,956
30400 TOTAL, BUDGET ACTIVITY 2	---	1,190,237	1,195,237	1,194,237
30410 INCREASED PAY TABLES AUTHORIZED	---	---	732	---
30550 UNOBLIGATED BALANCES	---	-2,500	---	-2,500
30600 RESERVES COST AVOIDANCE	---	-80,000	---	-50,000
30750 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	---	2,140,598	2,228,830	2,174,598

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 2: Other Training and Support	
30150 Administration and Support/Civil Support Teams AGRs	4,000
Other Adjustments:	
30550 Unobligated Balances	-2,500
30600 Reserves Cost Avoidance	-50,000

TITLE II – OPERATION AND MAINTENANCE

The conference agreement on the items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
50000 RECAPITULATION				
50050 O & M, ARMY	24,958,842	24,903,992	24,922,949	25,029,346
50150 O & M, NAVY	28,287,690	28,060,240	28,183,284	28,146,658
50250 O & M, MARINE CORPS	3,406,656	3,440,456	3,418,023	3,440,323
50300 O & M, AIR FORCE	27.793,931	26,689,043	26,698,375	26,904,731
50400 O & M, DEFENSEWIDE	16,570,847	16,124,455	16,279,006	16,226,841
50500 O & M, ARMY RESERVE	1,952,009	2,031,309	1,964,009	1,998,609
50550 O & M, NAVY RESERVE	1,171,921	1,171,921	1,172,921	1,172.921
50600 O & M, MARINE CORPS RESERVE	173,952	173,952	173,952	173,952
50650 O & M, AIR FORCE RESERVE	2,179,188	2,144,188	2,179,188	2,179,388
50700 O & M, ARMY NATIONAL GUARD	4,211,331	4,325,231	4,273,131	4,340,581
50750 O & M, AIR NATIONAL GUARD	4,402,646	4,424,046	4,418,616	4,431,216
50790 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	50,000	5,000	10,000	5,000
50800 UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	10,333	10,333	10,333	10.333
50850 ENVIRONMENTAL RESTORATION, ARMY	396,018	396,018	396,018	396,018
50900 ENVIRONMENTAL RESTORATION, NAVY	256,153	256,153	256,153	256,153
50950 ENVIRONMENTAL RESTORATION, AIR FORCE	384,307	384,307	384,307	384,307
51000 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	24,081	24,081	24,081	24,081
51050 ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	212,619	221,369	312,619	284,619
51200 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	59.000	59,000	59,000	59,000
51300 FORMER SOVIET UNION THREAT REDUCTION	450,800	450,800	450,800	450,800
51600 GRAND TOTAL, O & M	116,952,324	115,295,894	115,586,765	115,914,877

TRAVEL OF MILITARY DEPENDENTS

The conferees are concerned that spouses and dependents of deployed military personnel often do not have the financial means to visit their family members. Such travel could help ease the difficult burden of managing a household. The conferees direct the Secretary of Defense to submit a proposal for a program that would provide travel assistance to spouses and dependents of deployed military personnel. This proposal is to be submitted to the congressional defense committees before presentation of the fiscal year 2005 budget estimate.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is a follows:

	(In thousands of dollars) Budget	House	Senate	Conference
100 OPERATION AND MAINTENANCE, ARMY				
150 BUDGET ACTIVITY 1: OPERATING FORCES				
200 LAND FORCES				
250 DIVISIONS	1,506,922	1,518,422	1,516,922	1,521,622
300 CORPS COMBAT FORCES	478,563	478,563	478,563	478,563
350 CORPS SUPPORT FORCES	383,755	383,755	383,755	383,755
400 ECHELON ABOVE CORPS SUPPORT FORCES	467,026	467,026	467,026	467,026
450 LAND FORCES OPERATIONS SUPPORT	1,078,757	1,078,757	1,113,757	1,108,757
500 LAND FORCES READINESS				
550 FORCE READINESS OPERATIONS SUPPORT	1,568,900	1,572,400	1,568,900	1,594,162
600 LAND FORCES SYSTEMS READINESS	488,918	488,918	488,918	488,918
650 LAND FORCES DEPOT MAINTENANCE	1,007,481	1,007,481	1,007,481	1,007,481
700 LAND FORCES READINESS SUPPORT				
750 BASE OPERATIONS SUPPORT	2,651,539	2,659,539	---	5,000,930
800 FAC SUSTAINMENT, RESTORATION & MOD (OP FORCES)	1,094,309	1,094,309	---	1,816,376
850 MANAGEMENT & OPERATIONAL HEADQUARTERS	243,033	243,033	260,180	257,733
900 UNIFIED COMMANDS	85,115	85,115	85,115	85,115
950 MISCELLANEOUS ACTIVITIES	1,562,793	1,562,793	1,527.757	1,534,193
1045 TOTAL, BUDGET ACTIVITY 1	12,617,111	12,640,111	8,898,374	15,744,631
1050 BUDGET ACTIVITY 2: MOBILIZATION				
1100 MOBILITY OPERATIONS				
1200 STRATEGIC MOBILIZATION	378,432	378,432	382,432	381.232
1250 ARMY PREPOSITIONED STOCKS	145,728	145,728	145,728	145,728
1300 INDUSTRIAL PREPAREDNESS	7,753	7,753	7,753	7,753
1325 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	6,933	6,933	---	---
1350 TOTAL, BUDGET ACTIVITY 2	538,846	538,846	535,913	534,713

	(In thousands of dollars)			
	Budget	House	Senate	Conference
1400 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1450 ACCESSION TRAINING				
1500 OFFICER ACQUISITION	89,853	89,853	89,853	89,853
1550 RECRUIT TRAINING	22,977	22,977	22,977	22,977
1600 ONE STATION UNIT TRAINING	39,106	39,106	39,106	39,106
1650 SENIOR RESERVE OFFICERS' TRAINING CORPS	214,264	215,764	216,264	215,764
1700 BASE OPERATIONS SUPPORT (ACCESSION TRAINING)	80,110	80,110	---	---
1750 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	61,096	61,096	---	---
1800 BASIC SKILL/ ADVANCE TRAINING				
1850 SPECIALIZED SKILL TRAINING	306,272	313,972	308,272	313.072
1900 FLIGHT TRAINING	499,040	499,040	504,040	501,540
1950 PROFESSIONAL DEVELOPMENT EDUCATION	142,038	142,038	142,038	144,038
2000 TRAINING SUPPORT	478,903	482,003	485,403	484,403
2050 BASE OPERATIONS SUPPORT (BASIC SKILL/ADV TRAINING)	819,604	828,204	---	---
2100 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	392,550	392,550	---	---
2150 RECRUITING/OTHER TRAINING				
2200 RECRUITING AND ADVERTISING	468,035	468,035	468,035	468,035
2250 EXAMINING	83,269	83,269	83,269	83,269
2300 OFF-DUTY AND VOLUNTARY EDUCATION	226,011	226,011	227,011	227,011
2350 CIVILIAN EDUCATION AND TRAINING	92,536	94,536	92,536	93,936
2400 JUNIOR RESERVE OFFICERS' TRAINING CORPS	129,978	129,978	129,978	129,978
2450 BASE OPERATIONS SUPPORT (RECRUIT/OTHER TRAINING)	238,993	238,993	---	---
2500 TOTAL, BUDGET ACTIVITY 3	4,384,635	4,407,535	2,808,782	2,812,982
2550 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2600 SECURITY PROGRAMS				
2650 SECURITY PROGRAMS	591,622	591,622	606,622	606,997
2700 LOGISTICS OPERATIONS				
2750 SERVICEWIDE TRANSPORTATION	661,551	661,551	661,551	661,551
2800 CENTRAL SUPPLY ACTIVITIES	491,835	499,835	491,835	497,735
2850 LOGISTICS SUPPORT ACTIVITIES	1,058,760	1,059,760	1,077,760	1,073,360
2900 AMMUNITION MANAGEMENT	330,129	330,129	330,129	330,129

	(In thousands of dollars)			
	Budget	House	Senate	Conference
2950 SERVICEWIDE SUPPORT				
3000 ADMINISTRATION	664,135	664,135	664,135	664,135
3050 SERVICEWIDE COMMUNICATIONS	623,102	628,602	623,102	627,773
3100 MANPOWER MANAGEMENT	210,202	210,202	210,202	210,202
3150 OTHER PERSONNEL SUPPORT	198,716	202,216	202,716	202,216
3200 OTHER SERVICE SUPPORT	707,558	707,558	747,508	742,708
3250 ARMY CLAIMS	116,691	116,691	116,691	116,691
3300 REAL ESTATE MANAGEMENT	50,173	50,173	50,173	50,173
3350 BASE OPERATIONS SUPPORT (SERVICEWIDE SUPPORT)	1,194,134	1,200,584	---	---
3400 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	260,288	262,288	---	---
3550 SUPPORT OF OTHER NATIONS				
3600 INTERNATIONAL MILITARY HEADQUARTERS	207,125	207,125	207,125	207,125
3650 MISC. SUPPORT OF OTHER NATIONS	58,729	58,729	58,729	58,729
3700 TOTAL, BUDGET ACTIVITY 4	7,424,750	7,451,200	6,048,278	6,049,524
3705 BASE OPERATIONS SUPPORT	---	---	4,984,380	---
3707 FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	---	---	1,815,176	---
3710 CLASSIFIED PROGRAMS UNDISTRIBUTED	---	177,000	177,000	177,000
3711 WCF EXCESS CASH BALANCES	---	---	-107,000	---
3720 MEMORIAL EVENTS	---	400	---	400
3970 UNOBLIGATED BALANCES	---	-51,500	-21,300	-51,500
4080 UNDISTRIBUTED REDUCTION	-6,500	-6,500	---	---
4081 LEGISLATIVE PROPOSAL NOT ADOPTED	---	---	-6,500	-6,500
4090 SWA CONOPS	---	-200,400	-200,304	-200,304
4100 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-33,000	---	-33,000
4110 CIVILIAN PAY OVERSTATEMENT	---	-19,700	-9,850	-21,900
4120 WMD CIVIL SUPPORT TEAMS	---	---	---	23,300
4180 TOTAL, OPERATION AND MAINTENANCE, ARMY	24,958,842	24,903,992	24,922,949	25,029,346

Adjustments to Budget Activities

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
250 Modular Lightweight Load-Carrying Equipment (MOLLE) ...	1,800
250 Hydration on the Move System Basic/Chemical/Biological	1,000
250 Expandable Light Air Mobility Shelters ..	5,100
250 Clear Water Rinse Facility	2,000
250 Extended Cold Weather Clothing System (ECWCS)	3,000
250 Fort Riley Readiness	1,800
450 SBCT Implementation	30,000
550 C4I O&M requirements transferred from OPA	22,262
550 Enhance Urbanized Training at Fort Irwin and Support JNTC Initiatives	3,000
750 Training and Support Facilities	6,800
750 Army Worker Safety Program Expansion	5,100
750 Feasibility Study for Homeland Defense and National Security Applications at Watervliet Arsenal	450
750 Fort Knox University of Mounted Warfare Campus Area Network infrastructure	1,200
750 Repave Road to Ammo Facility at Fort Benning	3,000
750 Realign BOS/FSRM resources to BA–1	80,110
750 Realign BOS/FSRM resources to BA–1	819,604
750 Realign BOS/FSRM resources to BA–1	238,993
750 Realign BOS/FSRM resources to BA–1	1,194,134
800 Army Chapel Renovation Matching Funds Program	1,200
800 Realign BOS/FSRM resources to BA–1	6,933
800 Realign BOS/FSRM resources to BA–1	61,096
800 Realign BOS/FSRM resources to BA–1	392,550
800 Realign BOS/FSRM resources to BA–1	260,288
850 Deployable C4ISR ...	1,000
850 Network and IT Infrastructure Capabilities	7,900
850 PACMERS	5,800
950 Joint POW/MIA Accounting Command (JPAC) (transferred to OMN)	−26,600
950 Northern Edge Realignment of funds (transferred to OMN) ...	−2,000
Budget Activity 2: Mobilization:	
1200 Quadrangle Containers	2,800
1325 Realign BOS/FSRM resources to BA–1	−6,933
Budget Activity 3: Training and Recruiting:	
1650 Air Battle Captain Program	1,500
1700 Realign BOS/FSRM resources to BA–1	−80,110
1700 Realign BOS/FSRM resources to BA–1	−61,096
1850 Gauntlet Training and Instrumentation Facility Upgrade, Fort Knox	1,000
1850 U.S. Army Engineer School	2,800
1850 Military Police MCTFT Joint Training	1,000
1850 Satellite Communications for Learning (SCOLA) Language Training	2,000
1900 Army Aviation Transformation Training Initiatives (Flight School XXI)	2,500
1950 Civil Rights Education and History	2,000
2000 Defense Language Institute (DLI) LangNet Project	1,000
2000 Military Distance Learning Demonstration	1,000
2000 Fort Knox University of Mounted Warfare Classroom Automation Resources	1,000
2000 Online Technology Training Pilot Program in USARAK	2,500
2050 Realign BOS/FSRM resources to BA–1	−819,604
2050 Realign BOS/FSRM resources to BA–1	−392,550
2300 Shakespeare in American Military Communities	1,000
2350 Online Technology Training Pilot Program at Fort Lewis	1,400
2450 Realign BOS/FSRM resources to BA–1	−238,993
Budget Activity 4: Administration and Service wide Activities:	
2650 Classified	15,375
2800 Army Military Vehicle Batteries	1,400
2800 Pulse Technology—Army Battery Management Program	3,500
2800 TACOM electronic Maintenance System ...	1,000
2850 Integrated Digital Environments (IDE) Information Portal	1,000
2850 Corrosion Prevention and Control Program	4,800
2850 Field Pack-Up (FPU) System	1,800
2850 Skidsteer Loaders	6,000
2850 Regional Agile Port Intermodal Distribution (RAPID)	1,000
3050 C4I O&M Requirements (transferred from OPA)	671
3050 Army Knowledge Online	3,500
3050 Army Knowledge Online Labs in Korea ...	500
3150 Servicemembers Benefit Analysis Online (SMBAOnline)	3,500
3200 Army Conservation and Ecosystem Management	3,000
3200 Centralized Range Residue Recycling Facility (CRRRF)	1,500
3200 Fort Wainwright CHPP Renovation	18,700
3200 Fort Wainwright Utilidor Repair	9,000
3200 Rock Island Arsenal Bridge Repairs	2,450
3200 Tanana Flats Training Area Cleanup Program	500
3350 Realign BOS/FSRM resources to BA–1	−1,194,134
3400 Realign BOS/FSRM resources to BA–1	−260,288
Undistributed:	
3710 Classified Programs	177,000
3720 Memorial Events ...	400
3970 Un-obligated Balance	−51,500
4090 Southwest Asia CONOPS Costs	−200,304
4100 Administration and Service wide Activities	−33,000
4110 Civilian Pay Overstatement	−21,900
4120 WMD Civil Support Teams	23,300

Realignment of Base Operations Support (BOS) and Facilities Sustainment, Restoration and Modernization (FSRM) Resources

The conferees concur with Senate Report 108–87 regarding the realignment of BOS and FSRM resources, which will allow for more careful management of installation resources and better oversight. However, rather than create a new budget activity, the conferees have consolidated Army BOS and FSRM resources in budget activity one, as detailed in the table above.

Servicemembers Benefit Analysis Online (SMBA Online)

The conferees have provided an additional $3,500,000 in Operation and Maintenance, Army for a pilot program to implement and evaluate this unique benefit analysis system. The conferees direct the Assistant Secretary of Defense (Force Management Policy) to report on the implementation and benefits of this pilot program, and submit this report to the congressional defense committees before presentation of the fiscal year 2005 budget.

Stryker Brigade Combat Team (SBCT) Implementation

The conferees have included an additional $30,000,000 only to provide equipment and fielding of SBCTs, with appropriate consideration given to entities that are located in the same geographical region as the fielded SBCT, to include analytical and logistics support.

Recruiting and Advertising

The conferees direct that no less than $6,000,000 of the funds provided for Operation and Maintenance, Army be used to maintain existing production efforts directed toward certain audiences, including Hispanic recruits.

Army Worker Safety Program Expansion

The conferees are pleased with the progress of the Army's safety initiative underway at Fort Bragg and at the Watervliet Arsenal, and encourage the Secretary of the Army to expand the initiative to other Army installations. The conference agreement provides an additional $5,100,000 in Operation and Maintenance, Army to enhance and expand the current safety initiative for U.S. Army civilian and military personnel.

INTEGRATED DIGITAL ENVIRONMENTS INFORMATION PORTAL

The conference agreement provides an additional $500,000 in Operation and Maintenance, Army only for the program Executive Officer (PEO) Ground Combat Systems at TACOM to expand the use of the eBusiness Portal IDE's among all their weapon program managers and the Army's Research and Development command structure. The conference agreement also provides an additional $500,000 in Operation and Maintenance, Army only for AMCOM's Prototype Integration Facility to expand an IDE environment in order to streamline rapid prototyping and the airworthiness qualification and release process. The Secretary of the Army shall provide a report to the congressional defense committees no later than March 31, 2004, evaluating the effectiveness of IDEs as weapon program management tools and the advantages they may provide to weapon program stakeholders throughout the life cycle.

ENHANCE URBANIZED TRAINING AT FORT IRWIN AND SUPPORT FOR JNTC INITIATIVES

The conference agreement provides an additional $3,000,000 in Operation and Maintenance, Army only to improve training at the National Training Center, as follows: $750,000 for NTC MOUT training; $750,000 for NTC training; and $1,500,000 for NTC anti-terrorism training.

TACONY WAREHOUSE

The conferees agree that of the funds made available in Operation and Maintenance, Army, $10,000,000 be used only to demolish the Army's Tacony Warehouse. The conferees further instruct the Secretary of the Army to ensure that the reuse of the Tacony Warehouse site its consistent with proposals outlined in the City of Philadelphia's North Delaware Riverfront Redevelopment Plan.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
4250 OPERATION AND MAINTENANCE, NAVY				
4300 BUDGET ACTIVITY 1: OPERATING FORCES				
4350 AIR OPERATIONS				
4400 MISSION AND OTHER FLIGHT OPERATIONS	3,262,507	3,262,507	3,262,507	3,263,507
4450 FLEET AIR TRAINING	1,025,326	1,025,326	1,025,326	1,025,326
4500 INTERMEDIATE MAINTENANCE	73,961	73,961	73,961	73,961
4550 AIR OPERATIONS AND SAFETY SUPPORT	105,559	105,559	105,559	105,559
4600 AIRCRAFT DEPOT MAINTENANCE	980,136	980,136	980,136	980,136
4650 AIRCRAFT DEPOT OPERATIONS SUPPORT	50,725	59,725	50,725	59,025
4800 SHIP OPERATIONS				
4850 MISSION AND OTHER SHIP OPERATIONS	2,485,605	2,485,605	2,490,605	2,489,105
4900 SHIP OPERATIONAL SUPPORT AND TRAINING	614,525	614,525	614,525	614,525
5000 SHIP DEPOT MAINTENANCE	3,567,545	3,567,545	3,567,545	3,575,745
5050 SHIP DEPOT OPERATIONS SUPPORT	1,087,587	1,091,087	1,099,587	1,101,787
5200 COMBAT OPERATIONS/SUPPORT				
5250 COMBAT COMMUNICATIONS	377,493	382,493	380,493	382,093
5300 ELECTRONIC WARFARE	15,574	15,574	15,574	15,574
5350 SPACE SYSTEMS & SURVEILLANCE	125,107	125,107	125,107	125,107
5400 WARFARE TACTICS	235,237	232,237	238,037	235,037
5450 OPERATIONAL METEOROLOGY & OCEANOGRAPHY	257,475	257,475	257,475	257,475
5500 COMBAT SUPPORT FORCES	892,241	864,241	897,241	875,841
5550 EQUIPMENT MAINTENANCE	166,033	168,033	166,033	167,433
5600 DEPOT OPERATIONS SUPPORT	2,733	2,733	2,733	2,733

	(In thousands of dollars) Budget	House	Senate	Conference
5750 WEAPONS SUPPORT				
5800 CRUISE MISSILE	151,456	151,456	151,456	151,456
5850 FLEET BALLISTIC MISSILE	806,058	806,058	806,058	806,058
5900 IN-SERVICE WEAPONS SYSTEMS SUPPORT	44,092	44,092	44,092	44,092
5950 WEAPONS MAINTENANCE	466,425	471,425	478,425	478,425
6150 NWCF SUPPORT	-447,755	-447,755	-447,755	-447,755
6200 BASE SUPPORT				
6210 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,079,723	1,085,723	---	1,386,824
6220 BASE SUPPORT	2,609,334	2,618,334	---	3,246,155
6230 TOTAL, BUDGET ACTIVITY 1	20,034,702	20,043,202	16,385,445	21,015,224
6250 BUDGET ACTIVITY 2: MOBILIZATION				
6300 READY RESERVE AND PREPOSITIONING FORCES				
6350 SHIP PREPOSITIONING AND SURGE	506,690	496,990	506,690	496,990
6400 ACTIVATIONS/INACTIVATIONS				
6450 AIRCRAFT ACTIVATIONS/INACTIVATIONS	8,217	8,217	8,217	8,217
6500 SHIP ACTIVATIONS/INACTIVATIONS	167,127	168,127	177,127	174,127
6550 MOBILIZATION PREPAREDNESS				
6600 FLEET HOSPITAL PROGRAM	25,361	25,361	25,361	25,361
6650 INDUSTRIAL READINESS	1,702	1,702	1,702	1,702
6700 COAST GUARD SUPPORT	18,137	18,137	18,137	18,137
6750 TOTAL, BUDGET ACTIVITY 2	727,234	718,534	737,234	724,534
6800 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6850 ACCESSION TRAINING				
6900 OFFICER ACQUISITION	116,022	116,022	116,022	116,022
6950 RECRUIT TRAINING	8,693	8,693	8,693	8,693
7000 RESERVE OFFICERS TRAINING CORPS	91,788	99,288	91,788	91,788
7150 BASIC SKILLS AND ADVANCED TRAINING				
7200 SPECIALIZED SKILL TRAINING	363,006	359,006	363,006	356,806
7250 FLIGHT TRAINING	441,982	441,982	441,982	441,982
7300 PROFESSIONAL DEVELOPMENT EDUCATION	113,134	113,134	113,134	113,134
7350 TRAINING SUPPORT	300,843	291,143	300,843	294,443

	(In thousands of dollars)			
	Budget	House	Senate	Conference
7500 RECRUITING, AND OTHER TRAINING AND EDUCATION				
7550 RECRUITING AND ADVERTISING............................	251,507	251,507	252,507	252,507
7600 OFF-DUTY AND VOLUNTARY EDUCATION......................	98,885	100,135	98,885	99,885
7650 CIVILIAN EDUCATION AND TRAINING.......................	70,628	70,628	70,628	70,628
7700 JUNIOR ROTC...	40,333	41,333	42,333	41,833
7800 BASE SUPPORT				
7820 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION...	201,993	201,993	---	---
7830 BASE SUPPORT..	373,377	373,377	---	---
7850 TOTAL, BUDGET ACTIVITY 3............................	2,472,191	2,468,241	1,899,821	1,887,721
7900 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7950 SERVICEWIDE SUPPORT				
8000 ADMINISTRATION..	698,422	698,422	698,422	698,422
8050 EXTERNAL RELATIONS....................................	4,026	4,026	4,026	4,026
8100 CIVILIAN MANPOWER & PERSONNEL MGT.....................	104,963	104,963	104,963	104,963
8150 MILITARY MANPOWER & PERSONNEL MGT.....................	221,170	221,170	221,170	221,170
8200 OTHER PERSONNEL SUPPORT...............................	212,060	212,060	245,096	238,660
8250 SERVICEWIDE COMMUNICATIONS............................	632,682	634,682	647,182	644,782
8450 LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
8500 SERVICEWIDE TRANSPORTATION............................	193,045	193,045	193,045	193,045
8550 PLANNING, ENGINEERING & DESIGN........................	301,365	290,365	301,365	290,365
8600 ACQUISITION AND PROGRAM MANAGEMENT....................	905,432	906,432	905,432	905,432
8650 AIR SYSTEMS SUPPORT...................................	447,639	454,139	447,639	447,639
8700 HULL, MECHANICAL & ELECTRICAL SUPPORT.................	62,927	63,927	64,427	65,427
8750 COMBAT/WEAPONS SYSTEMS................................	40,093	40,093	40,093	40,093
8800 SPACE & ELECTRONIC WARFARE SYSTEMS....................	66,236	66,236	66,236	66,236
8950 SECURITY PROGRAMS				
9000 SECURITY PROGRAMS...	801,509	801,509	814,859	811,969
9150 SUPPORT OF OTHER NATIONS				
9200 INTERNATIONAL HDQTRS & AGENCIES.......................	10,542	10,542	10,542	10,542
9210 BASE SUPPORT				
9220 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION...	98,108	98,108	---	---
9230 BASE SUPPORT..	253,344	257,344	---	---
9250 TOTAL, BUDGET ACTIVITY 4............................	5,053,563	5,057,063	4,764,497	4,742,771

	(In thousands of dollars)			
	Budget	House	Senate	Conference
9260 BASE OPERATIONS SUPPORT	---	---	3,236,055	---
9265 FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION	---	---	1,379,824	---
9277 WCF EXCESS CASH BALANCES	---	---	-92,500	---
9440 UNOBLIGATED BALANCES	---	-99,000	-51,500	-99,000
9540 SWA CONOPS	---	-75,800	-75,592	-75,592
9550 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-52,000	---	-52,000
9560 PACOM THEATER JOINT C4 CAPABILITY	---	---	---	3,000
9750 TOTAL, OPERATION AND MAINTENANCE, NAVY	28,287,690	28,060,240	28,183,284	28,146,658

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
4400 CAST 70 Tester	1,000
4650 Navy Depot Production Processes Cycle Time Improvement	1,000
4650 Simulation Modeling Analytical Support System (SMASS)	1,200
4650 Computer Automatic Tester and Radar Communication Automatic Test Equipment (CAT&RAD COM)	5,100
4650 Vertical Lift	1,000
4850 Photonic Sensor Marine Gas Turbine Engine Condition Based Maintenance	3,500
5000 Cruiser Modernization (transferred from SCN)	8,200
5050 Apprentice, Engineering Technician and CO–OP Program IMF Bangor	1,100
5050 Apprentice, Engineering Technician and CO–OP Program NUWC Keyport	1,400
5050 Naval Shipyard Apprenticeship Program	1,700
5050 PHNSY Support	10,000
5250 Collaborative Information Warfare Network SPAWAR Charleston	2,500
5250 Manufacturing Technical Assistance and Production Program (MTAPP)	2,100
5400 Warfare Tactics unjustified growth	−3,000
5400 Northern Edge Realignment of funds (transferred from OMA, OMAF)	2,800
5500 Combat Support Forces unjustified growth	−21,700
5500 Hydration on the Move System Basic/Chemical/Biological	1,000
5500 Center of Excellence for Disaster Management and Humanitarian Assistance	4,300
5550 Manual Reverse Osmosis Desalinator (MROD) Testing, Repair and Replacement	1,400
5950 Mark-45 5" Gun Depot Overhauls	12,000
6210 Pier 3 Restoration at Puget Sound Naval Shipyard	6,000
6210 Realign BOS/FSRM resources to BA–1	201,993
6210 Realign BOS/FSRM resources to BA–1	98,108
6210 Toledo Shipyard Improvement Plan	1,000
6220 Critical Asset Vulnerability Assessment, Navy Region NW	1,400
6220 Northwest Environmental Resource Center	4,900
6220 Realign BOS/FSRM resources to BA–1	373,377
6220 Realign BOS/FSRM resources to BA–1	253,344
6220 Integrated Safety Management System Expansion	2,800
6220 Combating Terrorism Database System (CTDS)	1,000
Budget Activity 2: Mobilization:	
6350 Ship Prepositioning and Surge unjustified growth	−10,000
6350 Deployment/Mobilization Hub Study, New Orleans NAS/JRB	300
6500 Ship Disposal Program	7,000
Budget Activity 3: Training and Recruiting:	
7200 Specialized Skill Training unjustified growth	−10,000
7200 Blended Learning Initiative/Specialized Skill Training	2,800
7200 Pier-Side Tactical and Simulation Training	1,000
7350 Training Support unjustified growth	−15,000
7350 Prototype System for Embedded Training and Performance Support—CNET	300
7350 Naval Post Graduate Institute for Service to America	4,300
7350 Center for Defense Technology and Education for the Military Services	4,000
7550 Vital Learning Recruitment/Retention Screening Test Program	1,000
7600 Continuing Education Distance Learning	1,000
7700 Naval Sea Cadet Corps	1,500
7820 Realign BOS/FSRM resources to BA–1	−201,993
7830 Realign BOS/FSRM resources to BA–1	−373,377
Budget Activity 4: Administration and Servicewide Activities:	
8200 Joint POW/MIA Accounting Command (JPAC) (transferred from OMA)	26,600
8250 Mobile UHF DAMA Training Program	1,000
8250 Configuration Management Information System (CMIS)	6,500
8250 Navy Critical Infrastructure Protection	2,200
8250 SPAWAR Information Technology Center	2,400
8550 Planning, Engineering and Design unjustified growth	−11,000
8700 Advanced Technical Information Support (ATIS)	1,000
8700 Flame Contaminant Detection System (FCDS)	1,500
9000 Classified	10,460
9220 Realign BOS/FSRM resources to BA–1	−98,108
9230 Realign BOS/FSRM resources to BA–1	−253,344
Undistributed:	
9440 Un-obligated Balance	−99,000
9540 Southwest Asia CONOPS Costs	−75,592
9550 Administration and Servicewide Activities	−52,000
9560 PACOM Theater Joint C4 Capability	3,000

REALIGNMENT OF BASE OPERATIONS SUPPORT (BOS) AND FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION (FSRM) RESOURCES

The conferees concur with Senate Report 108–87 regarding the realignment of BOS and FSRM resources, which will allow for more careful management of installation resources and better oversight. However, rather than create a new budget activity, the conferees have consolidated Navy BOS and FSRM resources in budget activity one, as detailed in the table above.

NAVAL SHIPYARD APPRENTICE PROGRAM

The conferees have included an additional $1,700,000 in Operation and Maintenance, Navy for the Naval Shipyard Apprentice Program, bringing total funding for that program to $30,580,000. The conferees direct the Navy to induct classes of no fewer than 125 apprentices, at each of the naval shipyards during fiscal year 2004. The conferees further direct the Navy to include the costs of the fiscal year 2005 class of apprentices in the FY 2005 budget request.

BLENDED LEARNING INITIATIVE/SPECIALIZED SKILL TRAINING

The conferees agree to provide an additional $2,800,000 only for the Blended Learning Initiative to build multi-purpose electronic classrooms capable of delivering Integrated Learning Environment content for the United States Navy. Classrooms will incorporate traditional platform instruction, synchronous and asynchronous video, teletraining/video, teleconferencing, and web-based training.

NORTHERN EDGE REALIGNMENT OF FUNDS

The conferees concur with Senate Report 108–87 regarding the funds for Exercise Northern Edge, and recommend a realignment of funds into Operation and Maintenance, Navy. After this realignment, a total of $4,700,000 is available in Operation and Maintenance, Navy to support Exercise Northern Edge. For fiscal year 2005 and subsequent years, the conferees direct the Secretary of Defense to provide funds in a similar fashion.

CONFIGURATION MANAGEMENT INFORMATION SYSTEM

The conferees provided an additional $6,500,000 in Operation and Maintenance, Navy only for the Configuration Management Information System (CMIS). The funding should be used to further develop a knowledge management approach to maintenance planning processes using Configuration Management Information System data.

ALAMEDA POINT NAVAL STATION

The conferees are aware that the former Alameda Point Naval Station is currently being considered as a candidate for early transfer, based on the pending agreement between the Navy and the City of Alameda for reuse, development, and property preservation. The conferees are further aware that the Administrator of the EPA must approve the deferral of the CERCLA covenant. The conferees believe that early transfer of the land and associated facilities to the City of Alameda could serve as a model for military base conversion in an urban environment. Accordingly, the conferees expect the Secretary of the Navy and the Administrator of the Environmental Protection Agency to work cooperatively to achieve this early transfer in the most expeditious manner possible.

REPAIR OF MILITARY SEALIFT COMMAND SHIPS

The conferees are concerned that a disproportionate number of Military Sealift Command (MSC) ships are being repaired in foreign shipyards. The Secretary of the Navy is directed to provide a report to the congressional defense committees which describes the Navy's policy for repairing MSC ships in foreign shipyards, analyzes trends in funding for and level of repair work done on MSC ships in foreign and domestic yards, and reviews the consequences of reallocating MSC ship repair work to domestic shipyards. The report should be submitted no later than April 15, 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

		(In thousands of dollars)		
	Budget	House	Senate	Conference
9900 OPERATION AND MAINTENANCE, MARINE CORPS				
9950 BUDGET ACTIVITY 1: OPERATING FORCES				
10000 EXPEDITIONARY FORCES				
10050 OPERATIONAL FORCES	588,653	598,653	597,653	600,253
10100 FIELD LOGISTICS	320,108	320,108	327,108	324,608
10150 DEPOT MAINTENANCE	101,439	106,439	101,439	105,739
10200 BASE SUPPORT	912,934	923,934	912,934	922,334
10250 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	498,007	502,507	498,007	501,807
10300 USMC PREPOSITIONING				
10350 MARITIME PREPOSITIONING	76,996	76,996	76,996	76,996
10400 NORWAY PREPOSITIONING	4,035	4,035	4,035	4,035
10450 TOTAL, BUDGET ACTIVITY 1	2,502,172	2,532,672	2,518,172	2,535,772
10500 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
10550 ACCESSION TRAINING				
10600 RECRUIT TRAINING	10,242	10,242	10,242	10,242
10650 OFFICER ACQUISITION	348	348	348	348
10800 BASIC SKILLS AND ADVANCED TRAINING				
10850 SPECIALIZED SKILLS TRAINING	41,514	41,514	41,514	41,514
10900 FLIGHT TRAINING	171	171	171	171
10950 PROFESSIONAL DEVELOPMENT EDUCATION	8,863	8,863	8,863	8,863
11000 TRAINING SUPPORT	123,007	120,007	123,007	120,007

	(In thousands of dollars)			
	Budget	House	Senate	Conference
11150 RECRUITING AND OTHER TRAINING EDUCATION				
11200 RECRUITING AND ADVERTISING	115,167	115,167	115,167	115,167
11250 OFF-DUTY AND VOLUNTARY EDUCATION	35,606	35,606	35,606	35,606
11300 JUNIOR ROTC	13,200	13,700	13,200	13,700
11350 BASE SUPPORT	151,071	151,071	151,071	151,071
11400 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,073	78,073	78,073	78,073
11450 TOTAL, BUDGET ACTIVITY 3	577,262	574,762	577,262	574,762
11500 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
11550 SERVICEWIDE SUPPORT				
11650 SPECIAL SUPPORT	229,485	229,485	229,485	229,485
11700 SERVICEWIDE TRANSPORTATION	35,733	35,733	35,733	35,733
11750 ADMINISTRATION	39,377	39,377	39,377	39,377
11800 BASE SUPPORT	18,991	26,991	18,991	25,791
11850 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,636	3,636	3,636	3,636
11900 TOTAL, BUDGET ACTIVITY 4	327,222	335,222	327,222	334,022
12010 UNOBLIGATED BALANCES	---	-5,700	-4,100	-5,700
12020 ANTI-CORROSION PROGRAMS	---	4,000	---	2,000
12040 SWA CONOPS	---	-500	-533	-533
12300 TOTAL, OPERATION & MAIN, MARINE CORPS	3,406,656	3,440,456	3,418,023	3,440,323

Adjustments of Budget Activities

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
10050 Modular General Purpose Tent System (MGPTS)	1,800
10050 Hydration on the Move System Basic/Chemical/Biological	1,000
10050 Marine Corps U.S. Made Bayonets	3,000
10050 All Purpose Environmental Clothing System (APECS)	3,000
10050 Chem Bio Incident Response Force (CBIRF)	1,400
10050 Mountain/Cold Weather Clothing and Equipment Program (MCWCEP)	1,400
10100 Corrosion Prevention and Control Program	2,500
10100 Lightweight Maintenance Enclosure	1,000
10100 USMC Albany, MATCOM Life Cycle Management	1,000
10100 Depot Maintenance of Radar Systems	4,300
10200 Training and Support Facilities	9,400
10250 Adobe Road Twentynine Palms	3,800
Budget Activity 3: Training and Recruiting:	
11000 Training Support unjusified growth	−3,000
11300 Marine Corps Junior ROTC Operating Costs	500
Budget Activity 4: Administration and Servicewide Activities:	
11800 USMC COOP	6,800
Undistributed:	
12010 Un-obligated Balance	−5,700
12020 Anti-Corrison Programs	2,000
12040 Southwest Asia CONOPS Costs	−533

Marine Corps Logistics System Upgrades

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for upgrades to Marine Corps Logistics Systems.

Marine Corps Tactical Systems Support Activity (MCTSSA) Combat Service Support Element

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for the continuing efforts of the Marine Corps Tactical System Support Activity (MCTSSA) to build out the combat service support element of the System Integration Environment.

HMMWV Tires

The conferees direct that of the funds made available in Operation and Maintenance, Marine Corps, $3,000,000 be used only for the purchase of HMMWV tires.

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
12450 OPERATION AND MAINTENANCE, AIR FORCE				
12500 BUDGET ACTIVITY 1: OPERATING FORCES				
12550 AIR OPERATIONS				
12600 PRIMARY COMBAT FORCES	3,496,496	3,504,496	3,532,396	3,526,896
12650 PRIMARY COMBAT WEAPONS	331,972	331,972	331,972	331,972
12700 COMBAT ENHANCEMENT FORCES	332,062	332,062	332,062	332,062
12750 AIR OPERATIONS TRAINING	1,243,900	1,226,900	1,243,900	1,234,900
12775 DEPOT MAINTENANCE	1,817,063	1,817,313	1,817,063	1,817,313
12800 COMBAT COMMUNICATIONS	1,350,589	1,350,589	1,351,789	1,351,589
12850 BASE SUPPORT	2,260,913	2,260,913	2,260,913	2,260,913
12900 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	936,519	945,631	936,519	938,519
12950 COMBAT RELATED OPERATIONS				
13000 GLOBAL C3I AND EARLY WARNING	976,608	976,608	977,608	977,608
13050 NAVIGATION/WEATHER SUPPORT	187,202	187,202	190,202	189,702
13100 OTHER COMBAT OPS SUPPORT PROGRAMS	597,331	597,331	597,331	597,331
13150 JCS EXERCISES	35,543	35,543	34,743	34,743
13200 MANAGEMENT/OPERATIONAL HEADQUARTERS	213,088	218,088	215,088	218,788
13250 TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	223,946	223,946	223,946	223,946

	(In thousands of dollars)			
	Budget	House	Senate	Conference
13300 SPACE OPERATIONS				
13350 LAUNCH FACILITIES	321,829	321,829	321,829	321,829
13400 LAUNCH VEHICLES	67,232	67,232	67,232	67,232
13450 SPACE CONTROL SYSTEMS	242,294	242,294	242,294	242,294
13500 SATELLITE SYSTEMS	57,046	57,046	57,046	57,046
13550 OTHER SPACE OPERATIONS	243,778	229,778	243,778	233,778
13600 BASE SUPPORT	566,936	566,936	566,936	566,936
13650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	148,408	148,408	148,408	148,408
13700 TOTAL, BUDGET ACTIVITY 1	15,650,755	15,642,117	15,693,055	15,673,805
13750 BUDGET ACTIVITY 2: MOBILIZATION				
13800 MOBILITY OPERATIONS				
13850 AIRLIFT OPERATIONS	2,167,958	2,167,958	1,967,958	2,167,958
13900 AIRLIFT OPERATIONS C3I	36,758	36,758	36,758	36,758
13950 MOBILIZATION PREPAREDNESS	172,134	172,134	172,134	172,134
13975 DEPOT MAINTENANCE	361,521	361,521	361,521	361,521
14000 PAYMENTS TO TRANSPORTATION BUSINESS AREA	---	---	-110,006	---
14050 BASE SUPPORT	514,123	514,123	514,123	514,123
14100 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	200,836	200,836	200,836	200,836
14150 TOTAL, BUDGET ACTIVITY 2	3,453,330	3,453,330	3,143,324	3,453,330
14200 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
14250 ACCESSION TRAINING				
14300 OFFICER ACQUISITION	67,763	67,763	67,763	67,763
14350 RECRUIT TRAINING	6,112	6,112	6,112	6,112
14400 RESERVE OFFICER TRAINING CORPS (ROTC)	82,586	82,586	82,586	82,586
14450 BASE SUPPORT (ACADEMIES ONLY)	68,682	68,682	68,682	68,682
14500 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	75,337	75,337	75,337	79,737
14550 BASIC SKILLS AND ADVANCED TRAINING				
14600 SPECIALIZED SKILL TRAINING	324,067	324,067	324,067	324,067
14650 FLIGHT TRAINING	675,173	675,173	675,173	675,173
14700 PROFESSIONAL DEVELOPMENT EDUCATION	154,978	151,978	155,978	152,978
14750 TRAINING SUPPORT	92,652	92,652	96,652	95,452
14775 DEPOT MAINTENANCE	8,461	8,461	8,461	8,461
14800 BASE SUPPORT (OTHER TRAINING)	529,663	529,663	529,663	529,663
14850 FAC SUSTAINMENT, RESTORATION & MODERNIZATION	167,050	167,050	167,050	167,050

	(In thousands of dollars)			
	Budget	House	Senate	Conference
14900 RECRUITING, AND OTHER TRAINING AND EDUCATION				
14950 RECRUITING AND ADVERTISING	150,744	150,744	150,744	150,744
15000 EXAMINING	3,103	3,103	3,103	3,103
15050 OFF DUTY AND VOLUNTARY EDUCATION	114,240	114,240	114,240	114,240
15100 CIVILIAN EDUCATION AND TRAINING	133,706	126,706	133,706	129,706
15150 JUNIOR ROTC	43,413	43,413	43,413	43,413
15200 TOTAL, BUDGET ACTIVITY 3	2,697,730	2,687,730	2,702,730	2,698,930
15250 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15300 LOGISTICS OPERATIONS				
15350 LOGISTICS OPERATIONS	965,075	970,075	965,075	967,575
15400 TECHNICAL SUPPORT ACTIVITIES	409,392	411,392	409,392	414,642
15450 SERVICEWIDE TRANSPORTATION	240,064	240,064	243,064	242,664
15475 DEPOT MAINTENANCE	130,930	130,930	130,930	130,930
15500 BASE SUPPORT	1,082,612	1,082,612	1,082,612	1,082,612
15550 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	241,207	241,207	241,207	241,207
15600 SERVICEWIDE ACTIVITIES				
15650 ADMINISTRATION	234,370	234,370	246,370	245,070
15700 SERVICEWIDE COMMUNICATIONS	347,528	347,528	347,528	347,528
15750 PERSONNEL PROGRAMS	213,901	213,901	214,401	214,401
15800 RESCUE AND RECOVERY SERVICES	121,063	121,063	125,563	124,163
15900 ARMS CONTROL	33,640	33,640	33,640	33,640
15950 OTHER SERVICEWIDE ACTIVITIES	679,177	679,177	679,177	679,177
16000 OTHER PERSONNEL SUPPORT	34,655	34,655	34,655	34,655
16050 CIVIL AIR PATROL CORPORATION	21,432	21,432	21,432	21,432
16100 BASE SUPPORT	299,750	300,500	299,750	300,500
16150 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	11,011	11,011	11,011	11,011
16200 SECURITY PROGRAMS				
16250 SECURITY PROGRAMS	907,694	901,194	909,694	903,694
16300 SUPPORT TO OTHER NATIONS				
16350 INTERNATIONAL SUPPORT	18,615	18,615	18,615	18,615
16400 TOTAL, BUDGET ACTIVITY 4	5,992,116	5,993,366	6,014,116	6,013,516

	(In thousands of dollars) Budget	House	Senate	Conference
16408 WCF EXCESS CASH BALANCES	---	---	-114,000	---
16600 THREAT REPRESENTATION AND VALIDATION (TR&V)	---	1,500	---	1,100
16620 INFORMATION ASSURANCE INITIATIVE	---	1,500	---	1,100
16630 UNOBLIGATED BALANCES	---	-13,500	-17,600	-17,600
16700 SWA CONOPS	---	-707,600	-707,550	-707,550
16710 ADMINISTRATION AND SERVICEWIDE ACTIVITIES	---	-45,000	---	-30,000
16720 BASE OPERATIONS SUPPORT	---	-300,000	---	-150,000
16730 CIVILIAN PAY OVERSTATEMENT	---	-31,400	-15,700	-37,600
16740 DEMO PROJECTS FOR CONTRACTORS EMPLOYING PERS W/DISABIL	---	2,000	---	1,400
16750 JOINT PERSONNEL RECOVERY AGENCY	---	4,000	---	2,800
16760 FEASIBILITY STUDY OF BIENNIAL INTERNATIONAL AIRSHOW	---	1,000	---	1,000
16770 PEOPLE MOVER	---	---	---	500
16910 TOTAL, O&M, AIR FORCE	27,793,931	26,689,043	26,698,375	26,904,731

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
12600 Extended Cold Weather Clothing System (transferred to OM,ANG)	0
12600 Hydration on the Move System Basic/Chemical/Biological	1,000
12600 F–16 Distributed Mission Training: Night Vision Goggle Enhancement	4,300
12600 B–52 Attrition Reserve	25,100
12750 Air Operations Training efficiencies in contract support	−10,000
12750 F–16 Simulator Motion Upgrade Program	1,000
12900 Aircraft Defect Detection and Performance Management Application	250
12800 11th Air Force Server Consolidation	1,000
12900 Super Typhoon Pongsona Recovery	2,000
12900 Replace Fire Alarm System Basewide, Columbus AFB (transferred to OPAF)	0
13000 Eagle Vision Program	1,000
13050 University Partnership for Operational Support (UPOS)	2,500
13150 Northern Edge realignment of funds (transferred to OMN)	−800
13200 Management Support for Air Force Battle Labs	4,300
13200 Langley AFB Visitor Center	1,400
13550 Other Space Operations—limit growth in management headquarters	−10,000
Budget Activity 3: Training and Recruiting:	
14500 Repair Airfield Pavement, Auxiliary Field, Columbus AFB	3,400
14500 Sanitary Sewer System Repair, Phase 3 Columbus AFB	1,000
14700 Professional Development Education unjustified growth	−3,000
14700 Western Governors University	1,000
14750 Simulations Training for Integrating DoD WMD and Civilian Response Systems	2,800
15100 Civilian Education and Training unjustified growth	−4,000
Budget Activity 4: Administration and Servicewide Activities:	
15350 Logistics-Systems Management and Retrieval Technology (L–SMART) Information System	2,500
15400 Air Force Operational Test and Evaluation Center (AFOTEC) IT Infrastructure and Training	1,000
15400 Wear Debris Data Repository	4,250
15450 Hickman AFB Alternative Fuel Vehicle Program	2,600
15650 Eielson AFB Utilidor Repairs	9,000
15650 Nikolski Power House Clean-up	1,700
15750 Elmendorf AFB Community Center Enhancements	500
15800 Joint Combined Aircrew Tester	1,000
15800 MBU–20/P Oxygen Mask	2,100
16100 William Lehman Aviation Center	750
16250 Security Programs	−4,000
Undistributed:	
16600 Threat Representation and Validation (TR&V)	1,100
16620 Information Assurance Initiative for Air Force Materiel Command	1,100
16630 Un-obligated Balances	−17,600
16700 Southwest Asia CONOPS Costs	−707,550
16710 Administration and Servicewide Activities	−30,000
16720 Base Operations Support	−150,000
16730 Civilian Pay Overstatement	−37,600
16740 Demonstration Projects for Contractors Employing Persons with Disabilities	1,400
16750 Joint Personnel Recovery Agency	2,800
16760 Feasibility Study of Biennial International Air-Trade Show	1,000
16770 People Movers	500

FEASIBILITY STUDY OF BIENNIAL INTERNATIONAL AIR-TRADE SHOW

The conference agreement provides an additional $1,000,000 in Operation and Maintenance, Air Force only to provide assistance to a community, to be selected by the Secretary of Defense, for expenses of a study by that community of the feasibility of the establishment and operation of a biennial international air-trade show in the area of the community, and to support initial implementation of the international air-trade show. The conferees expect that a competitive process will be used to select the community, and that preference will be given to communities that already sponsor an air show, have demonstrated a history of supporting air shows with local resources, and have a significant role in the aerospace community.

F–16 SIMULATOR MOTION UPGRADE PROGRAM

The conferees have provided an additional $1,000,000 in Operation and Maintenance, Air Force, to be used only for phase 1 integration and testing of a pneumatic tactical motion control system for the ACES II ejection seat in the F–16 Mission Training Center.

PEOPLE MOVERS

The conferees have provided an additional $500,000 in Operation and Maintenance, Air Force, to be used only to purchase 50 self-balancing, non-tandem, wheeled individual transportation devices to evaluate military utility of such devices at Tinker Air Force Base for a variety of military functions.

CONTAMINANT AIR PROCESSING SYSTEMS

The conferees commend the Air Force for standardizing mission critical equipment that allows Air Force personnel to be effectively processed after contact with biological, chemical or nuclear agents. The conferees encourage the Secretary of the Air Force to purchase contaminant air processing systems and related components to ensure all Air Force installations are standardized in this methodology and equipment.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
16950 OPERATION AND MAINTENANCE, DEFENSE-WIDE				
17000 BUDGET ACTIVITY 1: OPERATING FORCES				
17050 JOINT CHIEFS OF STAFF	420,036	410,036	420,036	415,036
17100 SPECIAL OPERATIONS COMMAND	1,851,533	1,854,533	1,874,999	1,877,699
17150 TOTAL, BUDGET ACTIVITY 1	2,271,569	2,264,569	2,295,035	2,292,735
17200 BUDGET ACTIVITY 2: MOBILIZATION				
17250 DEFENSE LOGISTICS AGENCY	49,991	49,991	49,991	49,991
17350 BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
17375 AMERICAN FORCES INFORMATION SERVICE	14,005	14,005	14,005	14,005
17400 CLASSIFIED PROGRAMS	3,058	3,058	3,058	3,058
17460 DEFENSE ACQUISITION UNIVERSITY	101,695	104,695	101,695	104,295
17465 DEFENSE CONTRACT AUDIT AGENCY	5,517	5,517	5,517	5,517
17480 DEFENSE HUMAN RESOURCES ACTIVITY	35,262	42,762	35,262	42,762
17490 DEFENSE SECURITY SERVICE	7,173	7,173	7,173	7,173
17510 DEFENSE THREAT REDUCTION AGENCY	4,796	4,796	4,796	4,796
17600 SPECIAL OPERATIONS COMMAND	92,646	92,646	92,646	92,646
17650 TOTAL, BUDGET ACTIVITY 3	264,152	274,652	264,152	274,252
17700 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17725 AMERICAN FORCES INFORMATION SERVICE	105,261	105,261	105,261	105,261
17750 CIVIL MILITARY PROGRAMS	99,030	99,030	99,030	109,030
17775 CLASSIFIED PROGRAMS	6,788,178	6,650,026	6,680,726	6,686,346
17800 DEFENSE CONTRACT AUDIT AGENCY	359,011	359,011	359,011	359,011
17825 DEFENSE CONTRACT MANAGEMENT AGENCY	1,008,908	1,008,908	1,008,908	1,008,908
17850 DEFENSE FINANCE AND ACCOUNTING SERVICE	1,659	1,659	1,659	1,659
17875 DEFENSE HUMAN RESOURCES ACTIVITY	276,802	276,802	276,802	276,802

	(In thousands of dollars) Budget	House	Senate	Conference
17900 DEFENSE INFORMATION SYSTEMS AGENCY	1,129,876	1,072,771	1,037,771	1,037,771
17925 DEFENSE LOGISTICS AGENCY	259,713	245,013	259,713	245,013
17950 DEFENSE LEGAL SERVICES AGENCY	17,757	17,757	17,757	17,757
17975 DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,698,075	1,733,475	1,704,575	1,732,575
18000 DEFENSE POW /MISSING PERSONS OFFICE	15,800	15,800	15,800	15,800
18025 DEFENSE SECURITY COOPERATION AGENCY	284,767	84,767	84,767	84,767
18050 DEFENSE SECURITY SERVICE	200,054	187,554	200,054	187,554
18075 DEFENSE THREAT REDUCTION AGENCY	291,246	290,190	291,246	290,190
18100 OFFICE OF ECONOMIC ADJUSTMENT	14,105	45,605	36,855	60,905
18125 OFFICE OF THE SECRETARY OF DEFENSE	712,567	581,288	732,567	629,688
18150 SPECIAL OPERATIONS COMMAND	61,932	61,932	61,932	61,932
18200 JOINT CHIEFS OF STAFF	234,498	237,498	234,498	237,998
18225 WASHINGTON HEADQUARTERS SERVICES	405,500	405,500	405,500	405,500
18250 DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	20,396	20,396	20,396	20,396
18950 TOTAL, BUDGET ACTIVITY 4	13,985,135	13,500,243	13,634,828	13,574,863
19010 IMPACT AID	---	35,000	30,000	30,000
19015 IMPACT AID FOR CHILDREN WITH DISABILITIES	---	---	5,000	5,000
19450 TOTAL, OPERATION & MAIN, DEFENSE-WIDE	16,570,847	16,124,455	16,279,006	16,226,841

ADJUSTMENTS TO BUDGET ACTIVITIES

The adjustments to the budget activities for Operation and Maintenance, Defense-Wide are shown below:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
17050 TJS—Combating Terrorism Readiness Initiative Fund	−5,000
17100 SOCOM—Hydration on the Move System Basic/Chemical/Biological	1,000
17100 SOCOM—Knowledge Superiority for Transitional Warfighter Project (continuation only)	1,700
17100 SOCOM—COCOM's TSOCs and CENTCOM CRE	15,406
17100 SOCOM—ONW/OSW/ODS Conops	−15,406
17100 SOCOM—SOCOM Flying Hour Program	23,466
Budget Activity 3: Training and Recruiting:	
17460 DAU—Distance Learning and Performance	2,600
17480 DHRA—Joint Advertising Market Research and Studies Program	7,500
Budget Activity 4: Administration and Servicewide Activities:	
17750 CMP—Challenge/Starbase	5,000
17750 CMP—Innovative Readiness Training Program	5,000
17775 Classified Programs	−101,832
17800 DISA—ONW/OSW/ODS Conops	−57,105
17800 DISA—Excessive Growth	−35,000
17925 DLA—Defense Policy Analysis Office	−15,700
17925 DLA—Theater Support Center Feasibility Study	1,000
17975 DODEA—Jason Foundation	800
17975 DODEA—I-Safe	1,000
17975 DODEA—Lewis Center for Educational Research	3,000
17975 DODEA—Family Advocacy Program	22,000
17975 DODEA—Technology Training in Military Schools (only to provide DODEA teachers and administrators professional development training in classroom technology)	500
17975 DODEA—Professional Development Project for DoDEA (only for improving instruction for students with Dyslexia)	1,200
17975 DODEA—DoDEA Mathematics and Technology Teachers Development	1,000
17975 DODEA—Galena IDEA Distance Learning Program	5,000
18025 DSCA—Counterterrorism Training and Equipment	−200,000
18050 DSS—Program Justification	−12,500
18075 DTRA—ONW/OSW/ODS Conops	−1,056
18100 OEA—George AFB	3,400
18100 OEA—Norton AFB	3,400
18100 OEA—Bayonne Military Ocean Terminal	4,200
18100 OEA—Cecil Field	1,200
18100 OEA—Charles Melvin Price Support Center	1,000
18100 OEA—CCAT	4,500
18100 OEA—March Joint Powers Authority—Arnold Heights Reuse Project	1,000
18100 OEA—Hunters Point Naval Shipyard	2,200
18100 OEA—Asbestos Removal at Eaker AFB	250
18100 OEA—UCHSC—DCH Fitzsimons Medical Center	6,000
18100 OEA—Hangar Renovation at Griffis AFB	500
18100 OEA—McClellan AFB Remediation	4,900
18100 OEA—Port of Anchorage Intermodal Marine Facility Project	5,000
18100 OEA—Environmental Study of the former NIKE Missile Site	250
18100 OEA—David's Island Fort Slocum Remediation	1,500
18100 OEA—Fibers Cleanup at Front Royal	6,000
18100 OEA—Knollwood Special Care Unit	1,500
18125 OSD—Public Affairs	−10,000
18125 OSD—Information Support to SO/LIC	−13,000
18125 OSD—Net Assessment	−5,000
18125 OSD—Office of Force Transformation	−1,200
18125 OSD—OSD Contract and Support	−10,000
18125 OSD—PA&E Long Range Planning	−2,579
18125 OSD—Base Information System	−10,000
18125 OSD—C4I Program Growth	−30,000
18125 OSD—AT&L Program Growth	−30,000
18125 OSD—Middle East Regional Security Program	1,400
18125 OSD—Study on Internet and wireless Technology	1,000
18125 OSD—Arctic Military Environmental Cooperation Program	2,500
18125 OSD—Command Information Superiority Architectures	1,000
18125 OSD—Export Control Information to Foreign Countries	1,400
18125 OSD—Young Patriots Program (National Flag Foundation to expand the Young Patriots Program to include a video which promotes the significance of National Patriotic Holidays)	1,000
18125 OSD—Asia—Pacific Regional Initiative	14,000
18125 OSD—Employer Support of the Guard and Reserve (ESGR)	2,000
18125 OSD—Information Assurance Scholarship Program	2,100
18125 OSD—Dedicated Fiber Optic Network	1,500
18125 OSD—OSD/CSIS Beyond Goldwater-Nichols Study	1,000
18200 TJS—NDU XXI	2,500
18200 TJS—NDU Technology Pilot Program	1,000
Undistributed:	
19010 Impact Aid	30,000
19015 Impact Aid for Children with Disabilities	5,000

FAMILY ADVOCACY PROGRAM

The conferees agree to provide an additional $22,000,000 for the Department's Family Advocacy Program (FAP). These funds are to be used for the activities described under this heading in House Report 108-187. Of the additional amount provided for FAP, the conferees direct that $900,000 be available to initiate the National Domestic Violence Hotline Awareness, Intervention, and Prevention Campaign in the military services.

BEYOND GOLDWATER-NICHOLS STUDY

The conferees agree to provide $1,000,000 to the Office of the Secretary of Defense to support the comprehensive review of the management organization and procedures of the Department of Defense, to include the interagency process for pre- and post-conflict coordination, otherwise known as the "Beyond Goldwater-Nichols" study.

WOMEN IN MILITARY SERVICE IN AMERICA

The conferees urge that $500,000 of the funds under the heading "Operation and Maintenance, Defense-Wide", be made available for the Women in Military Service for America Memorial Foundation.

OFFICE OF ECONOMIC ADJUSTMENT

The conferees have transferred Environmental Study of Former NIKE Missile Site, David's Island Fort Slocum Remediation and Fibers Clean-up Front Royal to the OEA account within Operation and Maintenance, Defense-Wide.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
19500 OPERATION AND MAINTENANCE, ARMY RESERVE				
19510 BUDGET ACTIVITY 1: OPERATING FORCES				
19520 LAND FORCES				
19530 DIVISION FORCES	14,791	14,791	21,791	18,991
19540 CORPS COMBAT FORCES	35,798	35,798	35,798	35,798
19550 CORPS SUPPORT FORCES	309,462	309,462	309,462	309,462
19560 ECHELON ABOVE CORPS FORCES	135,342	135,342	135,342	135,342
19570 LAND FORCES OPERATIONS SUPPORT	467,097	467,097	472,097	472,097
19630 LAND FORCES READINESS				
19640 FORCES READINESS OPERATIONS SUPPORT	122,020	122,020	122,020	122,020
19650 LAND FORCES SYSTEM READINESS	59,846	59,846	59,846	59,846
19660 DEPOT MAINTENANCE	62,947	62,947	62,947	62,947
19670 LAND FORCES READINESS SUPPORT				
19680 BASE SUPPORT	323,592	417,392	323,592	363,592
19690 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	182,079	182,079	182,079	182,079
19700 ADDITIONAL ACTIVITIES	3,672	3,672	3,672	3,672
19900 TOTAL, BUDGET ACTIVITY 1	1,716,646	1,810,446	1,728,646	1,765,846
19950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
19960 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
19980 ADMINISTRATION	47,714	47,714	47,714	47,714
19990 SERVICEWIDE COMMUNICATIONS	37,862	37,862	37,862	37,862
20000 PERSONNEL/FINANCIAL ADMIN (MANPOWER MGT)	47,092	47,092	47,092	47,092
20010 RECRUITING AND ADVERTISING	102,695	102,695	102,695	102,695
20075 TOTAL, BUDGET ACTIVITY 4	235,363	235,363	235,363	235,363

	(In thousands of dollars)			
	Budget	House	Senate	Conference
20180 ALL TERRAIN MILITARY UTILITY VEHICLES.................	---	4,500	---	---
20190 MILITARY TECHNICIANS COST AVOIDANCE...................	---	-23,000	---	-7,000
20200 CONTROLLED HUMIDITY PROTECTION........................	---	4,000	---	3,400
20210 SOFTWARE ENGINEERING INSTITUTE........................	---	---	---	1,000
20700 TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE......	1,952,009	2,031,309	1,964,009	1,998,609

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
19530 Extended Cold Weather Clothing System	4,200
19570 All Terrain Military Utility Vehicles	4,000
19570 Equipment Storage Site Initial Operation	1,000
19680 Base Support/Unfunded Requirements	40,000
Other Adjustments:	
20190 Military Technicians Cost Avoidance	−7,000
20200 Controlled Humidity Protection	3,400
20210 Software Engineering Institute	1,000

CONTROLLED HUMIDITY PROTECTION

The conferees recommend $3,400,000 above the budget request for implementation of the Controlled Humidity Protection program for critical equipment storage. Of the funds provided, $1,700,000 is only for the U.S. Army Reserve 9th Regional Support Command.

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
20850 OPERATION AND MAINTENANCE, NAVY RESERVE				
20900 BUDGET ACTIVITY 1: OPERATING FORCES				
20950 RESERVE AIR OPERATIONS				
21000 MISSION AND OTHER FLIGHT OPERATIONS	417,743	417,743	417,743	417,743
21100 INTERMEDIATE MAINTENANCE	16,464	16,464	16,464	16,464
21150 AIR OPERATION AND SAFETY SUPPORT	2,166	2,166	2,166	2,166
21200 AIRCRAFT DEPOT MAINTENANCE	138,135	138,135	138,135	138,135
21250 AIRCRAFT DEPOT OPS SUPPORT	362	362	362	362
21400 RESERVE SHIP OPERATIONS				
21450 MISSION AND OTHER SHIP OPERATIONS	67,211	67,211	67,211	67,211
21500 SHIP OPERATIONAL SUPPORT AND TRAINING	537	537	537	537
21600 SHIP DEPOT MAINTENANCE	83,577	83,577	83,577	83,577
21650 SHIP DEPOT OPERATIONS SUPPORT	3,440	3,440	3,440	3,440
21700 RESERVE COMBAT OPERATIONS SUPPORT				
21800 COMBAT SUPPORT FORCES	65,347	65,347	66,347	66,347
21950 RESERVE WEAPONS SUPPORT				
22000 WEAPONS MAINTENANCE	5,544	5,544	5,544	5,544
22020 BASE SUPPORT				
22030 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	61,929	61,929	61,929	61,929
22040 BASE SUPPORT	131,109	131,109	131,109	131,109
22090 TOTAL, BUDGET ACTIVITY 1	993,564	993,564	994,564	994,564

	(In thousands of dollars)			
	Budget	House	Senate	Conference
22100 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22150 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
22200 ADMINISTRATION	12,560	12,560	12,560	12,560
22250 CIVILIAN MANPOWER & PERSONNEL	2,269	2,269	2,269	2,269
22300 MILITARY MANPOWER & PERSONNEL	36,276	36,276	36,276	36,276
22350 SERVICEWIDE COMMUNICATIONS	120,733	120,733	120,733	120,733
22400 COMBAT/WEAPONS SYSTEM	5,665	5,665	5,665	5,665
22450 OTHER SERVICEWIDE SUPPORT	854	854	854	854
22600 TOTAL, BUDGET ACTIVITY 4	178,357	178,357	178,357	178,357
23150 TOTAL, OPERATION & MAIN, NAVY RESERVE	1,171,921	1,171,921	1,172,921	1,172,921

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustment to the budget activities is as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
21800 Littoral Surveillance System SCIF	1,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
23300 OPERATION AND MAINTENANCE, MC RESERVE				
23350 BUDGET ACTIVITY 1: OPERATING FORCES				
23400 MISSION FORCES				
23450 OPERATING FORCES	61,261	61,261	61,261	61,261
23500 DEPOT MAINTENANCE	10,231	10,231	10,231	10,231
23550 BASE SUPPORT	33,621	33,621	33,621	33,621
23600 TRAINING SUPPORT	25,953	25,953	25,953	25,953
23650 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	8,770	8,770	8,770	8,770
23700 TOTAL, BUDGET ACTIVITY 1	139,836	139,836	139,836	139,836
23750 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
23800 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
23850 SPECIAL SUPPORT	8,956	8,956	8,956	8,956
23900 SERVICEWIDE TRANSPORTATION	578	578	578	578
23950 ADMINISTRATION	9,721	9,721	9,721	9,721
24000 BASE SUPPORT	6,701	6,701	6,701	6,701
24050 RECRUITING AND ADVERTISING	8,160	8,160	8,160	8,160
24100 TOTAL, BUDGET ACTIVITY 4	34,116	34,116	34,116	34,116
24600 TOTAL, O&M, MARINE CORPS RESERVE	173,952	173,952	173,952	173,952

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
24750 OPERATION AND MAINTENANCE, AF RESERVE				
24800 BUDGET ACTIVITY 1: OPERATING FORCES				
24850 AIR OPERATIONS				
24900 PRIMARY COMBAT FORCES	1,351,819	1,351,819	1,351,819	1,351,819
24950 MISSION SUPPORT OPERATIONS	69,058	69,058	69,058	69,058
24970 DEPOT MAINTENANCE	319,109	319,109	319,109	319,109
25000 BASE SUPPORT	61,783	61,783	61,783	61,783
25050 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	272,603	272,603	272,603	272,603
25150 TOTAL, BUDGET ACTIVITY 1	2,074,372	2,074,372	2,074,372	2,074,372
25200 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
25250 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
25300 ADMINISTRATION	59,138	59,138	59,138	59,138
25350 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	24,253	24,253	24,253	24,253
25400 RECRUITING AND ADVERTISING	14,162	14,162	14,162	14,162
25450 OTHER PERSONNEL SUPPORT	6,642	6,642	6,642	6,642
25500 AUDIOVISUAL	621	621	621	621
25520 TOTAL, BUDGET ACTIVITY 4	104,816	104,816	104,816	104,816
25660 MILITARY TECHNICIANS COST AVOIDANCE	---	-35,000	---	-12,000
25665 932ND AIRLIFT WING OPERATIONS AND TRAINING	---	---	---	12,200
25950 TOTAL, O&M, AIR FORCE RESERVE	2,179,188	2,144,188	2,179,188	2,179,388

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Other Adjustments:	
25660 Military Technicians Cost Avoidance ...	−12,000
25665 932nd Airlift Wing Operations and Training	12,200

AERIAL SPRAY SYSTEM

The conferees recommend $1,000,000 from funds available for Operation and Maintenance, Air Force Reserve only for Aerial Spray System enhancements for the Youngstown, Ohio Air Station.

932ND AIRLIFT WING

The conferees recommend $12,200,000 above the budget request for operations at the 932nd Airlift Wing, Scott Air Force Base, during fiscal year 2004. Of this amount, $10,200,000 is to continue operations of C–9 aeromedical evacuation aircraft and $2,000,000 is for aircrew training in support of a successor mission/airframe (such as the C–40). The conferees also recommend a general provision, section 8142, which directs the Secretary of the Air Force to study the current mission of this airlift wing, and evaluate the possibility of a mixed mission of transporting patients, passengers and cargo.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
26100 OPERATION & MAINTENANCE, ARMY NATL GUARD				
26120 BUDGET ACTIVITY 1: OPERATING FORCES				
26140 LAND FORCES				
26180 DIVISIONS	669,748	669,748	674,748	672,748
26200 CORPS COMBAT FORCES	651,273	651,273	651,273	651,273
26220 CORPS SUPPORT FORCES	343,180	343,180	343,180	343,180
26240 ECHELON ABOVE CORPS FORCES	563,199	563,199	563,199	563,199
26260 LAND FORCES OPERATIONS SUPPORT	21,913	23,413	21,913	22,913
26280 LAND FORCES READINESS				
26320 FORCE READINESS OPERATIONS SUPPORT	128,036	128,036	131,536	130,636
26340 LAND FORCES SYSTEMS READINESS	106,760	106,760	106,760	106,760
26350 LAND FORCES DEPOT MAINTENANCE	194,149	194,149	194,149	194,149
26370 LAND FORCES READINESS SUPPORT				
26420 BASE OPERATIONS SUPPORT	448,167	518,467	448,167	478,167
26440 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	380,226	380,226	380,226	380,226
26460 MANAGEMENT & OPERATIONAL HEADQUARTERS	398,017	398,017	398,017	398,017
26480 MISCELLANEOUS ACTIVITIES	42,175	42,175	71,475	67,175
26580 TOTAL, BUDGET ACTIVITY 1	3,946,843	4,018,643	3,984,643	4,008,443
26600 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
26620 ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
26660 STAFF MANAGEMENT	102,752	102,752	102,752	102,752
26680 INFORMATION MANAGEMENT	13,529	13,529	37,529	32,129
26720 PERSONNEL ADMINISTRATION	51,667	51,667	51,667	51,667
26740 RECRUITING AND ADVERTISING	96,540	96,540	96,540	96,540
26760 TOTAL, BUDGET ACTIVITY 4	264,488	264,488	288,488	283,088

		(In thousands of dollars)		
	Budget	House	Senate	Conference
26820 ANGEL GATE ACADEMY	---	4,000	---	3,400
26830 NATIONAL EMERGENCY AND DISASTER INFORMATION CENTER	---	3,000	---	2,500
26890 JOINT TRAINING AND EXPERIMENTATION PROGRAM	---	5,000	---	4,200
26940 RURAL ACCESS TO BROADBAND TECHNOLOGY	---	4,000	---	3,400.
26970 NATIONAL GUARD GLOBAL EDUCATION PROJECT	---	500	---	500
27010 INFORMATION ASSURANCE	---	2,000	---	1,700
27057 SE REGIONAL TERRORISM TRAINING	---	6,800	---	3,400
27080 SUSTAIN MILITARY TECHNICIANS GROWTH	---	16,000	---	---
27090 NATIONAL RESPONSE CENTER WMD FACILITY	---	3,000	---	1,500
27100 ADV EMERGENCY MEDICAL RESPONSE TRAINING PROGRAM	---	3,000	---	1,500
27110 HOMELAND OPERATIONAL PLANNING SYSTEM	---	4,000	---	2,000
27120 NATIONAL GUARD MULTIMEDIA SECURITY TECHNOLOGY	---	3,000	---	---
27130 INFORMATION TECHNOLOGY LEADERSHIP PROGRAM	---	2,000	---	1,700
27140 ADVANCED INFORMATION TECHNOLOGY SERVICES C4ISR	---	7,000	---	1,400
27150 EXPANDABLE LIGHT AIR MOBILITY SHELTERS (ELAMS)	---	1,500	---	1,300
27160 GAS CHROMATOGRAPH - MASS SPECTROMETERS	---	300	---	300
27170 DOMESTIC EMERGENCY AND TERRORIST RESPONSE INFORMATION	---	2,000	---	1,700
27180 NORTHEAST COUNTER-DRUG TRAINING CENTER	---	6,000	---	5,100
27190 INTEGRATED EMERGENCY OPERATIONS CENTER	---	4,000	---	3,400
27200 WEAPONS OF MASS DESTRUCTION EDUCATION AND TRAINING	---	2,000	---	1,700
27310 MILITARY TECHNICIAN COST AVOIDANCE	---	-39,000	---	-13,000
27320 CONSTRUCTION TRANSITION PROGRAM	---	2,000	---	1,400
27330 LEWIS AND CLARK BICENTENNIAL ACTIVITIES	---	---	---	250
27335 WMD CIVIL SUPPORT TEAMS	---	---	---	16,000
27340 SALUTE OUR SERVICES	---	---	---	2,000
27341 NATIONAL GUARD TRACKING SYSTEM	---	---	---	1,700
27350 TOTAL, O & M, ARMY NATIONAL GUARD	4,211,331	4,325,231	4,273,131	4,340,581

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
26180 Extended Cold Weather Clothing System	3,000
26260 Military Vehicle Tires	1,000
26320 Cannon Bore Cleaning	1,000
26320 Communicator-Automated Emergency Notification System	1,100
26320 Ethan Allen Range Improvements	500
26420 Base Operations Support/Unfunded Requirements	30,000
26480 Sustain Fiscal Year 2003 Increase in Military Technicians	25,000
Budget Activity 4: Administration and Servicewide Activities:	
26680 Information Operations Training and Operations	2,800
26680 Advanced Information Technology Services (AITS)	12,800
26680 Multimedia Security Technology	3,000
Other Adjustments:	
26820 Angel Gate Academy	3,400
26830 National Emergency and Disaster Information Center	2,500
26890 Joint Training and Experimentation Program	4,200
26490 Rural Access to Broadband Technology	3,400
26970 National Guard Global Education Project	500
27010 Information Assurance	1,700
27057 Southeast Regional Terrorism Training	3,400
27090 National Response Center WMD Facility	1,500
27100 Advance Emergency Medical Response Training Program	1,500
27110 Homeland Operational Planning System	2,000
27130 Information Technology Leadership Program	1,700
27140 Advanced Information Technology Services C4ISR	1,400
27150 Expandable Light Air Mobility Shelters (ELAMS)	1,300
27160 Gas Chromatograph-Mass Spectrometers	300
27170 Domestic Emergency and Terrorist Response Information	1,700
27180 Northeast Counter-Drug Training Center	5,100
27190 Integrated Emergency Operations Center	3,400
27200 Weapons of Mass Destruction Education and Training	1,700
27310 Military Technician Cost Avoidance	−13,000
27320 Construction Transition Program	1,400
27330 Lewis and Clark Bicentennial Activities	250
27335 WMD Civil Support Teams	16,000
27340 Salute Our Services	2,000
27341 National Guard Tracking System	1,700

NORTHEAST COUNTER DRUG TRAINING CENTER

The conferees recommend $5,100,000 above the budget request for the Northeast Counter Drug Training Center only to continue in-service evaluation of the CL-415 multi-mission aircraft.

CIVIL SUPPORT TEAMS

The conferees agree to provide funding for 12 additional National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CST). The conferees believe that, as the National Guard begins establishing these new civil support teams, priority should be given to states facing significant port security and other coastal security challenges.

NATIONAL RESPONSE CENTER

The conferees applaud the success of the National Response Center WMD Consequence Management and Counter-Terrorism facility, which provides a unique training and equipment testing venue for local, state and federal agencies responsible for responding to WMD emergencies.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
27500 OPERATION & MAINTENANCE, AIR NATIONAL GUARD				
27550 BUDGET ACTIVITY 1: OPERATING FORCES				
27600 AIR OPERATIONS				
27650 AIRCRAFT OPERATIONS	2,842,931	2,842,931	2,844,431	2,843,931
27700 MISSION SUPPORT OPERATIONS	336,979	338,479	340,979	340,779
27750 BASE SUPPORT	410,627	477,527	410,627	440,627
27800 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	154,798	156,798	154,798	156,198
27850 DEPOT MAINTENANCE	621,060	621,060	621,060	621,060
27900 TOTAL, BUDGET ACTIVITY 1	4,366,395	4,436,795	4,371,895	4,402,595
27950 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
28000 SERVICEWIDE ACTIVITIES				
28050 ADMINISTRATION	26,547	26,547	32,547	30,747
28100 RECRUITING AND ADVERTISING	9,704	9,704	9,704	9,704
28110 TOTAL, BUDGET ACTIVITY 4	36,251	36,251	42,251	40,451
28160 NATIONAL GUARD STATE PARTNERSHIP PROGRAM	---	1,000	2,500	2,100
28170 PROJECT ALERT	---	---	1,970	1,970
28290 MILITARY TECHNICIANS COST AVOIDANCE	---	-53,000	---	-18,000
28310 IT CONSOLIDATION	---	3,000	---	2,100
28550 TOTAL, O&M, AIR NATIONAL GUARD	4,402,646	4,424,046	4,418,616	4,431,216

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
27650 Defense Systems Evaluation Joint Test Support Program	1,000
27700 Surveying Systems	1,000
27700 All Terrain Military Utility Vehicles	1,400
27700 Extended Cold Weather Clothing System	1,400
27750 Base Support/Unfunded Requirements	30,000
27800 Facilities Sustainment, Restoration and Modernization/Rickenbacker Air National Guard Base	1,400
Budget Activity 4: Administration and Servicewide Activities:	2,100
28050 Information Assurance Activities	2,100
28050 IT Consolidation/Storage Area Network	2,100
Other Adjustments:	
28160 National Guard State Partnership Program	2,100
28170 Project Alert	1,970
28290 Military Technicians Cost Avoidance	−18,000
28310 IT Consolidation	2,100

JEFFERSON PROVING GROUND

The conferees direct the Departments of the Army and the Air Force to finalize the real property instruments that would provide the Indiana Air National Guard the immediate use of the 50-acre laser bombing range located at Jefferson Proving Ground in southeastern Indiana.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

The conference agreement provides $5,000,000 for the Overseas Contingency Operations Transfer Account.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The conference agreement provides $10,333,000 for the United States Court of Appeals for the Armed Forces.

ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides $396,018,000 for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides $256,153,000 for Environmental Restoration, Navy.

WALKER RIVER PAIUTE TRIBAL LANDS

Not later than September 30, 2004, the Secretary of the Navy shall report to the congressional defense committees on the impact of naval aircraft live ordnance training on the lands of Walker River Paiute Tribe in Nevada since the establishment of the training area currently known as Bravo 19 in support of Fallon Naval Air Station. The report should also include the estimated fair market value and remediation costs associated with the environmental impact to the tribal lands.

ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides $384,307,000 for Environmental Restoration, Air Force.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides $24,081,000 for Environmental Restoration, Defense-Wide.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The conference agreement provides $284,619,000 for Environmental Restoration, Formerly Used Defense Sites, instead of $221,369,000 as proposed by the House and $312,619,000 as proposed by the Senate.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement provides $59,000,000 for Overseas Humanitarian, Disaster, and Civic Aid.

FORMER SOVIET UNION THREAT REDUCTION

The conference agreement provides that $10,000,000 of the funds appropriated under this heading shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East, as proposed by the Senate. The House bill did not address this matter.

The House report provided that $39,400,000 requested for the Proliferation Prevention Initiative (PPI) be redirected for the elimination of strategic nuclear delivery systems and for the establishment of on-site management offices. The Senate report did not address this matter. The managers direct that not to exceed $29,400,000 be made available for the PPI, and that the remaining funds be allocated as indicated in the House report. In addition, the managers direct that no funds shall be obligated for the Proliferation Prevention Initiative (PPI) until 15 days after the Under Secretary of Defense (Comptroller) reports in writing to the congressional defense committees on the following: (1) the degree to which the PPI is fully consistent with the authorization for, and core functions of, the Cooperative Threat Reduction (CRT) program; and (2) an explanation of how each proposed PPI country program leverages, rather than duplicates or replaces, other U.S. government programs.

TITLE III—PROCUREMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
SUMMARY				
ARMY				
AIRCRAFT	2,128,485	2,180,785	2,027,285	2,154,035
MISSILES	1,459,462	1,533,462	1,444,462	1,505,462
WEAPONS, TRACKED COMBAT VEHICLES	1,640,704	1,956,504	1,732,004	1,857,054
AMMUNITION	1,309,966	1,355,466	1,419,759	1,387,759
OTHER	4,216,854	4,547,596	4,573,902	4,774,452
TOTAL, ARMY	10,755,471	11,573,813	11,197,412	11,678,762
NAVY				
AIRCRAFT	8,788,148	9,030,148	9,017,548	9,110,848
WEAPONS	1,991,821	2,205,634	1,967,934	2,095,784
AMMUNITION	922,355	941,855	924,355	934,905
SHIPS	11,438,984	11,453,098	11,682,623	11,467,623
OTHER	4,679,443	4,784,742	4,734,808	4,941,098
MARINE CORPS	1,070,999	1,200,499	1,090,399	1,165,727
TOTAL, NAVY	28,891,750	29,615,976	29,417,667	29,715,985
AIR FORCE				
AIRCRAFT	12,079,360	11,877,051	11,997,460	12,086,201
MISSILES	4,393,039	4,235,505	4,215,333	4,165,633
AMMUNITION	1,284,725	1,279,725	1,265,582	1,262,725
OTHER	11,583,659	11,195,159	11,536,097	11,558,799
TOTAL, AIR FORCE	29,340,783	28,587,440	29,014,472	29,073,358
DEFENSE-WIDE				
DEFENSE-WIDE	3,665,506	3,803,776	3,568,851	3,709,926
NATIONAL GUARD AND RESERVE EQUIPMENT	---	100,000	700,000	400,000
DEFENSE PRODUCTION ACT PURCHASES	67,516	67,516	77,516	78,016
TOTAL PROCUREMENT	72,721,026	73,748,521	73,975,918	74,656,047

LEAD SYSTEM INTEGRATOR

The conferees direct the Undersecretary of Defense for Acquisition, Logistics, and Technology to submit a report to the congressional defense committees within 120-days of enactment of the fiscal year 2004 Defense Appropriations Act on steps the Department of Defense has taken to ensure that the Lead Systems Integrator (LSI) contracting mechanism maintains adequate safeguards. The report should include a thorough review of how the Department intends to assure that adequate firewalls exist between the parent company and the LSI entity on active contracts.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, ARMY				
AIRCRAFT				
FIXED WING				
UTILITY F/W AIRCRAFT	---	43,000	---	43,000
ROTARY				
UH-60 BLACKHAWK (MYP)	138,859	251,659	187,559	228,459
UH-60 BLACKHAWK (MYP) (AP-CY)	28,141	28,141	28,141	28,141
TOTAL, AIRCRAFT	167,000	322,800	215,700	299,600
MODIFICATION OF AIRCRAFT				
GUARDRAIL MODS (TIARA)	3,176	3,176	3,176	3,176
ARL MODS (TIARA)	5,707	5,707	5,707	5,707
AH-64 MODS	58,879	64,879	64,079	65,479
CH-47 CARGO HELICOPTER MODS	495,525	495,525	454,425	493,525
CH-47 CARGO HELICOPTER MODS (AP-CY)	20,515	20,515	20,515	20,515
UTILITY/CARGO AIRPLANE MODS	10,448	10,448	10,448	10,448
OH-58 MODS	477	477	477	477
AIRCRAFT LONG RANGE MODS	762	762	762	762
LONGBOW	762,464	766,964	752,464	754,714
LONGBOW (AP-CY)	14,204	14,204	14,204	14,204
UH-60 MODS	136,496	36,496	42,496	36,496
KIOWA WARRIOR	45,051	49,051	51,051	51,251
AIRBORNE AVIONICS	71,206	77,206	71,206	74,606
GATM ROLLUP	59,104	24,104	24,104	24,104
AIRBORNE DIGITIZATION	1,906	1,906	1,906	1,906
SPARE PARTS (AIR)	11,299	11,299	11,299	11,299
TOTAL, MODIFICATION OF AIRCRAFT	1,697,219	1,582,719	1,528,319	1,568,669

(In thousands of dollars)

	Budget	House	Senate	Conference
SUPPORT EQUIPMENT AND FACILITIES				
GROUND SUPPORT AVIONICS				
AIRCRAFT SURVIVABILITY EQUIPMENT	14,879	16,879	19,879	17,379
ASE INFRARED CM	75,713	75,713	75,713	75,713
OTHER SUPPORT				
AIRBORNE COMMAND & CONTROL	26,594	29,594	26,594	29,144
AVIONICS SUPPORT EQUIPMENT	13,295	19,295	23,295	25,545
COMMON GROUND EQUIPMENT	16,597	16,597	16,597	16,597
AIRCREW INTEGRATED SYSTEMS	28,894	28,894	32,894	33,094
AIR TRAFFIC CONTROL	59,963	59,963	59,963	59,963
INDUSTRIAL FACILITIES	1,203	1,203	1,203	1,203
LAUNCHER, 2.75 ROCKET	2,512	2,512	2,512	2,512
AIRBORNE COMMUNICATIONS	24,616	24,616	24,616	24,616
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	264,266	275,266	283,266	285,766
TOTAL, AIRCRAFT PROCUREMENT, ARMY	2,128,485	2,180,785	2,027,285	2,154,035

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**UTILITY F/W (MR) AIRCRAFT**	**0**	**43,000**	**0**	**43,000**
	US Army Priority Air Transport-Modernization Strategy		+35,000		+35,000
	(1) UC-35B		+8,000		+8,000
2	**UH-60 BLACKHAWK (MYP)**	**138,859**	**251,659**	**187,559**	**228,459**
	Additional Aircraft (Note: only for 9 additional aircraft including 5 UH-60L models, and 4 HH-60L MEDEVAC models)		+112,800	0	+111,600
	7 Blackhawk Helicopters			+70,700	
	Option price savings			-20,000	-20,000
	Unjustified program administration costs			-2,000	-2,000
7	**AH-64 MODS**	**58,879**	**64,879**	**64,079**	**65,479**
	AH-64 "Combo-PAK" Crashworthy Self-Sealing Internal Fuel System and Ammunition Storage Magazine		+6,000	0	+3,000
	Vibration management enhancement program			+5,200	+3,600
8	**CH-47 CARGO HELICOPTER MODS**	**495,525**	**495,525**	**454,425**	**493,525**
	Unexpended balances			-39,100	0
	Unjustified Other Support costs			-2,000	-2,000
13	**LONGBOW**	**762,464**	**766,964**	**752,464**	**754,714**
	APG-78 Longbow Fire Control Radar for the AH-64D Apache Helicopter-South Carolina Army National Guard (2)		+4,500		+2,250
	Unjustified Other Support costs			-10,000	-10,000
15	**UH-60 MODS**	**136,496**	**36,496**	**42,496**	**36,496**
	UH-60M program delays (transfer to RDTE,A)		-100,000	-100,000	-100,000
	1/207th CSAR and Medevac upgrades			+6,000	0
16	**KIOWA WARRIOR**	**45,051**	**49,051**	**51,051**	**51,251**
	Kiowa Warrior Helmet Mounted Display (Note: for use only with a commercially developed Retinal Scanning Display for system installation in the OH-58D.)		+4,000		+2,000
	Safety Enhancement Program GAU-19			+6,000	+4,200
17	**AIRBORNE AVIONICS**	**71,206**	**77,206**	**71,206**	**74,606**
	Improved Data Modem (IDM)		+4,000		+3,400
	Cockpit Air Bag System (CABS) (Note: transferred to line 26)		+2,000		0
18	**GATM ROLLUP**	**59,104**	**24,104**	**24,104**	**24,104**
	GATM		-35,000	-35,000	-35,000
21	**AIRCRAFT SURVIVABILITY EQUIPMENT**	**14,879**	**16,879**	**19,879**	**17,379**
	Laser Detection Set, AN/AVR-2A (Note: only for new production AN/AVR-2A laser detecting sets for use on remaining Army National Guard AH-64 Apache helicopters.)		+2,000	+5,000	+2,500
23	**AIRBORNE COMMAND & CONTROL**	**26,594**	**29,594**		**29,144**
	Army Airborne Command and Control System (A2C2S)		+3,000		+2,550

P-1		Budget Request	House	Senate	Conference
24	**AVIONICS SUPPORT EQUIPMENT**	**13,295**	**19,295**	**23,295**	**25,545**
	ANVIS 6B Goggles for Pilots		+5,000		+4,250
	Tasers		+1,000		+1,000
	Aviator Night Vision Imaging System			+10,000	+7,000
26	**AIRCREW INTEGRATED SYSTEMS**	**28,894**	**28,894**	**32,894**	**33,094**
	Heli-Basket Technology			+4,000	+2,800
	Cockpit Air Bag System (CABS) (Note: transferred from line 17)				+1,400

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
MISSILE PROCUREMENT, ARMY				
OTHER MISSILES				
SURFACE-TO-AIR MISSILE SYSTEM				
PATRIOT SYSTEM SUMMARY	561,555	651,555	561,555	621,555
STINGER SYSTEM SUMMARY	2,942	2,942	2,942	2,942
SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	7,452	7,452	7,452	7,452
AIR-TO-SURFACE MISSILE SYSTEM				
HELLFIRE SYS SUMMARY	33,061	33,061	25,061	25,061
ANTI-TANK/ASSAULT MISSILE SYSTEM				
JAVELIN (AAWS-M) SYSTEM SUMMARY	133,115	133,115	133,115	133,115
JAVELIN ADVANCE PROCUREMENT (CY)	7,600	7,600	7,600	7,600
LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM	43,232	43,232	43,232	43,232
TOW 2 SYSTEM SUMMARY	10,010	10,010	10,010	10,010
TOW 2 ADVANCE PROCUREMENT (CY)	16,366	16,366	16,366	16,366
GUIDED MLRS ROCKET (GMLRS)	107,759	107,759	107,759	107,759
MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	14,646	14,646	7,646	7,646
MLRS LAUNCHER SYSTEMS	40,155	40,155	40,155	40,155
HIMARS LAUNCHER	124,191	124,191	124,191	124,191
ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	50,301	57,801	50,301	57,801
TOTAL, OTHER MISSILES	1,152,385	1,249,885	1,137,385	1,204,885
MODIFICATION OF MISSILES				
MODIFICATIONS				
PATRIOT MODS	212,575	182,075	212,575	202,575
STINGER MODS	973	973	973	973
ITAS/TOW MODS	15,707	22,707	15,707	19,207
MLRS MODS	19,918	19,918	19,918	19,918
HIMARS MODIFICATIONS: (NON AAO)	467	467	467	467
TOTAL, MODIFICATION OF MISSILES	249,640	226,140	249,640	243,140

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SPARES AND REPAIR PARTS	50,542	50,542	50,542	50,542
SUPPORT EQUIPMENT AND FACILITIES				
AIR DEFENSE TARGETS	3,464	3,464	3,464	3,464
ITEMS LESS THAN $5.0M (MISSILES)	10	10	10	10
PRODUCTION BASE SUPPORT	3,421	3,421	3,421	3,421
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	6,895	6,895	6,895	6,895
TOTAL, MISSILE PROCUREMENT, ARMY	1,459,462	1,533,462	1,444,462	1,505,462

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**PATRIOT SYSTEM SUMMARY**	**561,555**	**651,555**	**561,555**	**621,555**
	Increase quantity of missiles (for a quantity of not less than 27 additional missiles)		+90,000		+60,000
5	**HELLFIRE SYS SUMMARY**	**33,061**	**33,061**	**25,061**	**25,061**
	CAP Kits			-8,000	-8,000
15	**MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)**	**14,646**	**14,646**	**7,646**	**7,646**
	Execution Delays			-7,000	-7,000
18	**ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM**	**50,301**	**57,801**	**50,301**	**57,801**
	ATACMS unitary production increase (Note: for 10 additional missiles)		+7,500		+7,500
21	**PATRIOT MODS**	**212,575**	**182,075**	**212,575**	**202,575**
	Patriot-MEADS consolidation efficiencies		-30,500		-10,000
24	**ITAS/TOW MODS**	**15,707**	**22,707**	**15,707**	**19,207**
	Improved Target Acquisition System (ITAS)		+7,000		+3,500

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF W&TCV, ARMY				
TRACKED COMBAT VEHICLES				
ABRAMS TRNG DEV MOD	6,252	6,252	6,252	6,252
BRADLEY BASE SUSTAINMENT	113,302	372,102	175,202	334,502
BRADLEY FVS TRAINING DEVICES (MOD)	3,397	3,397	3,397	3,397
STRYKER	955,027	990,027	990,027	990,027
MODIFICATION OF TRACKED COMBAT VEHICLES				
CARRIER, MOD	---	---	25,000	17,500
FIST VEHICLE (MOD)	16,756	16,756	16,756	16,756
MOD OF IN-SVC EQUIP, FIST VEHICLE	676	676	676	676
BFVS SERIES (MOD)	23,126	23,126	48,126	41,876
HOWITZER, MED SP FT 155MM M109A6 (MOD)	36,092	36,092	34,592	34,592
FAASV PIP TO FLEET	10,981	10,981	10,981	10,981
M1 ABRAMS TANK (MOD)	268,644	160,644	196,644	117,144
SYSTEM ENHANCEMENT PGM: SEP M1A2	---	155,000	---	155,000
ABRAMS UPGRADE PROGRAM	92,942	60,942	94,942	3,342
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5.0M (TCV-WTCV)	489	489	489	489
PRODUCTION BASE SUPPORT (TCV-WTCV)	10,188	10,188	10,188	10,188
TOTAL, TRACKED COMBAT VEHICLES	1,537,872	1,846,672	1,613,272	1,742,722

	(In thousands of dollars)			
	Budget	House	Senate	Conference
WEAPONS AND OTHER COMBAT VEHICLES				
ARMOR MACHINE GUN, 7.62MM M240 SERIES................	16,559	16,559	16,559	16,559
MACHINE GUN, 5.56MM (SAW)............................	---	5,000	6,900	5,000
MORTAR SYSTEMS.......................................	10,102	10,102	10,102	10,102
XM107, CAL. 50, SNIPER RIFLE.........................	8,753	8,753	8,753	8,753
5.56 CARBINE M4......................................	8,978	8,978	8,978	8,978
HOWITZER LT WT 155MM (T).............................	4,998	6,998	8,998	7,998
MOD OF WEAPONS AND OTHER COMBAT VEH				
MARK-19 MODIFICATIONS................................	3,845	3,845	3,845	3,845
M4 CARBINE MODS......................................	6,660	6,660	6,660	6,660
SQUAD AUTOMATIC WEAPON (MOD)..........................	5,096	5,096	5,096	5,096
MEDIUM MACHINE GUNS (MODS)...........................	2,970	2,970	2,970	2,970
HOWITZER, TOWED, 155MM, M198 (MODS)..................	882	882	882	882
M16 RIFLE MODS.......................................	2,369	2,369	2,369	2,369
MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)............	2,220	2,220	2,220	2,220
SUPPORT EQUIPMENT AND FACILITIES				
ITEMS LESS THAN $5.0M (WOCV-WTCV)....................	489	489	489	489
PRODUCTION BASE SUPPORT (WOCV-WTCV)..................	7,089	7,089	7,089	7,089
INDUSTRIAL PREPAREDNESS..............................	2,675	2,675	7,675	6,175
SMALL ARMS (SOLDIER ENH PROG)........................	1,117	1,117	1,117	1,117
TOTAL, WEAPONS AND OTHER COMBAT VEHICLES...........	84,802	91,802	100,702	96,302
SPARES AND REPAIR PARTS (WTCV).......................	18,030	18,030	18,030	18,030
TOTAL, PROCUREMENT OF W&TCV, ARMY..................	1,640,704	1,956,504	1,732,004	1,857,054

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**BRADLEY BASE SUSTAINMENT**	113,302	372,102	175,202	334,502
	3rd ACR ODS+		+258,800		+221,200
	Bradley AO to ODS+ for the Army National Guard			+61,900	0
6	**STRYKER**	955,027	990,027	990,027	990,027
	Long Lead items, Brigades 5 and 6		+35,000	+35,000	+35,000
8	**CARRIER, MOD**	0	0	25,000	17,500
	M113 Carrier MOD Upgrade			+25,000	+17,500
11	**BFVS SERIES (MOD)**	23,126	23,126	48,126	41,876
	Reactive Armor Tiles for Bradley			+25,000	+18,750
12	**HOWITZER, MED SP FT 155MM M109A6 (MOD)**	36,092	36,092	34,592	34,592
	Procurement of MACS prior to IOC			-1,500	-1,500
17	**M1 ABRAMS TANK (MOD)**	268,644	160,644	196,644	117,144
	LV-100 Engine		-108,000	-75,000	-153,000
	x1100-3B Recap Program			+3,000	+1,500
19	**SYSTEM ENHANCEMENT PGM: SEP M1A2**	0	155,000	0	155,000
	3rd ACR M1A2 SEP		+155,000		+155,000
20	**ABRAMS UPGRADE PROGRAM**	92,942	60,942	94,942	3,342
	System Technical Support		-32,000		-91,000
	M1A1 Fleet Embedded Diagnostics			+2,000	+1,400
25	**MACHINE GUN, 5.56MM (SAW)**	0	5,000	6,900	5,000
	M249 Squad Automatic Weapon (SAW)		+5,000	+6,900	+5,000
31	**HOWITZER LT WT 155MM (T)**	4,998	6,998	8,998	7,998
	M777 Lightweight Towed 155mm Howitzer		+2,000	+4,000	+3,000
42	**INDUSTRIAL PREPAREDNESS**	2,675	2,675	7,675	6,175
	Arsenal Support Initiative			+5,000	+3,500

STRYKER BRIGADE COMBAT TEAM

In order to enhance Army transformation, the conferees agree to provide an additional $35,000,000 to ensure fielding of the fifth and sixth Stryker Brigade Combat Teams (SBCT). The conferees direct that funding be made available specifically for the advanced procurement for the fifth SBCT, 2/25 Infantry Division and sixth SBCT, 56th ARNG Brigade. The Department of Defense shall ensure that future budgetary and programmatic plans provide for fielding no fewer than six SBCTs by 2008.

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, ARMY				
AMMUNITION				
SMALL/MEDIUM CAL AMMUNITION				
CTG, 5.56MM, ALL TYPES	183,731	183,731	183,731	183,731
CTG, 7.62MM, ALL TYPES	65,414	65,414	65,414	65,414
CTG, 9MM, ALL TYPES	5,557	5,557	5,557	5,557
CTG, .50 CAL, ALL TYPES	60,484	61,484	60,484	61,484
CTG, 25MM, ALL TYPES	8,812	18,812	18,812	18,812
CTG, 30MM, ALL TYPES	12,941	12,941	13,941	13,941
CTG, 40MM, ALL TYPES	126,994	126,994	126,994	126,994
MORTAR AMMUNITION				
60MM MORTAR, ALL TYPES	45,408	26,908	45,408	26,908
81MM MORTAR, ALL TYPES	14,104	14,104	17,104	15,104
CTG, MORTAR, 120MM, ALL TYPES	53,621	55,621	84,960	83,860
TANK AMMUNITION				
CTG TANK 105MM: ALL TYPES	20,607	20,607	20,607	20,607
120MM TANK TRAINING, ALL TYPES	134,270	134,270	128,724	128,724
CTG, TANK, 120MM TACTICAL, ALL TYPES	42,408	42,408	42,408	42,408
ARTILLERY AMMUNITION				
CTG, ARTY, 75MM: ALL TYPES	34	34	34	34
CTG, ARTY, 105MM: ALL TYPES	30,151	30,151	30,151	30,151
CTG, ARTY, 155MM, ALL TYPES	77,781	77,781	60,781	60,781
MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	78,949	81,949	78,949	79,949

(In thousands of dollars)

	Budget	House	Senate	Conference
ARTILLERY FUZES				
ARTILLERY FUZES, ALL TYPES	47,400	47,400	47,400	47,400
MINES				
MINE AT VOLCANO; ALL TYPES	---	---	5,000	2,500
MINE, CLEARING CHARGE, ALL TYPES	14,564	14,564	14,564	14,564
ROCKETS				
SHOULDER FIRED ROCKETS, ALL TYPES	13,836	13,836	13,836	13,836
ROCKET, HYDRA 70, ALL TYPES	21,981	21,981	61,981	41,981
OTHER AMMUNITION				
DEMOLITION MUNITIONS, ALL TYPES	24,959	27,959	33,959	31,959
GRENADES, ALL TYPES	27,010	27,010	27,010	27,010
SIGNALS, ALL TYPES	8,999	8,999	8,999	8,999
SIMULATORS, ALL TYPES	9,035	9,035	9,035	9,035
MISCELLANEOUS				
AMMO COMPONENTS, ALL TYPES	10,529	10,529	10,529	10,529
CAD/PAD ALL TYPES	4,808	4,808	4,808	4,808
ITEMS LESS THAN $5 MILLION	7,697	7,697	7,697	7,697
AMMUNITION PECULIAR EQUIPMENT	7,415	7,415	7,415	7,415
FIRST DESTINATION TRANSPORTATION (AMMO)	11,868	11,868	11,868	11,868
CLOSEOUT LIABILITIES	98	98	98	98
TOTAL, AMMUNITION	1,171,465	1,171,965	1,248,258	1,204,158
AMMUNITION PRODUCTION BASE SUPPORT				
PRODUCTION BASE SUPPORT				
PROVISION OF INDUSTRIAL FACILITIES	33,570	67,570	39,570	59,070
LAYAWAY OF INDUSTRIAL FACILITIES	13,020	13,020	13,020	13,020
MAINTENANCE OF INACTIVE FACILITIES	9,664	9,664	9,664	9,664
CONVENTIONAL AMMO DEMILITARIZATION	77,592	83,592	94,592	90,192
ARMS INITIATIVE	4,655	9,655	14,655	11,655
TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	138,501	183,501	171,501	183,601
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,309,966	1,355,466	1,419,759	1,387,759

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
4	**CTG, .50 CAL, ALL TYPES**	**60,484**	**61,484**	**60,484**	**61,484**
	.50 Caliber Ammunition SLAP production		+1,000		+1,000
6	**CTG, 25MM, ALL TYPES**	**8,812**	**18,812**	**18,812**	**18,812**
	M919 production		+10,000	+10,000	+10,000
7	**CTG, 30MM, ALL TYPES**	**12,941**	**12,941**	**13,941**	**13,941**
	M789 High Explosive Dual Purpose (HEDP)			+1,000	+1,000
9	**60MM MORTAR, ALL TYPES**	**45,408**	**26,908**	**45,408**	**26,908**
	M768		-17,500		-17,500
	M769 No production requirement		-1,000		-1,000
10	**81MM MORTAR, ALL TYPES**	**14,104**	**14,104**	**17,104**	**15,104**
	M816 81mm IR Illumination			+3,000	+1,000
11	**CTG, MORTAR, 120MM, ALL TYPES**	**53,621**	**55,621**	**84,960**	**83,860**
	M931, 120mm Training		+2,000		+1,000
	CTG, 120mm Mortar IR ILLUM M930			+2,000	+1,400
	M934A1 120mm Mortar			+5,000	+3,500
	White Phosphorus Facility Modernization Equipment			+24,339	+24,339
13	**120MM TANK TRAINING, ALL TYPES**	**134,270**	**134,270**	**128,724**	**128,724**
	XM 1002--Buying ahead of need			-5,546	-5,546
17	**CTG, ARTY, 155MM, ALL TYPES**	**77,781**	**77,781**	**60,781**	**60,781**
	M864 program delays			-18,000	-18,000
	CTG 155mm M845 ILLUM			+1,000	+1,000
19	**MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL TYPES**	**78,949**	**81,949**	**78,949**	**79,949**
	Modular Artillery Charge System (MACS)		+3,000		+1,000
22	**MINE AT VOLCANO, ALL TYPES**	**0**	**0**	**5,000**	**2,500**
	M87A1 Volcano Anti-Tank Mine System			+5,000	+2,500
27	**ROCKET, HYDRA 70, ALL TYPES**	**21,981**	**21,981**	**61,981**	**41,981**
	Additional Funding			+40,000	+20,000
28	**DEMOLITION MUNITIONS, ALL TYPES**	**24,959**	**27,959**	**33,959**	**31,959**
	Modernization Demolition Initiators (MDI)		+3,000	+4,000	+3,000
	Anti-Personnel Obstacle Breaching System			+5,000	+4,000
39	**PROVISION OF INDUSTRIAL FACILITIES**	**33,570**	**67,570**	**39,570**	**59,070**
	Arsenal Support Program Initiative (ASPI)		+3,000		+1,500
	Procurement of Replacement Medium Caliber Links Manufacturing Die Sets		+5,000	+1,000	+3,500
	Small Caliber Production Line Upgrades		+20,000		+14,000
	Riverbank AAP Flexible Manufacturing Facility		+6,000		+3,000
	Flexible Load, Assemble and Pack Modern Munitions Enterprise			+5,000	+3,500

P-1		Budget Request	House	Senate	Conference
42	**CONVENTIONAL AMMO DEMILITARIZATION**	**77,592**	**83,592**	**94,592**	**90,192**
	Missile Recycling Capability (Note: only for an ongoing effort at Anniston Munitions Center for Conventional Ammunition Demilitatization of Tactical Missiles)		+4,000	+6,000	+5,000
	Accelerated Propelling Charge Demilitarization Program		+2,000		+1,000
	Additional Funding for Conventional Munitions Demilitarization			+11,000	+6,600
43	**ARMS INITIATIVE**	**4,655**	**9,655**	**14,655**	**11,655**
	ARMS Initiative		+5,000	+10,000	+7,000

OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER PROCUREMENT, ARMY				
TACTICAL AND SUPPORT VEHICLES				
TACTICAL VEHICLES				
TACTICAL TRAILERS/DOLLY SETS	17,977	17,977	17,977	17,977
SEMITRAILERS, FLATBED:	23,950	23,950	23,950	23,950
SEMITRAILERS, TANKERS	9,499	9,499	9,499	9,499
HI MOB MULTI-PURP WHLD VEH (HMMWV)	137,847	177,847	169,847	177,197
FAMILY OF MEDIUM TACTICAL VEH (FMTV)	309,810	349,810	309,810	343,810
FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	14,968	14,968	30,568	25,868
FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	133,130	159,030	172,480	171,780
ARMORED SECURITY VEHICLES (ASV)	---	6,600	---	5,600
TRUCK, TRACTOR, LINE HAUL, M915/M916	45,772	45,772	45,772	45,772
TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	979	979	979	979
HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P	24,838	24,838	24,838	24,838
MODIFICATION OF IN SVC EQUIP	57,061	57,061	59,061	58,461
ITEMS LESS THAN $5.0M (TAC VEH)	245	245	245	245
TOWING DEVICE-FIFTH WHEEL	1,958	1,958	1,958	1,958
NON-TACTICAL VEHICLES				
HEAVY ARMORED SEDAN	608	608	608	608
PASSENGER CARRYING VEHICLES	3,078	3,078	3,078	3,078
NONTACTICAL VEHICLES, OTHER	6,260	6,260	5,260	5,260
TOTAL, TACTICAL AND SUPPORT VEHICLES	787,980	900,480	875,930	916,880

	(In thousands of dollars)			
	Budget	House	Senate	Conference
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
COMM - JOINT COMMUNICATIONS				
WIN - TACTICAL PROGRAM	3,231	---	---	---
JCSE EQUIPMENT (USREDCOM)	4,570	4,570	4,570	4,570
COMM - SATELLITE COMMUNICATIONS				
DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPAC	98,272	98,272	98,272	98,272
SHF TERM	17,492	17,492	17,492	17,492
SAT TERM, EMUT (SPACE)	5,154	5,154	5,154	5,154
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	44,290	44,290	44,290	44,290
SMART-T (SPACE)	48,585	48,585	48,585	48,585
SCAMP (SPACE)	600	600	600	600
GLOBAL BRDCST SVC - GBS	8,859	8,859	8,859	8,859
MOD OF IN-SVC EQUIP (TAC SAT)	10,668	10,668	10,668	10,668
COMM - C3 SYSTEM				
ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	16,499	16,499	16,499	16,499
COMM - COMBAT COMMUNICATIONS				
ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	52,384	55,884	57,384	56,384
RADIO TERMINAL SET, MIDS LVT(2)	2,937	2,937	2,937	2,937
SINCGARS FAMILY	39,275	74,275	54,275	69,275
MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	6,087	6,087	6,087	6,087
JOINT TACTICAL AREA COMMAND SYSTEMS	850	850	850	850
ACUS MOD PROGRAM	108,391	116,391	128,391	129,191
COMMS-ELEC EQUIP FIELDING	15,903	38,903	20,903	31,353
SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	8,025	8,025	8,025	8,025
COMBAT SURVIVOR EVADER LOCATOR (CSEL)	15,393	15,393	13,593	13,593
MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	6,602	6,602	6,602	6,602
COMM - INTELLIGENCE COMM				
CI AUTOMATION ARCHITECTURE	1,241	1,241	1,241	1,241
INFORMATION SECURITY				
TSEC - ARMY KEY MGT SYS (AKMS)	2,702	2,702	2,702	2,702
INFORMATION SYSTEM SECURITY PROGRAM-ISSP	124,419	124,419	124,419	124,419
COMM - LONG HAUL COMMUNICATIONS				
TERRESTRIAL TRANSMISSION	10,332	10,332	10,332	10,332
BASE SUPPORT COMMUNICATIONS	46,835	50,835	69,450	71,850
ARMY DISN ROUTER	6,016	6,016	6,016	6,016
ELECTROMAG COMP PROG (EMCP)	457	457	457	457
WW TECH CON IMP PROG (WWTCIP)	2,975	2,975	2,975	2,975

	(In thousands of dollars)			
	Budget	House	Senate	Conference
COMM - BASE COMMUNICATIONS				
INFORMATION SYSTEMS	328,188	328,188	333,188	330,688
DEFENSE MESSAGE SYSTEM (DMS)	12,435	12,435	12,435	12,435
LOCAL AREA NETWORK (LAN)	96,475	104,475	96,475	101,475
PENTAGON INFORMATION MGT AND TELECOM	14,424	14,424	14,424	14,424
ELECT EQUIP - NAT FOR INT PROG (NFIP)				
FOREIGN COUNTERINTELLIGENCE PROG (FCI)	1,624	1,624	1,624	1,624
GENERAL DEFENSE INTELL PROG (GDIP)	24,632	24,632	24,632	24,632
ELECT EQUIP - TACT INT REL ACT (TIARA)				
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	36,980	37,680	36,980	40,680
PROPHET GROUND (TIARA)	3,175	13,175	3,175	10,875
TUAV	73,764	73,764	73,764	73,764
ARMY COMMON GROUND STATION (CGS)	8,261	8,261	8,261	8,261
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	13,003	13,003	13,003	13,003
DCGS-A UNIT OF EMPLOYMENT (JMIP)	2,687	2,687	2,687	2,687
TROJAN (TIARA)	6,535	6,535	6,535	6,535
MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	2,619	2,619	5,619	4,719
CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (TIA	7,892	7,892	7,892	7,892
ITEMS LESS THAN $5.0M (TIARA)	4,983	4,983	4,983	4,983
ELECT EQUIP - ELECTRONIC WARFARE (EW)				
COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	2,296	4,296	2,296	2,296
ELECT EQUIP - TACTICAL SURV. (TAC SURV)				
SENTINEL MODS	17,595	17,595	17,595	17,595
NIGHT VISION DEVICES	65,629	70,629	69,629	69,629
LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	50,125	50,125	50,125	50,125
LTWT VIDEO RECON SYSTEM (LWVRS)	---	5,000	---	3,500
NIGHT VISION, THERMAL WPN SIGHT	50,504	50,504	50,504	50,504
ARTILLERY ACCURACY EQUIP	13,594	13,594	13,594	13,594
MOD OF IN-SVC EQUIP (MMS)	644	644	644	644
MOD OF IN-SVC EQUIP (MVS)	274	274	274	274
PROFILER	12,591	12,591	12,591	12,591
MOD OF IN-SVC EQUIP (TAC SURV)	35,169	35,169	35,169	35,169
FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	83,200	83,200	83,200	83,200
LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	12,302	12,302	12,302	12,302
MORTAR FIRE CONTROL SYSTEM	39,517	39,517	39,517	39,517

	(In thousands of dollars)			
	Budget	House	Senate	Conference
INTEGRATED MET SYS SENSORS (IMETS) - TIARA	9,080	9,080	9,080	9,080
ELECT EQUIP - TACTICAL C2 SYSTEMS				
TACTICAL OPERATIONS CENTERS	45,613	69,513	45,613	69,513
ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/EC	22,324	24,624	22,324	23,524
MOD OF IN-SVC EQUIP, AFATDS	2,059	2,059	2,059	2,059
LIGHT WEIGHT TECH FIRE DIRECTION SYS (LWT	3,223	3,223	3,223	3,223
CMBT SVC SUPT CONTROL SYS (CSSCS)	22,197	22,197	22,197	22,197
FAAD C2	19,474	19,474	19,474	19,474
AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	8,996	8,996	8,996	8,996
FORWARD ENTRY DEVICE / LIGHTWEIGHT FED (FED/L	6,023	6,023	6,023	6,023
STRIKER FAMILY	---	6,000	---	3,000
KNIGHT FAMILY	6,732	26,732	6,732	20,732
LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,814	1,814	1,814	1,814
LOGTECH	8,774	8,774	10,774	10,174
TC AIMS II	17,492	17,492	17,492	17,492
ISYSCON EQUIPMENT	21,528	21,528	21,528	21,528
JOINT NETWORK MANAGEMENT SYSTEM (JNMS)	9,452	9,452	9,452	9,452
TACTICAL INTERNET MANAGER	8,321	8,321	8,321	8,321
MANEUVER CONTROL SYSTEM (MCS)	37,141	41,141	37,141	41,141
STAMIS TACTICAL COMPUTERS (STACOMP)	46,233	46,233	51,233	49,733
STANDARD INTEGRATED CMD POST SYSTEM	361	361	2,361	361
ELECT EQUIP - AUTOMATION				
ARMY TRAINING MODERNIZATION	6,186	6,186	6,186	6,186
AUTOMATED DATA PROCESSING EQUIP	213,055	223,055	244,055	246,155
RESERVE COMPONENT AUTOMATION SYS (RCAS)	45,789	51,789	60,789	63,689
ELECT EQUIP - AUDIO VISUAL SYS (A/V)				
AFRTS	2,519	2,519	2,519	2,519
ITEMS LESS THAN $5.0M (A/V)	3,879	3,879	3,879	3,879
ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	2,047	2,047	2,047	2,047
ELECT EQUIP - SUPPORT				
PRODUCTION BASE SUPPORT (C-E)	426	426	426	426
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,300,899	2,474,068	2,430,483	2,521,633

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER SUPPORT EQUIPMENT				
CHEMICAL DEFENSIVE EQUIPMENT				
SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)..........	35,252	35,252	35,252	35,252
BRIDGING EQUIPMENT				
TACTICAL BRIDGING....................................	42,539	42,539	42,539	42,539
TACTICAL BRIDGE, FLOAT-RIBBON.........................	59,393	59,393	64,393	62,893
ENGINEER (NON-CONSTRUCTION) EQUIPMENT				
DISPENSER, MINE M139..................................	5,231	5,231	5,231	5,231
HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST.........	1,766	3,766	1,766	2,766
KIT, STANDARD TELEOPERATING...........................	2,314	2,314	2,314	2,314
ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)..................	8,247	11,247	8,247	8,247
EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).........	9,398	9,398	9,398	9,398
ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT............	624	624	624	624
COMBAT SERVICE SUPPORT EQUIPMENT				
HEATERS AND ECU'S.....................................	13,544	13,544	13,544	13,544
LAUNDRIES, SHOWERS AND LATRINES.......................	5,979	5,979	5,979	5,979
SOLDIER ENHANCEMENT...................................	4,286	4,286	24,286	20,286
LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)...............	7,577	9,477	7,577	9,277
LAND WARRIOR..	94,827	3,000	---	1,550
AUTHORIZED STOCKAGE LIST MOBILITY SYSTEM (ASL.........	4,451	4,451	4,451	4,451
FIELD FEEDING EQUIPMENT...............................	16,021	16,021	16,021	16,021
AIR DROP PROGRAM......................................	4,892	4,892	4,892	4,892
ITEMS LESS THAN $5.0M (ENG SPT EQ)....................	10,947	12,947	10,947	12,947
ITEMS LESS THAN $5.0M (CSS EQ)........................	---	4,000	---	3,400
PETROLEUM EQUIPMENT				
DISTRIBUTION SYSTEMS, PETROLEUM & WATER...............	24,205	24,205	24,205	24,205
INLAND PETROLEUM DISTRIBUTION SYSTEM..................	1,182	1,182	1,182	1,182
WATER EQUIPMENT				
WATER PURIFICATION SYSTEMS............................	15,809	15,809	15,809	15,809
MEDICAL EQUIPMENT				
COMBAT SUPPORT MEDICAL................................	16,555	26,055	27,555	28,555
MAINTENANCE EQUIPMENT				
SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP).............	12,855	12,855	12,855	12,855
WELDING SHOP, TRAILER MTD.............................	5,873	5,873	5,873	5,873
ITEMS LESS THAN $5.0M (MAINT EQ)......................	4,002	4,002	4,002	4,002
CONSTRUCTION EQUIPMENT				
MISSION MODULES - ENGINEERING.........................	16,607	17,307	19,007	19,007
LOADERS...	8,148	8,148	8,148	8,148

	(In thousands of dollars)			
	Budget	House	Senate	Conference
CRANES	4,131	4,131	4,131	4,131
CRUSHING/SCREENING PLANT, 150 TPH	1,781	1,781	1,781	1,781
PLANT, ASPHALT MIXING	1,937	1,937	1,937	1,937
HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	4,842	4,842	4,842	4,842
CONST EQUIP ESP	---	10,000	10,000	10,000
ITEMS LESS THAN $5.0M (CONST EQUIP)	6,305	6,305	6,305	6,305
RAIL FLOAT CONTAINERIZATION EQUIPMENT				
LOGISTIC SUPPORT VESSEL (LSV)	---	3,000	---	3,000
CAUSEWAY SYSTEMS	---	12,000	12,000	12,000
ITEMS LESS THAN $5.0M (FLOAT/RAIL)	7,860	7,860	7,860	7,860
GENERATORS				
GENERATORS AND ASSOCIATED EQUIP	62,853	64,353	64,853	65,353
MATERIAL HANDLING EQUIPMENT				
ROUGH TERRAIN CONTAINER HANDLER (RTCH)	36,237	36,237	36,237	36,237
ALL TERRAIN LIFTING ARMY SYSTEM	22,422	30,222	22,422	22,422
MHE EXTENDED SERVICE PROGRAM (ESP)	1,329	1,329	1,329	1,329
TRAINING EQUIPMENT				
COMBAT TRAINING CENTERS (CTC) SUPPORT	36,827	41,327	41,827	43,127
TRAINING DEVICES, NONSYSTEM	165,254	202,254	306,195	314,295
CLOSE COMBAT TACTICAL TRAINER	71,692	71,692	71,692	71,692
AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	10,295	10,295	10,295	10,295
TEST MEASURE AND DIG EQUIPMENT (TMD)				
CALIBRATION SETS EQUIPMENT	18,304	18,304	18,304	18,304
INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	27,952	35,952	27,952	35,752
TEST EQUIPMENT MODERNIZATION (TEMOD)	14,718	14,718	14,718	14,718

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER SUPPORT EQUIPMENT				
PHYSICAL SECURITY SYSTEMS (OPA3)	75,288	75,288	75,288	101,188
BASE LEVEL COM'L EQUIPMENT	15,026	15,026	15,026	15,026
MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	47,918	47,918	51,918	50,718
PRODUCTION BASE SUPPORT (OTH)	2,571	2,571	2,571	2,571
SPECIAL EQUIPMENT FOR USER TESTING	11,526	21,526	13,526	21,426
MA8975	2,419	2,419	2,419	2,419
TOTAL, OTHER SUPPORT EQUIPMENT	1,082,011	1,107,084	1,201,525	1,259,975
SPARE AND REPAIR PARTS				
INITIAL SPARES - C&E	44,714	64,714	64,714	74,714
INITIAL SPARES - OTHER SUPPORT EQUIP	1,250	1,250	1,250	1,250
TOTAL, SPARE AND REPAIR PARTS	45,964	65,964	65,964	75,964
TOTAL, OTHER PROCUREMENT, ARMY	4,216,854	4,547,596	4,573,902	4,774,452

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
4	**HI MOB MULTI-PURP WHLD VEH (HMMWV)**	**137,847**	**177,847**	**169,847**	**177,197**
	Additional Vehicles		+35,000		+11,600
	Light Tactical Vehicles for MI ARNG		+5,000		+2,500
	Uparmored HMMWV (M1114)			+25,000	+20,000
	HMMWV for the National Guard			+7,000	+5,250
6	**FAMILY OF MEDIUM TACTICAL VEH (FMTV)**	**309,810**	**349,810**	**309,810**	**343,810**
	Additional trucks--(Note: not less than $8 million is only for the purchase of A1CR variant trucks)		+40,000		+34,000
	Additional Options FMTV-CR attributable to competitive contract award savings			[50,000]	[50,000]
7	**FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT**	**14,968**	**14,968**	**30,568**	**25,868**
	Tactical Fire Fighting Equipment			+15,600	+10,900
8	**FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)**	**133,130**	**159,030**	**172,480**	**171,780**
	HEMTTS (Counterattack Corps requirements)		+11,900		+6,000
	HEMTT for the Army National Guard			+30,000	+16,000
	Movement Tracking System		+9,000		+7,650
	Container Roll-In/Out Platform (M3 CROP)		+5,000		+2,500
	PLS Trucks for Engineer Mission Modules (EMM)			+9,350	+6,500
9	**ARMORED SECURITY VEHICLES (ASV)**	**0**	**6,600**	**0**	**5,600**
	Armored Security Vehicles		+6,600		+5,600
15	**MODIFICATION OF IN SVC EQUIP**	**57,061**	**57,061**	**59,061**	**58,461**
	Fuel Tank Inertion/Polyurethane Safety Foam			+2,000	+1,400
20	**NONTACTICAL VEHICLES, OTHER**	**6,260**	**6,260**	**5,260**	**5,260**
	Unjustified cost growth			-1,000	-1,000
22	**WIN - TACTICAL PROGRAM**	**3,231**	**0**	**0**	**0**
	Unjustified growth		-3,231	-3,231	-3,231
34	**ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)**	**52,384**	**55,884**	**57,384**	**56,384**
	EPLRS Radios (Counterattack Corps requirements)		+3,500	+5,000	+4,000
36	**SINCGARS FAMILY**	**39,275**	**74,275**	**54,275**	**69,275**
	SINCGARS (Note: only to procure SINCGARS radios and necessary hardware for the 40th Division)		+35,000	+15,000	+30,000
39	**ACUS MOD PROGRAM**	**108,391**	**116,391**	**128,391**	**129,191**
	AN/UXC-10 Digital Facsimile		+8,000		+6,800
	Digital Group Multiplexer Assemblage System High Speed (DASH)			+20,000	+14,000

P-1		Budget Request	House	Senate	Conference
40	**COMMS-ELEC EQUIP FIELDING**	**15,903**	**38,903**	**20,903**	**31,353**
	Improved High-Frequency Radio, AN/PRC-150 for Army Reserve		+7,000		+4,200
	Digital Deployed Training Campus (DDTC) Fielding Program for Army National Guard (Note: only for DDTC with integral VTBTS/CPOF and Command Training)		+10,000		+5,000
	Wireless Backhaul Free Base Station		+3,500		+1,750
	Improved High Frequency Radio--for Army National Guard		+2,500		+1,800
	Multiband Inter/Intra Team Radio (MBITR) AN/PRC-148			+2,000	+1,200
	Virtual Patch Crisis Communication Coordination			+3,000	+1,500
42	**COMBAT SURVIVOR EVADER LOCATOR (CSEL)**	**15,393**	**15,393**	**13,593**	**13,593**
	CSEL requirements change			-1,800	-1,800
49	**BASE SUPPORT COMMUNICATIONS**	**46,835**	**50,835**	**69,450**	**71,850**
	Base Support Communications upgrades--Ft. Sam Houston		+1,000		+1,000
	Base Support Communications--Upgrades to the telecommunications infrastructure, Ft. Lewis		+2,000		+1,400
	Upgrade of the Telecommunications Infrastructure, Fort Monmouth		+1,000		+1,000
	Network and IT Infrastructure Capabilities			+1,430	+1,430
	PACMERS			+7,385	+7,385
	Alaska-Wide Mobile Radio (LMR) Program			+5,800	+5,800
	USARAK 13A Transformation Requirements			+7,000	+6,000
	Emergency Response System			+1,000	+1,000
53	**INFORMATION SYSTEMS**	**328,188**	**328,188**	**333,188**	**330,688**
	Palmtop Emergency Action for Chemical (PEAC) Tool			+5,000	+2,500
55	**LOCAL AREA NETWORK (LAN)**	**96,475**	**104,475**	**96,475**	**101,475**
	Local Area Network (LAN) Upgrade--Fort Drum, NY		+8,000		+5,000
59	**ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)**	**36,980**	**37,680**	**36,980**	**40,680**
	ASAS-Light (Counterattack Corps requirements)		+700		+3,700
61	**PROPHET GROUND (TIARA)**	**3,175**	**13,175**	**3,175**	**10,875**
	Prophet (Note: only to procure additional Prophet Block I Systems for the National Guard.)		+10,000		+7,700
70	**MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)**	**2,619**	**2,619**	**5,619**	**4,719**
	National Guard Virtual, Low-Cost Infrastructure Pilot Program			+3,000	+2,100

P-1		Budget Request	House	Senate	Conference
74	**COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES**	**2,296**	**4,296**	**2,296**	**2,296**
	National Guard Vehicle Tracking System		+2,000		0
77	**NIGHT VISION DEVICES**	**65,629**	**70,629**	**69,629**	**69,629**
	Mini-IR MX2--for the 18th Airborne Corps		+5,000	+4,000	+4,000
79	**LTWT VIDEO RECON SYSTEM (LWVRS)**	**0**	**5,000**	**0**	**3,500**
	Lightweight Video Reconnaissance System--Electrical Equipment--Tactical Surveillance		+5,000		+3,500
91	**TACTICAL OPERATIONS CENTERS**	**45,613**	**69,513**	**45,613**	**69,513**
	Tactical Operations Center (Counterattack Corps requirement)		+23,900		+23,900
92	**ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS/ECS)**	**22,324**	**24,624**	**22,324**	**23,524**
	Advanced Field Artillery Tactical Data Systems (AFTDS) for North Carolina Army National Guard		+2,300		+1,200
	STRIKER FAMILY	**0**	**6,000**	**0**	**3,000**
	Night Fire Support Vehicle M707(formerly known as Striker) (39)		+6,000		+3,000
99	**KNIGHT FAMILY**	**6,732**	**26,732**	**6,732**	**20,732**
	Knight Family for ARNG		+20,000		+14,000
101	**LOGTECH**	**8,774**	**8,774**	**10,774**	**10,174**
	Rock Island Arsenal AIT Initiative			+2,000	+1,400
107	**MANEUVER CONTROL SYSTEM (MCS)**	**37,141**	**41,141**	**37,141**	**41,141**
	Maneuver Control System (Counterattack Corps requirements)		+4,000		+4,000
108	**STAMIS TACTICAL COMPUTERS (STACOMP)**	**46,233**	**46,233**	**51,233**	**49,733**
	Global Combat Support System			+5,000	+3,500
109	**STANDARD INTEGRATED CMD POST SYSTEM**	**361**	**361**	**2,361**	**361**
	160th Special Operations Aviation Regiment Automatic ID Technology Program (Note: moved to line 111 OP,A)			+2,000	0
111	**AUTOMATED DATA PROCESSING EQUIP**	**213,055**	**223,055**	**244,055**	**246,155**
	Virtual Mission Preparation		+3,000		+2,550
	Paul Revere Command Information System		+2,000		+1,500
	Automated Identification Technology/Radio Frequency Identification (AIT/RFID)		+5,000	+2,000	+3,000
	Regional Medical Distributive Learning			+4,000	+2,800
	160th Special Operations Aviation Regiment Automatic ID Technology Program (Note: moved from line 109 OP,A)				+2,000
	Digitization of DoD Technical Manuals			+25,000	+21,250

P-1	Budget Request	House	Senate	Conference
112 RESERVE COMPONENT AUTOMATION SYS (RCAS)	**45,789**	**51,789**	**60,789**	**63,689**
Advanced Information Technology Services (AITS) (Note: only to field additional priority DTTP training facilities and upgrade operating systems)		+6,000		+5,100
Advanced Information Technology Services--National Guard			+15,000	+12,800
120 TACTICAL BRIDGE, FLOAT-RIBBON	**59,393**	**59,393**	**64,393**	**62,893**
Common Bridge, Transporter			+5,000	+3,500
124 HANDHELD STANDOFF MINEFIELD DETECTION SYS-HSTAMIDS	**1,766**	**3,766**	**1,766**	**2,766**
Handheld Standoff Mine Detection System (HSTAMIDS) (Note: only to plan for, schedule and continue accelerated procurement in order to meet urgent operational requirements to equip Army forces with the AN/PSS-14 new landmine detector.)		+2,000		+1,000
128 ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	**8,247**	**11,247**	**8,247**	**8,247**
Anti-Personnel Obstacle Breaching System (APOBS) (Note: transferred to line 28 PA,A)		+3,000		0
134 SOLDIER ENHANCEMENT	**4,286**	**4,286**	**24,286**	**20,286**
Advanced Combat Helmet			+20,000	+16,000
135 LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	**7,577**	**9,477**	**7,577**	**9,277**
FAST Fuel/Water/Decontamination System		+1,900		+1,700
136 LAND WARRIOR	**94,827**	**3,000**	**0**	**1,550**
Land Warrior program restructure		-94,827	-62,110	-62,110
Transfer to RDA Line 102			-32,717	-32,717
Procurement of Cylindrical Zinc Air Battery for Objective Force Warrior		+3,000		+1,550
141 ITEMS LESS THAN $5 MILLION (ENG SPT EQ)	**10,947**	**12,947**	**10,947**	**12,947**
Surveyor Reconnaissance Set (Note: only for initial fielding of advanced GPS reconnaissance kits for minefield mapping and minfield clearing missions)		+1,000		+1,000
Powerblade Mine Detection System		+1,000		+1,000
142 ITEMS LESS THAN $5 MILLION (CSS EQ)	**0**	**4,000**	**0**	**3,400**
Ultra-high Intensity Miniature Illumination System for the XVIII Airborne Corps (Note: only for Nighthunter 1 and 2.)		+4,000		+3,400
147 COMBAT SUPPORT MEDICAL	**16,555**	**26,055**	**27,555**	**28,555**
Combat Automated Service Support Medical (CASS-M)		+2,000		+1,000
Portable Low-Power Blood Cooling and Storage		+1,500		+1,000
Portable Rapid Intravenous (IV) Infusion Pump		+3,000		+1,500
Life Support for Trauma and Transport (LSTAT)		+3,000		+2,500
Chitosan Hemmorage Control Dressing			+10,000	+6,000
Golden Hour Container (Note: moved to DHP procurement)			+1,000	0
154 MISSION MODULES - ENGINEERING	**16,607**	**17,307**	**19,007**	**19,007**
Engineering Mission Module for Nevada National Guard		+700		+700
Water distribution modules ARNG			+2,400	+1,700

P-1	Budget Request	House	Senate	Conference
165 CONST EQUIP ESP	**0**	**10,000**	**10,000**	**10,000**
Construction Equipment Service Life Extension Program (SLEP)		+10,000	+10,000	+10,000
168 LOGISTIC SUPPORT VESSEL (LSV)	**0**	**3,000**	**0**	**3,000**
Small Tugs		+3,000		+3,000
169 CAUSEWAY SYSTEMS	**0**	**12,000**	**12,000**	**12,000**
Modular Causeway System (Rail Float Containerization System)		+12,000	+12,000	+12,000
171 GENERATORS AND ASSOCIATED EQUIP	**62,853**	**64,353**	**64,853**	**65,353**
2kW Military Tactical Generator		+1,500		+1,100
Solar Portable Power Pack (P3)			+2,000	+1,400
173 ALL TERRAIN LIFTING ARMY SYSTEM	**22,422**	**30,222**	**22,422**	**22,422**
All Terrain Lifter Army System (ATLAS)		+7,800		0
176 COMBAT TRAINING CENTERS (CTC) SUPPORT	**36,827**	**41,327**	**41,827**	**43,127**
Abrams Full-Crew Interactive Simulation Trainers (A-FIST XXI)		+1,000	+4,000	+2,500
Army National Guard A/B FIST		+3,500		+1,800
DFIRST		0	0	+1,000
M-COFT XXI			+1,000	+1,000
177 TRAINING DEVICES, NONSYSTEM	**165,254**	**202,254**	**306,195**	**314,295**
SIMNET Trainers (58) for the Army National Guard		+5,000		+3,000
Combat Arms Training System--ARNG		+7,000		+3,500
NTC Fiber Optic Network (Note: only to complete the fiber optic upgrade at the NTC)		+15,000		+15,000
Laser Marksmanship Training System (LMTS) Fielding Program--Army Reserve		+5,000		+2,500
Laser Marksmanship Training System (LMTS) Fielding Program--Army National Guard		+5,000		+2,500
Guard Unit Armory Device Full-Crew Interactive Simulation Trainer (GUARDFIST II)		0	0	+2,000
Military Operations in Urban Terrain (MOUT)			+4,800	+2,400
Army Live Fire Training Ranges			+2,000	+1,000
Gauntlet Training Instrumentation and Facility Upgrade			+1,541	+1,541
EST 2000--Army Reserve			+4,000	+2,000
Instrumentation for MOUT Facility at Fort Campbell			+2,800	+2,800
SBCT Equipment and Fielding Initiative			+100,000	+85,000
Battle Area Complex Targetry			+8,200	+8,200
Fort Wainwright MOUT Instrumentation Upgrades			+5,600	+5,600
172nd SIB Range Improvement Plan			+12,000	+12,000
181 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	**27,952**	**35,952**	**27,952**	**35,752**
Integrated Family of Test Equipment (IFTE)		+8,000		+6,800
TSC-750 Computer System				+1,000
185 PHYSICAL SECURITY SYSTEMS (OPA3)	**75,288**	**75,288**	**75,288**	**101,188**
WMD Civil Support Teams		0	0	+25,900
187 MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	**47,918**	**47,918**	**51,918**	**50,718**
Modern Burner Unit			+4,000	+2,800

P-1	Budget Request	House	Senate	Conference
189 SPECIAL EQUIPMENT FOR USER TESTING	**11,526**	**21,526**	**13,526**	**21,426**
Advanced Threat Communications Network		+10,000		+8,500
TOS Threat Simulator and Instrumentation Program			+2,000	+1,400
192 INITIAL SPARES - C&E	**44,714**	**64,714**	**64,714**	**74,714**
Rapid Acquisition (Note: Only to support the Army's initiative of providing rapid acquisition reponse to commanders engaged in Operation Enduring Freedom and Operation Iraqi Freedom)		+20,000		+15,000
Rapid Fielding Initiative			+20,000	+15,000

STRYKER BRIGADE FIELDING INITIATIVE

The conferees have included $85,000,000 for the acceleration and successful fielding of the Army's Stryker Brigades, beginning with the 3rd SBCT. This increased funding shall provide necessary equipment, logistics and other procurement items to ensure an on-time and adequately equipped fielding of the Army's SBCTs. The conferees direct the Secretary of the Army to submit a report to the Committees on Appropriations within 120 days of enactment of the fiscal year 2004 Defense Appropriations Act on the Army's plan to implement this funding guidance.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, NAVY				
COMBAT AIRCRAFT				
AV-8B (V/STOL)HARRIER (MYP)	12,493	12,493	12,493	12,493
F/A-18E/F (FIGHTER) HORNET (MYP)	2,946,380	2,946,380	2,975,380	2,973,380
F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	84,765	84,765	84,765	84,765
V-22 (MEDIUM LIFT)	833,109	833,109	833,109	833,109
V-22 (MEDIUM LIFT) (AP-CY)	39,058	39,058	39,058	39,058
UH-1Y/AH-1Z	310,799	310,799	310,799	310,799
MH-60S (MYP)	336,536	336,536	316,536	316,536
MH-60S (MYP) (AP-CY)	94,972	94,972	94,972	94,972
MH-60R	352,057	352,057	342,057	342,057
MH-60R (AP-CY)	46,472	46,472	46,472	46,472
E-2C (EARLY WARNING) HAWKEYE (MYP)	211,097	211,097	211,097	211,097
E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)	17,409	17,409	17,409	17,409
TOTAL, COMBAT AIRCRAFT	5,285,147	5,285,147	5,284,147	5,282,147
AIRLIFT AIRCRAFT				
UC-35	15,579	15,579	31,179	31,179
C-40A	63,952	63,952	63,952	63,952
C-37	---	---	55,000	55,000
TOTAL, AIRLIFT AIRCRAFT	79,531	79,531	150,131	150,131

	(In thousands of dollars) Budget	House	Senate	Conference
TRAINER AIRCRAFT				
T-39	22,018	22,018	22,018	22,018
T-45TS (TRAINER) GOSHAWK	339,201	339,201	339,201	339,201
JPATS	2,399	24,099	20,399	21,899
TOTAL, TRAINER AIRCRAFT	363,618	385,318	381,618	383,118
OTHER AIRCRAFT				
KC-130J	39,163	39,163	39,163	39,163
ADVANCE PROCUREMENT (CY)	40,000	40,000	40,000	40,000
F-5	1,947	1,947	1,947	1,947
TOTAL, OTHER AIRCRAFT	81,110	81,110	81,110	81,110
MODIFICATION OF AIRCRAFT				
EA-6 SERIES	207,146	284,146	207,146	251,646
AV-8 SERIES	20,866	57,866	57,866	57,866
ADVERSARY	2,649	2,649	2,649	2,649
F-18 SERIES	335,894	341,894	370,894	365,594
H-46 SERIES	81,072	83,572	81,072	87,072
AH-1W SERIES	5,810	10,810	5,810	10,060
H-53 SERIES	9,676	20,676	17,676	24,626
SH-60 SERIES	18,405	19,905	18,405	19,405
H-1 SERIES	3,492	3,492	13,492	10,992
EP-3 SERIES	31,506	54,306	47,306	55,806
P-3 SERIES	94,972	124,972	127,972	140,222
S-3 SERIES	8,364	8,364	8,364	8,364
E-2 SERIES	43,139	48,139	43,139	49,139
TRAINER A/C SERIES	10,497	10,497	10,497	10,497
C-2A	35,318	35,318	35,318	35,318
C-130 SERIES	6,554	8,554	6,554	7,554
FEWSG	565	565	565	565
CARGO/TRANSPORT A/C SERIES	13,290	13,290	13,290	13,290
E-6 SERIES	48,517	48,517	48,517	48,517
EXECUTIVE HELICOPTERS SERIES	26,537	26,537	26,537	26,537
SPECIAL PROJECT AIRCRAFT	49,601	59,101	49,601	56,551
T-45 SERIES	22,321	22,321	22,321	22,321

(In thousands of dollars)

	Budget	House	Senate	Conference
POWER PLANT CHANGES	21,564	21,564	21,564	21,564
JPATS SERIES	534	534	534	534
AVIATION LIFE SUPPORT MODS	6,358	6,358	6,358	6,358
COMMON ECM EQUIPMENT	20,729	26,729	20,729	25,829
COMMON AVIONICS CHANGES	148,627	148,627	148,627	148,627
V-22 (TILT/ROTOR ACFT) OSPREY	4,814	4,814	4,814	4,814
TOTAL, MODIFICATION OF AIRCRAFT	1,278,817	1,494,117	1,417,617	1,512,317
AIRCRAFT SPARES AND REPAIR PARTS				
SPARES AND REPAIR PARTS	1,158,057	1,158,057	1,158,057	1,158,057
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
COMMON GROUND EQUIPMENT	460,865	465,865	460,865	460,865
AIRCRAFT INDUSTRIAL FACILITIES	15,487	15,487	15,487	15,487
WAR CONSUMABLES	11,247	11,247	14,247	13,347
OTHER PRODUCTION CHARGES	25,790	25,790	25,790	25,790
SPECIAL SUPPORT EQUIPMENT	26,785	26,785	26,785	26,785
FIRST DESTINATION TRANSPORTATION	1,694	1,694	1,694	1,694
TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	541,868	546,868	544,868	543,968
TOTAL, AIRCRAFT PROCUREMENT, NAVY	8,788,148	9,030,148	9,017,548	9,110,848

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1	Budget Request	House	Senate	Conference
2 F/A-18E/F (FIGHTER) HORNET (MYP)	**2,946,380**	**2,946,380**	**2,975,380**	**2,973,380**
Shared Reconnaissance Pod (SHARP)			+4,000	+2,000
Aircraft Ancillary Equipment			+25,000	+25,000
9 MH-60S (MYP)	**336,536**	**336,536**	**316,536**	**316,536**
Unjustified support costs			-20,000	-20,000
11 MH-60R (AP-CY)	**352,057**	**352,057**	**342,057**	**342,057**
Unjustified support costs			-10,000	-10,000
16 UC-35	**15,579**	**15,579**	**31,179**	**31,179**
Operational support aircraft			+15,600	+15,600
18 C-37	**0**	**0**	**55,000**	**55,000**
Aircraft procurement acceleration			+55,000	+55,000
21 JPATS	**2,399**	**24,099**	**20,399**	**21,899**
T-6A (Note: only for aircraft and ground-based trainer system)		+21,700	+18,000	+19,500
25 EA-6 SERIES	**207,146**	**284,146**	**207,146**	**251,646**
EA-6B Ready Room Mission Rehearsal Trainer (MRT) (Note: only for software and terrain database incorporation into MRT to remain current with ICAP III upgrades)		+4,000		+2,000
ALQ-99 Low Band Transmitter (LBT) Antenna Group (Note: only to increase operational capability and accelerate the delivery of ALQ-99 to the Fleet)		+5,000		+3,500
USQ-113 - additional procurement		+8,000		+4,000
EA-6B - to accelerate Outer Wing Panel (OWP) replacement		+60,000		+35,000
26 AV-8 SERIES	**20,866**	**57,866**	**57,866**	**57,866**
Litening Advanced Targeting (AT) pods - procure additional pods and upgrade Litening II pods to AT pods		+37,000	+37,000	+37,000
29 F-18 SERIES	**335,894**	**341,894**	**370,894**	**365,594**
ATARS (Note: only to accelerate the conversion of ATARS with a solid state recorder upgrade)		+5,000		+4,200
Fast tactical imagery 2		+1,000		+1,000
ECP 583 Upgrades			+35,000	+24,500
30 H-46 SERIES	**81,072**	**83,572**	**81,072**	**87,072**
Lightweight armor for the CH-46		+2,500		+6,000
31 AH-1W SERIES	**5,810**	**10,810**	**5,810**	**10,060**
Night Targeting System (NTS) night fighting capability		+5,000		+4,250
32 H-53 SERIES	**9,676**	**20,676**	**17,676**	**24,626**
M3M .50 cal heavy machine gun		+7,000		+5,950
MH-53 crashworthy seat program		+4,000		+3,400
CH-53 IMD-HUMS			+8,000	+5,600
33 SH-60 SERIES	**18,405**	**19,905**	**18,405**	**19,405**
Hellfire Sea Target Laser Aim Scoring System (STLASS)		+1,500		+1,000
34 H-1 SERIES	**3,492**	**3,492**	**13,492**	**10,992**
UH-1 Upgrades AN/AAQ-22 NTIS PIP			+10,000	+5,000
Dual Torque Indicators (200) for UH-1Ns and HH-1Ns				+2,500
36 EP-3 SERIES	**31,506**	**54,306**	**47,306**	**55,806**
EP-3 JMOD Upgrade		+18,000		+10,800
EP-3 Radio Frequency Distribution (RFD) Upgrade		+4,800		+2,400
EP-3E ARIES II VME Tuner			+11,000	+7,700
Tactical Communications System			+4,800	+3,400

P-1	Request	House	Senate	Conference
37 P-3 SERIES	**94,972**	**124,972**	**127,972**	**140,222**
ALR-95 ESM system library, integrated logistics and training support		+4,000		+3,400
AIP ESM/digital instantaneous frequency measurements (DIFM) upgrade		+6,000		+5,100
Acoustic data recorder/data replay recorder		+4,000		+2,800
Electro-Optics and Communications Upgrades-modification to non-AIP aircraft to allow for EO upgrade and enhanced communication		+1,500		+1,000
Protection for instrument landing system (ILS) (Note: only for additional procurement of FM Immune, Multi-Mode Receivers for the P-3C series aircraft)		+2,000		+1,200
ALR-95 geolocation upgrade		+2,500		+1,750
P-3 Aircraft Health Monitoring System (AHMS) upgrade		+2,000		+1,400
Digital Stores Management System (DSMS)		+6,000		+5,000
Hub Integrated Power Switching System (HIPSS)		+2,000		+1,400
Additional AIP Kits			+26,000	+18,200
Tactical Data Link			+6,000	+3,000
Electro-Optics and Communications Upgrades			+1,000	+1,000
39 E-2 SERIES	**43,139**	**48,139**	**43,139**	**49,139**
Accelerate design modifications for critical warfighting		+5,000		+3,000
AN/USC-42(V)3, Mini-DAMA (aircraft) - moved from line 61				+3,000
42 C-130 SERIES	**6,554**	**8,554**	**6,554**	**7,554**
C-130 Electronic Propeller Control System (EPCS)		+2,000		+1,000
47 SPECIAL PROJECT AIRCRAFT	**49,601**	**59,101**	**49,601**	**56,551**
Advanced Aircraft Collection System (Note: only for integration and installation of advanced signal collection capabilities in support of the War on Terrorism)		+5,000		+4,250
FORCE Upgrade		+4,500		+2,700
52 COMMON ECM EQUIPMENT	**20,729**	**26,729**	**20,729**	**25,829**
Radar Warning Receiver System (APR 39)		+6,000		+5,100
61 COMMON GROUND EQUIPMENT	**460,865**	**463,865**	**460,865**	**460,865**
AN/USC-42(V)3, Mini-DAMA (aircraft) - moved to line 39		+3,000		
63 WAR CONSUMABLES	**11,247**	**11,247**	**14,247**	**13,347**
Aerial Refueling Store Advanced Power Systems			+3,000	+2,100

E-2C AERODYNAMIC IMPROVEMENTS

The conferees are aware that the Navy has investigated the use of aerodynamic improvements such as strakes to obtain improvements in handling characteristics and wind-over-deck requirements of the E-2C thereby improving the safety and performance of this platform. The conferees urge the Navy to test and install boundary layer flow modifications to the E-2C using aerodynamic strakes.

USMC CH-46 ARMOR REPLACEMENT

The conferees agree to provide $6,000,000 to procure lightweight armor for the CH-46. Replacing the existing steel armor with Kevlar will reduce the weight of the CH-46 by almost 400 pounds, enabling the aircraft to carry two additional combat loaded troops without degrading protection.

V-22

The conferees urge the Department of the Navy to set aside funds available in this Act for the V-22 Osprey aircraft procurement program for cost reduction measures, consistent with past practices and levels.

WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
WEAPONS PROCUREMENT, NAVY				
BALLISTIC MISSILES				
TRIDENT II	675,209	675,209	370,609	137,432
TRIDENT II MODS	---	---	229,600	512,777
SUPPORT EQUIPMENT AND FACILITIES				
MISSILE INDUSTRIAL FACILITIES	1,305	1,305	1,305	1,305
TOTAL, BALLISTIC MISSILES	676,514	676,514	601,514	651,514
OTHER MISSILES				
STRATEGIC MISSILES				
TOMAHAWK	277,588	485,588	272,288	355,288
AFFORDABLE WEAPON	---	---	---	---
ESSM	112,774	112,774	102,774	102,774
TACTICAL MISSILES				
AMRAAM	37,648	37,648	37,648	37,648
SIDEWINDER	35,818	25,818	35,818	25,818
JSOW	138,451	138,451	118,451	118,451
SLAM-ER	54,145	49,145	54,145	51,145
STANDARD MISSILE	148,308	148,308	148,308	148,308
RAM	48,315	48,315	48,315	48,315
AERIAL TARGETS	70,676	78,276	80,676	78,276
DRONES AND DECOYS	---	---	20,000	17,000
OTHER MISSILE SUPPORT	10,943	10,943	10,943	10,943
MODIFICATION OF MISSILES				
HARM MODS	7,787	---	---	---
STANDARD MISSILES MODS	50,836	50,836	50,836	50,836
SUPPORT EQUIPMENT AND FACILITIES				
WEAPONS INDUSTRIAL FACILITIES	7,443	7,443	37,443	32,943
ORDNANCE SUPPORT EQUIPMENT				
ORDNANCE SUPPORT EQUIPMENT	15,361	15,361	15,361	15,361
TOTAL, OTHER MISSILES	1,016,093	1,208,906	1,033,006	1,093,106

	(In thousands of dollars) Budget	House	Senate	Conference
TORPEDOES AND RELATED EQUIPMENT				
TORPEDOES AND RELATED EQUIP.				
ASW TARGETS	25,532	25,532	25,532	25,532
MOD OF TORPEDOES AND RELATED EQUIP				
MK-46 TORPEDO MODS	34,249	46,249	34,249	42,649
MK-48 TORPEDO ADCAP MODS	60,372	60,372	60,372	60,372
QUICKSTRIKE MINE	3,210	3,210	3,210	3,210
SUPPORT EQUIPMENT				
TORPEDO SUPPORT EQUIPMENT	24,943	24,943	24,943	24,943
ASW RANGE SUPPORT	12,811	15,311	12,811	14,561
DESTINATION TRANSPORTATION				
FIRST DESTINATION TRANSPORTATION	2,776	2,776	2,776	2,776
TOTAL, TORPEDOES AND RELATED EQUIPMENT	163,893	178,393	163,893	174,043
OTHER WEAPONS				
GUNS AND GUN MOUNTS				
SMALL ARMS AND WEAPONS	4,240	4,240	4,240	4,240
MODIFICATION OF GUNS AND GUN MOUNTS				
CIWS MODS	41,448	49,448	56,448	49,448
GUN MOUNT MODS	27,263	25,763	52,263	49,263
OTHER				
TACTICAL UAV - PIONEER	13,622	13,622	7,822	10,122
CRUISER MODERNIZATION	---	---	---	15,300
TOTAL, OTHER WEAPONS	86,573	93,073	120,773	128,373
SPARES AND REPAIR PARTS	48,748	48,748	48,748	48,748
TOTAL, WEAPONS PROCUREMENT, NAVY	1,991,821	2,205,634	1,967,934	2,095,784

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
1 TRIDENT II	**675,209**	**675,209**	**137,432**	**137,432**
Move to modification line			-537,777	-537,777
3 TRIDENT II MODS	**0**	**0**	**462,777**	**512,777**
Transfer from full funding line			+537,777	+537,777
Program management/supportability			-75,000	-25,000
5 TOMAHAWK	**277,588**	**485,588**	**272,288**	**355,288**
Additional Tactical Tomahawk missiles		+183,000		+83,000
Tooling and testing equipment		+25,000		0
CCLS Submarine capsule cost growth			-5,300	-5,300
6 ESSM	**112,774**	**112,774**	**102,774**	**102,774**
Unjustified request			-10,000	-10,000
8 SIDEWINDER	**35,818**	**25,818**	**35,818**	**25,818**
Change FRP 4th lot to LRIP and hold number to same as previous LRIP buys		-10,000		-10,000
9 JSOW	**138,451**	**138,451**	**118,451**	**118,451**
C Variant FRP delay			-20,000	-20,000
10 SLAM-ER	**54,145**	**49,145**	**54,145**	**51,145**
Slow obligations/expenditures		-5,000		-3,000
13 AERIAL TARGETS	**70,676**	**78,276**	**80,676**	**78,276**
GQM-163A Supersonic Sea Skimming Targets (SSST)		+7,600	+10,000	+7,600
14 DRONES AND DECOYS	**0**	**0**	**20,000**	**17,000**
ITALD			+20,000	+17,000
19 WEAPONS INDUSTRIAL FACILITIES	**7,443**	**7,443**	**37,443**	**32,943**
ABL Facilities Restoration			+30,000	+25,500
23 MK-46 TORPEDO MODS	**34,249**	**46,249**	**34,249**	**42,649**
Mk 54 Lightweight torpedo replacement - ramp up for FRP		+12,000		+8,400
27 ASW RANGE SUPPORT	**12,811**	**15,311**	**12,811**	**14,561**
Pacific Northwest Undersea Range Support (Note: shall receive full funding in 2005 within Major Range Test Facility Base program)		+2,500		+1,750
32 CIWS MODS	**41,448**	**49,448**	**56,448**	**49,448**
1B Upgrade kits (Note: only to re-manufacture Fleet Phalanx Close-In Weapon System (CIWS) to Block 1B configuration)		+8,000	+15,000	+8,000
34 GUN MOUNT MODS	**27,263**	**25,763**	**52,263**	**49,263**
Minor caliber gun system - accelerate procurement for close in ship self-defense		+2,000		+1,200
Slow obligations/expenditures		-3,500		-3,500
Mk-45 Mod 4 5" gun upgrades			+35,000	+34,300
Mk-38 gun			-10,000	-10,000
35 TACTICAL UAV - PIONEER	**13,622**	**13,622**	**7,822**	**10,122**
Insufficient improvement strategy			-5,800	-3,500
36 CRUISER MODERNIZATION	**0**	**0**	**0**	**15,300**

TACTICAL TOMAHAWK

The conferees agree to provide a total of $355,288,000 instead of $485,588,000 as proposed by the House and $272,288,000 as proposed by the Senate. In addition, the conferees agree that the Navy may procure 350 missiles with these funds instead of the 450 missiles recommended by the House and the 267 missiles recommended by the Senate.

The conferees do not agree to provide the $25,000,000 as proposed by the House for tooling and testing equipment, understanding that this requirement will be accommodated from within funds previously made available to the Department of Defense as part of the Emergency Wartime Supplemental Appropriations Act (Public Law 108–11).

Multi-year procurement contracting authority. The conferees agree to approve the request for contracting authority for a multi-year procurement of the Tactical Tomahawk missile as proposed by the House.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMO, NAVY & MARINE CORPS				
PROC AMMO, NAVY				
NAVY AMMUNITION				
GENERAL PURPOSE BOMBS	164,105	166,605	164,105	165,355
JDAM	277,347	277,347	277,347	277,347
AIRBORNE ROCKETS, ALL TYPES	28,245	28,245	28,245	28,245
MACHINE GUN AMMUNITION	17,933	17,933	17,933	17,933
PRACTICE BOMBS	51,417	51,417	51,417	51,417
CARTRIDGES & CART ACTUATED DEVICES	26,374	30,374	26,374	29,774
AIRCRAFT ESCAPE ROCKETS	10,904	10,904	10,904	10,904
AIR EXPENDABLE COUNTERMEASURES	44,068	44,068	44,068	44,068
JATOS	4,627	4,627	4,627	4,627
5 INCH/54 GUN AMMUNITION	13,248	13,248	13,248	13,248
EXTENDED RANGE GUIDED MUNITIONS (ERGM)	3,776	3,776	3,776	3,776
76MM GUN AMMUNITION	1,226	1,226	1,226	1,226
OTHER SHIP GUN AMMUNITION	16,368	18,368	16,368	17,868
SMALL ARMS & LANDING PARTY AMMO	17,724	17,724	17,724	17,724
PYROTECHNIC AND DEMOLITION	10,469	10,469	10,469	10,469
AMMUNITION LESS THAN $5 MILLION	2,173	2,173	2,173	2,173
TOTAL, PROC AMMO, NAVY	690,004	698,504	690,004	696,154

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROC AMMO, MC				
MARINE CORPS AMMUNITION				
5.56 MM, ALL TYPES	24,618	24,618	24,618	24,618
7.62 MM, ALL TYPES	6,351	6,351	6,351	6,351
LINEAR CHARGES, ALL TYPES	36,552	36,552	36,552	36,552
.50 CALIBER	10,218	10,218	10,218	10,218
40 MM, ALL TYPES	10,191	10,191	10,191	10,191
60MM, ALL TYPES	6,064	6,064	8,064	7,464
81MM, ALL TYPES	19,361	19,361	19,361	19,361
120MM, ALL TYPES	18,691	18,691	18,691	18,691
CTG 25MM, ALL TYPES	3,859	3,859	3,859	3,859
9 MM ALL TYPES	2,706	2,706	2,706	2,706
GRENADES, ALL TYPES	7,914	7,914	7,914	7,914
ROCKETS, ALL TYPES	15,461	23,461	15,461	18,461
ARTILLERY, ALL TYPES	49,813	52,813	49,813	51,813
DEMOLITION MUNITIONS, ALL TYPES	3,752	3,752	3,752	3,752
FUZE, ALL TYPES	4,397	4,397	4,397	4,397
NON LETHALS	3,671	3,671	3,671	3,671
AMMO MODERNIZATION	7,116	7,116	7,116	7,116
ITEMS LESS THAN $5 MILLION	1,616	1,616	1,616	1,616
TOTAL, PROC AMMO, MC	232,351	243,351	234,351	238,751
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	922,355	941,855	924,355	934,905

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
1 GENERAL PURPOSE BOMBS	**164,105**	**166,605**	**164,105**	**165,355**
Dual Mode Bomb Kit for laser guided bombs		+2,500		+1,250
6 CARTRIDGES & CART ACTUATED DEVICES	**26,374**	**30,374**	**26,374**	**29,774**
FLU-12/P Life Vest Inflator - address shortfall of units		+4,000		+3,400
13 OTHER SHIP GUN AMMUNITION	**16,368**	**18,368**	**16,368**	**17,868**
5" cargo round propellant (Note: only to complete the testing of a new Nitramine propellant)		+2,000		+1,500
25 60MM, ALL TYPES	**6,064**	**6,064**	**8,064**	**7,464**
M720A1 60 mm Mortar			+2,000	+1,400
33 ROCKETS, ALL TYPES	**15,461**	**23,461**	**15,461**	**18,461**
SMAW, High Explosive Dual Purpose (HED) Ammunition		+8,000		+3,000
34 ARTILLERY, ALL TYPES	**49,813**	**52,813**	**49,813**	**51,813**
Modular Artillery Charge System (MACS)		+3,000		+2,000

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
SHIPBUILDING & CONVERSION, NAVY				
OTHER WARSHIPS				
CARRIER REPLACEMENT PROGRAM (AP-CY)	1,186,564	1,186,564	1,186,564	1,186,564
VIRGINIA CLASS SUBMARINE	1,511,935	1,236,935	1,511,935	1,511,935
VIRGINIA CLASS SUBMARINE (AP-CY)	1,016,172	886,286	827,172	827,172
SSGN CONVERSION	930,700	930,700	930,700	930,700
SSGN CONVERSION (AP-CY)	236,600	236,600	236,600	236,600
CRUISER CONVERSION	194,440	194,440	---	---
CVN REFUELING OVERHAULS (AP-CY)	367,832	367,832	232,832	232,832
SUBMARINE REFUELING OVERHAULS	---	---	450,000	450,000
SUBMARINE REFUELING OVERHAULS (AP-CY)	164,372	123,372	20,351	10,351
SSBN REFUELING OVERHAULS (AP-CY)	---	---	136,800	105,800
DDG-51	3,198,311	3,198,311	3,218,311	3,218,311
TOTAL, OTHER WARSHIPS	8,806,926	8,361,040	8,751,265	8,710,265
AMPHIBIOUS SHIPS				
LHD-1 AMPHIBIOUS ASSAULT SHIP	355,006	355,006	591,306	355,006
LPD-17	1,192,034	1,367,034	1,192,034	1,192,034
LPD-17 (AP-CY)	---	---	75,000	135,000
TOTAL, AMPHIBIOUS SHIPS	1,547,040	1,722,040	1,858,340	1,682,040
AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COSTS				
AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COST OUTFITTING	344,949	348,949	348,449	338,749
SERVICE CRAFT	31,480	39,480	15,980	23,480
LCAC SLEP	73,087	73,087	73,087	73,087
MINE HUNTER	---	9,000	---	4,500
COMPLETION OF PY SHIPBUILDING PROGRAMS	635,502	899,502	635,502	635,502
TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	1,085,018	1,370,018	1,073,018	1,075,318
TOTAL, SHIPBUILDING & CONVERSION, NAVY	11,438,984	11,453,098	11,682,623	11,467,623

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

P-1	Budget Request	House	Senate	Conference
3 VIRGINIA CLASS SUBMARINE	**1,511,935**	**1,236,935**	**1,511,935**	**1,511,935**
Economic Order Quantity	0	-390,000	0	0
Cost savings associated with MYP request	0	+115,000	0	0
4 VIRGINIA CLASS SUBMARINE (AP-CY)	**1,016,172**	**886,286**	**827,172**	**827,172**
(FY 2004 for FY 2005)	266,147	0	-59,000	-59,000
(FY 2004 for FY 2006)	490,251	0	0	0
(FY 2004 for FY 2007)	129,887	0	-65,000	-65,000
(FY 2004 for FY 2008)	129,887	-129,886	-65,000	-65,000
7 CRUISER CONVERSION	**194,440**	**194,440**	**0**	**0**
Transferred $79,200,000 to Other Procurement, Navy line 5(a)				
Transferred $15,300,000 to Weapons Procurement, Navy line 36				
Transferred $8,200,000 to Operation and Maintenance, Navy budget activity 1, ship depot maintenance				
10 CVN REFUELING OVERHAULS (AP-CY)	**367,832**	**367,832**	**232,832**	**232,832**
Premature Funding Request CVN 70 RCOH			-135,000	-135,000
11 SSN SUBMARINE REFUELING OVERHAULS	**0**	**0**	**450,000**	**450,000**
Additional Refueling Overhaul SSN 707 USS PORTSMOUTH at Pearl Harbor Naval Shipyard			+248,000	+248,000
Additional Refueling Overhaul SSN 699 USS JACKSONVILLE at Portsmouth Naval Shipyard			+202,000	+202,000
12 SSN SUBMARINE REFUELING OVERHAULS (AP-CY)	**164,372**	**123,372**	**20,351**	**10,351**
Delay in overhauls scheduled for late 2005		-41,000		-10,000
Transfer to new SSBN ERO line/ AP 2005			-56,000	-56,000
Transfer to new SSBN ERO line/ AP 2006			-80,800	-80,800
Unjustified request			-7,221	-7,221
12A SSBN REFUELING OVERHAULS	**0**	**0**	**0**	**0**
12B SSBN REFUELING OVERHAULS (AP)	**0**	**0**	**136,800**	**105,800**
Delay in overhauls scheduled for late 2005				-31,000
Transfer from SSN ERO line/ AP 2005			+56,000	+56,000
Transfer from SSN ERO line/ AP 2006			+80,800	+80,800
13 DDG-51	**3,198,311**	**3,198,311**	**3,218,311**	**3,218,311**
Pricing adjustment			+20,000	+20,000
15 LHD-1 AMPHIBIOUS ASSAULT SHIP	**355,006**	**355,006**	**591,306**	**355,006**
Eliminate de-scoped items that were re-instated		-58,700		-58,700
Program cost growth		+58,700		+58,700
Fiscal Year 2005 increment for LHD-8			+236,300	
16 LPD-17	**1,192,034**	**1,367,034**	**1,192,034**	**1,192,034**
Advance Procurement for LPD-23		+175,000		0
17 LPD-17 (AP)	**0**	**0**	**+75,000**	**135,000**
Advance Procurement for LPD-23			+75,000	+135,000
19 OUTFITTING	**344,949**	**348,949**	**348,449**	**338,749**
ARGOS Scheduling System (Note: only for demonstration and software support, including evaluation and utility assessment, at commercial and/or public shipyards to target cost reduction in manpower scheduling)		+4,000		+2,000
Composite ship louvers			+3,500	+1,800
Funds in excess of requirements				-10,000

P-1	Budget Request	House	Senate	Conference
20 SERVICE CRAFT	**31,480**	**39,480**	**15,980**	**23,480**
High speed torpedo recovery/security craft procurement (Note: only for the procurement of one high speed recovery/security craft for NUWC Division Keyport)		+5,000	+4,500	+4,500
Yard Oiler procurement		+3,000		+2,500
Underexecution			-20,000	-15,000
21 LCAC SLEP	**73,087**	**73,087**	**73,087**	**73,087**
Additional LCAC SLEP			0	
23 MINE HUNTER	**0**	**9,000**		**4,500**
Mine Hunter SWATH (Note: only for procurement of 1 vessel and associated countermeasures equipment)		+9,000		+4,500
24 COMPLETION OF PY SHIPBUILDING PROGRAMS	**635,502**	**899,502**	**635,502**	**635,502**
Accelerate payment of FY 2005 PYCTC requirements		+264,000		

VIRGINIA CLASS SUBMARINE

The conferees agree to provide a total of $1,511,935,000 as requested for full funding of the fiscal year 2004 *Virginia* Class submarine program as requested and proposed by the Senate instead of $1,236,935,000 as proposed by the House. In addition, the conferees agree to provide a total of $827,172,000 for the advance procurement of the future *Virginia* Class submarine program as proposed by the Senate instead of $886,286,000 as proposed by the House. The recommendation for advance procurement assumes a reduction of $59,000,000 for the fiscal year 2005 program as proposed by the senate and a reduction of $65,000,000 for each of the fiscal year 2007 and 2008 programs as proposed by the Senate.

The conferees agree with the views expressed by both the House and the Senate with respect to the Navy's request for the *Virginia* Class submarine.

Multi-year procurement contracting authority. The conferees agree with the Senate's proposal, approving multi-year procurement contract authority for one *Virginia* Class submarine per year for the term of the five-years. The Navy's request to procure more than one submarine in fiscal year 2007 and 2008 is denied and the funds requested for advance procurement of materials for these additional submarines have not been appropriated.

The conferees did not lightly agree to the Navy's request for multi-year procurement for this program. The Navy's request for multi-year procurement in this instance is a significant departure from established practices and policies of the Department of Defense. The House and Senate Committees on Appropriations have maintained that multi-year procurement authority should be granted in situations in which the Service has accepted a fully tested and proven system and a production capability has been fully established. In the case of this system, the lead ship, christened August 16, 2003, has not been fully tested and will not be delivered to the Navy until late 2004.

In addition, multi-year procurement authority should be applied in situations in which the program management and costs have stabilized and significant (at least 10 percent) cost savings are guaranteed with approval of such authority. The conferees agree that the increasing costs (31 percent increase over the previous year's estimate) and limited cost savings (approximately 4 percent) for this program, would under customary rules, not allow for its consideration for multi-year procurement authority.

The conferees agree to deviate from traditional policy with respect to multi-year procurement authority in the case of the *Virginia* Class submarine with the expectation that such approval will serve to stabilize the program and reduce the overall costs to the government. Furthermore, the conferees agree that a multi-year contract for five submarines, or one per year, is in the best interests of the taxpayer. It is for these reasons that the conferees have provided multi-year procurement authority for the *Virginia* Class submarine. The Navy should note that the Committees on Appropriations will continue to closely monitor this program and may re-examine the decision to grant multi-year procurement authority if program milestones are not met or costs escalate.

Current contractual agreement. The conferees find that the current contractual agreement for the *Virginia* Class submarine that the Navy awarded in August 2003, referred to as the "block buy agreement," includes positive and negative aspects.

The signing of the block buy agreement committed the Navy to purchasing six submarines over five years, two to be purchased in fiscal year 2007, which is a clear violation of both the House and Senate fiscal year 2004 Department of Defense Appropriations bills (H.R. 2658 and S. 1382). Neither of these bills approved the procurement of two submarines in fiscal year 2007 or 2008. Further, while the block grant agreement is subject to appropriations, should Congress not provide an appropriation for two submarines in 2007, the agreement allows for a drastic increase in overhead rates at the affected shipyards, causing a significant retroactive cost increase to the four previously purchased vessels.

The conferees believe it was inappropriate for the Navy to enter into an agreement that disregarded Congressional views and subject taxpayers to additional costs should a future Congress choose not to purchase more than one submarine in 2007.

The conferees are pleased however, that the block grant agreement includes incentives for both the Navy and the commercial shipyards to meet schedule milestones and cost limitations. The conferees believe that the incentives included in the block grant buy agreement should be the beginning point in any future contract negotiations for construction, overhaul, and maintenance of Navy vessels. The conferees strongly encourage the Navy to continue pursuing contractual arrangements that maintain cost and schedule milestones, understanding that these contracts also require the Navy to enforce discipline in its requirements process to ensure that requests for workload increases do not jeopardize agreed to cost and schedule milestones.

Information provided to Congress. The conferees agree with the Senate that the Navy must provide Congress with complete financial and program information on the *Virginia* Class submarine program.

CRUISER MODERNIZATION

The conferees agree to provide $102,700,000 for the purpose of initiating a program to modernize and upgrade 22 *Ticonderoga* Class AEGIS Cruisers. The funds provided for the program have been transferred from the Shipbuilding and Conversion, Navy account to the Weapons Procurement, Other Procurement and Operation and Maintenance, Navy appropriations.

The conferees are pleased that the Navy has recently formalized the requirements and acquisition strategy for this program, but concur with the concerns expressed in the Senate report regarding upgrading, CG 71, one of the newest and most modern Cruisers in the fleet before upgrading legacy assets. The conferees agree the Navy should pursue a plan that would modernize the Baseline II or legacy fleet assets at a point earlier than the current strategy allows. Therefore, while the conference agreement includes funding for CG 71 to be the first vessel of the program, the conferees direct the Navy to revise its strategy to provide for an earlier modernization of the legacy Baseline II vessels and fully fund this revised strategy within the fiscal year 2005 budget request.

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER PROCUREMENT, NAVY				
SHIPS SUPPORT EQUIPMENT				
SHIP PROPULSION EQUIPMENT				
LM-2500 GAS TURBINE	10,664	10,664	10,664	10,664
ALLISON 501K GAS TURBINE	12,910	12,910	12,910	12,910
NAVIGATION EQUIPMENT				
OTHER NAVIGATION EQUIPMENT	15,130	15,130	15,130	15,130
UNDERWAY REPLENISHMENT EQUIPMENT				
UNDERWAY REPLENISHMENT EQUIPMENT	1,398	1,398	1,398	1,398
CRUISER MODERNIZATION	---	---	---	79,200
PERISCOPES				
SUB PERISCOPES & IMAGING EQUIP	33,391	30,091	33,391	30,091
OTHER SHIPBOARD EQUIPMENT				
FIREFIGHTING EQUIPMENT	22,015	22,015	22,015	22,015
COMMAND AND CONTROL SWITCHBOARD	4,102	4,102	4,102	4,102
POLLUTION CONTROL EQUIPMENT	50,392	50,392	50,392	50,392
SUBMARINE SUPPORT EQUIPMENT	8,830	8,830	8,830	8,830
SUBMARINE BATTERIES	11,471	11,471	11,471	11,471
STRATEGIC PLATFORM SUPPORT EQUIP	26,660	45,660	26,660	42,810
DSSP EQUIPMENT	27,493	27,493	27,493	27,493
LCAC	10,627	10,627	10,627	10,627
MINESWEEPING EQUIPMENT	13,592	13,592	13,592	13,592
ITEMS LESS THAN $5 MILLION	124,214	133,214	130,714	135,664
SUBMARINE LIFE SUPPORT SYSTEM	14,591	14,591	14,591	14,591
REACTOR PLANT EQUIPMENT				
REACTOR POWER UNITS	333,107	333,107	333,107	333,107
REACTOR COMPONENTS	211,030	211,030	211,030	211,030
OCEAN ENGINEERING				
DIVING AND SALVAGE EQUIPMENT	7,258	7,258	7,258	7,258
SMALL BOATS				
STANDARD BOATS	53,913	53,913	53,913	53,913

	(In thousands of dollars)			
	Budget	House	Senate	Conference
TRAINING EQUIPMENT				
OTHER SHIPS TRAINING EQUIPMENT	8,115	8,115	8,115	8,115
PRODUCTION FACILITIES EQUIPMENT				
OPERATING FORCES IPE	5,499	13,499	44,873	49,273
OTHER SHIP SUPPORT				
NUCLEAR ALTERATIONS	128,441	128,441	128,441	128,441
TOTAL, SHIPS SUPPORT EQUIPMENT	1,134,843	1,167,543	1,180,717	1,282,117
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
SHIP RADARS				
RADAR SUPPORT	---	12,500	---	10,275
THERMAL IMAGING SENSOR SYSTEM (TISS)	---	5,000	---	4,400
SHIP SONARS				
SPQ-9B RADAR	9,739	19,739	19,439	19,439
AN/SQQ-89 SURF ASW COMBAT SYSTEM	---	5,000	---	15,300
SSN ACOUSTICS	265,423	268,423	268,423	268,423
UNDERSEA WARFARE SUPPORT EQUIPMENT	5,758	15,758	5,758	11,708
SONAR SWITCHES AND TRANSDUCERS	13,644	13,644	13,644	13,644
ASW ELECTRONIC EQUIPMENT				
SUBMARINE ACOUSTIC WARFARE SYSTEM	24,631	40,631	24,631	26,131
SSTD	11,277	11,277	11,277	13,827
FIXED SURVEILLANCE SYSTEM	46,360	46,360	46,360	46,360
SURTASS	15,228	15,228	15,228	15,228
ASW OPERATIONS CENTER	6,516	6,516	12,516	9,516
ELECTRONIC WARFARE EQUIPMENT				
AN/SLQ-32	19,429	29,429	19,429	22,429
INFORMATION WARFARE SYSTEMS	4,191	4,191	4,191	4,191
RECONNAISSANCE EQUIPMENT				
SHIPBOARD IW EXPLOIT	123,267	123,267	123,267	123,267
SUBMARINE SURVEILLANCE EQUIPMENT				
SUBMARINE SUPPORT EQUIPMENT PROG	71,411	71,411	71,411	71,411
OTHER SHIP ELECTRONIC EQUIPMENT				
NAVY TACTICAL DATA SYSTEM	---	14,000	---	12,050
COOPERATIVE ENGAGEMENT CAPABILITY	62,845	67,845	62,845	67,095
GCCS-M EQUIPMENT	52,398	52,398	52,398	52,398
NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	52,594	58,594	46,594	51,694
ATDLS	16,197	16,197	16,197	16,197
MINESWEEPING SYSTEM REPLACEMENT	18,324	18,324	18,324	18,324
NAVSTAR GPS RECEIVERS (SPACE)	15,674	15,674	15,674	15,674

		(In thousands of dollars)		
	Budget	House	Senate	Conference
ARMED FORCES RADIO AND TV	4,194	4,194	4,194	4,194
STRATEGIC PLATFORM SUPPORT EQUIP	8,560	8,560	8,560	8,560
OTHER TRAINING EQUIPMENT	50,542	54,542	50,542	52,542
AVIATION ELECTRONIC EQUIPMENT				
MATCALS	15,629	4,129	15,629	4,129
SHIPBOARD AIR TRAFFIC CONTROL	7,860	7,860	7,860	7,860
AUTOMATIC CARRIER LANDING SYSTEM	17,493	17,493	17,493	17,493
NATIONAL AIR SPACE SYSTEM	30,095	12,595	16,095	16,095
AIR STATION SUPPORT EQUIPMENT	7,633	7,633	7,633	7,633
FACSFAC	4,337	4,337	4,337	4,337
ID SYSTEMS	21,829	21,829	21,829	21,829
TAC A/C MISSION PLANNING SYS(TAMPS)	8,639	8,639	8,639	8,639
OTHER SHORE ELECTRONIC EQUIPMENT				
DEPLOYABLE JOINT COMMAND AND CONT	46,551	---	52,071	52,071
DIMHRS	5,512	5,512	5,512	5,512
COMMON IMAGERY GROUND SURFACE SYSTEMS	60,600	44,800	40,600	40,600
RADIAC	8,600	8,600	8,600	8,600
GPETE	10,006	10,006	10,006	10,006
INTEG COMBAT SYSTEM TEST FACILITY	8,726	8,726	8,726	8,726
EMI CONTROL INSTRUMENTATION	6,469	6,469	6,469	6,469
ITEMS LESS THAN $5 MILLION	15,420	15,420	20,420	15,420

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SHIPBOARD COMMUNICATIONS				
SHIPBOARD TACTICAL COMMUNICATIONS	49,430	49,430	49,430	49,430
SHIP COMMUNICATIONS AUTOMATION	175,087	175,087	175,087	175,087
COMMUNICATIONS ITEMS UNDER $5M	25,213	27,213	26,413	29,613
SUBMARINE COMMUNICATIONS				
SHORE LF/VLF COMMUNICATIONS	16,591	16,591	16,591	16,591
SUBMARINE COMMUNICATION EQUIPMENT	104,935	109,935	110,935	110,435
SATELLITE COMMUNICATIONS				
SATELLITE COMMUNICATIONS SYSTEMS	257,388	257,388	172,388	232,388
SHORE COMMUNICATIONS				
JCS COMMUNICATIONS EQUIPMENT	3,939	3,939	3,939	3,939
ELECTRICAL POWER SYSTEMS	1,437	1,437	1,437	1,437
NSIPS	363	363	363	363
JEDMICS	---	---	7,500	6,400
NAVAL SHORE COMMUNICATIONS	75,336	75,336	75,336	75,336
CRYPTOGRAPHIC EQUIPMENT				
INFO SYSTEMS SECURITY PROGRAM (ISSP)	81,938	81,938	81,938	81,938
CRYPTOLOGIC EQUIPMENT				
CRYPTOLOGIC COMMUNICATIONS EQUIP	24,739	24,739	24,739	24,739
OTHER ELECTRONIC SUPPORT				
COAST GUARD EQUIPMENT	12,582	12,582	12,582	12,582
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,002,579	2,018,728	1,921,499	2,029,974
AVIATION SUPPORT EQUIPMENT				
SONOBUOYS				
SONOBUOYS - ALL TYPES	85,632	85,632	85,632	85,632
AIRCRAFT SUPPORT EQUIPMENT				
WEAPONS RANGE SUPPORT EQUIPMENT	30,981	30,981	30,981	30,981
EXPEDITIONARY AIRFIELDS	7,569	7,569	7,569	7,569
AIRCRAFT REARMING EQUIPMENT	11,850	11,850	11,850	11,850
AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	20,277	20,277	20,277	20,277
METEOROLOGICAL EQUIPMENT	25,658	25,658	25,658	25,658
OTHER PHOTOGRAPHIC EQUIPMENT	1,775	1,775	1,775	1,775
AVIATION LIFE SUPPORT	27,749	29,749	35,749	32,399
AIRBORNE MINE COUNTERMEASURES	13,624	2,524	13,624	2,524
LAMPS MK III SHIPBOARD EQUIPMENT	22,537	28,037	22,537	27,212
OTHER AVIATION SUPPORT EQUIPMENT	4,969	9,969	4,969	9,219
TOTAL, AVIATION SUPPORT EQUIPMENT	252,621	254,021	260,621	255,096

	(In thousands of dollars)			
	Budget	House	Senate	Conference
ORDNANCE SUPPORT EQUIPMENT				
SHIP GUN SYSTEM EQUIPMENT				
NAVAL FIRES CONTROL SYSTEM	4,301	15,001	23,501	28,336
MK98-NIGHT VISION DEVICES	12,638	12,638	12,638	12,638
SHIP MISSILE SYSTEMS EQUIPMENT				
NATO SEASPARROW	32,797	32,797	32,797	32,797
RAM GMLS	31,300	31,300	31,300	31,300
SHIP SELF DEFENSE SYSTEM	58,089	58,089	58,089	58,089
AEGIS SUPPORT EQUIPMENT	105,227	113,227	111,227	114,827
SURFACE TOMAHAWK SUPPORT EQUIPMENT	63,423	63,423	63,423	63,423
SUBMARINE TOMAHAWK SUPPORT EQUIP	5,786	5,786	5,786	5,786
VERTICAL LAUNCH SYSTEMS	7,875	7,875	7,875	7,875
FBM SUPPORT EQUIPMENT				
STRATEGIC MISSILE SYSTEMS EQUIP	103,874	103,874	103,874	103,874
ASW SUPPORT EQUIPMENT				
SSN COMBAT CONTROL SYSTEMS	68,032	72,032	68,032	70,032
SUBMARINE ASW SUPPORT EQUIPMENT	4,951	4,951	4,951	4,951
SURFACE ASW SUPPORT EQUIPMENT	4,780	4,780	11,780	11,780
ASW RANGE SUPPORT EQUIPMENT	7,275	7,275	7,275	7,275
OTHER ORDNANCE SUPPORT EQUIPMENT				
EXPLOSIVE ORDNANCE DISPOSAL EQUIP	8,083	8,083	11,083	10,183
ITEMS LESS THAN $5 MILLION	4,726	4,726	4,726	4,726
OTHER EXPENDABLE ORDNANCE				
ANTI-SHIP MISSILE DECOY SYSTEM	44,757	44,757	55,757	50,257
SURFACE TRAINING DEVICE MODS	7,352	7,352	7,352	7,352
SUBMARINE TRAINING DEVICE MODS	25,150	25,150	30,150	27,650
TOTAL, ORDNANCE SUPPORT EQUIPMENT	600,416	623,116	651,616	653,151

	(In thousands of dollars) Budget	House	Senate	Conference
CIVIL ENGINEERING SUPPORT EQUIPMENT				
PASSENGER CARRYING VEHICLES	2,305	2,305	2,305	2,305
GENERAL PURPOSE TRUCKS	1,472	1,472	1,472	1,472
CONSTRUCTION & MAINTENANCE EQUIP	19,721	26,721	19,721	25,171
FIRE FIGHTING EQUIPMENT	8,834	8,834	8,834	8,834
TACTICAL VEHICLES	38,745	39,095	77,490	64,095
AMPHIBIOUS EQUIPMENT	4,251	4,251	4,251	4,251
POLLUTION CONTROL EQUIPMENT	5,007	5,007	5,007	5,007
ITEMS UNDER $5 MILLION	13,608	13,608	13,608	13,608
PHYSICAL SECURITY VEHICLES	943	943	943	943
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	94,886	102,236	133,631	125,686
SUPPLY SUPPORT EQUIPMENT				
MATERIALS HANDLING EQUIPMENT	15,053	15,053	15,053	15,053
OTHER SUPPLY SUPPORT EQUIPMENT	13,883	17,883	19,883	18,883
FIRST DESTINATION TRANSPORTATION	5,197	5,197	5,197	5,197
SPECIAL PURPOSE SUPPLY SYSTEMS	75,571	75,571	75,571	75,571
TOTAL, SUPPLY SUPPORT EQUIPMENT	109,704	113,704	115,704	114,704
PERSONNEL AND COMMAND SUPPORT EQUIPMENT				
TRAINING DEVICES				
TRAINING SUPPORT EQUIPMENT	2,532	10,532	2,532	7,332
COMMAND SUPPORT EQUIPMENT				
COMMAND SUPPORT EQUIPMENT	60,688	68,688	47,314	48,314
EDUCATION SUPPORT EQUIPMENT	7,786	7,786	7,786	7,786
MEDICAL SUPPORT EQUIPMENT	9,511	9,511	9,511	9,511
INTELLIGENCE SUPPORT EQUIPMENT	21,148	21,148	21,148	21,148
OPERATING FORCES SUPPORT EQUIPMENT	9,219	11,219	9,219	10,219
MOBILE SENSOR PLATFORM	35,899	35,899	35,899	35,899
ENVIRONMENTAL SUPPORT EQUIPMENT	15,349	15,349	15,349	15,349
PHYSICAL SECURITY EQUIPMENT	74,626	77,626	74,626	77,176
TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	236,758	257,758	223,384	232,734
SPARES AND REPAIR PARTS	247,636	247,636	247,636	247,636
TOTAL, OTHER PROCUREMENT, NAVY	4,679,443	4,784,742	4,734,808	4,941,098

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

P-1	Budget Request	House	Senate	Conference
5(a) CRUISER MODERNIZATION	**0**	**0**	**0**	**79,200**
6 SUB PERISCOPES & IMAGING EQUIP	**33,391**	**30,091**	**33,391**	**30,091**
8B/J ESM upgrade - delay in contract award		-3,300		-3,300
13 STRATEGIC PLATFORM SUPPORT EQUIP	**26,660**	**45,660**	**26,660**	**42,810**
Q-70 submarine common electronics equipment replacement		+11,000		+9,350
AN/USC-42 (V) 2 Miniaturized Demand Assigned Multiple Access (Mini-DAMA) system (Note: only for upgrades for VHF and/or Havequick, next-generation waveforms, random acquisition capability and IP-based functionality to fielded terminals)		+8,000		+6,800
17 ITEMS LESS THAN $5 MILLION	**124,214**	**133,214**	**130,714**	**135,664**
Total Ship Information Management System (TSIMS) - integration on additional CVNs		+2,000		+1,400
Wireless network capable application processors (NCAPs)		+7,000		+5,950
Carrier weapon elevators			+4,500	+2,700
Integrated Condition Assessment System (ICAS)			+2,000	+1,400
25 OPERATING FORCES IPE	**5,499**	**13,499**	**44,873**	**49,273**
Expeditionary Maintenance Facility		+8,000		+5,600
Shipyard Capital Investment Program - transfer from line 138			+20,374	+20,374
IPDE Enhancement and PDM Interoperability			+4,000	+2,800
PHNSY Equipment			+15,000	+15,000
28 RADAR SUPPORT	**0**	**12,500**	**0**	**10,275**
AN/SPS-67 Radar Improvement and DMS Deficiency Correction Program		+5,000		+4,250
Surface Search Radar (SSR)		+4,000		+3,400
Shipboard Advance Radar Target Identification System (SARTIS)		+3,500		+2,625
29 TISS	**0**	**5,000**	**0**	**4,400**
AN/SAY-1 Thermal Imaging Sensor System (Note: only for the logistics engineering change proposal (LECP))		+5,000		+4,400
30 SPQ-9B RADAR	**9,739**	**19,739**	**19,439**	**19,439**
AN/SPQ-9 B Shipboard radar transmitter upgrade - complete transmitter development and back fit existing AN/SPQ-9B shipboard radars		+10,000	+9,700	+9,700
31 AN/SQQ-89 SURF ASW COMBAT SYSTEM	**0**	**5,000**	**0**	**15,300**
Surface Ship Anti-Submarine Warfare Improvements (Note: only for procurement of surface ship MPP SBIR Phase III improvements)		+5,000		+4,250
AN/SQQ-89 modernization- moved from line 36				+11,050
32 SSN ACOUSTICS	**265,423**	**268,423**	**268,423**	**268,423**
Common Depth Sounder (CDS) (Note: only for the procurement of CDS systems via an EP for installation on appropriate submarine and surface platforms)		+3,000	+3,000	+3,000
34 UNDERSEA WARFARE SUPPORT EQUIPMENT	**5,758**	**15,758**	**5,758**	**11,708**
Distributed engineering center for torpedo defense (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11) - moved to line 37		+3,000		0
AN/SLQ-25A Torpedo Countermeasure Set Improvements		+7,000		+5,950

P-1	Budget Request	House	Senate	Conference
36 SUBMARINE ACOUSTIC WARFARE SYSTEM	**24,631**	**40,631**	**24,631**	**26,131**
AN/SQQ-89 modernization - moved to line 31		+13,000		0
Acoustic Intercept Improvement Initiative		+3,000		+1,500
37 SSTD	**11,277**	**11,277**	**11,277**	**13,827**
Distributed engineering center for torpedo defense (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11) - moved from line 34				+2,550
41 ASW OPERATIONS CENTER	**6,516**	**6,516**	**12,516**	**9,516**
P-3C AIP TCDL Upgrade program			+6,000	+3,000
42 AN/SLQ-32	**19,429**	**29,429**	**19,429**	**22,429**
Surface ship EW improvement (Note: only for SBIR Phase III follow-on production and installation of SEWIP program Block I upgrades)		+10,000		+3,000
46 NAVY TACTICAL DATA SYSTEM	**0**	**14,000**	**0**	**12,050**
Land based Q-70 ACDS/SSDS hardware for Wallops Island and Dam Neck		+9,000		+7,650
Fleet Peripheral Equipment Replacement, Q-70		+4,000		+3,400
Aegis Combat System production of peripheral load devices (Note: only for integration, procurement, installation and support of the peripherals included in the Peripheral Consolidation Program)		+1,000		+1,000
47 COOPERATIVE ENGAGEMENT CAPABILITY	**62,845**	**67,845**	**62,845**	**67,095**
Fleet-wide upgrade capability, improved data analysis tools and technology refresh backfit kits.		+5,000		+4,250
NAVAL TACTICAL COMMAND SUPPORT SYSTEM 49 (NTCSS)	**52,594**	**58,594**	**46,594**	**51,694**
Q-70 based IT-21 servers		+6,000		+5,100
Transfer to RDT&E, N PE 0603758N			-6,000	-6,000
56 OTHER TRAINING EQUIPMENT	**50,542**	**54,542**	**50,542**	**52,542**
Navy Smart Target program- realistic threat simulators to enhance training of weapon systems operators at SCORE		+4,000		+2,000
57 MATCALS	**15,629**	**4,129**	**15,629**	**4,129**
Air Surveillance & Precision Approach Radar Control System- delay in schedule		-11,500		-11,500
60 NATIONAL AIR SPACE SYSTEM	**30,095**	**12,595**	**16,095**	**16,095**
Delay in procurement schedule		-17,500		0
Delay in MOT&E of DASR Radar			-14,000	-14,000
66 DEPLOYABLE JOINT COMMAND AND CONTROL	**46,551**	**0**	**52,071**	**52,071**
Program growth		-46,551		0
Transfer from RDT&E, N - installations			+5,520	+5,520
70 COMMON IMAGERY GROUND SURFACE SYSTEMS	**60,600**	**44,800**	**40,600**	**40,600**
Merge JSIPS functionality/program management into TES for JFN converged architecture and limit installations of TIS on amphibious ships		-15,800		0
Transfer to RDT&E, N PE 0603758N			-10,000	-10,000
Tactical Input Segment (JSIPS-N) execution delays			-10,000	-10,000

P-1	Budget Request	House	Senate	Conference
75 ITEMS LESS THAN $5 MILLION	**15,420**	**15,420**	**20,420**	**15,420**
Shipboard Communications Upgrade - moved to line 78			+5,000	0
78 COMMUNICATIONS ITEMS UNDER $5 MILLION	**25,213**	**27,213**	**26,413**	**29,613**
Q-70 secure voice system (SVS) for aircraft carriers		+2,000		+1,700
CSEL Requirements change			-1,800	-1,800
Integrated Communication System for Aircraft Carriers and Command Ships			+3,000	+1,500
Shipboard Communications Upgrade - moved from line 75				+3,000
80 SUBMARINE COMMUNICATION EQUIPMENT	**104,935**	**109,935**	**110,935**	**110,435**
Submarine High Data Rate antenna- for procurement of additional sub HDR antennas		+5,000	+6,000	+5,500
81 SATELLITE COMMUNICATIONS SYSTEMS	**257,388**	**257,388**	**172,388**	**232,388**
Program growth			-85,000	-25,000
85 JEDMICS	**0**	**0**	**7,500**	**6,400**
Combined Operations Wide Area Network			+7,500	+6,400
98 AVIATION LIFE SUPPORT	**27,749**	**29,749**	**35,749**	**32,399**
EDU-5/P Laser Eye Protection (LEP) (Note: only for the LRIP of the EU-5/P compatible LEP spectacles)		+2,000		+1,000
CSEL Requirements change			-6,500	-6,500
Joint Technical Data Integration/Automated Maintenance Equipment (JTDI/AME)			+7,000	+4,900
MBU-23/P Oxygen Masks			+3,000	+2,100
Multi-climate protection clothing			+4,500	+3,150
99 AIRBORNE MINE COUNTERMEASURES	**13,624**	**2,524**	**13,624**	**2,524**
Testing schedule delay; delay first buy -- ALMDS		-11,100		-11,100
100 LAMPS MK III SHIPBOARD EQUIPMENT	**22,537**	**28,037**	**22,537**	**27,212**
AN/SRQ-4 LAMPS MK II System Improvement (Note: only for procurement and installation of AN/SRQ-4 Ku Band Radio Terminal Set improvements for surface ships)		+5,500		+4,675
101 OTHER AVIATION SUPPORT EQUIPMENT	**4,969**	**9,969**	**4,969**	**9,219**
Joint Aviation Logistics Technical Data Integration (JATDI) (Note: only to extend JEDMICS security solution to JATDI)		+5,000		+4,250
103 NAVAL FIRES CONTROL SYSTEM	**4,301**	**15,001**	**23,501**	**28,336**
Joint Fires Network (JFN)/Littoral Surveillance System (LSS) remote sensors		+6,000		+5,100
NFCS for Littoral Combat Ship		+4,700		+3,290
Littoral Surveillance System			+19,200	+15,645
108 AEGIS SUPPORT EQUIPMENT	**105,227**	**113,227**	**111,227**	**114,827**
All-in-one wireless access points		+4,000		+3,400
Aegis Computer Center project A4L7 (Note: only for the acquisition, installation and lifetime engineering technical support of commercial off the shelf emulators for support of the Aegis Land-based weapons system)		+4,000		+2,000
Integrated Bridge System			+6,000	+4,200
114 SSN COMBAT CONTROL SYSTEMS	**68,032**	**72,032**	**68,032**	**70,032**
Complimentary Combat System Improvement - development and demonstration		+4,000		+2,000
116 SURFACE ASW SUPPORT EQUIPMENT	**4,780**	**4,780**	**11,780**	**11,780**
Mk32 SVTT Remanufacture			+7,000	+7,000
118 EXPLOSIVE ORDNANCE DISPOSAL EQUIP	**8,083**	**8,083**	**11,083**	**10,183**
SCOUT High Pressure Air System			+3,000	+2,100
120 ANTI-SHIP MISSILE DECOY SYSTEM	**44,757**	**44,757**	**55,757**	**50,257**
NULKA			+11,000	+5,500

P-1	Budget Request	House	Senate	Conference
122 SUBMARINE TRAINING DEVICE MODS	**25,150**	**25,150**	**30,150**	**27,650**
Submarine Training Performance Support Systems			+5,000	+2,500
126 CONSTRUCTION & MAINTENANCE EQUIP	**19,721**	**26,721**	**19,721**	**25,171**
Earth moving equipment for Naval Construction Force - replacement equipment		+5,000		+3,750
Ultimate Building Machine (UBM) system		+2,000		+1,700
128 TACTICAL VEHICLES	**38,745**	**39,095**	**77,490**	**64,095**
K-loader - additional equipment		+350		+350
Additional MTVR			+38,745	+25,000
134 OTHER SUPPLY SUPPORT EQUIPMENT	**13,883**	**17,883**	**19,883**	**18,883**
Serial Number Tracking System (SNTS)		+4,000	+6,000	+5,000
137 TRAINING SUPPORT EQUIPMENT	**2,532**	**10,532**	**2,532**	**7,332**
Enhanced graphics for user interface to Technical Data Knowledge (TDK)		+4,000		+2,800
Technical Data Knowledge Management in an Integrated Data Environment (TDKM-IDE) - mature and deploy a TDKM-IDE capability to accelerate implementation as part of Fleet Distance Support		+4,000		+2,000
138 COMMAND SUPPORT EQUIPMENT	**60,688**	**68,688**	**47,314**	**48,314**
Advanced Technical Information Support (ATIS) (Note: only for the procurement of ATIS hardware for installation and upgrade)		+1,000		+1,000
Man Over-Board Identification (MOBI) system - complete procurement and installation of MOBI throughout the Fleet		+7,000	+7,000	+7,000
Shipyard Capital Investment Program - transferred to line 25			-20,374	-20,374
142 OPERATING FORCES SUPPORT EQUIPMENT	**9,219**	**11,219**	**9,219**	**10,219**
Envelop Surface Combatant Corrosion Protection-procurement and installation of corrosion resistant covers for critical topside equipment on surface combatant ships		+2,000		+1,000
145 PHYSICAL SECURITY EQUIPMENT	**74,626**	**77,626**	**74,626**	**77,176**
Body armor factory		+3,000		+2,550

THERMAL IMAGING SENSOR SYSTEM

The conferees are pleased with the progress that has been made on upgrading the Thermal Imaging Sensor System (TISS), which can provide significant increases in force protection. The conferees request the Navy consider increasing funds for TISS beyond the $4,400,000 provided in this Act.

PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT, MARINE CORPS				
WEAPONS AND COMBAT VEHICLES				
TRACKED COMBAT VEHICLES				
AAV7A1 PIP	11,297	16,297	11,297	25,547
AAAV	97,915	97,915	97,915	97,915
LAV PIP	13,191	13,191	13,191	13,191
IMPROVED RECOVERY VEHICLE (IRV)	3,650	3,650	3,650	3,650
MODIFICATION KITS (TRKD VEH)	6,757	6,757	6,757	6,757
M1A1 FIREPOWER ENHANCEMENTS	4,222	4,222	4,222	4,222
ARTILLERY AND OTHER WEAPONS				
HIMARS	17,954	17,954	17,954	17,954
155MM LIGHTWEIGHT TOWED HOWITZER	111,489	111,489	111,489	111,489
MOD KITS (ARTILLERY)	3,305	3,305	3,305	3,305
MARINE ENHANCEMENT PROGRAM	6,898	6,898	6,898	6,898
WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	4,977	15,977	9,977	14,227
WEAPONS				
MODULAR WEAPON SYSTEM	13,712	13,712	13,712	13,712
OTHER SUPPORT				
OPERATIONS OTHER THAN WAR	1,349	1,349	1,349	1,349
TOTAL, WEAPONS AND COMBAT VEHICLES	296,716	312,716	301,716	320,216
GUIDED MISSILES AND EQUIPMENT				
GUIDED MISSILES				
EADS MOD	1,996	1,996	1,996	1,996
PEDESTAL MOUNTED STINGER (PMS) (MYP)	817	817	817	817
PREDATOR (SRAW)	36,398	36,398	36,398	5,826
OTHER SUPPORT				
MODIFICATION KITS	587	587	587	587
TOTAL, GUIDED MISSILES AND EQUIPMENT	39,798	39,798	39,798	9,226

	(In thousands of dollars)			
	Budget	House	Senate	Conference
COMMUNICATIONS AND ELECTRONICS EQUIPMENT				
VEHICLE MOUNTED RADIOS AND EQUIPMENT				
SMALL UNIT REMOTE SCOUTING SYSTEM	2,058	2,058	2,058	2,058
COMMAND AND CONTROL SYSTEMS				
UNIT OPERATIONS CENTER	29,225	29,225	29,225	29,225
GLOBAL COMBAT SUPPORT SYSTEM	13,548	13,548	13,548	13,548
MULTIPLE ROLE RADAR SYSTEM	1,633	1,633	1,633	1,633
JOINT TACTICAL RADIO SYSTEMS	13,919	13,919	13,919	13,919
TRANSITION SWITCH MODULE	23,072	23,072	23,072	23,072
REPAIR AND TEST EQUIPMENT				
AUTO TEST EQUIP SYS	20,462	20,462	20,462	20,462
GENERAL PURPOSE ELECTRONIC TEST EQUIP	8,369	8,369	8,369	8,369
RADAR + EQUIPMENT (NON-TEL)				
RADAR SET AN/TPS-59	18,211	18,211	18,211	18,211
INTELL/COMM EQUIPMENT (NON-TEL)				
TACTICAL REMOTE SENSOR SYSTEM	9,476	9,476	9,476	9,476
INTELLIGENCE SUPPORT EQUIPMENT	12,476	16,476	12,476	15,876
MOD KITS (INTEL)	7,856	7,856	7,856	7,856
REPAIR AND TEST EQUIPMENT (NON-TEL)				
GENERAL PURPOSE MECHANICAL TMDE	13,215	13,215	13,215	13,215
OTHER COMM/ELEC EQUIPMENT (NON-TEL)				
NIGHT VISION EQUIPMENT	24,428	24,428	32,828	30,228
OTHER SUPPORT (NON-TEL)				
ITEMS UNDER $5 MILLION (COMM & ELEC)	463	463	463	463
COMMON COMPUTER RESOURCES	61,514	61,514	61,514	61,514
COMMAND POST SYSTEMS	9,316	16,316	9,316	14,216
RADIO SYSTEMS	10,633	22,633	16,633	23,833
COMM SWITCHING & CONTROL SYSTEMS	19,252	23,252	19,252	22,652
COMM & ELEC INFRASTRUCTURE SUPPORT	24,360	24,360	24,360	24,360
MOD KITS MAGTF C41	20,786	20,786	20,786	20,786
AIR OPERATIONS C2 SYSTEMS	10,790	10,790	10,790	10,790
INTELLIGENCE C2 SYSTEMS	3,626	3,626	3,626	3,626
FIRE SUPPORT SYSTEM	28,444	28,444	28,444	28,444
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	387,132	414,132	401,532	417,832
SUPPORT VEHICLES				
ADMINISTRATIVE VEHICLES				
COMMERCIAL PASSENGER VEHICLES	963	963	963	963
COMMERCIAL CARGO VEHICLES	10,278	10,278	10,278	10,278

(In thousands of dollars)

	Budget	House	Senate	Conference
TACTICAL VEHICLES				
5/4T TRUCK HMMWV (MYP)	124,548	139,548	124,548	135,048
MEDIUM TACTICAL VEHICLE REPLACEMENT	4,611	4,611	4,611	4,611
LOGISTICS VEHICLE SYSTEM REP	3,386	3,386	3,386	3,386
OTHER SUPPORT				
ITEMS LESS THAN $5 MILLION	4,027	4,027	4,027	4,027
TOTAL, SUPPORT VEHICLES	147,813	162,813	147,813	158,313
ENGINEER AND OTHER EQUIPMENT				
ENGINEER AND OTHER EQUIPMENT				
ENVIRONMENTAL CONTROL EQUIP ASSORT	2,724	2,724	2,724	2,724
BULK LIQUID EQUIPMENT	15,812	15,812	15,812	15,812
TACTICAL FUEL SYSTEMS	5,067	5,067	5,067	6,117
DEMOLITION SUPPORT SYSTEMS	2,041	2,041	2,041	2,041
POWER EQUIPMENT ASSORTED	12,982	12,982	12,982	12,982
FAMILY OF EOD EQUIPMENT	4,608	4,608	4,608	4,608
BRIDGE BOATS	10,760	10,760	10,760	10,760
MATERIALS HANDLING EQUIPMENT				
AMPHIBIOUS RAID EQUIPMENT	21,404	21,404	21,404	21,404
PHYSICAL SECURITY EQUIPMENT	5,064	5,064	5,064	5,064
GARRISON MOBILE ENGR EQUIP	10,742	10,742	10,742	10,742
MATERIAL HANDLING EQUIP	27,885	27,885	27,885	27,885
FIRST DESTINATION TRANSPORTATION	8,091	8,091	8,091	8,091
GENERAL PROPERTY				
FIELD MEDICAL EQUIPMENT	1,975	1,975	1,975	4,175
TRAINING DEVICES	19,988	72,988	19,988	63,988
CONTAINER FAMILY	5,150	5,150	5,150	5,150
FAMILY OF CONSTRUCTION EQUIPMENT	14,380	20,380	14,380	18,880
OTHER SUPPORT				
FAMILY OF INCIDENT RESPONSE	3,447	3,447	3,447	3,447
MODIFICATION KITS	2,597	2,597	2,597	2,597
ITEMS LESS THAN $5 MILLION	5,206	17,706	5,206	14,056
TOTAL, ENGINEER AND OTHER EQUIPMENT	179,923	251,423	179,923	240,523
SPARES AND REPAIR PARTS	19,617	19,617	19,617	19,617
TOTAL, PROCUREMENT, MARINE CORPS	1,070,999	1,200,499	1,090,399	1,165,727

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
1	**AAV7A1 PIP**	**11,297**	**16,297**	**11,297**	**25,547**
	AAV RAM Rebuild		+5,000		+14,250
11	**WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION**	**4,977**	**15,977**	**9,977**	**14,227**
	M249 Squad Automatic Weapon (SAW)		+3,000	+5,000	+4,000
	M9 Pistol Modernization Through Spares (P-MTS)		+5,000		+3,750
	Rifle Combat Optic (RCO) - FY-04		+3,000		+1,500
18	**PREDATOR (SRAW)**	**36,398**	**36,398**	**36,398**	**5,826**
	Operational Test failures		0	0	-30,572
31	**INTELLIGENCE SUPPORT EQUIPMENT**	**12,476**	**16,476**	**12,476**	**15,876**
	Marine Corps Continuity of Operations		+4,000		+3,400
35	**NIGHT VISION EQUIPMENT**	**24,428**	**24,428**	**32,828**	**30,228**
	AN/PVS-14 Monocular Night Vision Device			+5,400	+3,700
	AN/PVS-17 Mini Night Vision Sight			+3,000	+2,100
38	**COMMAND POST SYSTEMS**	**9,316**	**16,316**	**9,316**	**14,216**
	DISM Procurement		+7,000		+4,900
39	**RADIO SYSTEMS**	**10,633**	**22,633**	**16,633**	**23,833**
	Lightweight Multi-Band Satellite Terminal (LMST) (Note: additional funding is only for the purpose of acquiring and fielding additional LMST systems in support of the MEF)		+12,000	+6,000	+8,400
	AN/PRC-148 Tactical Handheld Radio		[9,600]	0	+4,800
40	**COMM SWITCHING & CONTROL SYSTEMS**	**19,252**	**23,252**	**19,252**	**22,652**
	AN/UXC-10 Digital Facsimile (USMC)		+4,000		+3,400
48	**5/4T TRUCK HMMWV (MYP)**	**124,548**	**139,548**	**124,548**	**135,048**
	Additional Vehicles		+15,000		+10,500
56	**TACTICAL FUEL SYSTEMS**	**5,067**	**5,067**	**5,067**	**6,117**
	Nitrile Rubber Collapsible Storage Units		0	[1,500]	+1,050
67	**FIELD MEDICAL EQUIPMENT**	**1,975**	**1,975**	**1,975**	**4,175**
	Combat Casualty Care Equipment Upgrade Program (Note: only for lightweight NATO-style litters, medical bags, and ENT diagnostic kits)		[4,400]		+2,200
68	**TRAINING DEVICES**	**19,988**	**72,988**	**19,988**	**63,988**
	MCAGCC Range Instrumentation (Note: only to support MAGTF JNTC)		+50,000		+42,500
	Common Range Instrumentation System		+3,000		+1,500
70	**FAMILY OF CONSTRUCTION EQUIPMENT**	**14,380**	**20,380**	**14,380**	**18,880**
	Graders, Winches & Rippers SLEP and Replacement		+6,000		+4,500
75	**ITEMS LESS THAN $5 MILLION**	**5,206**	**17,706**	**5,206**	**14,056**
	Cargo Nets (USMC)		+2,000		+1,200
	6T/NATO Equivalent Absorbed Glass Mat (AGM)		+9,500		+6,650
	Tactical Vehicle Load Securing Cargo Nets		+1,000		+1,000

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
AIRCRAFT PROCUREMENT, AIR FORCE				
COMBAT AIRCRAFT				
TACTICAL FORCES				
F-22 RAPTOR	3,727,093	3,566,093	3,571,093	3,647,093
F-22 RAPTOR (AP-CY)	498,285	498,285	498,285	498,285
TOTAL, COMBAT AIRCRAFT	4,225,378	4,064,378	4,069,378	4,145,378
AIRLIFT AIRCRAFT				
TACTICAL AIRLIFT				
C-17A (MYP)	2,027,572	2,115,572	2,125,572	2,115,572
C-17A (MYP) (AP-CY)	504,100	401,100	406,100	406,100
C-17 ICS	927,627	877,627	977,627	927,627
OTHER AIRLIFT				
C-130J	335,991	295,991	335,991	295,991
ADVANCE PROCUREMENT (CY)	110,000	150,000	110,000	150,000
TOTAL, AIRLIFT AIRCRAFT	3,905,290	3,840,290	3,955,290	3,895,290
TRAINER AIRCRAFT				
OPERATIONAL TRAINERS				
JPATS	280,569	280,569	280,569	280,569
OTHER AIRCRAFT				
HELICOPTERS				
V-22 OSPREY	217,853	217,853	217,853	217,853
V-22 OSPREY (AP-CY)	15,150	15,150	15,150	15,150
MISSION SUPPORT AIRCRAFT				
CIVIL AIR PATROL A/C	2,540	10,540	2,540	8,540
OTHER AIRCRAFT				
TARGET DRONES	48,402	68,202	48,402	58,402
HAEUAV	197,912	197,912	197,912	197,912
HAEUAV (AP-CY)	55,000	55,000	55,000	55,000
PREDATOR UAV	193,569	211,569	193,569	208,869
TOTAL, OTHER AIRCRAFT	730,426	776,226	730,426	761,726

(In thousands of dollars)

	Budget	House	Senate	Conference
MODIFICATION OF INSERVICE AIRCRAFT				
STRATEGIC AIRCRAFT				
B-2A	76,464	128,255	71,464	123,255
B-1B	91,623	96,923	76,623	103,723
B-52	61,133	51,933	77,833	63,633
F-117	16,790	16,790	16,790	16,790
TACTICAL AIRCRAFT				
A-10	17,769	22,769	17,769	20,769
F-15	197,605	200,205	219,105	201,805
F-16	300,596	280,896	324,596	314,596
F22 RAPTOR	8,284	8,284	8,284	8,284
T/AT-37	79	79	79	79
AIRLIFT AIRCRAFT				
C-5	92,047	92,047	92,047	92,047
C-9	978	978	978	978
C-17A	42,801	49,101	42,801	49,101
C-21	1,367	1,367	1,367	1,367
C-32A	189	189	189	189
C-37A	355	355	355	355
TRAINER AIRCRAFT				
T6 MODIFICATIONS	4,201	4,201	4,201	4,201
T-38	132,196	132,196	132,196	132,196
T-41 AIRCRAFT	88	88	88	88
T-43	8,224	8,224	8,224	8,224
OTHER AIRCRAFT				
KC-10A (ATCA)	20,622	20,622	20,622	20,622
C-12	5,769	5,769	5,769	5,769
C-20 MODS	444	444	444	444
VC-25A MOD	69,857	69,857	69,857	69,857
C-40	200	200	200	200
C-130	195,737	192,537	218,637	216,837
C130J MODS	9,759	9,759	9,759	11,759
C-135	176,382	106,382	121,382	115,882
DARP	90,133	98,133	99,133	96,883
AIRBORNE TANKER INITIATIVE	---	---	---	---
E-3	53,467	53,467	53,467	53,467

(In thousands of dollars)

	Budget	House	Senate	Conference
E-4	58,708	58,708	58,708	58,708
E-8	36,017	41,017	36,017	39,517
H-1	3,367	3,367	3,367	3,367
H-60	44,723	48,723	44,723	47,523
OTHER AIRCRAFT	69,706	69,706	69,706	69,706
PREDATOR MODS	14,178	14,178	14,178	14,178
CV-22 MODS	279	279	279	279
OTHER MODIFICATIONS				
CLASSIFIED PROJECTS	16,525	16,525	16,525	16,525
TOTAL, MODIFICATION OF INSERVICE AIRCRAFT	1,918,662	1,904,553	1,937,762	1,983,203
AIRCRAFT SPARES AND REPAIR PARTS				
REPLEN SPARES/REPAIR PARTS	190,132	190,132	190,132	190,132
SPECIAL OPERATIONS FORCES	11,381	11,381	16,381	16,381
TOTAL, AIRCRAFT SPARES AND REPAIR PARTS	201,513	201,513	206,513	206,513
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				
COMMON SUPPORT EQUIPMENT				
COMMON SUPPORT EQUIPMENT	216,219	199,219	216,219	206,219
POST PRODUCTION SUPPORT				
B-1	8,448	8,448	8,448	8,448
B-2A	6,919	6,919	6,919	6,919
B-2A	31,556	31,556	31,556	31,556
C-130	8,470	8,470	8,470	8,470
F-15 POST PRODUCTION SUPPORT	7,292	7,292	7,292	7,292
F-16 POST PRODUCTION SUPPORT	13,871	18,871	13,871	17,471
REPLEN SPARES/REPAIR PARTS	21,728	25,728	21,728	24,128
WAR CONSUMABLES				
WAR CONSUMABLES	25,716	25,716	25,716	25,716
REPLEN SPARES/REPAIR PARTS	327,231	327,231	327,231	327,231
DEPOT MODERNIZATION	57,690	57,690	57,690	57,690
CLASSIFIED PROGRAMS				
REPLEN SPARES/REPAIR PARTS	9,449	9,449	9,449	9,449
DARP	82,933	82,933	82,933	82,933
TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES	817,522	809,522	817,522	813,522
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	12,079,360	11,877,051	11,997,460	12,086,201

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
3	**F-22 RAPTOR**	**3,727,093**	**3,566,093**	**3,571,093**	**3,647,093**
	Vendor Cost Savings		-161,000	-161,000	-80,000
	Producibility			+5,000	0
5	**C-17A (MYP)**	**2,027,572**	**2,115,572**	**2,125,572**	**2,115,572**
	Air Force Requested Transfer		-10,000		0
	Air Force Requested Transfer From AP		+98,000	+98,000	+88,000
6	**C-17A (MYP) (AP-CY)**	**504,100**	**401,100**	**406,100**	**406,100**
	Execution		-5,000		0
	Air Force Requested Transfer to MYP		-98,000	-98,000	-98,000
7	**C-17 ICS**	**927,627**	**877,627**	**977,627**	**927,627**
	Execution/Program Growth		-50,000	+50,000	0
	Site Activation				+25,000
	Flexible Sustainment Contract Savings				-25,000
9	**C-130J**	**335,991**	**295,991**	**335,991**	**295,991**
	Air Force Requested Transfer To AP		-40,000		-40,000
10	**ADVANCE PROCUREMENT (CY)**	**110,000**	**150,000**	**110,000**	**150,000**
	Air Force Requested Transfer From MYP		+40,000		+40,000
16	**CIVIL AIR PATROL A/C**	**2,540**	**10,540**	**2,540**	**8,540**
	CAP C-182/C-206s		+8,000		+6,000
17	**TARGET DRONES**	**48,402**	**68,202**	**48,402**	**58,402**
	Drone Shortfall		+19,800		+10,000
22	**PREDATOR UAV**	**193,569**	**211,569**	**193,569**	**208,869**
	Predator B UAV [Note: only to procure 2 additional fully equipped Predator B aircraft with spares, support and productionization support.]		+18,000		+15,300
23	**B-2A**	**76,464**	**128,255**	**71,464**	**123,255**
	Air Force Requested Transfer From RDTE		+24,691		+24,691
	Aft Deck Modification		+27,100		+27,100
	Unjustified Interim Contractor Support Costs			-5,000	-5,000
24	**B-1B**	**91,623**	**96,923**	**76,623**	**103,723**
	B-1B Modifications		+20,300		+17,100
	WCMD Modification Kits		-15,000	-15,000	-5,000
25	**B-52**	**61,133**	**51,933**	**77,833**	**63,633**
	AMI Kits		-9,200		-9,200
	B-52 Attrition Reserve			+16,700	+11,700
27	**A-10**	**17,769**	**22,769**	**17,169**	**20,769**
	ANG A-10 Propulsion Upgrade Study		+5,000		3,000
28	**F-15**	**197,605**	**200,205**	**219,105**	**201,805**
	ADCP Kits		-26,900		-26,900
	220 E-Kits for FL ANG F-15		+19,500		+13,000
	F-15E ALQ-135 Band 1.5		+10,000	+10,000	+10,000
	Air to Air Interrogator/IFF			+11,500	+8,100
29	**F-16**	**300,596**	**280,896**	**324,596**	**314,596**
	JHMCS		-25,500		0
	OBOGS Retrofit		+5,800	+4,000	+4,000
	F-16 Block 42 Engine Upgrades			+20,000	+10,000
34	**C-17A**	**42,801**	**49,101**	**42,801**	**49,101**
	Air Force Requested Transfer From MYP		+6,300		+6,300
49	**C-130**	**195,737**	**192,537**	**218,637**	**216,837**
	Realign PLAID funding to RDTE line 71 to offset core development program shortfall		-9,700		-9,700
	Terrain Awareness System		+2,500		+1,800
	CA ANG Advanced Tactical Airborne C4ISR		+4,000		+2,000
	Ku-Band SATCOM Upgrade			+6,800	+5,100
	APN-241 Radar Upgrade for the NV Air National Guard			+3,100	+2,400

P-1		Budget Request	House	Senate	Conference
	TN ANG - APN-241 Radar Upgrade Program [Note: Transferred from RDTE, AF line 204]			+6,125	+5,000
	176th HC-130 LAIRCM			+13,000	+12,500
	SENIOR SCOUT Intelligent Communications Exploitation Program [Note: Transferred from line 53.]		+1,500	+3,000	+2,000
	AFFS Integration of C-130Js				2,000
51	**C-135**	**176,382**	**106,382**	**121,382**	**115,882**
	Re-Engining		-70,000	-70,000	-70,000
	Boom Operator Weapon System Trainer			5,000	+2,500
	GATM			+10,000	+7,000
53	**DARP**	**90,133**	**98,133**	**99,133**	**96,883**
	Cobra Ball Multi Channel Tracker		+2,500		+1,750
	SENIOR SCOUT Intelligent Communications Exploitation Program [Note: Transferred to line 49.]		+1,500	+3,000	0
	Collaborative Information Operations		+4,000		+2,000
	SENIOR SCOUT Directional Finding and Location Upgrade			+3,000	+1,500
	Cobra Ball Dual Sided Collection Modification			+3,000	+1,500
56	**E-8**	**36,017**	**41,017**	**36,017**	**39,517**
	Joint STARS Engines		+5,000		+3,500
58	**H-60**	**44,723**	**48,723**	**44,723**	**47,523**
	Personnel Locator System/Lightweight Airborne Recovery System		+4,000		+2,800
64	**SPECIAL OPERATIONS FORCES**	**11,381**	**11,381**	**16,381**	**16,381**
	Magnetic Bearing Cooling Turbine			+5,000	+5,000
65	**COMMON SUPPORT EQUIPMENT**	**216,219**	**199,219**	**216,219**	**206,219**
	Items Less Than $5 Million		-17,000		-10,000
71	**F-16 POST PRODUCTION SUPPORT**	**13,871**	**18,871**	**13,871**	**17,471**
	Stores Management and Release Systems Test Sets		+5,000		+3,600
72	**REPLEN SPARES/REPAIR PARTS**	**21,728**	**25,728**	**21,728**	**24,128**
	AT/FP Requirements - AF Plant 4		+4,000		+2,400

TRANSPORT AIRCRAFT REQUIREMENTS

The conferees direct that not later than 180 days after enactment of this legislation, the Secretary of the Air Force shall provide a report to the congressional defense committees detailing a proposed approach for addressing official air travel requirements and prioritization of aircraft use associated with Special Air Missions. The report shall include the current retirement schedule of existing aircraft, preferred replacement aircraft types, quantities, acquisition alternatives for both new and used aircraft, corresponding total cost of operation, and base(s) of assignment.

U-2 ADVANCED SYNTHETIC APERTURE RADAR (ASARS)

The conferees agree with the concerns expressed by the House with respect to the ASARS program, amending to January 15, 2004, the date for which the requested report is due.

PREDATOR B UNMANNED AERIAL VEHICLE (UAV)

The conferees agree that the Air Force shall submit no later than December 1, 2003, a report that addresses the operational requirement for the Predator B UAV and a development and acquisition plan for achieving that operational requirement with a steady production rate by 2006.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
MISSILE PROCUREMENT, AIR FORCE				
BALLISTIC MISSILES				
MISSILE REPLACEMENT EQUIPMENT - BALLISTIC				
MISSILE REPLACEMENT EQ-BALLIS	50,713	50,713	50,713	50,713
OTHER MISSILES				
TACTICAL				
JASSM	102,534	56,000	38,500	85,000
JOINT STANDOFF WEAPON	79,981	79,981	79,981	79,981
SIDEWINDER (AIM-9X)	69,072	56,072	53,572	53,572
AMRAAM	105,246	105,246	105,246	105,246
PREDATOR HELLFIRE MISSILE	23,117	23,117	10,000	10,000
INDUSTRIAL FACILITIES				
REPLEN SPARES/REPAIR PARTS	1,948	1,948	1,948	1,948
TOTAL, OTHER MISSILES	381,898	322,364	289,247	335,747
MODIFICATION OF INSERVICE MISSILES				
CLASS IV				
ADVANCED CRUISE MISSILE	3,498	3,498	3,498	3,498
MM III MODIFICATIONS	606,964	592,964	610,964	599,764
AGM-65D MAVERICK	318	318	318	318
AIR LAUNCH CRUISE MISSILE	11,478	11,478	2,000	2,000
TOTAL, MODIFICATION OF INSERVICE MISSILES	622,258	608,258	616,780	605,580
REPLEN SPARES/REPAIR PARTS	78,449	78,449	78,449	78,449

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER SUPPORT				
SPACE PROGRAMS				
WIDEBAND GAPFILLER SATELLITES	34,588	34,588	7,011	22,011
SPACEBORNE EQUIP (COMSEC)	9,145	9,145	9,145	9,145
GLOBAL POSITIONING (SPACE)	226,622	226,622	226,622	226,622
GLOBAL POSITIONING (SPACE) (AP-CY)	32,230	32,230	32,230	32,230
DEF METEOROLOGICAL SAT PROG(S	68,026	68,026	68,026	68,026
DEFENSE SUPPORT PROGRAM(SPACE	113,067	113,067	113,067	113,067
DEFENSE SATELLITE COMM SYSTEM	12,479	12,479	12,479	12,479
TITAN SPACE BOOSTERS(SPACE)	91,499	73,499	46,499	46,499
EVOLVED EXPENDABLE LAUNCH VEH	609,310	609,310	609,310	609,310
MEDIUM LAUNCH VEHICLE(SPACE)	91,128	91,128	91,128	91,128
SPECIAL PROGRAMS				
DEFENSE SPACE RECONN PROGRAM	292,000	217,000	292,000	217,000
SPECIAL PROGRAMS	1,552,081	1,481,081	1,545,081	1,520,081
SPECIAL UPDATE PROGRAMS	127,546	127,546	127,546	127,546
ADVANCED EHF AP	---	45,000	---	---
WIDEBAND GAPFILLER AP	---	35,000	---	---
TOTAL, OTHER SUPPORT	3,259,721	3,175,721	3,180,144	3,095,144
TOTAL, MISSILE PROCUREMENT, AIR FORCE	4,393,039	4,235,505	4,215,333	4,165,633

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**JASSM**	**102,534**	**56,000**	**38,500**	**85,000**
	Maintain LRIP		-46,534	-64,034	-17,534
4	**SIDEWINDER (AIM-9X)**	**69,072**	**56,072**	**53,572**	**53,572**
	Maintain LRIP		-13,000	-15,500	-15,500
6	**PREDATOR HELLFIRE MISSILE**	**23,117**	**23,117**	**10,000**	**10,000**
	Quantity Reduction			-13,117	-13,117
10	**MM III MODIFICATIONS**	**606,964**	**592,964**	**610,964**	**599,764**
	SERV		-11,000		0
	Execution		-3,000		-10,000
	Shipping Containers			+4,000	+2,800
12	**AIR LAUNCH CRUISE MISSILE**	**11,478**	**11,478**	**2,000**	**2,000**
	Premature Procurement			-9,478	-9,478
16	**WIDEBAND GAPFILLER SATELLITES**	**34,588**	**34,588**	**7,011**	**22,011**
	WGS Launch Delays			-27,577	-12,577
25	**TITAN SPACE BOOSTERS(SPACE)**	**91,499**	**73,499**	**46,499**	**46,499**
	Excess Prior Year Funds		-18,000		0
	Launch Delays			-45,000	-45,000
29	**DEFENSE SPACE RECONN PROGRAM**	**292,000**	**217,000**	**292,000**	**217,000**
	Classified Adjustment		-75,000		-75,000
30	**SPECIAL PROGRAMS**	**1,552,081**	**1,481,081**	**1,545,081**	**1,520,081**
	Classified Adjustment		-71,000	-7,000	-32,000
NEW Advanced EHF AP		**0**	**45,000**		**0**
NEW Wideband Gapfiller AP		**0**	**35,000**		**0**

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE				
PROCUREMENT OF AMMO, AIR FORCE				
ROCKETS	64,494	64,494	64,494	64,494
CARTRIDGES	159,746	154,746	159,746	151,746
BOMBS				
PRACTICE BOMBS	45,909	45,909	45,909	45,909
GENERAL PURPOSE BOMBS	167,834	167,834	167,834	167,834
SENSOR FUZED WEAPON	117,841	117,841	117,841	117,841
JOINT DIRECT ATTACK MUNITION	427,709	427,709	427,709	427,709
WIND CORRECTED MUNITIONS DISP	72,411	72,411	72,411	72,411
FLARE, IR MJU-7B				
CAD/PAD	20,030	20,030	20,030	20,030
EXPLOSIVE ORDINANCE DISPOSAL	3,175	3,175	3,175	3,175
SPARES AND REPAIR PARTS	164	164	164	164
REPLENISHMENT SPARES	3,167	3,167	3,167	3,167
MODIFICATIONS <5M	189	189	189	189
ITEMS LESS THAN $5,000,000	336	336	336	336
FUZES				
FLARES	146,221	146,221	143,221	143,221
FUZES	36,466	36,466	20,323	25,466
TOTAL, PROCUREMENT OF AMMO, AIR FORCE	1,265,692	1,260,692	1,246,549	1,243,692
WEAPONS				
SMALL ARMS	19,033	19,033	19,033	19,033
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	1,284,725	1,279,725	1,265,582	1,262,725

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**CARTRIDGES**	**159,746**	**154,746**	**159,746**	**151,746**
	Execution		-20,000		-20,000
	30mm Practice Ammunition		+15,000		+12,000
15	**FLARES**	**146,221**	**146,221**	**143,221**	**143,221**
	MJU-39/40 ACFT Flare-buying ahead of need			-3,000	-3,000
16	**FUZES**	**36,466**	**36,466**	**20,323**	**25,466**
	Joint Programmable Fuze Delay			-16,143	-11,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER PROCUREMENT, AIR FORCE				
VEHICULAR EQUIPMENT				
PASSENGER CARRYING VEHICLES				
ARMORED VEHICLE	243	243	243	243
PASSENGER CARRYING VEHICLE	12,031	12,031	12,031	12,031
CARGO + UTILITY VEHICLES				
TRUCK, CARGO-UTILITY, 3/4T, 4X4	15,515	15,515	15,515	15,515
TRUCK, CARGO-UTILITY, 3/4T, 4X2	5,374	5,374	5,374	5,374
TRUCK MAINT/UTILITY/DELIVERY	10,244	10,244	10,244	10,244
TRUCK CARRYALL	9,552	9,552	9,552	9,552
FAMILY MEDIUM TACTICAL VEHICLE	5,687	5,687	5,687	5,687
HIGH MOBILITY VEHICLE (MYP)	3,714	3,714	3,714	3,714
CAP VEHICLES	786	786	786	786
ITEMS LESS THAN $5M	38,283	38,283	38,283	38,283
SPECIAL PURPOSE VEHICLES				
TRUCK TANK FUEL R-11	14,115	14,115	14,115	14,115
HMMWV, ARMORED	2,968	2,968	2,968	2,968
HMWWV, UP-ARMORED	5,809	5,809	5,809	5,809
TRACTOR, A/C TOW, MB-4	3,768	3,768	3,768	3,768
TRACTOR, TOW, FLIGHTLINE	6,052	6,052	6,052	6,052
TRUCK HYDRANT FUEL	1,397	1,397	1,397	1,397
ITEMS LESS THAN $5M	24,028	24,028	24,028	24,028
FIRE FIGHTING EQUIPMENT				
TRUCK CRASH P-19	4,836	4,836	4,836	4,836
ITEMS LESS THAN $5M	5,564	3,764	5,564	3,764
MATERIALS HANDLING EQUIPMENT				
TRUCK, F/L 10,000 LB	8,510	11,510	8,510	11,510
HALVERSEN LOADER	19,339	40,339	19,339	37,139
ITEMS LESS THAN $5M	9,423	9,423	9,423	9,423

	(In thousands of dollars)			
	Budget	House	Senate	Conference
BASE MAINTENANCE SUPPORT				
LOADER, SCOOP	5,656	5,656	5,656	5,656
TRUCK, DUMP	4,990	4,990	4,990	4,990
RUNWAY SNOW REMOVAL & CLEANING	16,298	16,298	16,298	16,298
MODIFICATIONS	564	564	564	564
ITEMS LESS THAN $5M	12,260	12,260	12,260	12,260
TOTAL, VEHICULAR EQUIPMENT	247,006	269,206	247,006	266,006
ELECTRONICS AND TELECOMMUNICATIONS EQUIP				
COMM SECURITY EQUIPMENT(COMSEC)				
COMSEC EQUIPMENT	30,417	33,417	30,417	30,417
INTELLIGENCE PROGRAMS				
INTELLIGENCE TRAINING EQUIPMENT	2,935	2,935	2,935	2,935
INTELLIGENCE COMM EQUIP	1,683	1,683	19,083	18,683
ELECTRONICS PROGRAMS				
AIR TRAFFIC CTRL/LAND SYS (AT	74,664	74,664	74,664	74,664
NATIONAL AIRSPACE SYSTEM	33,704	17,904	30,204	28,104
THEATER AIR CONTROL SYS IMPRO	29,849	29,849	29,849	29,849
WEATHER OBSERVE/FORECAST	32,839	32,839	32,839	32,839
STRATEGIC COMMAND AND CONTROL	43,094	43,094	43,094	43,094
CHEYENNE MOUNTAIN COMPLEX	20,613	20,613	20,613	20,613
TAC SIGINT SUPPORT	389	389	389	389
DRUG INTERDICTION PROGRAM	403	403	403	403
HIGH PERFORMANCE COMPUTING MO	48,927	48,927	---	---
SPECIAL COMM-ELECTRONICS PROJECTS				
GENERAL INFORMATION TECHNOLOGY	119,534	114,034	85,234	87,534
AF GLOBAL COMMAND & CONTROL S	23,457	23,457	23,457	23,457
MOBILITY COMMAND AND CONTROL	9,247	9,247	9,247	9,247
AIR FORCE PHYSICAL SECURITY S	34,877	26,677	34,877	26,677
COMBAT TRAINING RANGES	23,442	36,242	82,942	83,742
C3 COUNTERMEASURES	11,634	11,634	11,634	11,634
GCSS-AF FOS	17,147	17,147	17,147	17,147
THEATER BATTLE MGT C2 SYS	50,803	50,803	50,803	50,803
AIR OPERATIONS CENTER (AOC)	45,954	45,954	34,369	45,954
AIR FORCE COMMUNICATIONS				
BASE INFORMATION INFRASTRUCTURE	268,408	268,408	294,008	289,608
USCENTCOM	30,335	30,335	30,335	30,335

	(In thousands of dollars)			
	Budget	House	Senate	Conference
DEFENSE MESSAGE SYSTEM (DMS)	10,555	10,555	10,555	10,555
DISA PROGRAMS				
SPACE BASED IR SENSOR PROG SP	95,421	95,421	95,421	95,421
NAVSTAR GPS SPACE	10,332	10,332	10,332	10,332
NUDET DETECTION SYS (NDS) SPA	10,786	10,786	10,786	10,786
AF SATELLITE CONTROL NETWORK	48,229	48,229	48,229	48,229
SPACELIFT RANGE SYSTEM SPACE	80,635	80,635	80,635	80,635
MILSATCOM SPACE	42,329	42,329	42,329	42,329
SPACE MODS SPACE	30,747	30,747	30,747	30,747
ORGANIZATION AND BASE				
TACTICAL C-E EQUIPMENT	158,322	158,322	158,322	158,322
COMBAT SURVIVOR EVADER LOCATE	8,839	8,839	7,439	7,439
RADIO EQUIPMENT	8,750	8,750	8,750	8,750
TV EQUIPMENT (AFRTV)	2,590	2,590	2,590	2,590
CCTV/AUDIOVISUAL EQUIPMENT	3,238	3,238	3,238	3,238
BASE COMM INFRASTRUCTURE	160,558	170,058	160,558	167,758
ITEMS LESS THAN $5M	5,960	5,960	5,960	5,960
MODIFICATIONS				
COMM ELECT MODS	38,732	38,732	38,732	38,732
TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP	1,670,378	1,666,178	1,673,166	1,679,951
OTHER BASE MAINTENANCE AND SUPPORT EQUIP				
TEST EQUIPMENT				
BASE/ALC CALIBRATION PACKAGE	13,528	13,528	13,528	13,528
PRIMARY STANDARDS LABORATORY	1,074	1,074	1,074	1,074
ITEMS LESS THAN $5M	9,382	9,382	9,382	9,382
PERSONAL SAFETY AND RESCUE EQUIP				
NIGHT VISION GOGGLES	5,340	5,340	10,340	8,840
ITEMS LESS THAN $5M	7,435	21,435	22,235	20,335
DEPOT PLANT + MATERIALS HANDLING EQ				
MECHANIZED MATERIAL HANDLING	13,919	16,919	21,919	19,919
ITEMS LESS THAN $5M	11,702	11,702	11,702	11,702
ELECTRICAL EQUIPMENT				
FLOODLIGHTS	5,616	5,616	5,616	5,616
ITEMS LESS THAN $5M	9,570	9,570	9,570	9,570
BASE SUPPORT EQUIPMENT				
BASE PROCURED EQUIPMENT	9,617	9,617	15,617	12,617
MEDICAL/DENTAL EQUIPMENT	13,889	13,889	16,889	15,989

	Budget	House	Senate	Conference
	(In thousands of dollars)			
ENVIRONMENTAL PROJECTS	664	664	664	664
AIR BASE OPERABILITY	5,502	5,502	5,502	5,502
PHOTOGRAPHIC EQUIPMENT	5,708	5,708	5,708	5,708
PRODUCTIVITY ENHANCING CAPITA	6,210	3,110	6,210	3,110
MOBILITY EQUIPMENT	92,951	92,951	92,951	92,951
AIR CONDITIONERS	10,238	10,238	10,238	10,238
ITEMS LESS THAN $5M	14,940	14,940	14,940	15,552
SPECIAL SUPPORT PROJECTS				
PRODUCTION ACTIVITIES	50,442	50,442	50,442	53,692
TECH SURV COUNTERMEASURES EQ	3,998	3,998	3,998	3,998
DARP RC135	16,775	16,775	16,775	16,775
DARP, MRIGS	99,915	99,915	99,915	99,915
SELECTED ACTIVITIES	8,981,728	8,561,328	8,894,578	8,900,033
SPECIAL UPDATE PROGRAM	220,228	220,228	220,228	220,228
DEFENSE SPACE RECONNAISSANCE	14,141	14,141	14,141	14,141
MODIFICATIONS	201	201	201	201
FIRST DESTINATION TRANSPORTATION	4,980	4,980	4,980	4,980
TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP	9,629,693	9,223,193	9,579,343	9,576,260
SPARE AND REPAIR PARTS				
SPARES AND REPAIR PARTS	36,582	36,582	36,582	36,582
TOTAL, OTHER PROCUREMENT, AIR FORCE	11,583,659	11,195,159	11,536,097	11,558,799

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
25	**ITEMS LESS THAN $5 MILLION**	**5,564**	**3,764**	**5,564**	**3,764**
	Unrequired P-19 Crash Trucks		-1,800		-1,800
26	**TRUCK, F/L 10,000 LB**	**8,510**	**11,510**	**8,510**	**11,510**
	Material Handling Equipment		+3,000		+3,000
28	**HALVERSEN LOADER**	**19,339**	**40,339**	**19,339**	**37,139**
	Halversen Loader		+21,000		+17,800
35	**COMSEC EQUIPMENT**	**30,417**	**33,417**	**30,417**	**30,417**
	DCGS Jumbo Deployable - Moved to line 38		+3,000		0
38	**INTELLIGENCE COMM EQUIP**	**1,683**	**1,683**	**19,083**	**18,683**
	Eagle Vision [Note: Only for modernization of the existing system and for sustainment of the South Carolina Eagle Vision system] - Moved from line 48			+5,000	+5,000
	DCGS Jumbo Deployable Transit-Cased System - Moved from line 35			+12,400	+12,000
40	**NATIONAL AIRSPACE SYSTEM**	**33,704**	**17,904**	**30,204**	**28,104**
	DASR		-15,800	-3,500	-8,000
	Advanced Automation Systems [Note: for the Air National Guard for completion of Radar Approach Control Facility]				+2,400
47	**HIGH PERFORMANCE COMPUTING MODERNIZATION**	**48,927**	**48,927**	**0**	**0**
	Transfer to PDW			-48,927	-48,927
48	**GENERAL INFORMATION TECHNOLOGY**	**119,534**	**114,034**	**85,234**	**87,534**
	Eagle Vision - Moved to line 38		+5,000		0
	JPAS		-15,000		0
	SELDI		+4,500		+2,300
	Air Force Personnel Security Investment Program (Transfer to RDAF)			-34,300	-34,300
51	**AIR FORCE PHYSICAL SECURITY SYSTEMS**	**34,877**	**26,677**	**34,877**	**26,677**
	Defending the Enclave		-1,000		-1,000
	Strategic Security Systems		-7,200		-7,200
52	**COMBAT TRAINING RANGES**	**23,442**	**36,242**	**82,942**	**83,742**
	Schedule Slip/Execution		-4,200		-4,200
	MI ANG Threat Emitter		+5,000		+5,000
	Miniature-Multiple Un-Manned Threat Emitter System Modernization Program		+5,000		+2,500
	Joint Threat Emitter		+7,000	+10,000	+7,500
	11th AF G-band Pedestals Upgrades			+9,000	+9,000
	11th AF JAWSS Scoring System Processor			+7,500	+7,500
	11th AF UMTE Program Communications Reliability Upgrade			+7,000	+7,000
	611th Gakona Radar			+20,000	+20,000
	611th Red Air Defense Command and Control			+4,000	+4,000
	Mt. Fairplay Radios			+2,000	+2,000
57	**AIR OPERATIONS CENTER (AOC)**	**45,954**	**45,954**	**34,369**	**45,954**
	AOC Adjustment			-11,585	0
58	**BASE INFORMATION INFRASTRUCTURE**	**268,408**	**268,408**	**294,008**	**289,608**
	Alaska-Wide Mobile Radio (LMR) Program			+10,400	+10,400
	Information Transportation System for the C4ISR Acquisition Center of Excellence			+6,000	+3,000
	PACAF C2 Network Modernization and Revitalization			+9,200	+7,800
70	**COMBAT SURVIVOR EVADER LOCATE**	**8,839**	**8,839**	**7,439**	**7,439**
	CSEL Requirements Change			-1,400	-1,400

P-1		Budget Request	House	Senate	Conference
74	**BASE COMM INFRASTRUCTURE**	**160,558**	**170,058**	**160,558**	**167,758**
	GeoBase		+6,000		+5,100
	Digital Deployed Training Campus Fielding Program for ANG [Note: Only for DDTC with Integral VTBTS/CPOF digital and command training.]		+3,500		+2,100
81	**NIGHT VISION GOGGLES**	**5,340**	**5,340**	**10,340**	**8,840**
	Panoramic Night Vision Goggles			+5,000	+3,500
82	**ITEMS LESS THAN $5 MILLION**	**7,435**	**21,435**	**22,235**	**20,335**
	Fixed Aircrew Standardized Seats		+4,000	+4,800	+4,000
	Life Support Equipment - Active Noise Reduction (ANR) for crew headsets/helmets		+3,000	+3,000	+3,000
	Quick Don Anti Exposure Suits		+1,000		+1,000
	LESPA Replacement of Emergency Bailout Parachutes		+4,000		0
	Aircrew Survival Radio Test Sets		+2,000	+7,000	+4,900
83	**MECHANIZED MATERIAL HANDLING**	**13,919**	**16,919**	**21,919**	**19,919**
	Point of Maintenance Initiative [Note: To include rugged client devices with full screen displays]		+3,000	+8,000	+6,000
87	**BASE PROCURED EQUIPMENT**	**9,617**	**9,617**	**15,617**	**12,617**
	Combat Arms Training System			+6,000	+3,000
88	**MEDICAL/DENTAL EQUIPMENT**	**13,889**	**13,889**	**16,889**	**15,989**
	Expeditionary Medical Support (EMEDS)			+3,000	+2,100
92	**PRODUCTIVITY ENHANCING CAPITAL INVESTMENT**	**6,210**	**3,110**	**6,210**	**3,110**
	FASCAP		-3,100		-3,100
95	**ITEMS LESS THAN $5 MILLION**	**14,940**	**14,940**	**14,940**	**15,552**
	Columbus AFB Fire Alarm System Replacement [Note: transferred from Operation and Maintenance, AF]				+612

COMBAT TRAINING RANGES

The conferees have reduced the requests for Combat Training Ranges by $4,200,000. Funding for this program has been reduced due to historically slow execution of program funds included in the request. The conferees expect that this reduction will be applied proportionately among the various non-Congressional interest items and activities within this program element.

PROCUREMENT, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PROCUREMENT, DEFENSE-WIDE				
MAJOR EQUIPMENT				
MAJOR EQUIPMENT, OSD/WHS				
WHS MOTOR VEHICLES	70	70	70	70
MAJOR EQUIPMENT, OSD	37,291	37,291	86,191	86,191
MAJOR EQUIPMENT, WHS	21,622	16,622	21,622	16,622
INFORMATION SYSTEM SECURITY PROGRAM	---	---	5,000	---
MAJOR EQUIPMENT, DISA				
INFORMATION SYSTEMS SECURITY	32,860	32,860	22,960	22,960
DEFENSE MESSAGE SYSTEM	5,277	5,277	5,277	5,277
GLOBAL COMMAND AND CONTROL SYS	4,743	4,743	4,743	4,743
GLOBAL COMBAT SUPPORT SYSTEM	2,507	2,507	2,507	2,507
TELEPORTS	58,160	58,160	53,160	53,160
GLOBAL INFORMATION GRID	380,135	380,135	380,135	380,135
ITEMS LESS THAN $5M	70,025	70,025	61,525	61,525
MAJOR EQUIPMENT, DIA				
INTELLIGENCE COMMUNICATIONS	---	---	22,000	---
MAJOR EQUIPMENT, DLA				
MAJOR EQUIPMENT	8,545	8,545	8,545	8,545
MAJOR EQUIPMENT, DCAA				
MAJOR EQUIPMENT ITEMS LESS THAN $5M	1,500	1,500	1,500	1,500
MAJOR EQUIPMENT, TJS				
MAJOR EQUIPMENT, TJS	46,114	46,114	46,114	46,114
MAJOR EQUIPMENT, DHRA				
PERSONNEL ADMINISTRATION	7,312	7,312	7,312	7,312
NATIONAL IMAGERY AND MAPPING AGENCY				
MAJOR EQUIPMENT, NIMA	---	---	29,000	---
DEFENSE THREAT REDUCTION AGENCY				
VEHICLES	200	200	200	200

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OTHER MAJOR EQUIPMENT	37,350	37,350	37,350	37,350
DEFENSE SECURITY COOPERATION AGENCY				
OTHER MAJOR EQUIPMENT	209	209	209	209
MAJOR EQUIPMENT, AFIS				
MAJOR EQUIPMENT, AFIS	6,824	6,824	6,824	6,824
MAJOR EQUIPMENT, DODDE				
AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,337	2,337	2,337	2,337
MAJOR EQUIPMENT, DCMA				
MAJOR EQUIPMENT	9,908	9,908	9,908	9,908
MAJOR EQUIPMENT, DTSA				
MAJOR EQUIPMENT	590	590	590	590
TOTAL, MAJOR EQUIPMENT	733,579	728,579	815,079	754,079
SPECIAL OPERATIONS COMMAND				
AVIATION PROGRAMS				
SOF ROTARY WING UPGRADES	675,063	680,063	483,963	588,313
SOF TRAINING SYSTEMS	56,133	56,133	56,133	56,133
MC-130H COMBAT TALON II	8,838	8,838	8,838	8,838
CV-22 SOF MODIFICATION	108,790	108,790	108,790	108,790
AC-130U GUNSHIP ACQUISITION	390,054	362,324	390,054	362,324
C-130 MODIFICATIONS	214,798	224,298	162,398	191,648
AIRCRAFT SUPPORT	295	295	295	295
SHIPBUILDING				
ADVANCED SEAL DELIVERY SYS	8,351	8,351	8,351	8,351
ADVANCED SEAL DELIVERY SYS (AP-CY)	23,573	23,573	---	23,573
MK VIII MOD 1 - SEAL DELIVERY VEH	10,100	10,100	10,100	10,100
AMMUNITION PROGRAMS				
SOF ORDNANCE REPLENISHMENT	35,746	35,746	35,746	35,746
SOF ORDNANCE ACQUISITION	22,506	24,006	22,506	23,156

(In thousands of dollars)

	Budget	House	Senate	Conference
OTHER PROCUREMENT PROGRAMS				
COMM EQUIPMENT & ELECTRONICS	56,225	62,225	31,725	39,975
SOF INTELLIGENCE SYSTEMS	16,522	20,522	16,522	19,322
SOF SMALL ARMS & WEAPONS	16,003	45,503	50,003	50,103
JOINT MILITARY INTELLIGENCE PROGRAM	18,269	18,269	18,269	18,269
ITV	5,206	5,206	5,206	11,206
MARITIME EQUIPMENT MODS	1,316	4,316	4,316	3,616
SOF COMBATANT CRAFT SYSTEMS	9,981	13,481	9,981	23,481
SPARES AND REPAIR PARTS	7,995	7,995	7,995	7,995
SOF MARITIME EQUIPMENT	1,990	1,990	18,490	1,990
MISCELLANEOUS EQUIPMENT	11,207	11,207	11,207	11,207
SOF PLANNING AND REHEARSAL SYSTEM	292	292	292	292
SOF OPERATIONAL ENHANCEMENTS	235,269	261,269	241,187	249,469
PSYOP EQUIPMENT	18,264	18,264	18,264	18,264
TOTAL, SPECIAL OPERATIONS COMMAND	1,952,786	2,013,056	1,720,631	1,872,456
CHEMICAL/BIOLOGICAL DEFENSE				
CBDP				
INDIVIDUAL PROTECTION	85,018	85,018	90,018	87,518
DECONTAMINATION	12,643	14,643	12,643	14,643
JOINT BIOLOGICAL DEFENSE PROGRAM	71,952	71,952	71,952	71,952
COLLECTIVE PROTECTION	17,608	38,608	42,608	43,858
CONTAMINATION AVOIDANCE	318,516	318,516	342,516	337,616
TOTAL, CHEMICAL/BIOLOGICAL DEFENSE	505,737	528,737	559,737	555,587
CLASSIFIED PROGRAMS	473,404	533,404	473,404	527,804
TOTAL, PROCUREMENT, DEFENSE-WIDE	3,665,506	3,803,776	3,568,851	3,709,926

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	House	Senate	Conference
2	**MAJOR EQUIPMENT, OSD.**	**37,291**	**37,291**	**86,191**	**86,191**
	High Performance Computing Modernization (Transfer from OP,AF)			+48,900	+48,900
3	**MAJOR EQUIPMENT, WHS**	**21,622**	**16,622**	**21,622**	**16,622**
	Case Control Management System (DSS)		-5,000		-5,000
5	**INFORMATION SYSTEMS SECURITY PROGRAM**			**5,000**	**0**
	Secure Wireless Technology Capability			+5,000	0
8	**INFORMATION SYSTEMS SECURITY**	**32,860**	**32,860**	**22,960**	**22,960**
	Premature Request			-9,900	-9,900
13	**TELEPORTS**	**58,160**	**58,160**	**53,160**	**53,160**
	Installation Cost Growth			-5,000	-5,000
15	**ITEMS LESS THAN $5 MILLION.**	**70,025**	**70,025**	**61,525**	**61,525**
	Unjustified Request			-8,500	-8,500
16	**INTELLIGENCE AND COMMUNICATION**		**0**	**22,000**	**0**
	Classified Adjustment			+22,000	0
25	**MAJOR EQUIPMENT, NIMA**	**0**	**0**	**29,000**	**0**
	Classified Adjustment			+29,000	0
33	**SOF ROTARY WING UPGRADES**	**675,063**	**680,063**	**483,963**	**588,313**
	Advanced Threat IR Countermeasure/Common Missile Warning System (ATIRCM/CMWS)		+5,000		+4,250
	Army Delay-MH-60 SLEP and Associated Equipment			-153,000	-80,000
	MH-47 Spares Unjustified Growth			-38,100	-11,000
37	**AC-130U GUNSHIP ACQUISITION**	**390,054**	**362,324**	**390,054**	**362,324**
	Contract Savings		-27,730		-27,730
38	**C-130 MODIFICATIONS**	**214,798**	**224,298**	**162,398**	**191,648**
	AN/AAQ-24(V) NEMESIS for ANG EC-130J		+9,500		+6,450
	MC-130H Aerial Refueling System Acquisistion Phasing			-53,800	-26,000
	HPFOTD-Premature Procurement			-8,600	-8,600
	EC-130J Modification			+10,000	+5,000
41	**ADVANCED SEAL DELIVERY SYS (AP-CY)**	**23,573**	**23,573**	**0**	**23,573**
	Transfer to RDTE,DW			-23,573	0
45	**SOF ORDNANCE ACQUISITION**	**22,506**	**24,006**	**22,506**	**23,156**
	AT4 Confined Space Weapon		+2,500		+2,250
	M72 Lightweight Anti-Armor Weapon System		+4,000		+3,400
	Requirements for MAWS Satisfied With Prior Year Supplemental Funds		-5,000		-5,000
46	**COMM EQUIPMENT & ELECTRONICS**	**56,225**	**62,225**	**31,725**	**39,975**
	Special Reconnaissance Capability		+6,000		+3,000
	Multi-Band Multi-Mission Radio		+5,000		+4,250
	Requirements for TACLAN Satisfied With Prior Year Supplemental Funds/Cost Growth		-5,000	-9,500	-8,500
	SOFTACS Cost Growth			-10,000	-10,000
	C4IAS Underexecution			-5,000	-5,000
47	**SOF INTELLIGENCE SYSTEMS**	**16,522**	**20,522**	**16,522**	**19,322**
	Buster Backpak UAV		+4,000		+2,800

P-1		Budget Request	House	Senate	Conference
48	**SOF SMALL ARMS & WEAPONS**	**16,003**	**45,503**	**50,003**	**50,103**
	Infrared Zoom Laser Illumination/Rangefinder Designator		+3,000	+3,000	+3,000
	AN/PVS-21 Low Profile Night Vision Goggles		+1,500		+1,100
	Enhanced Close Combat Optic		+5,000		+2,500
	Lightweight Counter Mortar Radar		+4,000		+1,400
	Magnum Universal Night Sight		+2,000		+1,700
	ALGL Systems/MK47 Mod Striker		+14,000	+22,000	+18,000
	AN/PVS-17 Mini Night Sight			+4,000	+2,800
	SOPMOD Block I Objective			+3,000	+2,100
	Weapons Shot Counter			+2,000	+1,500
50	**ITV**	**5,206**	**5,206**	**5,206**	**11,206**
	SOCOM ATV Project (transferred from RDT&E,DW Line 185)				+6,000
51	**MARITIME EQUIPMENT MODS**	**1,316**	**4,316**	**4,316**	**3,616**
	Surface and Underwater Mobility Enhancements for Maritime SOF		+3,000		+800
	MK-V Advanced Shock Mitigating Seats			+3,000	+1,500
52	**SOF COMBATANT CRAFT SYSTEMS**	**9,981**	**13,481**	**9,981**	**23,481**
	Special Operations Craft Riverine		+3,500		+13,500
54	**SOF MARITIME EQUIPMENT..**	**1,990**	**1,990**	**18,490**	**1,990**
	Additional SOC-R (transferred to line 52)			+16,500	0
58	**SOF OPERATIONAL ENHANCEMENTS**	**235,269**	**261,269**	**241,187**	**249,469**
	SOF Specific DISM Systems		+1,000		+1,000
	Classified		+25,000	+33,000	+26,500
	Classified Reductions			-18,882	-8,800
	Budget Amendment Correction			-8,200	-4,500
60	**INDIVIDUAL PROTECTION**	**85,018**	**85,018**	**90,018**	**87,518**
	Chem/Bio Defense Masks			+5,000	+2,500
61	**DECONTAMINATION**	**12,643**	**14,643**	**12,643**	**14,643**
	M100 Sorgent Decontamination System		+1,000		+1,000
	M291 Decontamination Kit		+1,000		+1,000
63	**COLLECTIVE PROTECTION**	**17,608**	**38,608**	**42,608**	**43,858**
	Chemical Biological Protected Shelters		+6,000	+25,000	+17,500
	Collective Protection Systems		+10,000		+5,000
	M28 Protective Equipment		+5,000		+3,750
64	**CONTAMINATION AVOIDANCE.**	**318,516**	**318,516**	**342,516**	**337,616**
	Contamination Avoidance-Filters			+1,000	+1,000
	ACADA			+20,000	+15,000
	Joint Chemical Agent Detector			+3,000	+2,100
	WMD Civil Support Teams			[1,000]	+1,000
999	**CLASSIFIED PROGRAMS**	**473,404**	**533,404**	**473,404**	**527,804**
	Classified Program Adjustment		+60,000		+54,400

ADVANCED SEAL DELIVERY SYSTEM (ASDS)

The House provided the funds as requested for advance procurement for long lead items associated with the second ASDS, but directed that none of the funds be obligated before the first ASDS satisfactorily passes operational evaluation and before the Milestone C decision assessing affordability and effectiveness is completed. The Senate transferred the funds requested to Research, Development, Test & Evaluation, Defense-Wide. The conferees agree to provide the budget request for advance procurement and concur with the direction of the House. The conferees further direct that none of the funds provided may be obligated or expended until 15 days after the Secretary of the Navy notifies the defense committees in writing of the Milestone C decision and provides a detailed report on the program's revised cost estimate and future budget requirements as validated by the Cost Analysis and Improvement Group.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
NATIONAL GUARD & RESERVE EQUIPMENT				
RESERVE EQUIPMENT ARMY RESERVE MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
NAVY RESERVE MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
MARINE CORPS RESERVE MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
AIR FORCE RESERVE MISCELLANEOUS EQUIPMENT	---	15,000	50,000	45,000
TOTAL, RESERVE EQUIPMENT	---	60,000	200,000	180,000
NATIONAL GUARD EQUIPMENT ARMY NATIONAL GUARD MISCELLANEOUS EQUIPMENT	---	20,000	240,000	100,000
AIR NATIONAL GUARD MISCELLANEOUS EQUIPMENT	---	20,000	260,000	120,000
TOTAL, NATIONAL GUARD EQUIPMENT	---	40,000	500,000	220,000
TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	---	100,000	700,000	400,000

AIR NATIONAL GUARD

The Senate recommended a specific increase of $20,000,000 for F–15 Engine Kits within the amounts provided to the Air National Guard. The House concurs and the conferees agree to provide $20,000,000 for F–15 Engine Kits.

ITEMS OF SPECIAL INTEREST

The conferees agree that the National Guard and Reserve equipment program shall be executed by the heads of the Guard and Reserve components with priority consideration for miscellaneous equipment appropriations given to the following items: Air National Guard Threat Emitter, Handheld Standoff Mine Detection System, Lightweight Maintenance Enclosure, Intelligence Infrastructure, Improved Target Acquisition System, F–16 Block 42 Re-engining Program, RAID Helicopter Electro-Optical Sensor Upgrade, Common Bridge Transporter, Extended Cold Weather Clothing System, F–16 and A–10 LITENING AT Targeting Pod, M-COFT XXI, Theater Airborne Reconnaissance System, Expandable Light Air Mobility Shelters, Movement Tracking System, Laser Marksmanship Training System, Bladefold Kits for Apache Helicopters, Engineer Mission Modules for PLS, Tactical Firefighting Equipment, HMMWV, Up-Armored HMMWV, Construction Equipment SLEP, AN/PVS–7, AN/PVS–14, LITENING II, A-FIST XXI Simulation Trainers, A–FIST, AB/FIST Simulation Trainers, F–16 TARS/SAR, DFIRST, Abrams Sidecar, Sidecar Embedded Diagnostic Systems for M1A1 tanks, Combined Support Function Module Replacment Test Equipment for DSESTS (CSFM), Self-Loading Trailer, M–109A6 Paladin Rebuild, EST 2000, AF Reserve Command and Control Communications Systems Upgrade, JSTARs NRE for procurement of Re-engining, and FMTV.

DEFENSE PRODUCTION ACT PURCHASES

The conferees agree to provide $78,016,000 for the Defense Production Act Purchases appropriation, $10,500,000 over the request.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
(In thousands of dollars)

	Request	House	Senate	Conference
	67,516	**67,516**	**77,516**	**78,016**
Flexible Aerogel Material Supplier Initiative			(3,000)	1,500
Rigid Rod Polymer Materials Technology			10,000	7,000
Missile Defense Agency Battery Initiative				2,000

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RECAPITULATION				
Research, Development, Test and Evaluation, Army	9,122,825	10,186,272	9,513,048	10,363,941
Research, Development, Test and Evaluation, Navy......	14,106,653	14,666,239	14,886,381	15,146,383
Research, Development, Test and Evaluation, Air Force.	20,336,258	20,704,267	20,086,290	20,500,984
Research, Development, Test and Evaluation, Defense-Wide..	17,974,257	18,763,791	18,774,428	18,900,715
Operational Test and Evaluation, Defense.............	286,661	293,661	304,761	305,861
GRAND TOTAL..	61,826,654	64,614,230	63,564,908	65,217,884

JOINT STRIKE FIGHTER (JSF)

The conferees agree to provide a total of $4,322,623,000 for continued development and testing of the F–35, Joint Strike Fighter (JSF). This recommended level is $43,200,000 below the budget request, $88,800,000 above the level recommended by the House, and $60,000,000 below the level recommended by the Senate.

The conferees agree to a reduction of $54,000,000 for excessive management support, as proposed by the House, a reduction of $56,000,000 and an increase of $52,800,000, as proposed by the Senate, based on the inappropriate application of inflation adjustments, and an increase of $14,000,000 for risk reduction on the F–136 interchangeable engine. The conference agreement to reverse the decision of the JSF program office with respect to the application of inflation adjustments, is based on the understanding that the "across the board inflationary adjustment" was applied disproportionately to the F–136 interchangeable engine development, resulting in a $56,000,000 reduction to this development effort. The conference agreement redistributes this inflation adjustment to the entire program and restores $52,800,000 to the engine development program, as proposed by the Senate.

WITHHOLDING OF RESEARCH AND DEVELOPMENT FUNDING

The conferees are concerned with the practice of withholding a percentage of research and development funding from programs, projects and activities. The conferees are also concerned that many Department of Defense organizations are charging "taxes" on funds that are appropriated to or pass through the control of the organization, and that the practices of withholding and "taxing" appropriated funds appears widespread throughout the research and development community, including headquarters, laboratories, and other research entities.

The conferees believe that the practice of altering the level of appropriated funds via administrative "withholds" or the administration of "taxes" without specific direction from the Congress, violates the intent of Congress.

The conferees, therefore, direct the Comptroller General to review all of the research and development appropriation accounts, at all levels, and submit a report to the House and Senate Committees on Appropriations, no later than March 1, 2004, that details what fiscal year 2003 and 2004 programs, projects and activities have been subject to administrative withholds and "taxes" and the programs, projects and activities to which these amounts were applied.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	24,121	27,121	24,121	24,121
DEFENSE RESEARCH SCIENCES	128,798	143,198	157,498	157,498
UNIVERSITY RESEARCH INITIATIVES	71,642	70,142	76,042	85,972
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	84,816	95,916	100,142	100,642
FORCE HEALTH PROTECTION	9,847	15,347	12,847	16,647
DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	9,730	9,730	---	---
HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY	14,083	14,083	---	---
TOTAL, BASIC RESEARCH	343,037	375,537	370,650	384,880
APPLIED RESEARCH				
MATERIALS TECHNOLOGY	15,186	31,186	41,186	41,286
SENSORS AND ELECTRONIC SURVIVABILITY	22,765	25,265	25,765	26,065
TRACTOR HIP	5,835	5,835	1,735	5,835
AVIATION TECHNOLOGY	39,459	40,459	39,459	40,459
EW TECHNOLOGY	17,029	17,029	17,029	17,029
MISSILE TECHNOLOGY	43,269	62,769	100,565	94,569
ADVANCED WEAPONS TECHNOLOGY	14,189	14,189	14,189	15,189
ADVANCED CONCEPTS AND SIMULATION	15,941	21,941	29,941	31,441
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	80,910	128,410	107,910	129,260
BALLISTICS TECHNOLOGY	53,478	56,478	55,478	59,078
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,540	15,540	21,540	22,440
JOINT SERVICE SMALL ARMS PROGRAM	5,835	5,835	5,835	5,835
WEAPONS AND MUNITIONS TECHNOLOGY	39,485	95,235	52,985	77,785
ELECTRONICS AND ELECTRONIC DEVICES	33,694	74,094	56,394	79,334

	(In thousands of dollars)			
	Budget	House	Senate	Conference
NIGHT VISION TECHNOLOGY	22,233	22,233	22,233	22,233
COUNTERMINE SYSTEMS	21,291	28,291	25,291	26,891
HUMAN FACTORS ENGINEERING TECHNOLOGY	16,749	26,249	16,749	24,699
ENVIRONMENTAL QUALITY TECHNOLOGY	18,252	24,252	25,852	31,852
COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	18,728	18,728	18,728	18,728
COMPUTER AND SOFTWARE TECHNOLOGY	4,142	4,142	4,142	4,142
MILITARY ENGINEERING TECHNOLOGY	45,407	50,907	51,407	53,307
MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,548	15,548	15,548	15,548
WARFIGHTER TECHNOLOGY	29,421	44,421	38,421	50,971
MEDICAL TECHNOLOGY	58,877	185,177	101,377	188,727
TOTAL, APPLIED RESEARCH	641,263	1,014,213	889,759	1,082,703
ADVANCED TECHNOLOGY DEVELOPMENT				
WARFIGHTER ADVANCED TECHNOLOGY	63,882	61,382	67,882	67,682
MEDICAL ADVANCED TECHNOLOGY	35,168	233,968	105,668	220,418
AVIATION ADVANCED TECHNOLOGY	72,083	81,468	83,583	86,018
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	47,752	55,752	47,752	54,402
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	210,856	248,356	262,856	274,006
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	10,379	11,629	10,379	11,479
MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,931	11,431	4,931	9,031
ELECTRONIC WARFARE ADVANCED TECHNOLOGY (H)	40,347	45,347	60,347	59,947
TRACTOR HIKE	8,781	8,781	6,781	7,781
NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,649	12,649	26,649	15,849
TRACTOR ROSE	2,872	2,872	1,533	4,211
EXPLOSIVES DEMILITARIZATION TECHNOLOGY	9,349	9.349	28,749	25,149
MILITARY HIV RESEARCH	6,733	16,733	6,733	14,233
COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	4,916	9,916	4,916	8,716
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	12,660	12,660	12,660	12,660

	(In thousands of dollars)			
	Budget	House	Senate	Conference
EW TECHNOLOGY	11,273	22,573	13,273	25,673
MISSILE AND ROCKET ADVANCED TECHNOLOGY	111,321	104,321	136,849	122,621
TRACTOR CAGE	7,592	7,592	7,592	7,592
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	24,552	24,552	32,452	30,052
JOINT SERVICE SMALL ARMS PROGRAM	6,193	11,193	6,193	9,693
LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	8,847	8,847	8,847	8,847
NIGHT VISION ADVANCED TECHNOLOGY	47,088	89,088	60,088	85,138
ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,776	24,276	15,776	20,726
MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,441	5,441	13,521	13,271
ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY	20,255	26,255	24,255	25,055
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	805,696	1,146,431	1,050,265	1,220,250
DEMONSTRATION & VALIDATION				
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	51,547	78,547	103,547	109,297
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	9,632	12,632	40,732	35,932
AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	79,959	89,959	121,059	122,859
LANDMINE WARFARE AND BARRIER - ADV DEV	36,976	36,976	36,976	36,976
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	10,262	10,262	10,262	10,262
TANK AND MEDIUM CALIBER AMMUNITION	11,249	24,749	21,249	26,349
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	61,377	61,377	61,377	61,377
SOLDIER SUPPORT AND SURVIVABILITY	13,987	13,987	13,987	13,987
TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	17,068	17,068	17,068	17,068
NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	5,283	8,283	5,283	7,083
ENVIRONMENTAL QUALITY TECHNOLOGY	11,514	39,514	22,014	40,964
WARFIGHTER INFORMATION NETWORK-TACTICAL	90,774	82,311	82,311	82,311
NATO RESEARCH AND DEVELOPMENT	4,779	2,779	4,779	2,779
AVIATION - ADV DEV	9,968	13,968	14,968	14,468
WEAPONS AND MUNITIONS - ADV DEV	31,856	31,856	31,856	31,856
LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	12,008	9,308	19,508	13,008
COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	8,682	8,682	8,682	8,682
MEDICAL SYSTEMS - ADV DEV	11,042	11,042	16,042	13,542

(In thousands of dollars)

	Budget	House	Senate	Conference
INTEGRATED BROADCAST SERVICE (JMIP/DISTP).............	2,097	2,097	2,097	2,097
SCAMP BLOCK II..	28,028	28,028	28,028	28,028
MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS...	276,259	276,259	---	252,259
TOTAL, DEMONSTRATION & VALIDATION..................	784,347	859,684	661,825	931,184
ENGINEERING & MANUFACTURING DEVELOPMENT				
AIRCRAFT AVIONICS.....................................	64,650	47,650	59,650	47,650
COMANCHE..	1,079,257	1,079,257	1,079,257	1,079,257
EW DEVELOPMENT..	33,214	33,214	33,214	33,214
JOINT TACTICAL RADIO..................................	134,693	134,693	134,693	134,693
ALL SOURCE ANALYSIS SYSTEM............................	20,168	20,168	20,168	20,168
TRACTOR CAGE..	16,215	16,215	16,215	16,215
COMMON MISSILE..	183,790	165,790	107,790	94,690
INFANTRY SUPPORT WEAPONS..............................	21,637	21,637	31,637	28,637
MEDIUM TACTICAL VEHICLES..............................	4,366	4,366	4,366	4,366
SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD.........	12,094	12,094	12,094	12,094
JAVELIN...	956	956	956	956
FAMILY OF HEAVY TACTICAL VEHICLES.....................	9,200	17,200	17,500	17,050
AIR TRAFFIC CONTROL...................................	2,514	2,514	2,514	2,514
LIGHT TACTICAL WHEELED VEHICLES.......................	15,700	20,700	15,700	18,200
ARMORED SYSTEMS MODERNIZATION (ASM)-SDD...............	1,701,331	1,701,331	1,701,331	1,701,331
NIGHT VISION SYSTEMS - SDD............................	29,022	35,022	30,522	35,222
COMBAT FEEDING, CLOTHING, AND EQUIPMENT...............	67,283	125,783	100,000	100,000
NON-SYSTEM TRAINING DEVICES - SDD.....................	71,616	71,616	71,616	71,616
TERRAIN INFORMATION - SDD.............................	6,977	6,977	6,977	6,977
INTEGRATED METEOROLOGICAL SUPPORT SYSTEM..............	3,309	3,309	3,309	3,309
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - SDD...	29,297	29,297	29,297	29,297
CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT...........	16,994	16,994	16,994	16,994
AUTOMATIC TEST EQUIPMENT DEVELOPMENT..................	4,634	7,634	10,634	11,434
DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD......	26,358	26,358	26,358	26,058

	(In thousands of dollars)			
	Budget	House	Senate	Conference
TACTICAL SURVEILLANCE SYSTEMS - SDD	19,695	26,695	25,695	26,295
ARMY TACTICAL MISSILE SYSTEM (ATACMS)	55,075	2,000	4,000	10,000
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	4,705	4,705	4,705	4,705
POSITIONING SYSTEMS DEVELOPMENT (SPACE)	1,574	1,574	1,574	1,574
COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,998	3,998	3,998	3,998
JOINT NETWORK MANAGEMENT SYSTEM	9,437	9,437	9,437	9,437
AVIATION - SDD	2,379	2,379	3,379	3,379
WEAPONS AND MUNITIONS - SDD	129,409	148,909	153,409	160,859
LOGISTICS AND ENGINEER EQUIPMENT - SDD	86,288	92,288	86,288	88,388
COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	219,088	229,088	219,088	219,088
MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	12,202	24,702	16,202	22,852
LANDMINE WARFARE/BARRIER - SDD	90,396	98,396	90,396	97,196
ARTILLERY MUNITIONS	133,994	123,994	133,994	123,994
COMBAT IDENTIFICATION	3,541	11,541	15,541	15,941
ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	98,129	104,129	98,129	102,229
LOSAT	30,809	30,809	30,809	30,809
FIREFINDER	27,107	27,107	27,107	27,107
ARTILLERY SYSTEMS	32,629	32,629	32,629	32,629
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	174,475	174,475	---	158,475
INFORMATION TECHNOLOGY DEVELOPMENT	47,566	52,566	62,566	63,866
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,737,771	4,802,196	4,551,738	4,714,763
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	17,751	17,751	21,251	20,251
TARGET SYSTEMS DEVELOPMENT	13,890	13,890	13,890	13,890
MAJOR T&E INVESTMENT	62,135	62,135	62,135	62,135
RAND ARROYO CENTER	22,804	22,804	22,804	22,804
ARMY KWAJALEIN ATOLL	137,307	137,307	141,307	140,407
CONCEPTS EXPERIMENTATION PROGRAM	26,473	26,473	33,473	31,723
ARMY TEST RANGES AND FACILITIES	174,603	174,603	185,203	185,203
ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	54,986	56,986	57,986	58,786

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SURVIVABILITY/LETHALITY ANALYSIS	39,138	38,138	45,138	42,338
DOD HIGH ENERGY LASER TEST FACILITY	17,806	17,806	19,306	18,906
AIRCRAFT CERTIFICATION	3,098	3,098	3,098	3,098
METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	9,669	9,669	9,669	9,669
MATERIEL SYSTEMS ANALYSIS	15,832	15,832	15,832	15,832
EXPLOITATION OF FOREIGN ITEMS	3,579	3,579	3,579	3,579
SUPPORT OF OPERATIONAL TESTING	67,795	67,795	67,795	67,795
ARMY EVALUATION CENTER	57,074	47,074	47,074	47,074
SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	2,654	2,654	2,654	2,654
PROGRAMWIDE ACTIVITIES	71,555	65,055	71,555	65,055
TECHNICAL INFORMATION ACTIVITIES	28,520	43,520	28,520	43,520
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	19,855	43,355	29,855	41,105
ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,938	4,938	4,938	4,938
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,995	12,495	8,995	11,995
TOTAL, RDT&E MANAGEMENT SUPPORT	860,457	886,957	896,057	912,757
OPERATIONAL SYSTEMS DEVELOPMENT				
MLRS PRODUCT IMPROVEMENT PROGRAM	84,839	84,839	84,839	84,839
AEROSTAT JOINT PROJECT OFFICE	57,549	60,549	57,549	59,049
DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCT	---	4,500	2,000	4,000
ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	28,917	28,917	28,917	28,917
COMBAT VEHICLE IMPROVEMENT PROGRAMS	24,486	28,486	31,486	31,686
MANEUVER CONTROL SYSTEM	39,581	39,581	45,581	39,581
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	187,959	269,959	279,959	277,759
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,399	10,399	8,399	5,399
DIGITIZATION	18,251	18,251	18,251	18,251
FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	48,436	48,436	48,436	48,436
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,468	44,468	46,968	46,568
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	9,822	9,822	9,822	9,822
TRACTOR RUT	8,851	8,851	8,851	8,851

	(In thousands of dollars) Budget	House	Senate	Conference
TRACTOR CARD	9,255	9,255	9,255	9,255
JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	16,543	16,543	16,543	16,543
JOINT TACTICAL GROUND SYSTEM	9,767	9,767	9,767	9,767
SPECIAL ARMY PROGRAM	5,968	8,968	11,268	21,468
SECURITY AND INTELLIGENCE ACTIVITIES	---	14,500	10,500	16,050
INFORMATION SYSTEMS SECURITY PROGRAM	20,728	20,728	13,728	20,728
GLOBAL COMBAT SUPPORT SYSTEM	58,983	66,483	48,983	55,833
SATCOM GROUND ENVIRONMENT (SPACE)	87,352	87,352	87,352	87,352
WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	20,124	17,124	20,124	17,124
TRAFFIC CONTROL, APPROACH AND LANDING SYSTEM	956	956	956	956
TACTICAL UNMANNED AERIAL VEHICLES	60,493	61,493	75,493	69,393
AIRBORNE RECONNAISSANCE SYSTEMS	4,751	4,751	4,751	4,751
DISTRIBUTED COMMON GROUND SYSTEMS	32,292	40,792	32,292	37,792
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	65,981	84,981	80,181	86,731
NATO JOINT STARS	503	503	503	503
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	950,254	1,101,254	1,092,754	1,117,404
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	9,122,825	10,186,272	9,513,048	10,363,941

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**IN-HOUSE LABORATORY INDEPENDENT RESEARCH**	**24,121**	**27,121**	**24,121**	**24,121**
	Coal-Based Jet Fuel		+3,000		0
2	**DEFENSE RESEARCH SCIENCES**	**128,798**	**143,198**	**157,498**	**157,498**
	Perpetually Assailable and Secure Information Systems Research, Training and Education (PASIS)		+10,000	+2,000	+6,100
	Research Center for Advanced Deployable Nano-Sensors (Note: only to continue support for a Research Center for Advanced Deployable Nano-Sensors to develop target recognition and identification nano-sensing capabilities.)		+2,000		+1,200
	Buffalo Center of Excellence in Bioinformatics		+2,400		+1,200
	Knowledge Management Fusion		0	[2,000]	+1,000
	Desert Terrain Analysis for Enhancing Military Operations			+4,000	+3,000
	Terrain Atmosphere Interactions			+2,200	+1,500
	Biofilms--Terrorist Agents in Drinking Water			+3,000	+2,100
	Nano-Materials Research			+1,000	+1,000
	Optical Technologies Research			+5,000	+3,500
	Advanced Research and Technology			+4,500	+3,100
	Alternative Energy Research			+1,000	+1,000
	Advanced Carbon Nanotechnology Program			+4,000	+3,000
	Nano-Photonic Systems Fabrication			+2,000	+1,000
3	**UNIVERSITY RESEARCH INITIATIVES**	**71,642**	**70,142**	**76,042**	**85,972**
	Reduce programmed growth		-7,000		-7,000
	Laboratory for Engineered Human Protection (LEHP)		+3,500		+2,100
	Desert Environmental Research (Note: only to complete the ongoing University-based GIS program)		+2,000		+1,700
	Institute for Entrepreneurial Excellence Technology Transfer Project (Note: transferred from RDTE,DW line 3)				+1,530
	Institute of Bioengineering and Nanoscience in Advanced Medicine (Note: transferred from RDTE,DW line 3)				+2,500
	Anti-corrosion studies (Note: transferred from RDTE,DW line 3)				+1,000
	MEMS Sensor for Rolling Element Bearings (Note: transferred from RDTE,DW line 3)				+1,400
	Center for Geosciences (Note: transferred from RDTE,DW line 3)				+1,500
	Defense Commercialization Research Initiative (Note: transferred from RDTE,DW line 3)				+5,000
	Electronic Engineering Technology Program (Note: transferred from RDTE,DW line 3)				+1,000
	National Security Training (Note: transferred from RDTE,DW line 3)				+1,000
	Bioinformatics Research (Note: Only for the Buffalo New York Bioinformatics Program)			+2,400	+1,200
	Low Temperature Research			+2,000	+1,400

R-1		Budget Request	House	Senate	Conference
4	**UNIVERSITY AND INDUSTRY RESEARCH CENTERS**	**84,816**	**95,916**	**100,142**	**100,642**
	Center for Ferroelectrics Electronic Photonic Nanodevices		+3,000	+3,000	+3,000
	Data Analysis & Conversion		+2,000		+1,000
	Army Centers of Excellence		+2,100		+1,500
	Institute for Creative Technologies		+2,000		+1,400
	Eye and Sensor Protection Against Laser Source		+2,000		+1,000
	Nanotubes Optimized for Lightweight Exceptional Strength		0	0	+500
	Rapidly Deployable Visualization for Training & Simulation			+1,000	+1,000
	Small Trailer Corrosion Prevention Program			+500	+500
	Dendritic Nanotechnology Research (Note: transferred to line 34)			+3,000	0
	University Based Automotive Research			+3,000	+2,100
	TACOM Automotive Research Center University Research			+4,000	+3,000
	Composite Materials Research			+826	+826
5	**FORCE HEALTH PROTECTION**	**9,847**	**15,347**	**12,847**	**16,647**
	MEMS for Defense Applications and Nanotechnology		+5,500		+4,700
	Gulf War Illness Research			+3,000	+2,100
6	**DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH**	**9,730**	**9,730**	**0**	**0**
	Transfer to RDTE,DW line 7			-9,730	-9,730
7	**HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS**	**14,083**	**14,083**	**0**	**0**
	Transfer to RDTE,DW line 10			-14,083	-14,083
8	**MATERIALS TECHNOLOGY**	**15,186**	**31,186**	**41,186**	**41,286**
	Advanced Material Processing for Future Combat Systems		+5,000	+7,000	+6,000
	Future Affordable Multi-Utility (FAMU) Materials for the Army Future Combat Systems		+3,000	+5,000	+4,300
	Precision Polishing of Large Optics (Note: Only for the continued development of MRF and RAP finishing of large optics)		+4,000		+3,400
	Titanium Powder Alloy Production (Note: Only to enhance domestic capacity to produce inexpensive, high-quality titanium powder for military use)		+2,000		+1,700
	Ballistic Shields		+1,000		+1,000
	Molecular Design of Polymer Nanocomposites		+1,000		+1,000
	Center for Innovative Material for Infrastructure Security		0	0	+1,000
	Materials Joining for Army Weapons Systems			+3,000	+1,800
	Composite Materials Technology for Future Combat			+4,000	+2,000
	Low Cost Enabling Technologies			+2,000	+1,400
	Advanced Materials for Mine Detection and Blast Mitigation			+5,000	+2,500

R-1		Budget Request	House	Senate	Conference
9	**SENSORS AND ELECTRONIC SURVIVABILITY**	**22,765**	**25,265**	**25,765**	**26,065**
	Disposable Sensors for Battlefield and Urban Warfare		+2,500		+1,200
	Portable Chemical-Biological Agent Detection System			+3,000	+2,100
10	**TRACTOR HIP**	**5,835**	**5,835**	**1,735**	**5,835**
	Classified program			-4,100	0
11	**AVIATION TECHNOLOGY**	**39,459**	**40,459**	**39,459**	**40,459**
	Advanced Control Technology		+1,000		+1,000
13	**MISSILE TECHNOLOGY**	**43,269**	**62,769**	**100,565**	**94,569**
	Hypersonic technology reduce programmed growth		-5,500	-1,904	-3,500
	Multiple Component Army Flight Test		+3,000	+2,500	+2,600
	LCGNU Technology Development		+2,000		+1,000
	MARIAH II Hypersonic Wind Tunnel Development Program		+6,000	+16,000	+12,000
	MEMS Technology Development Acceleration		+10,000		+8,500
	Large Energy National Shock Tunnel (LENS)			[3,000]	+500
	Unmanned Systems Initiative (USI) at the Aviation and Missile Research Development and Engineering Center (AMRDEC)		+4,000	+10,000	+9,200
	Red Rain			+4,000	+3,400
	E-STRIKE Short Range Radar			+6,000	+3,000
	Maneuver Air Defense			+6,500	+4,600
	Hypersonic Army Missile Technology			+14,200	+10,000
14	**ADVANCED WEAPONS TECHNOLOGY**	**14,189**	**14,189**	**14,189**	**15,189**
	Rapid Target Acquisition & Tracking System				+1,000
15	**ADVANCED CONCEPTS AND SIMULATION**	**15,941**	**21,941**	**29,941**	**31,441**
	Combat Trauma Patient Simulator (CTPS)		+6,000		+4,000
	On-Line Contract Data Management		0	0	+1,200
	Joint Unmanned Systems & Research Center			+4,000	+2,800
	Photonics Research			+5,000	+5,000
	Institute for Creative Technologies			+5,000	+2,500
16	**COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY**	**80,910**	**128,410**	**107,910**	**129,260**
	Advanced Coatings Research to Extend the Service Life of Vehicles/Equipment		+1,000		+1,000
	Advanced Electric Drive		+1,000	+2,000	+1,200
	Advanced Manufacture of Lightweight Materials (AMLM)		+500		+500
	Army Truck Diagnostic System		+2,000		+1,700
	Auragen Vehicle Integrated Primary Electrical Resource (VIPER)		+5,000		+3,500
	Ballistic Missile Technology		+6,000		+3,600
	CALSTART Defense Advanced Trans (Note: only to develop dual-use advanced transportation technologies benefitting both the commercial and military sectors)		+6,000		+5,100
	Combat Vehicle Mobility System		+6,000		+4,100
	Fuel Efficient Technology		+2,000		+1,000
	Fuel Preporator		+2,500		+1,750
	Full Spectrum Active Protection Close-in Layered Shield (FCLAS) (Note: only to support the Army's FCS survivability efforts)		+9,000	+7,000	+7,500
	Future Tactical Truck System (FTTS) Companion Trailer System(s)		+2,000		+1,700
	Hydrogen PEM Ambient Pressure Fuel Cell Demonstration		+5,000		+2,500
	Hydrogen PEM Fuel Cell Heavy Duty (Note: only to continue the existing program)		+4,000		+3,400
	Military Wheeled Vehicle Electronic Architecture Integration		+2,000		+1,700

R-1		Budget Request	House	Senate	Conference
	Reduce programmed growth		-7,500		-7,500
	Soldier Mobility Program--M-Gator Improvements		+1,000		+1,000
	SmarTruck			+5,000	+4,300
	Soldier Mobility Program			+1,000	+1,000
	Hybrid HMMWV Technology Insertion Program			+1,000	+1,000
	Unmanned Vehicle Control Technologies			+2,500	+1,700
	Advanced Energy and Manufacturing Technology			+3,000	+2,100
	Rapid Prototyping Technologies			+2,000	+1,400
	Advanced Coatings Research			+1,500	+1,100
	Moldite			+1,000	+1,000
	Digital Humans and Virtual Reality			+1,000	+1,000
17	**BALLISTICS TECHNOLOGY**	**53,478**	**56,478**	**55,478**	**59,078**
	Structural Reliability of Electronic Components for Munitions and Lightweight Structures		+3,000		+1,500
	Alloy Tungsten Armor Piercing Ammunition (Note: transferred from line 20)		0	0	+2,100
	Advanced LFT Composites for Lightweight Weapons Systems			+1,000	+1,000
	Structural Reliability of Electronic Components for Munitions			+1,000	+1,000
18	**CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY**	**3,540**	**15,540**	**21,540**	**22,440**
	US Army Biotechnology Center		+1,500		+1,300
	Asymmetric Threat Countermeasure Solutions Suite		+3,500		+2,100
	Systems for Sampling and Detecting Bioaerosols		+3,000	+5,000	+4,000
	Metallic Particles in Defense Applications (MPDA) Obscurant Smokes		+4,000		+3,000
	Vaporized Hydrogen Peroxide Technology for Decontamination			+8,000	+5,000
	Deep Digger			+5,000	+3,500
20	**WEAPONS AND MUNITIONS TECHNOLOGY**	**39,485**	**95,235**	**52,985**	**77,785**
	Alloy Tungsten (LA-T) Armor Piercing Ammunition (Note: transferred to line 17)		+4,250		0
	Applied Research Integration		+3,000		+2,100
	Armaments Information Assurance		+5,500		+3,900
	Army Welding Technology Development Initiative		+6,000		+4,200
	Generation 2 Warhead Development		+3,000		+2,100
	Green Armaments Technology		+7,000		+4,900
	Homeland Defense Technologies		+4,000		+2,800
	Range Safe		+4,500	+7,000	+3,500
	Seamless Data to Display		+2,000		+1,400
	Single Crystal Tungsten Alloy Penetrator		+3,000		+1,500
	Smart Coatings		+5,500	+1,500	+3,900
	Acoustic Counter Battery System (ACBS)		+3,000		+2,550
	Advanced Materials and Processes for Non-Munition Armament Structures Program		+3,000		+950
	Tandem Explosively Formed Penetrator Warhead System		+2,000		+1,000
	Titanium Extraction Mining and Process Engineering			+2,000	+1,400
	MACS High Zone Development			+3,000	+2,100

R-1		Budget Request	House	Senate	Conference
21	**ELECTRONICS AND ELECTRONIC DEVICES**	**33,694**	**74,094**	**56,394**	**79,334**
	Center for Advanced Fuel Cell Technology (UND)		+3,000		+3,000
	1.5V Cylindrical Cell-Metal Oxide Cathode		+2,000		+1,700
	Advanced Liquid Silicon Rechargeable Battery		+3,000		+1,500
	Cylindrical Zinc Air Battery for Objective Force Soldier		+5,000		+2,500
	Micro and Miniature Fuel Cells (Note: only for fuel cells under consideration for use in individual power packs for infantry soldiers facilitating Land Warrior goals such as rifle-mounted laser, video and thermal sights, helmet-mounted video displays, and C3I systems for the individual soldier)		+2,400		+1,440
	Advanced Power		+4,000		+3,400
	Rechargeable Cylindrical Cell System--Lithium Ion/Nickel Metal Hydride		+1,000	+2,000	+1,500
	Dry Polymer Electrolyte Development for Safe Soldier Power		+4,000		+3,400
	Enhanced Wireless Digital Communications for the Army's Urban First Responder		+5,000		+5,000
	E-Beam Reticle and Lithography Inspection (Note: only to develop a prototype Electron Beam Reticle and Lithography Inspection tool.)		+4,000		+2,000
	Heat Actuated Coolers for Portable Military Applications		+2,000		+1,000
	Portable Reforming on the Battlefield		+2,000		+1,400
	Flexible Polymer Multilaminate Packaging		0	0	+1,000
	Flexible Display Initiative (FDI): High Performance Displays for Military Applications		+1,500	+6,000	+4,000
	Soldier Fuel Cell System		+1,500		+1,100
	Vehicle Battery Health Monitoring System (Note: moved from line 37)				+1,400
	Electronics and Electronic Devices			+6,000	+4,200
	Enhanced Wireless Digital Communications			+2,000	+1,400
	1.5v Alkaline Cylindrical Cell-Metal Oxide Cathode			+1,700	+1,200
	Transcritical CO2 Environmental Control Unit			+5,000	+3,500
23	**COUNTERMINE SYSTEMS**	**21,291**	**28,291**	**25,291**	**26,891**
	Acoustic Technology for Landmine Detection		+3,000		+1,100
	Polymer Based Landmine Detection		+4,000		+1,400
	AAHIS Overland Counter-Mine			+2,000	+1,700
	Small SAR Buried Mine Detection			+2,000	+1,400
24	**HUMAN FACTORS ENGINEERING TECHNOLOGY**	**16,749**	**26,249**	**16,749**	**24,699**
	Human Systems Integration (MANPRINT)		+3,500		+2,450
	Omni-Directional Treadmill Upgrade		+6,000		+5,500
25	**ENVIRONMENTAL QUALITY TECHNOLOGY**	**18,252**	**24,252**	**25,852**	**31,852**
	Army Environmental Solutions Program (Note: only to continue the current program of addressing environmental and renewable energy requirements associated with military operations. Moved to line 69 RDTE,A)		+5,000		0
	Surface Finishing Sustainability		+1,000		+1,000
	Army UXO Research and Development		0	0	+5,000
	Bio/Chemical Materials Env Modeling			+1,000	+1,000
	Hawthorne Army Depot Upgrades			+6,600	+6,600

R-1		Budget Request	House	Senate	Conference
28	**MILITARY ENGINEERING TECHNOLOGY**	**45,407**	**50,907**	**51,407**	**53,307**
	Advanced Power and Energy Program (APEP)		+1,000		+1,000
	DoD Stationary Fuel Cell Incentive Program		+3,000		+1,500
	Shuttle Radar Topography Mission Data Eval		+1,500		+1,000
	Geosciences Technology Research			+3,000	+1,800
	University Partnering for Operational Support			+3,000	+2,600
30	**WARFIGHTER TECHNOLOGY**	**29,421**	**44,421**	**38,421**	**50,971**
	Advanced Antimicrobial Technology		+2,000		+1,000
	Joint Precision Aerial Delivery System		+3,500		+2,450
	Shelter Extension for Future Combat Vehicle		+1,500		+1,000
	Chem-Bio Protection Technology		+4,000		+2,000
	Chemical Biological Command, Natick Soldier Center (Note: only for tent and shelter insulation technology enhancement for high efficiency/low logistics footprint, for application in the Future Combat System.)		+1,000		+1,000
	Soldier Systems Center		+3,000		+2,100
	MERWS Composite Field Medical Facility Prototype--Natick (Note: transferred from line 183)				+5,100
	NBC Integrated Protection Membrane--Shelters			+4,000	+3,400
	Chem-Bio Reactive Nanoparticle Materials			+5,000	+3,500
31	**MEDICAL TECHNOLOGY**	**58,877**	**185,177**	**101,377**	**188,727**
	Advanced Surgical Navigation		+3,000		+1,800
	Biomedical Engineering Technology & Advanced Materials		+1,000		+1,000
	Center for Military Biomaterials Research (CeMBR)		+3,000		+1,500
	Chitosan Control Dressing		+4,000	+3,000	+3,000
	Minimally Invasive Surgery Program for Ohio		0	0	+1,400
	Clotting and Wound Healing Accelerants for the Treatment of Traumatic Combat Injuries		+2,000		0
	Computation Proteomics		+3,000	+3,000	+3,000
	Center for Advanced Surgical and Interventional Technology		+2,500		+2,100
	Diagnostics in Traumatic Brain Injury-Blood Based		+2,000		+1,000
	Elgen Gene Delivery Technology		+2,000		+1,000
	Emergency Hypothermia		+2,800		+2,300
	Enhanced Research in Trauma Prevention, Treatment and Rehabilitation		+3,000		+1,500
	Genetic Reassortment by Mismatched Repair-Enhanced Acute Biowarfare Therapy Program		+1,000		+1,000
	Improving Soldier Performance		+4,000		+2,400
	Joint Diabetes Project (Note: for Type I Diabetes in children.)		+5,000		+4,250
	Medical Area Network for Virtual Technologies (MANVT)		+7,000		+5,900
	Molecular Genetics and Musculoskeletal Research Program (Note: only to continue the current program.)		+10,000		+8,500
	Monoclonal Human Anti-Anthrax Toxin Antibodies Development		+3,000		+1,500
	Nanofabricated Bioartificial Kidney		+4,000		+2,400
	Non-Invasive Medical Sensors		+1,000		+1,500
	Novel Growth Factor Delivery Technology		+2,000		+1,000
	Portable Rapid-Response Bio-Protector (PRRBP)		+1,000		0
	Prothestic Device Technology Enhancement and Clinical Evaluation at Walter Reed Amputee Center		+3,000		+2,500

R-1		Budget Request	House	Senate	Conference
	Proton Beam Therapy (Note: only to continue a civilian-military collaborative proton beam therapy initiative on the East Coast of the United States in conjunction with Walter Reed Army Medical Center to provide state-of-the-art radiation treatment with fewer side effects and the possibility of recurrent radiation treatment for numerous forms of cancer to include: lung, prostate, head and neck cancer in adults and brain tumors and other kinds of tumors in children as well as clinical and non-clinical research.)		+15,000		+10,000
	Rapid Diagnosis of Unknown Biological Pathogens		+1,000		0
	Remote Acoustic Hemostasis		+5,000		+3,500
	Sleep Deprivation Research at Walter Reed Army Medical Center		+1,500		+1,500
	The Soldier Wound Healing Project		+2,500		+2,100
	Synchrontron-Based Scanning Research (Note: $9,000,000 only to continue the synchrotron-based technology enhancement for scanning of breast and lung cancer patients and diagnotic development to maximize synchrotron-based proton therapy; $2,000,000 for mass casualty incident center demonstration; and $1,750,000 for continued expansion in the arena of proton telemedicine.)		+15,000		+12,750
	Digital Imaging and Catheterization Equipment		0	0	+1,000
	Marshall Island Diabetes Reversal/Wellness Program		0	0	+1,000
	Texas Training and Technology for Trauma and Terrorism (T5)		+11,000		+11,000
	Tissue Engineering and Wound Healing Research		0	0	+1,000
	Behavioral Genomics		0	0	+2,000
	Targeted Nano-Therapeutic for Advanced Breast and Prostate Cancer		0	0	+1,000
	Hemoglobin Blood Oxygen Carrier		0	0	+1,000
	Medical Vanguard for Diabetes Management		0	0	+1,500
	Tissue Replacement and Repair for Battlefield Injuries		+4,000	+3,000	+3,000
	Transportable Pathogen Reduction & Blood Safety System		+2,000	+3,000	+2,000
	Versa HSDI			+5,000	+4,250
	Conjugate Vaccines to prevent Shigellosis			+2,000	+1,400
	Therapeutic Vaccines for Biological Threat			+1,000	+1,000
	International Rehabilitation Network			+5,000	+3,500
	National Tissue Engineering Research			+2,000	+1,000
	Dermal Phase Meter			+2,000	+1,200
	USAMRID Anthrax Research			+2,500	+2,500
	Development of large-scale, polyclonal human antibody production			+3,000	+3,000
	Chronic Multi-symptom Illness			+5,000	+5,000
	Bio-Defense Gene Knockout Technology Program			+3,000	+2,100
33	**WARFIGHTER ADVANCED TECHNOLOGY**	**63,882**	**61,382**	**67,882**	**67,682**
	Reduce programmed growth		-13,500		-7,000
	Affordable Precision Airdrop Technology		+2,000		+1,000
	Ration Packaging Material and Systems for MREs		+7,000		+6,000
	Protection Against Toxic Industrial Chemicals		+2,000		+1,000
	ATIRCM/CMWS			+4,000	+2,800

R-1		Budget Request	House	Senate	Conference
34	**MEDICAL ADVANCED TECHNOLOGY**	**35,168**	**233,968**	**105,668**	**220,418**
	3D Imaging and Genomic Analysis for Breast Cancer Management		+2,000		+1,700
	Advanced Diagnostic and Therapeutic Digital Technologies		+1,500		+1,000
	Advanced Proteomics		+2,500		+1,200
	Battlefield Respirator and Ventilator (BRAV)		+1,500		+1,500
	Biology, Education, Screening, Chemoprevention and Treatment (BESCT) Lung Cancer Research Program (MDACC)		+9,500		+9,500
	Bio-Medical Engineering Center for Research on Bioterrisom Agents		+2,500		+1,200
	Biomedical Information Transfer (BIT)		+1,000		+1,000
	Blood Safety (Note: only for the continuation and expansion of the current program to provide improved blood products and safety systems compatible with military field use.)		+6,000		+4,100
	Brain, Biology and Machine		+3,000	+3,000	+3,000
	Center for Integration of Medicine and Innovative Technology (CIMIT)		+12,500	+10,000	+11,250
	Dendritic Nanotechnology Research		+3,800		+3,000
	Military Low Vision Research		+2,000		+1,000
	Center for Untethered Healthcare		+3,000		+1,500
	Comparative Functional Genomics Initiative		+4,000		+2,000
	Electrical Impedance Scanning Device		+1,000		+1,000
	Genomic Medicine and Gene Therapy (Note: only for a series of pilot clinical programs targeted at cardiovascular disease and neurodegenerative disorders that gravely affect veterans.)		+4,000		+3,400
	Gynecologic Disease Program (Note: only for the establishment of a public/private effort in coordination with an appropriate non-profit medical foundation, to provide programs in gynecologic diseases that will facilitate the development of early detection, prevention and treatment strategies.)		+5,000		+4,250
	Institute for Research and Education		+5,000		+3,700
	Integrated Information System		+1,000		+1,000
	Intravenous Membrane Oxygenator		+2,500		+1,000
	Joslin Diabetes Project		+5,000		+5,000
	Joint US-Norwegian Telemedicine Program		+4,000	+2,500	+2,800
	Medical Training Technology Enhancement Initiative		+1,000		+1,000
	Mobile Integrated Diagnostic and Data Analysis System (MIDDAS)		+2,500		+1,200
	National Bioterrorism Civilian Medical Response Center (CIMERC)		+4,000	+2,000	+3,000
	National Functional Genomics Center		+10,000		+5,000
	Neurofibromatosis Research Program (NF)		+23,000		+20,000
	Neurology Gallo Center-Alcoholism Research		+6,000	+4,000	+4,500
	Neurotoxin Exposure Treatment Research Program (NETRP) Parkinsons & neurological disorders		+31,000		+26,000
	Novel Safe and Effective Vaccines for Biodefense and Cancer		+8,000		+6,800
	On-Line Medical Training		+3,500		+1,750
	Operating Room of the Future		+4,000		+2,000
	Picture Archiving and Communications System (PACS)		+5,000		+3,500
	Project Collaboration Material (Note: only to enhance the interoperability and effectiveness of health officers, epidemiologists, and nurses.)		+1,000		+1,000
	Prostate Cancer Research-Gallo Center		+1,000		+1,000
	Proteomics Center		+4,000		+3,400

R-1		Budget Request	House	Senate	Conference
	Rapid Bio-Pathogen Detection Technology		+3,000		+1,500
	Regional Anesthesia and Pain Management Initiative (RAPMI) (Note: only for the public/private effort among DoD medical treatment facilities, and appropriate non-profit medical foundation and a rural primary health care center to provide a comprehensive program in pain management including treatment for acute pain using regional anesthesia techniques as well as a holistic approach to chronic pain.)		+1,500		+1,200
	Assistive Technology and Research Center at National Rehabilitation Hospital (Note: only for expanding ongoing collaborations to prevent and minimize loss of function from landmine and other military injuries.)		0	0	+2,000
	SEATreat		0	0	+2,000
	Pediatric Hospice Program at Walter Reed Army Medical Center		0	0	+1,000
	Rugged Textile Garments for Combat Casualty Care		+3,000	+3,500	+3,000
	Technologies for Metabolic Monitoring		+3,000		+3,000
	Western Rural Telemedicine Demonstration		+2,000	+2,000	+2,000
	Portable Digital X-Ray			+1,000	+1,000
	Tissue Development on Elastin Biomatrixes			+5,000	+4,300
	Medical Modeling and Simulation Through Synthetic Digital Genes			+1,000	+1,000
	Texas Training and Technology against Trauma and Terrorism (Note: moved to line 31)			+10,000	0
	VCT Lung Scan			+7,500	+5,200
	Stable Hemostat			+5,000	+3,000
	Study of Human Operator Performance (C-SHOP)			+2,000	+1,000
	Emerging Technologies Center			+3,000	+1,500
	Minimally Invasive Surgery Modeling and Simulation			+1,000	+1,000
	Pennington Biomedical Center Personnel Readiness and Performance Initiative			+3,000	+1,800
	Center for Prostate Disease Research (WRAMC)			+5,000	+4,500
35	**AVIATION ADVANCED TECHNOLOGY**	**72,083**	**81,468**	**83,583**	**86,018**
	Heavy lift demonstration		-4,615		-4,615
	Airborne Manned/Unmanned System Technology (AMUST)		+2,000		+1,000
	Locust USA Heavy Fuel Burning Engines for UAV's		+5,000		+2,500
	Radar Surveillance and Assimilation Network		+5,000		+4,450
	Reconfiguration Tooling System		+2,000	+1,500	+1,700
	Broad Area Unmanned Responsive Resupply Operations Aircraft (BURRO)			[3,000]	+1,000
	UAV and Micro Air Vehicle Dynamometer			+4,000	+2,800
	Vectored Ducted Thrust Propeller Compound Helo			+6,000	+5,100
36	**WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY**	**47,752**	**55,752**	**47,752**	**54,402**
	Technology Demonstration for the Prevention of Material Degredation		+5,000		+4,250
	Micro-electromechanical System Reliability Assessment Program		+1,000		+1,000
	Development Mission Integration		+2,000		+1,400

R-1		Budget Request	House	Senate	Conference
37	**COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY**	**210,856**	**248,356**	**262,856**	**274,006**
	Advanced Thermal Management System		+4,000		+2,000
	Battery Charging Technology (Note: Only to develop advanced battery charging algorithms for Hybrid-Electric Vehicle applications)		+1,000		+1,000
	Electrochromatics research		+3,000		+2,550
	High Power Density and Efficiency OPOC Engine and Electric Power Cell		+2,000		+1,200
	Mechanically Assisted Spare Tire Carrier (MASTC) for the HMMWVs		+2,000		+1,700
	NAC Standardized Exchange of Product Data (N-STEP) (Note: only for expanding the use of standardized product data sets in the Army's ground vehicle design and life cycle support activities, and to expand the functionality of the N-STEP process to include castings.)		+7,000		+3,500
	Rapid Optimization of Commercial Knowledge (ROCK) for FCS (Note: only for a joint research and development effort between regional commercial off-road vehicle manufacturers, suppliers, and universities to improve FCS affordability through utilization of advanced technology.)		+4,500		+2,250
	Turbo Fuel Cell Engine		+6,000		+5,100
	U.S. Army Hydrogen Infrastructure (Note: only to develop and deploy modular hydrogen infrastructure systems that would support the US Army's transition to fuel cell technologies.)		+4,000		+2,000
	Ultra-high Performance Hybrid Structures and Armors		+4,000		+3,400
	Center for Advanced Vehicular Systems		0	0	+750
	Ultra Reliability for Combat Systems		0	0	+1,000
	Chemical Warfare Agent Detection Devices		0	0	+1,500
	Pacific Rim Corrosion Research Program			+3,000	+2,600
	IMPACT--Combat Vehicle and Automotive Advanced Technology			+5,000	+4,500
	Smart Battery and Intelligent Generator Technology for Military Vehicles (Note: transferred to line 21)			+2,000	0
	Fuel Cell Technology			+4,000	+2,800
	Army Lightweight Structures Initiative			+1,000	+1,000
	Advanced Army Modular Composite Bridge			+3,000	+2,100
	Composite Body Parts--CAV Technology Transition			+4,000	+2,000
	Advanced Thermal Management Controls			+1,500	+1,000
	Advanced Collaborative Technologies			+3,000	+2,100
	Mobile Parts Hospital			+6,000	+4,200
	Electrochromatic Material Windows			+5,000	+2,500
	Fastening and Joining Technologies			+1,500	+1,000
	Tactical Vehicle Design Tools			+1,000	+1,000
	21st Century Truck			+12,000	+8,400
38	**COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY**	**10,379**	**11,629**	**10,379**	**11,479**
	Dynamic Re-Addressing and Management for Army (DRAMA)		+1,250		+1,100

R-1		Budget Request	House	Senate	Conference
39	**MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY**	**4,931**	**11,431**	**4,931**	**9,031**
	Ground Systems Team Training (GSTT) Program		+2,000		+1,000
	Ground Systems Team Training Advanced Technology		+4,500		+3,100
40	**ELECTRONIC WARFARE ADVANCED TECHNOLOGY (H)**	**40,347**	**45,347**	**60,347**	**59,947**
	GalaxyVue Image, Video and Data Compression Technology		+1,000		+1,000
	Portable and Mobile Emergency Broadband system		+4,000	+2,000	+3,000
	Networking Environment for C3 Mobile Services (NECMS)			+8,000	+5,600
	Applied Communications and Information Networking			+10,000	+10,000
41	**TRACTOR HIKE**	**8,781**	**8,781**	**6,781**	**7,781**
	Classified program			-2,000	-1,000
42	**NEXT GENERATION TRAINING & SIMULATION SYSTEMS**	**18,649**	**12,649**	**26,649**	**15,849**
	Reduce programmed growth		-9,000		-9,000
	Institute for Creative Technologies		+3,000	+4,000	+3,200
	CAVE Automated Virtual Environment			+4,000	+3,000
44	**TRACTOR ROSE**	**2,872**	**2,872**	**1,533**	**4,211**
	Classified program			-1,339	+1,339
45	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**9,349**	**9,349**	**28,749**	**25,149**
	Blue Grass SCWO Demonstration (Note: from line 26 RDTE, DW)				+1,000
	Missile Recycling Center--Anniston			+3,000	+2,100
	Tactical Missile Reuse/Demil--Letterkenny			+2,500	+1,750
	Reclamation of Class 1.1 Rocket Propellant			+2,000	+2,000
	Innovative Demil Technologies			+3,000	+2,100
	HMX Requalification Program			+1,000	+1,000
	Explosives Demilitarization Technology Program			+1,000	+1,000
	Thin Layer Chromatography			+2,400	+2,100
	Demilitarization of Obsolete Munitions			+2,500	+1,750
	Demilitarization and Destruction of Conventional Munitions			+2,000	+1,000
46	**MILITARY HIV RESEARCH**	**6,733**	**16,733**	**6,733**	**14,233**
	Test, Treatment and Preventive Vaccines		+10,000		+7,500
47	**COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT**	**4,916**	**9,916**	**4,916**	**8,716**
	Support the implementation of an information security system to increase the survivability of critical Army computer systems in the event of a cyber attack.		+2,000		+2,000
	Detecting Contaminents in Drinking Water		+3,000		+1,800
49	**EW TECHNOLOGY**	**11,273**	**22,573**	**13,273**	**25,673**
	US Army Tactical ELINT for Ground Maneuver Forces		+3,500		+2,400
	WX Intelligence Sensor System		+1,000		+1,000
	Multifunction Intelligence and Remote Sensor System		+6,800		+5,000
	Shortstop Electronic Protection System			[5,000]	+5,000
	AN/VVR-1 Laser Warning Receiver			+2,000	+1,000

R-1		Budget Request	House	Senate	Conference
50	**MISSILE AND ROCKET ADVANCED TECHNOLOGY**	**111,321**	**104,321**	**136,849**	**122,621**
	Reduce programmed growth		-10,000		-10,000
	Micro-factories for Precision Parts (Note: only for a joint research and development effort to develop a desktop-sized micro factory system for production of miniature aerospace components required for new generation small UAVs and smart small rockets.)		+3,000		+1,500
	Army Maintenance and Manufacturing Organization (AMMO)		0	0	+1,000
	Loitering Attack Munition for Aviation (LAM-A)			+5,000	+3,500
	Close-In Active Protection System			+4,000	+2,800
	Missile Simulation Technology			+10,000	+7,000
	Warfighter Protection Lab			+5,000	+3,500
	National Aerospace Initiative			-472	0
	Volumetrically Controlled Manufacturing (Note: only to continue existing University-based research on Volumetrically Controlled Manufacturing to expand the pre-existing basic science from mechanical applications to thermal, electro-magnetic, acoustic, and optic applications.)			+1,000	+1,000
	Army AMCODE Integration			+1,000	+1,000
52	**LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY**	**24,552**	**24,552**	**32,452**	**30,052**
	EDIT Advanced Landmine Detection			+2,000	+1,400
	Advanced Demining Technology			+5,900	+4,100
53	**JOINT SERVICE SMALL ARMS PROGRAM**	**6,193**	**11,193**	**6,193**	**9,693**
	Anti-Material Sniper Rifle (ASMR) Technology		+5,000		+3,500
55	**NIGHT VISION ADVANCED TECHNOLOGY**	**47,088**	**89,088**	**60,088**	**85,138**
	Buster Backpack UAV		+12,000	+1,000	+8,400
	Night Vision Fusion (Note: only for the continued development of digital night vision fusion technology.)		+5,000	+1,000	+2,500
	Personal Thermal Vision System		+3,000		+1,500
	Camera Assisted Monitoring System (Note: only for demonstration of CAMS as a security and response system that provides real time surveillance capability for military force protection, peacekeeping and related missions.)		+2,000		+1,700
	Sensor Technology for Force Protection		+15,000		+12,750
	Wire Detection & Obstacle Avoidance for Helicopters		+5,000		+3,500
	Advanced Passive Milimeter Wave Imager			+7,000	+4,900
	Warfighter/Firefighter Position, Location, and Tracking (PLT) Sensor			+4,000	+2,800
56	**ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATION**	**15,776**	**24,276**	**15,776**	**20,726**
	Environmental Compliance Technology (Defense Acquisition of Developmental Technology)		+3,500		+2,450
	PEM Demonstration Program		+5,000		+2,500
57	**MILITARY ENGINEERING ADVANCED TECHNOLOGY**	**3,441**	**5,441**	**13,521**	**13,271**
	Fuel Cell Integration with Fuel-Flexible Infrastructure		+2,000		+1,700
	Canola Oil Fuel Cell Initiative			+2,500	+1,750
	Solid Oxide Fuel Cell Development for Defense			+4,000	+2,800
	Fuel Cell Hybrid Generating System w/Ramgen Jet Technology			+3,580	+3,580

R-1		Budget Request	House	Senate	Conference
58	**ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY**	**20,255**	**26,255**	**24,255**	**25,055**
	MVMNT Program for Simulation Based Operations		+2,000	+4,000	+2,800
	Palletized Radar for Black Hawk Helicopters (Note: only to enhance Blackhawk ISR capabilities, particularly in urban and rough terrain environments.)		+4,000		+2,000
59	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE)**	**51,547**	**78,547**	**103,547**	**109,297**
	Advanced Tactical Operations Center (ATOC)		+3,500	+6,500	+4,600
	Aero-acoustics Test Facility, Phase 1		+8,000		+5,600
	Dielectric Enhances Sensor System (DESS)		+1,500		+1,100
	Extended Range Interceptor Program		+1,000		+1,000
	Advanced Battery Technology		+3,000		+2,550
	Next Generation Passive Surveillance Systems (Acoustics Technology Research)		+5,000		+3,500
	Radar Power Technology (RPT)		+3,000		+2,100
	Vertical Integration for Missile Defense Surveillance Data		+2,000		+1,400
	Component Integrated Modeling and Simulation Test Analysis Environment (CIMSTA-E)		0	0	+1,000
	Next Generation Hardware-in-the-loop (HWIL) Tool (NGHT)			+4,000	+2,800
	Joint Wavelet Transform-based Hyperspectral Data			+5,000	+3,500
	Global Infrasound Monitoring of Atmosphere			+2,000	+1,400
	Dielectric Enhanced Sensor System (DESS)			+1,500	+1,100
	Integrated Composite Missile Structure			+4,000	+2,000
	Next Generation Passive Acoustic Surveillance			+5,000	+3,500
	Mobile Tactical High Energy Laser (MTHEL)			+20,000	+17,000
	Ballute Technology Development			+3,000	+2,100
	Nanoscience Initiative			+1,000	+1,500
60	**ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)**	**9,632**	**12,632**	**40,732**	**35,932**
	P3 Power System		+2,000	+2,000	+2,000
	Supercluster Distributed Memory Technology		+1,000		+1,000
	Eagle Eyes Research Program			+2,000	+1,400
	Low Cost Interceptor			+15,000	+11,000
	Radar Power Technology			+4,000	+2,800
	Kodiak Range Safety & Instrumentation			+8,100	+8,100
61	**AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING**	**79,959**	**89,959**	**121,059**	**122,859**
	AMD Architecture Analysis (A3) Program		+5,000		+5,000
	Future Army Attack and Missile Defense Systems (FAAMDS)		+5,000		+3,000
	AMD Common Battle Management C4I System			+5,500	0
	Adaptive Integrated Fire Control (IFC) Technology Demonstration Program (AITD)			+2,500	+1,800
	Allen Army Airfield Upgrades			+33,100	+33,100
64	**TANK AND MEDIUM CALIBER AMMUNITION**	**11,249**	**24,749**	**21,249**	**26,349**
	GPS Anti-Jamming for Munitions		+4,500		+3,100
	Mid-Range Munition (MRM)		+8,000		+6,000
	Mid-Range Munition (MRM/TERM)		+1,000		0
	MRM/TERM TM3			+10,000	+6,000
68	**NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT**	**5,283**	**8,283**	**5,283**	**7,083**
	Dominant Military Operations on Urbanized Terrain Viewer (DMV)		+3,000		+1,800

R-1		Budget Request	House	Senate	Conference
69	**ENVIRONMENTAL QUALITY TECHNOLOGY DEM/VAL**	**11,514**	**39,514**	**22,014**	**40,964**
	Casting Emission Reduction Program (CERP)		+4,000	+4,000	+4,000
	Solid Waste Sustainability Initiative		+1,000		+1,000
	Environmental Security Initiative (Note: to integrate remote detection and response work into a deployable technological capability.)		+4,000		+3,400
	Arsenic Removal (Note: to establish an industry/academic/government consortium to develop a portable, effective, environmentally acceptable process for removing arsenic from drinking water, thereby protecting the health of deployed Army personnel.)		+2,000		+1,700
	Aberdeen Proving Ground Asbestos Conversion Facility		+2,000		+1,400
	Transportable Detonation Chamber		+8,000		+4,800
	Technology Develoment for UXO in Support of Military Readiness		+6,000		+5,100
	Army Environmental Solutions Program (Note: only to continue the current program of addressing environmental and renewable energy requirements associated with military operations. Moved from line 25 RDTE,A)		0		+2,500
	Sustainable Installations Initiative (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11.)		0	0	+1,000
	Managing Army Technologies for Environmental Enhancement		+1,000	+4,500	+3,150
	Waste Minimization and Pollution Prevention			+2,000	+1,400
70	**WARFIGHTER INFORMATION NETWORK-TACTICAL - DEM/VAL**	**90,774**	**82,311**	**82,311**	**82,311**
	Reduce programmed growth--Nuclear Arms Control Technology		-8,463	-8,463	-8,463
71	**NATO RESEARCH AND DEVELOPMENT**	**4,779**	**2,779**	**4,779**	**2,779**
	Program reduction		-2,000		-2,000
72	**AVIATION - ADV DEV**	**9,968**	**13,968**	**14,968**	**14,468**
	Virtual Cockpit Optimization Program (VCOP)		+4,000	+5,000	+4,500
74	**LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV**	**12,008**	**9,308**	**19,508**	**13,008**
	Program execution		-2,700		-2,700
	Theater Support Vessel development			+7,500	+3,700
76	**MEDICAL SYSTEMS - ADVANCED DEVELOPMENT**	**11,042**	**11,042**	**16,042**	**13,542**
	Automated Laboratories for Biodefense			+5,000	+2,500
81	**MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS**	**276,259**	**276,259**	**0**	**252,259**
	Transfer to RDDW			-276,259	
	Patriot-MEADS consolidation efficiencies				-24,000
82	**AIRCRAFT AVIONICS**	**64,650**	**47,650**	**59,650**	**47,650**
	Program Execution		-17,000	-5,000	-17,000

R-1		Budget Request	House	Senate	Conference
89	**COMMON MISSILE**	**183,790**	**165,790**	**107,790**	**94,690**
	Program refocused		-18,000		-18,000
	Funding ahead of maturation of technologies			-76,000	-71,100
90	**INFANTRY SUPPORT WEAPONS**	**21,637**	**21,637**	**31,637**	**28,637**
	XM307 25mm Advanced Crew Served Weapon			+2,000	+1,400
	XM312 .50 caliber Advanced Crew Served Weapon			+8,000	+5,600
95	**FAMILY OF HEAVY TACTICAL VEHICLES**	**9,200**	**17,200**	**17,500**	**17,050**
	HEMTT A3 System Development and Demonstration Phase		+5,000	+15,000	+12,000
	Condition Based Maintenance		+3,000		+2,550
	Future Tactical Truck System			-6,700	-6,700
98	**LIGHT TACTICAL WHEELED VEHICLES**	**15,700**	**20,700**	**15,700**	**18,200**
	PM Program for User Evaluation of Hybrid Electric Technology (HMMWV)		+5,000		+2,500
101	**NIGHT VISION SYSTEMS - SDD**	**29,022**	**35,022**	**30,522**	**35,222**
	Avenger		+2,000		+1,700
	Multi-platform Replacement Sight (MRS)		+4,000		+3,400
	Enhanced Night Vision Goggle			+1,500	+1,100
102	**COMBAT FEEDING, CLOTHING, AND EQUIPMENT**	**67,283**	**125,783**	**100,000**	**100,000**
	Land Warrior program restructure (transfer from OP,A)		+58,500	+32,717	+32,717
109	**AUTOMATIC TEST EQUIPMENT DEVELOPMENT**	**4,634**	**7,634**	**10,634**	**11,434**
	Integrated Family of Test Equipment (IFTE)		+3,000		+2,600
	Integrated Family of Test Equipment--Base Shop Test Facility (v) 6			+6,000	+4,200
110	**DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENG DEV**	**26,358**	**26,358**	**26,358**	**26,058**
	Programmed growth		-2,000		-2,000
	Army Rock Drill-Commander's Planning Tool		+2,000		+1,700
111	**TACTICAL SURVEILLANCE SYSTEMS - ENG DEV**	**19,695**	**26,695**	**25,695**	**26,295**
	Army Tactical Exploitation System (TES-A) (for I Corps)		+2,000	+6,000	+3,600
	Broadband Intelligence Training System		+5,000		+3,000
112	**ARMY TACTICAL MISSILE SYSTEM (ATACMS)**	**55,075**	**2,000**	**4,000**	**10,000**
	Reduce programmed growth (Note: the conference agreement provides $7 million only to finish the current ACTD)		-55,075	-55,075	-48,075
	Viper Strike Munition		+2,000	+4,000	+3,000
117	**AVIATION - ENG DEV**	**2,379**	**2,379**	**3,379**	**3,379**
	Advanced Ballistic Protection			1,000	1,000

R-1	Budget Request	House	Senate	Conference
118 WEAPONS AND MUNITIONS - ENG DEV	**129,409**	**148,909**	**153,409**	**160,859**
Common Remotely Operated Weapon Station (CROWS) (Note: only to continue the program with a goal of eventually fielding CROWS with increment I of the Future Combat System)		+5,000		+3,000
XM932 Short Range Practice Cartridge (SRPC)		+2,500		+1,200
Advanced Concept Artillery Program (ACA2P)		+10,000		+8,500
XM-116, Small Arms Fire Control System II (Note: Only for SAFCS II development and operational testing followed by system type classification)		+2,000		+1,700
Advanced Precision Kill Weapon System (APKWS)			+10,000	+7,000
Precision Guided Mortar Munition			+4,000	+2,800
Rapidly Installed Fuel Transfer System			+7,000	+5,250
Dual Purpose Improved Conventional Munitions (DPICM)			+1,000	+1,000
Hybrid Propellant for FCS Applications			+2,000	+1,000
119 LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	**86,288**	**89,288**	**86,288**	**88,388**
2kW Military Tactical Generator Product Improvements (Note: only to provide product improvements to the Army's currently fielded lightweight man-portable 2kW military tactical generator (MTG) while also concurrently accelerating the research and development on the MTG's successor.)		+3,000		+2,100
120 COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	**219,088**	**229,088**	**219,088**	**219,088**
Applied Communications and Information Networking (ACIN) Program (Note: transferred to line 40)		+10,000		0
121 MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	**12,202**	**24,702**	**16,202**	**22,852**
LSTAT Medical Technology		+2,500		+2,100
Biomedical Engineering Technology & Advanced Materials		+1,000		+1,000
Pressure Swing Absorption Oxygen Concentrator		+2,000		+1,000
Bio-Chem Protection		+3,000		+2,550
Chem-Bio Protection Technology		+4,000		+2,000
Next Generation Cartilage Infuser			+4,000	+2,000
122 LANDMINE WARFARE/BARRIER - ENG DEV	**90,396**	**98,396**	**90,396**	**97,196**
Magneto Inductive RAMS (Note: only to accelerate Engineering and Manufacturing Development (EMD) of the Magneto Inductive Remote Activation Munition System)		+8,000		+6,800
123 ARTILLERY MUNITIONS - EMD	**133,994**	**123,994**	**133,994**	**123,994**
Offset for MEMS INS/GPS		-10,000		-10,000
124 COMBAT IDENTIFICATION	**3,541**	**11,541**	**15,541**	**15,941**
Coalition Combat Identification (CCID) (Note: only for		+8,000		+4,000
Integrated Battlefield Combat Situational Awareness System (IB-CSAS)			+12,000	+8,400
125 ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	**98,129**	**104,129**	**98,129**	**102,229**
TOC 3D & Survivable Carrier (CECOM)		+6,000		+4,100

R-1		Budget Request	House	Senate	Conference
130	**PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION**	**174,475**	**174,475**	**0**	**158,475**
	Transfer to RDDW			-174,475	
	Patriot-MEADS consolidation efficiencies				-16,000
131	**INFORMATION TECHNOLOGY DEVELOPMENT**	**47,566**	**52,566**	**62,566**	**63,866**
	Army Field Support Command Information Technology Initiative		+2,000		+1,000
	Knowledge System Management (Note: Only for use by ARDEC at Picatinny Arsenal, NJ)		+3,000		+2,600
	Tactical Logistics Data Digitization Program			+15,000	+12,700
132	**THREAT SIMULATOR DEVELOPMENT**	**17,751**	**17,751**	**21,251**	**20,251**
	RF/SAM Threat Simulator Program			+3,500	+2,500
136	**ARMY KWAJALEIN ATOLL**	**137,307**	**137,307**	**141,307**	**140,407**
	Domed Housing Units			+3,000	+2,100
	Aberdeen Technology Transfer Initiative			+1,000	+1,000
137	**CONCEPTS EXPERIMENTATION PROGRAM**	**26,473**	**26,473**	**33,473**	**31,723**
	Technology Management and Collaboration Initiative			+7,000	+5,250
139	**ARMY TEST RANGES AND FACILITIES**	**174,603**	**174,603**	**185,203**	**185,203**
	Non-Discarding Sabot			+1,700	+1,700
	Hybrid Electric Vehicle testing only at Cold Region Test Activity			+8,900	+8,900
140	**ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS**	**54,986**	**56,986**	**57,986**	**58,786**
	White Sand Missile Range (WSMR) Test Modernization (Note: only to provide for acquisition of data collection and procession systems and support including digital imagers, data transmission infrastructure, data analysis tools, and data storage and management systems for the effective collection, management and distribution of test data.)		+2,000		+1,000
	Army Threat Support Activity		0	0	+1,000
	Chemical Biological Defense Material T&E Initiative			+3,000	+1,800
141	**SURVIVABILITY/LETHALITY ANALYSIS**	**39,138**	**38,138**	**45,138**	**42,338**
	Reduce programmed growth--Legacy systems		-1,000		-1,000
	Decision Related Structures (DRS)			+6,000	+4,200
142	**DOD HIGH ENERGY LASER TEST FACILITY**	**17,806**	**17,806**	**19,306**	**18,906**
	High Energy Lase Systems Test Facility Infrastructure Upgrade			+1,500	+1,100
148	**ARMY EVALUATION CENTER**	**57,074**	**47,074**	**47,074**	**47,074**
	Reduce programmed growth		-10,000	-10,000	-10,000
150	**PROGRAMWIDE ACTIVITIES**	**71,555**	**65,055**	**71,555**	**65,055**
	Reduce programmed growth		-6,500		-6,500

R-1		Budget Request	House	Senate	Conference
151	**TECHNICAL INFORMATION ACTIVITIES**	**28,520**	**43,520**	**28,520**	**43,520**
	Army High Performance Computing Research Center (AHPCRC) (Note: The Committee directs that $15,000,000 is available only for the Army High Performance Computing Research Center (AHPCRC) High Performance Computing systems and networks, user support, AHPCRC-based staff scientist and research support staff, technology exchange and summer institute programs and research activities.)		+15,000		+15,000
152	**MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY**	**19,855**	**43,355**	**29,855**	**41,105**
	Advanced Cluster Energetics		+3,000		+2,100
	CZT Detectors for Automated Munitions Inspection and Surveillance Program		+3,500		+2,400
	Life Cycle Pilot Process		+2,000		+1,400
	Manufacturing RDTE Center		+2,000		+1,400
	MEMS IMU Technology Capitalization		+3,500		+1,800
	Metal Matrix Technology Partnership for Munitions at TACOM-ARDEC, Picatinny Arsenal		+3,000		+1,500
	NanoConsortium (MEMS Technology Applications)		+2,000	+2,000	+2,000
	Public-Private Partnerships - Munitions		+4,500		+3,150
	Sierra Army Depot Cryofracture/Plasma Arc Demilitatization Program (Note: transferred from Chemical Agents and Munitions Destruction, Army)		0		+1,500
	Public Private Partnership to Develop Metal Matrix Composite Technologies			+8,000	+4,000
154	**MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)**	**8,995**	**12,495**	**8,995**	**11,995**
	Domestic Preparedness Against WMD First Responder Training at NTPI		+3,500		+3,000
157	**AEROSTAT JOINT PROJECT OFFICE**	**57,549**	**60,549**	**57,549**	**59,049**
	Lightweight X-Band Radar MEMS Antenna Technology		+3,000		+1,500
158	**DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCTION**	**0**	**4,500**	**2,000**	**4,000**
	Bioterrorism Education		+1,000		+1,000
	Multiple Delivery Systems for Applying Aqueous Decontaminant		+3,000	+2,000	+2,500
	Structural Biology Center		+500		+500
160	**COMBAT VEHICLE IMPROVEMENT PROGRAMS**	**24,486**	**28,486**	**31,486**	**31,686**
	Combat Vehicle Electronics for Future and Legacy Programs		+4,000		+2,000
	Tracked Hybrid-Electric Vehicle Advanced Technology Demonstrator			+4,500	+3,200
	Abrams Track Development			+1,000	+1,000
	Digitization Support to Fort Hood			+1,500	+1,000
161	**MANEUVER CONTROL SYSTEM**	**39,581**	**39,581**	**45,581**	**39,581**
	Classified Program			+6,000	0

R-1	Budget Request	House	Senate	Conference
162 AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	**187,959**	**269,959**	**279,959**	**277,759**
AH-64A Apache Helicopter Performance Support System for ARNG (Note: only to develop the infrastructure for a sustainable, scalable, state-of-the-art performance support system program)		+1,000		+1,000
Distributed Mission Training System		+2,000		+1,700
UH-60M prototype aircraft (transfer from AP,A)		+73,000	+85,000	+75,000
Maintenance Analysis Safety and Training (MAST) program		+6,000		+5,100
UH-60M IMD-HUMS Demonstration			+7,000	+7,000
163 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	**3,399**	**10,399**	**8,399**	**5,399**
Wear Debris Data Repository Center		+5,000		0
Universal FADEC Control		+2,000	+5,000	+2,000
167 MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	**44,468**	**44,468**	**46,968**	**46,568**
PATRIOT Light Antenna Mast Group			+1,000	+1,000
Advanced Composite Radome			+1,500	+1,100
173 SPECIAL ARMY PROGRAM	**5,968**	**8,968**	**11,268**	**21,468**
INSCOM Global Information Portal		+3,000		+1,500
Classified program			+5,300	+14,000
174 SECURITY AND INTELLIGENCE ACTIVITIES	**0**	**14,500**	**10,500**	**16,050**
Army Information Dominance Center Mobile Agent Technology		+2,500		+1,750
Army Information Dominance Center Expanded Processing for Data Analysis		+4,000		+2,800
Securametics		+5,000		+2,500
Technology for Specialized Field Communication and Machine Aided SIGINT Analysis for Linguists and Non-Linguist in Middle Eastern Languages		+3,000		+1,500
Asian/Arabic Language Technology			+500	+500
Documentation Exploitation Solution			+2,000	+1,400
Base Protection and Monitoring, Ft. Leavenworth			+8,000	+5,600
175 INFORMATION SYSTEMS SECURITY PROGRAM	**20,728**	**20,728**	**13,728**	**20,728**
Classified program			-7,000	0
176 GLOBAL COMBAT SUPPORT SYSTEM	**58,983**	**66,483**	**48,983**	**55,833**
Proof of Concept of Army Rapid Deployment Logistics System (Ft. Hood and Ft. Lewis)		+7,500		+6,850
Delayed approval of architecture backbone by OSD			-10,000	-10,000
178 WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	**20,124**	**17,124**	**20,124**	**17,124**
Reduce programmed growth		-3,000		-3,000
180 TACTICAL UNMANNED AERIAL VEHICLES	**60,493**	**61,493**	**75,493**	**69,393**
I-GNAT Unmanned Aerial Vehicle		+1,000		0
Shadow 200 TUAV Airframe Optimization			+8,900	+5,300
TUAV Tactical Common Data Link (TCDL)			+6,100	+3,600

R-1	Budget Request	House	Senate	Conference
182 DISTRIBUTED COMMON GROUND SYSTEMS	**32,292**	**40,792**	**32,292**	**37,792**
Asymmetric Warfare Intelligence Analysis Advanced Tool Set (AW-IAATS)		+2,500		+1,500
Distributed Data Visialization & Management		+4,000		+2,800
National Defense Imagery Processing (NDIP) Program		+2,000		+1,200
183 END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	**65,981**	**84,981**	**80,181**	**86,731**
21st Century High Tech. Legacy Parts Reinvention		+1,000		+1,000
21st Century High Technology for Legacy Parts Reinvention--Watervliet		+3,000		+1,500
Femtosecond Laser (Industrial Short Pulse Laser)		+6,000		+6,000
National Center for Defense Manufacturing and Machining		+4,000		+3,400
Reactive Atom Plasma (RAP) Processing		+3,000		+2,550
Industrial Preparedness, Manufacturing Science and Technology		+2,000		+1,000
Optics Manufacturing Research			+1,500	+1,000
Microwave Wastewater Treatment System			+1,700	+1,200
Bipolar Wafer-cell NiMH battery for Army vehicles			+2,000	+1,000
Lean Munitions			+3,000	+2,100
MERWS-Natick (Note: transferred to line 30)			+6,000	0

Future Combat System

The conferees share the view expressed in the reports accompanying both the House- and Senate-passed versions of the fiscal year 2004 Department of Defense Appropriations bill that the Army must improve the structure of the budget estimates in support of the Future Combat System (FCS). Adding detail to the budget justification materials is essential to justify the requested level of funding which totals $1,701,331,000 in fiscal year 2004 and $13,243,904,000 over the Future Years Defense Plan (FYDP).

Accordingly, the conferees direct that the Army establish two separate program elements for the purpose of supporting the FCS budget estimates. One program element shall include funding estimates for the Non-Line of Sight Cannon and resupply vehicle (NLOS–C). For fiscal year 2004, the conferees direct that $353,242,000 of the funds requested for the FCS program be made available only for NLOS–C. The conferees recognize that NLOS–C is an element of the FCS system of systems and that development of NLOS–C must be coordinated with other elements of the FCS program. The conferees further direct that this program is a special interest item subject to prior approval reprogramming procedures for the cumulative value of transfers in excess of $20,000,000. In addition, the conferees direct the Secretary of the Army to provide financial execution data on the NLOS–C element of FCS including, but not limited to: obligations, disbursements, and transfers.

The balance of the funding requested for fiscal year 2004, $1,348,089,000, shall be divided into the following projects within a separate program element:

[In thousands of dollars]

Non-Line of Sight (NLOS) Launch system	102,971
Reconnaissance Platforms and Sensors	284,925
Unmanned Ground Vehicles	186,768
Unattended Sensors	17,432
Sustainment	139,239
Command and Control	334,730
Manned Ground Vehicles	282,024

The conferees direct the Secretary of Defense to provide 30 days prior notification to the congressional defense committees on the cumulative value of transfers in excess of $20,000,000 into or out of these projects. In addition, the conferees direct the Secretary of the Army to provide quarterly financial reports to the congressional defense committees that include, but are not limited to obligations, disbursements, and transfers for each of these projects.

Defense Language Institute Research and Development

The conferees note that the Defense Language Institute (DLI) is funded primarily through the Operation and Maintenance, Army account. However, the conferees are aware that DLI often undertakes research and development work on technologies related to language, language learning, and curriculum development. Accordingly, the conferees urge the Secretary of the Army to establish a new program element code within the Research, Development, Test and Evaluation, Army account for the purpose of funding research and development efforts at DLI. The conferees also recommend that the Army provide a reasonable level of funding to support this effort from the resources provided in this Act.

Army MEMS–GPS/INS Technology Development

The conferees agree to provide an additional $8,500,000 to continue development and testing essential to achieve a low-cost inertial guidance system using high-g MEMS technology and producing an anti-jam "ultra-deeply coupled GPS/INS hardware/software system" from funding included for the Excalibur artillery program. The conferees expect this joint Army-Navy effort to be robustly funded in the fiscal year 2005 budget request and in the Future Years' Defense Program.

Objective Force Cost Module

In fiscal year 2003, the conferees provided $3,600,000 to fund the initial development phase of the Objective Force Cost Module (OFCM), a cost analysis and estimating tool critical to the on-time and on-budget deployment of the Future Combat System (FCS). Given the positive development of the OFCM tool to date and continuing concerns that the FCS program keep its deployment and budget schedule, the conferees encourage to Army to continue fiscal year 2004 funding of the OFCM program with available FCS funds.

Neurotoxin Exposure Treatment Research Program (NETRP)

The conferees are aware that the United States Army Medical Research and Materiel Command is conducting excellent research in investigating the underlying biologic mechanisms and therapeutic interventions of neurodegenerative effects caused by deployment, environmental and occupational exposures. Therefore, the conferees recommend $26,000,000 for the continuation of this research into Parkinsons and other neurological disorders. The conferees note the success of the collaborative work between the military, a non-profit organization and an academic laboratory with distinguished scientific credentials in this field that has helped accelerate NETRP research and would urge the Army to continue its support of this effort.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH				
UNIVERSITY RESEARCH INITIATIVES	70,669	81,669	91,669	92,519
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,400	17,400	17,400	17,400
DEFENSE RESEARCH SCIENCES	368,517	379,017	384,517	379,617
TOTAL, BASIC RESEARCH	456,586	478,086	493,586	489,536
APPLIED RESEARCH				
POWER PROJECTION APPLIED RESEARCH	114,144	144,144	129,774	144,244
FORCE PROTECTION APPLIED RESEARCH	75,909	85,409	119,909	114,184
MARINE CORPS LANDING FORCE TECHNOLOGY	31,778	33,778	32,778	32,778
HUMAN SYSTEMS TECHNOLOGY	---	2,000	---	1,725
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	---	---	---	1,800
COMMON PICTURE APPLIED RESEARCH	59,022	74,522	90,022	96,597
WARFIGHTER SUSTAINMENT APPLIED RESEARCH	52,213	90,113	92,963	101,788
RF SYSTEMS APPLIED RESEARCH	44,019	45,519	52,519	49,819
OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,785	70,585	52,285	63,010
UNDERSEA WARFARE APPLIED RESEARCH	62,583	70,883	77,083	77,733
MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	47,490	47,490	48,490	48,490
TOTAL, APPLIED RESEARCH	535,943	664,443	695,823	732,168

(In thousands of dollars)

	Budget	House	Senate	Conference
ADVANCED TECHNOLOGY DEVELOPMENT				
POWER PROJECTION ADVANCED TECHNOLOGY	173,478	225,478	230,580	260,178
FORCE PROTECTION ADVANCED TECHNOLOGY	55,780	123,030	97,980	125,380
COMMON PICTURE ADVANCED TECHNOLOGY	69,194	82,194	77,194	80,594
WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	54,794	71,294	80,294	87,944
RF SYSTEMS ADVANCED TECHNOLOGY	45,475	55,475	62,475	62,775
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	56,404	74,504	85,404	91,154
NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM	151,058	151,058	136,058	139,058
WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	11,435	30,435	14,435	26,935
UNDERSEA WARFARE ADVANCED TECHNOLOGY	38,168	38,168	51,168	47,068
JOINT WARFARE EXPERIMENTS	13,684	13,684	24,684	20,184
NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	20,584	20,584	39,984	39,984
MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	31,719	37,719	38,219	39,369
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	721,773	923,623	938,475	1,020,623
DEMONSTRATION & VALIDATION				
AIR/OCEAN TACTICAL APPLICATIONS	22,832	22,832	22,832	22,832
AVIATION SURVIVABILITY	6,809	19,009	11,809	16,209
DEPLOYABLE JOINT COMMAND AND CONTROL	79,449	79,449	64,329	64,329
ASW SYSTEMS DEVELOPMENT	11,149	15,149	17,149	18,949
TACTICAL AIRBORNE RECONNAISSANCE	7,051	2,051	7,051	2,051
ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,394	3,394	7,394	5,794
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	140,731	150,731	140,731	147,331
SURFACE SHIP TORPEDO DEFENSE	48,347	56,347	40,347	45,397
CARRIER SYSTEMS DEVELOPMENT	144,965	148,465	164,965	158,365
SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	20,431	26,431	32,431	37,081
PILOT FISH	95,301	95,301	95,301	95,301
RETRACT LARCH	74,111	74,111	74,111	74,111
RETRACT JUNIPER	20,526	20,526	20,526	20,526
RADIOLOGICAL CONTROL	1,112	1,112	1,112	1,112
SURFACE ASW	2,506	4,506	5,006	4,506

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SSGN CONVERSION	68,988	71,488	68,988	70,188
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	52,744	96,744	85,444	94,744
SUBMARINE TACTICAL WARFARE SYSTEMS	6,027	6,027	6,027	6,027
SHIP CONCEPT ADVANCED DESIGN	7,679	11,679	22,679	21,079
ADVANCED NUCLEAR POWER SYSTEMS	201,239	201,239	201,239	201,239
ADVANCED SURFACE MACHINERY SYSTEMS	1,468	7,468	1,468	6,568
CHALK EAGLE	17,463	17,463	17,463	17,463
LITTORAL COMBAT SHIP (LCS)	158,071	168,071	158,071	168,071
COMBAT SYSTEM INTEGRATION	86,836	93,336	100,836	99,091
CONVENTIONAL MUNITIONS	42,539	42,539	42,539	42,539
MARINE CORPS ASSAULT VEHICLES	240,695	240,695	240,695	240,695
MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	1,215	1,215	1,215	1,215
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	19,700	19,700	28,700	26,300
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	12,385	17,885	12,385	17,060
COOPERATIVE ENGAGEMENT	72,506	90,506	72,506	87,806
OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	18,180	18,180	18,180	18,180
ENVIRONMENTAL PROTECTION	30,127	30,127	33,127	32,227
NAVY ENERGY PROGRAM	1,713	1,713	3,713	1,713
FACILITIES IMPROVEMENT	1,440	1,440	1,440	1,440
CHALK CORAL	61,453	61,453	61,453	61,453
NAVY LOGISTIC PRODUCTIVITY	7,591	21,591	10,091	18,191
RETRACT MAPLE	300,864	300,864	300,864	300,864
LINK PLUMERIA	105,363	105,363	105,363	105,363
RETRACT ELM	43,755	43,755	43,755	43,755
SHIP SELF DEFENSE	9,733	9,733	9,733	9,733
LINK EVERGREEN	95,796	95,796	95,796	95,796
SPECIAL PROCESSES	53,450	53,450	53,450	53,450
NATO RESEARCH AND DEVELOPMENT	7,941	7,941	7,941	7,941
LAND ATTACK TECHNOLOGY	63,434	146,134	89,434	121,034
NONLETHAL WEAPONS	43,445	43,445	44,445	44,445

(In thousands of dollars)

	Budget	House	Senate	Conference
ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM.....	16,765	16,765	15,065	15,065
JOINT PRECISION APPROACH AND LANDING SYSTEMS..........	24,304	24,304	24,304	24,304
SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER..	15,053	15,053	15,053	15,053
SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE..	31,369	35,369	36,369	37,669
TOTAL, DEMONSTRATION & VALIDATION..................	2,600,045	2,837,945	2,734,925	2,821,655
ENGINEERING & MANUFACTURING DEVELOPMENT				
OTHER HELO DEVELOPMENT..............................	66,764	66,764	67,764	68,764
AV-8B AIRCRAFT - ENG DEV............................	10,527	8,027	10,527	8,727
STANDARDS DEVELOPMENT...............................	50,063	53,063	50,063	50,063
MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT..........	76,998	76,998	76,998	76,998
AIR/OCEAN EQUIPMENT ENGINEERING......................	4,309	3,079	4,309	3,079
P-3 MODERNIZATION PROGRAM............................	7,306	11,306	19,606	14,756
WARFARE SUPPORT SYSTEM...............................	1,466	---	5,266	2,000
TACTICAL COMMAND SYSTEM..............................	68,805	72,305	62,005	66,255
E-2C RADAR MODERNIZATION.............................	352,298	347,298	352,298	347,298
H-1 UPGRADES...	90,589	90,589	92,589	91,989
ACOUSTIC SEARCH SENSORS..............................	15,831	18,631	15,831	17,131
V-22A..	441,142	441,142	398,142	407,142
AIR CREW SYSTEMS DEVELOPMENT.........................	8,765	19,765	8,765	16,365
EW DEVELOPMENT.......................................	256,701	265,701	269,201	266,701
TAC AIR DIRECTIONAL INFRARED COUNTERMEASURES..........	---	14,000	---	12,000
VHXX EXECUTIVE HELO DEVELOPMENT......................	197,431	197,431	197,431	197,431
JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)........	87,943	90,443	87,943	89,693
SC-21 TOTAL SHIP SYSTEM ENGINEERING..................	1,037,987	927,987	1,025,487	1,064,387
SURFACE COMBATANT COMBAT SYSTEM ENGINEERING...........	205,733	245,733	213,233	215,933
LPD-17 CLASS SYSTEMS INTEGRATION......................	7,989	7,989	7,989	8,989
TRI-SERVICE STANDOFF ATTACK MISSILE...................	25,137	16,137	25,137	21,137
STANDARD MISSILE IMPROVEMENTS.........................	76,927	69,927	86,927	81,927
AIRBORNE MCM..	88,514	92,514	91,514	92,014

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SSN-688 AND TRIDENT MODERNIZATION	80,815	77,615	83,815	77,915
AIR CONTROL	10,472	10,472	10,472	10,472
ENHANCED MODULAR SIGNAL PROCESSOR	1,006	1,006	1,006	1,006
SHIPBOARD AVIATION SYSTEMS	18,352	22,352	23,852	23,852
COMBAT INFORMATION CENTER CONVERSION	21,244	13,244	21,244	13,244
NEW DESIGN SSN	112,355	158,855	141,555	155,305
SSN-21 DEVELOPMENTS	13,482	4,482	25,982	24,107
SUBMARINE TACTICAL WARFARE SYSTEM	32,238	25,738	38,738	32,738
SHIP CONTRACT DESIGN/ LIVE FIRE T&E	138,017	75,117	136,267	135,667
NAVY TACTICAL COMPUTER RESOURCES	2,267	19,267	2,267	12,667
MINE DEVELOPMENT	1,497	1,497	1,497	1,497
UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	9,701	9,701	14,701	12,201
LIGHTWEIGHT TORPEDO DEVELOPMENT	3,442	7,442	3,442	6,242
JOINT DIRECT ATTACK MUNITION	33,029	33,029	33,029	33,029
JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,136	8,136	8,136	8,136
PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,941	1,941	1,941	1,941
BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	16,942	16,942	16,942	16,942
JOINT STANDOFF WEAPON SYSTEMS	775	5,775	775	5,025
SHIP SELF DEFENSE (DETECT & CONTROL)	40,930	46,930	38,516	42,716
SHIP SELF DEFENSE (ENGAGE: HARD KILL)	23,076	24,576	41,076	24,576
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	35,508	46,508	48,508	54,108
MEDICAL DEVELOPMENT	9,121	75,521	23,093	71,068
NAVIGATION/ID SYSTEM	45,726	45,726	45,726	45,726
DISTRIBUTED SURVEILLANCE SYSTEM	28,755	28,255	30,755	28,255
JOINT STRIKE FIGHTER (JSF)	2,171,736	2,105,736	2,216,536	2,183,536
SMART CARD	552	552	552	552
INFORMATION TECHNOLOGY DEVELOPMENT	8,835	8,835	8,835	8,835
INFORMATION TECHNOLOGY DEVELOPMENT	30,562	66,562	47,562	66,112
DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	78,724	73,724	78,724	73,724
MULTI-MISSION MARITIME AIRCRAFT (MMA)	76,243	58,743	76,243	72,243

	(In thousands of dollars)			
	Budget	House	Senate	Conference
NAVY STANDARD INTEGRATED PERSONNEL SYSTEM (NSIPS).....	4,653	4,653	4,653	4,653
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT......	6,239,357	6,215,761	6,395,465	6,468,869
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT..........................	28,004	28,004	28,004	28,004
TARGET SYSTEMS DEVELOPMENT............................	37,638	37,638	37,638	37,638
MAJOR T&E INVESTMENT..................................	43,908	43,908	43,908	43,908
STUDIES AND ANALYSIS SUPPORT - NAVY...................	4,431	4,431	5,431	9,431
CENTER FOR NAVAL ANALYSES.............................	40,726	40,726	40,726	40,726
FLEET TACTICAL DEVELOPMENT............................	2,006	2,006	2,006	2,006
TECHNICAL INFORMATION SERVICES........................	726	16,726	16,226	27,576
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT........	30,236	30,236	32,736	31,486
STRATEGIC TECHNICAL SUPPORT...........................	3,883	3,883	3,883	3,883
RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT...............	64,885	64,885	64,885	64,885
RDT&E INSTRUMENTATION MODERNIZATION...................	13,554	13,554	13,554	13,554
RDT&E SHIP AND AIRCRAFT SUPPORT.......................	78,648	78,648	78,648	78,648
TEST AND EVALUATION SUPPORT...........................	258,471	259,471	258,471	259,471
OPERATIONAL TEST AND EVALUATION CAPABILITY............	12,094	12,094	12,094	12,094
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.......	3,187	3,187	3,187	3,187
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT...............	12,091	12,091	12,091	12,091
MARINE CORPS PROGRAM WIDE SUPPORT.....................	16,635	29,635	21,135	29,635
TOTAL, RDT&E MANAGEMENT SUPPORT.......................	651,123	681,123	674,623	698,223
OPERATIONAL SYSTEMS DEVELOPMENT				
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT................	104,793	104,793	76,693	66,193
SSBN SECURITY TECHNOLOGY PROGRAM......................	38,408	38,408	38,408	38,408
SUBMARINE ACOUSTIC WARFARE DEVELOPMENT................	2,955	7,955	2,955	5,955
NAVY STRATEGIC COMMUNICATIONS.........................	27,357	27,357	27,357	27,357
RAPID TECHNOLOGY TRANSITION (RTT).....................	14,662	14,662	10,000	10,000
F/A-18 SQUADRONS......................................	179,047	179,047	179,047	179,047
E-2 SQUADRONS...	9,083	20,083	14,083	19,783

	(In thousands of dollars)			
	Budget	House	Senate	Conference
FLEET TELECOMMUNICATIONS (TACTICAL)	16,484	26,484	16,484	23,484
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,385	78,385	81,385	77,385
INTEGRATED SURVEILLANCE SYSTEM	14,278	20,278	14,278	19,378
AMPHIBIOUS TACTICAL SUPPORT UNITS	5,652	5,652	5,652	5,652
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	21,719	22,719	21,719	22,719
CRYPTOLOGIC DIRECT SUPPORT	1,466	---	1,466	1,466
ELECTRONIC WARFARE (EW) READINESS SUPPORT	11,927	11,927	11,927	11,927
HARM IMPROVEMENT	49,381	53,381	49,381	52,181
TACTICAL DATA LINKS	44,526	44,526	44,526	44,526
SURFACE ASW COMBAT SYSTEM INTEGRATION	12,179	25,179	12,179	23,379
MK-48 ADCAP	17,227	17,227	17,227	17,227
AVIATION IMPROVEMENTS	60,073	74,573	60,073	69,323
NAVY SCIENCE ASSISTANCE PROGRAM	7,236	7,236	10,708	10,708
OPERATIONAL NUCLEAR POWER SYSTEMS	62,751	62,751	62,751	62,751
MARINE CORPS COMMUNICATIONS SYSTEMS	235,722	248,722	238,722	251,172
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	35,439	42,439	37,189	42,439
MARINE CORPS COMBAT SERVICES SUPPORT	19,723	19,723	19,723	19,723
TACTICAL AIM MISSILES	2,322	2,322	2,322	2,322
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	9,297	9,297	9,297	9,297
SATELLITE COMMUNICATIONS (SPACE)	379,541	282,041	354,541	271,291
INFORMATION SYSTEMS SECURITY PROGRAM	18,404	25,404	21,404	25,704
COBRA JUDY	69,369	69,369	69,369	69,369
NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	4,966	4,966	4,966	7,966
JOINT C4ISR BATTLE CENTER (JBC)	50,413	50,413	36,513	45,413
JOINT MILITARY INTELLIGENCE PROGRAMS	5,314	5,314	5,314	5,314
TACTICAL UNMANNED AERIAL VEHICLES	56,521	48,321	102,921	86,721
ENDURANCE UNMANNED AERIAL VEHICLES	101,448	68,048	101,448	101,448
AIRBORNE RECONNAISSANCE SYSTEMS	13,345	20,345	28,445	27,295
MANNED RECONNAISSANCE SYSTEMS	13,717	18,717	13,717	16,717
DISTRIBUTED COMMON GROUND SYSTEMS	4,421	6,521	4,421	8,971

	(In thousands of dollars) Budget	House	Senate	Conference
MODELING AND SIMULATION SUPPORT	7,044	7,044	15,044	13,644
DEPOT MAINTENANCE (NON-IF)	9,073	9,073	9,073	9,073
INDUSTRIAL PREPAREDNESS	54,593	54,593	63,593	64,993
MARITIME TECHNOLOGY (MARITECH)	10,068	13,068	14,068	14,668
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,873,329	1,848,363	1,910,389	1,882,389
CLASSIFIED PROGRAMS	1,028,497	1,016,895	1,043,095	1,032,920
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	14,106,653	14,666,239	14,886,381	15,146,383

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
{In thousands of dollars}

R-1	Budget Request	House	Senate	Conference
1 UNIVERSITY RESEARCH INITIATIVES	**70,669**	**81,669**	**91,669**	**92,519**
Center for Southern Tropical Advanced Remote Sensing (Note: only for CSTARS ground segment for additional satellites; hardware and software to accommodate mission-specific needs of the US Southern Command; additional capabilities associated with scientific use of the facility)		+5,000	+5,000	+5,000
Southern Universities Research Associations (SURA) Coastal Ocean Observation Program (SCOOP) (Note: only to continue development of an integrated system of ocean sensors and models for a regional network of integrated data)		+6,000		+3,000
Center for Maritime Systems (Note: only for improvements in high-speed hydrodynamics research capabilities and university research programs in naval architecture, hydrodynamics and ocean engineering)				+3,600
Armed Forces food safety and security research			+4,000	+2,800
Center for Nanoscience and Nanomaterials			+6,000	+3,000
Low Temperature Research Center			+1,000	+1,000
MEMS Sensor for rolling element bearings			+2,000	+1,450
Nanomaterials for high performance coatings application			+1,000	+1,000
Neural engineering for human response augmentation			+2,000	+1,000
3 DEFENSE RESEARCH SCIENCES	**368,517**	**379,017**	**384,517**	**379,617**
Quantum Optical Science and Engineering - next generation of technology in optical telecommunications, optical computing, optical signal processing, and quantum code breaking		+5,000	+1,000	+2,500
Integrated WMD detection and collection system (Note: only to develop and produce an integrated NBC detection and collection system that will merge COTS nuclear and chemical detection devices with a small biological collection device already demonstrated on the Marine Corps Dragon Eye UAV)		+3,000		+2,100
Center for Photochemical Sciences (Note: only for continued support of the Center for Photochemical Sciences)		+2,500		+500
Academy for Closing and Avoiding Achievement Gaps			+1,000	+1,000
Center for Advanced Power Systems (CAPS) - moved to line 5			+5,000	0
Nanoscale architectures from protein nanocages			+2,000	+2,000
Neutron detector			+1,500	+1,000
Power and propulsion technologies for the electrical Naval force - moved to line 44			+2,500	0
Robotic countermine technology			+3,000	+2,000

R-1	Budget Request	House	Senate	Conference
4 POWER PROJECTION APPLIED RESEARCH	**114,144**	**144,144**	**129,774**	**144,244**
Non-linear Dynamics - Control of Chaos (Note: only for an effort by the Institute of Scientific Research in conjunction with ONR and SPAWAR to support ongoing efforts to expedite chaos control research)		+4,000		+3,400
Interrogator for high-speed retro reflectometer covert communications		+4,000		+2,000
FireLidar (Note: only to continue the development of technology that will permit detection through smoke, fog, water and other obscurants)		+2,000		+1,500
Advanced Development and Demonstration of Electric Actuator technology (Note: only for the development of a shipboard-qualified electric actuator to replace hydraulic-powered actuators)		+2,000		+1,200
Hybrid Lidar-Radar for improved optical imaging (Note: only to investigate the application of Hybrid Lidar-Radar to underwater, biomedical and atmospheric imaging)		+3,500		+1,700
Kill Assist All-Weather Targeting System (KAATS) (Note: only to continue development and demonstration of UAV mounted high resolution SAR for all weather precision targeting)		+4,500		+3,150
Device Integration of WBG Semiconductors and Crystalline Oxides		+2,000		+1,400
Ultra-Short Pulse Laser Technology		+2,000		+1,400
Radar Infrared Imaging		+2,500		+2,100
High Efficiency Piezoelectric Crystals		+2,500		+2,100
Integrated High Payoff Rocket Propulsion Technology Program (IHPRPT)		+1,000		+1,000
Nanocomposite warheads - moved from line 113				+2,550
UCAV-N Naval Precision Strike Operation; budget error - transferred to line 18			-25,000	-25,000
Hypersonic funding (NAI)- excludes HyFly			-1,920	0
Space Access (NAI) - excludes HyFly			-2,450	-1,500
Advanced Multi-INT Exploitation System (AMIES)			+4,000	+2,800
Chemical weapon detection for UAV applications			+2,000	+1,400
Combustion light gas for Naval Surface Fire Support program			+5,000	+4,250
Free Electron Laser			+10,000	+7,000
Gallium Nitride (GaN) microelectronics and materials development			+6,000	+3,000
Integrated biological warfare technology platform			+6,000	+5,150
Intelligent control systems for SWARM Unmanned Aerial Vehicles			+5,000	+4,250
Thermal management of environmentally enclosed ground stations and computing systems			+7,000	+5,250

R-1	Budget Request	House	Senate	Conference
5 FORCE PROTECTION APPLIED RESEARCH	**75,909**	**85,409**	**119,909**	**114,184**
Center for Advanced Power Systems (Note: only for Electric Ship R&D Consortium (ESRDC) for additional instrumentation and power generation equipment to complete the test bed)		+6,000		+4,000
Battery charging technology (Note: only to continue and expand the existing program to develop advanced battery charging algorithms)		+2,500		+2,125
Deployable Fiber Optic Force Protection System		+1,000		+1,000
Corrosion modeling software			+4,500	+3,150
Fusion processor and integrated contextual reasoning			+7,500	+6,400
High efficiency quiet electric drive			+2,000	+1,400
Integrated fuel processor - fuel cell system			+4,000	+2,400
Low-cost, rapid prototype/production technology for polymeric aircraft components			+3,000	+1,500
Miniature autonomous vehicles			+2,000	+1,200
Nanostructured composite marine coatings			+2,500	+2,500
Project Endeavor			+4,000	+3,400
Solid Oxide regenerative fuel cell			+3,500	+3,000
Structural reliability of FRP composites			+4,000	+2,000
Unmanned sea surface vehicles for Maritime missions			+7,000	+4,200
6 MARINE CORPS LANDING FORCE TECHNOLOGY	**31,778**	**33,778**	**32,778**	**+32,778**
Advanced Lead Acid Battery Development for Military Vehicles		+2,000	+1,000	+1,000
8 HUMAN SYSTEMS TECHNOLOGY	**0**	**2,000**	**0**	**1,725**
Polykinetics: Materials, electronics, and computer technology (Note: only to evaluate polymer applications for noise reduction, radar absorption, fire protection, surface wear prevention and environmental protection)		+2,000		+1,725
9 MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	**0**	**0**	**0**	**1,800**
Virtual Company (VC) Link				+1,800
10 COMMON PICTURE APPLIED RESEARCH	**59,022**	**74,522**	**90,022**	**+96,597**
National Center for Advanced Secure Systems Research (NCASSR)		+7,500		+7,500
Common Sensor Module - microelectronic sensors for unattended surveillance at remote sites		+3,000		+1,800
Web-based technology insertion for the EWT (Note: only for increasing interoperability amongst legacy systems for expeditionary warfare)		+1,500		+1,275
Coastal Area and Tactical Mapping System - provide the Marine Expeditionary Forces with next-generation airborne-scanning laser-mapping system - moved to line 11		+3,500		0
Transfer to RDT&E, DW PE 0603765E			-2,000	-2,000
AIREP			+7,500	+10,750
Expeditionary Strike Group Network (3rd FLEET)			+5,000	+4,250
M2C2			+7,500	+2,000
NAIF			+5,000	+5,000
Naval automation and information management technology			+2,000	+1,000
Theater Undersea Warfare Initiative (TUSW)			+6,000	+6,000

R-1	Budget Request	House	Senate	Conference
11 WARFIGHTER SUSTAINMENT APPLIED RESEARCH	**52,213**	**90,113**	**92,963**	**+101,788**
Low Volume Production (Note: only to continue development of advanced affordable low volume component rebuilding technology using a new generation of laser technologies)		+2,000		+2,000
Marine Mammal Research Program - national research facility for the study of dolphin and whale hearing		+2,200		+1,100
Single-wall Carbon Nanotube Low Observable Materials for Navy Stealth applications		+5,000	+4,000	+4,500
National Unmanned Undersea Vehicle (UUV) Test and Evaluation Center (NUTEC) - complete extension of range equipment and infrastructure		+6,500		+2,750
Three dimensional printing metalworking project - to further refine and expand the capabilities and integration of the 3D process		+2,000		+1,400
Fibrous Monolith Materials- accelerate insertion of Fibrous Monolith materials for Navy applications		+5,000		+2,500
Portable Language Translation System and Computing Platforms (Note: only to complete three prototypes of Pocketable Language Translation Systems and Computing Platforms)		+3,000		+2,100
Novel Materials Synthesis and Characterization		+3,500		+2,450
Aerospace material technology consortium- only to continue the link of government, industrial and academic institutions via a prototype web-based portal		+2,500		+1,875
Human systems technology		+1,700		+1,000
Integrated Biodefense Research Initiative		+2,000		+1,000
Porous Materials Research		+1,000		+1,000
Formable aligned carbon thermostats (FACTS) (Note: only for the development and demonstration of the FACTS product form)		+1,500	+1,000	+1,250
Naval Training, Performance, and Expertise				+500
Advanced fouling and corrosion control coatings			+8,000	+5,600
Advanced Materials and Intelligent Processing Center			+2,500	+1,250
Agile Vaccinology			+4,000	+4,000
Biodegradable Polymers for Naval Applications			+2,250	+1,575
Bioenvironmental Hazards Research Program			+1,000	+1,000
Carbon Foam Program			+2,500	+2,125
Coastal Area and Tactical Mapping System - provide the Marine Expeditionary Forces with next-generation airborne-scanning laser-mapping system - moved from line 10			+2,000	+2,000
Diagnostic Tool for Biowarfare-Inflicted Infectious Disease			+4,000	+2,000
Optimizing adaptive warrior performance			+3,000	+2,100
Rapid and highly sensitive detection of biowarfare agents			+3,000	+1,500
Titanium matrix composites program			+3,500	+1,000

R-1	Budget Request	House	Senate	Conference
12 RF SYSTEMS APPLIED RESEARCH	**44,019**	**45,519**	**52,519**	**49,819**
Vessel and Port Security Demonstration (Note: only for radar and sensor integration for a port security and surveillance demonstration)		+1,500		+1,000
Transfer to RDT&E, DW PE 0603765E			-5,500	-5,500
Advanced Microwave Ferrite research			+2,500	+1,500
Advanced semiconductor materials			+2,000	+1,400
High briteness electron sources			+3,000	+2,100
Maritime synthetic range			+5,000	+4,300
Wide bandgap silicon carbide semiconductor research			+1,500	+1,000
13 OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	**48,785**	**70,585**	**52,285**	**63,010**
Oceanographic Sensors for Mine Countermeasures/Autonomous Marine Sensors - (Note: only to focus on development of sensor program to rapidly identify trace amounts of dissolved organic compounds)		+5,500		+4,675
Center for Maritime Systems - support ongoing research projects, including efforts related to the design of high-speed and littoral ships		+4,000		+2,800
South East Atlantic Coastal Ocean Observing System (SEACOOS) - consortium developing a regional coastal observing system		+6,000	+6,000	+6,000
Extended Capability Underwater Optic Imaging (Note: only to provide an innovative capability that will support underwater Intelligence, Surveillance and Reconnaissance, Homeland Defense, and environmental assessment)		+4,500		+2,250
Bioluminescence Truth Data Management and Signature Detection - expansion of the database of bioluminescence measurements		+1,800		+1,000
Transfer to RDT&E, DW PE 0603765E			-2,500	-2,500
15 UNDERSEA WARFARE APPLIED RESEARCH	**62,583**	**70,883**	**77,083**	**+77,733**
ATT (6.75-inch dia) Multi-Mission Undersea Weapon		+3,000		+2,550
High Powered Ultrasonics - Shipborne Waste Treatment System		+1,500	+1,500	+1,500
Lithium Carbon Monoflouride Battery		+1,300		+1,000
Low Acoustic Signature Motor/Propulsion for Electrically (LAMPrEY) Powered Undersea Vehicles (Note: only for support of "in range" vehicle testing at the NUWC acoustic range)		+2,500	+1,500	+1,750
AN/SQS-53C mine detection and classification enhancements			+2,000	+1,700
Magnetorestrictive Transduction (TERFENOL-D)			+4,500	+3,150
MEMS-IMU torpedo defense applications			+5,000	+3,500
16 MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	**47,490**	**47,490**	**48,490**	**+48,490**
Mobile Underwater Coastal Surveillance System			+1,000	+1,000

R-1	Budget Request	House	Senate	Conference
18 POWER PROJECTION ADVANCED TECHNOLOGY	**173,478**	**225,478**	**230,580**	**260,178**
Uncooled High Resolution Infrared Sensors		+4,000		+3,400
Large Area Multi-Spectral Sapphire Windows for Airborne Reconnaissance		+2,000		+1,700
High-Speed Anti-Radiation Demonstration (HSAD)		+6,000		+5,100
Printed Wiring Boards (PWB)		+5,000		+4,250
Low-Cost Guided Imaging Rocket (LOGIR) (Note: only to develop and test guidance and control strategies and seeker signal processing algorithms in a simulation environment, evaluate and acquire a small inertial navigational system (INS) that fits in a 2.75 inch diameter missile)		+3,500		+3,000
Advanced Thin Film Coatings (Note: only to support the development and qualification of applique and flexible OLED lights)		+6,000		+5,000
Low-power mega-performance UAV processing engines (Note: only to accelerate technology advances to meet the difficult computational challenge of on-board sensor processing capabilities for UAVs)		+7,000		+1,500
DP-2 Thrust Vectoring Program		+10,000		+5,000
Laser Radar - autonomous targeting and destruction of time critical targets for Cruise Missile Real-Time Retargeting		+6,000		+3,000
Integrated Hypersonic Aeromechanics Tool (IHAT) - integrate multi-disciplines, time, manpower, and cost requirements for designing, or evaluating candidate designs, hypersonic weapons systems		+4,000		+3,500
Integrated High Payoff Rocket Propulsion Technology (IHPRPT)		+1,000		+1,000
Joint Program Office for UCAV		-2,500		-2,500
UCAV-N Naval Precision Strike Operation; budget error - transferred from line 4			+25,000	+25,000
Hypersonic funding (NAI)- excludes HyFly			-4,688	0
Space Access (NAI)- excludes HyFly			-210	0
Advanced Lifting Body research program			+5,000	+5,000
High Energy Laser-Low Aspect Target Tracking (HEL-LATT)			+3,000	+2,100
High Speed, Heavy-Lift, Shallow Draft-Capable Watercraft Demonstration			+9,000	+7,650
Magdalena Ridge Observatory			+15,000	+10,500
Precision Strike Navigator			+1,000	+1,000
Solar/Electric Airplane Military Telecommunications Relay Demonstration			+1,000	0
Variable Engine Nozzle			+3,000	+1,500

R-1	Budget Request	House	Senate	Conference
19 FORCE PROTECTION ADVANCED TECHNOLOGY	**55,780**	**123,030**	**97,980**	**125,380**
Aviation Ground Navigation System (AGNAS)		+2,000		+1,700
Damage Control Operations Concepts (DCOC)-technology insertion and manpower reductions for LHD 8, DDG 79, DD(X), CVN 21, and LCS Ship Classes		+2,000		+1,700
Wireless Programmable Logic Controllers		+1,250		+1,000
Technologies for Future Naval Capabilities (FNC)		+1,250		+1,100
Quad Hull Security Caisson Technical Demonstration		+5,000		+2,500
Laser welding (Note: only to complete development and qualification of the laser welding process)		+3,000	+4,000	+3,500
Superconducting DC Homoploar Motor		+8,000		+5,600
E-2C Infrared Search and Track (IRST) Technology Experimentation		+2,750		+1,375
High Temperature Superconducting AC Synchronous Ship Propulsion Motor (Note: only to continue the development of a DD(X) size AC synchronous High Temperature Superconducting Motor)		+5,000	+10,000	+6,000
Global Personal Locator Beacon (PLB) (Note: only to continue the development of the Global PLB Smart Sensor Web)		+2,500		+1,750
Project M (Note: only to continue Project M for application of technology to mitigate physical shock to crew and passengers of the MkV patrol craft)		+5,000	+4,700	+5,000
Large Unmanned Undersea Vehicle (LUUV) Test Bed (Note: only to support the design of the LUUV Test Bed)		+2,000		+1,200
Intermediate modulus COTS carbon fiber qualification (Note: only to complete the qualification of new, lower cost, commercially available intermediate modulus carbon fibers for Navy aircraft and missiles)		+4,000		+2,000
Wireless Sensor Network (Note: only for the Wireless Sensor Network for Total Ship Monitoring Project)		+1,500		+1,000
DockShock - A Ship Shock Test System - to mature the DockShock concept to conduct near shore ship shock testing - moved from line 115				+1,000
Littoral Support Craft - Experimental		+20,000		+14,000
Advanced Waterjet 21		+2,000	+2,000	+2,000
LSC(X)- budgeted funds available only for advanced lifting body			{5,000}	{5,000}
Agile Port and High Speed Ship Technology			+5,000	+5,000
Composite Special Operations craft			+1,000	+1,000
High performance lightweight generator			+6,000	+3,600
Remote continuous energetic material manufacturing pyrotechnic IR decoys			+2,000	+1,200
Uninterruptible PEM Fuel Cell substation			+3,500	+2,975
Wave power demonstration project			+4,000	+3,400

R-1	Budget Request	House	Senate	Conference
20 COMMON PICTURE ADVANCED TECHNOLOGY	**69,194**	**82,194**	**77,194**	**80,594**
Consolidated Undersea Situational Awareness System (CUSAS)		+4,000	+4,000	+4,000
Technology Insertion Support (Note: only for Technology Insertion Support for the Expeditionary Warfare Testbed at Naval Coastal Station)		+1,000		+1,000
Vessel Tracking (Note: only for program to address how best to effectively track shipping vessels)		+8,000		+4,400
Shipboard Automated Reconstruction Capability (SHARC)			+4,000	+2,000
21 WARFIGHTER SUSTAINMENT ADVANCED	**54,794**	**71,294**	**80,294**	**87,944**
Naval Maintenance Management (Note: only for an Intelligent Work Management System that streamlines required maintenance and predicts failures so prevention maintenance can be performed)		+1,000		+1,000
Photonic machining applications		+1,000		+1,000
Precision fabrication of large curved steel ship structures to achieve extremely close tolerances and stealthy characteristics for next generation ships		+5,000		+2,500
Reduction of catapult post retraction exhaust discharge (Note: only for the study of the use of dry lubricants on sliding mechanisms to potentially eliminate overboard discharge of oil)		+1,000		+1,000
AUTOGEN- commercialization phase to parallelize multi-processor driven applications for next generation shipbuilding		+3,000		+3,000
IMPRINT (Note: only to continue the development and integration of Navy manpower and personnel classification tools)		+1,500		+1,000
Emerging/Critical Interconnection Technologies Program (E/CIT)- to continue the Liquid Crystal Polymer (LCP) project		+4,000	+3,000	+3,500
Automatic Container and Cargo Handling System			+4,000	+2,000
Defense systems modernization and sustainment initiative			+1,000	+2,000
Energy and environmental technology			+5,000	+4,250
Expeditionary logistics software development			+2,000	+1,000
Extreme environment urban warfare research			+1,500	+1,000
Flight/hanger deck cleaner improvements			+3,000	+2,550
Integrated aircraft health management			+3,000	+2,550
Titanium matrix composites program				+1,800
On-line electro-hydrodynamic filter			+3,000	+3,000
22 RF SYSTEMS ADVANCED TECHNOLOGY	**45,475**	**55,475**	**62,475**	**62,775**
Remote Ocean Surveillance System (ROSS) (Note: only to initiate a proof-of-concept demonstration of multi-spectral sensor and image processing technology for remote ocean surveillance)		+3,000		+2,100
Highly Mobile Tactical Communications (Note: only for integrating modified Iridium off-the-shelf hardware and software into the existing tactical communications systems)		+2,000		+1,700
SCOUT (LPI) Radar Demonstration (Note: only for demonstration and evaluation of the use of advanced low probability of intercept, surveillance radars in littoral operational and coastal surveillance environments)		+5,000		+2,500
APY-6 Real-time Precision Targeting radar			+10,000	+5,000
Common affordable radar processor			+7,000	+6,000

R-1	Budget Request	House	Senate	Conference
24 MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	**56,404**	**74,504**	**85,404**	**91,154**
C3RP (ONR) project #C2297 (Note: only to continue the existing program)		+4,600		+3,900
USMC UAV/UGV Wearable Computer Project #C-9154 (Note: only for the integration of strategic software and peripherals to enhance command and control)		+3,000		+2,550
Advanced Light Strike Vehicle (ALSV)		+5,000		+3,500
Center for Excellence for Robotics, Advanced Technology Demo		+2,000		+1,400
Telepresent Rapid Aiming Platform (TRAP) Advancement Program		+2,500		+1,750
Rapid Repair, Portable Production (R2P2)		+1,000		+1,000
Rapid deployment fortification wall				+1,000
Expeditionary warfare water purification			+8,000	+5,600
Man-portable quadrupole resonance landmine detection			+5,000	+3,500
Mobile Fire Support System (MFSS) 120mm mortar program			+4,000	+2,800
Project Albert			+5,000	+4,250
Transportable Transponder Landing system			+7,000	+3,500
28 NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM/JOINT EXPERIMENTATION	**151,058**	**151,058**	**136,058**	**139,058**
Insufficient justification			-15,000	-12,000
29 TECHNOLOGY	**11,435**	**30,435**	**14,435**	**26,935**
Navy Medical System Configuration and Test Bed (NMSCTB)		+7,000		+5,950
Nursing Telehealth Research Program		+3,000		+2,550
Organ Transfer Safety		+3,000		+2,500
Center for Collaboration in Medical Modeling and Simulation		+3,000		+1,500
Portable Device for Remote Production of IV Fluids and Patient Specific IV Therapies		+3,000	+3,000	+3,000
30 UNDERSEA WARFARE ADVANCED TECHNOLOGY	**38,168**	**38,168**	**51,168**	**47,068**
Hawaii Undersea Vehicle Test and Training Environment			+2,500	+2,100
Primametric modification of the SQS-53C surface ship sonar			+7,000	+3,500
SAUVIM			+1,500	+1,300
Sea Test for Towed Acoustic Arrays			+2,000	+2,000
31 JOINT WARFARE EXPERIMENTS	**13,684**	**13,684**	**24,684**	**20,184**
JSIMS			-4,000	-4,000
National Security Modeling, Simulation and Training			+15,000	+10,500
32 NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	**20,584**	**20,584**	**39,984**	**39,984**
Transfer from OPN			+16,000	+16,000
FORCEnet Limited Objective Experiments- transferred from line 99			+3,400	+3,400

R-1	Budget Request	House	Senate	Conference
33 MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	**31,719**	**37,719**	**38,219**	**39,369**
Extreme Terrain Medical Evacuation Vehicle Pilot (Note: only for the development and testing of the Zeus XTV)		+2,000		+1,700
Modeling the Warrior as a Cognitive System		+2,000		+1,700
Ocean Modeling for Mine and Expeditionary Warfare - implementation of an integrated, sustained, ocean-observing system, the first component of which is GoMOOS		+2,000		+1,000
Augmented reality program			+2,500	+1,250
Hyperspectral imager for the Coastal Ocean (HICO)			+4,000	+2,000
36 AVIATION SURVIVABILITY	**6,809**	**19,009**	**11,809**	**16,209**
Airbag Attenuated Airborne Troop Seat - shaped airbag under troop seat		+2,000		+1,000
Equipment Life Extension Program (ELEP) (Note: only to fund an Equipment Life Extension Laboratory for definition of systems no longer procurable but critical to functionality of weapons systems)		+4,200		+2,500
Rotocraft External Airbag Protection (REAP) (Note: only for the continued development and testing of REAP)		+2,000	+5,000	+3,500
Advanced Helmet Vision System (Note: only for continued development of the modular Advanced Helmet Vision System)		+4,000		+2,400
37 DEPLOYABLE JOINT COMMAND AND CONTROL	**79,449**	**79,449**	**64,329**	**64,329**
JFCOM Trainer			-9,600	-9,600
Transfer to OP, N for installation of systems			-5,520	-5,520
38 ASW SYSTEMS DEVELOPMENT	**11,149**	**15,149**	**17,149**	**18,949**
Nonlinear Dynamic/Stochastic Resonance		+4,000		+1,800
Claymore Marine			+1,000	+1,000
LASH Anti-Submarine warfare			+5,000	+5,000
39 TACTICAL AIRBORNE RECONNAISSANCE	**7,051**	**2,051**	**7,051**	**2,051**
UAV conops development- duplication of efforts		-5,000		-5,000
40 ADVANCED COMBAT SYSTEMS TECHNOLOGY	**3,394**	**3,394**	**7,394**	**5,794**
Improved shipboard combat information center			+4,000	+2,400
41 SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	**140,731**	**150,731**	**140,731**	**147,331**
Mine Countermeasures (Note: only for the Venom Penetrator)		+4,000		+3,000
Remote Minehunting System (RMS) (Note: only for risk reduction of minehunting mission modules for Littoral Combat Ship (LCS))		+6,000		+3,600
42 SURFACE SHIP TORPEDO DEFENSE	**48,347**	**56,347**	**40,347**	**45,397**
Navy Surface Ship Torpedo Defense (SSTD)		+3,000		+2,550
Anti Torpedo Torpedo (ATT) (Note: only for the continued development and testing of low cost ATT components begun under SBIR N01-084)		+5,000	+4,000	+4,500
AN/WSQ-11 obligation and execution delays			-12,000	-10,000
43 CARRIER SYSTEMS DEVELOPMENT	**144,965**	**148,465**	**164,965**	**158,365**
Aviation Ship Integration Center (Note: only for the establishment of the Aviation Ship Integration Center at the VASCIC)		+2,000	+14,000	+9,800
Advanced Battlestation- Decision Support System (ABS/DSS) - consolidated situational awareness by combining technologies of agent-based decision support and battlespace visualization)		+1,500	+6,000	+3,600

R-1	Budget Request	House	Senate	Conference
44 SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	**20,431**	**26,431**	**32,431**	**37,081**
Automated Maintenance Environment		+4,000		+2,400
Electromagnetic Launcher Railgun Program - to build and demonstrate technology		+2,000		+1,000
Circuit Breakers				+1,000
Center of Excellence for Advanced Naval Propulsors			+1,000	+1,000
Improved Surface Vessel Torpedo Launcher			+3,000	+1,500
Power and propulsion technologies for the electrical Naval force - moved from line 3				+1,750
MTTC/IPI			+8,000	+8,000
49 SURFACE ASW	**2,506**	**4,506**	**5,006**	**4,506**
ASW Risk Reduction (Note: only for MPP/ACRI SBIR Phase 3 for ASW risk reduction)		+2,000	+2,500	+2,000
50 SSGN CONVERSION	**68,988**	**71,488**	**68,988**	**70,188**
Tactical Naval Fires Capabilities		+2,500		+1,200
51 ADVANCED SUBMARINE SYSTEM DEVELOPMENT	**52,744**	**96,744**	**85,444**	**94,744**
Optical Fiber Sensors		+2,000		+1,700
MK-48 Torpedo Improvements (Note: only to continue MPP/APB Phase III SBIR technology insertion into the MK 48 ADCAP torpedo)		+6,000		+4,200
Fiber Optic Hull Mounted Array (FOHMA)		+2,000		+1,400
Fiber Optic Towed Array - (Note: only to develop the next generation fiber optic towed arrays to enhance the performance, reliability and affordability for littoral environments)		+4,000		+2,800
High Performance Brush Technology Program Sea Tests		+4,000	+8,700	+7,400
Advanced Composite Sail Phase II		+5,000	+2,000	+2,500
Patriot Periscope Radar System				+1,000
Advanced Submarine Technology		+21,000		+10,000
Submarine Payloads and Sensors Program			+20,000	+10,000
Rotary Electromagnetic (torpedo) launcher system (REML)			+2,000	+1,000
53 SHIP CONCEPT ADVANCED DESIGN	**7,679**	**11,679**	**22,679**	**21,079**
Document Automation for Condition Based Maintenance		+2,000		+1,700
Total Fleet Support		+2,000		+1,700
Small Combatant Craft- Sealion technology demonstration			+15,000	+9,000
Small Combatant Craft- Sealion technology demonstration situational awareness module (Note: only for electronics development)				+1,000
56 ADVANCED SURFACE MACHINERY SYSTEMS	**1,468**	**7,468**	**1,468**	**6,568**
Metallic Materials Advanced Development and Certification Program		+4,000		+3,400
Dockside Abrasive Waterjet Cutting		+2,000		+1,700
58 LITTORAL COMBAT SHIP (LCS)	**158,071**	**168,071**	**158,071**	**168,071**
Mission Modules		+25,000		+10,000
Ship Design		-15,000		0
Earmark of funds for mission modules and integration			{75,000}	{51,000}
59 COMBAT SYSTEM INTEGRATION	**86,836**	**93,336**	**100,836**	**99,091**
Advanced Laser Diode Arrays (ALDA)		+2,500		+2,125
Laser Induced Plasma Channeling (LIPC) System Compact Laser Sources		+4,000		+3,400
Maritime Directed Energy Test and Evaluation Center (MDETEC)			+14,000	+6,730

R-1	Budget Request	House	Senate	Conference
63 **MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM**	**19,700**	**19,700**	**28,700**	**26,300**
Electromagnetic gun initiative			+1,000	+1,000
Neutralization of facility threats			+2,500	+1,750
Urban ops environment research			+3,500	+2,450
Weaponization of novel technology			+2,000	+1,400
64 **JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT**	**12,385**	**17,885**	**12,385**	**17,060**
Magneto inductive MIFDS (Note: only for SDD for MI-FD)		+5,500		+4,675
65 **COOPERATIVE ENGAGEMENT**	**72,506**	**90,506**	**72,506**	**87,806**
Cooperative Engagement Capability		+18,000		+15,300
67 **ENVIRONMENTAL PROTECTION**	**30,127**	**30,127**	**33,127**	**32,227**
Integrated Marine Mammal Monitoring and Protection System (IMAPS)			+3,000	+2,100
68 **NAVY ENERGY PROGRAM**	**1,713**	**1,713**	**3,713**	**1,713**
Proton Exchange membrane fuel cell trial			+2,000	0
71 **NAVY LOGISTIC PRODUCTIVITY**	**7,591**	**21,591**	**10,091**	**18,191**
Collaborative Logistics Productivity (CLP)		+6,000		+5,100
Joint Engineering Data Management Information and Control System (JDMICS)		+3,000	+2,500	+2,500
Life Cycle Savings through Machinery Health Monitoring (Note: only develop the technologies needed to implement condition-based maintenance practices)		+5,000		+3,000
79 **LAND ATTACK TECHNOLOGY**	**63,434**	**146,134**	**89,434**	**121,034**
Affordable Weapon System (AWS) (Note: only to continue development of the AWS)		+40,000		+28,000
Advanced Medium Gun Demonstrator (Note: only for the Advanced XLR Medium Caliber Gun Demonstrator)		+4,000		+3,400
TES-N and P-3 ground station (Note: only to install a tactical ground station at Patuxent River Naval Air Station in order to provide real-time data to Navy aircraft)		+2,000		+1,700
Joint Fires Network - continue development of the Tactical Dissemination Module (TDM)		+1,000		+1,000
Autonomous Naval Support Round		+8,000	+20,000	+17,000
M-Code Anti-Jam GPS Receiver Communication link (Note: only to demonstrate the transition of technologies developed by SBIR Phase II program to hypersonic projectiles)		+1,000		0
Local Situational Assessment Segment Adjunct to TES-N (Note: only for the development of an LSAS operating capability baseline to support Anti-Terrorist Force Protection (ATFP))		+5,000		+2,500
GCCS common applications for targeting/land attack		+1,500		0
Consolidate program management for JFN and JSIPS-N		+20,200		0
Hardened precision sensors for missiles and projectiles			+4,000	+2,800
Millennium gun system			+2,000	+1,200
80 **NONLETHAL WEAPONS - DEM/VAL**	**43,445**	**43,445**	**44,445**	**44,445**
Non-lethal technology research, Marine Corps Research University			+1,000	+1,000
81 **ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM**	**16,765**	**16,765**	**15,065**	**15,065**
Insufficient justification			-1,700	-1,700

R-1	Budget Request	House	Senate	Conference
87 SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	**31,369**	**35,369**	**36,369**	**37,669**
Coalition Warfare Program (CWP) Operational Assessment (Note: only to complete development, accreditation and deployment of the CWP based Multiple Level Security (MLS) architecture)		+4,000		+2,800
Advanced wireless technology			+5,000	+3,500
91 OTHER HELO DEVELOPMENT	**66,764**	**66,764**	**67,764**	**68,764**
Advanced helicopter tow cable			+1,000	+1,000
Advanced cable design for mine and submarine warfare				+1,000
92 AV-8B AIRCRAFT - ENG DEV	**10,527**	**8,027**	**10,527**	**8,727**
Moving Map Capability - reduce risk in highly concurrent schedule		-2,500		-1,800
93 STANDARDS DEVELOPMENT	**50,063**	**53,063**	**50,063**	**50,063**
Navy Meteorology (Note: only to continue ongoing program)		+6,000		+3,000
Joint Tactical Radio System (JTRS) - new start to integrate JTRS into aircraft premature		-3,000		-3,000
96 AIR/OCEAN EQUIPMENT ENGINEERING	**4,309**	**3,079**	**4,309**	**3,079**
Integration of metrological and oceanographic sensors on HAEUAV premature		-1,230		-1,230
97 P-3 MODERNIZATION PROGRAM	**7,306**	**11,306**	**19,606**	**14,756**
P-3C Anti-Surface Warfare Improvement Program (AIP) Phased Capability Upgrade (Note: only for integrated tactical picture, Link 16, tactical common data link and electro-optic precision geo-location efforts)		+4,000	+12,300	+6,150
ALR-95 SEI networking program				+1,300
98 WARFARE SUPPORT SYSTEM	**1,466**	**0**	**5,266**	**2,000**
Naval Coastal Warfare		-1,466		-1,466
Integrated Condition Assessment System (ICAS)			+1,800	+1,000
Upgrade of mobile inshore undersea warfare units with deployable autonomous distributed systems			+2,000	+1,000
99 TACTICAL COMMAND SYSTEM	**68,805**	**72,305**	**62,005**	**66,255**
3D Common Operational Picture		+2,000		+1,700
AN/UYQ-70 Based IT-21 C4ISR Upgrades		+3,000		+2,550
GCCS common applications for targeting/land attack (moved to Land Attack Technology)		-1,500		0
FORCEnet Limited Objective Experiments - transferred to line 32			-6,800	-6,800
100 E-2C RADAR MODERNIZATION	**352,298**	**347,298**	**352,298**	**347,298**
Excessive management support costs		-5,000		-5,000
101 H-1 UPGRADES	**90,589**	**90,589**	**92,589**	**91,989**
Integrated mechanical diagnostics, UH-1/AH-1Z			+2,000	+1,400
102 ACOUSTIC SEARCH SENSORS	**15,831**	**18,631**	**15,831**	**17,131**
Automatic Radar Periscope Detection and Discrimination (ARPDD) (Note: only to accelerate ARPDD into the SDD phase for more rapid introduction of the technology to the Fleet)		+5,000		+3,500
ASW sensors- maintain 2003 levels based on review of ASW "way ahead"		-2,200		-2,200
103 V-22A	**441,142**	**441,142**	**398,142**	**407,142**
Transfer to RDT&E, DW for SOCOM ATA			-43,000	-34,000

R-1	Budget Request	House	Senate	Conference
104 AIR CREW SYSTEMS DEVELOPMENT	**8,765**	**19,765**	**8,765**	**16,365**
Night Vision Tube Technology Development		+4,000		+3,400
Joint Helmet Mounted Cueing System (JHMCS) (Note: only to provide JHMCS with night vision capabilities and enhanced situational awareness by expanding the field of view and including symbology in the goggles)		+7,000		+4,200
105 EW DEVELOPMENT	**256,701**	**265,701**	**269,201**	**266,701**
Integrated Defensive Electronic Countermeasures (IDECM) - continue development testing		+8,000	+12,500	+9,000
ACETEF and JRAAC (Note: only for development of a real-time link for the Air Combat Environment Test Evaluation Facility and the Joint Research Analysis Assessment Center)		+1,000		+1,000
105(a) TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	**0**	**14,000**	**0**	**12,000**
Antimissile Technology		+14,000		+12,000
107 JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	**87,943**	**90,443**	**87,943**	**89,693**
Superconductor Micro-Electronics Project- development of an all-digital transceiver for the JTRS program		+2,500		+1,750
108 SC-21 /DD(X) TOTAL SHIP SYSTEM ENGINEERING	**1,037,987**	**927,987**	**1,025,487**	**1,064,387**
Wireless LAN Design Tools (Note: only for Phase III to continue development and implementation of the wireless LAN on ships)		+1,000		+1,000
Knowledge Projection for Fleet Maintenance (Note: only to continue efforts of NSWC Crane in development of new technologies for improving use of system knowledge to efficiently provide a cost-effective approach for maintenance operations)		+4,000		+2,000
Modular radio				+3,400
DD(X) Alternative engine		+20,000		+7,000
DD(X) Ship design		-100,000		0
DD(X) Systems design - excessive management support costs		-15,000		-15,000
Delay in volume search radar		-10,000	-12,500	0
DD(X) Advanced gun system- slow obligation/expenditure of 2003 funds		-5,000		0
DD(X) Integrated power system- slow obligation/expenditure of 2003 funds		-5,000		0
Volume Search Radar/"S" Band Radar Development				+28,000
109 SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	**205,733**	**245,733**	**213,233**	**215,933**
Smart Integrated Data Environment (SIDE) (Note: only for the development of a SIDE prototype)		+1,000		+1,000
Deployable SmartLink Communications upgrade (Note: only for the Phase III SBIR to procure, install and operate additional SmartLink system for testing and deployment)		+4,000		+2,000
"S" Band Radar development		+35,000		0
Improved readiness for AN/SPY-1 series radar				+3,000
Integrated Logistics (IDESC)				+400
Open architecture upgrades			+5,000	+2,500
Silicon carbide MMIC Producibility Program			+2,500	+1,300
110 LPD-17 CLASS SYSTEMS INTEGRATION	**7,989**	**7,989**	**7,989**	**8,989**
Wireless gateway upgrade project				+1,000

R-1	Budget Request	House	Senate	Conference
111 TRI-SERVICE STANDOFF ATTACK MISSILE	**25,137**	**16,137**	**25,137**	**21,137**
Aircraft integration premature; excessive government management support costs		-9,000		-4,000
113 STANDARD MISSILE IMPROVEMENTS	**76,927**	**69,927**	**86,927**	**81,927**
Nanocomposite Warheads - moved to line 4		+3,000		0
Slow 2003 contract award; requirement appears undefined		-10,000		0
Extended range anti-air warfare			+10,000	+5,000
114 AIRBORNE MCM	**88,514**	**92,514**	**91,514**	**92,014**
Rapid Airborne Mine Clearance System (RAMICS)		+4,000		+2,000
AQS-20 Airborne minehunting sonar			+3,000	+1,500
115 SSN-688 AND TRIDENT MODERNIZATION	**80,815**	**77,615**	**83,815**	**77,915**
Affordable Towed Array Construction (ATAC) (Note: only to accelerate Fleet introduction of new, more reliable, fiber optic towed arrays)		+2,000		+1,400
DockShock - A Ship Shock Test System - to mature the DockShock concept to conduct near shore ship shock testing - moved to line 19		+2,000		0
Littoral Tactical Array System (LTAS) (Note: only for development to support research and development and at-sea validation of the LTAS capability)		+2,000		+1,400
Submarine Systems Equipment Development - Operational Evaluation schedule delays		-6,000		-4,000
Premature development of comms for UAVs		-3,200		-3,200
Submarine integrated antenna system			+3,000	+1,500
118 SHIPBOARD AVIATION SYSTEMS	**18,352**	**22,352**	**23,852**	**23,852**
Aviation Shipboard Information Technology Initiative (AS/ITI) - streamline information systems on Carriers for efficient flight operations		+4,000	+4,000	+4,000
Machine vision confirmation of launch bar engagement system			+1,500	+1,500
119 COMBAT INFORMATION CENTER CONVERSION	**21,244**	**13,244**	**21,244**	**13,244**
Common Undersea Picture - new start		-8,000		-8,000
120 NEW DESIGN SSN	**112,355**	**158,855**	**141,555**	**155,305**
Virginia Class SSN Development - SBIR Phase III research to establish and extend a technology insertion program and promote enhanced commonality with other Class submarines		+6,000		+5,000
Virginia Class multi-mission module - initiate evaluation of modular payload concepts to increase capacity and flexibility		+2,500	+10,000	+5,000
Submarine Technology Insertion		+4,000		+3,400
Q-70 Submarine Common Electronics Equipment Replacement		+9,000		+7,650
Virginia Class SSN Development		+25,000		+10,000
Submarine combat control system architecture			+3,000	+2,100
Virginia Class - information assurance			+8,200	+5,800
Virginia Class - Network Centric architecture			+8,000	+4,000
121 SSN-21 DEVELOPMENTS	**13,482**	**4,482**	**25,982**	**24,107**
SEAFAC Range		-9,000		0
SEAFAC Range Upgrade			+12,500	+10,625
122 SUBMARINE TACTICAL WARFARE SYSTEM	**32,238**	**25,738**	**38,738**	**32,738**
Submarine weapon control system		+4,000	+7,000	+4,000
AN/BSG-1 Milestone III schedule delay		-10,500	-10,500	-10,500
Submarine tactical control system			+10,000	+7,000

R-1	Budget Request	House	Senate	Conference
123 SHIP CONTRACT DESIGN/LIVE FIRE T&E	**138,017**	**75,117**	**136,267**	**135,667**
LHD-8 Performance-Based Logistics (PBL) (Note: only for the PBL support plan for the propulsion and auxiliary systems)		+2,000		+1,400
LHA (R)		-64,900		0
Heavy lift LCAC - insufficient justification			-5,750	-5,750
UNOLS research vessel			+4,000	+2,000
124 NAVY TACTICAL COMPUTER RESOURCES	**2,267**	**19,267**	**2,267**	**12,667**
Secure Voice System		+3,000		+2,550
AN/UYQ-70(V) System Technology Improvements		+11,000		+6,350
Secure Rapidly Reconfigurable Architecture for USS MT WHITNEY		+3,000		+1,500
126 UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	**9,701**	**9,701**	**14,701**	**12,201**
Light Defender			+5,000	+2,500
127 LIGHTWEIGHT TORPEDO DEVELOPMENT	**3,442**	**7,442**	**3,442**	**6,242**
Mk 54 Torpedo P3I - improve array performance and reliability		+4,000		+2,800
133 JOINT STANDOFF WEAPON SYSTEMS	**775**	**5,775**	**775**	**5,025**
Electromagnetic test devices/high power microwave (HPM) bomblets (Note: only for the integration and testing of HPM sub-munitions in a JSOW bomb encasement or other weapons at China Lake NAS)		+5,000		+4,250
134 SHIP SELF DEFENSE (DETECT CONTROL)	**40,930**	**46,930**	**38,516**	**42,716**
Integrated Radar Optical Surveillance & Sighting System (IROS3) (Note: only to support maturation of shipboard protection requirement, systems integration and deployment of IROS3 radar, sensing capabilities across one battlegroup)		+6,000		+4,200
IRST Cancellation			-2,414	-2,414
135 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	**23,076**	**24,576**	**41,076**	**24,576**
Phalanx SEA RAM (Note: only to complete development of the SEA RAM upgrade)		+4,000	+18,000	+4,000
Evolved Sea Sparrow Missile (ESSM)- schedule delays; slow obligation/expenditure of 2003 funds		-2,500		-2,500
136 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	**35,508**	**46,508**	**48,508**	**54,108**
Surface Ship EW R&D Improvements (Note: only for Surface Ship EW SBIR Phase III Research and Development Improvements)		+14,000		+11,900
SEWIP - slow obligation/expenditure of 2003 funds		-3,000		-3,000
Advanced radar absorbing tiles			+4,000	+2,800
NULKA improvements			+7,000	+4,900
Shipboard EW Protect			+2,000	+2,000

R-1	Budget Request	House	Senate	Conference
137 MEDICAL DEVELOPMENT	**9,121**	**75,521**	**23,093**	**71,068**
Biomedical Research Imaging Core related to bone marrow transplantation, breast, and prostate cancer		+5,000		+3,000
National Bone Marrow Program		+34,000		+28,000
Rural Health Deployed Military Patient Records		+2,000		+1,700
Medical Procedures Reference Tool (MPRT)		+3,000		+2,550
Rural Health- Center of Excellence for Remote and Medically Under-Served Areas (CERMUSA)		+6,000		+5,100
Discovery, Early Detection, Evaluation Treatment and Prevention in Cancer Research (Note: only for the coordinated efforts among the National Naval Medical Center and a medical academic/research institute to conduct basic and clinical research to detect, evaluate, treat and prevent multiple types of cancer)		+7,000		+5,950
Applied Cognitive Science Technologies		+1,400		+1,000
Dental Research		+2,000		+1,200
Low Cost Retractable Needle and Safety Syringe		+1,000		+1,000
Minimally Invasive Surgical Technology Institute (MISTI) (Note: only to continue the ongoing CSMC Program)		+2,000		+1,000
Health Query and Analysis System				+2,000
Vectored Vaccine Research Program		+3,000	+1,000	+1,500
Normalizing budget request to justification documentation			-3,528	-3,528
Coastal Cancer Control			+5,000	+3,500
Distress Streamer Signaling System			+3,500	+2,975
Hemoglobin Based Oxygen Carrier		+7,000	+5,000	+5,000
Naval Blood Research Laboratory			+3,000	0
139 DISTRIBUTED SURVEILLANCE SYSTEM	**28,755**	**28,255**	**30,755**	**28,255**
CENTURION (Note: only for the development of a fiber optic remote powered undersea surveillance system)		+2,000	+2,000	+2,000
Schedule delay		-2,500		-2,500
140 JOINT STRIKE FIGHTER (JSF) - EMD	**2,171,736**	**2,105,736**	**2,216,536**	**2,183,536**
Systems engineering and mission support		-43,500		-27,000
Critical design review		-22,500		0
Inflation adjustment correction			-28,000	-28,000
F-136 Interchangeable Engine - restore inflation reduction			+52,800	+52,800
F-136 Interchangeable Engine - risk reduction			+20,000	+14,000

R-1	Budget Request	House	Senate	Conference
143 INFORMATION TECHNOLOGY DEVELOPMENT	**30,562**	**64,562**	**47,562**	**66,112**
Fiber Optic Components for Military Applications		+2,000		+1,700
Ready Response Center		+4,000		+3,400
Information technology development - distance learning (Note: only to continue the existing program)		+4,000		+3,400
On-line web-based learning development program (Note: only for CSUSB development of web-based Masters Degree Programs to serve the needs of the Defense workforce)		+5,000		+4,250
WeCan (Note: only for continued support, development, and deployment of NCT-WeCAN, to evolve a common collaboration tool for the Navy across all warfare areas and domains)		+8,000		+5,600
Horizontal Integrated Data Environment (HIDE) - accelerate delivery of the HIDE project under development at SPAWAR		+1,000		+1,000
SPAWAR Information Technology Center		+3,000	+12,000	+7,200
Maintenance Data Warehouse (Note: only to centralize Navy aviation logistics database and information systems)		+3,000		+2,250
Secure Interactive Distributive Learning Program (SIDL) (Note: only for the continued development of the SIDL learning software system)		+1,000		+1,000
Defense Systems Testing and Productivity Initiative (Note: only for the continuation of the Defense Systems Testing and Productivity Initiative, Office of Naval Research)		+3,000		+2,550
Virtual Perimeter Monitoring System			+3,000	+1,800
Wireless Sensor Technologies			+2,000	+1,400
144 DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	**78,724**	**73,724**	**78,724**	**73,724**
Program reduction		-5,000		-5,000
146 MULTI-MISSION MARITIME AIRCRAFT (MMA)	**76,243**	**58,743**	**76,243**	**72,243**
SI option no longer part of the program		-17,500		-4,000
151 STUDIES AND ANALYSIS SUPPORT - NAVY	**4,431**	**4,431**	**5,431**	**9,431**
Fire resistant fibers			+1,000	+1,000
Future SIGINT Requirements/Joint ACS Program				+4,000
155 TECHNICAL INFORMATION SERVICE	**726**	**16,726**	**16,226**	**27,576**
Center for Commercialization of Advanced Technology (Note: only to expand the ongoing successful program to include planned university collaboration)		+10,000		+8,500
Lean Pathways 3		+3,000		+2,550
Supply Chain Practices for Affordable Navy Systems (SPANS) - to continue for development and adoption of industrial and logistical best practices		+3,000		+1,500
HTDV			+8,000	+6,800
RCUH Engineering Design Center			+500	+500
Pacific-Based Joint Info Tech Center			+7,000	+7,000

R-1		Budget Request	House	Senate	Conference
156	**MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT**	**30,236**	**30,236**	**32,736**	**31,486**
	Combating terrorism wargaming and research			+2,500	+1,250
161	**TEST AND EVALUATION SUPPORT**	**258,471**	**259,471**	**258,471**	**259,471**
	OMEGA Data Environment (Note: only to install one compatible data acquisition and storage system for all Navy test ranges)		+1,000		+1,000
165	**MARINE CORPS PROGRAM WIDE SUPPORT**	**16,635**	**29,635**	**21,135**	**29,635**
	Corrosion Center of Excellence - Marine Corps Program Wide Support		+2,000		+1,400
	Multi-Sensor Analyzer Detector (MSAD)		+2,500		+2,100
	Chem-Bio Incident Response Force		+2,500	+1,500	+2,000
	Chemical Biological Warfare Agent Detector Chip (Note: only to continue the initiative to provide CBIRF first responders with a low cost, light weight, wearable protection measure capable of detecting the presence of even trace amounts of chemical and biological warfare agents)		+2,000	+3,000	+2,500
	Expeditionary Warfare Logistics Testbed (Note: only to incorporate next generation wideband information pipeline technology and installation of AN/WSQ-11)				+2,000
	Marine Corps program wide support (Note: only for fielding state-of-the-art Chemical, Biological, Radiological, Nuclear and Explosive (CBNRE) defense protection, detection, medical support, decontamination, logistics support and reconnaissance systems to improve the national CBIRF and enhanced MEU missions)		+4,000		+3,000
169	**STRATEGIC SUB & WEAPONS SYSTEM SUPPORT**	**104,793**	**104,793**	**76,693**	**66,193**
	Effectiveness enhancement (E2) Program			-29,600	-29,600
	Thin plate pure lead technology in submarine batteries			+1,500	+1,000
	Program growth				-10,000
171	**SUBMARINE ACOUSTIC WARFARE DEVELOPMENT**	**2,955**	**7,955**	**2,955**	**5,955**
	Submarine Launched Littoral Warfare Weapon		+5,000		+3,000
173	**RAPID TECHNOLOGY TRANSITION (RTT)**	**14,662**	**14,662**	**10,000**	**10,000**
	New start reduction			-4,662	-4,662
175	**E-2 SQUADRONS**	**9,083**	**20,083**	**14,083**	**19,783**
	Non-Cooperative Combat Identification Capability		+2,000		+1,700
	E-2C Program Support Activity (Note: only for SBIR Phase III development of a rapid technology insertion program)		+5,000		+3,500
	E-2C Program Support Activity (Note: only for SBIR to perform environmental, ground, and flight tests on magneto rheological engineering development model)				+1,000
	PMRF Network Centric Warfare Test Bed/Advanced Hawkeye Testing		+4,000	+5,000	+4,500
176	**FLEET TELECOMMUNICATIONS (TACTICAL)**	**16,484**	**26,484**	**16,484**	**23,484**
	Joint Integrated Systems Technology for Advanced Digital Networking (JIST-NET)		+10,000		+7,000
177	**TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)**	**71,385**	**78,385**	**81,385**	**77,385**
	Precision Terrain Aided Navigation (PTAN) (Note: only for continuation of the PTAN EMD)		+7,000	+10,000	+6,000
178	**INTEGRATED SURVEILLANCE SYSTEM**	**14,278**	**20,278**	**14,278**	**19,378**
	IUSS Mission Planning and Automation (Note: only to continue existing program)		+6,000		+5,100

R-1	Budget Request	House	Senate	Conference
180 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	**21,719**	**22,719**	**21,719**	**22,719**
Distributed Shipboard Classroom (Note: only for the Battle Force Tactical Training (BFTT) Improvement Program to fund a pilot Distributed Shipboard Classroom project)		+1,000		+1,000
181 CRYPTOLOGIC DIRECT SUPPORT	**1,466**	**0**	**1,466**	**1,466**
New start		-1,466		0
183 HARM IMPROVEMENT	**49,381**	**53,381**	**49,381**	**52,181**
Advanced Anti-Radiation Guided Munitions (AARGM) (Note: only for SDD to accelerate development and initial low rate production)		+4,000		+2,800
185 SURFACE ASW COMBAT SYSTEM INTEGRATION	**12,179**	**25,179**	**12,179**	**23,379**
Surface ship ASW R&D improvements (SQQ-89) (Note: only for Surface Ship MPP SBIR phase III research and development improvements)		+12,000		+10,200
Common Surface and Air Undersea Warfare - implementation of an Air and Surface Ship Peer Review Process integration approach for replacement of legacy equipment		+1,000		+1,000
187 AVIATION IMPROVEMENTS	**60,073**	**74,573**	**60,073**	**69,323**
Automated Wire Analysis (Note: Only for initial deployment of AWA equipment, continued engineering required to profile additional Navy aircraft, and to continue engineering development and evaluate prognostic potential)		+6,000		+3,000
Age Exploration Model (Note: only for a software program to automate the maintenance procedures of Navy aircraft)		+5,000		+3,750
NAVAIR Technology Commercialization Initiative (Note: only to increase commercial technologies in the NAVAIR laboratories)		+2,000		+1,500
Digital Integrated Cockpit Display System - replace analog with digital configuration		+1,500		+1,000
188 NAVY SCIENCE ASSISTANCE PROGRAM	**7,236**	**7,236**	**10,708**	**10,708**
Normalizing budget request to justification documentation			-3,528	-3,528
LASH MCM/ISR			+7,000	+7,000
191 MARINE CORPS COMMUNICATIONS SYSTEMS	**235,722**	**248,722**	**238,722**	**251,172**
Ship to Objective Maneuver Communications - demonstrate and integrate into DJC2, upgrades to communications equipment for comprehensive battlefield picture		+6,000		+5,100
MetaData				+1,250
Next Generation Mobile Electronic Warfare Support		+4,000		+3,400
DISM Research		+3,000		+2,100
Critical Infrastructure Protection				+1,500
Improved high performance long-range radar transmitter			+3,000	+2,100
192 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEM	**35,439**	**42,439**	**37,189**	**42,439**
MCAGCC Range Instrumentation (Note: only for priority upgrades to support MAGTF JNTC)		+7,000		+5,950
Marine Corps mountain/cold weather clothing and equipment			+1,750	+1,050
199 SATELLITE COMMUNICATIONS (SPACE)	**379,541**	**282,041**	**354,541**	**271,291**
Covert Communications and Information Transfer (CCIT) (Note: only for the SPAWAR Covert Communication and Information Transfer (CCIT) Project)		+2,500		+1,750
MUOS		-100,000	-25,000	-110,000

R-1	Budget Request	House	Senate	Conference
200 INFORMATION SYSTEMS SECURITY PROGRAM	**18,404**	**25,404**	**21,404**	**25,704**
Navy Intelligent Agent Security Module (IASM) - enhancement and upgrade to existing IASM project		+7,000		+5,500
SECUREkit			+3,000	+1,800
203 NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	**4,966**	**4,966**	**4,966**	**7,966**
Radiation Hardened Vector Processing				+3,000
204 JOINT C4ISR BATTLE CENTER (JBC)	**50,413**	**50,413**	**36,513**	**45,413**
JEMPRS-NT				+2,000
Insufficient justification			-13,900	-7,000
206 TACTICAL UNMANNED AERIAL VEHICLES	**56,521**	**48,321**	**102,921**	**86,721**
Miniature detection devices for Navy UAV payload		+1,000		+1,000
FIRESCOUT UAV		+15,000	+46,400	+32,500
Precision Re-Supply Vehicle		+5,000		+4,250
Joint Operational Test Bed (JOTBS) for UAVs		+4,000		+2,400
Coastline Security Technology Initiative		+3,500		+1,750
Tactical Control System		-36,700		-11,700
207 ENDURANCE UNMANNED AERIAL VEHICLES	**101,448**	**68,048**	**101,448**	**101,448**
Global Hawk maritime demonstration- survivability package		-8,400		0
Global Hawk maritime demonstration- slow obligations/expenditures of 2003 funds		-25,000		0
208 AIRBORNE RECONNAISSANCE SYSTEMS	**13,345**	**20,345**	**28,445**	**27,295**
Advanced Sensor Initiative - Advanced Airborne Image Processor		+7,000		+3,500
Advanced sensors - Slow execution of previously appropriated funds			-2,000	-1,000
Deployable Unmanned Systems for Targeting, Exploitation, and Reconnaissance (DUSTER)			+8,600	+5,200
Airborne reconnaissance sensors			+4,000	+4,000
Multi-spectral glass windows for airborne reconnaissance podded sensors			+4,500	+2,250
209 MANNED RECONNAISSANCE SYSTEMS	**13,717**	**18,717**	**13,717**	**16,717**
Advanced Aircraft Collection System (Note: only for development and testing of advanced signal collection capabilities for Maritime Patrol and Reconnaissance aircraft in support of the War on Terrorism)		+1,000		+1,000
F/A-18E/F Shared Reconnaissance Pod (SHARP)		+4,000		+2,000
210 DISTRIBUTED COMMON GROUND SYSTEMS	**4,421**	**6,521**	**4,421**	**8,971**
Enterprise Targeting and Strike System		+6,500		+4,550
Consolidate program management		-4,400		0
212 MODELING AND SIMULATION SUPPORT	**7,044**	**7,044**	**15,044**	**13,644**
Naval modeling and simulation			+8,000	+6,600
214 INDUSTRIAL PREPAREDNESS	**54,593**	**54,593**	**63,593**	**64,993**
Navy Manufacturing Technology (MANTECH) program			+9,000	+10,400
215 MARITIME TECHNOLOGY (MARITECH)	**10,068**	**13,068**	**14,068**	**14,668**
Maritime Technology Center of Excellence		+3,000		+1,800
Automatic identification technology			+4,000	+2,800

Anti-Submarine Warfare (ASW) Master Plan

The conferees agree with the House position on the Navy's development of the Anti-Submarine Warfare (ASW) Master Plan. The conferees request the Navy provide the House and Senate Committees on Appropriations with a full report of the results and recommendations of "Task Force ASW" as well as its plan for implementing the recommendations.

"S" Band Radar

The conferees have agreed to fund the Navy's "S" Band radar development as part of the DD(X) effort, as opposed to a separate development effort as proposed by the House. The conferees make this recommendation based on the Navy's decision to choose the "S" Band radar over its original recommendation of the "L" Band radar for DD(X).

Cooperative Engagement Capability (CEC)

The conferees understand that the Navy is potentially pursuing a new strategy for Cooperative Engagement Capability (CEC) development and system configuration. The conferees understand that no decision has yet been made to change the strategy as presented in the fiscal year 2004 budget request which calls for spiral development of hardware and software to a Block 2 configuration. The conferees understand that the Navy may potentially alter the development and acquisition strategy in such a manner as to affect the Block 2 program presented in the fiscal year 2004 budget request.

The conferees agree that should the Navy determine an alternative strategy for CEC, the additional funds provided in this Act for CEC Block 2 may be merged with and be available for purposes similar to the purposes for which appropriated. The conferees further agree that the Navy shall ensure the House and Senate Committees on Appropriations are fully apprised of the Navy's plans relative to changes in the CEC acquisition strategy.

Tac Air Directed Infra-Red Counter-Measure (TADIRCM)

The conferees agree with the House position with respect to the development of Tac Air Directed Infra-Red Counter-Measure (TADIRCM) and direct that an initial suitability assessment obtained through the Early Operational Assessment (EOA) be submitted to the House and Senate Committees on Appropriations within 60 days of completion of the EOA.

Tactical Control System for Unmanned Aerial Vehicles

The conferees agree with the House position that the fiscal year 2004 request for the multi-Service Tactical Control System (TCS) for multi-Service UAV control, is focused on Navy-centric UAV systems that are neither multi-Service nor interoperable with other UAV programs. The conferees also agree the Navy has a requirement for a single system that will support the operation of multiple UAVs from both fixed and moving platforms and understand that the FireScout and Global Hawk Maritime Demonstration platforms, the focus of the 2004 TCS efforts, meet current Navy needs.

Therefore, the conferees direct the Navy to restructure the existing TCS program to focus on its requirements. The conferees agree to provide $25,000,000 to support the continued development of the Navy's TCS program required to achieve this critical capability. The conferees direct that no fiscal year 2004 funds may be obligated or expended for TCS until the Navy submits a report to the House and Senate Committees on Appropriations, which details its plan for this restructured program. At a minimum, the report shall include the Navy's requirement for the TCS system, a plan to meet standards based on interoperability, and the Navy's UAV roadmap that justifies the requirement for TCS.

Helios Replacement

The conferees encourage the Office of Naval Research to examine developing a high altitude, long endurance unmanned aerial vehicle to replace the Helios in order to increase capabilities for high data rate communications and remote sensing.

Future SIGINT Requirements/Joint ACS Program

The conferees are pleased that in reviewing its future SIGINT requirements, the Navy is pursuing a partnership with the Army in the development, testing, and procurement of a Joint multi-intelligence sensor and platform, the Aerial Common Sensor (ACS).

The conferees have provided $4,000,000 for the Navy to initiate and pursue the development and fielding of this Joint ACS program. The conferees direct the Navy to report to the House and Senate Committees on Appropriations by March 1, 2004, on its requirements and future acquisition plans for this program.

Uniformed Services UAV Requirements

The development and use of Unmanned Aerial Vehicles (UAVs) has become integral to each of the Uniformed Services warfighting and operational plans. In many instances, there are common requirements for these systems and similar technologies that can meet these requirements.

The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Staff of the Army, the Chief of Staff of the Air Force, and the Commandant of the Coast Guard, to submit a report, no later than April 1, 2004, to the House and Senate Committees on Appropriations, which details the common UAV requirements for each of the Uniformed Services.

Littoral Combat Ship

The conferees have included $168,071,000 for continued research and development of the Littoral Combat Ship (LCS), the amount recommended by the House and $10,000,000 above the amount recommended by the Senate.

The conferees agree with the House language regarding the need to refine the Navy's concept of operations in the littoral battlespace to ensure that there is no duplication of effort between LCS and other platforms. To this end, the conferees direct the Navy to provide a report to the House and Senate Committees on Appropriations, no later than March 1, 2004 that details the missions LCS will conduct in the littoral battle space, which platforms and systems currently conduct these missions, and what changes, if any, will be made to future years' budgets to eliminate any duplication of effort.

In addition, in order to maintain focus on the LCS' mission module development and integration, the conferees agree that $51,000,000 of the funds provided for LCS is available only for these efforts.

Unforeseen Impact of Base Operations Funding on Future Naval Research Laboratory Activities

The conferees are concerned about changes in the management of base operations funding and its potential to adversely impact ongoing and emergent research activities. The conferees urge the Navy to be sensitive to the special nature of such research activities and to ensure sufficient flexibility to accommodate unforeseen research needs.

Use of Research and Development Funding for Shipbuilding

The conferees agree with the Senate concerning the Navy's plans to fund the purchase of ships—DD(X) and LCS—in fiscal year 2005 within the Research, Development, Test and Evaluation (RDT&E) appropriation. The conferees believe that the use of research and development funding to procure first ships of a class is not in keeping with budgetary guidelines regarding full-funding. The conferees agree that should the fiscal year 2005 request include these ships—DD(X) and LCS—within RDT&E, all research and development acquisition rules shall apply, including technology readiness reviews, milestone decisions, and test and evaluation before these ships may transition to procurement.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
BASIC RESEARCH				
DEFENSE RESEARCH SCIENCES	204,754	212,254	209,554	214,804
UNIVERSITY RESEARCH INITIATIVES	105,224	108,724	105,224	107,224
HIGH ENERGY LASER RESEARCH INITIATIVES	12,063	12,063	12,063	12,063
TOTAL, BASIC RESEARCH	322,041	333,041	326,841	334,091
APPLIED RESEARCH				
MATERIALS	68,657	88,657	105,743	110,157
AEROSPACE VEHICLE TECHNOLOGIES	65,662	67,662	60,861	64,862
HUMAN EFFECTIVENESS APPLIED RESEARCH	66,795	89,795	70,795	87,895
AEROSPACE PROPULSION	101,575	141,075	92,610	128,075
AEROSPACE SENSORS	75,577	95,077	75,577	87,177
MULTI-DISCIPLINARY SPACE TECHNOLOGY	90,526	97,526	87,073	102,226
SPACE TECHNOLOGY	83,240	96,440	100,310	102,510
CONVENTIONAL MUNITIONS	46,455	46,455	46,455	46,455
DIRECTED ENERGY TECHNOLOGY	35,359	40,359	38,859	42,459
COMMAND CONTROL AND COMMUNICATIONS	71,674	79,674	80,674	80,274
DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	10,586	10,586	10,586	10,586
HIGH ENERGY LASER RESEARCH	41,854	41,854	41,854	41,854
TOTAL, APPLIED RESEARCH	757,960	895,160	811,397	904,530

(In thousands of dollars)

	Budget	House	Senate	Conference
ADVANCED TECHNOLOGY DEVELOPMENT				
ADVANCED MATERIALS FOR WEAPON SYSTEMS................	33,079	66,079	49,982	62,479
ADVANCED AEROSPACE SENSORS...........................	36,550	36,550	37,550	41,550
FLIGHT VEHICLE TECHNOLOGY............................	---	---	1,000	1,000
AEROSPACE TECHNOLOGY DEV/DEMO........................	73,416	84,416	48,118	48,018
AEROSPACE PROPULSION AND POWER TECHNOLOGY............	114,726	119,726	74,942	94,226
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY......	34,487	44,487	38,487	43,187
ELECTRONIC COMBAT TECHNOLOGY.........................	28,496	32,496	33,296	34,896
BALLISTIC MISSILE TECHNOLOGY.........................	---	21,000	---	11,500
ADVANCED SPACECRAFT TECHNOLOGY.......................	72,114	79,114	101,134	97,814
MAUI SPACE SURVEILLANCE SYSTEM (MSSS)................	6,323	6,323	55,323	52,023
MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TECHNOLO	62,610	62,610	61,055	62,610
CONVENTIONAL WEAPONS TECHNOLOGY......................	30,516	38,516	35,516	37,516
ADVANCED WEAPONS TECHNOLOGY..........................	27,024	62,024	35,524	61,874
ENVIRONMENTAL ENGINEERING TECHNOLOGY.................	---	2,500	---	1,200
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM......	185,282	191,282	---	---
C3I ADVANCED DEVELOPMENT.............................	31,538	52,038	36,538	45,338
SPECIAL PROGRAMS.....................................	369,483	369,483	367,483	367,483
INTEGRATED BROADCAST SERVICE.........................	8,537	8,537	8,537	8,537
HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.........	10,910	10,910	10,910	10,910
ADVANCED COMMUNICATIONS SYSTEMS......................	12,053	12,053	12,053	12,053
AMC COMMAND AND CONTROL SYSTEM.......................	6,046	6,046	6,046	6,046
JOINT NATIONAL TRAINING CENTER.......................	2,940	2,940	2,940	2,940
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.............	1,146,130	1,309,130	1,016,434	1,103,200
DEMONSTRATION & VALIDATION				
INTELLIGENCE ADVANCED DEVELOPMENT....................	4,513	4,513	4,513	4,513
PHYSICAL SECURITY EQUIPMENT..........................	24,483	24,483	24,483	24,483
ADVANCED EHF MILSATCOM (SPACE).......................	778,078	778,078	778,078	813,078
POLAR MILSATCOM (SPACE)..............................	5,580	5,580	5,580	5,580
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATE	267,716	267,716	267,716	267,716

	(In thousands of dollars)			
	Budget	House	Senate	Conference
SPACE CONTROL TECHNOLOGY	14,714	14,714	14,714	14,714
COMBAT IDENTIFICATION TECHNOLOGY	16,575	16,575	16,575	16,575
NATO RESEARCH AND DEVELOPMENT	3,888	3,888	3,888	3,888
INTERNATIONAL SPACE COOPERATIVE R&D	545	545	545	545
ADVANCED WIDEBAND SYSTEM (AWS)	439,277	289,277	349,277	339,277
INTEGRATED BROADCAST SERVICE	16,466	16,466	16,466	16,466
INTERCONTINENTAL BALLISTIC MISSILE	67,632	54,632	67,632	60,632
WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	36,686	36,686	36,686	36,686
SPACE-BASED RADAR	274,104	174,104	199,104	174,104
POLLUTION PREVENTION	2,318	2,318	5,318	4,818
JOINT PRECISION APPROACH AND LANDING SYSTEMS	13,847	13,847	13,847	13,847
HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS)	12,633	9,633	12,633	9,633
UNMANNED COMBAT AIR VEHICLE (UCAV)	161,269	161,269	161,269	161,269
OPERATIONALLY RESPONSIVE LAUNCH	24,440	26,440	24,440	26,140
COMMON AERO VEHICLE (CAV)	12,220	21,720	12,220	17,220
NEXT GENERATION BOMBER	---	100,000	---	45,000
TOTAL, DEMONSTRATION & VALIDATION	2,176,984	2,022,484	2,014,984	2,056,184
ENGINEERING & MANUFACTURING DEVELOPMENT				
GLOBAL BROADCAST SERVICE (GBS)	38,147	38,147	38,147	38,147
JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	843	843	843	843
NUCLEAR WEAPONS SUPPORT	13,396	13,396	13,396	13,396
B-1B	88,703	88,703	88,703	88,703
SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	3,267	3,267	6,667	3,267
F-22	620,740	620,740	620,740	620,740
B-2 ADVANCED TECHNOLOGY BOMBER	152,084	185,584	152,084	167,384
EW DEVELOPMENT	74,034	95,134	90,034	97,834
JOINT TACTICAL RADIO	48,814	38,814	44,714	38,814
PHYSICAL SECURITY EQUIPMENT	7,261	7,261	7,261	7,261
SMALL DIAMETER BOMB (SDB)	126,447	126,447	126,447	126,447
COUNTERSPACE SYSTEMS	82,565	82,565	82,565	82,565

	(In thousands of dollars)			
	Budget	House	Senate	Conference
INTERIM POLAR	13,740	13,740	13,740	13,740
SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	617,229	617,229	617,229	617,229
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	1,383	1,383	1,383	1,383
MUNITIONS DISPENSER DEVELOPMENT	15,849	18,349	15,849	17,649
ARMAMENT/ORDNANCE DEVELOPMENT	8,419	8,419	8,419	8,419
SUBMUNITIONS	4,717	4,717	4,717	4,717
AGILE COMBAT SUPPORT	5,574	5,574	18,474	13,474
JOINT DIRECT ATTACK MUNITION	34,061	34,061	36,061	35,461
LIFE SUPPORT SYSTEMS	269	8,269	269	5,069
UNMANNED COMBAT AIR VEHICLE (UCAV)	14,675	14,675	14,675	14,675
COMBAT TRAINING RANGES	20,383	25,883	20,383	24,283
INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	239	8,239	6,339	11,200
INTELLIGENCE EQUIPMENT	1,320	1,320	2,320	2,320
TACTICAL DATA LINK INFRASTRUCTURE	14,675	14,675	14,675	14,675
COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	7,000	7,000	7,000	7,000
JOINT STRIKE FIGHTER (JSF)	2,194,087	2,128,087	2,166,087	2,139,087
INTERCONTINENTAL BALLISTIC MISSILE	184,193	174,193	184,193	174,193
EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	8,000	8,000	8,000	8,000
RDT&E FOR AGING AIRCRAFT	24,063	31,063	43,063	40,963
PRECISION ATTACK SYSTEMS PROCUREMENT	---	---	20,000	14,000
UNMANNED COMBAT AIR VEHICLE JOINT PROGRAM OFFICE	4,892	2,392	4,892	2,392
LINK-16 SUPPORT AND SUSTAINMENT	58,783	63,783	66,783	71,083
FULL COMBAT MISSION TRAINING	6,946	6,946	6,946	6,946
COMBAT SURVIVOR EVADER LOCATOR	14,684	14,684	14,684	14,684
CV-22	65,703	65,703	65,703	65,703
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT	4,577,185	4,579,285	4,633,485	4,613,746
RDT&E MANAGEMENT SUPPORT				
THREAT SIMULATOR DEVELOPMENT	36,595	36,595	36,595	36,595
MAJOR T&E INVESTMENT	50,215	59,715	56,215	61,515

	(In thousands of dollars) Budget	House	Senate	Conference
RAND PROJECT AIR FORCE	24,586	24,586	24,586	24,586
RANCH HAND II EPIDEMIOLOGY STUDY	4,692	4,692	4,692	4,692
INITIAL OPERATIONAL TEST & EVALUATION	34,646	34,646	34,646	34,646
TEST AND EVALUATION SUPPORT	336,720	329,720	336,720	329,720
ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	9,673	41,173	19,673	23,173
SPACE TEST PROGRAM (STP)	42,909	42,909	37,909	38,909
FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL.	33,940	33,940	33,940	33,940
FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT.	15,770	15,770	15,770	15,770
GENERAL SKILL TRAINING	318	318	318	318
JUDGMENT FUND REIMBURSEMENT	36,434	36,434	36,434	36,434
INTERNATIONAL ACTIVITIES	3,867	3,867	3,867	3,867
TOTAL, RDT&E MANAGEMENT SUPPORT	630,365	664,365	641,365	644,165
OPERATIONAL SYSTEMS DEVELOPMENT				
B-2 ADVANCED TECHNOLOGY BOMBER	24,691	---	24,691	---
ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	7,855	9,855	7,855	8,855
B-52 SQUADRONS	28,649	28,649	28,649	28,649
ADVANCED CRUISE MISSILE	13,364	13,364	13,364	13,364
AIR-LAUNCHED CRUISE MISSILE (ALCM)	29,804	29,804	29,804	29,804
STRAT WAR PLANNING SYSTEM - USSTRATCOM	1,748	1,748	1,748	1,748
ADVANCED STRATEGIC PROGRAMS	6,100	6,100	6,100	6,100
REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION.	22,573	22,573	22,573	22,573
JOINT EXPEDITIONARY FORCE EXPERIMENT	51,367	51,367	51,367	51,367
A-10 SQUADRONS	29,729	29,729	29,729	29,729
F-16 SQUADRONS	87,478	87,478	97,478	96,978
F-15E SQUADRONS	112,085	101,085	111,585	123,485
MANNED DESTRUCTIVE SUPPRESSION	20,633	20,633	20,633	20,633
F-22 SQUADRONS	315,784	315,784	315,784	315,784
F-117A SQUADRONS	14,752	14,752	14,752	14,752
TACTICAL AIM MISSILES	375	375	375	375
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	32,429	32,429	32,429	32,429

(In thousands of dollars)

	Budget	House	Senate	Conference
AF TENCAP	10,479	19,979	13,479	18,979
SPECIAL EVALUATION PROGRAM	164,239	164,239	164,239	194,239
COMPASS CALL	3,790	12,790	3,790	8,790
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	180,112	180,112	180,112	180,112
CSAF INNOVATION PROGRAM	1,880	2,880	1,880	2,880
JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	31,216	20,216	31,216	25,716
AEROSPACE OPERATIONS CENTER (AOC)	27,887	27,887	27,887	27,887
CONTROL AND REPORTING CENTER (CRC)	16,083	16,083	16,083	16,083
AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	270,397	270,397	270,397	270,397
ADVANCED COMMUNICATIONS SYSTEMS	12,312	12,312	12,312	12,312
ADVANCED PROGRAM TECHNOLOGY	263,392	266,392	263,392	265,992
THEATER BATTLE MANAGEMENT (TBM) C4I	31,647	33,147	31,647	32,947
FIGHTER TACTICAL DATA LINK	42,877	42,877	42,877	42,877
BOMBER TACTICAL DATA LINK	12,959	12,959	12,959	12,959
C2ISR TACTICAL DATA LINK	26,927	26,927	26,927	26,927
MC2C (MULTI-SENSOR COMMAND AND CONTROL CONSTELLATION)	363,630	363,630	363,630	363,630
JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	58,431	58,431	58,431	58,431
SEEK EAGLE	19,587	19,587	19,587	19,587
ADVANCED PROGRAM EVALUATION	425,486	425,486	245,052	295,052
USAF MODELING AND SIMULATION	8,483	14,483	8,483	12,983
WARGAMING AND SIMULATION CENTERS	6,262	8,262	6,262	7,262
MISSION PLANNING SYSTEMS	62,348	52,348	62,348	52,348
INFORMATION WARFARE SUPPORT	12,091	12,091	12,091	12,091
NAIC	---	---	5,000	---
MISSILE AND SPACE TECHNICAL COLLECTION	---	---	5,000	3,000
E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	44,377	44,377	44,377	44,377
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK ...	10,716	10,716	10,716	10,716
INFORMATION SYSTEMS SECURITY PROGRAM	37,667	48,167	39,667	48,367
GLOBAL COMBAT SUPPORT SYSTEM	17,473	17,473	17,473	17,473

	(In thousands of dollars) Budget	House	Senate	Conference
GLOBAL COMMAND AND CONTROL SYSTEM	3,547	3,547	3,547	3,547
COMMUNICATIONS SECURITY (COMSEC)	---	4,000	---	---
MILSATCOM TERMINALS	173,831	173,831	173,831	173,831
SELECTED ACTIVITIES	107,800	93,800	97,800	144,200
GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	7,164	7,164	7,164	7,164
SATELLITE CONTROL NETWORK (SPACE)	18,603	18,603	21,603	20,703
WEATHER SERVICE	16,317	16,317	16,317	16,317
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC	10,622	10,622	10,622	10,622
SECURITY AND INVESTIGATIVE ACTIVITIES	474	474	20,474	20,474
AIR FORCE TACTICAL MEASUREMENT AND SIGNATURE INTELLIGE	7,510	7,510	7,510	7,510
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	232,287	128,787	232,287	98,787
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	918	918	918	918
NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SP	100,589	100,589	100,589	100,589
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL S	146,468	146,468	146,468	146,468
SPACE WARFARE CENTER	404	404	404	404
SPACELIFT RANGE SYSTEM (SPACE)	63,210	76,710	63,210	70,710
DRAGON U-2 (JMIP)	52,518	36,718	57,518	47,018
ENDURANCE UNMANNED AERIAL VEHICLES	398,631	398,331	402,131	404,931
AIRBORNE RECONNAISSANCE SYSTEMS	77,823	77,823	78,823	78,823
MANNED RECONNAISSANCE SYSTEMS	14,726	14,726	14,726	14,726
DISTRIBUTED COMMON GROUND SYSTEMS	27,107	28,107	27,107	28,107
NCMC - TW/AA SYSTEM	57,933	67,933	57,933	67,933
SPACETRACK (SPACE)	118,234	118,234	118,234	118,234
NUDET DETECTION SYSTEM (SPACE)	35,834	35,834	35,834	35,834
SPACE ARCHITECT	12,589	12,589	12,589	12,589
SHARED EARLY WARNING (SEW)	3,254	3,254	3,254	3,254
C-130 AIRLIFT SQUADRON	105,381	108,381	111,506	105,381
C-5 AIRLIFT SQUADRONS	356,570	356,570	356,570	356,570
C-17 AIRCRAFT	184,089	186,789	184,089	185,489
C-130J PROGRAM	13,551	13,551	13,551	13,551

(In thousands of dollars)

	Budget	House	Senate	Conference
LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)............	45,946	45,946	45,946	45,946
KC-135S...	1,473	1,473	1,473	3,173
KC-10S..	2,306	2,306	2,306	2,306
DEPOT MAINTENANCE (NON-IF)............................	1,406	1,406	1,406	1,406
INDUSTRIAL PREPAREDNESS...............................	39,396	51,396	55,896	57,496
LOGISTICS SUPPORT ACTIVITIES..........................	---	2,000	---	1,400
PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PRO	---	6,800	9,000	9,000
SUPPORT SYSTEMS DEVELOPMENT...........................	54,034	69,034	72,034	73,834
SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)....	4,392	4,392	4,392	4,392
CIVILIAN COMPENSATION PROGRAM.........................	7,130	7,130	7,130	7,130
FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT..	13,464	13,464	13,464	13,464
COBRA BALL..	---	1,500	---	1,100
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT..............	5,479,695	5,405,404	5,395,886	5,396,370
CLASSIFIED PROGRAMS...................................	5,245,898	5,495,398	5,245,898	5,448,698
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF.......	20,336,258	20,704,267	20,086,290	20,500,984

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
1	**DEFENSE RESEARCH SCIENCES**	**204,754**	**212,254**	**209,554**	**214,804**
	Chabot Space and Science Center		+4,000		+2,000
	National Hypersonic Research Center		+3,500		+2,000
	Quantum Info Technology			+1,500	+1,100
	Non-lethal Stunning/Immobilizing weapons research			+500	+500
	Information Security and Cyber Counter Terrorism			+3,500	+1,800
	Thin Film Magnetic Materials			+2,000	+1,400
	National Fotonics Research			+3,500	+1,700
	Corrosion Protection of Aluminum Alloys Used in Aircraft			+1,000	+1,000
	Reduce biological research			-5,000	-5,000
	Hypersonics funding (NAI)			-1,990	0
	Space Access (NAI)			-210	0
	Coal Based Jet Fuel				+2,550
	Advanced Adaptive Optics				+1,000
2	**UNIVERSITY RESEARCH INITIATIVES**	**105,224**	**108,724**	**105,224**	**107,224**
	Network and Information Space Security Center		+2,000		+1,000
	Kelly Material Science and Engineering Laboratory		+1,500		+1,000
4	**MATERIALS**	**68,657**	**88,657**	**105,743**	**110,157**
	Composite Fire Safety Initiative Consortium		+3,000		+1,500
	Advanced Wide Bandgap Materials		+3,000		+2,600
	Computational Tools for Material Development		+1,500		+1,000
	Gallium Nitride Microelectronics and Material Development		+3,500		+1,700
	Tyndall AFRL Research and Development		+4,000		+2,400
	Discontinuous Titanium Matrix Composites for Aerospace Applications		+1,000		+1,000
	Wright Brothers Institute - Nanostructured Materials for Advanced AF Concepts		+4,000	+5,500	+4,000
	Titanium Matrix Composites Program			+3,100	+2,900
	Closed Cell Foam Material			+2,000	+1,400
	UV FEL Capabilities for Aerospace Microfabrication			+4,000	+2,800
	Strategic Partnership for Research in Nanotechnology (SPRING)			+10,000	+10,000
	Durable Hybrid Coatings for Aircraft Systems			+2,000	+1,200
	Thermal Sprays for Structural Protection			+3,200	+2,300
	Nanotechnology Research			+1,500	+1,000
	Microfabrication			+6,000	+4,200
	Materials for Structures, Propulsion, and Subsystems (NAI)			-214	0
	Composite Materials for UAV's Initiative				+1,500
5	**AEROSPACE VEHICLE TECHNOLOGIES**	**65,662**	**67,662**	**60,861**	**64,862**
	Intelligent Flight Control - Simulation Research Laboratory		+2,000		+1,200
	Structures (NAI)			-653	0
	Aerospace Vehicle Technology (NAI)			-4,148	-2,000
6	**HUMAN EFFECTIVENESS APPLIED RESEARCH**	**66,795**	**89,795**	**70,795**	**87,895**
	Special Operations Target Acquisition & Control Suite		+2,500		+1,800
	3-D Auditory Display		+2,000		+1,400
	Flexible Display and Integrated Communication Device for the BAO		+3,000		+1,500
	DLEDS for USAF SOF Combat Control Team BAO Kit		+2,500		+1,800
	Integrated Medical Information Technology Initiative (IMITS) (Note: Only to continue IMITS and expand into Air Force clinics in the Pacific Rim.)		+12,000		+10,200
	Advanced Thermal Protection Systems (ATPS)		+1,000		+1,000
	Solid Electrolyte Oxygen Separator			+2,000	+1,400

R-1		Budget Request	House	Senate	Conference
	Nanoparticles for the Detection and Neutralization of Bioterrorist Agents			+1,000	+1,000
	Mobile Molecular Test Laboratory			+1,000	+1,000
7	**AEROSPACE PROPULSION**	**101,575**	**141,075**	**92,610**	**128,075**
	Center for Security of Large-Scale Systems		+3,000		+3,000
	HPALM System		+3,500		+2,500
	HVEPS For Supersonic Aircraft		+4,500		+2,200
	Cell-Level Battery Control [Note: Only for SBIR Phase 3 cell level battery controller development.]		+1,000		+1,000
	Engineering Tool Improvement Program (ETIP)		+5,000		+4,300
	Integrated High Payoff Rocket Propulsion Technology		+1,000		+1,000
	Advanced Vehicle and Propulsion Center		+7,000		+4,500
	Lightweight Photovoltaics for Portable Power and Hydrogen Generation		+1,000		+1,000
	Phase 3 Pulse Detonation Development and SBIR Phase 3 Laser Induced Thermal Acoustics (LITA) Instrument development.]		+6,000		+3,000
	Hybrid Plastics			+1,000	+1,000
	High Powered Electrical Aircraft Capabilities (HiPEAC)			+5,000	+3,000
	Hypersonics funding (NAI)			-13,965	0
	Rocket Propulsion Technology (NAI)			-1,000	0
8	**AEROSPACE SENSORS**	**75,577**	**95,077**	**75,577**	**87,177**
	Watchkeeper UWB Demonstration		+4,500		+3,200
	Center for Advanced Sensor and Communication Antennas		+5,000		+3,000
	3-D Packaging Technology for High Speed RF Communication		+4,000		+2,400
	General Purpose Reconfiguration Signal Processors System		+6,000		+3,000
9	**MULTI-DISCIPLINARY SPACE TECHNOLOGY**	**90,526**	**97,526**	**87,073**	**102,226**
	Photonics Technology		+1,000		+1,000
	Launch Vehicle Engine Project		+1,000		+1,000
	Jet & Rocket Engine Test Set (JRETS)		+12,500		+10,700
	Starfire Optical Range Coating Facility			+1,500	+1,000
	High Speed Airbreathing Propulsion Technology (NAI)			-734	0
	Multi-Disciplinary Space Technology (NAI)			-4,219	-2,000
10	**SPACE TECHNOLOGY**	**83,240**	**96,440**	**100,310**	**102,510**
	Elastic Memory Composites		+3,000		+1,500
	Converted Silicon Carbide for High Performance Optic Structures		+3,000		+1,500
	Affordable Multi-Junction Solar Cells		+4,700		+2,300
	Mixed Signal VLSI for Space Vehicles Communications Subsystems		+2,500		+1,800
	HAARP Experimentation			+5,000	+5,000
	Integrated Control for Autonomous Space Systems (ICASS)			+1,000	+1,000
	Technology Satellite of the 21st Century			+5,000	+3,000
	Electromagnetic Wave Gradiometer			+3,000	+2,100
	Elastic Memory Composite Materials			+3,000	+1,800
	Substrates for Solar Cells			+2,000	+1,200
	Space Craft Vehicle Technology (NAI)			-1,930	-1,930
12	**DIRECTED ENERGY TECHNOLOGY**	**35,359**	**40,359**	**38,859**	**42,459**
	975mm Stabilized Fiber Laser Pump Development		+5,000		+2,500
	National High Energy Laser Consortium			+500	+500
	Stabilized Fiber Laser Pump Development			+3,000	+2,100
	Adaptive Optics Lasercom [Note: Transferred from Line 19]		+4,000		+2,000

R-1		Budget Request	House	Senate	Conference
13	**COMMAND CONTROL AND COMMUNICATIONS**	**71,674**	**79,674**	**80,674**	**80,274**
	Griffiss Institute		+2,000		+1,200
	MASINT Warfighter Visualization Tools		+4,000	+4,000	+4,000
	Information Protection and Authentication - Information Hiding, Steganography & Digital Watermarking		+2,000		0
	Secure Knowledge Management for Collaborative Enterprise Management			+4,000	+2,400
	Effects Based Planning Execution and Assessment			+1,000	+1,000
16	**ADVANCED MATERIALS FOR WEAPON SYSTEMS**	**33,079**	**66,079**	**49,982**	**62,479**
	Vapor Grown Carbon Fiber		+3,000		+2,100
	Polymer Technology for Agile Combat Support		+2,000		+1,400
	Materials Integrity Management Research (MIMR) for Air Force Systems		+2,000		+1,400
	Quantitative Inspection Techniques for Assessing Aging of Military Aircraft		+6,000	+3,000	+3,600
	Metals Affordability Initiative		+5,000	+5,000	+5,000
	Molecular Marking of Explosives		+3,000		+1,500
	Hybrid Bearings		+2,000	+2,000	+2,000
	Advanced Laser Program for Plasma Enhanced Chemical Vapor Deposition		+2,000		+1,700
	Advanced Composite Processes for UAV Components		+2,000		+1,400
	E-SMART Threat Agent Network		+6,000		+3,000
	Plasma Arc/Waste to Energy Production			+4,000	+3,400
	Educate 21st Century IO Workforce			+1,500	+1,100
	Ceramic Matrix Composites for Engines			+3,000	+1,800
	National Aerospace Initiative (NAI)			-1,597	-1,000
	Transparent Conductive Polymer Technology				+1,000
17	**ADVANCED AEROSPACE SENSORS**	**36,550**	**36,550**	**37,550**	**41,550**
	National Operational Radar Signature Production and Research Capability			+1,000	+5,000
18	**FLIGHT VEHICLE TECHNOLOGY**	**0**	**0**	**1,000**	**1,000**
	AFRL Study of Legacy Tactical Aircraft			+1,000	+1,000
19	**AEROSPACE TECHNOLOGY DEV/DEMO**	**73,416**	**84,416**	**48,118**	**48,018**
	Advance Aluminum Aerostructures Initiatives (A3I)		+5,000		+4,300
	Simulation Based Research and Development - SensorCraft (UAV)		+2,000	+7,000	+3,500
	Adaptive Optics Lasercom [Note: Transferred to Line 12]		+4,000		0
	Bias Woven Preforms Development Program		+5,000		+2,500
	Fly-by-light Avionics for UCAV			+3,000	+2,100
	Advanced Aluminum Aerostructures Initiative			+3,000	+2,100
	UAV Composites			+2,000	+1,400
	National Aerospace Initiative			-42,298	-42,298
	MEDLINK Global Response			+2,000	+1,000
20	**AEROSPACE PROPULSION AND POWER**	**114,726**	**119,726**	**74,942**	**94,226**
	Advanced Turbine Engine Gas Generator and Aircraft Propulsion Subsystems Integration		+5,000		+2,500
	Single Engine Demo (NAI)			-38,885	-23,000
	Space and Missile Rocket Propulsion (NAI)			-899	0
21	**CREW SYSTEMS AND PERSONNEL PROTECTION**	**34,487**	**44,487**	**38,487**	**43,187**
	Virtual Warriors		+2,000		+1,400
	Laser Eye Protection Research		+2,000		+1,400
	Crew Systems Personnel Protection		+2,500		+1,800
	Helmet Queuing System		+3,500		+1,700
	The Logistics Institute			+2,000	+1,000
	TALON			+2,000	+1,400
22	**ELECTRONIC COMBAT TECHNOLOGY**	**28,496**	**32,496**	**33,296**	**34,896**
	Receiver and Processing Concepts Evaluation Program		+500		+500
	Detect and Avoid for UAV		+3,500		+2,500
	ATAR-LMSJ			+4,800	+3,400

R-1		Budget Request	House	Senate	Conference
23	**BALLISTIC MISSILE TECHNOLOGY**	**0**	**21,000**	**0**	**11,500**
	CAV, SLV, MMIII Critical Technology Development		+6,000		+3,000
	Ballistic Missile Technology		+10,000		+8,500
25	**ADVANCED SPACECRAFT TECHNOLOGY**	**72,114**	**79,114**	**101,134**	**97,814**
	Boron Energy Cell Development		+3,000	+5,000	+3,500
	Integrated Spacecraft Engineering Tool (ISET)		+2,000		+1,700
	AC Coupled Interconnect		+2,000		+1,200
	Radially Segmented Launch Vehicle Risk Reduction			+7,000	+4,700
	MRAM Innovative Communications Materials			+2,500	+1,500
	Hardening Technologies for Satellite Protection (HTSP)			+5,000	+3,500
	AESIR Reusable LOX/LNG Launch Vehicle Technology			+3,000	+2,100
	Thin film amorphous solar arrays			+7,000	+4,700
	Ballistic Missile Technology (NAI)			-480	0
	Robust Composite Materials and Structures [Note: Transferred from Line 173.]		+4,000		+2,800
27	**MAUI SPACE SURVEILLANCE SYSTEM (MSSS)**	**6,323**	**6,323**	**55,323**	**52,023**
	High Accuracy Network Determination System (HANDS)			+10,000	+8,500
	Pan Stars			+12,000	+10,200
	MSSS Operations and Research			+27,000	+27,000
28	**MULTI-DISCIPLINARY ADVANCED DEVELOPMENT**	**62,610**	**62,610**	**61,055**	**62,610**
	Rocket Propulsion Demonstration (NAI)			-1,555	0
29	**CONVENTIONAL WEAPONS TECHNOLOGY**	**30,516**	**38,516**	**35,516**	**37,516**
	Maverick Missile Upgrade LOAL (Live Testing)		+6,000	+5,000	+6,000
	LOCAAS		+2,000		+1,000
30	**ADVANCED WEAPONS TECHNOLOGY**	**27,024**	**62,024**	**35,524**	**61,874**
	Laser Illuminated Viewing and Ranging Sensor Development		+8,000		+4,000
	Geosynchronous Light Imaging National Testbed		+5,000		+2,500
	Aerospace Relay Mirror System Demonstration		+5,000		+2,500
	Laser Spark Countermeasure Program		+5,000		+4,300
	Low Speed Air Data Sensor for SO Aircraft		+4,000		+3,400
	Mobile Active Targeting Resource for Integrated Experiments (MATRIX)		+5,000		+4,300
	Advanced Technology For IRCM Component Improvement		+1,500		+1,000
	Wafer Integrated Semiconductor Laser		+1,500		+1,100
	Applications of LIDAR to Vehicles with Analysis (ALVA)			+8,500	+8,500
	Texas-New Mexico Sky Survey				+3,250
31	**ENVIRONMENTAL ENGINEERING TECHNOLOGY**	**0**	**2,500**	**0**	**1,200**
	Bioreactor Demonstrations and Deployments		+2,500		+1,200
32	**HIGH PERFORMANCE COMPUTING MODERNIZATION**	**185,282**	**191,282**	**0**	**0**
	High Performance Computer Prototype for NRL [Note: Transferred to RDDW line 44.]		+6,000		0
	Transfer to RDTE, DW line 44			-185,282	-185,282
33	**C3I ADVANCED DEVELOPMENT**	**31,538**	**52,038**	**36,538**	**45,338**
	Information Authentication and Protection		+5,000		+3,000
	Identification of Time Critical Targets (Target Under Trees)		+8,000		+4,800
	Automatic Acoustic Target Recognition		+4,000		+2,000
	Information Protection and Authentication - Information Hiding, Steganography & Digital Watermarking		+3,500		0
	Fusion SIGINT Enhancements for Network-Centric ISR			+4,000	+3,000
	Effects Based Operation			+1,000	+1,000
34	**SPECIAL PROGRAMS**	**369,483**	**369,483**	**367,483**	**367,483**
	Classified program			-2,000	-2,000
43	**ADVANCED EHF MILSATCOM**	**778,078**	**778,078**	**778,078**	**813,078**
	Transfer From Procurement				+35,000

R-1		Budget Request	House	Senate	Conference
50	**ADVANCED WIDEBAND SYSTEM (AWS)**	**439,277**	**289,277**	**349,277**	**339,277**
	Slow program pending further risk reduction [Note: Conferees agree that funds provided may be used for purposes requested in budget submission.]		-150,000	-90,000	-100,000
52	**INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL**	**67,632**	**54,632**	**67,632**	**60,632**
	California Space Infrastructure Program		+1,000		+1,000
	Execution		-3,000		-3,000
	Test Schedule		-10,000		-5,000
55	**SPACE-BASED RADAR DEM/VAL**	**274,104**	**174,104**	**199,104**	**174,104**
	Program Affordability [Note: Conferees agree that funds provided may be used for purposes requested in budget submission.]		-100,000	-75,000	-100,000
56	**POLLUTION PREVENTION (DEM/VAL)**	**2,318**	**2,318**	**5,318**	**4,818**
	Diesel Engine Particulate Exhaust Emissions Reduction			+2,000	+1,500
	Painting and Coating Pollution Prevention for Defense Facilities			+1,000	+1,000
58	**HARD AND DEEPLY BURIED TARGET DEFEAT**	**12,633**	**9,633**	**12,633**	**9,633**
	Execution		-3,000		-3,000
60	**OPERATIONALLY RESPONSIVE LAUNCH**	**24,440**	**26,440**	**24,440**	**26,140**
	Space Launch Complex 3 West Modernization		+2,000		+1,700
61	**COMMON AERO VEHICLE (CAV)**	**12,220**	**21,720**	**12,220**	**17,220**
	Hypersonic Flight Test Corridor		+500		+500
	CAV		+9,000		+4,500
New	**Next Generation Bomber**		**100,000**		**45,000**
			+100,000		+45,000
66	**SPECIALIZED UNDERGRADUATE PILOT TRAINING**	**3,267**	**3,267**	**6,667**	**3,267**
	Boom Operator Weapon System Trainer (BOWST) [Note: Transferred to line 208]			+3,400	0
68	**B-2 ADVANCED TECHNOLOGY BOMBER**	**152,084**	**185,584**	**152,084**	**167,384**
	EHF Satcom		+29,600		+12,600
	Aft Deck Design		+3,900		+2,700
70	**EW DEVELOPMENT**	**74,034**	**95,134**	**90,034**	**97,834**
	Rapid Replacement of Mission Critical Logistics Electronic Components		+3,900	+3,900	+3,900
	AN/ALR-69 (PLAID) Upgrade Program		+4,000	+10,000	+6,000
	PLAID Core development program shortfall		+9,700		+9,700
	Loitering Electronic Warfare Killer ACTD		+3,500	+6,000	+4,200
71	**JOINT TACTICAL RADIO**	**48,814**	**38,814**	**44,714**	**38,814**
	Phase 2 Contract		-10,000	-8,000	-10,000
	Rapid Replacement of Mission Critical Logistics Electronic Components [Note: moved to line 70]			+3,900	0
78	**MUNITIONS DISPENSER DEVELOPMENT**	**15,849**	**18,349**	**15,849**	**17,649**
	Passive Attack Weapon		+2,500		+1,800
81	**AGILE COMBAT SUPPORT**	**5,574**	**5,574**	**18,474**	**13,474**
	Deployable Oxygen System			+3,900	+2,800
	Nano-Technology to produce sterile water			+3,000	+2,100
	Base Operating Support Assessment Model (BOSAM)			+6,000	+3,000
82	**JOINT DIRECT ATTACK MUNITION**	**34,061**	**34,061**	**36,061**	**35,461**
	Tungsten Heavy Alloy Core Deep Penetration JDAM			+2,000	+1,400
83	**LIFE SUPPORT SYSTEMS**	**269**	**8,269**	**269**	**5,069**
	ACES II Improvements [Note: $2.8M for development of the modular seat and $2M for electromechanical stability control system.]		+8,000		+4,800
85	**COMBAT TRAINING RANGES**	**20,383**	**25,883**	**20,383**	**24,283**
	Nellis Air Combat Training Range System Integration		+5,500		+3,900
86	**INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)**	**239**	**8,239**	**6,339**	**11,200**
	Air Force Electronic Systems Command / NPLACE		+4,000		+2,400
	Distributed Mission Interoperability Toolkit		+4,000	+3,500	+3,500

R-1		Budget Request	House	Senate	Conference
	Asset Source for Software Engineering Technology			+2,600	+2,300
	Interactive Three Dimensional Human Interface				+1,400
	Visual Computing for Productive Collateral Damage				+1,600
87	**INTELLIGENCE EQUIPMENT**	**1,320**	**1,320**	**2,320**	**2,320**
	High Powered Microwave Vulnerability Assessment			+1,000	+1,000
91	**JOINT STRIKE FIGHTER EMD**	**2,194,087**	**2,128,087**	**2,166,087**	**2,139,087**
	Systems Engineering Mission Support		-43,500		-27,000
	Critical Design Review		-22,500		0
	Inflation adjustment correction			-28,000	-28,000
92	**INTERCONTINENTAL BALLISTIC MISSILE - EMD**	**184,193**	**174,193**	**184,193**	**174,193**
	Program Growth/Execution		-10,000		-10,000
94	**RDT&E FOR AGING AIRCRAFT**	**24,063**	**31,063**	**43,063**	**40,963**
	Academic Center for Aging Aircraft		+3,000	+6,000	+4,200
	Enterprise Availability and Cost Optimization System		+2,000		+1,200
	Fleet Capability Assessment Process		+2,000		+2,000
	Aging Landing Gear Life Extension			+2,000	+1,500
	Air Vehicle Health Management, Improved Fleet Readiness			+8,000	+6,000
	Advanced Technology into Legacy Avionics Systems			+3,000	+2,000
95	**PRECISION ATTACK SYSTEMS PROCUREMENT**	**0**	**0**	**20,000**	**14,000**
	LITENING Targeting Pods for National Guard			+20,000	+14,000
96	**UNMANNED COMBAT AIR VEHICLE JOINT PROGRAM**	**4,892**	**2,392**	**4,892**	**2,392**
	Joint Program Office		-2,500		-2,500
97	**LINK-16 SUPPORT AND SUSTAINMENT**	**58,783**	**63,783**	**66,783**	**71,083**
	Air Defense Systems Integrator		+5,000		+4,300
	611th ETDL-D2-Link 16 Support and Sustainment			+8,000	+8,000
102	**MAJOR T&E INVESTMENT**	**50,215**	**59,715**	**56,215**	**61,515**
	B-52 Flight Test Instrumentation [Note: Only for the acquisition of hardware and software, including miniaturized instrumentation, solid state recorders, pre-flight test validation and display, mobile telemetry systems and mass storage and archiving systems for the effective collection, management, and distribution of critical flight test data.]		+2,000		+1,700
	ILIAD		+4,000		+3,400
	Advanced Range Communications System		+3,500		+1,700
	Holloman High Speed Test Track (HHSTT) Upgrade			+5,000	+3,500
	3-DATA Laser Upgrade			+1,000	+1,000
107	**TEST AND EVALUATION SUPPORT**	**336,720**	**329,720**	**336,720**	**329,720**
	Execution		-7,000		-7,000
108	**ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)**	**9,673**	**41,173**	**19,673**	**23,173**
	Ballistic Missile Range Safety Technology		+15,500	+10,000	+13,500
	Rocket System Launch Program		+16,000		0
109	**SPACE TEST PROGRAM (STP)**	**42,909**	**42,909**	**37,909**	**38,909**
	Unexecuted Testing			-5,000	-4,000
116	**B-2 ADVANCED TECHNOLOGY BOMBER**	**24,691**	**0**	**24,691**	**0**
	AF Requested Transfer to APAF		-24,691		-24,691
117	**ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY**	**7,855**	**9,855**	**7,855**	**8,855**
	Active Protection for Integrated Circuits AFRL/SNKD		+2,000		+1,000
127	**F-16 SQUADRONS**	**87,478**	**87,478**	**97,478**	**96,978**
	AN/APG-68 (V) 9 Radar Upgrade			+10,000	+6,000
	Common Configurable Remote Interface Unit Initiative				+3,500
128	**F-15E SQUADRONS**	**112,085**	**101,085**	**112,585**	**123,485**
	Execution / Schedule Delays		-19,000	-16,000	-9,000
	F-15 ALR-56C Radar Warning Receiver Upgrade (RWR) Program for the Air National Guard		+4,000		+2,400
	ADCP Development		+4,000		+4,000
	F-15 C/D Radar Block Upgrade			+16,500	+14,000

R-1	Budget Request	House	Senate	Conference
135 AF TENCAP	**10,479**	**19,979**	**13,479**	**18,979**
FOGLITE [Note: Only to develop an eye-safe, day/night sensor capable of producing optical quality three-dimensional imagery and mapping data in real time through moderate cloud cover, smoke dust foliage and camouflage from an airborne platform.]		+6,500		+5,500
Global Positioning System-Jammer Detection and Location System		+3,000	+3,000	+3,000
136 SPECIAL EVALUATION	**164,239**	**164,239**	**164,239**	**194,239**
Air Force requested transfer from Line 185				+30,000
137 COMPASS CALL	**3,790**	**12,790**	**3,790**	**8,790**
COMPASS CALL - Block 35 upgrades		+9,000		+5,000
139 CSAF INNOVATION PROGRAM	**1,880**	**2,880**	**1,880**	**2,880**
Commercial Imagery Dissemination via BRITE		+1,000		+1,000
140 JOINT AIR-TO-SURFACE STANDOFF MISSILE	**31,216**	**20,216**	**31,216**	**25,716**
JASSM-ER Development		-11,000		-5,500
146 ADVANCED PROGRAM	**263,392**	**266,392**	**263,392**	**265,992**
Adaptive Information Protection Technologies		+3,000		+2,600
147 THEATER BATTLE MANAGEMENT (TBM)	**31,647**	**33,147**	**31,647**	**32,947**
Continuation of the C2 Mission Manager for AFSOC JSOAC		+1,500		+1,300
154 ADVANCED PROGRAM EVALUATION	**425,486**	**425,486**	**245,052**	**295,052**
Classified Program			-180,434	-130,434
155 USAF MODELING AND SIMULATION	**8,483**	**14,483**	**8,483**	**12,983**
Joint Synthetic Battlespace		+5,000		+3,500
Synthetic Theater Operations Research Model		+1,000		+1,000
156 WARGAMING AND SIMULATION CENTERS	**6,262**	**8,262**	**6,262**	**7,262**
Theater Aerospace Command and Control Simulation Facility		+2,000		+1,000
157 MISSION PLANNING SYSTEMS	**62,348**	**52,348**	**62,348**	**52,348**
Reduction		-10,000		-10,000
161 NATIONAL AIR INTELLIGENCE CENTER	**0**	**0**	**5,000**	**0**
Classified program			+5,000	0
163 MISSILE AND SPACE TECHNICAL COLLECTION	**0**	**0**	**5,000**	**3,000**
Measurement and Signatures Intelligence Battle Lab			+5,000	+3,000
170 INFORMATION SYSTEMS SECURITY PROGRAM	**37,667**	**48,167**	**39,667**	**48,367**
NORTHCOM Deployment and Support Planning		+1,000		+1,000
Center for Information Assurance Security		+3,000		+2,100
Enterprise Data Warehouse		+6,500		+4,600
Lighthouse Cyber Security Program			+2,000	+1,000
WISE				+2,000
173 COMMUNICATIONS SECURITY (COMSEC)	**0**	**4,000**	**0**	**0**
Robust Composite Materials and Structures [Note: Transferred to Line 25.]		+4,000		0
176 SELECTED ACTIVITIES	**107,800**	**93,800**	**97,800**	**144,200**
Classified Adjustment		-14,000	-10,000	+36,400
178 SATELLITE CONTROL NETWORK (SPACE)	**18,603**	**18,603**	**21,603**	**20,703**
Civil Reserve Space Service (CRSS) Initiative			+3,000	+2,100
181 SECURITY AND INVESTIGATIVE	**474**	**474**	**20,474**	**20,474**
Air Force Personnel Security Investment Program (Transfer from OPAF)			+20,000	+20,000
185 DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	**232,287**	**128,787**	**232,287**	**98,787**
Classified Adjustment		-103,500		-103,500
Air Force requested transfer into Line 136				-30,000

R-1		Budget Request	House	Senate	Conference
191	**SPACELIFT RANGE SYSTEM (SPACE)**	**63,210**	**76,710**	**63,210**	**70,710**
	Range Standardization & Automation Phase IIA		+5,000		+2,500
	Very Small Aperture Terminal (VSAT) Water Supply Monitoring Project [Note: To develop the capability to detect contamination of water sources by terrorists, accidents or natural causes.]		+3,500		+3,000
	QuakeFinder II Demonstration		+4,000		+2,000
192	**DRAGON U-2 (JMIP)**	**52,518**	**36,718**	**57,518**	**47,018**
	Airborne SIGINT Intelligence Payload (ASIP) sensor [Note: to be applied only to U-2 ASIP effort; Global Hawk ASIP effort fully funded.]		-15,800		-8,000
	SYERS-2 Focal Planes			+5,000	+2,500
193	**ENDURANCE UNMANNED AERIAL VEHICLES**	**398,631**	**398,331**	**402,131**	**404,931**
	Funds Available from FY2001 Southern Command Demo		-7,900		0
	Global Hawk Advanced Imagery Architecture		+4,600		+3,300
	Lithium Ion Battery Qualification for the RQ-4A Global Hawk (UAVs)		+3,000	+3,500	+3,000
194	**AIRBORNE RECONNAISSANCE SYSTEMS**	**77,823**	**77,823**	**78,823**	**78,823**
	Ultra-Wideband Airborne Laser Communications for ISR			+1,000	+1,000
196	**DISTRIBUTED COMMON GROUND SYSTEMS**	**27,107**	**28,107**	**27,107**	**28,107**
	C2 Integration for Joint Dynamic Targeting		+1,000		+1,000
197	**NCMC - TW/AA**	**57,933**	**67,933**	**57,933**	**67,933**
	NORTHCOM - FAA NCR Airspace Integration		+10,000		+10,000
204	**C-130 AIRLIFT SQUADRON**	**105,381**	**108,381**	**111,506**	**105,381**
	TN ANG - APN-241 Radar Upgrade Program [Note: Transferred to APAF, line 49.]		+3,000	+6,125	0
206	**C-17 AIRCRAFT**	**184,089**	**186,789**	**184,089**	**185,489**
	Test Data Archive		+2,700		+1,400
208	**LARGE AIRCRAFT IR COUNTERMEASURES**	**45,946**	**45,946**	**45,946**	**45,946**
	Boom Operator Weapon System Trainer (BOWST) [Note: Transfered from line 66]				+1,700
213	**INDUSTRIAL PREPAREDNESS**	**39,396**	**51,396**	**55,896**	**57,496**
	Electronic Industry-wide Network for Characteristics & Specifications		+1,000		+1,000
	Prototype Low Observable Coatings		+4,000		+2,800
	Bipolar Wafer Nickel Metal Hydride Battery Development		+2,000	+2,500	+2,000
	Doyle Center-TIDE Program		+5,000		+2,500
	Applied Research & Technology in Transition			+14,000	+9,800
214	**LOGISTICS SUPPORT ACTIVITIES**	**0**	**2,000**	**0**	**1,400**
	REMIS		+2,000		+1,400
215	**PRODUCTIVITY, RELIABILITY, AVAILABILITY,**	**0**	**6,800**	**9,000**	**9,000**
	Inspection Technology for Turbine Engines		+1,800		+1,000
	Turbine Engine Sustainment		+5,000		+3,500
	LEAn Depot Engine Repair (LEADER)			+9,000	+4,500
216	**SUPPORT SYSTEMS DEVELOPMENT**	**54,034**	**69,034**	**72,034**	**73,834**
	Teleoperated Semiautonomous Robot for Aging Aircraft Maintenance		+3,000		+1,500
	Air Force Center of Acquisition Reengineering & Enabling Technologies		+2,000		+1,200
	Information Assurance for Enabling Technologies		+1,000		+1,000
	C5/C17 SCME (Aging Aircraft)		+3,000	+3,000	+3,000
	Center for Aircraft Support/System Infrastructure (CASI)		+2,000		+1,200
	Fuel Cell-Based Common Core Power Production		+4,000	+6,000	+4,000

R-1		Budget Request	House	Senate	Conference
	Performance Based Logistics/Maintenance Steering Group 3			+2,000	+1,200
	Special Operations Aircraft Depot Maintenance			+2,000	+1,200
	Heavy Duty Hybrid Electric			+5,000	+3,000
	Low Emission/Efficient Hybrid Aviation Refueling Truck Propulsions [Sec. 8126, H.R. 2658]		[+5000]		+2,500
New	**Cobra Ball - Advanced Airborne Sensor Program - LADAR**	0	**1,500**		**1,100**
			+1,500		+1,100

ELECTRONIC WARFARE TRANSITION PLAN

The Senate included report language on the Air Force's electronic warfare transition plan. The conferees remain concerned about this issue and expect the Air Force to work with the House and Senate Appropriations Committees to address the concerns raised in the Senate report.

F-15E SQUADRONS

The conferees have reduced funding for F-15E Squadrons by $9,000,000. Activities in this program have continually had schedule delays of up to 2 quarters, and the account is a frequent source for reprogrammings and higher Air Force priorities. The conferees note that this reduction is taken only for the reasons stated and without prejudice against efforts to field Operational Flight Program Suite 5, which the conferees deem to be a high priority.

NEXT GENERATION BOMBER

The conferees have included $45,000,000 for acceleration of a program to develop a next generation long-range strike bomber. Many technologies needed for development of a next generation bomber can also be demonstrated and incorporated in the existing bomber fleet. The conferees urge that from the funds provided for next generation bomber development, the Air Force give consideration to the design and demonstration of a data collection capability as an upgrade to the Defense Management System on the B-2 bomber.

LOW BANDWIDTH RURAL TELEMEDICINE (LBRTS) SYSTEM

The conferees encourage the Air Force to accelerate the deployment and integration of the Low Bandwidth Rural Telemedicine (LBRTS) System from seven years to three years to enhance the Air Force's telemedicine infrastructure. Any funding for this program shall be made available from program element 0602202F.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement on the items addressed by either the House or the Senate is as follows:

	(In thousands of dollars) Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
BASIC RESEARCH				
DEFENSE RESEARCH SCIENCES..............................	151,029	169,529	104,029	140,929
UNIVERSITY RESEARCH INITIATIVES.......................	---	21,300	---	---
GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEAR	---	8,000	---	6,800
DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE	---	---	9,730	9,730
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	35,831	45,031	53,631	51,931
TOTAL, BASIC RESEARCH..............................	186,860	243,860	167,390	209,390
APPLIED RESEARCH				
MEDICAL FREE ELECTRON LASER..........................	9,494	9,494	18,494	18,794
HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)...	---	5,000	17,583	20,958
LINCOLN LABORATORY RESEARCH PROGRAM..................	27,231	27,231	27,231	27,231
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY.......	404,859	408,859	346,859	338,359
EMBEDDED SOFTWARE AND PERVASIVE COMPUTING............	13,318	13,318	13,318	13,318
BIOLOGICAL WARFARE DEFENSE...........................	137,254	147,254	108,754	150,704
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM..............	106,451	141,951	139,151	153,501
TACTICAL TECHNOLOGY..................................	250,558	250,558	247,558	250,058
MATERIALS AND ELECTRONICS TECHNOLOGY.................	465,544	482,544	441,294	470,444
WMD DEFEAT TECHNOLOGY................................	183,178	186,178	183,178	185,578
STRATEGIC DEFENSE TECHNOLOGIES.......................	116,049	116,049	120,049	117,049
MEDICAL TECHNOLOGY...................................	9,213	9,213	12,213	11,813
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT............	9,715	9,715	9,715	9,715
SOF MEDICAL TECHNOLOGY DEVELOPMENT...................	1,961	1,961	1,961	1,961
TOTAL, APPLIED RESEARCH............................	1,734,825	1,809,325	1,687,358	1,769,483

	(In thousands of dollars) Budget	House	Senate	Conference
ADVANCED TECHNOLOGY DEVELOPMENT				
MEDICAL ADVANCED TECHNOLOGY..........................	5,028	5,028	7,028	6,028
EXPLOSIVES DEMILITARIZATION TECHNOLOGY................	---	1,000	---	---
SO/LIC ADVANCED DEVELOPMENT..........................	31,300	35,300	31,300	34,100
COMBATING TERRORISM TECHNOLOGY SUPPORT...............	60,526	95,526	85,526	98,726
COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES	76,277	79,277	106,277	100,577
BALLISTIC MISSILE DEFENSE TECHNOLOGY.................	240,820	193,920	292,320	227,820
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT........	25,011	25,011	25,011	25,011
ADVANCED AEROSPACE SYSTEMS...........................	323,730	326,730	311,530	319,330
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	103,725	161,225	121,725	158,175
SPECIAL TECHNICAL SUPPORT............................	11,693	15,693	11,693	13,693
ARMS CONTROL TECHNOLOGY..............................	4,807	6,807	4,807	6,507
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.......	22,359	91,359	85,359	124,309
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.............	47,068	51,068	47,068	50,618
JOINT WARFIGHTING PROGRAM............................	9,685	9,685	11,185	10,435
ADVANCED ELECTRONICS TECHNOLOGIES....................	174,150	187,150	178,900	188,750
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS...........	213,361	225,861	213,361	223,511
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM......	---	---	206,182	205,482
COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS..........	242,738	242,738	190,638	195,638
SENSOR AND GUIDANCE TECHNOLOGY.......................	342,914	342,914	342,914	342,914
MARINE TECHNOLOGY....................................	13,898	13,898	13,898	13,898
LAND WARFARE TECHNOLOGY..............................	82,387	82,387	82,387	82,387
CLASSIFIED DARPA PROGRAMS............................	210,532	210,532	220,532	220,532
NETWORK-CENTRIC WARFARE TECHNOLOGY...................	95,654	95,654	88,754	92,204
SOFTWARE ENGINEERING INSTITUTE.......................	22,652	22,652	22,652	22,652
QUICK REACTION SPECIAL PROJECTS......................	74,385	49,385	74,385	56,385
JOINT WARGAMING SIMULATION MANAGEMENT OFFICE..........	44,887	44,887	44,887	44,887
TECHNOLOGY LINK......................................	2,000	2,000	3,600	3,600
AIR-TO-AIR TECHNOLOGY................................	2,000	---	2,000	---
COUNTERPROLIFERATION SUPPORT.........................	1,882	1,882	1,882	1,882

	(In thousands of dollars)			
	Budget	House	Senate	Conference
R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	13,757	13,757	13,757	13,757
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT....	67,017	67,017	67,017	67,017
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.............	2,566,243	2,700,343	2,908,575	2,950,825
DEMONSTRATION & VALIDATION				
PHYSICAL SECURITY EQUIPMENT...........................	---	1,500	---	1,200
JOINT ROBOTICS PROGRAM................................	11,515	13,515	16,515	16,015
ADVANCED SENSOR APPLICATIONS PROGRAM..................	16,718	36,218	24,718	33,468
CALS INITIATIVE.......................................	4,000	4,000	4,000	4,000
ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	35,594	35,594	35,594	35,594
ADVANCED CONCEPTS, EVALUATIONS AND SYSTEMS............	151,696	151,696	151,696	151,696
BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT....	810,440	804,440	900,440	884,440
BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT...	3,613,266	3,629,166	3,844,266	3,794,716
BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.......	626,264	624,264	626,264	624,264
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM...............	162,142	163,142	138,542	132,842
BALLISTIC MISSILE DEFENSE SENSORS.....................	438,242	438,242	437,742	430,242
BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR..........	301,052	151,052	91,052	119,052
BALLISTIC MISSILE DEFENSE TEST & TARGETS..............	611,522	613,622	611,522	612,522
BALLISTIC MISSILE DEFENSE PRODUCTS....................	343,644	312,544	303,644	308,644
BALLISTIC MISSILE DEFENSE SYSTEMS CORE................	483,996	451,496	437,030	450,396
HUMANITARIAN DEMINING.................................	13,299	13,299	13,299	13,299
COALITION WARFARE.....................................	5,906	5,906	5,906	5,906
JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPME	---	---	---	1,000
JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM........	6,362	6,362	16,362	15,162
TOTAL, DEMONSTRATION & VALIDATION..................	7,635,658	7,456,058	7,658,592	7,634,458
ENGINEERING & MANUFACTURING DEVELOPMENT				
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM...............	148,017	159,517	137,017	142,817
MANPADS DEFENSE PROGRAM...............................	25,000	3,000	25,000	3,000
JOINT ROBOTICS PROGRAM................................	13,597	24,597	20,097	21,697
ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)..	18,910	18,910	18,910	18,910
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,633	10,633	10,633	10,633

	(In thousands of dollars)			
	Budget	House	Senate	Conference
PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION.....	---	---	395,800	---
INFORMATION TECHNOLOGY DEVELOPMENT....................	10,539	3,858	10,539	3,858
INFORMATION TECHNOLOGY DEVELOPMENT-STANDARD PROCUREMEN	5,195	5,195	5,195	5,195
FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS..............	84,688	84,688	84,688	84,688
DEFENSE MESSAGE SYSTEM................................	10,170	10,170	10,170	10,170
INFORMATION SYSTEMS SECURITY PROGRAM..................	5,987	6,987	5,987	6,987
GLOBAL COMBAT SUPPORT SYSTEM..........................	17,259	17,259	17,259	17,259
ELECTRONIC COMMERCE...................................	6,028	6,028	6,028	6,028
ELECTRONIC COMMERCE...................................	2,360	2,360	2,360	2,360
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT......	358,383	353,202	749,683	333,602
RDT&E MANAGEMENT SUPPORT				
TRAINING TRANSFORMATION (T2)..........................	2,951	2,951	2,951	2,951
DEFENSE READINESS REPORTING SYSTEM (DRRS).............	18,575	10,000	18,575	15,575
THERMAL VICAR...	7,157	7,157	7,157	7,157
TECHNICAL STUDIES, SUPPORT AND ANALYSIS...............	30,204	30,204	30,204	30,204
CRITICAL TECHNOLOGY SUPPORT...........................	1,858	1,858	1,858	1,858
BLACK LIGHT...	19,675	19,675	19,675	19,675
GENERAL SUPPORT TO C3I................................	24,638	26,138	31,638	32,688
FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.........	33,916	33,916	33,916	33,916
INTERAGENCY EXPORT LICENSE AUTOMATION.................	8,837	7,837	8,837	7,837
DEFENSE TRAVEL SYSTEM.................................	31,806	31,806	31,806	31,806
JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION....	87,250	87,250	87,250	87,250
CLASSIFIED PROGRAM USD(P).............................	---	148,000	---	148,000
FOREIGN COMPARATIVE TESTING...........................	34,873	34,873	34,873	34,873
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM...............	39,345	46,345	40,845	44,845
CLASSIFIED PROGRAMS - C3I.............................	20,556	63,556	20,556	58,306
SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,026	2,026	2,026	2,026
DEFENSE TECHNOLOGY ANALYSIS...........................	5,209	5,209	5,209	5,209
FORCE TRANSFORMATION DIRECTORATE......................	19,675	19,675	19,675	19,675

	(In thousands of dollars)			
	Budget	House	Senate	Conference
DEFENSE TECHNICAL INFORMATION SERVICES (DTIC).........	44,162	44,162	44,162	44,162
R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	8,858	8,858	8,858	8,858
DEVELOPMENT TEST AND EVALUATION.......................	8,938	8,938	11,438	8,938
MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT) DARP.	45,002	45,002	45,002	45,002
PENTAGON RESERVATION.................................	14,481	14,481	14,481	14,481
MANAGEMENT HEADQUARTERS - MDA.........................	93,441	93,441	93,441	93,441
IT SOFTWARE DEV INITIATIVES...........................	8,605	8,605	8,605	8,605
TOTAL, RDT&E MANAGEMENT SUPPORT.....................	612,038	801,963	623,038	807,338
OPERATIONAL SYSTEMS DEVELOPMENT				
PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYS	1,934	1,934	1,934	1,934
CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D	3,442	3,442	---	---
ISLAND SUN...	1,469	1,469	1,469	1,469
C4I INTEROPERABILITY.................................	42,415	46,415	42,415	45,815
JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM............	7,254	7,254	7,254	7,254
INFORMATION TECHNOLOGY SYSTEMS........................	550	550	550	550
NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.........	1,133	1,133	1,133	1,133
DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATIO	2,460	2,460	2,460	2,460
LONG HAUL COMMUNICATIONS (DCS)........................	1,401	1,401	1,401	1,401
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK....	7,198	7,198	7,198	7,198
INFORMATION SYSTEMS SECURITY PROGRAM..................	14,790	14,790	14,790	14,790
INFORMATION SYSTEMS SECURITY PROGRAM..................	476,657	476,657	479,996	483,496
C4I FOR THE WARRIOR..................................	4,199	4,199	4,199	4,199
C4I FOR THE WARRIOR..................................	37,100	37,100	37,100	37,100
GLOBAL COMMAND AND CONTROL SYSTEM.....................	49,991	41,991	61,991	52,191
JOINT SPECTRUM CENTER................................	18,850	18,850	18,850	18,850
DEFENSE COLLABORATION TOOL SUITE (DCTS)...............	14,915	14,915	14,915	14,915
NET-CENTRIC ENTERPRISE SERVICES (NCES)................	40,830	30,830	40,830	30,830
TELEPORT PROGRAM.....................................	10,462	10,462	10,462	10,462
SPECIAL APPLICATIONS FOR CONTINGENCIES................	24,587	24,587	24,587	24,587
DEFENSE IMAGERY AND MAPPING PROGRAM...................	161,873	161,873	174,873	172,323

(In thousands of dollars)

	Budget	House	Senate	Conference
CRITICAL INFRASTRUCTURE PROTECTION (CIP)..............	2,051	2,051	2,051	2,051
DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)......	82,266	92,266	82,266	90,266
DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)......	30,757	30,757	30,757	30,757
C3I INTELLIGENCE PROGRAMS.............................	132,094	132,094	132,094	132,094
TECHNOLOGY DEVELOPMENT................................	249,152	226,652	249,152	249,152
DRAGON U-2 (JMIP).....................................	2,747	2,747	2,747	2,747
AIRBORNE RECONNAISSANCE SYSTEMS.......................	12,184	12,184	12,184	12,184
MANNED RECONNAISSANCE SYSTEMS.........................	4,424	4,424	4,424	4,424
DISTRIBUTED COMMON GROUND SYSTEMS.....................	979	979	979	979
TACTICAL CRYPTOLOGIC ACTIVITIES.......................	112,691	112,691	112,691	112,691
INDUSTRIAL PREPAREDNESS...............................	16,163	50,663	23,163	46,363
LOGISTICS SUPPORT ACTIVITIES..........................	35,781	35,781	35,781	35,781
MANAGEMENT HEADQUARTERS (JCS).........................	18,943	18,943	18,943	18,943
NATO JOINT STARS......................................	24,721	24,721	24,721	24,721
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT.............	---	6,000	---	3,000
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT....	---	20,500	14,000	23,700
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.......	255,981	296,981	341,554	344,281
SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT...	16,726	23,726	22,726	24,526
SOF OPERATIONAL ENHANCEMENTS..........................	64,430	83,930	46,580	92,950
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT..............	1,985,600	2,087,600	2,105,220	2,184,567
CLASSIFIED PROGRAMS...................................	2,894,650	3,311,440	2,874,572	3,011,052
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.......	17,974,257	18,763,791	18,774,428	18,900,715

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

R-1		Budget Request	House	Senate	Conference
2	**DEFENSE RESEARCH SCIENCES**	**151,029**	**169,529**	**104,029**	**140,929**
	Joint Collaboration on Nanotechnology for Advance Biomedical Sensors and Devices		+3,500		+1,700
	Spin Electronics ($12.75M in addition to the $12.9 M in the request for a total of $25.6M)		+15,000		+12,750
	BioComputational Systems			-33,000	-18,000
	Biological Adaptation, Assembly and Manufacture			-11,200	-6,000
	Brain Machine Interface			-17,000	-10,000
	Advance Photonics Composites Research			+3,500	+2,450
	Joint Collaboration on Nanotechnology and Biosensors			+5,000	+3,000
	Photonics Technology Access Program			+1,700	+1,200
	Nano- and Microelectronics			+4,000	+2,800
3	**UNIVERSITY RESEARCH INITIATIVES**	**0**	**21,300**	**0**	**0**
	Anti-Corrosion Studies (Note - moved to RDTE,A line 3)		+2,000		0
	Center for Geosciences (Note - moved to RDTE,A line 3)		+3,000		0
	Defense Commercialization Research Initiative (Note - moved to RDTE,A line 3)		+5,000		0
	Electronic Engineering Technology Program (Note - moved to RDTE,A line 3)		+1,000		0
	Institute for Entrepreneurial Excellence Technology Transfer Project (Note - moved to RDTE,A line 3)		+1,800		0
	Institute of Bioengineering and Nanoscience in Advanced Medicine (Note - moved to RDTE,A line 3)		+5,000		0
	MEMS Sensors for Rolling Element Bearings (Note - moved to RDTE,A line 3)		+2,000		0
	National Security Training (Note - moved to RDTE,A, line 3)		+1,500		0
6	**GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH**	**0**	**8,000**	**0**	**6,800**
	Semi Conductor Research (FOCUS Center Research (FCRP))		+8,000		+6,800
7	**DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE**	**0**	**0**	**9,730**	**9,730**
	Transfer from RDTE,A			+9,730	+9,730
8	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**35,831**	**45,031**	**53,631**	**51,931**
	Advance Sensor Design and Threat Detection Facility		+2,200		+1,100
	Engineered Pathogen Identification and Countermeasures Program - Bug-to-Drug		+7,000	+5,000	+5,000
	Biodetection Research			+2,000	+1,000
	Detection of Biological Agents in Water			+3,000	+1,500
	Brooks City Base Biotechnology			+2,800	+2,000
	Plant-derived vaccine against anthrax and smallpox				+1,000
	Plant Vaccine Development			+5,000	+3,500
	Fluoroscence Activated Sensing Technology (FAST)				+1,000
9	**MEDICAL FREE ELECTRON LASER**	**9,494**	**9,494**	**18,494**	**18,794**
	MFEL			+9,000	+9,300
10	**HISTORICALLY BLACK & HISPANIC SERVING INSTITUTE SCIENCES**	**0**	**5,000**	**17,583**	**20,958**
	Hispanic Serving Institutions		+5,000		+4,250
	Tribal Colleges-Science Lab and Computer Equipment			+3,500	+2,625
	Transfer from RDTE,A			+14,083	+14,083

R-1		Budget Request	House	Senate	Conference
12	**COMPUTING SYSTEMS AND COMMUNICATIONS**	**404,859**	**408,859**	**346,859**	**338,359**
	Through-Wall Radar Imaging (TWRI)		+4,000		+3,400
	Secure Group Communications			+2,000	+1,000
	Asymmetric Threat Programs			-63,000	-73,000
	Counterterrorism Information Initiative			+3,000	+2,100
14	**BIOLOGICAL WARFARE DEFENSE**	**137,254**	**147,254**	**108,754**	**150,704**
	Center for Tropical Disease Research and Training		+2,000		+2,000
	Center for Water Security		+1,000		+1,000
	Hand Held Biosensors for Field Detection of Multiple Bioagents Civil/Military Incident Management Program (CMIM) Palm Pilots		+4,000		+3,400
	Hydrate Fractionation Desalination Systems		+3,000		+2,550
	Immune Buildings			-32,500	0
	HPGe Gamma Ray Detection Technology			+1,000	+1,000
	EluSys Heteropolymer System			+3,000	+1,500
	Asymmetric Protocols for Biological Defense				+2,000
15	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**106,451**	**141,951**	**139,151**	**153,501**
	Air Contaminant Monitoring System (Note: Only to continue the SCAQMD Air Contaminant Monitoring System)		+1,000		+1,000
	Atmospheric Plasma for Biodefense Decontamination		+1,000		+1,000
	Automated Liquid Phase Detection of Toxic Compounds		+1,500		+1,000
	Center for Information Assurance Security		+3,000		+2,100
	Consortium for Countermeasures to Biological and Chemical Threats		+5,000		+3,500
	Early Warning and Detection Program (Note - only for the development of metal oxide early warning and detection techniques of chemical agents for the Early Warning and Detection Program)		+1,000		+1,000
	Global Pathogen Portal		+7,000		+3,500
	Heteropolymer Monoclonal Antibody		+1,000		+1,000
	LSH-SAW Biosensor		+5,500	+6,000	+5,500
	Oral Anthrax Plague Vaccine		+2,000		+1,000
	Rapid Antibody-Based Biological Countermeasures (RABBC)		+4,000		+2,800
	Rapid Decontamination System for Nerve Agents		+2,500		+1,250
	Remote Optical Sensing Program (Note - only for the development of transition metal oxide based ion insertion methods of wavelength tuning for improved chemical and biological sensors within the Remote Optical Sensing Program)		+1,000		+1,000
	Blast Mitigation Detection of CB on Contamination Surfaces			-4,200	-4,200
	Supporting S&T			-5,600	-5,600
	Bioinformatics Equipment			+1,500	+1,050
	Bioinformatics Network			+2,000	+1,400
	Multivalent Ebola, Marburg Filovirus Program			+12,000	+8,400
	Mustard Gas Treatment STIMAL			+5,000	+4,500
	Needle-less Delivery Methods for Vaccines			+2,000	+2,000
	Vaccines and Therapeutics to Counter Bio-threats			+3,500	+2,500
	Detection of Chemical, Biological and Pollutant Agents in Water			+3,500	+2,400
	Bioinformatics			+3,000	+2,100
	Heteropolymer Anthrax Immunity Research			+1,000	+1,000
	Advanced Emergency Medical Response			+3,000	+2,100

R-1		Budget Request	House	Senate	Conference
	Novel Pharmaceuticals for Anthrax (Note - Only for continued development of the Helinz-treated vaccine platform, with applications in both cancer and infectious disease, including those agents that pose threats in bioterrorism.)		[5000]		+1,250
	Project Ancile			[3000]	+1,500
	Long Range Biometric Target ID System			[3000]	+1,000
16	**TACTICAL TECHNOLOGY**	**250,558**	**250,558**	**247,558**	**250,058**
	Close-In Sensing/Odortype Detection			-5,000	-2,500
	RoboScout			-5,000	-5,000
	CEROS			+7,000	+7,000
17	**MATERIALS AND ELECTRONICS TECHNOLOGY**	**465,544**	**482,544**	**441,294**	**470,444**
	Center for Optoelectronics and Optical Communication at UNCC		+5,000		+2,500
	Cryo-power for the all-electric ship		+5,000		+2,500
	Integrated Nanomanufacturing and Micromanufacturing (Note - for miniaturized biological, environmental, and information technology systems)		+2,000		+1,000
	Nano Photonic Systems Fabrications		+1,500		+1,000
	UF Biosensor/Biomotive Nano Technology		+3,500		+1,700
	Intelligent Digitization of Analog Sensor Program			-6,000	-6,000
	Biochemical Material			-35,000	-9,000
	Fabrication of Three-Dimensional Structures			+4,000	+2,000
	Friction Stir Welding			+2,000	+1,200
	Heat Actuated Coolers			+2,000	+1,200
	Materials Science Technology			+750	+750
	Strategic Materials			+5,000	+4,250
	AMRI			+3,000	+1,800
19	**WMD DEFEAT TECHNOLOGY**	**183,178**	**186,178**	**185,578**	**185,578**
	GMU National Center for Biodefense		+1,000		+1,000
	GMU National Center for Blast Mitigation and Projection		+2,000		+1,400
20	**STRATEGIC DEFENSE TECHNOLOGIES**	**116,049**	**116,049**	**120,049**	**117,049**
	Enhanced Techniques for Detection			+2,000	+1,000
	SEMD (moved to line 62)			+2,000	0
21	**MEDICAL TECHNOLOGY**	**9,213**	**9,213**	**12,213**	**11,813**
	Noninvasive Biomodulation System			+3,000	+2,600
25	**MEDICAL ADVANCED TECHNOLOGY**	**5,028**	**5,028**	**7,028**	**6,028**
	Ex-Rad Radioprotectant			+2,000	+1,000
26	**EXPLOSIVES DEMILITARIZATION TECHNOLOGY**	**0**	**1,000**	**0**	**0**
	Blue Grass SCWO Demonstration (Note - moved to RDTE,A line 45)		+1,000		0
27	**SO/LIC ADVANCED DEVELOPMENT**	**31,300**	**35,300**	**31,300**	**34,100**
	Advanced Robotic Vehicle Development		+3,000		+1,800
	Reconnaissance and Surveillance Programs		+1,000		+1,000
28	**COMBATING TERRORISM TECHNOLOGY SUPPORT**	**60,526**	**95,526**	**85,526**	**98,726**
	Asymmetric Warfare Initiative		+4,000	+4,500	+4,000
	Biological Agent Counter-terrorism Monitoring System		+1,000		+1,000
	Blast Mitigation (Note - Only to continue the existing program)		+4,500	+10,000	+7,000
	Chemical, Biological, Radiological, Nuclear and High Yield Explosives (CBRNE) Force Response Element-Education, Development, Operations and Mitigation (FREEDOM) Program		+3,000		+2,600
	Chemical/Biological Electrostatic System/Electrostatic Decontamination System		+4,000	+3,500	+3,500
	Distributed Intrinsic Chemical Agent Sensing and Transmission Technology		+5,000		+3,500
	Face Recognition Access Control, Surveillance & Data Management		+2,000		+1,200
	Facility Security		+7,500		+6,400

R-1		Budget Request	House	Senate	Conference
	Project Athena Beta Site		+2,000		+1,200
	Quadropole Resonance Explosives Detection		+2,000		+1,400
	Technical Support Working Group			+5,000	+3,500
	CT-ISR			+2,000	+1,400
	Development of Integrated Systems Analysis Capabilities for Bioterrorism Response Exercises			[2,000]	+1,500
29	**COUNTERPROLIFERATION ADVANCED DEVELOPMENT TECHNOLOGIES**	**76,277**	**79,277**	**106,277**	**100,577**
	Center for Coastal and Maritime Security		+3,000		+1,800
	Guardian Portable Radiation Search Tool (PRST)			+30,000	+22,500
30	**BALLISTIC MISSILE DEFENSE TECHNOLOGY**	**240,820**	**193,920**	**292,320**	**227,820**
	Reduce programmed growth		-55,800		-55,800
	Kinetic Energy Anti-Satellite		+7,500	+7,500	+7,500
	Extended FootPrint Program		+1,400		+1,000
	Advanced Metallized Gelled Propellants			+3,800	+2,700
	Massiviely Parallel Optical Interconnects for Microsatellites			+4,500	+3,400
	Chemical Vapor Deposition of Organic Materials			+3,000	+2,100
	COLD			+3,000	+2,300
	Improved Materials for Optical Memories			+4,200	+2,900
	Silicon Carbide Wide Band Gap Research			+5,500	+3,900
	Wide Bandgap Optoelectronics			+8,000	+6,600
	Multiple Target Tracking Optical Sensor Array Technology (MOST)			+1,000	+1,000
	AEOS MWIR Adaptive Optic			2000	+1,700
	Advance RF Technology Development			+4,000	+3,400
	SiC Mirrors			+2,000	+1,700
	Porous Silicon			+3,000	+2,600
	Tulane Center for Missile Defense				[800]
33	**ADVANCED AEROSPACE SYSTEMS**	**323,730**	**326,730**	**311,530**	**319,330**
	Improved Suborbital Operations		+3,000		+1,500
	Space Assembly and Manufacture			-7,700	-3,500
	Hypersonics Funding (NAI)			-2,800	-1,400
	Space Access (NAI)			-1,700	-1,000
34	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT**	**103,725**	**128,725**	**121,725**	**158,175**
	Chem Bio Defense Initiative		+25,000		+25,000
	Chemical and Biological Detectors (only for continuation industry-based research to miniaturize chemical and biological detectors)		+3,000		+2,550
	Countermeasure to Biological and Chemical Threats Response (Note - only for continuation of research, education and training for public health, medical and civilian organizations with responsibility for responding to bioterrorism attacks and continued sensor research on biological and chemical agents)		+10,500		+7,350
	Handheld Biological Agent Detection (HBAD) System		+4,000		+2,000
	High-Intensity Pulsed Radiation Facility for Chemical and Biological Agent Defeat		+3,000	+2,000	+2,000
	Innovative Materials for MEMS Fabrication		+2,000		+1,200
	Rapid Response Database Systems Center		+4,000		+2,000
	SensorNet/CBRN Threat Using Public/Private Assets		+6,000	+9,000	+6,750
	Program Cost Growth			-16,000	-16,000
	Bioadhesion Research			+6,000	+4,200
	Immunochemical Bio/Chem Agent Detector			+5,000	+3,000
	Rapid Response Sensor Networking			+1,000	+1,000
	Reactive Air Purification			+7,000	+4,900
	Vaporized Hydrogen Peroxide Tech for Decontamination			+4,000	+2,000
	BIO-Mems				+6,500

R-1		Budget Request	House	Senate	Conference
35	**SPECIAL TECHNICAL SUPPORT**	**11,693**	**15,693**	**11,693**	**13,693**
	MultiView: Data Standards for the Integrated Digital Environment		+4,000		+2,000
36	**ARMS CONTROL TECHNOLOGY**	**4,807**	**6,807**	**4,807**	**6,507**
	Innovative Technologies and Equipment to Counter NBC Threat (Only for continuation of an industry-based mercuric iodide research program)		+2,000		+1,700
37	**GENERIC LOGISTICS R&D TECHNOLOGY**	**22,359**	**91,359**	**85,359**	**124,309**
	Cal NanoScale Innovation (Note - To continue the existing program and advance the state-of-the-art in nanoscience and Nanotechnology for defense applications)		+10,000		+8,500
	California Manufacturing Technology Center (Note - Only to develop a rapid response defense manufacturing supply chain pilot initiative on the West coast to meet urgent defense requirements, reduce cost, eliminate shortages and expand the supplier base for parts and equipment surge requirements)		+6,000		+5,100
	Commercial Technologies for Maintenance Activities (CTMA)		+7,500		+3,750
	Connectory for Rapid Identification of Technology Sources		+1,000		+1,000
	COTS Microelectronics Sustainment		+2,500		+1,250
	Diminishing Manufacturing Sources/Material Shortage (DMS/MS) for Ferrite Technology		+2,000		+1,200
	DMS Data Warehouse Solution		+1,500	+5,000	+2,500
	Functional Decomposition of Application Specific Integrated Circuits (ASIC)		+2,000		+1,000
	Integration and Assimilation of Hard and Soft Core IP		+2,000		+1,000
	Optimizing Electronics for Advance Controlled Environment Systems (ACES) (Note - Only to continue spiral develpment of the ACES program and to extend ACES technology to the electronic board and system level in test-scale prototypes capable of rapid field insertion into advanced controlled environment system)		+14,000		+12,000
	Silicon Germanium (SiGe) Migration		+2,500		+1,250
	Spray Cooling Migration		+12,000		+10,200
	Wireless Rural Communications Demonstration		+6,000		+3,000
	Chameleon Miniaturized Wireless System			+11,000	+7,700
	New England Manufacturing Supply Chain			+8,000	+5,600
	STAR4D Pollution Prevention			+1,000	+1,000
	Ultra-low Power Battlefield Sensor System			+30,000	+30,000
	Vehicle Fuel Cell Program			+7,000	+4,900
	Fuel Cell Mine Loader Prototype Locomotive			+1,000	+1,000
38	**STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM**	**47,068**	**51,068**	**47,068**	**50,618**
	Institute of Environmental and Human Health Toxic Chemical Cleanup		+1,000		+1,000
	National Environmental Education Training Center		+3,000		+2,550
39	**JOINT WARFIGHTING PROGRAM**	**9,685**	**9,685**	**11,185**	**10,435**
	JFCOMM Rapid Database Development			+1,500	+750
41	**ADVANCED ELECTRONICS TECHNOLOGIES**	**174,150**	**187,150**	**178,900**	**188,750**
	Advance X-Ray Lithography Demonstrations		+4,000		+3,400
	Crystal Material for Electro-Optic Imaging and Communication		+2,500		+2,125
	Laser Plasma X-Ray Lithography System		+4,000		+3,400
	Three Dimensional Imaging Technology Development		+2,500		+2,125
	Mil-tech Extension			+750	+750
	Advanced Lithography Thin Film			+4,000	+2,800

R-1		Budget Request	House	Senate	Conference
42	**ADVANCED CONCEPT TECHNOLOGY**	213,361	225,861	213,361	223,511
	Homeland Security Command and Control		+3,000		+1,500
	MARIA Mapping System		+3,000		+2,100
	Remote Unattended Sensing System		+3,000		+2,100
	Secured Hardware Based Data Encryption Device		+3,500		+2,450
	JP-8 Pilot Program				+2,000
44	**HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM**	0	0	206,182	205,482
	HPC Prototype for NRL (NOTE: Transferred from RDTE,AF line 32)				+5,100
	Transfer from RDTE,AF			+185,282	+185,282
	HPVCI			+3,000	+2,100
	Simulation HPC Upgrade			+4,000	+2,000
	ARSC			+6,000	+5,100
	MHPCC			+2,900	+2,900
	Naval Research Laboratory Multi-thread Architecture Upgrade			+5,000	+3,000
45	**COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS**	242,738	242,738	190,638	195,638
	Collaborative Operational Planning Environment			-6,000	-3,000
	Adaptive Waveforms			-5,700	-5,700
	Secure Digital Coherent Optical Communications				+2,000
	Asymmetric Threat - CCC-03			-40,400	-40,400
49	**CLASSIFIED DARPA PROGRAMS**	210,532	210,532	220,532	220,532
	Transfer from RDTE,N			+10,000	+10,000
50	**NETWORK-CENTRIC WARFARE TECHNOLOGY**	95,654	95,654	88,754	92,204
	Effects Based Network Targeting			-6,900	-3,450
54	**QUICK REACTION SPECIAL PROJECTS**	74,385	49,385	74,385	56,385
	Program Growth (Note: excludes Defense Acquisition Challenge Program)		-25,000		-18,000
57	**TECHNOLOGY LINK.**	2,000	2,000	3,600	3,600
	Technology Venture (Note: AK/ MT jt. venture)			+1,600	+1,600
58	**AIR-TO-AIR TECHNOLOGY**	2,000	0	2,000	0
	Unjustified Program		-2,000		0
62	**PHYSICAL SECURITY EQUIPMENT**	0	1,500	0	1,200
	Security Enhancement Through Mobile Devices (SEMD)		+1,500		+1,200
63	**JOINT ROBOTICS PROGRAM**	11,515	13,515	16,515	16,015
	Tactical Unmanned Ground Vehicle (TUGV)		+2,000	+1,500	+1,500
	Non Line-of-Sight Communications			+3,500	+3,000
64	**ADVANCED SENSOR APPLICATIONS PROGRAM**	16,718	36,218	24,718	33,468
	Active Sensors Components Development for Advance Tactical Systems		+2,500		+1,250
	Classified Adjustment		+10,000		+6,000
	Multi-Wave Length Surface Scanning Biologics Sensor		+2,000		+1,400
	Multi-Wave Length Freespace Airborne Communication		+5,000		+3,500
	High Data Rate Airborne Communications			+5,000	+2,500
	Advanced Solid State Laser			+3,000	+2,100
70	**BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE**	810,440	804,440	900,440	884,440
	Program Managed Growth (THAAD)		-6,000		-6,000
	Arrow			+90,000	+80,000
71	**BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE**	3,613,266	3,629,166	3,844,266	3,794,716
	Sea-Based X-Band Radar		+22,900		0
	Program Planning & Management		-7,000		-7,000
	GMD Additional Interceptors			+200,000	+160,000
	Range Command and Control Display Upgrade			+3,000	+2,600
	Range Data Monitor/Analysis Tool			+3,000	+2,600
	SHOTS			+5,000	+4,250
	PMRF Upgrades			+20,000	+19,000

R-1		Budget Request	House	Senate	Conference
	Kauai Test Facility			[4000]	[4000]
72	**BALLISTIC MISSILE DEFENSE BOOST DEFENSE**	**626,264**	**624,264**	**626,264**	**624,264**
	Program Management Growth		-2,000		-2,000
73	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL**	**162,142**	**163,142**	**138,542**	**132,842**
	Center for Bio Defense		+1,000		+1,000
	Program Concurrency/Cost Growth			-38,100	-38,100
	Oral Adjuvants			+1,500	+1,000
	Infectious Disease Tracking			+3,000	+1,800
	Biological Process Development			+6,000	+3,000
	Oral Anthrax/Plague Vaccine			+4,000	+2,000
74	**BALLISTIC MISSILE DEFENSE SENSORS**	**438,242**	**438,242**	**437,742**	**430,242**
	Consolidate Block 06 and 10			-15,500	-15,500
	Airborne Infrared Surveillance (AIRS)			+15,000	+7,500
75	**BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR**	**301,052**	**151,052**	**91,052**	**119,052**
	Reduce Programmed Growth		-150,000	-175,000	-162,000
	Experiment and Testing Programmed Growth			-35,000	-20,000
76	**BALLISTIC MISSILE DEFENSE TEST & TARGETS**	**611,522**	**613,622**	**611,522**	**612,522**
	Proton-Neutron Pulse Capability for Nuclear Weapons Simulation at the Indiana University Cyclotron Facility (IUCF)		+2,100		+1,000
77	**BALLISTIC MISSILE DEFENSE PRODUCTS**	**343,644**	**312,544**	**303,644**	**308,644**
	Reduce Programmed Growth		-31,100	-40,000	-35,000
78	**BALLISTIC MISSILE DEFENSE SYSTEMS CORE**	**483,996**	**451,496**	**437,030**	**450,396**
	Electro-Optic Components for Missile Defense		+5,000		+4,300
	Pump Arrays for High Energy Lasers		+2,500		+2,100
	Reduce Programmed Growth		-45,000	-60,000	-52,000
	Wide Bandwidth Technology (WBT)		+5,000		+2,500
	Carbon Foam Program			+2,500	+2,100
	ARC (Note - for computer equipment upgrades)			+10,534	+7,400
82	**JOINT SERVICE EDUCATION AND TRAINING SYSTEMS**	**0**	**0**	**0**	**1,000**
	Multiplayer Immersive Learning Environment				+1,000
83	**JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM**	**6,362**	**6,362**	**16,362**	**15,162**
	Tech Development (JET)/Delta Mine Training			+5,000	+4,300
	Tech Development (JET)/HIPAS			+5,000	+4,500
84	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD**	**148,017**	**159,517**	**137,017**	**142,817**
	Chemical Biological Monitoring system (CVMSII)		+5,000		+2,500
	Critical Reagent Program		+500		+500
	Joint Service Lightweight Standoff Chemical Agent Detector (JSLSCAD)		+4,000		+2,000
	Laser Interrogation of Surface Agents		+2,000		+1,400
	Program Duplication			-13,000	-13,000
	LISA Recon Vehicle			+2,000	+1,400
85	**MANPADS DEFENSE PROGRAM**	**25,000**	**3,000**	**25,000**	**3,000**
	Unjustified Program Growth		-22,000		-22,000
86	**JOINT ROBOTICS PROGRAM - EMD**	**13,597**	**24,597**	**20,097**	**21,697**
	Under Vehicle Mobile Inspection/Search UGV		+6,000	+5,000	+5,100
	National Center for Defense Robotics		+3,000		+1,500
	Tactical Unmanned Ground Vehicle		+2,000	+1,500	+1,500
90	**PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION**	**0**	**0**	**395,800**	**0**
	Transfer from Army-Consolidate PAC-3 and MEADS			+395,800	0

R-1		Budget Request	House	Senate	Conference
95	**INFORMATION TECHNOLOGY DEVELOPMENT**	**10,539**	**3,858**	**10,539**	**3,858**
	Rapid Acquisition Incentives		-6,681		-6,681
97	**INFORMATION SYSTEMS SECURITY PROGRAM**	**5,987**	**6,987**	**5,987**	**6,987**
	Secure Telecommunications Networks Initiative, FAU		+1,000		+1,000
103	**DEFENSE READINESS REPORTING SYSTEM (DRRS)**	**18,575**	**10,000**	**18,575**	**15,575**
	Program Growth		-8,575		-3,000
109	**GENERAL SUPPORT TO C3I**	**24,638**	**26,138**	**31,638**	**32,688**
	UAV See and Avoid		+1,500		+1,050
	PDC			+7,000	+7,000
111	**INTERAGENCY EXPORT LICENSE AUTOMATION**	**8,837**	**7,837**	**8,837**	**7,837**
	Program Reduction		-1,000		-1,000
114	**CLASSIFIED PROGRAM USD(P)**	**0**	**148,000**	**0**	**148,000**
	Classified Program Change		+148,000		+148,000
116	**CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM**	**39,345**	**46,345**	**40,845**	**44,845**
	Chemical Biological Warfare Agent Detector Chip		+2,000		+1,000
	Mobile Chemical Agent Detection		+5,000		+3,500
	Handheld Bioagent Identifier			+1,500	+1,000
119	**CLASSIFIED PROGRAMS - C3I**	**20,556**	**63,556**	**20,556**	**58,306**
	Automated Speech Recognition, Voice Command and Control (ASRVCC)		+18,000		+18,000
	Foreign Supplier Assessment Center		+6,000		+3,600
	Global Infrastructure Data Capture Program		+19,000		+16,150
125	**DEVELOPMENT TEST AND EVALUATION**	**8,938**	**8,938**	**11,438**	**8,938**
	GYPSY Delta (Note - Moved to OTE)			+2,500	0
134	**CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)**	**3,442**	**3,442**	**0**	**0**
	New Start Duplication			-3,442	-3,442
136	**C4I INTEROPERABILITY**	**42,415**	**46,415**	**42,415**	**45,815**
	System of Systems Engineering Center of Excellence (SoSECE)		+4,000		+3,400
148	**INFORMATION SYSTEMS SECURITY PROGRAM**	**476,657**	**476,657**	**479,996**	**483,496**
	Arabic Malta Server			+339	+339
	Secure Cell Phones				+5,000
	Network, Information and Space Security			+3,000	+1,500
151	**GLOBAL COMMAND AND CONTROL SYSTEM**	**49,991**	**41,991**	**61,991**	**52,191**
	Program Growth Reduction		-8,000		-8,000
	Joint Information Technology Project			+12,000	+10,200
154	**NET-CENTRIC ENTERPRISE SERVICES (NCES)**	**40,830**	**30,830**	**40,830**	**30,830**
	Program Growth Reduction		-10,000		-10,000
158	**DEFENSE IMAGERY AND MAPPING PROGRAM**	**161,873**	**161,873**	**174,873**	**172,323**
	PIPES			+9,000	+7,650
	BRITE			+4,000	+2,800
162	**DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM**	**82,266**	**92,266**	**82,266**	**90,266**
	Defense Joint Counterintelligence Capability		+15,000		+10,500
	Reduction in Classified Activity		-5,000		-2,500
165	**TECHNOLOGY DEVELOPMENT**	**249,152**	**226,652**	**249,152**	**249,152**
	Classified Adjustment		-22,500	0	0

R-1	Budget Request	House	Senate	Conference
178 INDUSTRIAL PREPAREDNESS	**16,163**	**50,663**	**23,163**	**46,363**
Copper Based Casting Technology		+2,000		+1,000
Defense Supply Chain Technology Program		+8,000		+4,800
Manufacturing Engineering of Spray Cooling		+20,000		+17,000
Small Business Technical Procurement Center		+1,500		+1,250
Twelve Screw Extruder for Fuel Cell Technology		+3,000		+1,500
Laser Additive Manufacturing			+4,000	+2,400
Next Generation Manufacturing Technologies			+3,000	+2,250
183 SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	**0**	**6,000**	**0**	**3,000**
Spike Urban Warfare System		+6,000		+3,000
184 SPECIAL OPERATIONS ADVANCED TECHNOLOGY	**0**	**20,500**	**14,000**	**23,700**
Advanced Manpak Threat Warning and Surveillance Systems		+4,000	+5,000	+4,000
Affordable Access to Night Vision Equipment		+2,000		+1,700
Automated Assembly of Electro-Optic Sensors and Devices		+3,000		+2,550
Dualband Universal Night Sight (DUNS)		+2,000		+1,700
Image Fusion Common Aperture Systems Development		+2,500		+2,125
Light Recon Vehicle with Chemical/Biological Real Time Sensor		+4,000		+2,400
Sensors for Autonomous Navigation		+3,000		+2,550
Covert Waveform			+2,500	+1,750
SOF Unmanned Vehicle Technology Integration			+4,000	+2,800
Special All Terrain Vehicles			+2,500	+2,125
185 SPECIAL OPERATIONS TACTICAL SYSTEMS	**255,981**	**296,981**	**341,554**	**344,281**
Advanced Target Identification Capability for AC-130U Gunship		+3,000	+5,500	+3,850
Gunshot/Sniper Detection System		+5,000		+2,500
Mark V Computer System Upgrade		+1,000		+1,000
Material Improvement and Corrosion Control on Communications Equipment		+3,000		+2,550
Millimeter Forward Looking Synthetic Aperture-Radar		+5,000		+4,250
Multi-Band Multi-Mission Radio		+5,000		+4,250
Rebreather (Note: Only to continue development of state of the art military closed-circuit rebreather applications)		+4,000		+3,400
SOCOM Rotary Wing UAV (ICW existing DARPA program) (Note: only to continue development of the A160 SOCOM rotary wing UAV)		+18,000		+15,300
SOCOM ATV Project (Note: moved to P,DW Line 50)		+7,000		
Underexecution		-10,000		0
Advanced SEAL Delivery System (Note: Transfer from P,DW			+23,573	0
Dominant Vision			+8,000	+4,800
Air-Ground Interface simulator			+7,000	+4,200
CV-22 Transfer from RDTE,N			+34,000	+34,000
Lightweight Counter Mortar Radar			+1,500	+1,000
Digital Auto Flight Control System			+6,000	+4,200
Naval Special Warfare Craft				+3,000
186 SPECIAL OPERATIONS INTELLIGENCE SYSTEMS	**16,726**	**23,726**	**22,726**	**24,526**
Optimal Placement of Unattended Sensors		+3,000		+1,500
SOCOM Multipurpose Antenna, X-Band (SMAX)		+1,000		+1,000
Special Operations Joint Interagency Collaboration Center		+3,000		+1,600
Joint Threat Warning System			+3,500	+2,450
SOF Intelligence System Development			+2,500	+1,250
187 SOF MEDICAL TECHNOLOGY DEVELOPMENT	**0**	**0**	**0**	**0**

R-1	Budget Request	House	Senate	Conference
188 SOF OPERATIONAL ENHANCEMENTS	**64,430**	**83,930**	**46,580**	**92,950**
SOF Specific DISM System Tailoring		+1,000		+1,000
Special Collection (SC) Program		+2,000		+1,200
Specialized Unattended Sensor Network		+2,000		+1,700
Tactical Information Display (Wrist Mounted Tactical Wireless Display System GVSS-Global Video Surveillance System) (Note: only to continue Phase III SBIR development and integration)		+12,000		+10,200
Tactical Surveillance Equipment		+2,500		+2,120
B-Band Night Vision System			+4,000	+2,800
Nanotechnology Research			+7,500	+5,200
Logistics Support Craft			+7,250	+4,300
Program Duplication			-36,600	0
999 CLASSIFIED PROGRAMS	**2,894,650**	**3,311,440**	**2,874,572**	**3,011,052**
Classified Program Adjustment		+416,790	-20,078	+116,402

TECHNOLOGY VENTURE CENTER

The conferees agree to provide $1,600,000 for the Technology Venture Center in Montana and for an entrepreneurial training/virtual business incubator in Alaska using science and technology.

SPRAY COOLING MANUFACTURING ENGINEERING

The conferees are aware of the major contributions that DMEA's spray cooling program has made to a number of defense programs through its ability to allow commercial electronics to operate successfully in harsh military environments while reducing size and weight. The conferees urge the department to standardize spray cooling technology components and products to facilitate their migration to other military programs. Accordingly, the conferees have added funding above the president's request to continue its efforts to standardize this important technology. The conferees also encourage DMEA to continue its work with the services to increase service familiarity with this advanced technology.

TERRORISM INFORMATION AWARENESS (TIA)

The conferees agree with the Senate position which eliminates funding for the Terrorism Information Awareness (TIA) program within the Defense Advanced Research Projects Agency (DARPA). The conferees are concerned about the activities of the Information Awareness Office and direct that the Office be terminated immediately. The only research projects previously under the jurisdiction of the Information Awareness Office that may continue under DARPA are: Bio-Event Advanced Leading Indicator Recognition Technology, Rapid Analytic Wargaming, Wargaming the Asymmetric Environment, and Automated Speech and Text Exploitation in Multiple Languages (including Babylon and Symphony). The conferees find these programs are not components of TIA for the purposes of section 8131. The conference agreement does not restrict the National Foreign Intelligence Program from using processing, analysis and collaboration tools for counterterrorism foreign intelligence purposes.

CHEMICAL IMAGING FOR FOOD AND WATER SAFETY

The conferees are aware of recent research which rapidly measures the presence of pathogens in food and water by chemical imaging. Successful implementation of this technology will have a significant impact on the soldier in the field and can be applied to commercial uses as well. The conferees encourage the Department to consider further research in this field.

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM

Within funds provided for the Chem-Bio Defense Initiatives Fund, the conferees recommend the creation of an end-to-end point of care based diagnostic network to combat terrorism. Funds should be distributed to partnerships that combine universities and non-profit institutes with industrial partners to insure rapid translation into clinical use.

GROUND-BASED MIDCOURSE DEFENSE

Additional funding is provided to the Ground-based Midcourse Defense program to procure additional Ground Based Interceptors at Fort Greely; to enhance security measures to protect this strategic facility; and to accelerate installation of communications at Eareckson Air Station. The conferees direct the Director of the Missile Defense Agency to submit a report to the Committees on Appropriations within 120-days of enactment of the fiscal year 2004 Defense Appropriations Act on the Department's plan to implement this funding guidance.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The conference agreement on items addressed by either the House or Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
OPERATIONAL TEST & EVAL, DEFENSE				
ADVANCED TECHNOLOGY DEVELOPMENT				
TEST & EVALUATION SCIENCE & TECHNOLOGY................	12,804	12,804	12,804	12,804
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT..............	12,804	12,804	12,804	12,804
RDT&E MANAGEMENT SUPPORT				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CT	123,215	130,215	138,815	138,115
OPERATIONAL TEST AND EVALUATION.......................	37,323	37,323	37,323	37,323
LIVE FIRE TESTING....................................	10,074	10,074	12,574	11,874
DEVELOPMENT TEST AND EVALUATION.......................	103,245	103,245	103,245	105,745
TOTAL, RDT&E MANAGEMENT SUPPORT.....................	273,857	280,857	291,957	293,057
TOTAL, OPERATIONAL TEST & EVAL, DEFENSE............	286,661	293,661	304,761	305,861

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

Line		Budget Request	House	Senate	Conference
2	**CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)**	**123,215**	**130,215**	**138,815**	**138,115**
	Airborne Separation Video System		+1,000		+1,000
	Digital Video Laboratory		+6,000		+3,000
	Roadway Simulator			+5,600	+3,400
	UAV Systems and Operations Validation Facility			+7,000	+4,900
	Unmanned Systems Testbed Project			+3,000	+2,600
4	**LIVE FIRE TESTING**	**10,074**	**10,074**	**12,574**	**11,874**
	Reality Fire-fighting Training			+2,500	+1,800
5	**DEVELOPMENT TEST AND EVALUATION**	**103,245**	**103,245**	**103,245**	**105,745**
	GPS Vulnerability Testing GYPSY DELTA - Transferred from RDTE, D-W line 125				+2,500

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conferees recommend an appropriation of $1,641,507,000 for the Defense Working Capital Funds instead of $1,712,507,000 as proposed by the House or $1,449,007,000 as proposed by the Senate.

DEFENSE WORKING CAPITAL FUND REDUCTIONS

The conferees concur with Senate Report 108-87 regarding the adequacy of budget justifications for the Defense Working Capital Funds. The conferees recommend a reduction of $80,000,000 to the budget estimate, to be distributed only as follows:

Working Capital Fund, Defense-Wide	−$40,000,000
Working Capital Fund, Air Force	−$40,000,000

MEALS READY-TO-EAT (MRE) INVENTORIES

The conferees are concerned that the current MRE inventory does not provide adequate stock levels to meet documented war reserve requirements. While the Department has identified a war reserve requirement of 6.0 million cases of MRE's, current inventory is only 3.4 million cases. The conferees applaud the Defense Logistics Agency for identifying a higher MRE war reserve requirement to improve the Department's long-term MRE war reserve requirement to improve the Department's long-term sustainment posture. The conferees direct the Secretary of Defense to fund that increase requirement in the Department's fiscal year 2005 budget submission, with the goal of a full war reserve inventory of MREs by fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,066,462,000 for the National Defense Sealift Fund, $3,700,000 above the budget request for the conversion of a former Naval vessel into a training ship for the Great Lakes Maritime Academy. The conferees further agree that within funds made available in the National Defense Sealift Fund, $6,500,000 is available only for the construction of additional sealift capacity.

The conference agreement fully funds the construction of the T-AKE program as requested.

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement on the items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget Request	House	Senate	Conference
Defense Health Program..	15,270,509	15,613,159	15,656,913	15,730,013
Chemical Agents and Munitions Destruction, Army.......	1,650,076	1,533,261	1,620,076	1,500,261
Drug Interdiction and Counter Drug Activities, Defense..	817,371	817,371	832,371	835,616
Office of the Inspector General.................................	162,449	162,449	162,449	162,449
Total, Other Department of Defense Programs.........	17,900,405	18,126,240	18,271,809	18,228,339

DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget Request	House	Senate	Conference
Operation and Maintenance	**14,876,887**	**14,874,037**	**14,918,791**	**14,914,816**
In-House Care	**4,105,010**	**4,121,160**	**4,146,914**	**4,162,539**
"Golden Hour" Container		+1,000		+1,000
Alaska Federal Health Care Network			+2,500	+2,500
Automated Clinical Practice Guidelines			+7,500	+6,300
Brown Tree Snakes			+1,000	+1,000
Center for Disaster Humanitarian Assistance Medicine (USUHS)			+1,000	+1,000
Colon Cancer Program (NNMC)				+7,000
Defense and Veterans Head Injury Program		+3,000		+2,100
Digital Access and Analysis of Historic Records at AFIP			+12,000	+10,200
DOD/VA Collaborative Wound Healing Initiative		+3,000		+500
Graduate School of Nursing			+2,500	+2,500
Health Study at the Iowa Army Ammunition Plant			+1,000	+1,000
Madigan Army Medical Trauma Center		+1,000		+1,000
Military Sexual Integrity Program		+150		+150
Pacific Island Health Care Network			+5,000	+4,500
Technology for Rapidly Diagnose Dermatological Diseases		+3,000		+1,500
Tri-Service Nursing Research Program			+6,000	+6,000
Universal Medical-Surgical Product Catalog		+5,000		+3,500
Walter Reed Amputee Center				+2,375
Walter Reed Army Medical Center SRM			+10,000	+10,000
ONW/OSW/ODS Conops			-6,596	-6,596
Private Sector Care	**7,420,972**	**7,420,972**	**7,420,972**	**7,420,972**
Consolidated Health Care Support	**862,391**	**862,391**	**862,391**	**862,391**
Information Management	**721,083**	**702,083**	**721,083**	**701,483**
Medical Records Data Conversion at WRAMC		+1,000		+1,000
Medical Records Data Conversion at BNNMC		+1,000		+1,000
Assessment and Demonstration Center for USAF Surgeon General		+4,000		+3,400
General Reduction		-25,000		-25,000
Management Activities	**239,459**	**239,459**	**239,459**	**239,459**
Education and Training	**385,317**	**385,317**	**385,317**	**385,317**
Base Operations/Communications	**1,142,655**	**1,142,655**	**1,142,655**	**1,142,655**

	Budget Request	House	Senate	Conference
Procurement	**327,826**	**328,826**	**327,826**	**328,826**
DEPMED Refurbishment		+1,000		+1,000
Research, Development, Test and Evaluation	**65,796**	**410,296**	**410,296**	**486,371**
Anti-Radiation Drug Development at AFRRI			+5,000	+2,500
Army Peer-Reviewed Breast Cancer Research Program		+150,000	+150,000	+150,000
Army Peer-Reviewed Prostate Cancer Research Program		+85,000	+85,000	+85,000
Border Health and Environmental Threats Initiative		+1,500		+1,000
Clinical Coupler Integration			+6,000	+4,200
Complementary and Alternative Medicine (MIL-CAM)		+4,000	+3,000	+3,000
Comprehensive Reproductive System Care Program (Note: only for continued coordination between Walter Reed Army Medical Center, a rural medical center and non-profit medical foundation to provide a program for reproductive system's risk assessment, diagnosis, treatment and cutting edge research.)		+16,000		+13,600
Computer Assisted Cancer Device (Note: only for research relating to 3D imaging capabilities for detection and diagnosis of breast cancer at Walter Reed Army Medical Center.)		+1,000		+1,000
Donor Cord Blood Demonstration		+1,000		+1,000
Genetic Cancer Research				+2,000
Global HIV/AIDS Prevention		+5,000		+4,250
Gynecological Cancer Center		+3,000		+2,100
Hawaii Federal Health Care Network			+24,000	+23,000
Healthcare Informatics Testbed		+2,000		+1,700
Integrative Healing Practices for Veterans			+2,000	+1,200
Joint Replacement Program		+1,000		+1,000
Laser Vision Correction		+3,000		+1,500
Leukemia Research (CMLRP)		+5,000		+4,250
Manganese Health Research			+2,000	+1,400
Medical Error Reduction Initiative		+1,000		+1,000
Molecular and Clinical-Based Comprehensive Cardiac Care (Note: only for the Uniformed Services University of Health Sciences to continue on-going efforts among Walter Reed Army Medical Center, an appropriate non-profit medical foundation and a rural primary healthcare center.)		+7,000		+5,950
Molecular Medicine				+1,000

	Budget Request	House	Senate	Conference
Muscle Research Consortium		+1,000		+1,000
Muscular Dystrophy Research		+5,000		+4,250
Myeloproliferative Disorders Research			+5,000	+4,250
Neurogenetic Research and Computational Genomics			+1,500	+1,000
Neuroscience Research (Note: only for the coordinated effort among DoD Medical Treatment Facilities, the Uniformed Services University of the Health Sciences, a primary healthcare center, with funding management accomplished by the Uniformed Services University of the Health Sciences.)		+10,000		+8,500
Ophthalmology Training and Education				+1,000
Ovarian Cancer Research Program		+10,000	+10,000	+10,000
Peer Reviewed Medical Research Program			+50,000	+50,000
Periscopic Surgery Project		+2,500		+2,125
Portable Remote Medical Collection and Relay Capability				+1,500
Post-Polio Syndrome		+3,000		+2,550
Preventive Medicine Research for Prostate Cancer			+1,000	+1,000
Spinal Cord Injury Research (Note: only for the project to cure paralysis.)		+3,500		+1,750
Temperature Stable Hemoglobin Based Oxygen Carrier (Note: Transferred to RDTE,N Line 137)		+7,000		0
Tuberous Sclerosis Complex (TSC)		+4,000		+3,000
Type 2 Diabetes Research		+10,000		+10,000
United States Military Cancer Institute		+3,000		+3,000
Volume Angio CAT (VAC) Research				+4,000
Operation and Maintenance	14,876,887	14,874,037	14,918,791	14,914,816
Procurement	327,826	328,826	327,826	328,826
Research, Development, Test and Evaluation	65,796	410,296	410,296	486,371
Total	**15,270,509**	**15,613,159**	**15,656,913**	**15,730,013**

DHP Reprogramming Procedures

The conferees remain concerned regarding the transfer of funds from DoD military medical treatment facilities (MTFs) to pay for contractor-provided medical care. To limit such transfers within the Defense Health Program operation and maintenance account, the conferees have included bill language designating Private Sector Care under the TRICARE program as a separate sub-appropriation within the Defense Health Program. Any transfer of funds into or out of the Private Sector Care sub-appropriation will require the Department of Defense to follow prior approval reprogramming procedures.

Myeloproliferative Disorders Research

The conferees recommend $4,250,000 for research into the specific chronic myeloproliferative disorders of the polycythemia vera, idiopathic myelofibrosis, and essential thrombocytosis. These disorders of the bone marrow are malignant diseases that offer great research promise with respect to the behavior of human blood cells. The conferees direct that the Secretary of Defense, in conjunction with the service Surgeons General, select basic or translational medical research projects of clear scientific merit and of direct relevance to military health.

Peer Reviewed Medical Research Program

The Senate recommended $50,000,000 for a Peer Reviewed Medical Research program. The conferees agree to provide $50,000,000 for this program, and recommend the following projects as candidates for study: amyotrophic lateral sclerosis; alcoholism research; anti-diarrhea supplement; blood-related cancer research; childhood asthma; chronic pain research; epilepsy research; geneware rapid vaccine development; interventional cardiovascular magnetic resonance imaging technologies; muscle function research; Malaria vaccine initiative [SBRI]; Muscular Dystrophy; osteoporosis and bone related disease research; Padget's disease; providence cancer research project; post traumatic stress disorders; social work research; interstitial cystitis; military medical informatics research; limb loss and paralysis research; and Reserve component medical training program.

The conferees direct the Department to provide a report by March 1, 2004, on the status of this Peer Reviewed Medical Research Program.

Cost Sharing for Medical Research Programs

The conferees commend the Department for its management of the peer reviewed medical research and cancer research programs, but note with concern the challenge of funding increases to these programs within the resources available for military spending. Therefore, the conferees direct the Assistant Secretary of Defense (Health Affairs), in consultation with the service Surgeons General and the Institute of Medicine, to investigate alternative funding sources, including private sector and non-Federal contributions, that can best be used to leverage appropriated funds without biasing the peer review selection process. The Department should report their findings and recommendations when submitting their annual report on the status of the Peer Review Medical Research Program, due on March 1, 2004.

Chropractic Health Care Initiative

The Congress appropriated $750,000 in the Department of Defense Appropriations Act 2003 (Pubic Law 107-248) under the heading "Defense Health Program" for operation and maintenance for the Chiropractic Initiative. The conferees agree and direct the Department to make available from any available balances, $750,000 to develop and carry out a joint chiropractic health care initiative with the Texas Chiropractic College.

Betances Health Center

The Congress appropriated $500,000 in the Department of Defense Appropriations Act 2003 (Public Law 107-248) under the heading "Defense Health Program" for operation and maintenance for the Betances Health Center. The conferees agree and direct the Department to make available from any available balances $500,000 to the Betances Health Center to support the restoration of health care services.

HealthForces/Outcomes Management Program

The conferees agree with the Senate position on the Walter Reed Army Medical Center's HealthForces/Outcomes Management Program and note that a portion of the funds may be used for collaborative projects for chronic disease management in medically underserved, rural areas.

Disposable Toothbrushes

The conferees encourage the Army to consider looking at the viability of adding disposable toothbrushes to sundry packs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

	(In thousands of dollars)			
	Budget	House	Senate	Conference
CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY				
CHEM DEMILITARIZATION - O&M	1,199,168	1,199,168	1,169,168	1,169,168
CHEM DEMILITARIZATION - PROC	79,212	79,212	79,212	79,212
CHEM DEMILITARIZATION - RDTE	251,881	254,881	251,881	251,881
CHEM DEMILITARIZATION - MILCON	119,815	---	119,815	---
TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY	1,650,076	1,533,261	1,620,076	1,500,261

SIERRA ARMY DEPOT

The conferees have provided funding for the Sierra Army Depot Cryofracture/Plasma Arc Demilitarization Program within Research, Development, Test and Evaluation, Army as opposed to the funding provided in the House bill.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement includes $835,616,000 for "Drug Interdiction and Counter-drug Activities, Defense" as opposed to $817,371,000 as proposed by the House and $832,371,000 as proposed by the Senate. Adjustments to the budget request are as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

	Budget Request	House	Senate	Conference
	817,371	**817,371**	**832,371**	**835,616**
RECOMMENDED INCREASES:				
Young Marines		+2,000		+1,700
Florida National Guard Counter-Drug Activities		+2,500		+2,125
Indiana National Guard Counter-Drug Activities		+1,000		+1,000
National Interagency Civil-Military Institute		+3,000		+1,500
Southwest Border Fence		+5,700		+4,000
Kentucky National Guard Counter-Drug Activities		+3,000	+3,600	+3,000
Multi-Jurisdictional Counter-Drug Task Force Training		+3,500		+2,975
Southwest Anti-Drug Border States Initiative		+10,000		+8,500
Army Reserve Support			+4,000	+2,000
Navy Reserve Support			+2,000	+1,000
Marine Corps Reserve Support			+1,500	+750
Air Force Reserve Support			+2,000	+1,000
National Guard Counter-Drug Support			+25,000	+18,000
Regional Counter-Drug Training Academy Mississippi			+6,000	+4,200
North East Regional Counter-Drug Training Center			+6,800	+4,760
Midwest Regional Counter-Drug Training Center			+3,000	+2,100
Alaska National Guard Counter-Drug Program			+3,000	+2,700
Hawaii National Guard Counter-Drug Program			+3,000	+2,700
West Virginia National Guard Counter-Drug Program			+3,100	+2,635
Nevada National Guard CD RAID Program			+2,000	+1,500
Appalachia High Intensity Trafficking Area			+1,000	+1,000
RECOMMENDED REDUCTIONS:				
Intelligence, Surveillance, Reconnaissance and Tanker Support		-2,000		-2,000
Ground Based End Game Operations		-5,600	-8,500	-6,500
Airborne Reconnaissance Low		-5,000		-5,000
Maritime Patrol Aircraft		-2,000	-3,000	-3,000
Hemispheric Radar Systems		-1,000		-2,000
CN Command and Management System		-2,000		-2,000
Aerostats		-4,000		-6,000
Enhanced Peru/Colombia Support		-5,000	-17,000	-6,500
SOF CD Support		-4,100	-3,000	-4,100
RDT&E			-3,000	-4,300
Fleet Support			-1,500	-1,500
JIATF-E			-3,000	0
Northern Command CN Mission Support			-10,000	-4,000
Emerging Threats			-2,000	-4,000

NORTHERN COMMAND

The Senate included report language expressing concern about plans to consolidate some existing functions and personnel currently residing with the regional Commands at the newly created Northern Command and adjusted the budget accordingly. The House shares these concerns. While the conferees agree that Northern Command has a tremendous responsibility for protecting the continental United States from many threats to include those associated with counter-narcotics and fully support their requirements, they also fully support the missions and expertise that reside with the existing regional commands, most notably the United States Pacific and Southern Commands. The conferees direct that none of the resources or personnel to include those of the reserve components currently assigned to Pacific Command or Southern Command shall be diverted to Northern Command without 15 days prior notification of the congressional defense committees. The conferees have adjusted the budget to support their recommendation.

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $162,449,000, as proposed by both the House and Senate, for the Office of the Inspector General.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement appropriates $226,400,000 for payment to the Central Intelligence Agency Retirement and Disability System Fund, as proposed by both the House and the Senate.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $175,113,000 instead of $170,640,000 as proposed by the House and $165,390,000 as proposed by the Senate.

The conference agreement provides for a transfer of $44,300,000 to the Department of Justice for the National Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, instead of $46,100,000 as proposed by the House and $34,100,000 as proposed by the Senate.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

The conference agreement provides $18,430,000 for the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund as proposed by the Senate.

NATIONAL SECURITY EDUCATION TRUST FUND

The conference agreement appropriates $8,000,000 for the purposes of title VIII of Public Law 102–183, to be derived from the National Security Education Trust Fund, as proposed by both the House and the Senate.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporated general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8008) which amends language recommended by the House and the Senate with respect to the programs granted multi-year procurement authority.

The conferees included a general provision (Section 8014) which amends House language regarding converting functions of the Department of Defense to contractor performance, by adding cost differential criteria; crediting conversions toward outsourcing goals, and excluding depot contracts and depot maintenance contracts.

The conferees included a general provision (Section 8018) which amends Senate language to require that the Department of Defense budget submission for fiscal year 2005 shall identify anticipated residual value settlements.

The conferees included a general provision (Section 8049) which amends House and Senate language recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

Fiscal Year 2001:	
Shipbuilding and Conversion, Navy: Auxiliaries Craft and Prior Year Program Costs	$3,835,000
Fiscal Year 2002:	
Shipbuilding and Conversion, Navy: Auxiliaries Craft and Prior Year Program Costs	9,336,000
Fiscal Year 2003:	
Aircraft Procurement, Army:	
Chinook	39,100,000
A2C2S	8,000,000
Weapons and Tracked Combat Vehicles, Army: M1A2	30,000,000
Procurement of Ammunition, Army: CTG, 40MM, All Types	36,000,000
Other Procurement, Army: Advanced Aviation Instrumentation Training Simulator	8,000,000
Other Procurement, Air Force: Classified	10,000,000
Procurement, Defense-Wide:	
EC–130J Upgrades	15,000,000
DIRCM Laser	33,000,000
Research, Development, Test and Evaluation, Army:	
Environmental Medical Unit	1,650,000
Classified Program	1,339,000
Research, Development, Test and Evaluation, Defense-Wide: SOF Tactical Systems	25,000,000
National Defense Sealift Fund: Unobligated Balance	105,300,000

The conferees included a general provision (Section 8082) which amends Senate language regarding the Under Secretary of Defense for Intelligence. The conference agreement requires a quarterly report from the Secretary of Defense, the contents of which are discussed in the classified annex accompanying the conference report.

The conferees included a general provision (Section 8083) which amends Senate language providing that government travel card and purchase card refunds may be credited to operation and maintenance accounts for fiscal year 2005.

The conferees included a general provision (Section 8091) which amends language recommended by the House and Senate to make funds available for transfer to other activities of the Federal Government, and provides funds for certain classified activities.

The conferees included a general provision (Section 8093) which amends House language which provides $2,000,000 for construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary. The Senate recedes. The conferees are aware that the nonappropriated fund instrumentalities (NAFI) which were established by law to help defray the operating costs of Fisher Houses have decreased in value due to poor financial market performance. The conferees are also aware that the costs to manage many Fisher Houses are much higher than planned due to an influx of patients at military treatment facilities as a result of casualties suffered during operations IRAQI FREEDOM and ENDURING FREEDOM. The conferees provide $1,800,000 in the Defense Health Program to help mitigate any deficit, which will occur in fiscal year 2004. The conferees direct the Secretary of Defense to analyze the financial condition of the Fisher House operating accounts and submit with the fiscal year 2005 budget a plan to ensure their solvency without increasing the current service fee paid by military family members.

The conferees included a general provision (Section 8094) which amends House language regarding funds reduced from certain operation and maintenance and research, development, test and evaluation accounts for savings or excessive growth in advisory assistance services, support services, analysis, engineering and technical support contracted by the military departments and defense agencies.

The conferees included a general provision (Section 8095) which amends Senate language making $80,000,000 available for component coproduction for the Arrow Missile Defense Program.

The conferees included a general provision (Section 8096) which amends Senate language to provide funds only for transfer to the Coast Guard for mission essential equipment for HC–130J aircraft.

The conferees included a general provision (Section 8101) which amends House language which reduces $200,000,000 of operation and maintenance funds for cost growth information technology development.

The conferees included a general provision (Section 8104) which amends House language on the amounts reduced from working capital fund excess cash balances.

The conferees included a general provision (Section 8105) which amends House language regarding the amount reduced in "Operation and Maintenance, Navy" for excess funded carryover.

The conferees included a general provision (Section 8108) which amends Senate language to retain a total of 94 B–52 aircraft by providing a total funding amount of $40,600,000.

The conferees included a general provision (Section 8109) which amends Senate language that restores a fiscal year 2003 provision which makes $8,000,000 available in "Operation and Maintenance, Air Force" for railroad tack realignment by adding a provision which makes $26,000,000 from funds available in "Operation and Maintenance, Air Force" for phased infrastructure repairs for Air Force managed ranges in Alaska.

The conferees included a general provision (Section 8112) which amends House and Senate language which provides for grants to various organizations.

The conferees included a general provision (Section 8115) which amends Senate language specifying certain budget justification documents required for overseas contingency operations.

The conferees included a general provision (Section 8117) which amends Senate language making classified transfer of funds.

The conferees included a general provision (Section 8122) which amends House language to prohibit the disestablishment of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve and which allows the Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

The conferees included a general provision (Section 8125) which amends House language which provides for $17,000,000 in "Operation and Maintenance, Army" only for a grant to the Silver Valley Unified School District for the purpose of school construction at Fort Irwin, California.

The conferees included a general provision (Section 8126) which amends House language reducing certain accounts in Operation and Maintenance for efficiencies in management, outsourcing, and improved economic assumptions.

The conferees included a general provision (Section 8127) which amends House language that reduces the amount available in "Operation and Maintenance, Air Force" for excess cash in the Transportation Working Capital Fund.

The conferees included a general provision (Section 8128) which amends Senate language to rescind funds available in the "Iraq Freedom Fund" provided in Public Law 108–11.

The conferees included a general provision (Section 8129) which amends House language to allow the Secretary of Defense to make additional payments to those local educational agencies who have children with severe disabilities.

The conferees included a general provision (Section 8131) which amends Senate language concerning the Terrorism Information Awareness Program.

The conferees included a general provision (Section 8132) which amends House Language that directs the Secretary of the Navy to close Naval Station Roosevelt Roads, Puerto Rico. The closure and disposal of Naval Station Roosevelt Roads (NSRR) is a logical step in the process of relocating Naval training activities and training support from the NSRR area to other training facilities along the Gulf and Atlantic coasts. The conferees recognize the record of high quality service and support established by the military personnel, federal civilian employees and local contractors at NSRR. The conferees encourage the Navy to take great care in relocating military personnel and families, in assisting civilian employees with relocation and outplacement and in performing environmental cleanup. The conferees strongly encourage the Department of the Navy to work with the Department of Defense Education Activity (DoDEA) to ensure the operation of base schools through completion of the 2003 to 2004 academic year. The accompanying bill establishes a process for property closure and disposal in accordance with the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; U.S.C. 2687 note).

The conferees included a general provision (Section 8138) which amends Senate language regarding a report from the Secretary of Defense on contractual offset agreements with foreign countries.

The conferees included a general provision (Section 8141) which amends Senate language to prohibit funds to be obligated or expended on the decommissioning of a Naval or Marine Corps Reserve aviation squadron until the Comptroller General of the United States submits a report on the requirements for Navy and Marine Corps tactical aviation and the role of Reserve assets in those mission requirements.

The conferees concur with the intent of Senate section 8169 and direct that not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the House and the Senate, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail:

(1) The process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) The process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) Any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) Any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) Any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) The process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) A good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

The conferees included a new general provision (Section 8145) which provides for the transfer of the Sturgeon Class submarine NARWHAL (SSN–671) to the National Submarine Science Discovery Center, Newport, Kentucky.

The conferees included a new general provision (Section 8146) which allows the Department of Defense to waive subsistence costs for those military personnel who are hospitalized during fiscal year 2004 for combat injuries.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$426,989,434
Budget estimates of new (obligational) authority, fiscal year 2004	372,346,314
House bill, fiscal year 2004	369,190,239
Senate bill, fiscal year 2004	369,165,293
Conference agreement, fiscal year 2004	368,711,561
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	−58,277,873
Budget estimates of new (obligational) authority, fiscal year 2004	−3,634,753
House bill, fiscal year 2004	−478,678
Senate bill, fiscal year 2004	−453,732

Jerry Lewis,
C. W. Bill Young,
David L. Hobson,
Henry Bonilla,
George R. Nethercutt, Jr.,
Randy "Duke" Cunningham,
Rodney P. Frelinghuysen,
Todd Tiahrt,
Roger F. Wicker,
John P. Murtha,
Norman D. Dicks,
Martin Olav Sabo,
Peter J. Visclosky,
James P. Moran,
David R. Obey,
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Mitch McConnell,
Richard C. Shelby,
Judd Gregg,
Kay Bailey Hutchison,
Conrad Burns,
Daniel K. Inouye,
Ernest F. Hollings,
Robert C. Byrd,
Patrick J. Leahy,
Tom Harkin,
Byron L. Dorgan,
Richard J. Durbin,
Harry Reid,
Dianne Feinstein,
Managers on the Part of the Senate.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California (during consideration of H. Res. 374). Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

The SPEAKER pro tempore (Mr. Duncan). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. LEWIS of California. Madam Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I want you to know we do not intend to use 30 minutes on either side, but we are very proud to bring before you today that bill that deals with appropriations for the fiscal year 2004.

The bill, in its total, involves some $368 billion in discretionary budget authority; and within those titles there is approximately $98 billion for military personnel, $116 billion for O&M, $74 billion for procurement, $65 billion for R&D, and nearly $16 billion for defense health. Within those numbers we have developed a bill that absolutely balances the needs of our military while we go forward ensuring that America will remain the strongest country in the world for the years to come.

At this point I would like to insert a summary of the conference agreement into the RECORD.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	26,855,017	37,386,380	28,233,436	28,282,764	28,247,667	+1,392,650
Military Personnel, Navy	21,927,628	25,282,454	23,052,001	23,309,791	23,217,298	+1,289,670
Military Personnel, Marine Corps	8,501,087	9,559,441	8,962,197	8,994,426	8,971,897	+470,810
Military Personnel, Air Force	21,981,277	26,715,990	23,121,003	22,993,072	22,910,868	+929,591
Reserve Personnel, Army	3,374,355	---	3,568,625	3,584,735	3,568,725	+194,370
Reserve Personnel, Navy	1,907,552	---	1,983,153	2,027,945	2,002,727	+95,175
Reserve Personnel, Marine Corps	553,983	---	571,444	587,619	571,444	+17,461
Reserve Personnel, Air Force	1,236,904	---	1,267,888	1,332,301	1,288,088	+51,184
National Guard Personnel, Army	5,114,588	---	5,382,719	5,598,504	5,500,369	+385,781
National Guard Personnel, Air Force	2,125,161	---	2,140,598	2,228,830	2,174,598	+49,437
Total, title I, Military Personnel	93,577,552	98,944,265	98,283,064	98,939,987	98,453,681	+4,876,129
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	23,992,082	24,958,842	24,903,992	24,922,949	25,029,346	+1,037,264
Operation and Maintenance, Navy	29,331,526	28,287,690	28,060,240	28,183,284	28,146,658	-1,184,868
Operation and Maintenance, Marine Corps	3,565,759	3,406,656	3,440,456	3,418,023	3,440,323	-145,436
Operation and Maintenance, Air Force	27,339,533	27,793,931	26,689,043	26,698,375	26,904,731	-434,802
Operation and Maintenance, Defense-Wide 1/	14,707,506	16,570,847	16,124,455	16,279,006	16,226,841	+1,519,335
Operation and Maintenance, Army Reserve	1,970,180	1,952,009	2,031,309	1,964,009	1,998,609	+28,429
Operation and Maintenance, Navy Reserve	1,236,809	1,171,921	1,171,921	1,172,921	1,172,921	-63,888
Operation and Maintenance, Marine Corps Reserve	187,532	173,952	173,952	173,952	173,952	-13,580
Operation and Maintenance, Air Force Reserve	2,163,104	2,179,188	2,144,188	2,179,188	2,179,388	+16,284
Operation and Maintenance, Army National Guard	4,261,707	4,211,331	4,325,231	4,273,131	4,340,581	+78,874
Operation and Maintenance, Air National Guard	4,117,585	4,402,646	4,424,046	4,418,616	4,431,216	+313,631
Overseas Contingency Operations Transfer Fund	5,000	50,000	5,000	10,000	5,000	---
United States Court of Appeals for the Armed Forces	9,614	10,333	10,333	10,333	10,333	+719
Environmental Restoration, Army	395,900	396,018	396,018	396,018	396,018	+118
Environmental Restoration, Navy	256,948	256,153	256,153	256,153	256,153	-795
Environmental Restoration, Air Force	389,773	384,307	384,307	384,307	384,307	-5,466
Environmental Restoration, Defense-Wide	23,498	24,081	24,081	24,081	24,081	+583
Environmental Restoration, Formerly Used Defense Sites	246,102	212,619	221,369	312,619	284,619	+38,517
Overseas Humanitarian, Disaster, and Civic Aid	58,400	59,000	59,000	59,000	59,000	+600
Former Soviet Union Threat Reduction	416,700	450,800	450,800	450,800	450,800	+34,100
Support for International Sporting Competition,Defense	19,000	---	---	---	---	-19,000
Total, title II, Operation and maintenance	114,714,258	116,952,324	115,295,894	115,586,765	115,914,877	+1,200,619
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	2,285,574	2,128,485	2,180,785	2,027,285	2,154,035	-131,539
Missile Procurement, Army	1,096,548	1,459,462	1,533,462	1,444,462	1,505,462	+408,914
Procurement of Weapons and Tracked Combat Vehicles, Army	2,266,508	1,640,704	1,956,504	1,732,004	1,857,054	-409,454
Procurement of Ammunition, Army	1,253,099	1,309,966	1,355,466	1,419,759	1,387,759	+134,660
Other Procurement, Army	5,874,674	4,216,854	4,547,596	4,573,902	4,774,452	-1,100,222
Aircraft Procurement, Navy	8,812,855	8,788,148	9,030,148	9,017,548	9,110,848	+297,993
Weapons Procurement, Navy	1,868,517	1,991,821	2,205,634	1,967,934	2,095,784	+227,267
Procurement of Ammunition, Navy and Marine Corps	1,165,730	922,355	941,855	924,355	934,905	-230,825
Shipbuilding and Conversion, Navy	9,032,837	11,438,984	11,453,098	11,682,623	11,467,623	+2,434,786
Other Procurement, Navy	4,612,910	4,679,443	4,784,742	4,734,808	4,941,098	+328,188
Procurement, Marine Corps	1,388,583	1,070,999	1,200,499	1,090,399	1,165,727	-222,856
Aircraft Procurement, Air Force	13,137,255	12,079,360	11,877,051	11,997,460	12,086,201	-1,051,054
Missile Procurement, Air Force	3,174,739	4,393,039	4,235,505	4,215,333	4,165,633	+990,894
Procurement of Ammunition, Air Force	1,288,164	1,284,725	1,279,725	1,265,582	1,262,725	-25,439
Other Procurement, Air Force	10,672,712	11,583,659	11,195,159	11,536,097	11,558,799	+886,087
Procurement, Defense-Wide 1/ 2/	3,414,455	3,665,506	3,803,776	3,568,851	3,709,926	+295,471
National Guard and Reserve Equipment	100,000	---	100,000	700,000	400,000	+300,000
Defense Production Act Purchases	73,057	67,516	67,516	77,516	78,016	+4,959
Total, title III, Procurement	71,518,217	72,721,026	73,748,521	73,975,918	74,656,047	+3,137,830

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	7,669,656	9,122,825	10,186,272	9,513,048	10,363,941	+2,694,285
Research, Development, Test and Evaluation, Navy	13,946,085	14,106,653	14,666,239	14,886,381	15,146,383	+1,200,298
Research, Development, Test and Evaluation, Air Force	18,822,569	20,336,258	20,704,267	20,086,290	20,500,984	+1,678,415
Research, Development, Test and Evaluation, Defense-Wide 1/	17,524,596	17,974,257	18,763,791	18,774,428	18,900,715	+1,376,119
Operational Test and Evaluation, Defense	245,554	286,661	293,661	304,761	305,861	+60,307
Total, title IV, Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	63,564,908	65,217,884	+7,009,424
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,784,956	1,721,507	1,721,507	1,449,007	1,641,507	-143,449
National Defense Sealift Fund: Ready Reserve Force	942,629	1,062,762	1,066,462	344,148	1,066,462	+123,833
Refined Petroleum Products, Transfer Account	---	675,000	---	---	---	---
Total, title V, Revolving and Management Funds	2,727,585	3,459,269	2,787,969	1,793,155	2,707,969	-19,616
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	14,100,386	14,876,887	14,874,037	14,918,791	14,914,816	+814,430
Procurement	284,242	327,826	328,826	327,826	328,826	+44,584
Research and development	458,914	65,796	410,296	410,296	486,371	+27,457
Total, Defense Health Program	14,843,542	15,270,509	15,613,159	15,656,913	15,730,013	+886,471
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	974,238	1,199,168	1,199,168	1,169,168	1,169,168	+194,930
Procurement	213,278	79,212	79,212	79,212	79,212	-134,066
Research, development, test and evaluation	302,683	251,881	254,881	251,881	251,881	-50,802
Military Construction 3/	---	119,815	---	119,815	---	---
Total, Chemical Agents 3/ 4/	1,490,199	1,650,076	1,533,261	1,620,076	1,500,261	+10,062
Drug Interdiction and Counter-Drug Activities, Defense	881,907	817,371	817,371	832,371	835,616	-46,291
Office of the Inspector General	157,165	162,449	162,449	162,449	162,449	+5,284
Total, title VI, Other Department of Defense Programs	17,372,813	17,900,405	18,126,240	18,271,809	18,228,339	+855,526
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	222,500	226,400	226,400	226,400	226,400	+3,900
Intelligence Community Management Account	163,479	158,640	170,640	165,390	175,113	+11,634
Transfer to Department of Justice	(34,100)	(34,100)	(46,100)	(34,100)	(44,300)	(+10,200)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	75,000	---	---	18,430	18,430	-56,570
National Security Education Trust Fund	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies	468,979	393,040	405,040	418,220	427,943	-41,036

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005).............	(2,500,000)	(4,000,000)	(2,500,000)	(2,100,000)	(2,100,000)	(-400,000)
Indian Financing Act incentives (Sec. 8021)...........	8,000	---	8,000	8,000	8,000	---
FFRDCs (Sec. 8029)....................................	-74,200	---	-74,200	-50,000	-74,200	---
Disposal & lease of DOD real property (Sec. 8035).....	29,730	31,000	31,000	31,000	31,000	+1,270
Overseas Mil Fac Invest Recovery (Sec. 8038)..........	1,000	1,331	1,331	1,331	1,331	+331
Rescissions (Sec. 8049)...............................	-402,750	---	-139,350	-274,300	-325,560	+77,190
Excess Foreign Currency Cash Balance	-338,000	---	---	---	---	+338,000
Travel Cards (Sec. 8083)..............................	10,000	44,000	44,000	44,000	44,000	+34,000
Transfer within SCN (Sec. 8097).......................	---	---	---	---	---	---
Transfers within SCN	---	---	---	---	---	---
Government Purchase Card	-97,000	---	---	---	---	+97,000
American Red Cross (Sec. 8112)........................	8,100	---	6,500	24,000	34,950	+26,850
Special needs students (Sec. 8102)....................	7,750	---	---	5,500	5,500	-2,250
Fisher House (Sec. 8093)..............................	1,700	---	2,000	---	3,800	+2,100
CAAS/Contract Growth (Sec. 8094)......................	-850,000	---	-172,500	-125,000	-504,500	+345,500
Coast Guard transfer (Sec. 8096)......................	---	---	---	90,000	60,000	+60,000
IT cost growth reduction (Sec. 8101)..................	-400,000	---	-320,000	---	-200,000	+200,000
Travel cost growth	-59,260	---	---	---	---	+59,260
Revised economic assumptions reduction	-1,674,000	---	---	---	---	+1,674,000
Working Capital Funds Cash Balance (Sec.8104).........	-120,000	---	-539,000	---	-372,000	-252,000
Working Capital Funds Excess Carryover (Sec. 8105)....	-48,000	---	-96,000	---	-44,000	+4,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8106)	3,400	---	5,500	---	5,500	+2,100
Transportation Working Capital Fund (Sec. 8127).......	---	---	-600,000	---	-451,000	-451,000
Other Contracts/Revised Economic Assumptions (Sec8126)	---	---	-294,000	---	-1,662,000	-1,662,000
Fort Irwin education (Sec. 8125)......................	---	---	20,000	---	17,000	+17,000
Excess balances from P.L. 108-11	---	---	-2,000,000	---	---	---
Iraqi freedom fund (rescission) (Sec. 8128)...........	---	---	---	-3,157,000	-3,490,000	-3,490,000
Program adjustments...................................	---	---	29,000	---	---	---
Total, title VIII, General Provisions..........	-3,993,530	76,331	-4,087,719	-3,402,469	-6,912,179	-2,918,649
Total for the bill (net).......................	354,594,334	372,273,314	369,173,239	369,148,293	368,694,561	+14,100,227
OTHER APPROPRIATIONS						
Consolidated Appropriations Resolution 2003 (PL 108-7)	10,000,000	---	---	---	---	-10,000,000
Additional transfer authority (sec. 8005).........	(500,000)	---	---	---	---	(-500,000)
Supplemental appropriations (P.L. 108-11).............	62,350,100	---	---	---	---	-62,350,100
Additional transfer authority (Sec. 1311).........	(2,000,000)	---	---	---	---	(-2,000,000)
Net grand total (including other appropriations)	426,944,434	372,273,314	369,173,239	369,148,293	368,694,561	-58,249,873

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Disabled military retiree payments (mandatory)	55,000	302,000	302,000	302,000	302,000	+247,000
Military personnel accounts (discretionary)	-55,000	-302,000	-302,000	-302,000	-302,000	-247,000
Army Venture Capital Funds (Sec. 8105)	17,000	17,000	17,000	17,000	17,000	---
O&M, Army transfer to National Park Service:						
Defense function	-2,500	---	-2,500	---	-2,500	---
Nondefense function	2,500	---	2,500	---	2,500	---
Supplemental appropriations (P.L. 108-11)						
Defense Cooperation Account	28,000	---	---	---	---	-28,000
DISM transfers (Sec. 1314)	---	---	---	---	---	---
Legislative Proposals:						
Military personnel, Army	---	2,000	---	---	---	---
Military personnel, Navy	---	10,000	---	---	---	---
Operation and Maintenance, Army	---	7,000	---	---	---	---
TRICARE indexing to OMB inflation rate	---	45,000	---	---	---	---
NSETF Transfer	---	-8,000	---	---	---	---
Total adjustments	45,000	73,000	17,000	17,000	17,000	-28,000
Adjusted total (incl scorekeeping adjustments)	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Appropriations	(427,392,184)	(372,346,314)	(369,329,589)	(372,596,593)	(372,527,121)	(-54,865,063)
Rescissions	(-402,750)	---	(-139,350)	(-3,431,300)	(-3,815,560)	(-3,412,810)
Total (including adjustments)	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Amount in this bill	(426,944,434)	(372,273,314)	(369,173,239)	(369,148,293)	(368,694,561)	(-58,249,873)
Scorekeeping adjustments	(45,000)	(73,000)	(17,000)	(17,000)	(17,000)	(-28,000)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873
Mandatory	277,500	528,400	528,400	528,400	528,400	+250,900
Discretionary	426,711,934	371,817,914	368,661,839	368,636,893	368,183,161	-58,528,773

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	93,577,552	98,944,265	98,283,064	98,939,987	98,453,681	+4,876,129
Title II - Operation and Maintenance	114,714,258	116,952,324	115,295,894	115,586,765	115,914,877	+1,200,619
Title III - Procurement	71,518,217	72,721,026	73,748,521	73,975,918	74,656,047	+3,137,830
Title IV - Research, Development, Test and Evaluation	58,208,460	61,826,654	64,614,230	63,564,908	65,217,884	+7,009,424
Title V - Revolving and Management Funds	2,727,585	3,459,269	2,787,969	1,793,155	2,707,969	-19,616
Title VI - Other Department of Defense Programs	17,372,813	17,900,405	18,126,240	18,271,809	18,228,339	+855,526
Title VII - Related agencies	468,979	393,040	405,040	418,220	427,943	-41,036
Title VIII - General provisions (net)	-3,993,530	76,331	-4,087,719	-3,402,469	-6,912,179	-2,918,649
Total, Department of Defense (in this bill)	354,594,334	372,273,314	369,173,239	369,148,293	368,694,561	+14,100,227
Other appropriations	72,350,100	---	---	---	---	-72,350,100
Total DoD funding available (net)	426,944,434	372,273,314	369,173,239	369,148,293	368,694,561	-58,249,873
Scorekeeping adjustments	45,000	73,000	17,000	17,000	17,000	-28,000
Total mandatory and discretionary	426,989,434	372,346,314	369,190,239	369,165,293	368,711,561	-58,277,873

FOOTNOTES:

1/ Transferred $496,046,000 to Department of Homeland Security from O&M, Defense-wide (-$66,000,000), Procurement, Defense-wide (-$30,000,000), and RDT&E, Defense-wide (-$400,046,000).

2/ FY 2004 Budget amendment (H.Doc. 108-67) reduced Procurement, Defense-wide -$25,000,000 for a Military Construction program.

3/ House Bill reduced the FY 2004 Budget request (-119,815,000) for Chemical Agents and Munitions and transferred to Military Construction.

4/ Included in Budget under Procurement title.

Madam Speaker, I reserve the balance of my time.

Mr. MURTHA. Madam Speaker, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

Mr. ACEVEDO-VILÁ. Madam Speaker, I just want to thank the chairman and the ranking member for the agreement they have reached on the closing of the Navy base in Puerto Rico, Roosevelt Roads.

My position all the time has been that if that was going to be the final decision, the people of Puerto Rico, the community, were entitled to all of the benefits and support that usually comes with the closure of a base. They have agreed, and I thank them very much.

Mr. MURTHA. Madam Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

I must say to my colleague from Puerto Rico that there is language within the bill that would require that the Secretary of the Navy close Roosevelt Roads. And, frankly, I had designed very simple language that would make sure that happened expeditiously and beyond that that there be no complications regarding work, environment, et cetera.

I know the gentleman from Puerto Rico and I have worked very closely together; but I want him to know I am very, very concerned about the language that is in this bill that is coming out of the conference. The language essentially takes us back to the BRACC process. And I am afraid, I do not want to be apologizing for this process, but I must say there is a need to ring some bells here because the people of Puerto Rico could experience the worst of all worlds with this base closing earlier than any other base in the BRACC process, but at the same time being tied to the BRACC process.

Indeed, if that is the case, a likely experience I had in my own district was where BRACC just does not work, and we could find that base sitting fallow for years. We may find ourselves 5 and 10 years from now with an empty base with a lock on the gate.

What was done in the conference, really on the part of people who are interested in changing our simple language, has not been healthy for this process. So I say to the gentleman that while we have worked together, I am very concerned right now with the result of the conference report.

Mr. ACEVEDO-VILÁ. Madam Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Puerto Rico.

Mr. ACEVEDO-VILÁ. Madam Speaker, the only thing I can assure the chairman of is that the government of Puerto Rico, the community, is already working on a plan to redevelop the base, and that we are going to be working very closely with the Federal Government just to be sure that what the chairman is afraid might happen will not happen; and, on the contrary, that we will follow the best experience in other places when a base has been shut down and sooner rather than later becomes a center for economic development and job creation. We are working on that already, following the chairman's advice.

Mr. LEWIS of California. Reclaiming my time, Madam Speaker, I must say that I had this experience in my own district with similar assurances. The BRACC process, legal challenges, and otherwise, this is 20 years later and that base is just beginning to get on its feet. So I am very, very concerned; and I appreciate working with the gentleman.

Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Madam Speaker, I thank the distinguished chairman of the subcommittee for yielding me this time, and I would make the usual brief congratulatory comments about the gentleman from California (Mr. LEWIS). He has done an outstanding job as the chairman, along with the ranking member, the gentleman from Pennsylvania (Mr. MURTHA). They produced a really good defense bill and we are producing this defense bill at a time when the world's attention is not national defense.

□ 1115

One of the things that I want to talk about today has to do with those who are providing for our national defense, those soldiers and sailors and airmen and Marines and Coast Guardsmen who have been deployed to Afghanistan, to Iraq, to Liberia, to wherever else the Nation decided to send them. Unfortunately, there have been casualties. Some have been killed in action, and some have been seriously wounded in action. Many Members know my wife and I visit the wounded at Walter Reed Hospital and at Bethesda Naval Hospital as often as we can, and she more than I.

Mr. MURTHA. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Madam Speaker, I just want to say that the wife of the gentleman from Florida (Mr. YOUNG) was instrumental in pointing out to me that one young man did not get a Purple Heart, so the Commandant is going to present him with a Purple Heart on Thursday, I believe. She is out there all the time, and all of us are indebted to the work that she does at the hospitals.

Mr. YOUNG of Florida. Madam Speaker, I thank the gentleman for those comments, and he is exactly right. And the gentleman from Pennsylvania (Mr. MURTHA) knows that firsthand because he spends considerable time visiting the wounded in the hospitals as well.

One of the things that I learned is when a wounded soldier or troop leaves the hospital, despite the fact that person was there because of injuries or illness based on the battle, they get a bill for $8.10 a day for the food they consumed in the hospital. That is outrageous. I could not believe that was the case, and I immediately went back to research it, and found yes, that is the law. I could not find anybody that knew where that law came from or why it was or anybody that believed we should have that law.

So we introduced a bill to repeal that charge for those who are wounded or become ill because of their deployment to the battlefield or peacekeeping mission. I thank the chairman of the subcommittee and the ranking member and all of the members of the subcommittee. They have agreed to include that bill in this conference report. So when this bill is signed by the President next week, hopefully, that terrible law that charges a wounded soldier who might have lost a leg or two legs or an eye will be repealed. He will not have to pay that $8.10 a day for the food consumed in the hospital while recuperating from those wounds.

Because it is an appropriations bill, it is only a 1-year fix, so we must continue to push for the permanent bill which has over 200 cosponsors as I speak today.

Again, I think that the subcommittee has done a great job. Maybe it is not a lot of money, but it is symbolic, an American soldier wounded in action should not have to pay for the food that they eat or consume while in the hospital recuperating.

Mr. LEWIS of California. Madam Speaker, I want to express my appreciation to the gentleman from Florida (Chairman YOUNG) for all of his efforts, and in this instance on behalf of the young men and women who are wounded, lying in hospitals, who are in many ways being unfairly treated, I say congratulations to the gentleman from Florida; and congratulations to the gentleman from Pennsylvania (Mr. MURTHA) and all of our fine staff for their fine work.

Ms. JACKSON-LEE of Texas. Madam Speaker and Ranking Member, I rise in opposition to this conference report and to the underlying bill. The conference report appropriates $368.2 billion for the Defense Department for fiscal year 2004, which is $13.1 billion more than in last year's bill and the largest overall appropriation in decades. Of these funds, the report appropriates $74 billion to weapons procurement, which is $31 billion more than the fiscal year 2003 level. Furthermore, it appropriates $65.2 billion for research and development, $7 billion more than in fiscal year 2003; $115.9 billion for operations and maintenance, $1.2 billion more than in fiscal year 2003; and $98.5 billion for personnel, which is $4.9 billion more than in fiscal year 2003.

The funds requested in this bill appear wasteful in light of the various other emergent needs that we have in our Nation today. Blackouts that occurred on August 14, 2003 revealed vulnerabilities in our Nation's critical infrastructure that require immediate attention. Money spent on munitions and research and development will not serve its purpose if there is no power to do so. The August 14, 2003, blackouts that affected the Midwest and Northeastern United States and eastern Canada caused the loss of 62,000 megawatts of electricity over 34,000 miles of high-voltage transmission lines. Given the heavy integration of this system, the breakdown caused a total loss of service in a matter of approximately 9 minutes. Our government has been on notice for some time of the vulnerabilities that the electrical infrastructure has that makes it subject to intermittent blackouts and brownouts.

Unfortunately, we have not yet ascertained the exact cause of the blackouts. However, we do know that NERC operates under reliability rules that are neither mandatory nor enforceable; hence, no one is accountable for the reliability of our electrical system. NERC was actually established in response to prior blackouts in the region. It can only advise utilities to follow voluntary rules designed to ensure the safe operation of the individual systems. During the blackout hearings, NERC testified that in 2002, there were more than 500 planning and operating violations of its voluntary rules, half of which were of a character that could have individually caused the blackouts. Now, we are in a quandary because homeland security needs necessitate the procurement of necessary funds to improve the system. We cannot afford to do a piecemeal improvement.

The President requested $87 billion from Congress to fund his plan to rebuild Iraq. It is important that we collaborate fully with respect to the House's consideration of this request. Given our express commitment to supporting our troops despite our views as to the Administration's course of action to date, we must process this request in a manner most beneficial to our Nation. With this in mind, I have expressed my thoughts as to specific action that should be taken as a precondition to our grant of $87 billion. For example, I propose that the requested funds be voted on separately by Congress as to the support of our troops and the Iraq reconstruction plan. In addition, specific measures should be taken to form a multinational coalition to support the United States and deployed troops with the help of the United Nations. Furthermore, the intelligence and WMD scandals should be properly addressed with comprehensive briefings and joint hearings. It is apparent that there are a host of very specific local and international issues that require relief through appropriations before general and unspecified appropriations for defense and counterterrorism measures be made.

Again with respect to H.R. 2658 and the conferences report, the bill contemplates large increases for Defense Department counterterrorism activities and other related programs to fight unconventional threats, including $4.5 billion procurement and development of chemical and biological defenses. I see this spending as premature and wasteful given our opportunities to enlist financial assistance from a multinational coalition to share the burden of fighting this global menace of terrorism. Furthermore, funds need to first go to supporting our troops and their families before being earmarked for unclear measures. With this in mind, I wish to ensure the passage of the extension to fiscal year 2004 of the $128 million increased imminent danger pay and family separation allowance for our troops in Iraq as well as Afghanistan otherwise known as the emergency wartime supplemental appropriations bill. Through Congress, these funds were provided temporarily in April; however, the appropriation will expire on September 30, 2003. We have clear priorities with respect to homeland security, international policy, and the fight against terrorism. I hope we do not choose to spend prematurely or ineffectively at the risk of innocent and brave soldiers and civilians.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H.R. 2658, the Department of Defense Appropriations Conference Report. I am proud to vote for this legislation that provides improved health care, more quality housing, and a pay raise for the brave men and women of the U.S. Armed Forces. I am especially pleased that this legislation gives our troops the tools they need to meet the challenges of fighting the continuing global war against terrorism and maintaining American military superiority and leadership around the world.

I am proud to report to veterans in my district that this bill also includes legislation that I recently cosponsored to stop unfairly charging soldiers for the food they eat during their hospitalization. Two weeks ago, I visited the Marines and sailors recovering at the National Naval Medical Center in Bethesda, MD. Some of those young men lost limbs or sustained other permanently disabling injuries. Many more require sustained intensive care and will have long and arduous path toward rehabilitation. I hope that all of them are promptly decorated with one of the most distinguished medals that the U.S. Armed Forces can bestow upon military personnel—the Purple Heart—for their sacrifices and valor.

Every soldier, Marine, sailor, and airman deserves the best medical care this country can provide, but they don't deserve to be billed for food and water. It is unconscionable that these heroes owe $8.10 for each day they spent in the hospital.

Madam Speaker, I was proud to cosponsor Chairman YOUNG's legislation to correct this injustice. It is the least we can do for our Nation's keepers of peace and defenders of freedom. I am pleased to vote for the fiscal year 2004 Defense Appropriations conference report and to support our valiant military personnel.

Mr. ACEVEDO-VILÁ. Madam Speaker, I would like to thank Chairman LEWIS, Ranking Member MURTHA and Members of the Senate Defense Appropriations Committee for working with me on the important yet difficult issue concerning the closure of Naval Station Roosevelt Roads. Under the fiscal year 2004 Defense Appropriations Act, the base will close in 6 months, however, closure will take place under the procedures provided under the Base Realignment and Closure Act (BRAC). The changes to the language that was approved in July by the House will enable the closure to proceed with necessary guarantees for redevelopment of this important facility. Furthermore, the conference agreement will provide economic assistance and environmental remediation as specified by BRAC.

Both Chairman LEWIS and Ranking Member MURTHA made clear that with the Inner Range of the Atlantic Fleet Weapons Training Facility (AFWTF) closed, the base would be closed under the next BRAC round, scheduled for 2005. With the language being enacted this year, this process can move forward in an expedited manner and redevelopment of the base can proceed. I believe this will provide for more immediate and necessary economic development for the region around Ceiba, Puerto Rico. Waiting for BRAC 2005 would have drawn this process out and caused unnecessary hardship for my constituents.

Therefore, I am very pleased with this outcome and the partnership I have forged with Chairman LEWIS and Ranking Member MURTHA. I look forward to working with them both in the future.

Mr. FRELINGHUYSEN. Madam Speaker, as we debate this appropriations bill today, we should recall the words of our President, George W. Bush, shortly after the attacks of September 11, 2001.

He stated: "America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender."

Madam Speaker, the bill we have before us today is our answer to those who would attack America. This is a strong legislative product—one that reflects well on the Committee on Appropriations. I want to commend you, Chairman LEWIS, Chairman YOUNG and Ranking Members OBEY and MURTHA for your leadership.

Madam Speaker, as we consider this important legislation, we must remain mindful that our young troops are in the field—brave men and women fighting a new kind of war, as we speak.

It is a war fought with new technology in lands and civilizations that are very old—Iraq and Afghanistan.

The first part of the war had Forward Air Controllers riding horseback and calling in strikes from laptop computers.

It was also a war that was fought from our ships stationed 700 miles from targets.

It was a war that utilized B–52's and B–2s and B1Bs for precision targeting, and a war that called for our troops to go from cave to cave or building to building to seek out the enemy.

More than ever, today it is a war whose enemy is difficult to identify.

At the same time as our men and women are in action in Iraq and Afghanistan and other parts of the world, the leadership of the Department of Defense continues its wide-ranging transformation of the methods, missions and capabilities of our fighting forces.

In this context, America's armed forces have been charged with developing the capabilities to fight jointly and with coalition partners to secure victory across the full spectrum of warfare while continuing the transition to a more flexible, more agile, lighter and more lethal force.

Of course, our goal is to provide a new level of efficiency and protection to our warfighter so that they may fight—and win—the new kind of wars that will face the United States of America in coming years.

Madam Speaker, we are a peaceful people. But recent months have shown the world that we will fight anywhere to defend our national security.

The men and women of our Armed Forces have made us proud. For them, and their families, I urge adoption of the bill and yield back the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 15, not voting 12, as follows:

[Roll No. 513]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Conyers
Farr
Filner
Jackson (IL)
Kucinich
Lee
McDermott
Oberstar
Owens
Paul
Sanders
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—12

Bishop (UT)
Brown, Corrine
Cummings
Gephardt
Hensarling
Hinojosa
Kennedy (MN)
Lewis (GA)
Meeks (NY)
Millender-McDonald
Osborne
Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1140

Mr. OWENS and Ms. SCHAKOWSKY changed their vote from "yea" to "nay."

Messrs. GEORGE MILLER of California, WELLER, and DEFAZIO changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY of Massachusetts. Madam Speaker, I missed rollcall No. 513 due to technical difficulties. Had I been present, I would have voted "yes."

Mr. HINIJOSA. Madam Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall No. 513.

Ms. CORRINE BROWN of Florida. Madam Speaker, on rollcall No. 513, agreeing to the FY 2004 Defense Appropriations Conference Report, I was unavoidably detained, and unable to make the vote. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2555, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 374, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 23, 2003, at page H 8425.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

□ 1145

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an historic day, consideration of the very first appropriations bill for the new Department of Homeland Security, which was stood up only March of this spring. This subcommittee was only stood up in March of this year, and I am very pleased with the work of our subcommittee, the committee and the Congress in bringing this bill from nowhere, no staff, offices, nothing, all the way through the hearings and to be the very first conference to take place of all 13 bills and the very first considered by the House and on the floor at this moment. It is a record that the Congress can be proud of. It is a record that the administration can be proud of in proposing the Congress respond to the creation at the outset of a new Department of Homeland Security.

This conference agreement, Madam Speaker, will provide $29.4 billion for the new Department. That is an increase of $1 billion over what the President requested, and it is $535 million over what we are spending in the current fiscal year.

In the interest of time, I do not intend to list specific amounts proposed for the many programs and activities in the Department by the bill, but I do want to take note, Madam Speaker, of the substantial amounts of money that we have provided for homeland defense since the Nation was confronted with the ugly face of terrorism a little more than 2 years ago. I also believe it is important for us to take note of where these funds have gone.

Since September 11, 2001, governmentwide, the Congress has provided $75.8 billion for homeland security, including $43.9 billion to date just for the Department of Homeland Security. This bill provides an additional $29.4 billion, bringing the total appropriated since 9/11 to $105.2 billion governmentwide, $73.3 billion of that for just those agencies that now we include in the Department of Homeland Security.

This does not include funding, Madam Speaker, that will be provided in the other 12 appropriations bills, which could provide an additional $17.5 billion, but I want to talk just about the Department of Homeland Security and this bill.

Since September 11, here is what has been provided by the Congress for the following things: $513 million to secure our critical port facilities, including the $125 million that is in this bill; since September 11, 2001, $388 million for technology, such as radiation detectors for our ports and nonintrusive inspection technologies for cargo screening, including the $125 million in this bill for that purpose. These technologies have been deployed at our busiest land and seaports, including such places as Miami, Los Angeles and Newark.

$122 million since 9/11 has been provided for what has been called the Container Security Initiative, CSI, $62 million of that in this bill. CSI targets high-threat cargo before it comes to our ports. It has been fully funded since its inception. It is now in the process of being implemented in nearly all of the major foreign megaports so that we can search those containers before they reach America's shores.

Something I am very proud of, Madam Speaker, is the aid that we are providing for our State and local governments, the so-called first responders, our firefighters, our emergency technicians, our police and law enforcement people and the others, $20.5 billion, including the $4.2 billion that is in this bill in assistance to those people.

Madam Speaker, when we talk of homeland security, you cannot talk of that subject without talking about our hometown security, and this money is the biggest portion of the monies we appropriate for homeland defense.

Transportation security, of course, a continuing concern, but since September 11, 2001, we have provided a total of $15.7 billion, $5.2 billion in this bill, for passenger safety through the Transportation Security Administration, which was transferred to the new Department, including passenger baggage and cargo screening and the Federal Air Marshals program. $1.9 billion, including $400 million in this bill, has been spent on explosive and trace detection systems, including development, procurement and installation. This bill includes an additional $85 million just for air cargo safety, principally cargo shipped on passenger planes.

On the subject of cargo security, we dealt with a very difficult issue in conference, and that is air cargo on passenger planes. The House-passed bill included a provision that would have immediately banned airlines from carrying cargo. I would point out that 22 percent of all air cargo is shipped on passenger aircraft.

But we modified that provision in the conference and in the conference report that is before us today. In short, we do not prohibit airlines from carrying cargo. That would be an economic disaster for them. It is a $3 billion or $4-billion-a-year business for them, which would have meant, in my judgment, the death of the airlines. And we did not establish artificial deadlines that we knew could not be met.

Instead, we faced the problem head on with the reality in mind. We adopted language that directed the Secretary to immediately research, develop, procure and install certified systems that can screen cargo being placed on passenger planes at the earliest possible date. That machinery does not exist today. It has to be developed. No one knows how long that will take, but we direct the Secretary to immediately go at it without any delay and to do it at the earliest possible time.

In the meantime, this conference report requires that the Secretary of the Department enhance what is known as the known shipper program which is currently in place that prohibits high-risk cargo from being placed on passenger planes. It requires the Department to immediately issue requests for proposals on potential technologies to screen cargo, it requires the Department to conduct background checks on employees who handle cargo prior to being placed on the aircraft, and it requires the Department to launch a pilot program to use explosive detection machines in select locations to screen high-risk cargo.

I know that we will have additional debate on this issue during this debate and on the motion to recommit the bill. In the interim, I would hope that Members would actually read the conference report as it relates to cargo security. I want to read that portion of the bill. It is short and sweet and direct. I do not know how it could be more strong. We tried to find language that would be as directive and as clear as we could make it. Let me quote you the section, 521, from the conference report:

"The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible. Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft."

There is language in the statement of managers that backs that up and requires the Secretary to immediately forthwith issue a request for proposals from the industry and the private sector to come forward with proposals to secure that equipment. The best we can do until the equipment is here, Madam Speaker, is to be sure we know who is shipping cargo on passenger planes, and if we do not know who they are, and they do not have a record of being secure, then we search every piece that is going on today, and we encourage the continuance of that. All high-risk cargo is screened for security.

Now, Madam Speaker, I want to conclude these remarks by noting that some of our colleagues here believe we should add more money to this bill. I suspect that for some, no matter how much we spend, no matter how much we add in the name of homeland security, it will never be enough. We could spend every penny we could beg, borrow or steal around the world and spend it in the name of homeland security, and it would never please some people.

I would just state my firm belief that throwing dollars at homeland security will not necessarily add to our security. What we need is a sensible plan that spends sensible sums of money on the establishment and operation of a comprehensive and complete system for protecting our Nation, and I believe this conference report is such a sensible plan.

It provides resources for the legacy functions of agencies transferred to the Department such as Customs inspections, Border Patrol, Immigration, Presidential protection, Secret Service funding, Coast Guard spending for small-boat rescue systems, buoy research and protection, fishing rights enforcement and the like. We continue spending on those things that are not directly related to homeland security.

But we continue our commitment, Madam Speaker, to first responders. We support innovative technologies in this bill and capital investments for transportation security, for maritime safety, for the protection of critical infrastructure in the country.

In short, Madam Speaker, this conference agreement is a very good step toward a comprehensive plan for homeland security that spends sensible amounts of money. It moves us forward in leaps and bounds as we seek ways to defend the homeland and prevent future terrorist attacks.

So, Madam Speaker, I urge my colleagues to support the conference report and to reject any motions to recommit it.

Madam Speaker, I reserve the balance of my time.

Mr. SABO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when it comes to homeland security, the rhetoric flies fast and furious. Everyone wants a safer, better-prepared America against both terror threats and natural events like Hurricane Isabel. But our actions do not always match rhetoric. In most respects, this conference report does a responsible job of allocating funds within the budget constraints we face.

□ 1200

I commend the gentleman from Kentucky (Mr. ROGERS) and the staff for their hard work and the many thoughtful decisions that are reflected in this bill. It is a clear and substantial improvement over the administration's request. I suppose one of the things Chairman ROGERS mentioned was funding for port security. And I think it is obvious that we could spend more there, but every penny that has been appropriated by Congress was money not asked for by the administration.

Let me also pay particular respect to the hardworking staff. They are hardworking, they are professional, they are competent. From the minority staff, Beth Pheto; from our committee staff, Marjorie Duske; from my personal staff, Michelle Mrdeza, Jeannie Wilson, Stephanie Gupta, Jeff Ashford, Tom MacLemore, Tammy Hughes, and Brian Dunlop. They have had a big job to do, and they have done it in a professional manner.

It is a simple fact, however, that the United States is not as well prepared as we can and should be to meet our homeland security challenges. We should do more.

Mr. Speaker, at the end of the debate I will offer a motion to recommit that is very similar to the motion to instruct conferees that this House passed overwhelmingly 2 weeks ago. By a vote of 347 to 74, the House instructed conferees to insist on the highest possible funding levels for each homeland security preparedness and disaster response program and to require screening of cargo on passenger airplanes.

This conference agreement does not do that. One troubling shortfall is first responder funding which would remain flat at the 2003 level. The House bill would have provided a 4.5 percent increase, which is $200 million more. We know from our fire chiefs, police, and other first responders that more resources for equipment and training are urgently needed. The Council on Foreign Relations independently documented these needs in its recent report, "First Responders: Dangerously Unprepared, Drastically Underfunded."

I might add that adding money for such things as first responders is not simply throwing money at the problem. It is a substantial need, and we need to deal with it.

But homeland security preparedness is not just about more money. Across the board we need better management at the Department of Homeland Security. We need better plans. And in some areas we need more aggressive security goals. I put screening of cargo carried on passenger planes at the top of that list.

Mr. Speaker, 374 Members voted to instruct conferees to insist on the House amendment to require the immediate screening of cargo carried on passenger planes. This conference agreement comes up short in that respect. Instead, the agreement directs Secretary Ridge to research, develop, and procure systems to screen cargo on passenger aircraft at the earliest possible date. I do not think that is strong enough. The Department shows no eagerness to address the cargo problem. We should give them a deadline to act.

I might add that I sensed no particular interest, even, in this problem by the Department until the House passed its original amendment.

Mr. Speaker, my motion to recommit would set a deadline of October 31, 2004, for the Department to implement screening of cargo on passenger planes. We know who flies on passenger planes, but we still do not trust them. We still screen their bags. The same should be done with cargo shipped on these planes.

Airlines and others have argued that screening air cargo is a technical challenge that requires much more time to develop. This argument is similar to those made prior to 9/11 about screening passenger baggage: it cannot be done. How quickly we seem to have reworked old ways of thinking.

The motion I will offer will give the Department of Homeland Security 13 months to develop and implement a plan to screen cargo carried on passenger planes. Some may argue that is not enough time. I question how long we should make the American people wait.

I would also point out that this requirement would not affect every airport. The FAA tells us that 95 percent of all cargo carried on passenger aircraft is loaded at only 44 airports.

The lack of screening of cargo on passenger planes is not the only homeland security gap that exists today, but it is a huge one. Unless we make steady progress in closing these gaps, they will exist for years to come.

Let me add that the known-shipper program is probably better than not having anything, but I might remind Members that the gentleman who shipped himself in an air cargo crate was working for a known-shipper.

The Department's oversight of this program today basically consists of a few inspectors checking paperwork at airports. It is not a serious screening program today.

So I urge the adoption of the motion to recommit.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's elaboration of what this bill does and what it does not do. I would say to the gentleman, I have a concern. As the gentleman knows, when someone who has been very much involved in the fire grant program, and focused on the fire service, not just as it relates to terrorism, but as it relates to safety in our neighborhoods and the safety of our firefighters and emergency medical response teams, am I correct that unlike the House-passed bill, we have now shifted from the fire administration, the fire grant program, into the Office of Domestic Preparedness?

Mr. SABO. Mr. Speaker, the gentleman is accurate.

Mr. HOYER. Mr. Speaker, if the gentleman will yield for another question, is the gentleman confident that having done that, that the fire grant program will not be adversely affected in terms of its focus on firefighting, firefighter safety, and emergency response capabilities?

Mr. SABO. No. Mr. Speaker, reclaiming my time, I was not an advocate of the position in the conference committee. I thought we made a mistake in changing it. To be fair, the language in the bill retains some money as a separate line item, and there is language indicating the fire chiefs and the people involved in fire should be involved in the grant-making process.

I personally have questions about taking a program that was well run where it was and shifting it to another agency. I have a concern that what will develop are people who do not know much about the program making the grants.

Mr. HOYER. Mr. Speaker, if the gentleman would further yield, I thank the gentleman for his observation. I have had an opportunity to discuss this briefly with the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS); and I would hope that the committee, having accepted the Senate's position, which I do not share, as I share the gentleman's view on this, will ensure that this committee program, not just for our response to terrorist activity, but in response to making sure that our firefighters and emergency medical response teams can be effective, that we can also keep them safe in the normal day-to-day, but risky, activities in which they undertake. I thank the gentleman.

Mr. SABO. Mr. Speaker, I thank the gentleman for his concern. We clearly need continuing strong oversight of this program.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we agreed to move the firefighter assistance grants, but not the emergency management performance grants over to the Office for Domestic Preparedness. But, and this is a very important but, I would say to the gentleman from Maryland (Mr. HOYER), we include language that the fire grants have to continue to be administered "in a manner identical to the current fiscal year"; and that means grants directly to those local fire departments, not through the States. We continue the peer review process of 300 firefighters from the new recruits to the fire chiefs, gathering to review the 15,000-plus annual applications for those monies; and we include the U.S. Fire Administration during the grant process.

We received a letter of support of that from the International Association of Fire Chiefs for the manner in which we moved those firefighter assistance grants over to ODP. So I think we have solved the problem.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations. And I want to say that, although I would have agreed with the position of the gentleman from Minnesota (Mr. SABO) that it ought not to be shifted, I believe the gentleman is correct that he has tried to build in protections so that this program is not undermined. I appreciate those actions which I think certainly make this switch a more positive one than it otherwise would have been, and I thank the gentleman.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, and the gentleman who had the courage and the vision at the outset to take the lead in the Congress, both bodies, to create the new Subcommittee on Homeland Security of the Committee on Appropriations, on which the other body then followed through. That is the vision of this leader.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Kentucky (Chairman ROGERS) for yielding me this time.

I wanted to, number one, congratulate him on doing a tremendous job in presenting this conference report, along with his partner, the gentleman from Minnesota (Mr. SABO), the ranking member. I know there are some differences here, but the fact of the matter is this is a good bill. This is the first real homeland security appropriations bill that the Congress has considered.

Once it became evident that our homeland was no longer totally secure from terrorism, the Congress moved quickly to establish the Department of Homeland Security, and the Congress moved quickly to establish a Select Committee on Homeland Security. But when we follow the money, which is where things happen, it was the gentleman from Kentucky (Chairman ROGERS) who brought the pieces together, who brought together all of those agencies that had control of homeland security-type responsibilities. He did just a tremendous job in identifying the needs and providing the support. He worked this bill through. It was one of the first bills that passed in the House. It is one of the first bills; in fact, it is the second bill that comes before us as a conference report. He has done a really good job. While there will be some, as the gentleman from Minnesota (Mr. SABO) pointed out, differences here, the fact of the matter is that this subcommittee can be very proud of the job that it has done.

I was able to appoint the gentleman from Kentucky (Chairman ROGERS) as chairman of this subcommittee, and I am proud of that decision. He has made the House look good. And I know that the gentleman from Wisconsin (Mr. OBEY) is very proud of his appointment of the gentleman from Minnesota (Mr. SABO) as the ranking member because he has also made the House look good. They have done a good job, and I hope that we can expeditiously pass this conference report, get it to the Senate, and get it on the President's desk.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the gentleman from Kentucky, the chairman of the subcommittee, indicated that this bill needed "sensible" amounts of money. I would say that I would agree with that, except for one thing: terrorists are not "sensible," and that means that we may have to spend more money than we would like to spend in order to stop nonsensible people from terrorizing the world.

I think we need to understand exactly what this bill does, cutting through the rhetoric. This homeland security conference bill is 2.3 percent above last year's legislation. That does not even equal inflation. When the President addressed the Nation on September 7, he said, "We will do what is necessary, we will spend what is necessary to achieve this essential victory in the war on terror to protect freedom and to make our own Nation more secure."

□ 1215

Regrettably, Mr. Speaker, this conference report before us today does not live up to that promise made by the President just 2 weeks ago and neither do some of the President's actions. Let me give a few examples.

First, the conference report provides no funding to improve security at the perimeters or backsides of the airports.

Secondly, the conference report does not provide sufficient funding to secure ports in anything less than 20 years. Only $125 million is provided to port security grants in the conference report.

Third, this conference report does not increase funding for first responders above that provided in the previous year.

Fourth, the conference report does not provide sufficient funding to screen all cargo carried on passenger aircraft in anything close to a year. And with all due respect, the proposed conference report provides $85 million for cargo security conference. TSA Administrator Loy said he may need as much as $500 million to implement a cargo screen program.

Fifth, the conference report provides no funding for Customs to substantially increase the checking of cargo entering through our ports for weapons of mass destruction. GAO has said that the current low inspection rate makes container shipments a prime target for terrorists. Also, the screening requirement carried in the House bill for cargo carried on passenger aircraft has been weakened in the proposed conference to such an extent that it has no real meaning despite efforts of several speakers today to try to imply that something meaningful was done on this issue.

I support the gentleman from Minnesota's (Mr. SABO) pending recommittal motion because I think it is in the interest of national security to pass it.

I would also make one other observation. Words are funny things. They can be used either to clarify or obscure. The subcommittee chairman indicated in a "Dear Colleague" letter and again made reference on the floor today to the large amounts of money that we are supposedly spending for homeland security. He suggests, for instance, that we spent more than $75 billion since September 11. That masks the true fact that that assessment includes all of the base funding that existed before 9/11. If you are looking at the additional funding that we have provided since that time, that figure would be $33 billion, not $75 billion.

Secondly, it is not true that we provided $29 billion in additional homeland security efforts in 2004. If you subtract the base from that figure, the real figure is more like $18 billion additional funding. That is a lot of money, but given the threat, in my judgment, it is not enough.

It has also been suggested that Congress will provide an additional $8.4 billion for border and port security in 2004. Again, that figure includes the base funding that existed prior to 9/11. That is not going to help much to deal with the increased threat.

And then we are told by the chairman very often that we could spend every single dollar of the Federal budget and some of us would argue we were not spending enough. I would strongly dispute that, and I would simply ask why should we be spending more in Iraq on a per capita basis than we are spending here at home to defend our homeland from threats such as cross-border threats?

I would urge support for the Sabo recommittal motion. I think that we need every dollar contained in that motion if we are to provide adequate security to this country.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very hard-working and productive member of this subcommittee.

Mr. WAMP. Mr. Speaker, first of all, the gentleman from Florida (Mr. YOUNG) could not have selected a better person to chair this historic Subcommittee on Homeland Security of the Committee on Appropriations than the gentleman from Kentucky (Mr. ROGERS) who is as tough as nails, very diligent, thorough, knowledgeable. I served under him on the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, and he is the right man for this task. He could not have selected a better professional staff to carry out these most important responsibilities.

We have had incredible cooperation, despite the gentleman from Wisconsin's (Mr. OBEY) words, and some of those are very well-taken and well-spoken. This is for the most part a bipartisan product where there is widespread agreement on most of the issues. We are going to differ today on some substantive issues, but we have worked together very well. And the gentleman from Minnesota (Mr. SABO) and his professional staff have done an excellent job.

This is really a great work product. When you consider the Container Security Initiative, Project Bio-Shield, some of the brand new programs that are so critical to program ramp up quickly for our homeland security needs and extend, frankly, the proverbial borders of our country around the world to protect us before it is too late, before things do come in and happen. We have made great strides very quickly.

I do not think the President could have selected a better Secretary than Tom Ridge for Homeland Security, also tough as nails, very thorough. We have had multiple hearings and done a lot of good work together. So while we differ today a little, we need to stick together in a bipartisan way to do the work of the country. This is just like national security, a whole new frontier.

Let me also say one other thing. In national security, there is the Berry amendment that says we have got to buy American products and use American vendors for these things. I want to do more. And I want it said today that we need to do more on homeland security. We need domestic producers, American manufacturers for pharmaceuticals for Bio-Shield to protect our interests. We need American companies in our manufacturing base to expand to provide the technologies and the equipment that we need to protect Americans first.

So as we move forward, let us say beginning today we will do more to strengthen this and have an amendment just like the Berry amendment, so that we can guarantee Americans that American people will be used to carry out the homeland security needs.

Mr. SABO. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Minnesota (Mr. SABO) has 15 minutes. The gentleman from Kentucky (Mr. ROGERS) has 10 minutes.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I agree that this is, generally, a good bill. The distinguished chairman talked about containers being searched in Newark and Los Angeles. He said the Container Security Initiative will target high-threat cargo before it reaches U.S. shores.

Mr. Speaker, it only takes one weapon of mass destruction, in one container, to destroy an American city.

Mr. Speaker, this country will not be safe until every container is searched and sealed and certified by an American inspection team before it is put on a ship in a foreign port. This country will not be safe until no container can be put on that ship before it is searched and sealed by the American team in the foreign port, every container, not just the high-threat ones.

The terrorists know we will inspect the high-threat containers; so they will put the bomb in the low-threat container. We cannot depend on the good guys, that we know who the good guys are who are, long-time shippers to us. How do we know that some terrorist is not an employee of a good-guy shipper? We must spend the 6 or 7 or $8 billion a year that it will take to put an American inspection team to search every container before it is sent to our shore and the additional money to electronically go around every ship 100 miles off our shore before it is allowed into American territory or waters to make sure that there is no plutonium or enriched uranium onboard that ship. We can do that scientifically.

But until then we will not be safe. We are just nibbling at the edges with everything we are doing.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise both in support of the conference committee report and thank both the chairman and the ranking member for putting this together.

Obviously, we need more money. I want to raise an issue that some of my colleagues in the Harris County delegation will talk about, including the functioning of the Customs and Border Protection at Bush Intercontinental Airport in Houston.

We have problems with our wait times for our passengers up to 2 hours. It is causing many international passengers to miss their connection. The Houston Chronicle has reported twice on the growing anger of people waiting in line to clear Customs and Border Protection. Missed flights are a major problem because of the wait time. For example, one airline had over 1,000 people miss connections in one day this summer.

We need additional inspectors at Intercontinental Airport, a commitment to maintaining 100 percent the utilization of the number of authorized positions, including overtime for the inspectors who are there to cover the problem.

We have looked at the numbers in other parts of the country at international ports of entry, and we know we are lower than other areas. So we need to make sure that Customs and Border Protection makes that adjustment.

The Members from the Houston area, the nine Members will meet tomorrow again with Customs and Border Protection, and hopefully they will understand that we need to have parity and not the wait time that we are seeing for our the international passengers coming into the Houston Intercontinental Airport.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me take a few minutes to talk about another provision in the bill which I think is important and it relates to the CAPPS2 system.

TSA has been working on this system for almost a year, but there remains many unanswered questions about it. I am concerned particularly that those people who move residences a lot or do not have phone or other bills in their name, like children and some older Americans, will be singled out for further TSA screening, not based on risk, but simply because of these two factors.

I am also concerned that TSA will have no real system where passengers can correct incorrect information. The provision in the bill, which I originally offered and strongly support, requires GAO to review CAPPS2 as it exists today before funding can be obligated on a planned pilot program. TSA is allowed to test the system while GAO's review is being conducted.

The GAO's review would mirror the recommendations put forth by the Secretary of Defense and the Attorney General in the report they submitted on May 20 on DOD's Terrorism Information Awareness Program.

It is unclear how many of these recommendations, if any, have been followed by the TSA or by the Department of Homeland Security. I suspect none. Those recommendations include testing the search tools and security of the architecture, ensuring that the system is secure from hackers, and that the proper policies and processes of the system are in place.

Mr. Speaker, I do not believe that the passenger profiling system we are using today is a sophisticated or good one. However, we as a Nation need to be very careful as we proceed.

We recently heard about further problems about the TIA where a test conducted with Jet Blue, unknown to its passengers, matched up passengers and Social Security information and allowed some of this information to become public. We need to prevent this and any aviation passenger profiling system TSA develops, and that is what this provision in the bill seeks to do.

The bill has good language, and I hope it is fully implemented and followed by TSA.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), one of the hardest working members of our subcommittee.

Mr. LATHAM. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in support of this conference agreement and urge my colleagues to do the same. I want to commend the gentleman from Kentucky (Chairman ROGERS) who has done such an outstanding job in putting together this first ever Homeland Security appropriations bill, the gentleman from Minnesota (Mr. SABO), and all the subcommittee staff for the tremendous work on this bill.

The process of structuring a new appropriations bill to address the operational needs of the 22 agencies and departments under the new Homeland Security Department has not been easy this year. It will not be easy next year either because we have to make changes to accommodate the lessons that we are going to learn.

Having watched and participated in this process, I have come to the conclusion that our approach to funding Homeland Security has been measured and judicious. We have not thrown good money after bad, but have made difficult choices in funding the different functions of this new department.

All along, I felt that the worst mistake we could make in funding this new department would be to get into a bidding war in the Congress over what faction could spend the most money on individual activities and facilities before we have a full picture of needs and capabilities.

□ 1230

There are some in this House who want to put more money in that bureau or that agency. Some of those Members are well-intentioned, while others simply want to create a political issue by forcing Members to make a choice between spending more money on one hand or appearing to be less than responsible on homeland security issues on the other. This political game is played by throwing arbitrary numbers into the public arena and then questioning the commitment to homeland security on the part of some in this body.

The time for games is over. It is time to get serious. At the end of the day, there is much room remaining for an honest debate, but not one of our constituents is served well by gaming the debate.

As we go forward in this new area of homeland security, we will make progress in sorting out priorities. In the process, we will have the benefit of the ideas and knowledge of the State and local officials from our districts around the country. That collective wisdom will serve us well.

Knowing that we have the opportunity to improve this bill over time is a good reason to be measured in the way we appropriate these funds, and again, I want to commend the chairman and ranking member and urge the Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Minnesota for his excellent work and, too, the gentleman from Wisconsin (Mr. OBEY).

This is a critically important bill. We are debating, we are discussing the security of the American people at home. The President says that the security of the American people at home can be enhanced by spending $5.7 billion to rebuild Iraq's electricity grid; that our security is enhanced by spending $3.7 billion to expand access to safe drinking water for Iraqis; $875 million to restore marshlands in Iraq, that helps our security; $20 million for political consultants to the Afghan Government, that helps our security; $856 million to the Iraqis for their airports, that helps our security.

But when it comes to screening cargo that goes on the passenger planes, that every American flies on, nothing. Under existing law that this administration and the Republican leadership are going to pass, we all, Americans, we have to go through security, take off everything we have got on if necessary, put our carry-on bags through, our computers, our cell phones to prove that we are not threatening that passenger plane, but on the very same plane, that cargo goes on unscreened.

We are told by the Republican leadership that we cannot afford to do it, that the technology does not exist to do it. Let me ask this: If a person's carry-on can be taken on a plane this size and be put through a device that ensures that it does not have a bomb on it, why cannot this package of cargo go through the very same screening device? What do my colleagues mean the screening device does not exist? Put this through the screening device. It is going on the same plane, except a person is going to be on the plane with their baggage. The terrorist will not be on the plane with the cargo.

What about this 16-ounce package? Not only does it not get screened if it is cargo, but there is no paperwork required. Why cannot this go through the same screening device we go through if it is going into the belly of the plane? What do my colleagues mean the screening device does not exist?

I will tell my colleagues what does not exist. The screeners do not exist. The Republican administration has laid off 6,000 screeners who could be putting this cargo through the screening device to make sure that, as it goes on the passenger planes, that the people of America, every person that flew here to Washington, D.C., to visit the Capitol, who are flying back on a plane with cargo on it that has not been screened, that has not been put through the same machine that their bags are put there.

So if you are al Qaeda, are you going to try to get through that screening device, through the two air marshals, through the metal door of the pilot's cabin, past the pilot with a gun, past all the passengers who are going to jump you if you get up in the aisle, or are you just going to go right around this machine and put your bomb on the plane unscreened because they do not want to pay to put it through that device?

We cannot spend $87 billion on top of 65 billion other dollars that we have already spent to provide security for Americans in Iraq and then say we are not going to ensure that the packages which go on passenger planes in America, that our cargo are screened.

It is at the top of the al Qaeda terrorist list. We know that the four planes that they brought down were only a small part of what their plot was, a small part of how many planes they wanted to bring down. They know what it does to the psyche of the American people, to the economy of our country. That is what terrorism is all about. It paralyzes a country. It has paralyzed us, and we have come out of it, to the credit of the American people, but we cannot allow it to happen again because we know what they are targeting.

Laying off 6,000 screeners and saying that technology does not exist is not accurate. We can put these packages through the very same screening devices. How can it consume more time to put all of us through the screening device, human beings, than it does to just put a package through? In fact, it would take less time to ensure that that cargo is screened, but the industry does not want to pay for it, cargo or airline. The Bush administration says we do not have any money for that domestically, even though we have $87 billion for Iraqi security.

It is wrong. This bill must be defeated. We must ensure that every person flying in our country is not subject to this threat.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), a very hard-working member of the subcommittee.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me the time.

The gentleman from Minnesota (Mr. SABO) said earlier that rhetoric as it relates to homeland security flies fast and furious, and indeed it does, and I guess that is just reflective of what this process is and system is, and the gentleman from Massachusetts (Mr. MARKEY), who is a great friend of mine and serves on the Select Committee on Homeland Security, just made some statements that I think are great examples of that rhetoric flying fast and furious. And if the motivation is derived from frustration that we want to do more and we want to do it sooner, because indeed we do want to protect every American citizen, then I applaud him, and I think in large part that is true.

But unfortunately, Mr. Speaker, I think in large part it is not true. It is not true because it belies many of the facts that many of us have seen both on this important committee and on the Select Committee on Homeland Security as it relates to what we can do today, what technology indeed exists. And the gentleman from Massachusetts (Mr. MARKEY) makes the point that if every American passenger has to pass through a metal detector on their way to an airplane, that we ought to be sending cargo through that metal detector as a means of securing that some sort of explosive device does not exist, and that is not true.

That technology, those machines, the technology applied to current passengers is distinctly different than what is needed to ensure that cargo transportation is fully inspected. The best known package system being used now currently is the best process we have available.

This bill is an important bill to support because we put in it funding that specifically moves forward the process to develop the kinds of technology that will get us where we all want to be, and to say that we can simply do that today by spending more money is incorrect and misleading, and I do not think it is a service to what we really want to accomplish here.

If indeed we say those things to motivate DHS, the Federal Government and this government to get its priorities more focused, then that is a good thing, but let us not mislead the American people as we do that.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), the very distinguished chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I rise in strong support, and I wish to escalate and join in the very deep appreciation to the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for the remarkable job they have done on a huge task in a very tough time constraint situation. This is a remarkable piece of legislation in what it accomplishes.

There is an awful lot of attention being paid to first responders in this legislation, and rightly so. That is a good thing. However, we need to make sure it is not done at the expense of good information acquisition, analysis, dissemination in a timely manner to people on the front lines, because this is our best weapon, preventing tragic terrorist attacks and the attendant tragedy that happens to Americans at home and abroad.

Good information, good information will keep our first responders out of harm's way, in fact, and reduce the chances that we will actually need to call into action. I would like to hope that the day will come when our first responders should be treated the same way as the Maytag men and women of our country. We do not have to call them because we have good information to head off trouble before it starts.

Getting good intelligence is a low-cost, high-return investment, and that is a piece that we have not completed yet. We have a foreign intelligence program. It is against the law to use it domestically. Americans do not spy on Americans. We have a new Department of Homeland Security, which this bill does a remarkable job of providing for. We now need a policy and implementing mechanics and funding to how best to deal with domestic intelligence information. That is a task that is now, it is urgent, it is for the future, it has got to be done.

I commit the Permanent Select Committee on Intelligence to work with the gentleman from Kentucky (Mr. ROGERS) and others who are interested in this task. If we do not do this, we are going to have a problem.

I certainly agree that the people who are dealing with the prevention and defense part of this are excellent, extraordinary Americans taking huge risks. If we can give them good information, we reduce their risk and allow them to have a higher success rate. That is worth the investment.

I appreciate the time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise to make two points: one, to be in strong support of this conference report.

Homeland security in this country is a massive challenge. This is a huge Nation, with so many risks. Yet we have put billions of dollars, unprecedented dollars, toward those risks. There is no question we are safer, we are, or more prepared, more focused on homeland security than ever before, and I support the chairman's efforts, which have just been dedicated to making our country safer. This bill moves that forward.

My second point is in support of that raised by my colleague from Houston (Mr. GREEN). We are having a serious problem of understaffing of the port of entry at the Bush Intercontinental Airport. It is not simply inconvenient. It is an intolerable line through Customs. It is a disruption of trade. We are losing jobs and business in the region as a result. This bill helps provide the resources.

I thank the chairman for the help to address those problems. We are meeting with the agency again tomorrow to focus their attention on this important need. We are hopeful they will listen carefully.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this well-crafted, bipartisan legislation, and congratulate the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO) for a job well done.

During this debate it should be evident to everyone that the cost of securing our country is going to be astronomical. Later today I will propose an amendment to H.R. 2557, the Water Resources Development Act, which will help us raise some money for our own security needs from outside, from foreign sources. My amendment will permit us to establish a container fee on containers coming into our ports, which, of course, those fees will be paid by the overseas manufacturers, that will then be part of a fund that we can use for our own security, for some of the costs that this legislation is appropriating money for.

We need to make sure that the American people are not the only ones who bear the burden of having secure ports in our country when overseas manufacturers use them as well.

So I rise in strong support of this legislation and would ask my colleagues to consider my amendment in the upcoming legislation.

Mr. SABO. Mr. Speaker, I yield myself the balance of the time.

First, let me indicate my strong agreement with the statement of the gentleman from Florida (Mr. GOSS) that getting good information and getting it accurately out to our local units of government is incredibly important. We focus on homeland security in this bill, but clearly, some of the most important work, even more important than anything we do in this bill, is the work that is done by the Intelligence Community and the FBI to gather appropriate information.

□ 1245

And I think we are still sorting out how we get that information, even to us in Congress and to local units of government; and that remains and should remain very high on our priority list.

Mr. Speaker, I urge people to vote for the motion to recommit. Under the process of the House, there will be no separate debate on that motion after the debate concludes on this bill.

Our motion is a reasonable one. It is a problem that exists. I think we all understand that what goes into the belly of the plane is really a problem. From the earliest days of discussion of airplane security following 9/11, my initial response was that the biggest problem was not what went in the plane itself but what went into the belly of the plane.

Frankly, at one time I was not aware of the amount of cargo that was being carried. Baggage we are screening; cargo we are not. We have technology that we can use. The problem is how we put packages together and we prepackage into big containers. That gives us some trouble. We could prescreen before we repackage everything.

The Department is planning pilot projects, and clearly there is technology they are going to use. They need a prod and a push. They have basically ignored the problem. There has been no interest in the industry, no real initiative from the administration and from the Department. I do not know any other way to get their attention than by putting a deadline in a bill.

We would have had a little more time frame within a motion I offered in conference for planning and then implementation, but I could not offer that same motion here because of the limits of germaneness. So we have an amendment that is reasonable, gives them over a year to put a plan in place and to implement it. If there are problems that are real, they can come talk to us. It is after the start of the next fiscal year.

If we want to deal with the issue of cargo security and cargo screening on airplanes, the only way we are going to get action from this agency is to put a real prod to them, and that is by adopting the motion to recommit and setting a time frame for when they have to have it done.

Mr. Speaker, I urge a "yes" vote on the motion to recommit.

The SPEAKER pro tempore (Mr. ISAKSON). The time of gentleman from Minnesota (Mr. SABO) has expired.

Mr. ROGERS of Kentucky. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) has 2 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

This is a good bill. As I said before, what we are after is sensible spending on a sensible plan. We are spending a lot of money on homeland security. This bill is $29.4 billion. Is it enough? I think it is enough for the plan that we have, and I would urge the Members to support the conference report.

Now, on this issue of cargo on passenger planes, it has been beaten to death today; and there have been some irresponsible statements made, in my judgment, about it. Here are the essential facts.

Technology does not exist to x-ray the cargo going on passenger planes in those large pallets. It just does not exist. We are directing the Secretary and giving him the money immediately to go out and begin procuring that information and that kind of machinery. The money is there, and the direction is there; and we are telling him to do it posthaste, at the earliest possible date. I do not know how much more direct we could be.

In the meantime, we say we do not want any cargo going on a passenger plane from somebody we do not know about. The gentleman from Massachusetts (Mr. MARKEY) said he could send that package as a terrorist on a plane and walk away, and it would be shipped and the passenger would not be on the plane. That is not so. If you are an unknown shipper, your package does not go on the plane until we search it; actually search it. Under the known-shipper program, no cargo goes on a plane that we do not know who it is from and where it is going and all about it. That is the essential fact.

In the bill we say to enhance that system until we can get the x-ray machines in place to actually x-ray the cargo. It is the best we can do, Mr. Speaker. It is the best we can do. And we are directing the Secretary to move posthaste to get the machinery in place.

I ask my colleagues to support the bill. Before closing, I want to thank my ranking member for his great work and all the members of the subcommittee, and especially the staff, who have carried us this far. I urge adoption of the conference report and defeat the motion to recommit.

Mr. NETHERCUTT. Mr. Speaker, I rise to support the funding prices for first responders put forward by both the House and the Senate in the Homeland Security Appropriations Act for Fiscal Year 2004.

I feel especially gratified knowing that both chambers and the Administration have prioritized for this critical need by allocating resources in H.R. 2555 to solve the communication problems facing our first responders.

Already, our region has prepared the "Puget Sound Interoperable Communications Program" that will test and deploy new and emerging interoperability technolgies in and around the Ports of Seattle and Tacoma. This innovative program will significantly enhance the Puget Sound region's local, State and

Federal first responder communication capabilities.

This particular geographic region was chosen because of its high-density population, presence of critical infrastructure, high threat areas, disparate communication systems and diverse user base. The project will be implemented throughout portions of the City of Seattle, City of Tacoma, City of Tukwila, Port of Seattle and the Port of Tacoma. This implementation will also integrate with other responder initiatives in the State.

This project will create a shared infrastructure architecture utilizing the latest advances in technology that ties public and private networks and multiple communication devices together in a secure interoperable environment.

This implementation will demonstrate that a cost effective, secure interoperability solution can be achieved by using existing equipment and off-the-shelf mobile devices. Over time, this project will be incrementally expanded and become part of the Statewide Public Safety Interoperability Program.

My colleagues and I look forward to working with the Administration and the Department of Homeland Security to help make this important program a success.

Mr. SWEENEY. Mr. Speaker, this is an important bill in order to maintain the integrity of progress in developing a system of homeland security. The Homeland Security Appropriations Act particularly does so by ensuring that in the future, when our national capacities reach requisite levels, we will be able to meet national needs and secure the requisite funding.

It has been said fast and furious rhetoric surrounds homeland security issues. I agree. It has been further stated by some that actions do not match their words. Let me suggest the disagreement is not over whether or not we should do more. I think we all agree moving forward is important. We disagree in what is doable now.

Mr. Speaker, how do we best do this while ensuring that the credibility of those expenditures are such that, as we go forward, the American people can have confidence that we are meeting the needs of our Nation in a thoughtful, capable and complete manner; without simple rhetoric, and thus without increasing waste, fraud and miscalculation?

We need better planning and response. Some Democrats have said more money is needed for first responders. The fact is we do not know the right amount or the requisite need separated from normal expenses. Further, already over $20 billion has already been invested in homeland security. Before we invest more, I contend we first create a formula based on threat, vulnerability and consequences to allocate the funds properly.

The City of New York spends $13.5 million dollars a week, $700 million a year, on extra police protection during its current state of alert. That amounts to more than $1 billion since 9/11. I am talking about the net, additional amount that New York spends to protect against terrorist attacks. One of the principle reasons many of the terrorism prevention needs are not met by many cities is because of the outdated formula applied to the vast majority of first responder funds.

The President supports a threat-based distribution of first responder funds in his National Strategy for Homeland Security, and I know from conversations I had with Homeland Security Secretary Ridge, that he also supports this approach. I hope this Congress moves quickly to enact a new threat-based formula to apply to first responders. I introduced H.R. 2512, a bill to reform the first responder formula to reflect today's reality. H.R. 2512 would lessen the impact of allocating funds based on geography in favor of a quantitative assessment of threat information, vulnerability, and consequences. We are dealing with serious people and we need a serious formula.

I know the war in Iraq is over and the threat level has decreased since then, but we must remain vigilant in our fight against terrorism, particularly in New York.

One hundred percent screening of cargo containers is also unattainable regardless of what we spend at this time.

Mr. Speaker, we are all frustrated and want to move forward. We have to do so in a reasonable manner, not just blindly throwing money at the problem. I would like to remind every one that the other body took over one year ago to approve the bill creating the Department of Homeland Security. I am confident this bill represents the next best step and urge everyone's support.

Mr. REYES. Mr. Speaker, I am pleased to bring my colleagues' attention to one provision in the Homeland Security Appropriations Conference Report on non-intrusive inspection technology.

The conference report directs Customs and Border Protection to accelerate its efforts to complete a field test of pulsed fast neutron analysis (PFNA) technology at the Ysleta border crossing. This field test is an important part of our Nation's efforts to use next-generation technology to better secure our borders while also facilitating the flow of legitimate trade and travel.

The Departments of Defense and Homeland Security have been working to carry out field tests of the PFNA truck inspection system in Ysleta, Texas. PFNA, described in a Fortune Magazine article earlier this year as "beyond-Superman technology," has the potential to enable inspectors to detect the chemical composition of articles deeply buried in a fully-loaded cargo truck. The use of such technology in interdicting explosives, chemical agents and weapons, nuclear devices, dirty bombs, drugs and other threats has the potential to prevent destruction and the loss of life.

Earlier this month, U.S. Government screeners failed to detect, for the second time in two years, a shipment of depleted uranium in a container sent by ABC News from overseas. This is distressing and frightening news. Luckily it was just a test by one of our country's premier news organizations. However, we may not be so lucky in the future. PFNA technology could help us interdict such shipments. However, before such technology can be deployed, it must obviously be tested.

This conference report recognizes the importance of these tests and further understands that they should take place without undue delays so that if PFNA proves successful in the field, it can be deployed at ports of entry and protect America against terrorist threats and other criminal activity. PFNA could be the tool that prevents a catastrophic attack and I thank the conferees, in particular, Chairman Harold Rogers, for prioritizing our efforts to test this and other cutting-edge technologies.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. SABO. Mr. Speaker, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SABO moves to recommit the conference report on the bill H.R. 2555 to the committee of conference with instructions to the managers on the part of the House to insist on inclusion of (1) the highest possible level of funding for each homeland security, preparedness and disaster response program and (2) a prohibition on the use of funds in this Act to approve, renew, or implement any aviation cargo security plan that permits the transportation of unscreened or uninspected cargo on passenger planes after October 31, 2004.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 198, nays 226, not voting 10, as follows:

[Roll No. 514]

YEAS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos

Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes

Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola

Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode

Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg

Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul

Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus

Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (UT)
Gephardt
Graves
Hensarling

Kennedy (RI)
Lewis (GA)
Osborne
Pastor

Rush
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1313

Mrs. CUBIN, Mr. KINGSTON, and Mr. COX changed their vote from "yea" to "nay."

Mr. HINOJOSA changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 8, not voting 9, as follows:

[Roll No. 515]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert

Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny

Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode

Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson

Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Conyers
Flake
Hinchey
Larson (CT)
Markey
Miller, George
Paul
Stark

NOT VOTING—9

Ballenger
Bishop (UT)
Gephardt
Hensarling
LaTourette
Lewis (GA)
Osborne
Pastor
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1320

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 857.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2657, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 18, 2003 at page H 8385.)

The SPEAKER pro tempore. The gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present the legislative branch appropriations conference report for fiscal year 2004 to the House for consideration. I want to thank the gentleman from Virginia (Mr. MORAN), ranking member, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) on the committee for their work in putting together what I think is a fairly good and balanced bipartisan package. I also have to thank all the staff, Democrat and Republican staffers, for the many hours of hard work and overtime and the countless questions that they had to answer during this process.

Again, I think the bill came to a fairly good conclusion and, excluding the Senate items and the Capitol visitor center, the bill provides no increase above fiscal year 2003; and I think that is very important when we consider the deficit situation that we are in, that the legislative branch, and that would be the campus here with the offices of Congress, the Capitol Hill Police, the Government Printing Office, the Library of Congress, all of this is somewhat in line with last year; and I wish that more of our appropriation measures were that way.

Unfortunately, our friends in the other body, the Senate, they do not quite stick to the fiscal restraint that we do in the House, and they did overspend. We negotiated a lot of this back, which I was glad about; but unfortunately they still bumped up the spending a little bit more than we wanted to, and with the Senate items and the Capitol visitor center, they increased what originally left the House a little bit below last year, 1 percent below. They put it at $87 million above, but it is 2.5 percent above fiscal year 2003; and again unfortunately for Washington that is still an achievement. I wish it could be a lot less than that. But we are fighting to make sure that we are spending the taxpayers' money the way we would spend our own money.

In terms of the levels, I want to say that the staff on the legislative branch, which does work very hard, long hours, and many people do not realize it, in Congress and in Washington we tend to broad-brush every employee up here as a bureaucrat, but in fact there are a lot of entrepreneurial hard-working government employees; and I am glad to say that they will be getting their full 3.7 percent COLA and other related cost increase; so we are trying to look after our employees, which I think is very important.

I also want to note that although no increase was provided for sworn personnel at the United States Capitol Police, we have provided for 75 new civilian positions to address administration, financial, and legal personnel needs. Because of the 75 new civilian positions, this will allow 30 officers who are sworn officers to return to regular police functions and relieve them from civilian administrative functions.

It is important for our colleagues to understand that if the Capitol Police strategic plan and associated staffing plan are completed and approved by the House and the Senate, there is ample funding for emergency response to fund and hire additional sworn positions, but we want to be sure that that is merited. One of the things that is important is that the County of Fairfax, Virginia, has about 1,800 officers. Capitol Hill Police, the request actually was above 1,700, and we just have to balance it. We do not want the Capitol campus to become a police state. I already have Members asking me about the police officers standing on the top of the steps of the Capitol with machine guns in their hands, what kind of signal does that send to school kids who come here to see their Capitol building? And it is something that I hope as we move away from the shadow of 9/11 and as we continue to win the war against terrorism that we can readdress some of these things and make this again a more porous and a more open campus because this is the people's House and that should not just be a slogan. It should be something that means that the doors are open.

We on a bipartisan basis, though, are very gungho about the Capitol Hill Police and all the good work that they do to protect us in all the oddball situations that we may get into.

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	150	---	---	---	---	-150
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	20	20	---	20	20	---
Majority Leader of the Senate	20	20	---	20	20	---
Minority Leader of the Senate	20	20	---	20	20	---
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
President Pro Tempore Emeritus of the Senate	8	8	---	8	8	---
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	128	128	---	128	128	---
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	158	158	---	158	158	---
Salaries, Officers and Employees						
Office of the Vice President	1,949	2,028	---	2,028	2,028	+79
Office of the President Pro Tempore	518	539	---	539	539	+21
Office of the President Pro Tempore Emeritus	150	156	---	156	156	+6
Offices of the Majority and Minority Leaders	3,094	3,220	---	3,220	3,220	+126
Offices of the Majority and Minority Whips	2,042	2,324	---	2,324	2,324	+282
Committee on Appropriations	11,266	12,799	---	12,799	12,799	+1,533
Conference committees	2,610	2,716	---	2,716	2,716	+106
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	648	674	---	674	674	+26
Policy Committees	2,724	2,834	---	2,834	2,834	+110
Office of the Chaplain	315	327	---	327	327	+12
Office of the Secretary	17,079	18,299	---	18,299	18,299	+1,220
Office of the Sergeant at Arms and Doorkeeper	43,161	48,291	---	45,789	45,789	+2,628
Offices of the Secretaries for the Majority and Minority	1,410	1,468	---	1,468	1,468	+58
Agency contributions and related expenses	30,075	32,134	---	32,134	32,134	+2,059
Total, Salaries, officers and employees	117,041	127,809	---	125,307	125,307	+8,266
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,581	4,768	---	4,843	4,843	+262
Office of Senate Legal Counsel						
Salaries and expenses	1,176	1,222	---	1,222	1,222	+46
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	---	24	24	+12
Contingent Expenses of the Senate						
Inquiries and investigations	109,450	118,462	---	118,462	118,462	+9,012
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	7,077	1,700	---	2,265	2,265	-4,812
Sergeant at Arms and Doorkeeper of the Senate	114,423	149,969	---	136,843	135,243	+20,820
Miscellaneous items	18,355	19,268	---	18,425	18,425	+70
Senators' Official Personnel and Office Expense Account	290,161	322,061	---	310,000	310,000	+19,839
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	540,286	612,280	---	586,815	585,215	+44,929
Total, Senate	663,404	746,249	---	718,369	716,769	+53,365

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,979	2,048	2,048	2,048	2,630	+651
Office of the Majority Floor Leader	1,899	1,965	1,965	1,965	1,965	+66
Office of the Minority Floor Leader	2,309	2,390	2,390	2,390	2,756	+447
Office of the Majority Whip	1,624	1,684	1,684	1,684	1,684	+60
Office of the Minority Whip	1,214	1,259	1,259	1,259	1,259	+45
Speaker's Office for Legislative Floor Activities	446	460	460	460	460	+14
Republican Steering Committee	834	862	862	862	862	+28
Republican Conference	1,397	1,448	1,448	1,448	1,448	+51
Democratic Steering and Policy Committee	1,490	1,542	1,542	1,542	1,542	+52
Democratic Caucus	741	768	768	768	768	+27
Nine minority employees	1,337	1,380	1,380	1,380	1,380	+43
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	340	354	354	354	404	+64
Minority	340	354	354	354	404	+64
Subtotal, House Leadership Offices	16,530	17,094	17,094	17,094	18,142	+1,612
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	476,536	523,454	514,454	514,454	514,454	+37,918
Committee Employees						
Standing Committees, Special and Select	114,421	107,558	106,058	106,058	107,188	-7,233
Committee on Appropriations (including studies and investigations)	24,200	24,926	24,926	24,926	24,926	+726
Subtotal, Committee employees	138,621	132,484	130,984	130,984	132,114	-6,507
Salaries, Officers and Employees						
Office of the Clerk	20,032	19,387	18,632	18,632	19,452	-580
Office of the Sergeant at Arms	5,097	6,471	5,471	5,471	5,471	+374
Office of the Chief Administrative Officer	105,363	123,053	113,141	113,141	111,141	+5,778
Office of the Inspector General	3,947	4,147	3,847	3,847	3,847	-100
Office for Emergency Planning, Preparedness and Operations	6,000	6,000	5,000	5,000	5,200	-800
Office of General Counsel	894	926	926	926	926	+32
Office of the Chaplain	149	153	153	153	153	+4
Office of the Parliamentarian	1,464	1,560	1,560	1,560	1,560	+96
Office of the Parliamentarian	(1,279)	(1,363)	(1,363)	(1,363)	(1,363)	(+84)
Compilation of precedents of the House of Representatives	(185)	(197)	(197)	(197)	(197)	(+12)
Office of the Law Revision Counsel of the House	2,168	2,263	2,263	2,263	2,263	+95
Office of the Legislative Counsel of the House	5,852	6,233	6,233	6,233	6,233	+381
Corrections Calendar Office	915	948	948	948	---	-915
Office of Interparliamenary Affairs	---	---	---	---	500	+500
Other authorized employees	146	150	150	150	150	+4
Technical Assistants, Office of the Attending Physician	(146)	(150)	(150)	---	(150)	(+4)
Subtotal, Salaries, officers and employees	152,027	171,291	158,324	158,324	156,896	+4,869
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,384	3,975	3,975	3,975	3,975	+591
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	172,673	190,240	188,533	188,533	187,783	+15,110
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	177,157	195,315	193,608	193,608	192,858	+15,701
Total, Salaries and expenses	960,871	1,039,638	1,014,464	1,014,464	1,014,464	+53,593
Total, House of Representatives	960,871	1,039,638	1,014,464	1,014,464	1,014,464	+53,593

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies.	---	---	---	1,250	1,250	+1,250
Joint Economic Committee.............................	3,658	3,988	3,805	3,988	3,988	+330
Joint Committee on Taxation...........................	7,593	8,112	8,112	8,112	8,112	+519
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances.	2,981	2,236	2,236	2,236	2,236	-745
Capitol Guide Service and Special Services Office.....	3,035	3,511	3,511	3,511	3,511	+476
Statements of Appropriations..........................	30	30	30	30	30	---
Total, Joint items.............................	17,297	17,877	17,694	19,127	19,127	+1,830
CAPITOL POLICE						
Salaries..	174,533	218,268	189,913	207,000	197,600	+23,067
General expenses......................................	27,917	72,242	21,917	33,000	23,500	-4,417
Wartime supplemental..................................	37,758	---	---	---	---	-37,758
Total, Capitol Police........................	240,208	290,510	211,830	240,000	221,100	-19,108
OFFICE OF COMPLIANCE						
Salaries and expenses................................	2,157	2,518	2,255	2,255	2,255	+98
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses................................	31,892	33,993	33,820	33,612	33,820	+1,928
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
General administration...............................	58,957	158,570	84,513	71,697	77,053	+18,096
Capitol building.....................................	32,985	52,368	23,307	27,777	28,188	-4,797
Capitol grounds......................................	8,302	6,986	6,886	6,986	6,886	-1,416
Senate office buildings..............................	64,449	66,063	---	63,388	63,388	-1,061
House office buildings...............................	60,564	66,779	54,564	54,564	62,816	+2,252
Capitol Power Plant..................................	128,671	106,557	85,943	93,379	85,943	-42,728
Offsetting collections...........................	-4,371	-4,400	-4,400	-4,400	-4,400	-29
Net subtotal, Capitol Power Plant..............	124,300	102,157	81,543	88,979	81,543	-42,757
Library buildings and grounds........................	37,277	47,108	34,750	41,620	39,159	+1,882
Capitol police buildings and grounds.................	63,885	2,970	3,308	3,308	3,308	-60,577
(Transfer out)...................................	---	---	---	---	(-12,000)	(-12,000)
Botanic garden.......................................	6,063	10,919	6,062	6,239	6,189	+126
Capitol Visitor Center...............................	---	47,800	---	47,800	36,839	+36,839
(By transfer)....................................	---	---	---	---	(12,000)	(+12,000)
Total, Capitol Visitor Center..................	---	(47,800)	---	(47,800)	(48,839)	(+48,839)
Total, Architect of the Capitol................	456,782	561,720	294,933	412,358	405,369	-51,413
LIBRARY OF CONGRESS						
Salaries and expenses................................	361,644	380,386	366,520	367,539	370,897	+9,253
Authority to spend receipts......................	-6,850	-6,850	-6,850	-6,850	-6,850	---
Subtotal, Salaries and expenses................	354,794	373,536	359,670	360,689	364,047	+9,253
Copyright Office, salaries and expenses..............	38,971	48,290	47,290	48,290	48,290	+9,319
Authority to spend receipts......................	-29,472	-29,664	-29,664	-29,664	-29,664	-192
Subtotal, Copyright Office.....................	9,499	18,626	17,626	18,626	18,626	+9,127
Congressional Research Service, salaries and expenses.	88,250	96,267	93,590	91,726	91,726	+3,476
Books for the blind and physically handicapped, Salaries and expenses....,.........................	50,632	51,706	51,706	51,706	51,706	+1,074
Total, Library of Congress.....................	503,175	540,135	522,592	522,747	526,105	+22,930
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding...................	89,557	91,111	91,111	91,111	91,111	+1,554

LEGISLATIVE BRANCH APPROPRIATIONS ACT- FY 2004
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Office of Superintendent of Documents						
Salaries and expenses	29,468	34,456	34,456	34,456	34,456	+4,988
Government Printing Office Revolving Fund	---	10,000	5,000	10,000	10,000	+10,000
Total, Government Printing Office	119,025	135,567	130,567	135,567	135,567	+16,542
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	456,031	472,627	464,539	468,118	466,328	+10,297
Offsetting collections	-2,980	-6,006	-6,006	-6,006	-6,006	-3,026
Total, General Accounting Office	453,051	466,621	458,533	462,112	460,322	+7,271
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	---	14,815	13,000	14,000	13,500	+13,500
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT						
Payment to Russian Leadership development Trust Funds	12,915	---	---	---	---	-12,915
TITLE II - GENERAL PROVISIONS						
John Stennis Center	298	---	---	---	---	-298
Congressional Award Act	248	---	---	---	---	-248
Grand total	3,461,323	3,849,643	2,699,688	3,574,611	3,548,398	+87,075

FY 2003 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT
(Amounts in thousands)

	President Request 1/	House Mark	Senate Pass	Conference	Conference vs. Request
FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL					
CHAPTER 1					
THE JUDICIARY					
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and Expenses	12,187	12,187	---	12,187	---
Defender Services	17,228	17,228	---	17,228	---
Fees of Jurors and Commissioners	2,778	2,778	---	2,778	---
Total, Chapter 1	32,193	32,193	---	32,193	---
CHAPTER 2					
DEPARTMENT OF DEFENSE - CIVIL					
Department of Army					
Corps of Engineers - Civil					
Flood control and costal emergencies	---	60,000	10,000	60,000	+60,000
CHAPTER 3					
DEPARTMENT OF HOMELAND SECURITY					
Emergency Preparedness and Response					
Disaster relief fund	1,550,000	1,550,000	1,550,000	441,700	-1,108,300
Note: $983,600 appropriated in July supplemental					
CHAPTER 4					
DEPARTMENT OF INTERIOR					
Bureau of Land Management					
Wildland fire management:					
Fire suppression operations	36,000	36,000	61,000	36,000	---
United States Fish and Wildlife Services					
Resource management	---	5,000	---	5,000	+5,000
RELATED AGENCIES DEPARTMENT OF AGRICULTURE					
Forest Service					
Wildland fire management:					
Fire suppression operations	253,000	283,000	253,000	283,000	+30,000
Total, Chapter 4	289,000	324,000	314,000	324,000	+35,000
CHAPTER 5					
INDEPENDENT AGENCIES					
National Aeronautics and Space Administration					
Human Space Flight	50,000	50,000	50,000	50,000	---
Corporation for National and Community Service					
National and Community Service Programs					
Operating expenses	---	---	100,000	---	---
Total, Chapter 5	50,000	50,000	150,000	50,000	---
CHAPTER 6 GENERAL PROVISIONS					
CCC tree assistance program (sec 3602)	---	9,700	---	9,700	+9,700
CCC Mormon cricket infestation (sec. 3603)	---	---	20,000	20,000	+20,000
DoED special education (sec. 3611)	---	-500	---	-500	-500
DoEd special education (sec. 3612)	---	500	---	500	+500
DoEd (transfer out) (sec. 3613)	---	---	(-4,353)	(-4,400)	(-4,400)
DoEd rehabilitation services (by transfer) (sec. 3613)	---	---	(4,353)	(4,400)	(+4,400)
Total, Supplemental on Legislative Branch bill	1,921,193	2,025,893	2,044,000	937,593	-983,600
Total, Supplemental passed in July	---	---	---	983,600	+983,600
Total, Supplemental	1,921,193	2,025,893	2,044,000	1,921,193	---

1/ Reflects $32,193 requested for Judiciary items on September 12.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 8½ minutes.

I rise, regretfully, to say that I have a problem with this legislation. But my issue is not with title I or title II of the conference agreement, the legislative branch appropriations bill. I do not have any problem with that appropriations billing. It is actually a good bipartisan bill and a final conference agreement. In fact, the conference agreement went very quickly, as did the markup on the bill itself, done in a bipartisan manner. My problem is with the third title of the bill which provides additional supplemental funds for wildland fires, NASA's Columbia Space Shuttle disaster, and emergency natural disaster assistance. But I agree with the gentleman from Georgia (Mr. KINGSTON) that the legislative branch titles are worthy of bipartisan support. The third title, though, should be sent back to conference.

While the discretionary caps made the legislative branch appropriation bill tight, the chairman and the subcommittee acted appropriately with the funds that we had available. We are just $87 million above last year's funding level. The legislative branch agencies and offices will be able to support and improve the operations of the legislative body. The agreement does not shortchange our security needs. It provides tight but sufficient amounts for Members' offices and legislative branch agencies. Sufficient funds have been provided to cover all mandatory expenditures, and the budget assumes a full 3.7 percent COLA increase.

The architect will have the funds to complete the visitors center, but with greater oversight and accountability. The bill also supports and respects the men and women in law enforcement who serve on the Capitol Police force. I know that they have toiled under very stressful and difficult circumstances. At the same time, we all need to live within the constraints of our allocation. Since the terrible events of September 11, the Capitol Police have seen their manpower grow by 37 percent. In this bill, the police have funds to hire an additional 75 new civilian positions. Upon completion of a strategic plan and committee approval, additional sworn officers may also be hired. In this agreement the current complement of officers will receive full funding for overtime pay for the Capitol Police. The COLA increase, the longevity differential, the special training, the specialty pay, and the other recruitment and retention incentives are all preserved and fully funded in this bill. The employees and the agencies that work for us are essential if we want this great experiment in democracy to perform well.

Mr. Speaker, the conference agreement before us today is a sound and responsible measure. When we concluded the conference last Wednesday, September 17, we had a good agreement.

□ 1330

Hurricane Isabel changed that. The funds the agreement provides in Title III, the emergency supplemental funds for disaster assistance, are insufficient.

On this issue, I have to elaborate further. Just a few days ago, we had a very damaging hurricane, Hurricane Isabel it was called. Tragedy struck. Lives were lost, thousands of homes were damaged, businesses ruined, and daily conveniences and routines were greatly disrupted. Seven days later thousands of families and hundreds of businesses are still without power.

My hat goes off to the local fire, police, and emergency response crews that have responded in every way possible. It goes to the Red Cross, the thousands of volunteers, and to all the great neighbors who lent a hand clearing debris, cooking meals, and providing shelter.

I also want to express my appreciation to the people at FEMA, the Federal Emergency Management Agency. They and the Small Business Administration have put in long hours responding to urgent needs. I met those Federal officials firsthand. We have toured the businesses and homes. We have talked about the local residents. I know that many of my colleagues have done the same who were also very adversely affected by Hurricane Isabel.

There are some real tragedies out there, but everyone is doing their part and then some; that is, with the exception of the Congress if we do not provide sufficient funds.

The conference agreement that is now before us fails to provide an appropriate or adequate amount of money to replenish the disaster assistance fund. So far this year there have been 62 disaster and emergency declarations.

In its supplemental request the White House stated that this has been the most costly and deadly tornado season in years. And the National Weather Service hurricane outlook suggests that disaster costs for the hurricane season we just entered could be much higher than anticipated.

We now know that the disaster costs for the hurricane season are higher than the Bush administration anticipated. For fiscal year 2003, which is going to conclude in a few days, the Congress originally appropriated $776 million for disaster relief. The President released another $500 million in emergency funding that was appropriated in fiscal year 2002, and the Congress appropriated another $983 million in the August supplemental. So a total of $2¼ billion has been provided for disaster relief this year.

Historical obligations, though, for the disaster relief program, not including major disasters, have averaged a total of $2.9 billion per year on average for the last 5 years. If we provide the $441.7 million in funds contained in this conference report for disaster relief, we will have only provided $2.7 billion in 2003, or $200 million less than the historic averages, never mind the additional funding that is now needed for Hurricane Isabel.

It is too early for FEMA and the Department of Homeland Security to tell us how much Hurricane Isabel will cost, but they can point out to us the cost of disasters in the past similar to Isabel. We have the record for Hurricanes Floyd and Fran. FEMA spent about $700 million on each hurricane.

If we were to provide the $1.5 billion included in the Senate bill instead of the amount that is in the conference report, we would be providing at least some funding for Hurricane Isabel that we know is going to be needed.

So, what we have here is a low-balling of estimates in this very conference report. This conference report, within days of Hurricane Isabel, low-balls the estimates we know that FEMA is going to have to spend. That has happened in too many cases.

We should not, cannot tell disaster victims to wait until we take up the next supplemental. There is no reason why we should not do it today, provide adequate money. Today's backlog, we are now told, is $300 million. FEMA admits that it has restrictions on the disaster relief activity that is being funded. Any funding, for example, needed beyond the current month is not being provided. So we should not make those that have been disrupted by Hurricane Isabel and other disasters wait for that funding.

The disruptions are not just limited to residents and businesses either. In a strange twist of irony, it has even affected an agency within the Department of Homeland Security. Staff tells us they just got notification that the United States Coast Guard headquarters building has experienced severe electrical and infrastructure problems due to Hurricane Isabel. Coupled with flooding, fire, main system and sanitation problems, Coast Guard headquarters remains closed to all but essential personnel for the foreseeable future.

We should see to it that the Coast Guard's disaster problems are quickly fixed, as well as those of our constituents.

So I urge Members to support this motion to recommit. It is timely, it is necessary, it is appropriate, and it is the least we can do for families who have lost so much in the last few days.

Mr. KINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

I want to congratulate the gentleman from Georgia (Chairman KINGSTON) on doing a fine job, a very good job, on this legislative branch appropriations bill. This is the first conference report of the gentleman from Georgia (Chairman KINGSTON) as a subcommittee chairman, and I would like for our colleagues to know that he provided valuable and effective oversight of all of the legislative branch accounts, which is what he should have done. He did a really good job at it, along with the gentleman from Virginia (Mr. MORAN), the ranking member. He was very much of a partner through the process. While we do have a little difference on the part of the bill that I am going to talk about, it is not that big a difference, I do not think.

But I thank the chairman for being willing to include in his conference report the supplemental, the mini-supplemental, that we dealt with early on. In fact, the Committee on Appropriations considered it back in July, and it is included as a part of this conference report. Disaster relief funds, which have been discussed, total $442 million in this bill. That is in addition to the $983.6 million that we passed back in July. So there is a substantial amount for FEMA already being appropriated here.

There is $319 million for wildland fire management. As we know, we had severe fires this year, especially in the West. There is $50 million for NASA to deal with the *Columbia* disaster; $32 million for costs of the courts, for the judicial branch of government; and $60 million for the flood control activities of the Army Corps of Engineers.

So we worked hard on this supplemental to make it something that we thought that the House would be willing to support, and that would primarily meet the needs of the United States as a supplemental, in addition to all of the regular appropriations bills that we have passed or are in the process of passing.

So, again, I want to thank the chairman for allowing us to use his bill as a vehicle for this supplemental, this mini-supplemental. We can get the decks cleared, because we have a $87 billion request that we will be starting to deal with this afternoon at 2 o'clock. We have a hearing with Ambassador Bremer and General Abizaid.

The Subcommittee on Defense this weekend is on its way to Iraq to do the investigations they feel compelled to do, and they will follow up with hearings back home when they return. There will then be additional hearings next week with the State Department. So we are going to vet this $87 billion request as effectively as we can.

We believe it is in the best interests of the President, the best interests of the effort against terrorism, and in the best interests of our colleagues in the Congress to get as many answers as we possibly can on the major questions surrounding this $87 billion request. So that is under way, and I would like to get the deck cleared on this bill so that we can be free to give our full attention to the $87 billion request.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 5 seconds to bear in mind that while we are looking at $87 billion on top of another $80 billion already provided for Iraq, what we are asking for here is well less than $1 billion for our own people. I know we are mixing apples and oranges a little bit, but not necessarily in the perspective of the American people.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, once again we are considering a supplemental appropriations bill that ignores the crisis affecting many of our community service organizations around the country.

Before the August recess, this House, at the insistence of the Republican leadership, sent the other body a take-it-or-leave-it supplemental package that omitted the $100 million the other body proposed for AmeriCorps. That omission, unfortunately, remains in this conference report.

Failing to provide this funding will deny hundreds of faith-based and community-based organizations around the country many of the AmeriCorps positions they depend on. We are talking about groups like Habitat for Humanity, Teach for America, and hundreds of homegrown programs in the districts of everyone here that make a difference every day.

For some organizations that depend on AmeriCorps, unfortunately, the damage is already done. But for others, an infusion of funding to support additional volunteers could still make a difference between the elimination or weakening of a program and sustaining and building their efforts to support our communities.

Without this funding, AmeriCorps will see its numbers reduced by something like 40 percent overall to around 30,000 participants.

Every Member, Mr. Speaker, of the legislative branch appropriations subcommittee in the other body favored this funding for AmeriCorps. It had the support of Chairman STEVENS and the support of Senator BOND, the chairman of the subcommittee with jurisdiction over AmeriCorps. The other body voted to sustain this AmeriCorps funding by a strong bipartisan vote of 71 to 21.

These faith-based and community-based groups are doing good works in our communities on a daily basis, and it should shame this House to let them down. This conference report is another missed opportunity; in fact, it is a missed obligation, because we owe it to the community and faith-based groups who depend on AmeriCorps volunteers to help them sustain the programs on which our communities depend.

Mr. Speaker, the supplemental appropriation attached to the legislative branch bill has a second glaring weakness, and this is one which Members will have an opportunity to remedy in just a few minutes. The gentleman from Virginia (Mr. MORAN) will be offering a motion to recommit the bill with instructions to include the level of funding provided in the Senate bill for disaster relief.

Mr. Speaker, North Carolina is again facing the daunting challenge of recovering from a major hurricane that has devastated our coast, caused major damage to homes and public facilities, and displaced thousands of families. Other States, including Virginia and Maryland, have been severely affected and are counting on Federal disaster programs to help them recover.

FEMA personnel are on the ground as we speak doing what they do so expertly, providing relief to the victims and initiating an assessment of the damage. It is our job to make sure the disaster relief account has sufficient resources to ensure that once the assessments are complete, relief funding can quickly flow to those in need.

The supplemental we are considering today provides only $442 million for disaster relief, the level recommended by the House, while the Senate proposed $1.55 billion. Some may argue that $442 million is enough, but that is not correct. When combined with the money we appropriated in late July, it will still fall short of what the administration initially requested, $1.55 billion. And the administration request was meant to cover disasters we already knew about, not Hurricane Isabel.

The Homeland Security bill for next year contains $1.8 billion for disaster relief, but I can guarantee you that this amount will not be enough to carry us through the coming fiscal year, and we still have several weeks of hurricane season to get through this year.

Now, when the disaster relief account begins to get low, FEMA is obliged to slow the relief funding flow to victims of existing disasters because they just do not know what new disaster might be around the corner. We should not, Mr. Speaker, put FEMA in that position. Let us not put the victims of Hurricane Isabel in that position, the position of unnecessarily having to wait for the disaster relief they urgently need.

I urge my colleagues to support the motion to recommit to be offered by the gentleman from Virginia (Mr. MORAN) later today, so that timely relief for the victims of Hurricane Isabel can be assured.

Mr. KINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

□ 1345

Mr. LAHOOD. Mr. Speaker, first of all, I want to say a special thanks to the chairman of the subcommittee, the Subcommittee on Legislative, for the first time in really trying to exert a tremendous amount of leadership in getting his arms around the Capitol visitors center. I think for the first time, the Subcommittee on Legislative has taken some jurisdiction over this very, very significant expenditure and maybe the biggest construction project to go on since the constructing of the Capitol itself. The gentleman from Georgia (Mr. KINGSTON) deserves a lot of credit for really trying to make sure that the money that is needed is there, but also to make sure that we are not really overspending, and really trying to get his arms around a very important project that I think people on this subcommittee have paid little attention to. And I think a pretty loud message has been sent that the Subcommittee on Legislative is going to take a great deal of interest in this issue, watch it very carefully, and work closely with the Architect and others in leadership to make sure it is done correctly. So I applaud the gentleman from Georgia for his efforts.

This bill is probably not the most dramatic appropriations bill that we will pass of the 13, but I would urge every Member to vote for it, because it is the bill that keeps this beautiful Capitol running. It is the bill that pays for all of the staff people, all of the people who get little or no thanks for keeping this beautiful Capitol open, for making sure that visitors are warmly welcomed, to making sure that visitors are safe when they come to the Capitol complex, to making sure that Members' words are taken down correctly and printed the next day; to all of the things that go on under this dome, both in the House and in the other body.

And we give little credit and should give a lot more credit to the people who make this institution run. Frankly, it is not the Members; we do not deserve that much credit. It is the people that are here 24/7 in many instances that keep this great institution running. That is what this bill is about. It is about making sure that these people who do the hard work to make us look good and keep this facility running, they are the ones who really deserve the credit; and we pay them a certain amount of credit by passing this bill today and making sure that they have the money that is needed to keep this great institution running. Not only this House, but the other body.

So I congratulate all of the people who work in the House and the other body, all of the law enforcement people who secure this facility whom we take so much for granted.

The other thing I want to say is this bill includes a pet project of mine that I hope some day will be a reality, and that is some kind of a health fitness center for our employees. Those of us who are Members of this body benefit from an ability to have a health fitness center. Those who work in this body and in the other body do not have that same kind of health fitness opportunity, and we should create it for them. We should give our staff who work long hours the opportunity to remain healthy, to stay healthy, and to have the opportunity to do it right here on this campus. This bill continues to include our opportunity to do that for all of the employees who work in the House and in the other body.

We talk a lot around here about obesity and fitness. Well, what we are trying to do in the legislative branch bill is to make sure that there is a plan somewhere on this campus to take care of all of the people who work on this campus; and I am pleased that there is language to continue that process, as I see the Parliamentarian and others buttoning up their coats. They are the ones that need this opportunity, and we want to make sure we provide it.

So in any event, I thank the chairman for his leadership. This is a good bill. Every Member should vote for it. Even if the motion to recommit does not pass, the ranking member should have the leadership to persuade his Members to vote for this so we can keep the lights on.

Mr. MORAN of Virginia. Mr. Speaker, first of all, I want to tell my friend from Illinois that the ranking member fully intends to vote for the bill; it is just such an attractive bill, but they loaded it down with the baggage of a flawed supplemental.

Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I say to the gentleman from Illinois (Mr. LAHOOD), he has convinced me; and to the gentleman from Northern Virginia, he convinced me also that he has a very good motion to recommit to add some money for FEMA, $1.1 billion, I understand.

I, for one, had concerns when we created the Department of Homeland Security and put FEMA in it that it would mean that what was a very efficient, small, responsive governmental agency would get lost in the maze of the new Department. And in some ways, and especially as it relates to funding, I think that has happened. FEMA's funding had been allowed to dip to a very low level, down to $44 million, before the administration insisted to Congress that they should have some supplemental funding. This is not good for the program or for the country, to have such low balance.

The gentleman from Virginia's (Mr. MORAN) motion to recommit would put the disaster relief program back on sound financial footing. So I would urge Members to vote for the Moran motion and do good things for the country and do good things for FEMA.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to bring up what the gentleman from Illinois (Mr. LAHOOD) had mentioned too on the Capitol visitors center. This committee, on a bipartisan basis, has taken a real close look at the Capitol visitors center. It is perhaps one of the largest construction projects we have had on this campus since the actual construction of the Capitol, and I do not know if it approximately will double our size, but it is big.

This project started out at $265 million, and right now it is at $456 million and perhaps on its way up from there. Congress did add some additional office space, and there were some considerations for security that caused the $265 million to go to about $365 million or $370 million range, but the rest is just kind of work-in-progress add-ons. We need to be very careful that this does not become the poster child for congressional disaster spending.

One of the things that we have taken a real close look at, and I am glad that the House and Members of the majority and the members of the committee recommended changing the way the Architect of the Capitol makes decisions. There were too many bosses telling the Architect what to do day to day. So the Architect, being, I guess, a good public servant, responded to these requests; but, as a result, the project somewhat got away from him. And we on this committee have tried to rein this in so that he can run the project. We think that is going to save millions of dollars in outlays.

We also recommended, but were unable to get the Senate to agree with us, to cut out a $10 million tunnel to the Library of Congress. I just want Members to know there was some discussion and misunderstanding on the Senate's part that has to do with security, but when I met with the Sergeant at Arms, he said that tunnel had nothing to do with security in terms of escapes out of the Capitol. Number one, the last thing we would want is 100 Members of Congress confined to a tunnel area, particularly if there is some kind of a chemical attack. But as my colleagues know, Mr. Speaker, we have a tunnel that goes to the Rayburn Building; we have a tunnel that goes to the Cannon Building; we have a tunnel, a utility tunnel that goes out of the front of the Capitol visitors center towards the Library of Congress already; we have a tunnel that goes to the Dirkson Building; a tunnel that goes to the Russell Building, and a tunnel that goes to the Hart Building.

In addition, there will be a new truck service tunnel entrance. So to say on top of all of those tunnels we need another tunnel to the Library of Congress so Members will not have to degrade themselves by carrying umbrellas when they go to the Library, which we all know is a daily routine anyhow, but let me just say for the record it is, unfortunately, not a daily routine. But I think that this eliminating this tunnel to the Library would have been a sign that we are willing to give a tangible example that we are ready to cut out some of the spending on the Capitol visitors center.

But more importantly, in the conference we did accept the Obey amendment that limits the spending on the tunnel to $10 million. I hope we can do it for less than that. The Architect recently said that we can do it for perhaps as little as $ 9.4 on the top end and perhaps as little as 7-and-some-change on the bottom end.

The reality, though, is that this tunnel is going to go over an Amtrak tunnel; the train line that goes to Union Station, it is going to go under the road. So what we are actually talking about is boring a tunnel, not a trench, but boring a tunnel in between the Amtrak line and the road. This tunnel is not straight; it is a dog leg. I think we are going to have some problems with it. The gentleman from Wisconsin (Mr. OBEY) had said if we spend over $10 million when we are in conference, that the Architect should be fired. I do not know about that. We are already in an overspending situation, and there does not seem to be anybody who is suffering because of it. The contractor is not out of money; nobody who planned or estimated the job is out of work; nobody has really been called on the carpet.

But I am glad to say that this committee had a 2- or 3-, maybe a 4-hour hearing on the spending of the Capitol visitors center trying to get this thing under control. Most Members are, unfortunately, oblivious to what is going on out there, because we are focused on Medicare, education, terrorism, and things like that; and we have not really focused on this enough. This committee found out that the cafeteria there will be the largest cafeteria in the city of Washington, D.C. This committee found out that there will be three theaters inside the Capitol visitors center, even though across the street at the Library of Congress there is already an alternative theater that is designed for Members of Congress to meet in the event that we are unable to meet in this legislative Chamber.

So these are some of the concerns that we had about the tunnel and the Capitol visitors center in general. Yet, despite the fact that my own desire, my own amendment to eliminate the tunnel did not make it, I still think on balance we have done a lot of good work on the Capitol visitors center, trying to get control of the spending. I think on balance we have done a good job addressing some of the issues with the Capitol Hill Police and the other legislative branch agencies, and I am proud to say that we worked very closely with the Democrats and everyone involved on this.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, first, I yield myself 10 seconds just to tell my friend from Georgia that the minority appreciates the majority's decision to fund the Congress's Big Dig project on their watch. So that was fortuitous.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think the public has a right to ask the Congress why it sometimes ignores the obvious. This bill today, despite all of the good words said about it, in one respect ignores the obvious. When we passed the conference report on the supplemental, I said I did not believe that it provided sufficient funds for disaster relief, since we knew that Hurricane Isabel was then about to arrive. Well, as we now know, it arrived; and now we know the extent of the damage of Isabel, even though we do not know the precise costs.

Mr. Speaker, 34 people lost their lives; flooding and wind damage was widespread. Many people in the hundreds of thousands still do not have electricity. FEMA tells us that a back-of-the-envelope estimate of the cost of Isabel is about 700 million bucks, the cost of Hurricane Fran and Floyd. Yesterday, the Richmond Times Dispatch reported that one official said, "Too many times Federal, State, and local officials have acted or reacted on the basis of poor information, while FEMA is worried about keeping the headlines down rather than fixing the situation."

☐ 1400

Today it seems to me that we have both the unique opportunity and a unique obligation. Given the funding level for disaster relief of $1.5 billion that was included in the Senate bill to provide funding for Isabel and to help fix the situation, if we wait for the President to submit a supplemental request, it is likely that we will be in the situation next spring where FEMA is out of money, there is a crisis at hand, and people will once again say, well, what in God's Earth? Did those guys think they knew what they were doing? Why did not they anticipate this? Why did they not take care of it when they knew the problem was at hand?

In my view, we need action, not reaction. That is why we ought to support the Moran motion. We know this damage has occurred. We know the Federal Government is going to be getting the bill. We should not be hiding the cost today, as we are hiding the costs of so many other items. We should fess up and face up to the problem and deal with it now, not after the fact next spring when it can get in the way of orderly relief when we have more problems.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Briefly, I just wanted to readdress some of the points that the gentleman from Florida (Mr. YOUNG) had made briefly on this disaster money that the motion to recommit requests $1.55 billion to be funded, which is what the administration's original request was for FY 2003. However, this bill already has money in it. So if we went ahead with this, this is in addition to the $983 million that we put into disaster relief in July, that would mean we would be a billion dollars above the President's request.

Now, that might be good, but we do not know how much Isabel actually costs. The preliminary damage assessments started on Tuesday. It will be several days, weeks, in fact, months before we really know how much money is, in fact, needed for this disaster. This committee member and all of us, the chairman is from Florida. I am from coastal Georgia. I represent the entire coast. I am very sympathetic to hurricanes.

On a personal basis, I went down one week to prepare my house in Savannah for Isabel, and then came back to Washington and ended up evacuating Washington and going back to Savannah. Hurricanes are something that we in coastal Georgia do take very, very seriously. I know that the money will be there for FEMA when we know what that amount is, but at this point, we just do not know. The fiscal year's closing is less than a week away, and I think the prudent thing to do right now is to hold off on this motion to recommit, vote no on it and then to pass the bill as is.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 1 minute.

What we are doing on this supplemental is to respond to the President's request. What we have in this bill that we were asked to vote on is less than the President himself asked the Congress to provide, and that was before Hurricane Isabel. So we know the money is going to be needed. The question before the Congress is: Do we provide it now, or do we leave future victims of national disasters waiting, wondering whether the Congress is going to provide sufficient funds?

We know the funds are going to be necessary. What we are asking for is much more consistent with what the President himself has requested.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms.

DELAURO), one of the Democratic Caucus's leadership.

Ms. DELAURO. Mr. Speaker, I rise today to express my deep disappointment.

For months after the September 11 tragedies 2 years ago, America was a changed Nation, bound by a common purpose, steeled by our sense of community and shared responsibility. Americans from all over volunteered their time and energy to help those who were most in need, and President Bush created USA Freedom Corps to capitalize on that spirit, to energize our community. He called on America's volunteers, and all across this great Nation, we answered his call.

But now, at a time when our volunteers are calling on him, no one is home at the White House. Today, 20,000 committed AmeriCorps volunteers are ready and willing to serve, but they are on the brink of being turned away, all because of management problems that they had nothing to do with. But management problems exist and management problems are being addressed as they should be addressed.

The success of AmeriCorps is not in doubt. In only a decade, it has given a quarter of a million Americans to serve their community through fighting poverty, tutoring and mentoring neglected youngsters, cleaning up the environment, and providing long term care to the elderly.

Just ask the over 350 college and high school students who depend on this funding in Connecticut's LEAP program. They give their valuable time to provide mentoring and service opportunities to 1300 kids. Every last one of LEAP's junior counselors graduate from public high schools, 80 percent go on to college. They know what the rest of America knows, that AmeriCorps is without question the premier national service program in the United States.

All President Bush needed to do to keep these young people on was to use his moral leadership, call upon his leadership in the Congress to include the $100 million in emergency funding that AmeriCorps needs. Instead, he has only expressed vague support for the program, knowing full well that in doing so, he is effectively punishing the millions of people in communities who depend on the services that AmeriCorps provides.

If we could bottle the spirit that guided this country 2 years ago through some of its hardest times, I honestly believe there is no challenge we could not meet. But by turning our backs on AmeriCorps, we squander one of the greatest resources, our young people, who are eager, willing and who want to be involved. That is not merely unfortunate, it is a tragedy.

We should follow the lead of the other body. There was a bipartisan vote to include $100 million in emergency funding so that we can help to sustain AmeriCorps, help to engage young people in the good work of this country, and give them an opportunity to give back what America gives to all of us.

Mr. MORAN of Virginia. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Virginia (Mr. MORAN) has 8½ minutes remaining. The gentleman from Georgia (Mr. KINGSTON) has 10 minutes remaining.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we can finish up now and vote a little earlier than people thought. Mr. Speaker, I know that many of us recognize very few votes are influenced by floor debate; but I would like to offer a couple points to our colleagues who may be watching this on television.

The first point is that this bill includes less money than President Bush requested for emergency assistance, less money, and he requested that money before we suffered the ravages of Hurricane Isabel. We know, from FEMA's own estimate, that they are going to need more money. What we are providing today is insufficient. That is point one.

Point two is an argument that may be lost on the general public, but I think many of our colleagues are going to understand it. What we are asking for is money under the fiscal year 2003 supplemental. That means that it does not get counted against the fiscal year 2004 budget resolution. Now, it is emergency funding. So it does not come up against the caps that we would otherwise have imposed on us.

Now, if the majority wants, we will be in a position to have to get more money in fiscal year 2004, money that is going to have to compete against the money for Iraq and against any number of other domestic and foreign needs. The simplest, the most efficient, and, I think, the most responsible thing to do would be to provide sufficient money now in fiscal year 2003. There is only a few days left in this fiscal year. This is our last opportunity. There is not going to be any other train that leaves the station.

The money, of course, will be held over and available in 2004. So I think that those Members of Congress, and it includes the entire Congress, who are increasingly budget-conscious as we all should be, this is the time to do it. The money is needed, desperately needed, and anyone that had constituents that were adversely affected by Hurricane Isabel, and there is a whole lot of them up the East Coast, particularly the Carolinas, Virginia, Maryland, I think it would be a tough argument to explain to your constituents why, when you had the opportunity, you did not provide the money, hoping that the money might become available at a later opportunity. The opportunity is now, and it should be seized by voting for this recommittal.

Now, I want to thank some people who greatly deserve it. First, the chairman of the subcommittee. It has been a pleasure working with the gentleman from Georgia (Mr. KINGSTON). We have not agreed totally on everything, but we got a good bill, and we reached consensus, and I want to thank him for this good bipartisan bill.

The staff is terrific. Liz Dawson knows everything going on up here on Capitol Hill, and is responsible for a whole lot of things that we take credit for. Chuck Turner. Chuck has been terrific. Kelly Wade, Jack O'Neill with the leadership staff, they all did a great job. I want to thank Tom Forhan, who is responsible for this bill on the Appropriations staff. And Tim Aiken, who has been terrific; he is on my own staff assigned to this bill. They have both been great. Beverly, David; we have wonderful staff, and that is one of the reasons why the legislative branch appropriations bill does so well.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) who does such an extraordinarily good job, not only on this bill, but on so many other issues, and I thank him for yielding me time.

Mr. Speaker, let me begin by expressing my support for H.R. 2657, which responsibly meets the needs of the legislative body, the body designed by our Founders to make sure that our Federal Government works as our citizens want it to; and this bill provides for the resources to accomplish that objective.

Let me also join the gentleman from Virginia (Mr. MORAN) in congratulating not only his staff, but Liz Dawson, who has done such an extraordinary job for the Committee on Appropriations, not only this subcommittee but other subcommittees as well, for the work that she does.

Mr. Speaker, one matter that should concern every Member of this body is the fair treatment of the folks who work for us and with us, including temporary workers employed by the legislative branch. Section 133, Mr. Speaker, of the Legislative Appropriations Act of 2002, which became law on November 12, 2001, prohibits the Architect of the Capitol from employing temporary workers for long periods without providing eligibility for employee benefits.

Notwithstanding that, this is not happening much to my dismay and the dismay of the subcommittee and the chairman and the ranking member. The Architect has refused to implement section 133, despite the clearest of Congressional intention and the fact that the General Accounting Office has determined that section 133 provides the Architect with the authority to treat temporary workers fairly.

Mr. Speaker, I am pleased that today's conference report includes language that strengthens section 133. I thank the chairman and the ranking member and particularly Liz Dawson for that objective. I strongly support this language.

My expectation with this language is simple: That Mr. Hantman will finally appreciate that Congress meant what it said 2 years ago, when it instructed his office to fairly treat temporary workers.

I thank the committee for its work and thank the ranking member for yielding me time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my senior moment there, I neglected to mention Beverly Pheto and Dave Pomerantz.

□ 1415

We have got great staff. We have a wonderful institution here. We need to adequately fund it.

I support the legislative branch appropriations bill, but right now the right thing to do is to vote yes on the recommittal to provide adequate emergency assistance, and we will get that legislative branch appropriations bill funded as well.

Mr. Speaker, I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Virginia (Mr. MORAN). It has been a great pleasure to work with him on this bill, and we have had some agreements, and we have had some disagreements, but we have made a lot of progress together. It has been a great process for all of us, and I thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, for his help and the gentlewoman from Connecticut (Ms. DELAURO) for her issues, although I am not sure, Mr. Speaker, they have been fiscally as prudent as somebody from Georgia might want them to be, but we have had those discussions in the past as well.

Let me just close, Mr. Speaker, and urge folks to vote no on the motion to recommit and vote yes on the bill.

I also wanted to join the distinguished ranking member in thanking all the staff who have been such a part of this bill. I want to say to Tom Forhan, he has done a great job and appreciate his great working relationship. Liz Dawson and Chuck Turner and Kelly Wade and Jack O'Neill on our side have worked long and hard. Ms. Dawson has called me at home and Blackberried me and told me when I am wrong, and every now and then tells me when I am right, which has been very few times this year, but I hope to improve on that record, Mr. Speaker. But with that let me urge support of this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the motion to recommit the Conference Report on H.R. 2657 with instructions to the House managers to increase funding for Disaster Relief.

I do so as I continue to receive reports from my home State of Maryland about the damage caused by Hurricane Isabel. Hurricane Isabel cut a path from Maryland's Eastern Shore to Maryland's western mountain range. In Baltimore's world famous Inner Harbor, one of the city's major arteries was transformed into a river by a seven-foot water surge. On Maryland's Eastern Shore, record breaking tides left 60 percent of Dorchester County under water. In my own district, 5 days after Isabel struck, thousands of people still have no electricity.

How is it possible that, almost a week after the hurricane, in the richest country on the planet at a time when we are considering funding the reconstruction of Iraq, we refuse to provide adequate funding to our own Federal Emergency Management Agency. I urge my colleagues to support this motion.

Ms. MCCARTHY of Missouri. Mr. Speaker, I want to thank Chairman KINGSTON and Ranking Member MORAN for giving me the opportunity to speak this morning.

Today's legislation includes funding for dozens of important projects, and I want to thank the Conference Committee for their work.

I rise today to express my disappointment that this Congress was unable to fund one of our nation's most successful programs—the AmeriCorps program.

AmeriCorps provides educational opportunities for young people who serve their communities in myriad ways.

In my district of Kansas City, AmeriCorps members have partnered with professional and non-profit agencies to provide children from low income families with badly needed educational assistance, revitalize and clean up inner city neighborhoods, and install smoke alarms in the homes of the elderly.

One of my constituents has served for two years as a Kansas City Jumpstart volunteer.

The children involved in the Jumpstart program enter with skills rated lower than their peers, but through the dedication and leadership of volunteer mentors, these deficiencies are often eliminated by the time they complete the program.

This AmeriCorps Jumpstart volunteer recently wrote a letter to our hometown newspaper urging support for full funding of the AmeriCorps program so that other children can achieve as much as a child he mentored, who entered almost "completely non-verbal and is now talking in complete sentences."

Failing to adequately fund AmeriCorps will deprive thousands of children and young volunteers in my district and across the Nation this experience, and leave many children behind.

Mr. Speaker, I am disappointed that this Congress could not find the additional funds to continue these successful programs.

President Bush has supported AmeriCorps in the past. In the coming months, I would hope that we can work with the Bush Administration to resolve AmeriCorp's funding shortfalls and leave no child behind.

Mr. KINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MORAN of Virginia. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MORAN of Virginia moves to recommit the conference report on the bill H.R. 2657 to the committee of conference with instructions to the managers on the part of the House to insist on inclusion of the level of funding provided in the Senate bill for Disaster Relief.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MORAN of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 202, nays 225, not voting 7, as follows:

[Roll No. 516]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez

Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bishop (UT)
Dingell
Gephardt
Lewis (GA)
Osborne
Pastor
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1439

Mr. JONES of North Carolina changed his vote from “yea” to “nay.”

Mr. BURR changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 56, not voting 7, as follows:

[Roll No. 517]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
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Pomeroy
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Price (NC)
Pryce (OH)
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Radanovich
Rahall
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Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
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Slaughter
Smith (NJ)
Smith (TX)
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Snyder
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Taylor (NC)
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Thompson (CA)
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Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
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Weller
Wexler
Whitfield
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Wilson (NM)
Wilson (SC)

Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

NAYS—56

Akin
Barrett (SC)
Bartlett (MD)
Berry
Burgess
Chabot
Coble
Costello
DeMint
Doggett
Duncan
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Goode
Gordon
Graves
Green (TX)
Green (WI)
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Hefley
Hensarling
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Hostettler
Jones (NC)
Kennedy (MN)
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King (IA)
Kline
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Lofgren
Miller (FL)
Moran (KS)
Myrick
Nussle
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Tiberi
Toomey

NOT VOTING—7

Bishop (UT)
Dingell
Feeney
Gephardt
Lewis (GA)
Osborne
Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1447

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAMILY ASSISTANCE PROVISIONS

SEC. 101. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH MARCH 31, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority for carrying out such activities during the first two quarters of fiscal year 2004 at the level provided for the first two quarters of fiscal year 2002.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H) of the Social Security Act (42 U.S.C. 603(a)(3)(H)) is amended—

(A) in the subparagraph heading, by striking "OF GRANTS FOR FISCAL YEAR 2002"; and

(B) in clause (ii)—

(i) by striking "2003" and inserting "March 31, 2004"; and

(ii) by striking "2001" and inserting "fiscal year 2001".

(2) CONTINGENCY FUND.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "2003" and inserting "2004".

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking "or 2004" and inserting "2004, or 2005"; and

(B) in subparagraph (B)(ii), by striking "2003" and inserting "2004".

SEC. 102. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority for carrying out such activities during the first two quarters of fiscal year 2004 at the level provided for the first two quarters of fiscal year 2002.

TITLE II—TAX PROVISIONS

SEC. 201. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "September 30, 2003" and inserting "December 31, 2004".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2003.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	**Average Fee**
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after December 31, 2004.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE III—TRADE PROVISIONS

SEC. 301. EXTENSION OF COBRA FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

TITLE IV—MEDICARE COST-SHARING PROVISIONS

SEC. 401. EXTENSION OF MEDICARE COST-SHARING FOR CERTAIN QUALIFYING INDIVIDUALS.

(a) EXTENSION OF SUNSET.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended—

(1) by striking subclause (II);

(2) beginning in the matter preceding subclause (I), by striking "ending with December 2002" and all that follows through "for medicare cost-sharing described" in subclause (I) and inserting "ending with March 2004) for medicare cost-sharing described"; and

(3) by striking ", and" at the end and inserting a semicolon.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c) of the Social Security Act (42 U.S.C. 1396u–3(c)) is amended—

(1) in paragraph (1)(E), by striking "fiscal year 2002" and inserting "each of fiscal years 2002 and 2003"; and

(2) in paragraph (2)(A), by striking "the sum of" and all that follows through "1902(a)(10)(E)(iv)(II) in the State; to" and inserting "the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to".

(c) SPECIAL RULE FOR FIRST QUARTER OF 2004.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended by adding at the end the following:

"(g) SPECIAL RULE.—With respect to the period that begins on January 1, 2004, and ends on March 31, 2004, a State shall select qualifying individuals, and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

"(1) references in the preceding subsections of this section to 'fiscal year' and 'calendar year' shall be deemed to be references to such period; and

"(2) the total allocation amount under subsection (c) for such period shall be $100,000,000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3146, which extends various government programs beyond the September 30 end of the fiscal year. Within the jurisdiction of the Committee on Ways and Means, this includes certain tax and trade programs, as well as a simple 6-month extension of key parts of the Nation's welfare system.

The historic 1996 welfare reform law has been an unparalleled success. Nearly three million children have been lifted from poverty. Record shares of current and former welfare recipients are working, and welfare dependence has been cut in half.

Despite the challenges facing our country, these welfare reforms continue to benefit families with children by promoting work by low-income parents. Unless we act, the authorization for key welfare programs will expire on September 30, 2003. H.R. 3146 will continue current funding for these programs through March 31, 2004.

Earlier this month, a bill to reauthorize and improve our Nation's welfare program was reported out of committee in the Senate. This extension will provide the Senate more time to consider this bill and pass a broad welfare reauthorization bill.

Members will recall that the House passed a broad 5-year welfare reauthorization bill in 2002. This bill was a product of intensive research and evaluation, including more than 20 hearings in the House. Key provisions focused on achieving more work, less poverty, and stronger families. However, the Senate did not act on that bill before the 107th Congress adjourned.

In February 2003, the House again acted on a full 5-year welfare reform reauthorization bill and approved H.R. 4, an updated version of its 2002 bill. We continue to wait for a consensus on a long-term reauthorization of our Nation's welfare programs. In the meantime, we continue to see evidence that welfare reform continues to work.

A report released in August presented key indicators of well-being for America's children that once again show positive results for our children. Birth rates for unmarried teenagers have dropped considerably since 1994. The poverty rate for children raised by single moms also has declined markedly.

However, there is still more progress to be made. Today, fewer children live in married-couple families. We have seen a steadily growing stream of evidence that children do best when raised by married-couple families. That is why the House-passed welfare reform bill provides flexibility to States to promote marriage and strong families. States and families would be on the receiving end if we reach agreement on a long-term reauthorization bill.

Unfortunately, the improvements included in H.R. 4 will continue to remain on hold while we pass short-term placeholder extensions.

In addition to funds to promote strong families, H.R. 4, as passed by the House, also provides at least $2 billion in added child care funds over 5 years, along with more flexibility in spending cash welfare funds on child care and other needs.

So long as we continue to extend our Nation's welfare system on a short-term basis, States cannot take advantage of these additional dollars or improved flexibility. The means low-income families will not see the benefits of the improvements we have proposed for the program. Ultimately, the success of the 1996 law reforms may begin to erode as well. Recognizing the importance of continuing these programs, the House and Senate have agreed to four short-term extensions of our Nation's welfare programs. However, I hope that in the next 6 months we get a comprehensive welfare reform bill to the President's desk for signature.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise also in support of the legislation and urge my colleagues to support it. I agree with the gentleman from California (Mr. HERGER), the chairman of the subcommittee, regarding the need to enact this legislation. However, I want to make it clear I disagree with my subcommittee chairman on many of the statements made as to the reason why we are at this point, why we need to enact a temporary extension of our TANF law rather than a permanent extension.

This bill is important because it allows our States to know that for the next 6 months they will have uninterrupted Federal funds to continue their work on dealing with the people who are the most vulnerable, that we are trying to get off of cash assistance, into real jobs.

However, we have made that task more difficult because we cannot pass a long-term reauthorization, and we cannot pass a long-term reauthorization because this body, in passing its bill, did not do what our chairman asked us to do, and that is to reach a consensus to try to work together as Democrats and Republicans to build upon the success of 1996. Instead, we had a very partisan bill that passed this body and that has made it very difficult to reconcile with the other body.

We passed a bill that was opposed by our Governors, by our mayors, by State welfare administrators, by poverty experts and advocates for low-income families; and the reason, quite frankly, is because it did not reauthorize TANF and take us to the next level, which would be to get families not just off of cash assistance but out of poverty. Instead, the bill that passed this body created what is known as "make-work" opportunities rather than real jobs. It provided mandates on our States without providing the funds to deal with it. It made it more difficult for people who are the most in need of training and education to get the training and education they need in order to succeed in the workforce. It discriminated, and continues the discrimination, against legal immigrants.

For all these reasons, the bill that passed this body made it more difficult for us to reconcile differences with the other body and to enact reauthorization of TANF that we all could be very proud of.

Mr. Speaker, I hope we use this opportunity, the next 6 months, to sit down together and listen to each other, listen to our mutual objectives as to what we are trying to achieve in welfare reauthorization, so that we can pass a bill that we will be proud of that will take us to the next plateau and allow us to move families out of poverty and not just off of cash assistance.

I might point out that this legislation extends the traditional Medicaid that continues families with health insurance after they have left the welfare rolls. That is a very important program. It also extends the IRS user fees for certain advanced rulings and allows the IRS to continue to share information with the Department of Education to administer the student loan programs; custom user fees will be extended for 6 months; Medicare premiums for low-income seniors, that program that pays those premiums would be extended. There is a lot in this bill that we have to make sure is accomplished before the expiration at the end of this fiscal year, and I encourage my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me this time and for all of his efforts on behalf of those who are in the welfare system, and I also thank the gentleman occupying the chair, the gentleman from Virginia (Mr. GOODLATTE), for his long and successful efforts to reform the welfare system.

Mr. Speaker, since we first overhauled this country's failed welfare system back in 1996, some three million children have risen out of poverty. Today I rise to support this legislation as an important transition to the full reauthorization of those important reforms.

According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half its number of what it was in 1995. When States and local governments shifted their focus from writing checks to encouraging work, welfare case loads fell by 60 percent, as we predicted. As a result, 3.5 million fewer Americans live their lives in poverty than was the case back in 1995 when this process started. However, some 2 million recipients remain dependent on welfare assistance, and many still do not participate in work or in training programs.

□ 1500

While the success of past welfare reform initiatives are inspiring, and give lie to some of the claims we heard when we went through this process made by the other side, it is obvious that more work still needs to be done.

The House has passed the right kind of reauthorization of welfare reform boosted by tougher work requirements and reinvigorated work incentives for States and welfare recipients. Full check sanction, marriage promotion, and other enhancements will only make welfare reform more effective.

We realize that some have come to oppose this legislation, some that had been listed on the other side of the aisle. But, in our view, we are going to stand fast to see this reform through.

Some opponents of welfare reform clearly are trying to run out the clock on this reauthorization so they can turn back the clock to the days of dependence. We will resist their efforts. These opponents of effective social policy have essentially filibustered our efforts to fight poverty and support economic independence for America's poor.

I am, Mr. Speaker, very encouraged by the Senate Committee on Finance's recent approval of TANF reauthorization, and I now implore the Senate to work toward final passage of this crucial legislation.

We have an opportunity to write a final chapter on welfare reform, the most successful social reform of the latter part of the 20th century. And much of the credit I want to give today goes to the gentleman sitting in the Chair, the gentleman from Florida (Mr. SHAW).

Mr. CARDIN. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), the person who is the author of provisions that would enforce a real work requirement on our States by rewarding those States who find real jobs for people who leave cash assistance.

Mr. LEVIN. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for all of his work.

Like the gentleman from Maryland, I favor this extension. The good news is that it is not a step backward. We are going to continue State flexibility, we are going to continue the focus on work. We are going to continue provisions for child care and health care and transportation, but I want to take this opportunity, as Mr. CARDIN did, to put this into perspective. I am glad the gentleman from Pennsylvania (Mr. ENGLISH) is still here.

We worked hard in 1995 and 1996 on welfare reform. It was not a partisan effort. It was an effort with a Democratic President and with substantial work from Democrats in the House and in the Senate. Significant changes were made from the bill originally vetoed by President Clinton. Adequate child care, adequate health care, those were placed into the bill before it became a law.

This time around what the Republican majority in the House decided to do was to proceed, as Mr. CARDIN has said, on a very partisan basis. There was no effort to sit down as was true in 1995 and 1996, eventually, to see if we could work out together Welfare Reform II.

So, on a very partisan vote, the first vote was 229 to 197, the bill was passed and was sent to the Senate. Sad it is to say that since that time, and it has been a year and a half ago, there has been zero effort by the majority in this House to sit down with a number of us who were involved in 1995 and 1996 and those who have been active since and try to work out a bill on a bipartisan basis.

We have urged that welfare reform be continued and really improved, improved by more adequate child care, improved by more adequate health care. The data is pretty clear that many people who are moving from welfare to work are losing their health care after a year. Welfare reform should be improved by maintaining State flexibility and also by helping those who move from welfare to work to work out of poverty and to work into a decent and adequate wage.

So why not sit down and talk about these improvements in welfare reform? Well, the Republican majority here has done on welfare reform what they have done on most important issues: Ram it through, thumb their nose at the minority, including those who very much want to work on an issue, and send it over to the Senate. And like other products here on a very partisan basis, it runs into trouble in the Senate.

And so what is said by the majority here? Oh, it is the Senate's fault, when it was really the failure of the Republican majority here to start welfare reform on a proper, appropriate, and effective track.

Mr. Speaker, the good news is that the extension for 6 months will keep the better part of the welfare reform programs: health care, day care, State flexibility, and the focus on work. The bad news is that we have lost the opportunity to improve, to build on welfare reform, to have a sharper focus on movement of those who leave work out of poverty. Instead, the focus in their bill is really those who stay on welfare being kept busy.

That is not the wise focus for welfare reform in 2003 as it was not in 2002, and I hope 2004 will see their reaching out a hand to talk these things over. If not, I am afraid we will be back here with another extension, and you will point to the Senate controlled by the same party as you are a Member of and will blast the Senate. But that is not very constructive. It is not very useful.

So do not talk about all the hearings you have held, all the witnesses you have heard. Talk about how many minutes you have spent sitting down with the gentleman from Maryland (Mr. CARDIN), who is our ranking member, and the rest of us on the subcommittee to see if we could work out a bill. Tell us how many minutes. The answer is zero.

I say this not really to castigate, but to urge that you give the process a chance. Welfare reform deserves an effort to build a bipartisan and better product. I deeply believe that. So I urge that we vote for this extension, and I also urge that the extension be followed by a true effort at finding a good product for the next phase of welfare reform.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just say in closing, with what the gentleman from Michigan (Mr. LEVIN) said, I concur. I urge my colleagues to support this legislation. Let me just underscore the point, though, in 1996 we got it right. We got it right because we listened to each other, and we listened to the needs, and we realized by doing that we could transform the old welfare system into a system that encourages people to get off of cash assistance and to be employed.

The bill that passed this body is a step backwards. My friend from Pennsylvania said we will not take a step backwards. The legislation that passed that body did that. It was one size fits all. In 1996 we said we would trust local governments, our States, to craft the programs necessary to meet their constituency. Now we are going back, according what passed this body, to one size fits all from Washington. That is inconsistent with what we did in 1996, which was the right way to go.

Secondly, we said in 1996, let people who are on welfare, on cash assistance, get the education and job training they need in order to get permanent employment. The legislation that passed this body takes a step backwards on that, restricting the ability of the States to allow welfare recipients to get the necessary education and training that they need. In 1996 we said they cannot do this unless they provide child care to the States so they could provide help to take care of the children. That is what we said in 1996. And yet in the bill that passed this body, we did not recognize that. Instead, we put unfunded mandates on the States and did not provide the necessary resources for child care. So I would hope that we will use the next 6 months to correct this.

Let me just say in the backdrop, as we are debating this today, the poverty rates in this Nation are actually increasing among children. Our States, almost all have cut their child care money because of their budget problems. The needs for us to act now is greater than it was a year ago when we originally passed the bill in this body. So I would hope that we would look at the current situation. Our States are spending more of their TANF funds every year than they are receiving in the annual authorization. The needs are there.

Yes, let us step up to the plate like we did in 1996. Let us work together in a bipartisan way. Let us be committed to get families not just off of cash assistance, but out of poverty, and if we will sit down and talk together, I am sure in the next 6 months we can come up with a bill we all can be proud of that will be supported by our States. If not, I am afraid the gentleman from Michigan's (Mr. LEVIN) prediction will come true, and we will be again looking at another short-term fix.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

This is indeed a very important piece of legislation which keeps welfare programs that promote work and independence operating from coast to coast. It is important that those programs continue to be funded beyond their current September 30 expiration date. It is unfortunate that we have not yet reached a deal on a full 5-year welfare reform reauthorization bill that promises many improvements to the welfare reform policies now in place. The House welfare bill includes an additional $2 billion for child care so that more parents can work and more flexibility for States to spend their welfare funds, but until we get agreement on such a broader bill, we need to keep today's program operating. That is what this bill does.

I urge all Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3146, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION EXTENSION ACT OF 2003

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3087) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, as amended.

The Clerk read as follows:

H.R. 3087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2003".

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (112 Stat. 116), as amended by this Act, to each State in the ratio that—

(1) the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2003; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2003.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by the amendment made under subsection (d) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $1,166,666,667 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after "2003" the following: "and in the period of October 1, 2003, through February 29, 2004,".

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2004, under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures

under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115) is amended by adding at the end the following:

"(c) ADVANCE AUTHORIZATION.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2003 $13,483,458,333 for the period of October 1, 2003, through February 29, 2004.

"(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2003 shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

"(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2003, through February 29, 2004, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2003, of Federal-aid highway apportionments subject to any limitation on obligations; except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii) 5/12 of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) and allocations, for programs funded under sections 4, 5 (other than subsection (c)), and 6(a) of this Act, of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2004 shall not exceed $14,101,250,000; except that this limitation shall not apply to $266,250,000 in obligations for minimum guarantee for the period of October 1, 2003, through February 29, 2004.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—A State shall not obligate any funds for any Federal-aid highway program project after February 29, 2004, until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in an Act making appropriations for the Department of Transportation for fiscal year 2004.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2004, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program $187,500,000 for fiscal year 2004.

(b) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended—

(i) by inserting before the period at the end the following: "and $114,583,333 for the period of October 1, 2003, through February 29, 2004"; and

(ii) by adding at the end the following: "The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be $5,416,667 instead of $13,000,000.".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: "and $102,500,000 for the period of October 1, 2003, through February 29, 2004".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: "and $68,750,000 for the period of October 1, 2003, through February 29, 2004".

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: "and $8,333,333 for the period of October 1, 2003, through February 29, 2004".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112) is amended by inserting before the period at the end the following: "and $58,333,333 for the period of October 1, 2003, through February 29, 2004".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: "and $15,833,333 for the period of October 1, 2003, through February 29, 2004".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 112 Stat. 185), of funds made available by the amendment made by subparagraph (A)—

(i) $4,166,667 shall be available for section 1064(d)(2);

(ii) $2,083,333 shall be available for section 1064(d)(3); and

(iii) $2,083,333 shall be available for section 1064(d)(4).

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113) is amended—

(A) by striking "and" the last place it appears; and

(B) by inserting before the period at the end the following: ", and $11,458,333 for the period of October 1, 2003, through February 29, 2004".

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113) is amended—

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and $4,583,333 for the period of October 1, 2003, through February 29, 2004".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: "and $2,083,333 for the period of October 1, 2003, through February 29, 2004".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113) is amended by inserting before the period at the end the following: "and $45,833,333 for the period of October 1, 2003, through February 29, 2004".

(B) CONFORMING AMENDMENT.—Section 1214(r) of such Act (112 Stat. 209) is amended by striking "2003" and inserting "2004".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840) is amended by inserting before the period at the end the following: "and $208,333 for the period of October 1, 2003, through February 29, 2004".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223) is amended by inserting before the period at the end the following: "and $10,416,667 for the period of October 1, 2003, through February 29, 2004".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "and" at the end of subparagraph (D);

(ii) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(iii) by adding at the end the following:

"(F) $58,333,333 for the period of October 1, 2003, through February 29, 2004.";

(B) in subsection (a)(2) by inserting after "2003" the following: "and $833,333 for the period of October 1, 2003, through February 29, 2004"; and

(C) in subsection (c)—

(i) by striking "2003" and inserting "2004"; and

(ii) by striking the period at the end of the table and inserting the following:

"2004 .... $1,083,333,333.".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $43,750,000 for the period of October 1, 2003, through February 29, 2004".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $22,916,667 for the period of October 1, 2003, through February 29, 2004".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $8,750,000 for the period of October 1, 2003, through February 29, 2004".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420) is amended by inserting before the period at the end the following: ", and $12,916,667 for the period of October 1, 2003, through February 29, 2004".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $47,916,667 for the period of October 1, 2003, through February 29, 2004".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $51,666,667 for the period of October 1, 2003, through February 29, 2004".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420) is amended—

(A) by striking "2002, and" and inserting "2002,"; and

(B) by inserting after "2003" the following: ", and $11,250,000 for the period of October 1, 2003, through February 29, 2004".

(c) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $100,000,000 for the period of October 1, 2003, through February 29, 2004.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) TERRITORIES.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111–115) is further amended by adding at the end the following:

"(d) TERRITORIES.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands $15,166,667 for the period of October 1, 2003, through February 29, 2004.

"(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(e) ALASKA HIGHWAY.—Section 1101 of such Act is further amended by adding at the end the following:

"(e) ALASKA HIGHWAY.—

"(1) IN GENERAL.—In lieu of the amounts deducted under section 104(b)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Alaska Highway program under section 218 of such title $7,833,333 for the period of October 1, 2003, through February 29, 2004.

"(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(f) OPERATION LIFESAVER.—Section 1101 of such Act is further amended by adding at the end the following:

"(f) OPERATION LIFESAVER.—

"(1) IN GENERAL.—In lieu of the amount set aside under section 104(d)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under such section $208,333 for the period of October 1, 2003, through February 29, 2004.

"(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(g) BRIDGE DISCRETIONARY.—Section 1101 of such Act is further amended by adding at the end the following:

"(g) BRIDGE DISCRETIONARY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $41,666,667 to the Secretary at the discretion of the Secretary to carry out section 144(g) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

"(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(h) INTERSTATE MAINTENANCE.—Section 1101 of such Act is further amended by adding at the end the following:

"(h) INTERSTATE MAINTENANCE.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $41,666,667 to the Secretary to carry out projects described in section 118(c)(1) of title 23, United States Code, for the period of October 1, 2003, through February 29, 2004.

"(2) PROJECT SELECTION CRITERIA.—The project selection criteria in section 118(c)(2) of such title shall apply to amounts made available by this subsection.

"(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101 of such Act is further amended by adding at the end the following:

"(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(h)(1) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary to cover costs of the Secretary described in such section $312,500 for the period of October 1, 2003, through February 29, 2004.

"(2) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101 of such Act is further amended by adding at the end the following:

"(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(1) IN GENERAL.—In lieu of the amount to be deducted under section 104(d)(2) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for elimination of hazards of railway-highway crossings in accordance with such section $2,187,500 for the period of October 1, 2003, through February 29, 2004; except that not less than $104,167 instead of $250,000 shall be available for the period of October 1, 2003, through February 29, 2004, for eligible improvements described in subparagraph (E) of such section.

"(2) Contract authority.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.".

(k) Nondiscrimination.—Section 1101 of such Act is further amended by adding at the end the following:

"(k) Nondiscrimination.—

"(1) Skills training.—In lieu of the amount to be deducted under section 140(b) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section $4,166,667 for the period of October 1, 2003, through February 29, 2004.

"(2) On-the-job training.—In lieu of the amount to be deducted under section 140(c) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary for the administration of such section $4,166,667 for the period of October 1, 2003, through February 29, 2004.

"(3) Contract authority.—Funds made available by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that funds made available by paragraph (1) shall remain available until expended.".

(l) Administration of Funds.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) Reduction of Allocated Programs.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, for fiscal year 2004 for allocation under a program, that is continued both by a law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) Program Category Reconciliation.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2004 for a program category for which funds are not authorized for fiscal year 2004 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 Highway Safety Programs.—

(1) Seat belt safety incentive grants.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking "2001" and inserting "2002";

(B) in subsection (a)(8)(B) by striking "2001" and inserting "2002";

(C) in subsection (b) by striking "2002" and inserting "2003";

(D) in subsection (c)(1) by striking "2002" and inserting "2003";

(E) in subsection (c)(2) by striking "2002" and inserting "2003";

(F) in subsection (f)(4) by striking "2002" and inserting "2003";

(G) in subsection (g)(1)—

(i) by striking "and"; and

(ii) by inserting before the period at the end the following: ", and $46,666,667 for the period of October 1, 2003, through February 29, 2004";

(H) in the heading to subsection (g)(3)(B) by striking "2003" and inserting "2004"; and

(I) in subsection (g)(3)(B) by striking "2003" and inserting "2004".

(2) Prevention of intoxicated driver incentive grants.—Section 163(e)(1) of such title is amended—

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and $50,000,000 for the period of October 1, 2003, through February 29, 2004".

(b) Chapter 4 Highway Safety Programs.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", and $68,750,000 for the period of October 1, 2003, through February 29, 2004".

(c) Highway Safety Research and Development.—Section 2009(a)(2) of such Act (112 Stat. 337) is amended by inserting after "2003" the following: ", and $30,000,000 for the period of October 1, 2003, through February 29, 2004".

(d) Occupant Protection Incentive Grants.—Section 2009(a)(3) of such Act (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", and $8,333,333 for the period of October 1, 2003, through February 29, 2004".

(e) Alcohol-Impaired Driving Countermeasures Incentive Grants.—

(1) Extension of program.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3) by striking "6" and inserting "7"; and

(B) in subsection (a)(4)(C) by striking "and sixth" and inserting ", sixth, and seventh"; and

(2) Authorization of appropriations.—Section 2009(a)(4) of such Act (112 Stat. 337) is amended—

(A) by striking "and" the last place it appears; and

(B) by inserting before the period at the end the following: ", and $16,666,667 for the period of October 1, 2003, through February 29, 2004".

(f) National Driver Register.—Section 2009(a)(6) of such Act (112 Stat. 338) is amended by inserting after "2003" the following: ", and $833,333 for the period of October 1, 2003, through February 29, 2004".

(g) Allocations.—Section 2009(b) of such Act (112 Stat. 338) is amended—

(1) in paragraph (1) by striking "2003" and inserting "2004"; and

(2) in paragraph (2) by striking "2003" and inserting "2004".

(h) Applicability of Title 23.—Section 2009(c) of such Act (112 Stat. 338) is amended by striking "2003" and inserting "2004".

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) Administrative Expenses.—

(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration $71,487,500 for the period of October 1, 2003, through February 29, 2004.

(2) Use of funds.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and technology, regulatory development, and other operating expenses and similar matters.

(b) Motor Carrier Safety Assistance Program.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

"(7) Not more than $68,750,000 for the period of October 1, 2003, through February 29, 2004.".

(c) Information Systems and Commercial Driver's License Grants.—

(1) Authorization of appropriation.—Section 31107(a) of such title is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon;

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

(D) by adding at the end the following:

"(5) $8,333,333 for the period of October 1, 2003 through February 29, 2004.".

(2) Emergency CDL grants.—From amounts made available by section 31107(a) of title 49, United States Code, for the period of October 1, 2003 through February 29, 2004, the Secretary of Transportation may make grants of up to $416,667 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a) of such title.

(d) Crash Causation Study.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770–1771), $416,667 for the period of October 1, 2003 through February 29, 2004.

(e) Contract Authority.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) Allocating Amounts.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1) by inserting "and for the period of October 1, 2003, through February 29, 2004" after "2003";

(2) in paragraph (2)(B) by inserting after clause (ii) the following:

"(iii) October 1, 2003 through February 29, 2004.—Of the amounts made available under paragraph (1)(B), $4,333,333 shall be available for the period of October 1, 2003, through February 29, 2004, for capital projects described in clause (i).";

(3) in paragraph (3)(B) by inserting after "2003" the following: "(and $1,250,000 shall be available for the period October 1, 2003, through February 29, 2004)"; and

(4) in paragraph (3)(C) by inserting after "2003" the following: "(and $20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)".

(b) Apportionment of Appropriations for Fixed Guideway Modernization.—

(1) Special rule for October 1, 2003 through February 29, 2004.—The Secretary of

Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2004 funding made available by sections 5338(b)(2)(A)(vi) and 5338(b)(2)(B)(vi) of such title.

(2) TECHNICAL AMENDMENT.—Section 5337 of such title is amended by striking the first subsection (e), relating to special rule.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of such title is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) by striking "and" at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting "; and";

(4) by adding at the end of paragraph (2)(A) the following:

"(vi) $1,292,948,344 for the period of October 1, 2003, through February 29, 2004.";

(5) by adding at the end in paragraph (2)(B) the following:

"(vi) $323,459,169 for the period of October 1, 2003, through February 29, 2004."; and

(6) in paragraph (2)(C) by inserting after "a fiscal year" the following: "(other than for the period of October 1, 2003, through February 29, 2004)".

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the aggregate of amounts made available by and appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) $2,020,813 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

(2) $20,833,334 shall be available to carry out section 5308 of such title; and

(3) of the remaining amount—

(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

(B) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and

(C) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b) of such title is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) by striking "and" at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting "; and";

(4) by adding at the end of paragraph (2)(A) the following:

"(vi) $1,022,503,342 for the period of October 1, 2003, through February 29, 2004."; and

(5) by adding at the end of paragraph (2)(B) the following:

"(vi) $255,801,669 for the period of October 1, 2003, through February 29, 2004.".

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c) is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) by striking "and" at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting "; and";

(4) by adding at the end of paragraph (2)(A) the following:

"(vi) $24,636,667 for the period of October 1, 2003, through February 29, 2004.";

(5) by adding at the end of paragraph (2)(B) the following:

"(vi) $6,100,000 for the period of October 1, 2003, through February 29, 2004."; and

(6) in paragraph (2)(C) by inserting "or any portion of a fiscal year" after "fiscal year".

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d) of such title is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) by striking "and" at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting "; and";

(4) by adding at the end of paragraph (2)(A) the following:

"(vi) $16,536,667 for the period of October 1, 2003, through February 29, 2004.";

(5) by adding at the end of paragraph (2)(B) the following:

"(vi) $4,095,000 for the period of October 1, 2003, through February 29, 2004."; and

(6) in paragraph (2)(C) by inserting after "a fiscal year" the following: "(other than for the period of October 1, 2003, through February 29, 2004)".

(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through February 29, 2004—

(1) not less than $2,187,500 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than $3,437,500 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than $1,666,667 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $416,667 shall be available to carry out section 5315(a)(16) of such title; and

(4) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e) of such title is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) in paragraph (2)(A) by inserting after "2003" the following: "and $2,020,833 for the period of October 1, 2003, through February 29, 2004";

(3) in paragraph (2)(B) by inserting after "2003" the following: "and $505,833 for the period of October 1, 2003, through February 29, 2004"; and

(4) in clauses (i) and (iii) of paragraph (2)(C) by inserting after "fiscal year" the following: "(other than for the period of October 1, 2003, through February 29, 2004)".

(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through February 29, 2004—

(A) $833,333 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) $833,333 shall be available for the center identified in section 5505(j)(4)(F) of such title.

(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of such title, any amounts made available under such section for such period that remain after distribution under paragraph (1), shall be available for the purposes identified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by inserting "and in the period October 31, 2003, through February 29, 2004" after "2003".

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f) of such title is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) by striking "and" at the end of paragraphs (2)(A)(iv) and (2)(B)(iv);

(3) by striking the period at the end of paragraphs (2)(A)(v) and (2)(B)(v) and inserting "; and";

(4) by adding at the end of paragraph (2)(A) the following:

"(vi) $24,585,834 for the period of October 1, 2003, through February 29, 2004."; and

(5) by adding at the end of paragraph (2)(B) the following:

"(vi) $6,150,833 for the period of October 1, 2003, through February 29, 2004.".

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391–392) is amended—

(1) by striking "and" at the end of paragraphs (1)(A)(iv) and (1)(B)(iv);

(2) by striking the period at the end of paragraphs (1)(A)(v) and (1)(B)(v) and inserting "; and";

(3) by adding at the end of paragraph (1)(A) the following:

"(vi) $50,519,167 for the period of October 1, 2003, through February 29, 2004.";

(4) by adding at the end of paragraph (1)(B) the following:

"(vi) $12,638,333 for the period of October 1, 2003, through February 29, 2004."; and

(5) by inserting before the period at the end of paragraph (2) the following: "; except that in the period of October 1, 2003, through February 29, 2004, $4,166,667 shall be used for such projects".

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of such Act (49 U.S.C. 5310 note; 112 Stat. 393) is amended—

(1) by adding at the end of paragraph (1) the following:

"(F) $2,187,500 for the period of October 1, 2003, through February 29, 2004."; and

(2) in paragraph (2) by inserting after "2003" the following: "(and $708,333 shall be available for the period of October 1, 2003, through February 29, 2004)".

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by inserting "AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH FEBRUARY 29, 2004" after "2003";

(2) in paragraph (2)(A)—

(A) by inserting "and for the period of October 1, 2003, through February 29, 2004" after "2003,";

(B) by striking "or" at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting "; and"; and

(D) by adding at the end the following:

"(iv) a portion of the area was not designated as an urbanized area as determined under the 1990 Federal decennial census and received assistance under section 5311 in fiscal year 2002.";

(3) by adding at the end of paragraph (2)(B) the following: "Each portion of an area not designated as an urbanized area under the 1990 Federal decennial census and eligible to receive funds under subparagraph (A)(iv) shall receive an amount of funds made available to carry out this section that is no less than the amount the portion of the area received under section 5311 in fiscal year 2002.".

(o) Obligation Ceiling.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) $3,042,501,691 for the period of October 1, 2003, through February 29, 2004.".

(p) Fuel Cell Bus and Bus Facilities Program.—Section 3015(b) of such Act (112 Stat. 361) is amended by inserting "(or, in the case of the period of October 1, 2003, through February 29, 2004, $2,020,833)" after "$4,850,000".

(q) Advanced Technology Pilot Project.—Section 3015(c)(2) of such Act (49 U.S.C. 322 note; 112 Stat. 361) is amended—

(1) by inserting "and for the period of October 1, 2003, through February 29, 2004, after "2003,"; and

(2) by inserting "and $2,083,333 for such period" after "$5,000,000 per fiscal year".

(r) Projects for New Fixed Guideway Systems and Extensions to Existing Systems.—Subsections (a), (b), and (c)(1) of section 3030 of such Act (112 Stat. 373–381) are amended by inserting "and for the period of October 1, 2003, through February 29, 2004," after "2003".

(s) New Jersey Urban Core Project.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) are amended by inserting "and for the period of October 1, 2003, through February 29, 2004," after "2003,".

(t) Treatment of Funds.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

SEC. 9. SPORT FISHING AND BOATING SAFETY.

(a) Funding for National Outreach and Communications Program.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by inserting "and" after the semicolon at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following:

"(6) $4,166,667 for the period of October 1, 2003, through February 29, 2004;".

(b) Clean Vessel Act Funding.—Section 4(b) of such Act (16 U.S.C. 777c(b)) is amended:

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3) the following:

"(4) First 5 months of fiscal year 2004.—For the period of October 1, 2003, through February 29, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $34,166,667, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $4,166,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $3,333,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) Boat Safety Funds.—Section 13106(c) of title 46, United States Code, is amended to read as follows:

"(c) Of the amount transferred to the Secretary of Transportation under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), $2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

SEC. 10. BUDGET LIMITATIONS.

(a) Adjustments to Annualized Discretionary Spending Limits.—In the matter that precedes subparagraph (A) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, strike "through 2002".

(b) Discretionary Spending Limits.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Strike paragraphs (1) through (7) and redesignate paragraph (8) (which relates to fiscal year 2004) as paragraph (1) and in such redesignated paragraph strike "(1) with respect to fiscal year 2004", redesignate the remaining matter as subparagraph (C), and before such redesignated matter insert the following:

"(1) with respect to fiscal year 2004—

"(A) for the highway category: $31,834,000,000 in outlays;

"(B) for the mass transit category: $1,462,000,000 in new budget authority and $6,629,000,000 in outlays; and".

(2) Redesignate paragraphs (9) through (16) as paragraphs (2) through (9).

(c) Category Defined.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B) by inserting after "Century" the following: "and the Surface Transportation Extension Act of 2003"; and

(2) in subparagraph (C)—

(A) by inserting after "Century" the first place it appears the following: "and the Surface Transportation Extension Act of 2003"; and

(B) by striking "that Act" and inserting "those Acts".

(d) Conformance With the Concurrent Resolution on the Budget for Fiscal Year 2004.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2004 shall be deemed to be zero.

(e) Sense of Congress on Adjustment to Align Highway Spending With Revenues.—It is the sense of Congress that, in any multiyear reauthorization of the Federal-aid highway program, the alignment of highway spending with revenues under section 251(b)(1)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 should be restructured to minimize year-to-year fluctuations in highway spending levels and to ensure the uniform enforcement of such levels.

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

(a) Highway Category.—Section 8103(a) of the Transportation Equity Act for the 21st Century (2 U.S.C. 901 note; 112 Stat. 492) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) for fiscal year 2004, $34,498,000,000.".

(b) Mass Transit Category.—Section 8103(b) of such Act (2 U.S.C. 901 note; 112 Stat. 492) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) for fiscal year 2004, $7,303,000,000.".

(c) Treatment of Funds.—Notwithstanding any other provision of law, funds made available under this Act, including the amendments made by this Act, shall be deemed to be zero for the purposes of section 110 of the title 23, United States Code.

SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) Highway Trust Fund.—

(1) In general.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking "October 1, 2003" and inserting "March 1, 2004",

(B) by striking "or" at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting ", or",

(D) by inserting after subparagraph (E), the following new subparagraph:

"(F) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2003.", and

(E) in the matter after subparagraph (F), as added by this paragraph, by striking "TEA 21 Restoration Act" and inserting "Surface Transportation Extension Act of 2003".

(2) Mass transit account.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "October 1, 2003" and inserting "March 1, 2004",

(B) in subparagraph (B), by striking "or" at the end of such subparagraph,

(C) in subparagraph (C), by inserting "or " after "Century,",

(D) by inserting after subparagraph (C) the following new subparagraph:

"(D) the Surface Transportation Extension Act of 2003,", and

(E) in the matter after subparagraph (D), as added by this paragraph, by striking "TEA 21 Restoration Act" and inserting "Surface Transportation Extension Act of 2003".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking "October 1, 2003" and inserting "March 1, 2004".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A), by striking "Wildlife and Sport Fish Restoration Programs Improvement Act of 2000" and inserting "Surface Transportation Extension Act of 2003", and

(B) in subparagraphs (B) and (C), by striking "TEA 21 Restoration Act" in each such subparagraph and inserting "Surface Transportation Extension Act of 2003".

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "October 1, 2003" and inserting "March 1, 2004", and

(B) by striking "TEA 21 Restoration Act" and inserting "Surface Transportation Extension Act of 2003".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "October 1, 2003" and inserting "March 1, 2004".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of this Act and ending on February 29, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1515

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003. The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 and ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension. Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation project costs, thus subjecting the Federal Government to breach of contract claims by the States. Moreover, high-wage infrastructure construction jobs, engineers, planners and other related jobs, would be lost. New highway projects will be shelved, safety grants will not be provided to the States, transit construction will be halted, and the Federal enforcement of motor carrier safety regulation on the highways and at the borders will end.

I would like to thank at this time the gentleman from Iowa (Mr. NUSSLE) and his staff for their cooperation in drafting provisions of this bill under the jurisdiction of the Committee on the Budget. I would also like to thank the gentleman from California (Chairman THOMAS) and his staff for their assistance in preparing the provisions in the jurisdiction of the Committee on Ways and Means.

H.R. 3087 provides over $14 billion in contract authority to the States to continue Federal highway programs and over $3 billion to continue grants to transit agencies around the country. It provides $142 million for the Federal Motor Carrier Safety Administration and $125 million to the National Highway Traffic Safety Administration for highway safety grants.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now; all the programs and the operation of the agencies will come to a screeching halt again.

I want to stress my continued commitment to the multiyear reauthorization bill, but I am also committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs. Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent, all with the help of God and everybody else, to introduce a bill before we adjourn this session of Congress. I am working very closely with the ranking minority member, the gentleman from Minnesota (Mr. OBERSTAR), to achieve a bipartisan agreement that will result in the best possible bill.

We expect to produce legislation that is developed in consultation with the Members of this House to solve their transportation problems, provide more equity to the States and reduce gridlock throughout the Nation. In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

I am submitting my full statement for the record, but I want to clarify that while I support the bill that is before the House today, I also introduced H.R. 3088, which was not scheduled. H.R. 3088 would have kept these programs operating through March, and also had a grace period during which the States could have been reimbursed for their expenditures and also could have used some of their unobligated funds.

My personal view is that we should have passed a 6-month extension with a grace period, but I am trying to work cooperatively with the other body and with the leadership. I have been assured today that H.R. 3087 passes, and, when it does, the other body will take it up and pass it without amendment and send it to the President immediately so there are no disruptions of these programs. My support today is based on that assurance. That is the reason I have compromised on the length of the extension and the removal of the grace period for the States. We do not have the time to continue a debate on this extension. It must go to the President immediately and become law.

Mr. Speaker, I rise today to urge immediate passage of H.R. 3087, the Surface Transportation Extension Act of 2003.

The immediate enactment of this legislation is necessary to continue the highway construction, highway safety, transit, motor carrier, and surface transportation research programs within the Department of Transportation for an additional 5 months after fiscal year 2003 ends on September 30, 2003, just 6 days from today.

If Congress does not pass a bill and send it to the President before the end of this fiscal year, four Department of Transportation agencies will close their doors and furlough their employees until Congress enacts an extension.

Failure to pass a bill before the end of September also means that no State will be reimbursed for the Federal share of their transportation projects costs, thus subjecting the Federal Government to breach of contract claims by the States.

Moreover, high wage infrastructure construction jobs, engineers, planners and other related jobs will be lost.

New highway projects will be shelved, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The total amounts provided in H.R. 3087 reflects 5/12s of the budget authority and associated outlays in the 2004 budget resolution that Congress passed this year.

I would like to thank Chairman JIM NUSSLE and his staff for their cooperation in drafting the provisions of this bill under the jurisdiction of the budget committee.

I also want to thank Chairman BILL THOMAS and his staff for their assistance in preparing the provisions in the jurisdiction of the Ways and Means Committee.

H.R. 3087 provides over $14 billion in contract authority to the States to continue the Federal Highway Program and over $3 billion to continue grants to transit agencies around the country.

It provides $142 million for the Federal Motor Carrier Safety Administration to make grants to the States to enforce commercial safety regulations and to continue truck and bus inspections at our southern border with Mexico.

H.R. 3087 provides $125 million to the National Highway Traffic Safety Administration for highway safety grants, occupant protection grants, and alcohol driving countermeasure grants.

This legislation will allow the temporary transfer of funds among core highway programs, to give States flexibility in administering their programs under a short-term extension.

However, the bill provides that any transfers will be restored when the next highway and transit authorization bill is passed.

Although this extension will provide funding for 5 months, on March 1 Congress will be faced with the same situation we face now. All of the programs and the operations of the agencies will come to a screeching halt again.

I want to stress my continued commitment to a multi-year reauthorization bill but, and I also remain committed to introducing a bill that meets the needs and improves our highways and transit systems and provides jobs.

On a national basis, congestion costs more than $67 billion annually—more than 3.6 billion hours of delay and 5.7 billion gallons of excess fuel consumed.

The average driver is losing more than a week and a half of work, 62 hours a year, sitting in gridlock. The average cost of congestion per peak road traveler is $1,160 a year.

For every $1 billion invested in Federal highway and transit spending, 47,500 jobs are created or sustained.

Nearly a third of all fatal crashes each year are caused by substandard road conditions and roadside hazards.

More than 42,000 Americans are killed and 3.3 million are seriously injured each year on the Nation's highways.

Obviously, we have to find the revenues necessary to enact the authorization that best meets the needs of the country.

It is my intent to introduce a bill before we adjourn this session of Congress. I am working cooperatively with my ranking minority member, Congressman OBERSTAR to achieve a bipartisan agreement that will result in the best possible bill. We expect to produce legislation that is developed in consultation with the Members of this House to solve our transportation problems, provide more equity to states, and reduce gridlock throughout the Nation.

In the interim, Congress must pass H.R. 3087 so that these important infrastructure programs and the jobs associated with them can continue.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of H.R. 3087, to extend our highway safety motor carrier safety programs for the next 5 months.

I extend my commiserations to our chairman, who had the honesty and the integrity to say we really should be here doing a 6-month extension. He knows, I know, and we both agreed, and 74 members of our committee agreed in cosponsoring the 6-month extension, that is the right policy to do for this country, and he has labored mightily with the other body, as we affectionately say in this House, to reason, rightly and properly, to get the right policy. But it could not be done, unfortunately.

The bill before us will extend to February 29 the funding for our transportation programs at 5/12ths of the fiscal year 2004 budget resolution. I want to specify those dollar amounts: Highways, $14.73 billion; transit, $3.04 billion; motor carrier safety and National Highway Traffic Safety Administration, $266.32 million; for a total of $18.04 billion.

Members and the State transportation departments that they represent should have no concerns about the continued flow of dollars for our highway and transit programs. We are assuring that those dollars move forward, because we also extend the landmark legacy of TEA–21, which is the budget firewalls guaranteed account, which assures that the dollars collected at the pump will be translated into highway and transit projects on the other side, and that all of those dollars will be invested in the Nation's surface transportation infrastructure, and not to mask the growing size of the Federal deficit.

But this stopgap is no substitute for the long-term bill. We need to work together, as the chairman has said, to fashion the 6-year bill that will be the successor to TEA–21, and that, in my expectation and every reasonable assessment of the Nation's congestion problems, transportation needs in urban, suburban and rural areas, adds up to $375 billion in needs over the next 6 years, a 60 percent increase over TEA–21.

We have the formula with which to do that. We have the Member understanding, the Member resolve and the staff expertise to craft that legislation, get it done, and move forward, lest we come to a point where this statement has yet again to be made: "Time is running out in our effort to reauthorize our Federal highway, mass transit and other related transit programs."

That is taken from a statement I made on this floor, together with then Chairman BUD SHUSTER, March 9, 1998. We had just come to the end of a 6-month extension of our transportation program, of ISTEA. We had crafted a bill in committee known as BESTEA. We were ready to bring that bill to the House floor. But, because of obstructions from the other body, problems with the House leadership and problems with the executive branch at the time, we were bottled up. So we came to this floor at that point to extend those programs 2 more months. They would run out May 1, so we extended it to June 11, and on June 8, President Clinton signed TEA–21 into law.

We have always done our work in this Committee on Transportation and Infrastructure. We work together. We did our job. But there were others who did not do theirs.

I went on to say, "If we do not pass this extension, funds will run out by May 1. States will face the summer construction season without assurance of Federal transportation funds."

We are here recounting the same story.

"We have to move on a multiyear surface transportation bill, but we need to ensure that the bill we produce adequately addresses the Nation's transportation needs. The bill we have crafted in committee provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, to improve mass transit and other alternative modes, enhance safety, protect the environment, and the bill has strong bipartisan support and is a testimony to Transportation Committee Chairman BUD SHUSTER's leadership."

I would say the same, the bill that we can craft in this committee will be a tribute to the leadership of the gentleman from Alaska (Chairman YOUNG) and that of the gentleman from Wisconsin (Chairman PETRI) and our ranking member, the gentleman from Illinois (Mr. LIPINSKI.)

We are at the point we were 6 years ago. We are resolved to move ahead, move ahead resolutely, to do the right thing for public policy, to provide the funding levels that we know are needed by this country to move our transportation system ahead, to attack congestion at its source and to sustain the mobility of this great Nation of ours.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Surface Transportation, who does an outstanding job.

Mr. PETRI. Mr. Speaker, this stopgap measure is needed to give the Committee on Transportation and Infrastructure and our colleagues on the Senate authorizing committees time to finalize the long-term surface transportation authorization bill.

Though much work has been done on the bill, there are challenges remaining, including identifying the needed resources to support a $375 billion level of funding over 6 years and addressing the concerns of donor States who want to get a better return on their contribution to the Highway Trust Fund.

This short-term extension is a must-pass bill. If Congress does not pass a bill and send it to the President before the end of the month, four Department of Transportation agencies will close their doors and furlough their employees: The Federal Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

Without passage of this extension, new highway projects will be shelved, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at the borders will end.

The bill before us provides over $17 billion in new funding authority, which reflects 5 months' worth or 5/12ths of the budget authority and associated outlays in the 2004 budget resolution that Congress passed earlier this year.

Some groups have expressed concern about a provision in H.R. 3087 that allows the temporary transfer of funds among core highway programs to give States flexibility, if needed, in administering their programs under a short-term extension. However, this bill provides that any transfers will be restored when the next highway bill and transit authorization bill is passed.

When this provision was included in the surface transportation extension bill that bridged the gap between ISTEA and TEA-21, nearly half the States did not utilize this authority at all, and every State fully restored all transferred funds. We will monitor this process closely again to ensure that increased flexibility does not lead to funds being used for ineligible purposes, and that funds are not needlessly transferred.

I urge my colleagues to support the passage of H.R. 3087 today. It is vitally important that this bill be passed by both the House and Senate and delivered to the President before September 30. Our economy cannot withstand the shutdown of the national surface transportation program.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Surface Transportation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member, my good friend the gentleman from Minnesota (Mr. OBERSTAR), for yielding time, and I want to state that I rise in very strong support of H.R. 3087. We know why we have to pass this legislation. It is a 5-month extension. We have to keep the projects that are going on continuing to move through the system. We have to continue to keep people working. So there is no doubt in my mind that this bill should be passed, will be passed, and has to be passed.

I believe that we on the Committee on Transportation and Infrastructure, the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI) and myself and the staff on both sides of the committee, have worked very, very hard in producing a 6-year bill. I think we have overwhelming support on the committee for a bill that will generate $375 billion.

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That is what not only we believe is necessary for an adequate bill, but I believe that people in the administration feel that way and people in the Senate feel that way. The Senate itself has come up with a bill of approximately $317 billion. They feel that that is probably the most that we can get.

But I think that most of us in the House on the Committee on Transportation and Infrastructure still refuse to accept the scaling down of this bill. I believe that we can get $375 billion by spending down the trust fund, by collecting the interest into the trust fund that now goes to general revenue, by making a couple of fixes pertaining to the ethanol situation, and by either bonding, indexing, or increasing the user fee, and remember, it is a user fee. No greater American than Ronald Reagan said it was a user fee. He said a nickel for America is not too much to expect.

So we on the Committee on Transportation and Infrastructure on both sides of the aisle I know will redouble our effort between now and the time that this extension expires to bring in a bill that will adequately address the infrastructure and transportation and transit needs of this Republic. I know that the gentleman from Wisconsin (Mr. PETRI) is committed to that, I know that the gentleman from Alaska (Chairman YOUNG) is committed to that, I know that the gentleman from Minnesota (Ranking Member OBERSTAR) is committed to that, and I am certainly committed to that.

So let us move forward with this 5-month extension, but let us redouble our efforts to produce a bill that brings the American people $375 billion.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 3087 to extend current law for 5 months to ensure that our Nation's highways and transit systems continue to operate as Congress deliberates on long-term reauthorization of Federal aid.

I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) for their leadership, as well as the ranking members of the full committee and the subcommittee, for their vision for a transportation program that will not only maintain, but modernize and improve our Nation's ailing transportation system. I know it is not an ideal situation to be here today to consider a short-term extension; but recognizing the difficult issues involved in reaching a consensus on a robust and comprehensive 6-year bill, it is necessary to take this action.

Although I support and recognize the urgent need for enacting this short-term extension, I must reluctantly point out that this legislation ties transportation funding levels to the fiscal year 2004 budget resolution. This means new money will be apportioned to States based on the same inequitable distribution formulas that have disadvantaged donor States such as Michigan for decades. For too long, the State of Michigan has sent more Federal fuel tax money to Washington than it has received in return. In fact, on a 4-year average under TEA 21, Michigan ranks 48 out of all States on the return of Federal highway funds. Michigan is not receiving its fair share.

I continue to be encouraged by the willingness and desire of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) to pursue a plan that achieves equity for donor States such as Michigan as they address the serious infrastructure needs of this country. Hopefully, over the next 5 months, we will make progress on legislation to reach the goal of a 95 percent guarantee for all States. However, regardless of the next course of action at the end of February, it will be unacceptable for any transportation funding to neglect donor State equity.

Again, I look forward to working with the chairmen of the full committee and the subcommittee and our ranking members to address the wide range of issues that they are wrestling with, and I look forward to helping them in any way that I can.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank our hard-working ranking member for yielding me this time, and I thank both of our ranking members and both of our Chairs of our committee and our subcommittee for the diligent work they have put in. I congratulate them on that and on trying to get us as far as we could thus far.

We are on suspension, which is really the only thing we could do, and it probably is the easiest thing we can do; and when you are doing the easiest thing, you have to watch out. Everybody knows that if something happened after 5 months and we were not ready, we would have to be right back here extending this bill. We just have to. We are not going to let a transportation bill expire. That is why I am sorry it is not for 6 months.

I am glad we are doing this on the floor today. For me it is a message for now and it is a message for the future. In this jobless recovery, folks out there need to know that we are working on jobs, and when they hear this bill is on the floor, they think, oh, goodness, at least they are not going to cut off what jobs are still going and maybe there will be some jobs coming. I am terribly concerned about a jobless rate of 6.4 percent, and 6.9 percent in my own district. Among African Americans, it is an amazing 11.5 percent, more than twice what it is for whites, and 5.5 percent for Hispanics, 50 percent higher than it is for whites. I hope we will not forget what this bill means to Americans: roads. Transportation means that we are going to put people to work, and today we are saying that we are trying our best to do that.

Mr. Speaker, I want to second the remarks of our ranking member about funding, the $375 million figure. I have begun to understand that figure as I became a member of the Committee on Homeland Security, and more and more of what I am asking for roads really has to do with security. The money I am asking for really has to do with things like bridges and tunnels because you cannot get out of the District of Columbia the way it is now if there were an emergency.

So I ask us all to focus on this bill, to focus on getting it done now, and to focus on doing what we have to do to get it out at the earliest possible moment.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what the gentlewoman has talked about, about getting out of Washington, D.C. As the gentlewoman knows, I am very sympathetic; and we will be addressing it in the full bill to try to solve some of those problems of having the ability to get the people out of Washington, if necessary, in a quick fashion.

Our biggest goal of, I believe, the gentleman from Minnesota (Mr. OBERSTAR) and members of the committee is to really address the issues of congestion across this whole Nation. I have had the privilege of being in 40 different States in the last 2 years. The gentleman from Minnesota (Mr. OBERSTAR) has traveled with me and the gentleman from Wisconsin (Mr. PETRI). We go across this Nation, and we find a tremendous equal problem in every big city. New York, with all due respect to New York, if that one bridge was blown up, you would have 12 million people stranded with no way to supply. San Francisco and, I would suggest, L.A., Houston. So we have a national problem about congestion and the ability to move product and people to and fro; and it is my hope on this committee, with the members of this committee and with the help of the gentleman from Minnesota (Mr. OBERSTAR) and the staffs which we have, we will work really hard and we will be able to introduce a bill before we break this session that will meet those needs.

Mr. Speaker, if I had full authority, we would not only meet the needs; we would be able to have the money. But under this system, this is a two-tiered system; it has to go from this committee to another committee, and that committee will have the responsibility of trying to raise the funds to meet the needs that we are going to pass out of the committee to do the job for the people, to be able to move the people in case of an emergency, but also to make sure that commerce continues to grow. Without the ability to grow, without the ability to have transportation, our economy will shrink. So that is my goal on the committee, and I am confident we can achieve those goals. The American public wants to do this. I am confident that as time goes by there will be a greater bit of wisdom in certain parts of this great city of ours to understand the needs as I have presented to the committee and the committee will be able to send to the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this.

While I too regret that we are not going to have a longer bill, it is better to allow more time and allow the bipartisan leadership of our committee to craft adequate funding, funding that the people want and Congress will support, if we are able to bring it to the floor, far better than to have an inadequate funding level that we are saddled with over the next 6 years.

One point I want to make this afternoon, however, is that there is a broad coalition of support for the policy structure of TEA 21. It is not broken and it does not need to be fixed. Recently the House sent a strong message when it soundly rejected the weakening of guaranteed funding for transportation enhancement activities as outlined in TEA 21. It would send the wrong message about our commitment if we would allow dollars to be redirected from investments critical in areas like highway safety, transportation enhancement activities, metropolitan congestion, and clean air. These are part of the coalition that are going to permit our leadership to bring a strong package to the floor and get overwhelming support.

So I was concerned about the provision that had State departments of transportation having wider latitude to shift dollars. I am pleased that we are going to be clear that this provision will not extend the transferability clause. I am pleased that there is a commitment to make sure that it does not ultimately result in shortchanging the programs. I appreciate anything we can do to clarify this, because this is the single most important economic development issue, the single most important environmental issue; and, yes, as we have heard, it has critical national security components.

I appreciate the work that is being done within our committee, with our leadership, and I appreciate the ability on the floor today to clarify exactly what the intent is, so we build the coalition, not weaken it, and give the American public legislation that they deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I will insert into the RECORD at this point a letter from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, to myself regarding H.R. 3087.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 23, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation & Infrastructure,
Rayburn HOB, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that the House is expected to consider a five-month extension of TEA21 and concerns have arisen as to whether this would have adverse budgetary implications for highway, highway safety, and mass transit programs when a long-term extension is considered next year.

In particular, concerns have been raised that the Committee on Transportation and Infrastructure would be penalized should the short-term extension expire before the Congressional Budget Office (CBO) releases it baseline projections early next year. As you know, CBO is generally prohibited from assuming the continuation of any expired mandatory program.

I am confident your committee will not be penalized for any temporary lapse in its spending authorities. For purposes of enforcing either the 2004 or 2005 budget resolution, the appropriate baseline would be the baseline underlying the budget resolution. The 2004 budget resolution assumes a multi-year extension of TEA21, and I can assure you that the House budget resolution for 2005 will also assume such an extension and I will work to maintain that position in conference.

Further, it would be my intent, if necessary, to request that CBO produce an alternative baseline that assumes a full year extension and I would use this baseline to develop the FY 2005 budget resolution. Accordingly, it will make little difference as to whether the House ultimately adopts a five- or six month extension. Either way, I will make every attempt to ensure that the operative baseline reflects the continuation of these critical highway, highway safety, and mass transit programs.

If I may be of any assistance as you move this important bill, please do not hesitate to contact me or Rich Meade, Chief of Staff of the Budget Committee, at 6-7270.

Sincerely,

JIM NUSSLE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise to engage the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), in a colloquy.

I am concerned about the transfer authority provided under sections 3(a) and (b) of the bill. This provision, as I understand it, allows States during this interim period to transfer funds from critical highway safety, transportation enhancement, and congestion mitigation and air quality programs. I want to be assured that the real intent of this provision is to give States additional authority for those cases where it is needed on a project-by-project basis to move funds beyond which current law would allow.

Further, it is my understanding that in cases where funds are transferred, section 3(c) specifically requires the restoration of any transferred funds promptly after the date of enactment of any subsequent law reauthorizing the Federal aid highway program, whether it be a short-term extension act or multiyear reauthorization legislation.

Therefore, this transferability provision expires at the end of the 5-month period on February 29, 2004; and any funds borrowed are required to be restored.

I yield to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways, Transit, and Pipelines.

Mr. PETRI. Mr. Speaker, the gentlewoman from California is correct. Section 3(c) specifically states that the transferability provision applies only during this 5-month period, and any funds used will be restored.

Mrs. TAUSCHER. Mr. Speaker, reclaiming my time, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the committee.

Mr. OBERSTAR. Mr. Speaker, I appreciate the issue the gentlewoman has raised. It is identical to the issue the gentleman from Oregon addressed in the well just moments ago.

Although the bill allows States to transfer funds among programs during this 5-month period where they deem necessary, the restoration of any funds borrowed will begin upon enactment of any subsequent law reauthorizing the program, whether a short-term additional extension or a multiyear reauthorization. The restoration of funds is specifically required by section 3(c) of the pending bill.

I further want to make clear that I will not support efforts to change the effect of section 3(c) of the bill to allow the transfer authority to be extended beyond February 29, 2004. I thank the gentlewoman for her vigilance and the gentleman from Oregon similarly.

Mrs. TAUSCHER. Mr. Speaker, I appreciate the help of the gentleman from Wisconsin (Chairman PETRI) and the gentleman from Minnesota (Ranking Member OBERSTAR) on this. I really understand the clarification, and I support the bill.

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Mr. OBERSTAR. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I wish to include in the RECORD the statement I referred to earlier of March 9, 1998 on our previous TEA 21 legislation. I just want to underscore the importance of what we are doing. A very short-term extension, a very short leash on this program. And to also point out how critically important it is going to be for us not only to do our work in the committee which I am confident, absent external pressures, we can accomplish, but also to move that bill through this body and get into conference with the other body and resolve what will be clearly differences between the two Houses; that is going to take considerable amounts of time and effort.

I would ideally like to see in the balance of this year, not just, I am not just talking about the legislative session, but the balance of this calendar year, that this body will stay in session, so that when we do, and I am confident that we will, complete work in our committee on a bill, a 6-year extension, we could bring it to this floor and pass it to this body before the end of this calendar year, so that we are ready to go at the beginning of next year with conference.

But absent that, look at this time frame. We will convene in January. Typically, the House, then exhausted from its holiday recess, will recess again to await the message of the President on the State of the Union. And then having heard that message on the State of the Union, exhausted from the burdens imposed on us by the President, we will recess again and not come back until the beginning of February.

Now, the gentleman from Alaska (Mr. YOUNG) is smiling but he has been here 2 years longer than I, and he knows exactly what happens in this body, and that is exactly what will happen.

So then we will come back here some time in February and hope we can escape from under the burden of the Presidents' Day recess and then pass that bill. And then we will have the blink of an eye in which to conference with the other body and bring a bill back before the end of February.

I am afraid if we do not get this bill done, through this body by the Christmas recess, then we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. So our responsibility is serious, is substantial. We have a big job to do. I am confident we can get it done in our committee. I am just not confident about the overall structure and the time frame remaining in this session.

I do not want to be back on this floor saying again what I said 6 years ago, time is running out.

TIME IS RUNNING OUT FOR A NEW HIGHWAY BILL

(By James L. Oberstar)

Time is running out in our effort to reauthorize our federal highway, mass transit and other related transportation programs. The Intermodal Surface Transportation Efficiency Act of 1992 expired last September 30, and the fund provided by the six-month extension approved in the waning days of the 1997 session will run out by May 1. Without new Congressional action, states will have to face the summer construction season without an assurance of federal transportation funds.

It is imperative we move as soon as possible on a new, multiyear surface transportation bill, but we also need to ensure that the bill we produce adequately addresses the nation's transportation needs. In the House, H.R. 2400, the Building Efficient Surface Transportation Enhancement Act (BESTEA), is pending in the Committee on Transportation and Infrastructure. This bill, I firmly believe, provides the level of funding necessary to build, repair and maintain our crumbling infrastructure, improve mass transit and other alternative modes, enhance safety, and protect the environment. The bill has strong bipartisan support and is a testimony to Transportation Committee Chairman Bud Shuster's (R-Pa.) leadership.

In recent weeks, the Senate has moved ahead on its ISTEA successor, and I applaud my Senate colleagues for that. I also applaud their efforts to increase funding, especially for mass transit programs, and bring the spending levels in their bill closer to those in BESTEA. However, the Senate bill's funding levels rely heavily on budget authority, promises that may or may not lead to actual funding.

In the House, we are working to overcome the spending restrictions imposed by last year's balanced budget agreement. While I support the effort to eliminate the budget deficit, recent projections by the Office of Management and Budget and the Congressional Budget Office have shown that the budget deficit will actually be eliminated this year, years ahead of the schedule anticipated by the budget agreement. Still, Budget Committee Chairman John Kasich (R-Ohio) and others insist on strict adherence to the conservative spending limits contained in that agreement.

To his credit, Speaker Newt Gingrich has formed a task force to look into the issue. The Speaker himself chairs the task force, which also includes Chairman Shuster, Kasich, and Surface Transportation Subcommittee Chairman Thomas Petri (R-Wis.). This task force has been charged with finding a way to make more funds available for transportation programs without violating the integrity of the budget agreement. This is a difficult task, and I wish them success.

In some quarters, this issue is being characterized as an effort to take funding away from education, defense, agriculture and other discretionary programs and spend that money on roads, bridges and mass transit. That is not true. Funding for transportation is drawn from a trust fund dedicated to this purpose.

Federal fuel taxes (currently 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel fuel) are collected from motorists, truckers and other road users for maintenance and enhancement of our transportation infrastructure. These taxes are deposited in the Highway Trust Fund.

The budget agreement, however, maintains a high surplus in the trust fund in order to cover overspending elsewhere in the budget and present the illusion of balance. The Highway Trust Fund was never intended to cover deficits in other programs or to act as a bank for the rest of the government. To allow such an enormous surplus to accumulate in order to spend more money on non-transportation programs is a major breach of faith with users to pay the fuel taxes and expect—and deserve—these funds to be spent for transportation purposes.

As we work to eliminate our federal budget deficit, this country also faces a huge and growing infrastructure deficit. Almost 254,000 miles of highway pavement are in poor condition. One of every three bridges is structurally deficient of functionally obsolete. Nearly one of every two transit rail yards, stations and bridges is in poor condition. Yet, every year federal, state and local governments spend $17 billion less than the amount needed simply to maintain these facilities at their current condition and capacity.

BESTEA would help overcome this infrastructure deficit, authorizing $179.8 billion, a 48 percent increase over ISTEA, for highway programs and $36.7 billion, a 15 percent increase, in transit funding through 2003.

Reauthorization of ISTEA will set our national transportation priorities well into the 21st Century. Chairman Shuster, Chairman Petri, Subcommittee Ranking Democrat Nick Joe Rahall (D-W.V.) and I believe BESTEA continues and improves upon the transportation policies and programs set forth in ISTEA. We will continue to work together and are determined to bring BESTEA to a vote on the House floor in time to rescue the states from the transportation-funding limbo in which they will find themselves in six weeks if we do not act quickly.

Time is running out.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will state that the gentleman from Minnesota (Mr. OBERSTAR) makes a great statement, and I am well aware of what he said about the time frame.

As we know, my druthers were 6 months. That probably would not have solved the problem. But it is my goal to have a bill before this session is closed down, introduced and vetted, and it is our hope that we can do our job as the Committee on Transportation and Infrastructure, and that this House will move a bill over to the other body before the deadline; and I believe we can do that.

Now, whether the other body can achieve its goals with five committees that handle this legislation is another story, let alone the conference. So it is going to be very difficult. But our job in this House, and I hope the gentleman agrees with me, is to do our job and to move the legislation, to move the ball forward, get it to the goal line, and then, hopefully, they will have the wisdom to drive it over and make a touchdown with the help of the other body. If not, unfortunately, we will probably be back here, but that is not my intent. My intent is to achieve that goal. But now we have to pass this, get it down to the President, have him sign it so our highways across this Nation can continue to be built, the jobs will still be in place, and the infrastructure can continue to grow as it needs to be.

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this bill because without enactment of such an extension the current transportation law will expire on September 30, 2003 and it is important that transportation programs and projects continue while Congress continues to work toward their long-term renewal.

However, I am concerned about a provision in this bill that would grant States the ability to transfer unobligated funds between transportation programs during the extension period.

Regional governments in my State have similar concerns. They have let me know that they are worried that shifting funds from transportation enhancement and safety activities, mitigation for metropolitan traffic congestion, and clean air programs could seriously undermine planning activities for these projects and cause critical delays and disruptions.

There appears to be little need or justification for this provision, and I will continue to resist any attempt to weaken guaranteed funding for transportation enhancement activities when the transportation bill is reauthorized on a long-term basis.

In the meantime, I strongly urge the Colorado Department of Transportation to work cooperatively with local entities, particularly the Denver Regional Council of Governments, to ensure that these enhancement programs are safeguarded during the extension period.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to support the temporary extension of TEA–21 if it ultimately produces a robust and substantive six-year reauthorization bill.

However, there are some concerns regarding the 5-month extension of TEA–21.

The Transportation and Infrastructure Committee has traditionally worked in a bipartisan manner. We are the largest Committee in Congress working through several jurisdictions and grappling with, along with transportation, many pertinent issues such as air quality, economic development, health, goods movement and the job creation and economic stimulus just to name a few.

The Transportation reauthorization bill is far reaching and traditionally acts as an immediate economic stimulus to our nation's economy.

As a Committee we are committed to producing transportation reauthorization bill that meets the immediate and long-term needs of the American people.

As a former Speaker of the House once said "All politics are local."

Nothing could be closer to the truth. I would only add that in the case of transportation "all politics are local and so are their transportation funding decisions."

Since the passage of ISTEA, the question of how to meet the Nation's transportation infrastructure needs has been addressed increasingly at the regional and local levels of government.

Local officials have risen to the challenge of maintaining, improving, and expanding the surface transportation system, and their efforts through joint powers of authority have contributed to the highly successful programming of surface transportation projects in TEA–21.

Both ISTEA and TEA–21 fostered that successful programming by delegating greater responsibility to Metropolitan Planning Organizations, a policy further expanded upon by the California State Legislature to ensure a programming partnership between State and local government.

Accordingly, Southern California recognizes the importance of continuing and further expanding suballocation provisions into any extension of the federal-aid highway program.

My concerns are that this extension does not incorporate the suballocation process to adequately address regional transportation priorities. Instead, States are granted flexibility in obligating federal-aid highway funds, potentially jeopardizing local efforts to resolve transportation and air quality challenges.

This provision of State flexibility may produce unintended consequences. Any significant changes in the flow of Federal funds could be detrimental to the region's ability to implement Transportation Control Measure (TCM) projects to alleviate traffic congestion and reduce emissions.

To date, the Southern California Association of Governments (SCAG) region has made great strides in implementing TCM strategies.

Without sufficient transportation control measures, Southern California's air quality conformity status could be jeopardized. A conformity lapse could result in the loss of approximately $8 billion in near-term programming capacity.

What is needed in this extension and in the reauthorization of TEA–21 is the further delegation of programming authority to regions to work directly with their communities in making investment choices that are critical to ensuring safe and efficient transportation systems throughout the Nation.

The extension bill does require that States reimburse localities once TEA–21 is reauthorized.

My further concern is how long can we ask our local and regional transportation entities to do without funding?

We are here today voting on a 5 month extension bill; 5 months from now I do not want to stand here speaking on another extension bill.

We cannot afford to keep putting off our responsibilities to provide adequate and timely transportation funding to the American people and to our constituents.

Finally, I want to reiterate that I support this 5-month extension of TEA–21 if it keeps our national, regional and local transportation needs at the forefront of our Congressional priorities.

All politics are local and so are their transportation funding decisions. We must be prepared to act swiftly and decisively on the reauthorization of TEA–21 when Congress returns to work in January.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a member of the Transportation Committee, I would like to thank Chairman YOUNG, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member LIPINSKI for their leadership as our Committee continues to push a long-term surface transportation reauthorization bill.

I appreciate that they have made this an inclusive process.

Unfortunately, the Bush Administration and the House and Senate Republican leaderships now obstruct our efforts to pass a full 6 year reauthorization bill that we urgently need to bolster our economy and create desperately-needed jobs.

In tonight's Democratic special order, I will talk about the economic stimulus and job creation that Chairman YOUNG's $375 billion dollar bill will provide our sluggish economy.

But right now, I want to highlight a serious concern I have regarding this short term extension.

The extra flexibility given to the States in this extension may create a dangerous challenge to the transportation priorities identified by local officials.

My district is in non-attainment, and the City of Dallas, like every other city in this country, is in a serious budget crunch.

If cities and MPO's do not receive adequate funding—even for a short time—congestion and air quality problems may worsen.

I would like to remind the leadership of the Transportation Committee that I, along with many of our colleagues, will not accept extra flexibility afforded to the States if we have to pass another extension after this one.

Cities and MPO's rely on federal transportation dollars just as the States do, and we should not disrupt a funding distribution scheme that we know works very well.

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 3087 and to offer my continued commitment to passing a long-term surface transportation bill that will adequately fund the transportation needs of our Nation.

Investment in our Nation's transportation infrastructure is central to a strong economy. High-quality roads enable the efficient movement of people and goods throughout the country, facilitate just-in-time delivery and move interstate and international trade across our borders. By contrast, congestion and traffic gridlock cause workers and others to lose valuable time and result in dramatically higher fuel consumption. Improved transit systems contain unban sprawl, promote economic growth and get people to work and to entertainment in a cost-effective, environmentally friendly manner. I firmly believe that a strong investment in transportation infrastructure will provide a stimulus for economic growth at a time when our economy needs a kick start.

An efficently operating transportation system is vital to the economic health of my home State of Michigan. As the global center of the automobile industry, our manufacturers, among others, depend on the ability to ship and receive their products without delay. Manufacturers in West Michigan must be able to get their component parts to their destinations "just in time" for their use in the manufacturing process. This sytem breaks down when delivery trucks are struck in traffic, causing significant lost productivity.

The national economic and social costs of congestion are staggering: $67 billion annually in lost productivity and wasted motor fuel; 3.6 billion hours of delay; 5.7 billion gallons in excess fuel; 1,160 in costs to the average peak road traveler; and more than a week-and-a-half of work (62 hours a year) per worker lost while sitting in gridlock.

My constituents have been calling out for Congress to take steps to stimulate our economy. What better way to do so than to pass a robust, long-term transportation infrastructure bill?

I understand that this short-term extension is necessary to keep our surface transportation programs operating past September 30 and to give us more time to complete our work on a long-term bill. I also understand that this extension will not make major programmatic or funding changes from our current programs. But, I do want to take this opportunity to make one comment about funding equity. Michigan ranks 48th out of all States in terms of the rate of return for all federal highway funds. Michigan currently receives only a 43 percent return for transit funds. Since the inception of the federal highway system in 1956, Michigan has paid $1.71 billion more into the Highway Trust Fund than it has received back, the fourth highest amount among all States. I am a cosponsor of Mr. DELAY'S SHARE bill to mandate a 95 percent rate of return for highway funds for all States, because Michigan needs to get its fair share. I also support the Transportation Committee leadership's reauthorization funding levels because their proposal will help bring equity to transportation funding and help bridge the historic gap between donor and donee States. We must pass a long-term bill that will address the equity needs of donor States and provide necessary improvements to our roads, bridges and transit systems.

I look forward to continuing work with Chairman YOUNG and my fellow Members of the Transportation Committee on the reauthorization of TEA–21.

Mr. LEVIN. Mr. Speaker, I am voting in favor of this bill today because not doing so would cause irreparable harm to the States.

The current highway funding bill expires 6 days from today, and unless we pass this extension, highway and transit programs will effectively be shut down. Passage of the measure before the House will extend the highway program for 5 months, until February 29, 2004.

The reason we are in the unenviable position of passing a short-term extension is due to the intransigence of some in the White House and in the Congress, who refuse to provide the funds necessary for an adequate reauthorization bill that fairly addresses the inequities of the current mechanisms by which the Federal government funds roads and transit in this country.

My home State of Michigan is a donor State, which means it sends more in gas tax revenue to Washington than it receives back in highway funding. For the past 5 years, Michigan has received on average 88 cents back for every dollar sent to Washington. At the same time, 25 States and the District of Columbia receive more than a dollar back for every dollar sent to Washington. The bill we are voting on continues this inequitable formula for another 5 months. It is time to do more to level the playing field.

I have joined 141 of my colleagues in the House in cosponsoring legislation requiring a minimum return of 95 percent for all States. We can bring this policy change about in a number of ways, but the status quo is simply not acceptable.

Mr. Speaker, we are simply passing a stopgap measure today. The time has come for the leadership in this House to buckle down and bring forth a long-term reauthorization bill that provides fair equity to all States and affords them the ability to enact their long-term goals.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3087, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3087.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 375

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 375 is a structured rule providing for the consideration of H.R. 2557, the Water Resources Development Act of 2003. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule provides that the amendments in the nature of a substitute, recommended by the Committee on Transportation and Infrastructure, now printed in the bill shall be considered as the original bill for the purpose of amendments and shall be considered as read. The rule also waives all points of order against the committee amendment in the nature of a substitute. Furthermore, the rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution. It provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2557 is a bill providing for the conservation and development of water and related resources and authorizing the Secretary of the Army to construct various projects to improve rivers and harbors in the United States, and for other purposes.

The bill establishes a traditional 2-year cycle of congressional action to authorize, modify and improve the projects, programs and policies of the Corps of Engineers. It authorizes 13 "Chiefs Reports" on Federal flood damage reduction, navigation, hurricane and storm damage reduction and environmental restoration.

It should be noted, Mr. Speaker, that this bill includes provisions for streamlining and expediting Corps of Engineers project delivery and permits. It also reflects an important consensus agreement on peer review of Corps of Engineers projects.

I am particularly pleased, Mr. Speaker, that the committee has included in the manager's amendment, language permitting the Corps of Engineers employees working at dams in the Pacific Northwest, my area, to participate in wage surveys that are conducted to determine their rate of pay. This important provision would allow these employees the same participation allowed similar employees at dams in the region operated by the Bonneville Power Administration and the Bureau of Reclamation. I appreciate the committee's consideration of my request on this matter.

Finally, Mr. Speaker, the Congressional Budget Office estimates that implementing H.R. 2557 would cost $2.6 billion over the 2004-2008 period and an additional $2.1 billion over the following 10 years. In addition, the CBO estimates that enacting H.R. 2557 would increase direct spending by $17 billion from the 2004 to 2008 period and by $32 billion through 2013.

H.R. 2557 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Federal participation in water resources projects and programs authorized by this bill would benefit State, local and tribal governments, and any costs incurred by those governments to comply with the conditions of this Federal assistance would be entirely voluntary.

With broad bipartisan support, this bill was reported favorably to the House on July 23 by voice vote. Accordingly, Mr. Speaker, I urge my colleagues to support both H.R. 2557 and the underlying rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Mr. Speaker, I am pleased to support the passage of H.R. 2557, the Water Resources Development Act of 2003, and want to begin by thanking and congratulating my colleagues, the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) of the full Committee on Transportation and Infrastructure, as well as the gentleman from Tennessee (Chairman Duncan) and the ranking member, the gentleman from Illinois (Mr. COSTELLO) on the Subcommittee of Water Resources and Environment for their hard work on this legislation.

This bill is the result of thoughtful bipartisan cooperation which is clearly evident in the final product. These colleagues and the committee staff deserve a tremendous amount of credit for tackling some difficult issues in this legislation, not the least of which is the reform of the Army Corps of Engineers project review process.

H.R. 2557 reauthorizes the 1986 Water Resources Development Act for the Civil Works Program for the Army Corps of Engineers.

☐ 1600

The bill authorizes funding for a number of vitally important water resource development programs, studies and projects all across this country.

The Congressional Budget Office estimates the total outlays authorized by the bill for 2004 to 2008 to be $2.6 billion, with an additional $2.1 billion over the 10 years after fiscal year 2008. CBO also estimates that the Water Resources Development Act of 2003 will increase direct spending by $17 million over the period of fiscal year 2004 through fiscal year 2008.

Mr. Speaker, the Army Corps of Engineers is a unique Federal agency in that it performs a broad range of both military and civilian duties. The Corps' civilian duties have traditionally included the construction and maintenance of passable channels and flood control. However, Congress expanded these responsibilities in the early 1990s to add beach erosion control, ecosystem protection, disaster relief, and other activities to their charge.

Today the Corps maintains more than 11,000 miles of channels for commercial navigation, 300 deep commercial harbors and 600 shallow inland harbors. The Corps also manages 33 major lakes and reservoirs and 8,500 miles of levees for flood control. Perhaps lesser known, but equally as important, is the fact that there are 75 hydropower plants at Army Corps facilities that are responsible for producing approximately one-quarter of the Nation's electricity.

Mr. Speaker, my home State of Massachusetts is a State with an abundance of navigable rivers, harbors, lakes and coastline, and I am especially grateful for the work performed by the Army Corps of Engineers. However, I believe the reforms to the Corps' project review and approval process adopted in this bill are not only necessary, but will serve to strengthen the Corps' capabilities.

By establishing an independent peer review system under the direction of the National Academy of Sciences, this legislation ensures that Corps projects will satisfy acceptable economic and environmental standards. The peer review system applies only to projects estimated to cost $50 million or more, which represents roughly 30 percent of all Corps projects. The bill also provides sufficient flexibility and discretion for the Corps to exempt noncontroversial projects from the review process. This is critically important so that the Corps can move quickly on projects that do not have an adverse impact.

The Water Resources Development Act of 2003 also embraces a number of other important reforms to improve the coordination of environmental reviews and enhance the Corps' ability to work cooperatively with non-Federal partners. I am especially pleased that this legislation recognizes the need for the Federal Government to do more for local communities by substantially increasing the Federal cost share for deep harbor dredging to 65 percent and 100 percent for long-term maintenance. This is welcome news to States and other non-Federal partners that are struggling in this economy to leverage the match for these projects.

Mr. Speaker, although the underlying bill is good, and it is a bipartisan project, I personally wish we were considering this bill under an open rule. The majority leader has already cancelled votes on Mondays and has informed this body that it is unlikely there will be votes on Fridays during the entire month of September. It is clear that we have time to consider thoughtful bills like the Water Resources Development Act under an open rule. Yet the Republican leadership continues to close the democratic process by reporting restrictive rules that only make in order a handful of amendments.

While the chairman and ranking member of the Committee on Transportation and Infrastructure and the Subcommittee on Water Resources and Environment worked with a number of Members, including myself, on a variety of issues, not every issue was addressed by the manager's amendment. A number of thoughtful amendments were brought before the Committee on Rules, requesting waivers for their consideration by this body. While the rule does make in order three amendments, the manager's amendment and one amendment each from majority and minority, other amendments were not made in order.

One of these amendments was offered by the gentlewoman from Michigan (Mrs. MILLER). Her amendment would have directed the Department of Transportation to develop regulations to reduce the amount of invasive species that enter the Great Lakes on the cargo ships that travel throughout the region. This is a critically important issue the gentlewoman made clear to the Committee on Rules last night. Her amendment was thoughtful, and I am disappointed that this body will not have the opportunity to debate and vote on it.

However, the underlying bill, the Water Resources Development Act, demonstrates our collective commitment to addressing water resource needs nationally, and it reaffirms our confidence in the Army Corps of Engineers. It was written and considered in a bipartisan fashion, and it deserves the support of every Member of this body.

Once again, I commend the work of the members of the committee, specifically the chairman and the ranking member, on this bill, and I urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I will not take 2 minutes, but I rise in strong support of the rule for consideration of H.R. 2557, the Water Resources Development Act of 2003. This is a good rule and a good bill. All amendments that were submitted were submitted in a timely manner and were germane and made in order.

The reason I rise is to take just a moment to say that there are few amendments because the committee worked hard to address Members' needs in the bill and in the manager's amendment.

I just wanted to commend the staff on both sides for their hard work and long hours that they put in on this bill because, in many cases, groups and Members and staff started out far apart on many controversial issues, but this bill became a real effort and the best of bipartisanship, and we ended up with a very good bill that has flood control and environmental restoration projects, navigation projects, water conservation, recreation and dam safety projects.

So I just wanted to say that I want to commend the Members who worked so hard on this bill, particularly the gentleman from Illinois (Mr. COSTELLO), the ranking member, and the gentleman from Alaska (Mr. YOUNG) our chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, but especially I wanted to say a word about the hard work and long hours that the staff put in on this to resolve many of the very controversial issues, and I also want to thank the Committee on Rules for giving us this time and a good rule here, and I urge support of this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Before I yield back my time, I again want to thank the gentleman from Alaska (Chairman YOUNG), and the gentleman from Minnesota (Ranking Member OBERSTAR), and the gentleman from Tennessee (Chairman DUNCAN), and the gentleman from Illinois (Ranking Member COSTELLO), and the staff of the full Committee on Transportation and Infrastructure for all their work on this bill. This is a good bill, and it deserves to be passed.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this rule and support of the legislation as well, and I would hope, first of all, to congratulate all of those in leadership who have been involved in this. Water issues are so important, and they are also hard to work out at times, and I know the gentleman from Alaska (Mr. YOUNG) has put a lot of time and effort into this, as well as all of those on the committee.

I especially am, of course, supportive of this rule because it makes in order an amendment that I have to this bill that I believe is vitally important to the security of our country and to the American taxpayers. The amendment that I will be offering, and I would hope that my fellow colleagues would consider this very deeply when it comes to the floor, it permits the ports around the United States, does not mandate them, but permits them to put a fee on containers coming in or out of the port, up to $100 per container.

As we move forward with an incredibly expensive goal of modernizing our ports so they will be secure and safe, there is going to be this astronomical cost to accomplishing this goal. The ports themselves do not have the revenue resources necessary to do their part unless we give them a source of revenue. Many of the ports are going to complain, and I understand that some of the ports have actually complained that they do not want the power to even ask for a fee from those people who are using the port facilities, the manufacturers overseas who are using the port facilities to send their containers in and out of the port.

The American people should not have to pick up the entire burden that is required to make our ports safe and to keep our ports functioning in a way. My bill would make sure the people overseas pay their part as well and are able to do so through a fee on the containers coming through the ports.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a member of the Committee on Transportation and Infrastructure.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the time, and I rise today in support obviously of the rule, but also of the underlying bill, and especially the manager's amendment which the gentleman from Alaska (Mr. YOUNG) will bring up later which authorizes a water-related infrastructure project of great interest and need in my district and to my constituents in Imperial County, California.

The New River, and that is the name of the river we are dealing with, the New River has been described as the world's worst polluted river. The river flows from Mexico north across the U.S. border and through my district in southern California. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste and garbage are constantly released into the New River, hundreds of millions of gallons of raw sewage in the New River every year.

It is extremely polluted. It is foamy, foul-smelling. A person would not want their children to play anywhere near this river. It violates water quality standards, and plants and animals cannot survive in much of the river. It continues to threaten the health of the residents of my district and even of undocumented immigrants who use the waterway to try to cross the international border.

A coalition of citizen groups and government agencies in my district, including the Calexico New River Committee, has developed a feasible plan that will significantly improve the quality of water that flows through this community. They need to be supported, and this bill, which authorizes the Nation's water-related projects, would authorize $10 million to make sanitation improvements to this river. It is an extremely important first step in the process in enhancing the water quality of the New River, enriching life in our community and making a healthier home not only for the human beings, but for fish and wildlife.

So for the sake of my constituents at the U.S.-Mexico border, I urge my colleagues to support the manager's amendment and pass this bill.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2557.

☐ 1612

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge all Members to support H.R. 2557, the Water Resources Development Act of 2003. Under the great leadership of the gentleman from Alaska (Mr. YOUNG) our committee has focused on the need to meet our Nation's navigation, flood control and environmental restoration needs.

In our subcommittee, we have held numerous hearings in which witnesses have testified about the importance of these water resources projects to our economy. Just last week, our subcommittee held a hearing on the contributions of ports and inland waterways to the Nation's intermodal transportation system. It is clear from the testimony we received that if we do not take action now to improve our ports and waterways, we could severely harm our economy as a result of congestion in our transportation systems.

That is just one reason why we need to pass the Water Resources Development Act of 2003. There are many other reasons.

Each of the over 400 provisions of the bill meets an important national purpose. We are confident of this because for each request the committee received, the committee consulted with the Corps of Engineers to ensure that there was a Federal interest in the project and that the request complied with all rules on cost-sharing and cost-benefit analysis. Obviously not all requests met this standard, but after this review, the committee was able to approve over 60 authorizations, modifications, studies and policies relating to navigation improvements, over 100 flood control authorizations, modifications and studies, over 80 environmental authorizations, modifications or studies.

H.R. 2557 also includes some important new policies. H.R. 2557 encourages watershed planning by authorizing greater technical assistance to State and local governments and authorizes an additional 24 watershed studies.

☐ 1615

This bill encourages the Corps of Engineers to carry out projects in partnerships with its local sponsors and to streamline the process for entering into agreements with local sponsors. In fact, this bill has very good streamlining provisions in it so that these very important projects, instead of sometimes taking 8 or 10 or 12 years, hopefully can be done in a much shorter time, saving taxpayer money and saving lives and doing good things for the environment in the process.

H.R. 2557 includes important provisions that allow the Corps of Engineers to help expedite environmental permits for non-Federal water resource projects as well as streamlining approvals for its own projects. And that, as I said, is one of the most important parts of this legislation.

H.R. 2557 includes consensus provisions on peer review of certain Corps of Engineers studies. This is a landmark provision in this legislation. It also includes, Mr. Chairman, 27 shoreline and streambank protection projects, 16 water conservation projects, 12 recreation projects, 12 dam safety projects, and many other projects too numerous to name.

This bill has been put together on a true bipartisan basis. There are no Republican or Democrat navigation, flood control, or environmental restoration projects. We all recognize that communities across the country have water resources needs, very important water resources needs. This bill responds to those communities, our constituents.

I want to recognize the assistance and expertise and friendship provided by the ranking member of the subcommittee, the gentleman from Illinois (Mr. COSTELLO). Thanks to his efforts and the efforts of the gentleman from Alaska (Mr. YOUNG), chairman of the full committee, and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), as well as the entire committee, we tackled some very contentious issues, as I mentioned when I spoke on the rule; and we have come together on a bill that has the unanimous support of the Committee on Transportation and Infrastructure.

Mr. Chairman, this is a good bill, and I urge all Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2557, the Water Resources Development Act of 2003. This bill addresses what Congress failed to do last year, enact a Water Resources Development Act for 2002.

Mr. Chairman, the Committee on Transportation and Infrastructure strongly supports this legislation for the corps' water resource program. It is critical to maintain this 2-year cycle to provide continuity to the program and certainty to the non-Federal local sponsors who support the corps' program. This 2-year cycle also affords Congress the opportunity to monitor and, if necessary, amend the workings of the corps' program, often in response to changing circumstances.

H.R. 2557 authorizes projects for the entirety of the corps' civil works program. It includes flood control, navigation, environmental restoration, and authorizations for several important projects to restore and enhance the Nation's environmental infrastructure. In developing this legislation over the past 3 years, the committee received over 300 individual requests from Members for projects of importance to the various regions of this country. The committee tried to accommodate as many requests as feasible within the jurisdiction and authority of the Corps of Engineers.

Mr. Chairman, I would like to take this opportunity now to acknowledge and thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), and in particular my colleague, friend, and chairman of the subcommittee for all of their hard work and their leadership. Without their leadership, support, and work we would not be here today. The gentleman from Tennessee (Mr. DUNCAN) in particular, let me say, showed a willingness to work with individual Members on both sides; and we were able to put together what I believe is a good bipartisan bill.

The tough issue of independent review, which yielded a bipartisan solution to a very complex issue of great importance to the members of the committee and the entire House and to the improved operation of the corps' civil works program was accomplished because of this bipartisan support and their leadership.

The independent review language that is included in H.R. 2557 creates a firm, yet flexible, standard for the independent review of corps project studies. It is firm in that it establishes a $50 million threshold for projects to be reviewed. It is flexible in that the chief of engineers has the opportunity to exempt certain projects from review and retains the authority to time the reviews to a particular circumstance of an individual project study. This approach is the key to this bipartisan proposal.

Including this language in the bill will ultimately improve the corps' program. It will result in better recommendations for the Committee on Transportation and Infrastructure to consider when developing future water resource legislation. I believe also that it will save the taxpayers money and it will enhance the quality of investment in water resource projects.

I urge all of my colleagues to support the legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, without whose support and hard work this legislation would not be here on the floor today.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time, and I will compliment the gentleman from Tennessee (Mr. DUNCAN) for his hard work and that of the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Minnesota (Mr. OBERSTAR) on this legislation. It is a bipartisan piece of legislation, and I am very pleased today that we are considering it because this has been delayed for numerous years.

I also would like to thank the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. MATSUI) for their good work and their understanding, because that is one of the roadblocks we had, and they were able to sit down and work out a solution to a very complex problem in their State. In California, I feel sorry for them because there are 53 of them, and so they have a real problem. In Alaska, there is only one of us. If I start arguing with myself, I know it is a problem; but these gentlemen were able to get together, and I want to compliment them.

As I said, this bill has been stalled for 2 years, but we got together and we have been able to get past the rhetoric, identify real issues and come up with workable bipartisan solutions that will actually help the Corps of Engineers carry out its mission. This negotiation involved a lot of give and take, as I just mentioned. The result does not represent my initial positions nor those of the gentleman from Minnesota (Mr. OBERSTAR), and that is the nature of compromise.

The compromise language gives the Corps of Engineers the tools it needs to improve and expedite water resource projects. These provisions earned the support of all the members of the Committee on Transportation and Infrastructure and deserve the support of all Members of this House.

Now that the debate over corps reform is past us, both the Congress and the Corps of Engineers can focus on meeting the Nation's navigation, flood control, and environmental restoration needs to provide economic and national security to improve our quality of life.

I know some will complain about the cost of the Corps of Engineers projects, but these investments are critically important to the economy. Over 13 million jobs are dependent on trade, but our harbors are not ready to meet the increasing demands of international trade.

Our farmers and our electric utilities depend on efficient waterways to move grain and coal, but over half are over 50 years old and two have been operating since the 19th century. And may I stress this again. Our goal in this committee is to relieve congestion. We must use our waterways to the best of our ability, as they are doing in other countries.

Many communities along the rivers and shores are not protected from hurricanes and flooding, even though the cost of recovering from a flood is an average six times greater than the cost of investing in the infrastructure needed to prevent those damages.

Finally, there are worthwhile environmental restoration projects to provide both environmental and economic benefits. The Water Resources Development Act addresses the needs in communities all over the country.

Again, I want to thank the Members that worked on bringing this bill to the floor. It is a bill that can do the job for the Nation. I am very, very excited about having this legislation on the floor today.

Mr. Chairman, there will be two amendments. My understanding is that one amendment will be offered and withdrawn. The other amendment, and I hope everybody listens very carefully, because I do have concerns about the effect on our ports, but we will discuss that in debate on those amendments and hopefully listen to all the arguments and then make the right decisions.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman and want to compliment the gentleman from Illinois on the splendid work that he has done since becoming the ranking member on the Subcommittee on Water Resources and Environment. He has devoted himself heart and soul and invested countless hours in the shaping of this legislation, and I really appreciate the splendid professional service he has rendered to the Nation and to the Congress.

And to the Chair of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), no more judicious, thoughtful Member serves in this body. His contribution is always one of openness, inclusiveness, and willingness to listen and work to reach the compromises necessary for the legislative process to work.

And to our chairman, the gentleman from Alaska, again, as he has said, we have spent a great deal of time together working out the complexities of this measure. Were it up to us alone, we would have had this bill on the floor in the last Congress, but that was not possible because of a California problem, and maybe some other issues of lesser significance. But as the chairman said, we have together reasoned with the Members from California directly involved in the project in the Sacramento and American Rivers, and that matter is now resolved and is included in this legislation, and we will move forward. The gentleman from Alaska has been a splendid partner and leader in shaping this legislation.

Mr. Chairman, we move with this bill to not only build but rebuild the Nation's water infrastructure, to expand international trade by improving our coastal ports and the inland navigation system. Through flood control and hurricane storm damage reduction, we will meet critical needs to protect lives and property.

We have a bipartisan solution to the complex issue of independent review of corps projects, and I compliment the gentleman from Illinois (Mr. COSTELLO) and the chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN), on the time they have invested, together with the chairman and me and with the corps, in resolving long-standing issues that span several Congresses.

I am a long-time supporter of the corps, an advocate for and admirer of the Corps of Engineers for the valuable service it does this country. The Nation needs the Corps of Engineers, but the corps also needs to be sure that its proposals can withstand the strictest scrutiny; that its proposals are as rock solid as the foundations of the most secure dams that the corps builds. And that is why we needed to craft this independent review process, to validate and give substance to and authority to the process by which the corps recommends projects for our committee to act upon.

This independent review process will help restore the confidence that Congress has long put in the Corps of Engineers but which has been shaken in recent years by outside critical review of the corps' process in evaluating major, multimillion dollar and multibillion dollar projects.

The corps is not a static entity, and it does not do this work all by itself. The corps, truthfully, does nothing that the Congress does not authorize it to do and direct it to do. Every water resources bill has clear direction for the Corps of Engineers, what to do and how to get to that goal. And several times we have acted to make commonsense reforms to improve the way the corps does its business.

Our committee instituted cost sharing. We established mitigation requirements. In fact, going back to 1977, the gentleman from Minnesota, then on the Republican side, Mr. Quie, and I, had an innovative proposal for the corps to do mitigation and reconstruction concurrently. We gave the corps a no-net loss of wetlands goal. We made environmental restoration a mission priority for the Corps of Engineers. We instituted floodplain management. We eliminated barriers to nonstructural flood damage reduction, allowing rivers to connect with the natural floodplain. This committee has initiated all of these activities and the corps has carried them out, but we always need to review and to move that process further.

Over the past 200 years, the Congress and Presidents have given the Corps of Engineers responsibility for a wide variety of critical military and civilian needs and have made this agency the world's premier water resource manager, the Corps of Engineers, the envy of other countries around the world who come to study the corps and try to emulate it in some fashion in their own back yard.

□ 1630

In the over 200 years since the Corps of Engineers was formed, that organization has served the Nation with great pride and extraordinary results. Throughout the 19th Century, it was the Corps that mapped the coastal fortifications, supervised the construction of those coastal fortifications, that went out and mapped the West in the aftermath of Lewis and Clark, constructed lighthouses, built jetties and piers for harbors, and carefully mapped the navigation channels of this country.

Its most important legacy, perhaps, was the work on canals, on rivers, and on roads. The Corps built those paths of commerce. Out of treacherous streams, the Corps built safe waterways, water highways for inland navigation and coastal safe harbors for a growing Nation that was founded on the water.

Congress expanded the Corps's responsibilities in 1826, authorizing the President to have river surveys made to clean out and to deepen selected waterways and make other river and harbor improvements that extended to the river basin of the Ohio, the Mississippi, and the Missouri River systems.

The Corps shaped this Nation as it entered the 20th Century. Chief of Engineers, Henry M. Robert, who is also and perhaps better known as the author of Robert's Rules of Order, oversaw the planning of the Galveston Seawall, a major engineering project that has protected that area from destruction by numerous hurricanes since his pioneering work.

I would like to point out Hiram M. Chittenden, an engineer officer, who supervised the construction of roads, bridges and aqueducts we know today as Yellowstone National Park, wrote a report on his survey of reservoir sites in Wyoming and Colorado that contributed to the establishment of what we now today know as the U.S. Bureau of Reclamation.

The Corps of Engineers had responsibility for the welfare of restoring Yosemite Valley and was the protector of our natural resources until the creation of the National Park Service. In fact, it was John Muir, founder of the Sierra Club, who in the 1880s said, "Thank God for the U.S. Army Corps of Engineers. They have saved and restored Yellowstone Park."

I will conclude by saying that this extraordinary agency is today at work not only at home, but in Afghanistan and in Iraq, ever protecting the long-range best interests and needs of the United States. This bill will assure that the Corps will continue to do that work in a manner of great credibility for the public.

George W. Goethals' early work at Davis Island and Muscle Shoals created the skills and management expertise needed to successfully finish the Panama Canal. Although the Panama Canal was not built by the Corps of Engineers, through the efforts of engineer officers such as Goethals, who were detailed to the Panama Canal Commission, some of the most difficult construction obstacles were overcome. If the Corps' original recommendations on the size of locks had been followed, there would be no need to expand the canal today.

The Corps' military and civilian functions have always been mutually supportive. Thousands of engineers troops served in France in 1917 and 1918, contributing to both front-line and rear-support efforts. The combat engineers constructed bridges, roads, and narrow-gauge railroads at or immediately behind the front. Other engineer troops enlarged French port facilities, constructed more than 20 million square feet of storage space, and built 800 miles of standard-gauge rail lines, plus an equal distance in yards and storage tracks. These types of contributions continued through World War II.

After World War II, the Corps developed and maintained new navigation systems such as the American portion of the St. Lawrence Seaway. At the same time, modernization of existing waterways became a growing concern. Heavier tows, barges, and other vessels plied the nation's major rivers. Locks such as those on the upper Mississippi, built mainly in the 1930s, were no longer adequate to handle the traffic. Lock and Dam 26 near Alton, Illinois, was the principal bottleneck on the upper Mississippi system until a new lock was constructed in the 1980s.

Corps' construction activities since World War II have been further expanded. The Corps built Veterans Administration hospitals; Nike, Atlas, Titan, and Minuteman missile sites; NASA facilities, including the massive vehicle assembly building at Cape Kennedy; post offices and bulk mail facilities; and armed forces recruiting centers.

Successes at home were matched by the Corps' accomplishments abroad. The Corps provides technical assistance in conjunction with economic aid in an approach that came to typify many American foreign assistance programs.

Since the 1950s, the Corps has engaged in major engineering studies and projects in many countries. Under terms of the Foreign Assistance Act of 1961, the Corps began work in reimbursable programs through the State Department's Agency for International Development (AID).

Today, the Corps is active in both Afghanistan and Iraq.

In foreign affairs, we need instantly available, in-house capabilities to address the Nation's strategic needs. Domestically, only the Corps has the experience to balance economic development with environmental stewardship.

I urge my colleagues to support H.R. 2557, the Water Resources Development Act of 2003, and to continue the quality work of the Corps of Engineers in service to the Nation.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I very much wish to thank the gentleman from Alaska (Mr. YOUNG) and his staff and the gentleman from Minnesota (Mr. OBERSTAR) and his staff and also the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from California (Mr. COSTELLO) and their staffs for helping us on this bill.

As the economy begins to revive in this country, I am delighted that we can pass WRDA. It will do a great deal to help the economy but also to help all the communities throughout the Nation that will receive improvements under this bill.

We have struggled for many years in the Sacramento region to find a common solution to the water management problems that we have. And I am very pleased to be here today and to say that we have reached an acceptable compromise. The gentlemen from California (Mr. MATSUI) (Mr. OSE) (Mr. POMBO) and I represent various parts of the Sacramento region and have reached a compromise that will address both water supply and flood control.

We could not have done this without the help of all the members and their staffs who lead this committee. I really appreciate that. It is a great effort. It will be of immeasurable benefit to our region.

Mr. Chairman, I am very pleased to lend my support for this piece of legislation.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, first of all, I would like to take this moment to thank the gentleman from Alaska (Mr. YOUNG) for the work that he has done on this bill along with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). The work that they have done in terms of putting this legislation together, the Corps reform proposals, the legislation, and, obviously, the projects, will go a long way in making sure America remains strong in terms of our infrastructure.

I would also like to thank Chairman YOUNG and ranking member OBERSTAR and their staff along with the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) for the wonderful work that they have done in helping the gentleman from California (Mr. DOOLITTLE), myself, and the regional members in the northern California area put together, obviously, a piece of legislation within this bill that would take care of many of the water needs that the gentleman from California (Mr. DOOLITTLE) and I have been concerned about over the years with respect to Sacramento County and the American River watershed.

We had a major flood problem in 1986, and then another in 1997, which almost broke our levee system. And as a result of that, the Corps of Engineers has come up with a chief report that would raise the current Folsom Dam by some 7 feet and, obviously, shore up the American River levee system.

Due to the efforts the members that I just mentioned, obviously, we have put together a proposal that would take care of both water needs and, certainly, the needs of the people in the County of Sacramento.

So I just want to take this moment to thank again the members, particularly the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for working out this proposal with the gentleman from California (Mr. DOOLITTLE), myself and the regional members from our area.

Again, I want to make that effort because obviously this is a matter that has been going on for 20 years. I want to thank all members involved in this process.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of H.R. 2557, the Water Resources Development Act, and I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Tennessee (Mr. DUNCAN) for their strong leadership on this measure. This legislation is vital to my district in northeastern Oklahoma. Among many provisions of this legislation is language authorizing improvements to the McClellan-Kerr Arkansas River Navigation System. This legislation will allow an extension in depth from its current 9 feet to 12 feet.

This extension represents a significant step in economic development and job growth in northeastern Oklahoma. Just the increase in depth from 9 to 12 feet means that barges can carry 40 percent more cargo.

Mr. Chairman, there are over 65 industries on the Oklahoma segment of the navigation system providing direct employment for over 4,000 people. The annual payroll for these hardworking Oklahomans is more than $85 million a year. Over the past 25 years, the navigation system has created 54,000 jobs, paying an average of $78 million annually. The Tulsa port of Catoosa is home to a foreign trade zone and 42 countries have traded in our area via this navigation system. The expansion of the McClellan-Kerr system brings remarkable prospects for jobs, growth and development.

Not only will this legislation build up current businesses, but will allow Oklahoma to go after new businesses such as Boeing. The passage of this measure is part of my commitment to bring industry and quality jobs to Oklahoma. It is good news for hardworking Oklahomans and a cornerstone of our economic recovery.

Mr. Chairman, I cannot emphasize enough the importance of H.R. 2557, and I urge my colleagues to join me in my support for this measure.

Mr. COSTELLO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the subcommittee.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the work of the gentleman from Illinois (Mr. COSTELLO), as well as our chairman, the gentleman from Tennessee (Mr. DUNCAN). It has truly been one of the pleasures for me this Congress, watching the work that has been done in the subcommittee developing a broad range of inputs, looking with fresh eyes at some of the most important environmental and infrastructure issues that the country faces.

I am pleased that we now have a bill that is done right, which can enhance our country's ports, navigation and flood control, as well as the environment, and, ultimately, I am convinced will save the taxpayers money.

We are finally dealing with a number of Corps reform issues that heretofore had bogged down previous bills, including last year's bill. We now have, as has been referenced, independent review of costly and controversial projects, one of the key issues for me over the course of my tenure on this committee. And we are beginning a conversation about updating the Corps' principles and guidelines. These operating principles have not been updated in 20 years. The facts are that we have learned a great deal about our water resources projects, what works and what does not, in that time, and I look forward to working with our committee leadership, especially since the National Academy of Science is set to finish a report on updating the principles and guidelines this fall.

I am pleased that there was an amendment that I offered adopted to give the Corps more flexibility in its planning process to take into account economic benefits of environmental restoration and environmental benefits of economic restoration. It asks the Corps to calculate the residual flood risk of a project, such as downstream impacts of a structural project like a levee. Our intent is to encourage the Corps to be able to do more nonstructural flood control projects which are clearly beneficial for the environment and the taxpayers, even though these benefits are sometimes more difficult to calculate.

This bill does take important steps that I think will help enhance the credibility of the Corps of Engineers. I must caution, however, that we have got to be continuing our work on the independent review process. It is not exactly as I personally would design it. It gives a bit more discretion, frankly, to the Chief of Engineers and the Secretary of the Army than I think is helpful in terms of providing that clear picture that is important for the integrity of the Corps, but I think this is an important start.

I have some concerns about environmental streamlining provisions. I am all for dealing with ways that can shorten the planning and construction process, but not at the expense of the benefits that are required. Reports from the National Academy of Science show that delays in Corps projects are often caused by their complexity and inconsistent funding; and, occasionally, frankly, we run into problems because people try and jam through things and not follow the process, which creates problems in the long run.

Last but not least, I am very concerned about protections for destruction of our Nation's wetlands. I plan on coming back and speaking on an amendment offered by the gentleman from Wisconsin (Mr. KIND). But on balance, I think this bill moves us in the right direction. It starts a conversation about refining some important areas, and it is testimony to the hard work of our committee leadership in allowing us to come together and do the legislation the people deserve, which I appreciate.

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT) for the purpose of engaging in a colloquy.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time, and for including in the manager's amendment language authorizing construction of a second aquatic invasive species dispersal barrier on the Chicago Ship and Sanitary Canal. I also thank the chairman for authorizing a study of and construction of needed improvements to the existing, temporary barrier.

As the chairman is aware, these barriers are the last line of defense against an aggressive aquatic invasive species called the Asian carp. This menace is now well within 50 miles of Lake Michigan and approaching fast. I very much appreciate what the committee has done in this bill to halt the spread of invasive species like the Asian carp.

I remain concerned, however, about the cost-sharing requirements and the burden on the State of Illinois. I do not want anything to delay the timely construction of a better permanent barrier.

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Mr. DUNCAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, the Corps of Engineers is currently evaluating a test barrier that was authorized under the National Invasive Species Act in 1996. At the same time, the Corps is studying the potential of building a second barrier under a continuing authority for small projects. I will work with the gentlewoman and be glad to do so to see that this project is not delayed.

This is a serious matter that involves the missions of several Federal agencies and impacts the entire Great Lakes region. The committee plans to work on a reauthorization of the National Invasive Species Act during the next session. I am willing to work with the gentlewoman as we work on that legislation to encourage a regional and multi-agency response to this problem.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for his response, and I look forward to working with him to see that the Asian carp, and other species like it, do not make it into the Great Lakes.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I thank the chairman and the gentleman from Illinois (Mr. COSTELLO), ranking member, and certainly the gentleman from Minnesota (Mr. OBERSTAR), et cetera.

I rise today to speak in favor of the Water Resources Development Act and to share with my colleagues an experience that I have had in Indianapolis, Indiana of the transformative power of this legislation. As this poster will reveal, it is almost like a tale of two cities, what used to be the worst of times and which is now the very best of times because of the incredible assistance that we received in Indianapolis, that we benefitted from funding from the committee, and in August of 2002 the gentleman from Oregon (Mr. BLUMENAUER) was in Indianapolis; the gentleman from Minnesota (Mr. OBERSTAR) was there just a couple of months ago. I was happy to share my experience with my constituents and my colleagues and countless other visitors who have come. We can tell before we received the water appropriation for Indianapolis, the picture to my right revealed the old city that had the dilapidated landscape. The walls of the waterfront were sort of falling down. And because of the yeoman's work of the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Illinois (Mr. COSTELLO), ranking member, and the gentleman from Minnesota (Mr. OBERSTAR), we have been able to transform the city. And I thought it was imperative that I came down and said thanks on behalf of the city to these incredible, wonderful gentlemen who were very beneficial in seeing to it that we got the appropriation, and now that we have the White River there that will carry commerce back and forth from the Ohio River and connecting us to the rest of the world.

From the days we have come a long way, finally turning our attention to the river, and I just wanted to thank them so very much, everybody that was involved in ascertaining that this happen.

Mr. DUNCAN. Mr. Chairman, I thank the gentlewoman from Indiana for her kind words.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Ms. HARRIS), another member who has worked hard on certain parts of this legislation.

Ms. HARRIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my vigorous support for the Water Resources and Development Act, particularly in view of the essential reforms it contains. In my home State of Florida and across America, coastal communities rely upon effective flood control and the maintenance of navigable channels as their economic lifeblood. For example, Port Manatee, which is served by a federally maintained channel, is an essential economic engine for southwest Florida. According to a study conducted by Economic Research Associates, the port supported more than 22,000 jobs in 2002, while contributing in excess of $2.3 billion to the local economy. A successful partnership between the Army Corps of Engineers and the port's local leadership in dredging and expansion of the harbor helped produce these stunning economic achievements.

Nevertheless, the protection of sensitive ecosystems remains essential to preserving our quality of life in Florida. Additionally, our achievement of this goal has become indispensable to the health of our number one industry, tourism. Thus we simply cannot afford to neglect our infrastructure nor our environment. Fortunately, the Water Resources and Development Act strikes an effective balance between these purposes. The act mandates additional project development reform, while imposing more requirements that directly mitigate the impact of projects upon fish and wildlife.

Further, the act removes several impediments to the creation of partnerships between the Army Corps of Engineers and non-Federal sponsors. This reform will not only expedite project execution, it will engage the expertise of our local communities, which know best how to protect our sensitive ecological areas.

An outstanding partnership between the Army Corps of Engineers and the City of Bradenton received the Hammer Award from former Vice President Al Gore, due to their outstanding efforts in connection with flood control projects on Wares Creek in Manatee County. Working together, the Gore and the city of Bradenton saved taxpayers more than $600,000 by accelerating the start date of this project by 2½ years.

This reauthorization measure reaffirms the Federal Government's commitment to shoreline protection. Regrettably, the argument persists that the Army Corps of Engineers should not engage in beach nourishment projects. This perspective appears rooted in the erroneous assumption that such projects constitute a taxpayer-funded tourist entitlement.

Quite to the contrary, beach nourishment provides an economical solution to storm damage, while protecting shorefront structures and critical wildlife habitats from the punishing effects of future hurricanes and tropical storms. As we assess the effect of storms like Isabel, we must consider every possible means of reducing their costs. In my district, beaches such as Lido Key in the city of Sarasota routinely endure the effects of the storms that batter our region.

Mr. Chairman, the Army Corps of Engineers is prepared to apply the valuable lessons we have learned from the mistakes committed in the Everglades and other areas. The Corps has adopted environmental operating principles, while expanding its professional development programs that focus upon environmental protection. We must provide them the tools they need to secure the future of our coastal communities.

Mr. COSTELLO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, first let me thank the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Tennessee (Mr. DUNCAN) for their work on this important legislation and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR).

They have brought out a well-balanced Water Resources Development Act, and we appreciate that. This is a good bill for our Nation. It is a good bill for the people that I represent, and I thank them very much for their courtesies.

I particularly wanted to mention a project authorized in the manager's amendment to restore the stream ecosystem of the Gwynns Falls in Baltimore City. This is a complicated project that has been under study by the Corps and local jurisdictions now since we first authorized the study in April of 1992; so it has been a long time.

The authorization of this ecosystem restoration stream builds on the successful work we have on a greenway/bikepath through the Gwynns Falls. It also is an important part of the Chesapeake Bay program for improving the quality of the water along the bay. We now understand that our watersheds, our streams are a very important part of our work to restore the Chesapeake Bay, and the work done along the Gwynns Falls will be very helpful in that regard.

Let me also mention the fact that Baltimore is currently under a court order to replace its aging sewer system. We need to modernize our sewer system. In doing the work along the Gwynns Falls, we also will be advancing the work of the replacement of our aged sewer system. So for all these reasons, this project is a win-win for our environment, for the appropriate use of our lands. And I want to thank all of them for including this project. I know it was complicated. I know it was difficult, and we thank them very much.

Mr. DUNCAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), former ranking member of this subcommittee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Illinois (Mr. COSTELLO) for yielding me this time.

I would like to congratulate the chairman and the ranking member for their excellent work. This is a piece of legislation that is overdue, and we can only hope that the Senate will not be the usual dead weight on this issue and will actually move this needed bill through.

This bill would go a long way toward helping many communities across the United States meet Federal mandates. There is a lot of talk around here in Washington, D.C. about unfunded mandates. The law is replete with unfunded mandates.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman must refrain from improper references to the Senate.

Mr. DEFAZIO. Mr. Chairman, I thought that we were able to talk about the reality that there are people on the other side of the Capitol.

The CHAIRMAN. References to the Senate as "dead weight" are not proper.

Mr. DEFAZIO. I understand, Mr. Chairman. I certainly meant not to impugn the other body with that statement, just to talk about the reality of what has happened to the Water Resources Development Act in the past.

But to continue, there are a number of Federal mandates that would be helpful to our local communities and our States if the Water Resources Development Act becomes law. But even more importantly, today in the United States of America, I think, is the fact that this bill represents a real jobs program. We can cut taxes for the wealthy people until the cows come home, and it is not going to put people back to work in the United States of America. But if we invest in infrastructure, it will. We know that the return on the dividend tax cut was 5 cents on the dollar. For every dollar we borrowed to cut dividend taxes, and we borrowed all that money, we are going to get 5 cents of stimulus to the economy; not a great investment. But for every dollar we borrow, and again we would have to borrow, to invest in water infrastructure, we are going to get $7, seven times over the impact on the economy. If we spend $1 billion under the Water Resources Development Act, we get about 45,000 jobs, real jobs, putting Americans back to work. This is an economic stimulus bill.

It is also a bill, as the gentleman who preceded me from Maryland discussed, that helps to deal with environmental problems, and also I want to recognize further that the Corps of Engineers often is subject to criticism, but there is an awful lot of good work that the Corps of Engineers does. I was just up in the mountains of my district last weekend seeing a project they are doing on a reservoir which is to help with fish runs, but also the dam itself was originally built to stop the annual flooding. So there are many good things that the Corps has done and many more that they will do if this legislation becomes law, if whoever else it is who is responsible for passing this somewhere else on Capitol Hill gets their act together.

Mr. DUNCAN. Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

I would urge passage of this legislation. I again thank the gentleman from Tennessee (Mr. DUNCAN), my friend, the chairman of the subcommittee, for all of his hard work on this legislation.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

I likewise would like to thank the gentleman from Illinois (Mr. COSTELLO), ranking member, for his work on this legislation. I used to say that during my 6 years as Chairman of the aviation subcommittee that I knew of no other chairman and ranking member of a subcommittee who got along better than I did with the gentleman from Illinois (Mr. LIPINSKI), my ranking member. We got along with each. Now, I can say the same thing about the gentleman from Illinois (Mr. COSTELLO). There must be something special about people from Illinois, Mr. Chairman, but it has been a pleasure to work with the gentleman from Illinois (Mr. COSTELLO) on this bill. This is the most environmentally friendly Water Resources Development Act that this Congress has ever produced. It is also a good bill for the taxpayers in the provisions that it has to speed up and thus hold down the cost of these very needed projects around the country.

So like the gentleman from Illinois (Mr. COSTELLO), I urge passage of this bill.

Mr. LIPINSKI. Mr. Chairman, as we debate H.R. 2557, the Water Resources Department Act today, I think it is important to take careful note of intent of the Committee on Transportation and Infrastructure. Section 5007 of the bill in fact instructs that certain projects' reports and construction be expedited. I would like to highlight the fact that the Lucas Berg Pit project is among those reports directed to be expedited.

Lucas Berg Pit is in Worth in my district, the third district of Illinois. Work on Lucas Berg Pit was initiated in FY 2003. This work is ongoing, but it is taking longer than necessary. It is my hope that the Army Corps of Engineers will take notice of the Congressional intent and expedite the Lucas Berg Pit project, as directed in this important water resources legislation. I look forward to working with the Army Corps' Rock Island District on this vital project.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of the Water Resources Development Act of 2003. This legislation is a long time coming.

The Water Resources Development Act of 2003 authorizes $4 billion dollars worth of new water projects throughout the United States.

Our environmental infrastructure is a vital backdrop to our communities. Congress must continue to work to provide the guidance and resources to the communities across the country that are working to preserve and enhance their environmental infrastructure.

The Water Resources Development Act of 2003 will provide our communities and our Nation with an updated blueprint of the major environmental infrastructure projects that must be undertaken.

Members of the Transportation and Infrastructure Committee, of which I am proud to serve on, and specifically the Water Resources and Environment subcommittee have worked diligently for the past 2 years to produce a bill that works toward addressing our Nation's mounting environmental infrastructure needs. I would like to applaud the work of Ranking Member COSTELLO of the Water Resources and Environment subcommittee for his support and commitment to seeing this legislation through. This legislation is a product of bipartisanship in its purest form.

As all of us are aware, our communities and our Nation must work together to ensure a healthy, productive and efficient environmental infrastructure.

In southern California, where water is quickly becoming a precious commodity, our region is anxious to begin to repair our water infrastructure.

In addition, the Water Resources Development Act of 2003 includes provisions that will enhance dredging and local Federal matches for these projects. Specifically, this bill will provide the Port of Los Angeles the ability to apply in-kind credits to the local match, thereby stretching the impact of precious local funds. This language modifies the project for navigation, Los Angeles Harbor, to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest.

Finally, this bill is a good first step in providing for our environmental infrastructure and reaffirming our commitment to the American people that the environmental infrastructure in which they live is healthy.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Water Resources Development Act of 2003. This important legislation will authorize critical flood control projects across the country, including authorizing a project for Halls Bayou to be constructed by the local sponsor and reimbursed by the Army Corps of Engineers.

Located in a 42-square-mile watershed in North Central Harris County, Halls Bayou is already an authorized project, but this bill allows for Halls Bayou work to be done more quickly and with more local input, which is what my constituents want.

After Halls Bayou is added as a Section 211(f) project under the Water Resources Development Act of 1996, the local sponsor will be able to pursue the General Reevaluation Review and identify a Federal project that will protect homes and businesses from the risk of flooding.

The local sponsor has already constructed a detention area in the Halls Bayou watershed at Keith. Weiss Park, but a full Federal project is urgently needed. We are also acquiring other areas for detention in anticipation of the new authorization for Halls Bayou.

Back in 2001 Tropical Storm Allison flooded almost 13,000 homes in the Halls Bayou watershed, a tributary of Greens Bayou, which saw another 15,000 homes flooded. Recently Hurricane Isabel showed the Nation the damage one of these storms can do, even to the most developed, advanced nation in the world. And often, it is not the wind that is the problem, it is the water. Isabel showed why Federal flood control projects are needed more than ever in our country.

Clearly the sooner this legislation is approved, the better for my constituents. I would like to express my sincere thanks to Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN, Ranking Member COSTELLO, Texans NICK LAMPSON and EDDIE BERNICE JOHNSON, and to my friend BOB MENENDEZ for their work getting this bill together and looking out for the critical flood control needs of Harris County.

Mr. Chairman, this bill deserves the support of the full House.

Mr. BEREUTER. Mr. Chairman, this Member rises today in strong support of H.R. 2557, the Water Resources Development Act (WRDA). This Member commends the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member on the committee, the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Water Resources and Environment Subcommittee, and the distinguished gentleman from Illinois (Mr. COSTELLO), the ranking member on the subcommittee, for all their hard work in bringing this bill to the floor.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the bill includes necessary provisions which assist the Sand Creek watershed project in Sanders County, NE. Among the many benefits it provides, the Sand Creek project will help meet Federal environmental restoration goals, address local flooding problems and preserve water quality. The Sand Creek Project can serve as a showcase of emerging science and restoration techniques for secluded wetlands with their multiple environmental benefits to the Great Plains and other States. The project is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The Sand Creek section of the H.R. 2557 allows the local sponsor of the project to complete needed soil, water and other environmental restoration work and ultimately to receive proper financial credit in its matching share of Federal funds in this project. This action would result in significant cost and time savings. Additionally, the enclosed would authorize the Secretary of the Army to accept advance non-Federal project sponsor funds until Federal funds are available in order to move this project forward consistent with State plans to relocate U.S. Highway 77 as an expressway.

The Sand Creek project received conditional authorization in the Water Resources Development Act of 2000. Earlier this year, the Corps formally approved the project. The Sand Creek project has attracted widespread support.

In closing, Mr. Chairman, this Member urges his colleagues to support this important bill.

Mr. ANDREWS. Mr. Chairman, I rise today to take issue with report language included in H.R. 2557, the Water Resources and Development Act that endorses the Army Corps of Engineers' Delaware River Main Channel Deepening project. Although the report language admits that "close scrutiny revealed that the projected benefits of the project might not exceed the projected costs," it goes on to say that "notwithstanding mathematical errors made by the Corps in its original economic analysis, further analysis has demonstrated that the project remains economically justified and the project is continuing." This defies all logic and much evidence to the contrary.

The Delaware River dredging project remains a boondoggle. This ill-advised project continues to undergo tremendous scrutiny that raises more questions than it answers. In June of 2002 the General Accounting Office (GAO) found that the Army Corps of Engineers grossly misrepresented the costs and benefits of the project. The GAO has determined that the economic analysis provided for this project contained a number of "material errors," miscalculations, invalid assumptions, and used significantly outdated information." Based on the GAO findings, the benefit-to-cost ratio of this project is .49 to 1.

Last fall the New Jersey Department of Environmental Protection revoked the Army Corps of Engineers' coastal zone permit for this project. A few months later, during the 2002 Christmas holiday, the Army Corps of Engineers released its "Comprehensive Economic Reanalysis." This report represents an attempt by the Army Corps of Engineers to rework the benefit to cost ratio using a significantly lower discount rate than they have used in all prior cost analysis of the project, a possible violation of their own policy. Additionally, there remain concerns that the benefits of the project continue to be overstated.

A July 14, 2003 report by Dr. Robert Stearns, a former high-ranking Army Corps of Engineers official, says the project will lose money. The report says the Army Corps of Engineers' reanalysis, "does not address the outstanding issues or the questions raised regarding the project. In fact, the reanalysis raises more questions about his project—questions raised by the independent review panel, questions regarding the process, and questions about the data and models used to justify the project." Dr. Stearns estimated the project will lose between 50 cents and 25 cents for every dollar the project costs, and could easily fail to meet the cost-benefit test if even one major assertion does not occur.

I will list just a few of the many problems in the Army Corps of Engineers' reanalysis. One, the Army Corps of Engineers has still not calculated the dramatically higher expense of alternatives to disposing spoils along the river in South Jersey. Second, Army Corps of Engineers economists selectively discounted negative reactions from refiners, who are to be the project's prime beneficiaries by being able to bring tankers up river more fully laden with oil. Third, they used an "inappropriately low" discount rate, in calculating the benefits. And fourth, the analysis failed to account for assertions by Maritrans, a company that offloads oil from tankers onto barges, that the project likely will not reduce the number of barges it needs.

From an environmental standpoint, there continue to be many questions about the impact on water quality, dredge spoil disposal, and wildlife and aquatic life. The U.S. Fish and Wildlife Service has recently expressed concerns that contaminants in the Delaware River could adversely affect the bald eagle or peregrine falcon population. There remain serious concerns about whether the Army Corps of Engineers has fulfilled the requirements of the Clean Air Act. This is of critical concern considering that much of the project falls in a portion of New Jersey that is in severe non-attainment for ozone.

On September 11, 2003, in his Statement of Administration Policy on S. 1424, the FY04 Energy and Water Development Appropriations bill, President Bush offered more harsh words for this project. The statement expresses concern "that the bill includes excessive funding for studies and design of potential new projects, which would add to the backlog and could unrealistically raise sponsor expectations for near-term construction starts." The President further objects to the appropriation of "over $150 million to other work that raises policy concerns, such as directing funds for construction for the Delaware River Main Channel" project.

Mr. Chairman, the Delaware River dredging project is not economically justified and should not move forward.

Mr. ACEVEDO-VILÁ. Mr. Chairman, today, the House considers the Water Resources Development Act, H.R. 2557, a vital piece of legislation, with a significant impact on the quality of life of our citizens. I commend the leadership of the House Transportation and Infrastructure Committee for their steadfast support for this legislation: Chairman YOUNG, Congressman OBERSTAR, Chairman DUNCAN and Congressman COSTELLO deserve our recognition and gratitude for their tireless work on this legislation.

Some will say, that WRDA can wait, that there are other more important pieces of legislation. I am here to tell you that it cannot wait. WRDA is not just about large water infrastructure projects, WRDA has a direct impact on the lives of some of our most vulnerable citizens. I offer you the example of the people living on the edge of the Martín Peña Channel in San Juan, Puerto Rico. For generations, people have lived on what used to be the channel. These people are literally living on top of piles of trash. These are U.S. citizens living in Third World conditions.

For years, as I was growing up in Puerto Rico, politicians would talk about the need to move the families from this area and dredge the channel. It never happened. I have made it my priority to change this situation. We are now on the verge of taking the first and most important step of authorizing the dredging of this channel. I am grateful to the members of the Transportation and Infrastructure Committee, many of which have personally visited this area, for recognizing the importance of this project. I also acknowledge the support of Chairman HOBSON and Congressman VISCLOSKY who have included the funding for the necessary planning, engineering and design work in the Energy and Water Appropriations Bill for FY 2004.

Those who have seen the living conditions of the families in the areas around the channel will agree that Congress cannot wait any longer to enact WRDA. I hope we can use this project as an example of why we need WRDA now. I urge my fellow House members to vote for this measure and to send a strong message to the Senate that we need their quick action so we can begin to improve the lives of our must vulnerable citizens.

Mr. EVERETT. Mr. Chairman, a 10-county area in southeast Alabama, which I represent, is almost solely dependent on groundwater sources to supply their drinking water needs. The 10-county region includes Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike counties. Due to the drought conditions during 2000 and 2002, water demand increased by 50 to 80 percent in this region.

The Geological Survey of Alabama conducted a 3-year study beginning in 1997 to map the aquifers currently being used in southeast Alabama and to identify other potential aquifers, most of which are at deeper levels. The results of the study reveal that current and future water withdrawals of groundwater within the Choctawhatchee, Pea, and Yellow Rivers Watershed area will be insufficient to meet future demand. Bullock, Barbour, and Pike counties have the most significant, long-range, high-capacity water resources, some of which have not been developed, but counties to the south, including Houston, Dale, and Coffee, will have to rely on their current aquifers and the possible development of a few deeper aquifers.

The study states, "the development of alternative sources of water, specifically surface impoundments, is essential to the long-range achievement of continued growth, industrial expansion, and prosperity of the citizens in southeastern Alabama." The Choctawhatchee, Pea, and Yellow Rivers Watershed Management Authority estimates the timeline to build a regional reservoir is approximately 10 years for the reservoir to be operational.

The Corps of Engineers conducted a needs assessment for a regional reservoir in southeast Alabama, which helped to reinforce the need for a reservoir at this time. This was completed in December 2001 and the Corps is currently completing an alternative analysis to be finished by the end of 2003 that should show the reservoir is the best available option for addressing this concern.

Given these circumstances and the length of time necessary to develop an operational reservoir for water supply purposes, I believe it is imperative that the project receives Congressional authorization to allow the Corps to move forward with design and construction work. Continued delays only prolong the problem and force the local entities to expend scarce resources to develop additional short-term solutions to meet their water supply needs. The more prudent approach is the development of a long-term solution for the region's water supply needs, which could be accomplished through the development of a regional reservoir.

I look forward to working with the Transportation and Infrastructure Committee next year during the development of the 2004 Water Resources Development Act to authorize the Corps to design and construct a multi-purpose regional reservoir for southeast Alabama.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2003".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Small projects for flood damage reduction.
Sec. 1003. Small projects for emergency streambank protection.
Sec. 1004. Small projects for navigation.
Sec. 1005. Small projects for improvement of the quality of the environment.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects for shoreline protection.
Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.
Sec. 2002. Non-Federal contributions.
Sec. 2003. Harbor cost sharing.
Sec. 2004. Funding to process permits.
Sec. 2005. National shoreline erosion control development and demonstration program.
Sec. 2006. Written agreement for water resources projects.
Sec. 2007. Assistance for remediation, restoration, and reuse.
Sec. 2008. Compilation of laws.
Sec. 2009. Dredged material disposal.
Sec. 2010. Wetlands mitigation.
Sec. 2011. Remote and subsistence harbors.
Sec. 2012. Beneficial uses of dredged material.
Sec. 2013. Cost sharing provisions for certain areas.
Sec. 2014. Revision of project partnership agreement.
Sec. 2015. Cost sharing.
Sec. 2016. Credit for work performed before partnership agreement.
Sec. 2017. Recreation user fee revenues.
Sec. 2018. Expedited actions for emergency flood damage reduction.
Sec. 2019. Watershed and river basin assessments.
Sec. 2020. Tribal partnership program.
Sec. 2021. Treatment of certain separable elements.
Sec. 2022. Prosecution of work.
Sec. 2023. Wildfire firefighting.
Sec. 2024. Credit for nonconstruction services.
Sec. 2025. Technical assistance.
Sec. 2026. Centers of specialized planning expertise.
Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
Sec. 2028. Project streamlining.
Sec. 2029. Lakes program.
Sec. 2030. Mitigation for fish and wildlife losses.
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Sec. 2032. Project planning.
Sec. 2033. Independent peer review.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. Cook Inlet, Alaska.
Sec. 3002. King Cove Harbor, Alaska.
Sec. 3003. Sitka, Alaska.
Sec. 3004. Tatilek, Alaska.
Sec. 3005. Nogales Wash and tributaries, Arizona.
Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
Sec. 3007. Saint Francis Basin, Arkansas.
Sec. 3008. American and Sacramento Rivers, California.
Sec. 3009. Cache Creek Basin, California.
Sec. 3010. Grayson Creek/Murderer's Creek, California.
Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3012. Los Angeles Harbor, Los Angeles, California.
Sec. 3013. Larkspur Ferry Channel, Larkspur, California.
Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
Sec. 3015. Pacific Flyway Center, Sacramento, California.
Sec. 3016. Pinole Creek, California.
Sec. 3017. Prado Dam, California.
Sec. 3018. Sacramento Deep Water Ship Channel, California.
Sec. 3019. Sacramento River, Glenn-Colusa, California.
Sec. 3020. San Lorenzo River, California.
Sec. 3021. Upper Guadalupe River, California.
Sec. 3022. Walnut Creek Channel, California.
Sec. 3023. Wildcat/San Pablo Creek Phase I, California.
Sec. 3024. Wildcat/San Pablo Creek Phase II, California.
Sec. 3025. Brevard County, Florida.
Sec. 3026. Broward County and Hillsboro Inlet, Florida.
Sec. 3027. Gasparilla and Estero Islands, Florida.
Sec. 3028. Lido Key Beach, Sarasota, Florida.
Sec. 3029. Manatee Harbor, Florida.
Sec. 3030. Tampa Harbor, Florida.
Sec. 3031. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3032. Miami Harbor, Florida.
Sec. 3033. Little Wood River, Gooding, Idaho.
Sec. 3034. Hennepin-Hopper Lakes, Illinois.
Sec. 3035. Mississippi River and Big Muddy River, Illinois.
Sec. 3036. Spunky Bottoms, Illinois.
Sec. 3037. Emiquon, Illinois.
Sec. 3038. Little Calumet River, Indiana.
Sec. 3039. White River, Indiana.
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Sec. 3041. Prestonsburg, Kentucky.
Sec. 3042. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3043. Atchafalaya Basin, Louisiana.
Sec. 3044. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3045. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
Sec. 3046. Mississippi Delta Region, Louisiana.
Sec. 3047. New Orleans to Venice, Louisiana.
Sec. 3048. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 3049. Camp Ellis, Saco, Maine.
Sec. 3050. Union River, Maine.
Sec. 3051. Cass River, Spaulding Township, Michigan.
Sec. 3052. Detroit River Shoreline, Detroit, Michigan.
Sec. 3053. Water Resources Institute, Muskegon, Michigan.
Sec. 3054. Saginaw River, Bay City, Michigan.
Sec. 3055. Ada, Minnesota.
Sec. 3056. Duluth Harbor, McQuade Road, Minnesota.
Sec. 3057. Grand Portage Harbor, Minnesota.
Sec. 3058. Granite Falls, Minnesota.
Sec. 3059. Minneapolis, Minnesota.
Sec. 3060. Red Lake River, Minnesota.
Sec. 3061. Silver Bay, Minnesota.
Sec. 3062. Taconite Harbor, Minnesota.
Sec. 3063. Two Harbors, Minnesota.
Sec. 3064. Deer Island, Harrison County, Mississippi.
Sec. 3065. Bois Brule Drainage and Levee District, Missouri.
Sec. 3066. Sand Creek Watershed, Wahoo, Nebraska.
Sec. 3067. Alamogordo, New Mexico.
Sec. 3068. Orchard Beach, Bronx, New York.
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Sec. 3070. Port of New York and New Jersey, New York and New Jersey.
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Sec. 3072. Arcadia Lake, Oklahoma.
Sec. 3073. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
Sec. 3074. French Creek, Union City Dam, Pennsylvania.
Sec. 3075. Lackawanna River at Olyphant, Pennsylvania.
Sec. 3076. Lackawanna River at Scranton, Pennsylvania.
Sec. 3077. Raystown Lake, Pennsylvania.
Sec. 3078. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
Sec. 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania.
Sec. 3080. South Central Pennsylvania.
Sec. 3081. Wyoming Valley, Pennsylvania.
Sec. 3082. Little Limestone Creek, Jonesborough, Tennessee.
Sec. 3083. Cedar Bayou, Texas.
Sec. 3084. Lake Kemp, Texas.
Sec. 3085. Lower Rio Grande Basin, Texas.
Sec. 3086. North Padre Island, Corpus Christi Bay, Texas.
Sec. 3087. Proctor Lake, Texas.
Sec. 3088. San Antonio Channel, San Antonio, Texas.
Sec. 3089. Elizabeth River, Chesapeake, Virginia.
Sec. 3090. Roanoke River Upper Basin, Virginia.
Sec. 3091. Blair and Sitcum Waterways, Tacoma Harbor, Washington.
Sec. 3092. Greenbrier River Basin, West Virginia.
Sec. 3093. Manitowoc Harbor, Wisconsin.
Sec. 3094. Mississippi River Headwaters Reservoirs.
Sec. 3095. Continuation of project authorizations.
Sec. 3096. Project reauthorizations.
Sec. 3097. Project deauthorizations.
Sec. 3098. Land conveyances.
Sec. 3099. Extinguishment of reversionary interests and use restrictions.
Sec. 3100. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia.

TITLE IV—STUDIES

Sec. 4001. John Glenn Great Lakes basin program.
Sec. 4002. St. George Harbor, Alaska.
Sec. 4003. Susitna River, Alaska.
Sec. 4004. Searcy County, Arkansas.
Sec. 4005. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
Sec. 4006. Hamilton, California.
Sec. 4007. Oceanside, California.
Sec. 4008. Sacramento River, California.
Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4010. Tybee Island, Georgia.

Sec. 4011. Calumet Harbor, Illinois.
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Sec. 4018. Northeast Mississippi.
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Sec. 4020. Hudson-Raritan Estuary, New York and New Jersey.
Sec. 4021. Sac and Fox Nation, Oklahoma.
Sec. 4022. Sutherlin, Oregon.
Sec. 4023. Tillamook Bay and Bar, Oregon.
Sec. 4024. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4025. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
Sec. 4026. Georgetown and Williamsburg Counties, South Carolina.
Sec. 4027. Sabine Pass to Galveston Bay, Texas.
Sec. 4028. Grand County and Moab, Utah.
Sec. 4029. Chehalis River Basin, Washington.
Sec. 4030. Sprague, Lincoln County, Washington.
Sec. 4031. Monongahela River Basin, Northern West Virginia.
Sec. 4032. Wauwatosa, Wisconsin.
TITLE V—MISCELLANEOUS PROVISIONS
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Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
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Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
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Sec. 5016. Montgomery, Alabama.
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Sec. 5022. Augusta and Clarendon, Arkansas.
Sec. 5023. Loomis Landing, Arkansas.
Sec. 5024. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.
Sec. 5025. St. Francis River Basin, Arkansas and Missouri.
Sec. 5026. Cambria, California.
Sec. 5027. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
Sec. 5028. East San Joaquin County, California.
Sec. 5029. Sacramento Area, California.
Sec. 5030. Sacramento Deep Water Ship Channel, California.
Sec. 5031. San Francisco, California.
Sec. 5032. San Francisco, California, waterfront area.
Sec. 5033. Stockton, California.
Sec. 5034. Charles Hervey Townshend Breakwater, Connecticut.
Sec. 5035. Everglades restoration, Florida.
Sec. 5036. Florida Keys water quality improvements.
Sec. 5037. Lake Worth, Florida.
Sec. 5038. Lake Lanier, Georgia.
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Sec. 5040. Reconstruction of Illinois flood protection projects.
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Sec. 5062. Harrison, Hancock, and Jackson Counties, Mississippi.
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Sec. 5066. Atlantic Coast of New York.
Sec. 5067. College Point, New York City, New York.
Sec. 5068. Flushing Bay and Creek, New York City, New York.
Sec. 5069. Little Neck Bay, Village of Kings Point, New York.
Sec. 5070. Onondaga Lake, New York.
Sec. 5071. John H. Kerr Dam and Reservoir, North Carolina.
Sec. 5072. Stanly County, North Carolina.
Sec. 5073. Central Riverfront Park, Cincinnati, Ohio.
Sec. 5074. Piedmont Lake Dam, Ohio.
Sec. 5075. Ohio.
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Sec. 5077. Columbia River, Oregon.
Sec. 5078. Eugene, Oregon.
Sec. 5079. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
Sec. 5080. Lowell, Oregon.
Sec. 5081. Hagerman's Run, Williamsport, Pennsylvania.
Sec. 5082. Northeast Pennsylvania.
Sec. 5083. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
Sec. 5084. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 5085. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
Sec. 5086. Cano Martin Pena, San Juan, Puerto Rico.
Sec. 5087. Beaufort and Jasper Counties, South Carolina.
Sec. 5088. Cooper River, South Carolina.
Sec. 5089. Lakes Marion and Moultrie, South Carolina.
Sec. 5090. Upper Big Sioux River, Watertown, South Dakota.
Sec. 5091. Fritz Landing, Tennessee.
Sec. 5092. Memphis, Tennessee.
Sec. 5093. Town Creek, Lenoir City, Tennessee.
Sec. 5094. Tennessee River partnership.
Sec. 5095. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.
Sec. 5096. Harris County, Texas.
Sec. 5097. Harris Gully, Harris County, Texas.
Sec. 5098. Onion Creek, Texas.
Sec. 5099. Pelican Island, Texas.
Sec. 5100. Front Royal, Virginia.
Sec. 5101. Richmond National Battlefield Park, Richmond, Virginia.
Sec. 5102. Baker Bay and Ilwaco Harbor, Washington.
Sec. 5103. Chehalis River, Centralia, Washington.
Sec. 5104. Hamilton Island Campground, Washington.
Sec. 5105. Puget Island, Washington.
Sec. 5106. Bluestone, West Virginia.
Sec. 5107. West Virginia and Pennsylvania flood control.
Sec. 5108. Lower Kanawha River Basin, West Virginia.
Sec. 5109. Central West Virginia.
Sec. 5110. Southern West Virginia.
Sec. 5111. Construction of flood control projects by non-Federal interests.
Sec. 5112. Bridge authorization.
Sec. 5113. Additional assistance for critical projects.
Sec. 5114. Use of Federal hopper dredge fleet.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—The project for flood damage reduction and environmental restoration, American River Watershed, California: Report of the Chief of Engineers, dated November 5, 2002, at a total cost of $257,300,000, with an estimated Federal cost of $201,200,000 and an estimated non-Federal cost of $56,100,000; except that the Secretary is authorized to accept funds from State and local governments and other Federal agencies for the purpose of constructing a permanent bridge instead of the temporary bridge described in the recommended plan and may construct such permanent bridge if all additional costs for such bridge, above the $36,000,000 provided for in the recommended plan for bridge construction, are provided by such governments or agencies.

(2) PINE FLAT DAM AND RESERVOIR, CALIFORNIA.—The project for environmental restoration, Pine Flat Dam and Reservoir, Fresno County, California: Report of the Chief of Engineers, dated July 19, 2002, at a total cost of $38,480,000, with an estimated Federal cost of $24,930,000 and an estimated non-Federal cost of $13,550,000.

(3) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of $17,997,000, with an estimated Federal cost of $11,698,000 and an estimated non-Federal cost of $6,299,000.

(4) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Report of the Chief of Engineers, dated August 23, 2002, at a total cost of $719,000,000, with an estimated Federal cost of $467,000,000 and an estimated non-Federal cost of $252,000,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(5) SMITH ISLAND, MARYLAND.—The project for environmental restoration and protection, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

(6) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $153,808,000, with an estimated Federal cost of $73,554,000 and an estimated non-Federal cost of $80,254,000.

(7) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers, dated December 4, 2002, at a total cost of $14,515,000. The costs of construction of the project are to be paid $\frac{1}{2}$ *from amounts appropriated from the general fund of the Treasury and* $\frac{1}{2}$ *from amounts appropriated from the Inland Waterways Trust Fund.*

(8) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

(A) IN GENERAL.—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $22,200,000, with an estimated Federal cost of $9,180,000 and an estimated non-Federal cost of $13,020,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(9) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $22,178,000.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

(2) SANTA ANA RIVER BASIN AND ORANGE COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Santa Ana River basin and Orange County streams, California.

(3) STONY CREEK, OAK LAWN, ILLINOIS.—Project for flood damage reduction, Stony Creek, Oak Lawn, Illinois.

(4) OLIVE HILL AND VICINITY, KENTUCKY.—Project for flood damage reduction, Olive Hill and vicinity, Kentucky.

(5) NASHUA RIVER, FITCHBURG, MASSACHUSETTS.—Project for flood damage reduction, Nashua River, Fitchburg, Massachusetts.

(6) SAGINAW RIVER, HAMILTON DAM, FLINT, MICHIGAN.—Project for flood damage reduction, Saginaw River, Hamilton Dam, Flint, Michigan.

(7) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(8) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.

(9) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(10) TWIN VALLEY LAKE, WILD RICE RIVER, MINNESOTA.—Project for flood damage reduction, Twin Valley Lake, Wild Rice River, Minnesota.

(11) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(12) MCKEEL BROOK, NEW JERSEY.—Project for flood damage reduction, McKeel Brook, New Jersey.

(13) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(14) RAMAPO RIVER, TOWN OF MONROE AND VILLAGES OF MONROE, KIRYAS JOEL, AND HARRIMAN, NEW YORK.—Project for flood damage reduction, Ramapo River, Town of Monroe and Villages of Monroe, Kiryas Joel, and Harriman, New York.

(15) LITTLE MILL CREEK, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Little Mill Creek, Southampton, Pennsylvania.

(16) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(17) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(9) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) OUACHITA AND BLACK RIVERS, ARKANSAS.—Project for emergency streambank protection, Ouachita and Black Rivers, Arkansas.

(2) MELVINA DITCH, CHICAGO RIDGE, ILLINOIS.—Project for emergency streambank protection for the east side of Melvina Ditch in the vicinity of 96th Street and Nashville Avenue, Chicago Ridge, Illinois.

(3) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(4) SHREWSBURY RIVER, RUMSON, NEW JERSEY.—Project for emergency streambank protection, Shrewsbury River, Rumson, New Jersey.

(5) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) EVANSTON, ILLINOIS.—Project for navigation, Evanston, Illinois.

(3) NIAGARA FRONTIER TRANSPORTATION AUTHORITY BOAT HARBOR, BUFFALO, NEW YORK.—Project for navigation, Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) WOODLAWN MARINA, LACKAWANNA, NEW YORK.—Project for navigation, Woodlawn Marina, Lackawanna, New York.

(5) BAKER BAY AND ILWACO HARBOR, WASHINGTON.—Project for navigation, Baker Bay and Ilwaco Harbor, Washington.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a): Project for improvement of the quality of the environment, Smithville Lake, Missouri.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) COLORADO RIVER, YUMA, ARIZONA.—Project for aquatic ecosystem restoration, Colorado River, Yuma, Arizona.

(2) CHINO VALLEY, CALIFORNIA.—Project for aquatic ecosystem restoration, Chino Valley, California.

(3) NEW AND ALAMO RIVERS, IMPERIAL COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, New and Alamo Rivers, Imperial County, California, including efforts to address invasive aquatic plant species.

(4) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(5) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(6) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(7) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(8) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(9) CHATTAHOOCHEE RIVER, COLUMBUS, GEORGIA, AND PHENIX CITY, ALABAMA.—Project for aquatic ecosystem restoration, City Mills Dam and Eagle and Phenix Dam, Chattahoochee River, Columbus, Georgia, and Phenix City, Alabama.

(10) CHATTAHOOCHEE RIVER AND OCMULGEE RIVER BASINS, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee River and Ocmulgee River basins, Gwinnett County, Georgia.

(11) SNAKE RIVER, JEROME, IDAHO.—Project for aquatic ecosystem restoration, Snake River, Jerome, Idaho.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g): Project for shoreline protection, Nelson Lagoon, Alaska.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

SEC. 2001. ANNUAL PASSES FOR RECREATION.

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat. 3681; 113 Stat. 294) is amended by striking "the December 31, 2003" and inserting "December 31, 2004".

SEC. 2002. NON-FEDERAL CONTRIBUTIONS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) NON-FEDERAL CONTRIBUTIONS.—

"(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.".

SEC. 2003. HARBOR COST SHARING.

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking "45 feet" and inserting "53 feet".

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking "45 feet" and inserting "53 feet".

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking "45 feet" and inserting "53 feet".

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 2004. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking "2003" and inserting "2005".

SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking "6 years" and inserting "10 years".

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking "3 years" and inserting "6 years".

(c) COST-SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) COST SHARING.—The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

"(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking "$21,000,000" and inserting "$31,000,000".

SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) in subsection (a)—

(A) by striking "under the provisions" and all that follows through "under any other" and inserting "under any";

(B) by inserting "partnership" after "written";

(C) by striking "Secretary of the Army to furnish its required cooperation for" and inserting "district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of"; and

(D) by inserting after "$25,000." the following: "Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that a partnership agreement meets all requirements of law and policies of the Secretary in effect on the date of entry into the partnership agreement.".

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after "injunction, for" the following: "payment of liquidated damages or, for";

(B) by striking "to collect a civil penalty imposed under this section,"; and

(C) by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) REFERENCES.—

(1) TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be treated to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) TO PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be treated as a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) IN GENERAL.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2004 through 2008.

SEC. 2008. COMPILATION OF LAWS.

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2004, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2004, the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 2009. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) GOVERNMENTAL PARTNERSHIPS.—

"(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions *of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.*

"(2) Public financing.—

"(A) Agreements.—

"(i) Specified federal funding sources and cost sharing.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) Management of sediments.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) Credit.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) Credit.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items."; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated—

(A) by inserting "and maintenance" after "operation"; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears.

SEC. 2010. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.

(a) In General.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) Justification.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.

(a) In General.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

"(c) In General.—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

"(d) Cooperative Agreement.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

"(e) Special Rule.—Construction of a project under subsection (a) for the protection and restoration of aquatic and ecologically related habitat the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary may be carried out at Federal expense.

"(f) Determination of Construction Costs.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

"(g) Selection of Dredged Material Disposal Method.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (d).

"(h) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

"(i) Authorization of Appropriations.—There is authorized to be appropriated $30,000,000 annually for projects under this section of which not more than $3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

"(j) Regional Sediment Management Planning.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.".

(b) Repeal.—

(1) In general.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) Hold harmless.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) Priority Areas.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to a project for the beaches of Bogues Bank in the vicinity of Morehead City, North Carolina, and a project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

"SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.

"The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).".

SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2015. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a project or *an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).*

SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

SEC. 2017. RECREATION USER FEE REVENUES.

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

(1) in subsection (a)(1) by striking "During fiscal years 1999 through 2002, the" and inserting "The"; and

(2) in subsection (a)(3) by striking "September 30, 2005" and inserting "expended".

SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) Sacramento-San Joaquin Delta, California.";

(2) by striking paragraph (1) of subsection (f) and inserting the following:

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent."; and

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.

Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after "Code" the following ", and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations".

SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.

(a) IN GENERAL.—If, in carrying out a water resources project, the Secretary identifies a separable element that would advance a primary mission of the Corps of Engineers, with benefits that could be achieved more cost-effectively if carried out in conjunction with the project, the Secretary, in consultation with the non-Federal interest, may carry out such separable element at Federal expense if the cost of such separable element does not exceed 3 percent of the Federal project cost and does not exceed $1,000,000.

(b) OPERATION AND MAINTENANCE.—Operation and maintenance of a separable element of a project carried out under this section shall be a non-Federal responsibility.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to increase the amount authorized to be appropriated for a project beyond that amount authorized by law or to provide a separate authorization of appropriations.

SEC. 2022. PROSECUTION OF WORK.

Section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is amended by inserting after "harbors" the following: ", including any planning, engineering, design, construction, operation, and maintenance,".

SEC. 2023. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a-1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.

(a) IN GENERAL.—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for implementation of the project.

(b) LIMITATION.—Credit authorized under subsection (a)—

(1) shall not exceed the non-Federal share of project costs;

(2) shall not alter any other requirements that require a non-Federal interest to provide lands, easements, rights-of-way, and dredged material disposal areas for the project;

(3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are compatible with and necessary for the project.

SEC. 2025. TECHNICAL ASSISTANCE.

Section 22 of Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting the following:

"(a) FEDERAL STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) by inserting after the last sentence in subsection (a) the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses."

(3) in subsection (b)(1) by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (c) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(5) in subsection (c) strike "the provisions of this section" and insert "subsection (a)(1);"; and

(6) by inserting at the end of subsection (c) the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.".

SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPERTISE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish centers to provide specialized planning expertise for water resources projects to be carried out by the Secretary to enhance and supplement the capabilities of the districts of the Army Corps of Engineers.

(b) DUTIES.—A center of expertise shall have the following duties:

(1) Providing technical and managerial assistance to district engineers for project planning, development, and implementation.

(2) Providing peer reviews of new major scientific, engineering, or economic methods, models or analyses that will be used to support decisions of the Secretary with respect to feasibility studies.

(3) Providing support for external peer review panels convened by the Secretary.

(4) Performing such other duties as prescribed by the Secretary.

SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, environmental restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter

into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) REVISION OF AGREEMENT.—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) FINAL DECISION.—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) REIMBURSEMENT.—

(1) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(2) COSTS INCURRED TO EXPEDITE PERMITS AND REVIEWS.—

(A) ACCEPTANCE OF NON-FEDERAL FUNDS.—The Secretary may accept funds from the non-Federal interest to hire additional staff or obtain the services of consultants, or to provide financial, technical, and administrative support to agencies that have entered into an agreement with the Secretary under subsection (c) with respect to a project in order to facilitate the timely processing, review, and completion of applicable Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permits for the project.

(B) USE OF FUNDS.—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide notwithstanding any activities carried out under this section and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, environmental restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2028. PROJECT STREAMLINING.

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—As an official of the lead Federal agency that is responsible for carrying out a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and as the Federal agency with expertise in water resources development, the Secretary, in carrying out such study and process, shall—

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

(2) STREAMLINING STUDY.—To streamline a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary may eliminate from consideration any alternatives the Secretary determines are not reasonable or are not reasonably anticipated to meet project purposes and needs.

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

(k) CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for water resources projects.

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review

process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

SEC. 2029. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking "and" at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

"(22) Greenwood Lake, Greenwood Lake, New York, removal of silt and aquatic growth; and

"(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended by adding at the end the following:

"(3) CONTENTS.—A mitigation plan shall include—

"(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

"(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

"(C) the type, amount, and characteristics of the habitat being restored;

"(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

"(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring, and to the extent practicable, the entities responsible for any monitoring.

"(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.".

(c) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2031. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2032. PROJECT PLANNING.

(a) OBJECTIVES.—

(1) FLOOD CONTROL, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

(3) PROJECTS WITH MULTIPLE PURPOSES.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated, based on the relevant Federal objective identified under paragraphs (1) and (2).

(4) SELECTION OF PROJECT ALTERNATIVES.—

(A) IN GENERAL.—Notwithstanding the Federal objectives identified in this subsection, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason based upon other Federal, State, local, or international concerns.

(B) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative is feasible and achieves the project purpose while providing greater economic development benefits.

(b) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(1) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(2) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—Any separate project or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project under study and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of both projects or separable elements.

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

SEC. 2033. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1) if the project has an estimated total cost of more than $50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6).

(B) DISCRETIONARY.—A project study may be subject to peer review if—

(i) the Governor of an affected State requests a peer review by an independent panel of experts;

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural,

or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial.

(4) CONTROVERSIAL PROJECTS.—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) FACTORS TO CONSIDER.—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term "project study" means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term "affected State", as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. COOK INLET, ALASKA.

(a) ANCHORAGE HARBOR.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary to establish a harbor depth of minus 45 feet mean lower low water for a length of 5,200 feet at the modified Port of Anchorage intermodal marine facility at each phase as such phases are completed and thereafter as the entire project is completed, at a total cost of $8,175,000. Federal maintenance shall continue for the existing facility until the modified facility is completed. Federal maintenance of the modified project shall be in accordance with such section 101; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for such 5,200 feet, at an estimated annual cost of $6,000,000.

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel depth to run the entire length of Fire Island Range and Point Woronzof Range maintaining the same width and modifying the depth to minus 45 feet mean lower low water in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, at a total cost of $21,525,000. The project shall be maintained at a depth of minus 45 mean lower low water, at an estimated annual cost of $3,000,000.

SEC. 3002. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.

SEC. 3003. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of $6,300,000.

SEC. 3004. TATILEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatilek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711) and section 302 of the Water Resources Development Act of 2000 (114 Stat. 2600), is further modified to direct the Secretary to use the Mexico Plan-1st Added Increment, as described in the limited reevaluation report dated September 13, 2002, to determine the cost allocation and cost apportionment for the project.

SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.

The project for flood control, Saint Francis Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to authorize the Secretary to construct improvements along Ditch No. 1 that consist of a gated culvert through the Saint Francis Levee and related channel improvements.

SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319–320), is further modified to direct the Secretary to carry out the project, at a total cost of $205,000,000.

SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system, including all appurtenant features, erosion control measures, and environmental protection features. Such mitigation shall restore the city's preproject capacity (1,360 cubic feet per second) to release water to the Yolo Bypass, including channel improvements, an outlet work through the west levee of the Yolo Bypass, and a new low-flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA.

The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA RIVER, CALIFORNIA.

In carrying out the feasibility study for the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, California, the Secretary shall determine whether work carried out by the non-Federal interest is integral to the project. In any case in which the work is determined to be integral to the project before completion of the final report of the Chief of Engineers on the project, such work shall be included as part of the project, and the cost of such work shall be recommended in the final report for credit toward the non-Federal share of the cost of the project. Work carried out after submission of the final report and before the date of the partnership agreement for the project that is determined to be integral to the project shall be considered as part of the project, and the cost of such work shall be credited toward the non-Federal share of the cost of the project.

SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3016. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3017. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-

Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to $4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than $2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of $140,328,000, with an estimated Federal cost of $70,164,000, and an estimated non-Federal cost of $70,164,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3025. BREVARD COUNTY, FLORIDA.

Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

"(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.".

SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.

The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project, at a total cost of $12,926,000, with an estimated Federal cost of $6,547,000 and an estimated non-Federal cost of $6,379,000, and at an estimated average annual cost of $925,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $468,500 and an estimated annual non-Federal cost of $456,500.

SEC. 3029. MANATEE HARBOR, FLORIDA.

The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093) and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general reevaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of $11,300,000, with an estimated Federal cost of $8,475,000 and an estimated non-Federal cost of $2,825,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest;

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(4) to authorize the Secretary to carry out the project as modified at a total cost of $61,500,000.

SEC. 3030. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, referred to in section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3032. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified to include as a project purpose environmental mitigation required before July 18, 2003, by Federal, State, and local environmental agencies for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project.

SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood damage reduction, Little Wood River, Gooding, Idaho, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified—

(1) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(2) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if such use of the funds is permitted under the other Federal program; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to

make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.

(a) Project Purpose.—The project for flood control, Hennepin levees, Illinois, authorized by the Flood Control Act of June 26, 1936 (35 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) Maximum Amount.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Hennepin-Hopper Lakes, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) Limitation.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLINOIS.

(a) In General.—The project for flood control, Mississippi River and Big Muddy River, Illinois, authorized by the Flood Control Act of 1938, is modified to authorize the Secretary to carry out repair and rehabilitation of the project at a total cost of $22,600,000, with an estimated Federal cost of $16,950,000 and an estimated non-Federal cost of $5,650,000, and to perform operation and maintenance of the project thereafter.

(b) Other Assistance.—Federal assistance made available through the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the repair and rehabilitation under this section.

(c) United States Lands.—Costs under this section for the repair and rehabilitation allocable to the protection of lands owned by the United States shall be a Federal responsibility. The Secretary shall seek reimbursement from the Secretary of Agriculture for the costs allocated to protecting lands owned by the Department of Agriculture.

(d) Operation and Maintenance of Non-Federal Lands.—The cost of operation and maintenance under this section allocated to protecting non-Federal lands shall be a non-Federal responsibility.

SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.

(a) Project Purpose.—The project for flood control at Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

(b) Maximum Amount.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) Limitation.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3037. EMIQUON, ILLINOIS.

(a) Maximum Amount.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) Limitation.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3038. LITTLE CALUMET RIVER, INDIANA.

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of $186,300,000, with an estimated Federal cost of $136,600,000 and an estimated non-Federal cost of $49,700,000.

SEC. 3039. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature, at a total cost of $28,545,000 and to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3040. WOLF LAKE, INDIANA.

The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3041. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of Division D of Public Law 108–7 (117 Stat. 140), is further modified to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.

(a) In General.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

"(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and".

(b) Technical Correction.—Section 315(b) of such Act is amended by striking "(a)" and inserting "(a)(2)".

(c) Donations.—Section 315 of such Act is amended by adding at the end the following:

"(c) Donations.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.".

SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified to authorize the purchase and reforesting of lands which have been cleared or converted to agricultural uses.

SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking "operation and maintenance" and inserting "operation, maintenance, rehabilitation, repair, and replacement"; and

(B) by striking "Algiers Channel" and inserting "Algiers Canal Levees"; and

(2) by adding at the end the following:

"(c) Cost Sharing.—The non-Federal share of the cost of the project shall be 35 percent.".

SEC. 3049. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $10,000,000.

SEC. 3050. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86 thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.

(a) In General.—The project for flood damage reduction, Cass River, Spaulding Township, Saginaw County, Michigan, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to incorporate flood control works constructed by the non-Federal interests between Sheridan Road and East Street (M–13) if the Secretary determines that the inclusion of such flood control works is feasible.

(b) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) In General.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON, MICHIGAN.

(a) In General.—The project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project shall be $2,000,000.

(c) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be $2,000,000.

SEC. 3055. ADA, MINNESOTA.

(a) In General.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) Evaluation of Benefits and Costs.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) Special Rule.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) In General.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) Credit.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3058. GRANITE FALLS, MINNESOTA.

(a) In General.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) Project Financing.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) Credit.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) Maximum Funding.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3059. MINNEAPOLIS, MINNESOTA.

Section 527 of the Water Resources Development Act of 2000 (114 Stat. 2657) is amended—

(1) in subsection (a) by inserting after "June 30, 1999" the following ", and including Hennepin Island and adjacent areas on the east side of the Mississippi River"; and

(2) in subsection (c) by striking "$10,000,000" and inserting "$25,000,000".

SEC. 3060. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River at Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3061. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3062. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3063. TWO HARBORS, MINNESOTA.

(a) In General.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) Lands, Easements, and Rights-of-Way.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $25,000,000.

SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section

101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3067. ALAMOGORDO, NEW MEXICO.

The Secretary shall review the general reevaluation report, dated March 1999, for the project for flood protection, Alamogordo, New Mexico, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 85), and determine if the locally preferred flood detention basin would provide the same level of flood protection for the north side of the city of Alamogordo at a cost that is not greater than the cost of authorized channel improvements. If the Secretary determines that the flood detention basin is feasible, would provide the same level of flood protection, and can be constructed at the no additional cost, the Secretary may construct the flood detention basin instead of the channel improvements. The Federal share of the cost of the flood detention basin alternative shall be calculated in the same manner as if the channel improvements project was being constructed.

SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of $18,000,000.

SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.

The project for improvement of the quality of the environment, Times Beach, Buffalo, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251), is modified to direct the Secretary to credit not more than $750,000 toward the non-Federal share of the cost of the project for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3071. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

"(c) New York State Canal System Defined.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.".

SEC. 3072. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–002 shall satisfy the obligations of the city under that contract.

SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.

(a) In General.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(b) Establishment of Program.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) Implementation of Program.—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) Loss to a Small Business Defined.—In this section, the term "loss to a small business" means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) Payment of Claims.—The payment of claims for losses to small businesses shall be a Federal responsibility.

SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYLVANIA.

The project for flood control French Creek, Union City Dam, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189), is modified to include recreation as a project purpose.

SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.

The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $20,000,000.

SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $23,000,000.

SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.

Section 313(h)(2) of the Water Resources Development Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117 Stat. 142) is amended by striking "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH, TENNESSEE.

In evaluating and implementing the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal *interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.*

SEC. 3083. CEDAR BAYOU, TEXAS.

(a) IN GENERAL.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified—

(1) to authorize the Secretary to carry out the project to a depth of 10 feet by 100 feet wide from mile 2.5 to mile 11 on Cedar Bayou if the Secretary determines that the project is feasible; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3084. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term "Lake Kemp improvement" means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3085. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3086. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3087. PROCTOR LAKE, TEXAS.

The Secretary is authorized to convert flowage easements to fee simple title in the subdivisions of Buffalo Springs and Frees Lakeview, and adjacent areas, located within the boundaries necessary for the operation of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and to purchase all improved and unimproved properties within such boundaries and to pay relocation assistance benefits to qualified landowners as applicable under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3088. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3089. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.

Section 358 of the Water Resources Development Act of 1999 (113 Stat. 312) is amended by striking "September 30, 1999" and inserting "May 4, 1997".

SEC. 3090. ROANOKE RIVER UPPER BASIN, VIRGINIA.

The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) and modified by section 110 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 650), is further modified to authorize the Secretary to construct the project, at a total cost of $64,300,000, with an estimated Federal cost of $42,100,000 and an estimated non-Federal cost of $22,200,000. In carrying out the project, the Secretary shall award contracts based on invitation-for-bids procedures.

SEC. 3091. BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096) and deepened to 51 feet under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to review the locally prepared plan for the Blair and Sitcum Waterways, Washington, and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, to authorize the Secretary to carry out the plan, at a Federal cost of $4,240,000.

(b) NON-FEDERAL WORK.—The Secretary shall provide credit toward the non-Federal share of the cost of the project, or reimbursement for, the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3092. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking "$47,000,000" and inserting "$89,000,000".

SEC. 3093. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $300,000.

SEC. 3094. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.".

SEC. 3095. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3096. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

SEC. 3097. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing

project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) NORWALK HARBOR, CONNECTICUT.—The following portions a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

(A) An approximate rectangular shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as follows: Commencing at a point N104,165.85, E417,662.71, thence running south 24 degrees 06 minutes 55 seconds east 395.00 feet to a point N103,805.32, E417,824.10, thence running south 00 degrees 38 minutes 06 seconds east 87.84 feet to a point N103,717.49, E417,825.07, thence running north 24 degrees 06 minutes 55 seconds west 480.00 feet, to a point N104,155.59, E417,628.96, thence running north 73 degrees 05 minutes 25 seconds east 35.28 feet to the point of origin.

(B) An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in subparagraph (A). This area is 20-feet wide and about 260-feet long and is further described as follows: Commencing at a point N103,855.48, E417,849.99, thence running south 33 degrees 07 minutes 30 seconds east 133.40 feet to a point N103,743.76, E417,922.89, thence running south 24 degrees 07 minutes 04 seconds east 127.75 feet to a point N103,627.16, E417,975.09, thence running north 33 degrees 07 minutes 30 seconds west 190.00 feet to a point N103,786.28, E417,871.26, thence running north 17 degrees 05 minutes 15 seconds west 72.39 feet to the point of origin.

(3) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—Those portions of the projects for navigation, Chicago River and Chicago Harbor, Chicago, Illinois, authorized by the River and Harbor Act of March 3, 1899 (30 Stat. 1129), extending 50 feet riverward of the existing dock wall on the south side of the channel from Lake Street to Franklin Street and 25 feet riverward of the existing dock wall on the south side of the channel from Franklin Street to Wabash Avenue, and those areas within 20 feet of the bridge abutments on the south side of the channel for the length of the protection bridge piers from the Franklin Street Bridge to the Michigan Avenue Bridge.

(4) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at Station 70+00 and ending at Station 80+00.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) NORWALK HARBOR, CONNECTICUT.—The 10-foot channel portion of the Norwalk Harbor, Connecticut, navigation project described in subsection (a)(2) is modified to authorize the Secretary to realign the channel to include a new section immediately north of the area described in subsection (a)(2)(B). The new triangular shaped section is described as follows: Commencing at a point N103,968.35, E417,815.29, thence running south 17 degrees 05 minutes 15 seconds east 118.09 feet to a point N103,855.48, E417,849.99, thence running north 33 degrees 07 minutes 30 seconds west 36.76 feet to a point N103,886.27, E417.829.90, thence running north 10 degrees 05 minutes 26 seconds west 83.37 feet to the point of origin.

(d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—The projects for navigation, Chicago River and Chicago Harbor referred to in subsection (a)(3) are modified to direct the Secretary to redefine the Federal navigation channel for the North Branch Canal portion extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge to be no wider than 66 feet.

(e) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood damage reduction, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(2) The project for flood control, Goleta and Vicinity, California, authorized by the Flood Control Act of 1970.

(3) The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by the Flood Control Act of 1954 (Public Law 83–780) and the Flood Control Act of 1968 (Public Law 90–483).

(4) The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by the Flood Control Act of 1962.

(5) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946.

(6) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (Public Law 99–662).

(7) The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by the Water Resources Development Act of 1986, deauthorized in fiscal year 1991, and reauthorized by the Water Resources Development Act of 1992 (Public Law 102–580).

(8) The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (Public Law 100–676) and section 108 of the Water Resources Development Act of 1990 (Public Law 101–640).

(9) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966.

(10) The project for flood control, West Kentucky Tributaries, Kentucky, authorized by the Flood Control Acts of 1965 and 1970 and the Water Resources Development Act of 1986.

(11) The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by the Flood Control Act of 1941 and the Water Resources Development Act of 1974.

(12) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by the Flood Control Act of 1970 (Public Law–611).

(13) The project for Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (Public Law 90–483).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (Public Law 99–662).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (Public Law 99-662).

(16) The project for navigation, Greenville Harbor, Mississippi, authorized by section 601 of the Water Resources Development Act of 1986 (Public Law 99–662).

(17) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (Public Law 104–303).

(18) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (Public Law 99–662).

(19) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992.

(20) The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401 of the Water Resources Development Act of 1986 (Public Law 99–662).

(21) The project for flood control and recreation, Fairfield, Ohio, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662).

(22) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986.

(23) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(24) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by the Energy and Water Development Appropriations Act of 1991.

(25) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996.

(26) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Acts of 1976 and 1986.

(27) The project for flood damage reduction, Arroyo Colorado, Texas, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(28) The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by the Water Resources Development Act of 1988.

(29) The project for flood damage reduction, East Fork Channel Improvement, Increment 2,

East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962.

(30) The project for flood damage reduction, Falfurrias, Texas, authorized by the Water Resources Development Act of 1988.

(31) The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (Public Law 99–662).

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "two years" and inserting "year"; and

(2) by striking "7" and inserting "5".

SEC. 3098. LAND CONVEYANCES.

(a) MILFORD, KANSAS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(b) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking "city of Boardman," and inserting "the Boardman Park and Recreation District, Boardman,"; and

(2) by striking "such city" and inserting "the city of Boardman".

(c) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3099. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to each deed listed in paragraph (2), the reversionary interests and use restrictions relating to industrial use purposes are extinguished.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now known as "Easter Seals Tennessee"), at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT OF OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 3100. LAND EXCHANGE, DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330–332) is amended by adding at the end the following:

"(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.".

SEC. 4002. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

SEC. 4003. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4004. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4005. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN.

The Secretary shall transmit to Congress a report on the results of the Upper Mississippi River and Illinois Waterway Restructured System Navigation Feasibility Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no later than July 1, 2004.

SEC. 4006. HAMILTON, CALIFORNIA.

The Secretary is directed to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and shall include in the study an area 2 miles north and 4 miles south of State Highway 32.

SEC. 4007. OCEANSIDE, CALIFORNIA.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4008. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4010. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

SEC. 4011. CALUMET HARBOR, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

SEC. 4012. PADUCAH, KENTUCKY.

The Secretary is authorized to complete a rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, proceed to preconstruction engineering and design for rehabilitation of the project.

SEC. 4013. BASTROP-MOREHOUSE PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

SEC. 4014. WEST FELICIANA PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

SEC. 4015. CITY OF MACKINAC ISLAND, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

SEC. 4016. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 4017. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

SEC. 4018. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection for the Pueblo of Zuni, New Mexico, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

In carrying out the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

SEC. 4021. SAC AND FOX NATION, OKLAHOMA.

The Secretary shall complete a water and related land resource conservation and management plan for the Sac and Fox Nation, Oklahoma, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

SEC. 4022. SUTHERLIN, OREGON.

(a) STUDY.—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.

The Secretary shall conduct under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECOSYSTEM RESTORATION AND PROTECTION.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.

In conducting a feasibility study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, Texas, the Secretary may include any benefits related to the use of State Highway 87 as an emergency evacuation route in the determination of national economic development benefits of the project.

SEC. 4028. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.

The Secretary shall conduct a river basin study for the Chehalis River basin, Washington, including a study of the uses of the basin's water resources to assist users in developing a fair and equitable distribution of such resources.

SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.

The Secretary may accept from the non-Federal interest to pay all or a part of the non-Federal share of the cost of feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, funds made available under any other Federal program if such use of the funds is permitted under the Federal program.

SEC. 4031. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4032. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Pix Bayou navigation channel, Chambers County, Texas.

(2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(3) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

(c) SABINE-NECHES WATERWAY, TEXAS.—The Secretary shall remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Spring Branch watershed, Huntsville, Alabama.

(2) Tuolumne County, California.

(3) Cucamonga basin, Upland, California.

(4) Kinkaid Lake, Jackson County, Illinois.

(5) Those portions of the watersheds of the Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts, lying within the Interstate Route 495 corridor.

(6) Jackson Brook watershed, New Jersey.

(7) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(8) Southampton Creek watershed, Southampton, Pennsylvania.

(9) Unami Creek watershed, Milford Township, Pennsylvania.

(10) Amite River basin, Louisiana.

(11) Iberville Parish, East Atchafalaya River basin, Louisiana.

(12) Genesee River watershed, New York.

(13) Tonawanda Creek watershed, New York.

(14) Buffalo River watershed, New York.

(15) Eighteenmile Creek watershed, Niagara County, New York.

(16) Cattaragus Creek watershed, New York.

(17) Oswego River basin, New York.

(18) Red River watershed, Louisiana.

(19) Fountain Creek and tributaries, Colorado.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Mountain Park Dam, Mountain Park, Georgia.

(2) Barber Dam, Ada County, Idaho.

(3) Fish Creek Dam, Blaine County, Idaho.

(4) Lost Valley Dam, Adams County, Idaho.

(5) Salmon Falls Dam, Twin Falls County, Idaho.

(6) Whaley Lake Dam, Pawling, New York.

(7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.

(8) Dams in Mountain Lakes Park, Princeton Township, New Jersey.

(9) State Dam, Auburn, New York.

(10) Candor Dam, Candor, New York.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) FERN RIDGE DAM, OREGON.—It is the sense of Congress that the Secretary should work to immediately remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.

(2) Project for flood damage reduction, Marianna Borough, Pennsylvania.

(3) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

"(29) La Crosse County, Wisconsin;

"(30) Crawford County, Wisconsin;

"(31) Buffalo County, Wisconsin;

"(32) Calhoun County, Illinois;

"(33) Saint Charles County, Missouri;

"(34) Saint Louis County, Missouri;

"(35) Dubuque County, Iowa;

"(36) Scott County, Iowa;

"(37) Rock Island County, Illinois;

"(38) Ascension Parish, Louisiana;

"(39) East Baton Rouge Parish, Louisiana;

"(40) Iberville Parish, Louisiana; and

"(41) Livingston Parish, Louisiana.".

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) $20,000,000 for the project described in subsection (c)(20);

"(10) $20,000,000 for the project described in subsection (c)(25);

"(11) $15,000,000 for the project described in subsection (c)(26);

"(12) $7,800,000 for the project described in subsection (c)(27);

"(13) $18,000,000 for the project described in subsection (c)(31); and

"(14) $30,000,000 for the project described in subsection (c)(40).".

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

(1) Welch Point, Elk River, Cecil County, Maryland, being carried out under section 535(a) of the Water Resources Development Act of 1999 (113 Stat. 348–349).

(2) West View Shores, Cecil County, Maryland, being carried out under section 521 of the Water Resources Development Act of 2000 (114. Stat. 2655).

(3) Sylvan Beach Breakwater, Verona, Oneida County, New York, being carried out under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g).

(4) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(7) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(8) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(9) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(11) Lucas Berg Pit, Worth, Illinois, being carried out as part of the Calumet-Sag navigation project, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 19), and modified by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 636), and section 109 of the River and Harbor Act of 1958 (72 Stat. 302).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.

(2) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(3) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

(4) Project for shoreline stabilization at Egmont Key, Florida.

(b) SPECIAL RULE.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(4), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) CHESAPEAKE, MARYLAND.—The Secretary shall expedite completion of the study being carried out under section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) with respect to additional compensation to the city of Chesapeake, Maryland.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

The Secretary may provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by adding at the end the following: "The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.".

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking "and 2004" and inserting "through 2015".

SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.

Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) by striking "and" at the end of clause (vii);

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking "50 percent" and inserting "100 percent".

SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.

(a) Ex Officio Member.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) Authorization To Allocate.—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) Water Supply and Conservation Storage.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$30,000,000".

SEC. 5016. MONTGOMERY, ALABAMA.

The Secretary shall review the navigation and aquatic ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, Montgomery, Alabama, dated May 2001, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $5,000,000.

SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 5018. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking "$25,000,000" and inserting "$40,000,000"; and

(3) by adding at the end the following:

"(i) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

"(j) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.

(a) In General.—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion of the feasibility study, shall design and construct the project, if the Secretary determines that the project is feasible.

(b) Treatment of Certain Dredging.—The headlands dredging for the mooring basin shall be considered general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) Long-Term Maintenance and Repair.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) Study.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock that are impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.

(a) In General.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) Reimbursement.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5023. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION PROJECT, ARKANSAS AND OKLAHOMA.

The McClellan-Kerr Arkansas River navigation and comprehensive development project, Arkansas and Oklahoma, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), and the first section of the River and Harbor Act of 1946 (60 Stat. 364) and modified by section 108 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–112), is further modified to authorize a project depth of 12 feet in the States of Arkansas and Oklahoma.

SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5026. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking "$10,300,000" and inserting the following:

"(A) In general.—$10,300,000";

(2) by adding at the end the following:

"(B) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: "All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.".

SEC. 5028. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting the following:

"(A) In general.—$25,000,000";

(2) by adding at the end the following:

"(B) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.

"(C) In-kind contributions.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5029. SACRAMENTO AREA, CALIFORNIA.

Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting "$35,000,000";

(2) by inserting "water supply and" before "regional"; and

(3) by adding at the end the following: "$ for wastewater and water supply infrastructure in the counties of Modoc, Lassen, Plumas, Butte, Sierra, Nevada, El Dorado, and Placer, California.".

SEC. 5030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

(a) IN GENERAL.—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114. Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall include a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

SEC. 5031. SAN FRANCISCO, CALIFORNIA.

(a) PIER 70 WHARF 5 REMOVAL AND DREDGING PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, shall carry out the project for removal of Wharf 5 and associated pilings and dredgings at Pier 70 in San Francisco, California, substantially in accordance with the Port's redevelopment plans.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,600,000 to carry out this subsection.

(b) PIERS 94–96 REPAIRS PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repairs to Piers 94–96 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

(c) CAPITAL IMPROVEMENT PROJECT.—

(1) ESTABLISHMENT OF OFFICE.—The Secretary shall establish a centralized office at the office of the district engineer, San Francisco, California, for the use of all Federal and State agencies that are or will be involved in issuing permits and conducting environmental reviews for the capital improvement project to repair and upgrade the water supply and delivery system for the city of San Francisco.

(2) CONTRIBUTIONS.—The Secretary may use the authority under section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note) for the project described in paragraph (1).

(3) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this subsection, the Secretary and the heads of Federal agencies receiving funds under such section 214 for the project described in paragraph (1) shall ensure that the use of the funds accepted under such section for such project will not impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

SEC. 5032. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and southerly along said line of jurisdiction as described in the State of California Harbor and Navigable Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street produced southerly; thence northerly along said easterly line of Townsend Street produced to its intersection with the United States Government pier-head line; thence following said pier-head line westerly and northerly to its intersection with the existing boundary line of Piers 30/32, then northerly and easterly along the existing boundary of Piers 30/32 until its intersection with the United States Government pier-head line, thence following said pier-head line westerly and northerly to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 5033. STOCKTON, CALIFORNIA.

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5034. CHARLES HERVEY TOWNSHEND BREAKWATER, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 5035. EVERGLADES RESTORATION, FLORIDA.

(a) COMPREHENSIVE PLAN.—

(1) HILLSBORO AND OKEECHOBEE AQUIFER.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(A) in clause (i) by adding at the end the following: "The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan."; and

(B) in clause (iii) by inserting after "subparagraph (B)" the following: "and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer".

(2) OUTREACH AND ASSISTANCE.—Section 601(k) of such Act (114 Stat. 2691–2692) is amended by adding at the end the following:

"(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.".

(b) CRITICAL RESTORATION PROJECTS.—Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking "$75,000,000" and all that follows through "2003" and inserting "$95,000,000"; and

(2) in clause (ii) by striking "$25,000,000" and inserting "$30,000,000".

SEC. 5036. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109(e)(2) of Division B of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended by adding at the end the following:

"(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.".

SEC. 5037. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5038. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, in support of the 2003 World Kayaking Championships, at a total cost of $5,300,000.

SEC. 5039. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5040. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term "reconstruction", as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(1) Wood River Drainage and Levee District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1218).

(2) Clear Creek Drainage and Levee District, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1581).

(3) Fort Chartres and Ivy Landing Drainage District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 22, 1938 (52 Stat. 1218).

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $15,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 5041. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term "Kaskaskia River basin" means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to increase economic opportunity for agriculture and business communities; and

(E) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River basin.

SEC. 5042. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

SEC. 5043. PEORIA RIVERFRONT DEVELOPMENT, PEORIA, ILLINOIS.

The Secretary may carry out the project for Peoria riverfront development, Peoria, Illinois, under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653–2655), at a total cost of $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

SEC. 5044. ILLINOIS RIVER BASIN RESTORATION.

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "2004" and inserting "2010".

(b) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence "if such services are provided not more than 5 years before the date of initiation of the project or activity".

SEC. 5045. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking "$10,000,000" and inserting "$30,000,000"; and

(2) by striking "Lake and Porter" and inserting "Benton, Jasper, Lake, Newton, and Porter".

SEC. 5046. RATHBUN LAKE, IOWA.

(a) CONVEYANCE.—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the "Water Association").

(b) COST SHARING.—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) TERMS AND CONDITIONS.—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 5047. CUMBERLAND RIVER BASIN, KENTUCKY.

At reservoirs managed by the Secretary within the Cumberland River basin, Kentucky, the Secretary shall continue to charge fees associated with storage and maintenance of water supply that were in effect on October 1, 2002.

SEC. 5048. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries *between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.*

SEC. 5049. NORTH FORK, KENTUCKY RIVER, BREATHITT COUNTY, KENTUCKY.

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages, at an estimated total cost of $1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

SEC. 5050. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

"(i) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2004 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

SEC. 5051. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION.

(a) Definitions.—In this section, the following definitions apply:

(1) Coastal Louisiana ecosystem.—The term "Coastal Louisiana Ecosystem" means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

(2) Governor.—The term "Governor" means the Governor of Louisiana.

(3) Task force.—The term "Task Force" means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by subsection (e).

(b) Comprehensive Plan.—

(1) In general.—The Secretary shall develop a comprehensive plan for the purpose of protecting, preserving, and restoring the Coastal Louisiana Ecosystem. The comprehensive plan shall provide for the protection, conservation and restoration of the wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) Deadline.—Not later than July 1, 2004, the Secretary shall transmit the plan to Congress.

(3) Contents.—The plan shall include a comprehensive report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(4) Additional studies and analyses.—After transmission of a report under this subsection, the Secretary may conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) Integration of Other Activities.—

(1) In general.—In developing the plan under subsection (b), the Secretary shall integrate ongoing Federal and State projects and activities, including projects implemented under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), the Louisiana Coastal Wetlands Conservation Plan, the Louisiana Coastal Zone Management Plan, and the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(2) Statutory construction.—

(A) Existing authority.—Except as otherwise expressly provided for in this section, nothing in the section affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection or restoration activities in the Coastal Louisiana Ecosystem, including projects and activities specified in paragraph (1) of—

(i) the Department of the Army;

(ii) the Department of the Interior;

(iii) the Department of Commerce;

(iv) the Environmental Protection Agency;

(v) the Department of Agriculture;

(vi) the Department of Transportation;

(vii) the Department of Energy; and

(viii) the State of Louisiana.

(B) New authority.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) Cost Sharing.—The non-Federal share of the cost of developing the plan under subsection (b) shall be 50 percent.

(e) Coastal Louisiana Ecosystem Protection and Restoration Task Force.—

(1) Establishment and membership.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal Agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Coastal Advisor to the Governor.

(I) The Secretary of the Louisiana Department of Natural Resources.

(J) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation, Louisiana.

(2) Duties of task force.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem protection, restoration, and maintenance;

(D) shall establish a regional working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may allow the working group described in subparagraph (D) to—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties; and

(ii) select as an advisory body any entity that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(G) shall coordinate scientific research associated with the protection and restoration of the Coastal Louisiana Ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their protection and restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the protection, conservation, and restoration of the Coastal Louisiana Ecosystem; and

(J) shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that summarizes the activities of the Task Force.

(3) Procedures and advice.—

(A) Public participation.—

(i) In general.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of proceedings of meetings available for public inspection.

(ii) Oversight.—The Secretary shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) Advisors to the task force and working groups.—The Task Force or the working group described in paragraph (2)(D) may seek such advice and input from any interested, knowledgeable, or affected party as the Task Force or working group determines to be necessary to perform the duties described in paragraph (2).

(C) Application of the federal advisory committee act.—The Task Force, advisors to the Task Force, and any associated workgroups shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App).

(4) Compensation.—A member of the Task Force shall receive no additional compensation for the services provided as a member of the Task Force.

(5) Travel expenses.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency or entity that the member represents.

SEC. 5052. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking "$20,000,000" and inserting "$35,000,000".

SEC. 5053. WEST BATON ROUGE PARISH, LOUISIANA.

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

"(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.".

SEC. 5054. CHESAPEAKE BAY SHORELINE, MARYLAND, VIRGINIA, PENNSYLVANIA, AND DELAWARE.

(a) In General.—In carrying out comprehensive study of the feasibility of a project to address shoreline erosion and related sediment management measures to protect water and land resources of the Chesapeake Bay, the Secretary may carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to the Chesapeake Bay from sediment behind dams on the lower Susquehanna River.

(b) Authorization of Appropriations.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5055. DELMARVA CONSERVATION CORRIDOR, MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program authorized under subtitle G of title II of Public Law 107–171 (116 Stat. 275–278).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the State of Maryland on land located on the east side of the Chesapeake Bay, the Secretary shall coordinate and integrate, to the extent practicable, such projects with any activities undertaken to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of Public Law 107–171 (116 Stat. 275–276).

SEC. 5056. DETROIT RIVER, MICHIGAN.

Section 568(c)(2) of the Water Resources Development Act of 1999 (113 Stat. 368) is amended by striking "$1,000,000" and inserting "$25,000,000".

SEC. 5057. OAKLAND COUNTY, MICHIGAN.

Section 219(f)(29) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended by inserting "sanitary sewer overflows and" before "combined sewer overflows".

SEC. 5058. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed $5,000,000.

SEC. 5059. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking "TOWNSHIP" and inserting "AND CROW WING AND MILLE LACS COUNTIES";

(2) by inserting ", Crow Wing County, Mille Lacs County," after "Garrison"; and

(3) by adding at the end the following: "Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.".

(b) PROCEDURES.—In carrying out the project for Garrison and Kathio Township, Minnesota, authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5060. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking "Benton, Sherburne," and inserting "Beltrami, Hubbard, Wadena,";

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity."; and

(4) by adding at the end the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368–369), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5061. DESOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking "$20,000,000" and inserting "$30,000,000".

SEC. 5062. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, and other in-kind contributions.

SEC. 5063. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled "Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5064. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337) is amended by striking "$15,000,000" and inserting "$35,000,000".

SEC. 5065. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking "design" and inserting "planning, design,"; and

(B) by striking "Hackensack Meadowlands Development" and all that follows through "Plan for" and inserting "New Jersey Meadowlands Commission for the development of an environmental improvement program for";

(2) in subsection (b)—

(A) in the subsection heading by striking "REQUIRED";

(B) by striking "shall" and inserting "may";

(C) by striking paragraph (1) and inserting the following:

"(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.";

(D) in paragraph (2) by inserting "and aquatic habitat" before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

"(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.";

(3) in subsection (c) by inserting before the last sentence the following: "The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a)."; and

(4) in subsection (d) by striking "$5,000,000" and inserting "$35,000,000".

SEC. 5066. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking "processes" and inserting "and related environmental processes";

(2) by inserting after "Atlantic Coast" the following: "(and associated back bays)";

(3) by inserting after "actions" the following: ", environmental restoration or conservation measures for coastal and back bays,"; and

(4) by inserting at the end the following: "The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.".

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking "INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the" and inserting "ANNUAL REPORTS.—The";

(2) by striking "initial plan for data collection and monitoring" and inserting "annual report of data collection and monitoring activities"; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking "and an additional total of $2,500,000 for fiscal years thereafter" and inserting "$2,500,000 for fiscal years 2000 through 2002, and $17,000,000 for fiscal years beginning after September 30, 2002,".

SEC. 5067. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5068. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5069. LITTLE NECK BAY, VILLAGE OF KINGS POINT, NEW YORK.

(a) IN GENERAL.—The Secretary may carry out a navigation project at Little Neck Bay (Hague Basin), Village of Kings Point, New York, sufficient to permit the safe operation of the vessel T/V Kings Pointer at all tide levels.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the United States Merchant Marine Academy for the cost of the project carried out under this section.

SEC. 5070. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372–373) is amended—

(1) in subsection (f) by striking "$10,000,000" and inserting "$30,000,000";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal sponsor

may include a nonprofit entity, with the consent of the affected local government.".

SEC. 5071. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5072. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting "water and" before "wastewater".

SEC. 5073. CENTRAL RIVERFRONT PARK, CINCINNATI, OHIO.

If the Secretary is authorized to carry out a downtown waterfront development project for the Central Riverfront Park, Cincinnati, Ohio, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of—

(1) design and construction work undertaken by the non-Federal interest before entering into a partnership agreement for the project with the Secretary if the Secretary determines that the work is integral to the project; and

(2) land, easements, rights-of-way, and relocations provided by the non-Federal interest.

SEC. 5074. PIEDMONT LAKE DAM, OHIO.

In reconstructing the road on the Piedmont Lake Dam as part of the project for dam safety assurance, Piedmont Lake Dam, Ohio, being carried out under section 4 of the Flood Control Act of August 11, 1939 (53 Stat. 1414–1415), the Secretary shall upgrade the condition of the road to meet standards applicable to public use roads in the State of Ohio. The incremental cost of upgrading the road to meet such standards shall be a non-Federal expense.

SEC. 5075. OHIO.

Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking "$60,000,000" and inserting "$90,000,000".

SEC. 5076. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 5077. COLUMBIA RIVER, OREGON.

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944), is amended by inserting "and Celilo Village, Oregon" after "existing sites".

SEC. 5078. EUGENE, OREGON.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, shall carry out the restoration.

(b) Consideration of Noneconomic Benefits.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5079. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.

(a) In General.—The Secretary shall pay up to $2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of the multipurpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5080. LOWELL, OREGON.

(a) In General.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title and interest of the United States in and to approximately 3.32 acres of land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in subsection (b).

(b) Description of Property.—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) Terms and Conditions.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) Generally Applicable Provisions.—

(1) Applicability of Property Screening Provisions.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) Liability.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 5081. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYLVANIA.

The Secretary may rehabilitate the pumps at the project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total Federal cost of $225,000.

SEC. 5082. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "and Monroe" and inserting "Northumberland, Union, Snyder, and Montour".

SEC. 5083. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD, RAYSTOWN LAKE, PENNSYLVANIA.

(a) Improvement of Access Road.—The Secretary may make improvements to the Susquehannock Campground access road at Raystown Lake, Pennsylvania.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5084. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is amended--

(1) in subsection (a)(2) by striking "$10,000,000." and inserting the following: "$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.";

(2) in subsection (c)—

(A) in the subsection heading by striking "Cooperation" and inserting "Cooperative"; and

(B) by striking "cooperation" and inserting "cooperative"; and

(3) by adding at the end the following:

"(e) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.".

SEC. 5085. WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.

Section 219(f)(70) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by striking "$8,000,000" and inserting "$13,300,000".

SEC. 5086. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, may carry out the project, at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 5087. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.

The Secretary may accept from the Department of the Navy, and may use, not to exceed $23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

SEC. 5088. COOPER RIVER, SOUTH CAROLINA.

(a) In General.—The Secretary is authorized to provide technical and financial assistance for the removal of the Grace and Pearman Bridges over the Cooper River, South Carolina.

(b) Authorization of Appropriation.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5089. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended—

(1) by striking "$15,000,000" and inserting "$35,000,000"; and

(2) by inserting "wastewater treatment and" before "water supply".

SEC. 5090. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH DAKOTA.

(a) In General.—The Secretary shall review the project for flood damage reduction, Upper Big Sioux River basin, Watertown, South Dakota, as described in the report of the Chief of Engineers, dated August 31, 1994, and entitled "Watertown and Vicinity, South Dakota" and, if the Secretary determines that the project is feasible, may carry out the project, at a total cost of $25,000,000.

(b) Non-Federal Share.—

(1) In general.—The non-Federal share of the cost of the review may be provided in the form of in-kind services and materials.

(2) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the review the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for the review if the Secretary determines that such work is integral to the review.

SEC. 5091. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (45 Stat. 534–539), commonly known as the "Flood Control Act of 1928".

SEC. 5092. MEMPHIS, TENNESSEE.

The Secretary shall review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan, Memphis, Tennessee, prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers and that the component is feasible, may carry out the component at a total Federal cost not to exceed $5,000,000.

SEC. 5093. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

SEC. 5094. TENNESSEE RIVER PARTNERSHIP.

(a) In General.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the Rivers and Harbors Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5095. CLEAR CREEK AND TRIBUTARIES, HARRIS, GALVESTON, AND BRAZORIA COUNTIES, TEXAS.

The Secretary shall expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.

SEC. 5096. HARRIS COUNTY, TEXAS.

Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: ", whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency".

SEC. 5097. HARRIS GULLY, HARRIS COUNTY, TEXAS.

(a) Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.

(2) Use of local studies and plans.—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.

(3) Completion date.—The Secretary shall complete the study by July 1, 2004.

(b) Critical Flood Damage Reduction Measures.—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of $7,000,000.

(c) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that such work is integral to the project.

(d) Nonprofit Entity.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

SEC. 5098. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage, reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project during the 2-year period before the initiation of the feasibility study to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5099. PELICAN ISLAND, TEXAS.

(a) In General.—Section 108(a) of the Energy and Water Development Appropriations Act, 1994 (33 U.S.C. 59hh(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) Authority to convey.—The Secretary";

(2) by adding at the end the following:

"(2) Letter of intent.—

"(A) In general.—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the land which would be subject to such development.

"(B) Disposition of spoil.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance."; and

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) Expiration Date.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking "date of the enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2003".

SEC. 5100. FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking "$12,000,000" and inserting "$22,000,000".

SEC. 5101. RICHMOND NATIONAL BATTLEFIELD PARK, RICHMOND, VIRGINIA.

(a) In General.—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry's Bluff, Richmond National Battlefield Park, Richmond, Virginia.

(b) Reimbursement.—The Secretary shall seek reimbursement from the Secretary of the Interior of any costs incurred by the Secretary in carrying out subsection (a).

SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as "Strawberry Island") in Skamania County, Washington.

SEC. 5105. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5106. BLUESTONE, WEST VIRGINIA.

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676–2678) is amended—

(1) in subsection (b)(1)(A) by striking "4 years" and inserting "5 years";

(2) in subsection (b)(1)(B)(iii) by striking "if all" and all that follows through "facility" and inserting "assurance project";

(3) in subsection (b)(1)(C) by striking "and construction" and inserting ", construction, and operation and maintenance";

(4) by adding at the end of subsection (b) the following:

"(3) Operation and ownership.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).";

(5) in subsection (c)(1)—

(A) by striking "No" and inserting "Unless otherwise provided, no";

(B) by inserting "planning," before "design"; and

(C) by striking "prior to" and all that follows through "subsection (d)";

(6) in subsection (c)(2) by striking "design" and inserting "planning, design,";

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.";

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ", except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers."; and

(D) by adding at the end the following:

"(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.";

(8) in subsection (e) by striking "in accordance" and all that follows through "58 Stat. 890)";

(9) in subsection (f)—

(A) by striking "facility of the interconnected systems of reservoirs operated by the Secretary" each place it appears and inserting "facilities under construction under such agreements"; and

(B) by striking "design" and inserting "planning, design";

(10) in subsection (f)(2)—

(A) by "Secretary" each place it appears and inserting "Tri-Cities Power Authority"; and

(B) by striking "facilities referred to in subsection (a)" and inserting "such facilities";

(11) by striking paragraph (1) of subsection (g) and inserting the following:

"(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and";

(12) in subsection (g)(2) by striking "such facilities" and all that follows through "the Secretary" and inserting "the generating facility"; and

(13) by adding at the end the following:

"(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".

SEC. 5107. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$12,000,000" and inserting "$90,000,000".

SEC. 5108. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

SEC. 5109. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,"; and

(2) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

SEC. 5110. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

"(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting "Nicholas," after "Greenbrier,".

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.".

SEC. 5111. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.

"(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.

"(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.".

SEC. 5112. BRIDGE AUTHORIZATION.

There is authorized to be appropriated $20,000,000 for the construction of the bridge referred to in section 1001(1).

SEC. 5113. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A-220–221) is amended by adding at the end the following:

"(71) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

"(72) CHARLESTON, SOUTH CAROLINA.—$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.

"(73) CROSS, SOUTH CAROLINA.—$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.

"(74) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(76) TIA JUANA VALLEY, CALIFORNIA.—$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.

"(77) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.

"(78) RICHMOND COUNTY, NORTH CAROLINA.—$8,000,000 for water-related infrastructure, Richmond County, North Carolina.

"(79) UNION COUNTY, NORTH CAROLINA.—$9,000,000 for wastewater infrastructure, Union County, North Carolina.

"(80) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.

"(81) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

"(82) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

"(83) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

"(84) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

"(85) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

"(86) AWENDAW, SOUTH CAROLINA.—$2,000,000 for water-related infrastructure, Awendaw, South Carolina.

"(87) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water-related infrastructure, St. Clair County, Alabama.

"(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

"(89) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(90) WARWICK, NEW YORK.—$1,200,000 for water storage capacity restoration, Warwick, New York.

"(91) KIRYAS JOEL, NEW YORK.—$20,000,000 for water-related infrastructure, Kiryas Joel, New York.

"(92) WHITTIER, CALIFORNIA.—$8,000,000 for wastewater and water-related infrastructure, Whittier, California.

"(93) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

"(94) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,000,000 for water-related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(95) HANCOCK, HARRISON, JACKSON, AND PEARL RIVER COUNTIES, MISSISSIPPI.—$5,824,300 for water and wastewater-related infrastructure, Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.".

SEC. 5114. USE OF FEDERAL HOPPER DREDGE FLEET.

(a) STUDY.—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for worked performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–282. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 108–282.

AMENDMENT NO. 1 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment as the designee of the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DUNCAN:

Page 8, line 7, before "Except" insert "(a) PROJECTS WITH CHIEF'S REPORTS.—".

Page 8, before line 13, insert the following (and redesignate subsequent paragraphs accordingly):

(1) TANQUE VERDE CREEK, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $4,878,000, with an estimated Federal cost of $3,170,700 and an estimated non-Federal cost of $1,707,300.

Page 8, line 14, before "The" insert the following:

(A) IN GENERAL.—

Page 9, after line 2, insert the following:

(B) EXPEDITING BRIDGE DESIGN AND CONSTRUCTION.—The Secretary, in cooperation with appropriate non-Federal interests, shall immediately commence appropriate studies for, and the design of, a permanent bridge (including an evaluation of potential impacts of bridge construction on traffic patterns and identification of alternatives for mitigating such impacts) and, upon execution of a cost-sharing agreement with such non-Federal interests, shall proceed to construction of the bridge as soon as practicable; except that such studies, design, and construction shall not adversely affect the schedule of design or construction of authorized projects for flood damage reduction.

Page 9, after line 16, insert the following (and redesignate subsequent paragraphs accordingly):

(4) PEORIA RIVERFRONT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of $15,182,000, with an estimated Federal cost of $9,868,000 and an estimated non-Federal cost of $5,314,000.

Page 9, line 21, strike "Report" and insert "Reports".

Page 9, line 22, before "at" insert "and July 22, 2003,".

Page 10, after line 12, insert the following (and redesignate subsequent paragraphs accordingly):

(6) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $103,268,000, with an estimated Federal cost of $67,124,000 and an estimated non-Federal cost of $36,144,000.

Page 11, after line 25, insert the following:

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2003:

(1) BEL MARIN KEYS UNIT V, CALIFORNIA.—The project for environmental restoration, Bel Marin Keys Unit V, California, at a total cost of $133,600,000, with an estimated Federal cost of $100,200,000 and an estimated non-Federal cost of $33,400,000.

(2) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California, at a total cost of $11,922,000, with an estimated Federal cost of $7,630,000 and an estimated non-Federal cost of $4,292,000.

(3) GWYNNS FALLS, MARYLAND.—The project for environmental restoration, Gwynns Falls, Maryland, at a total cost of $14,660,000.

(4) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey, at a total cost of $60,649,000, with an estimated Federal cost of $39,422,000 and an estimated non-Federal cost of $21,227,000.

(5) CENTRALIA, CHEHALIAS RIVER, WASHINGTON.—The project for flood damage reduction, Centralia, Chehalias River, Washington, at a total cost of $86,872,000, with an estimated Federal cost of $56,467,000 and an estimated non-Federal cost of $30,405,000.

Page 15, after line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(3) RED LAKE FALLS, MINNESOTA.—Project for emergency streambank protection, Red Lake River, Red Lake Falls, Minnesota.

Page 16, after line 5, insert the following (and redesignate subsequent paragraphs accordingly):

(2) PALM BEACH HARBOR, FLORIDA.—Project for navigation, Palm Beach Harbor, Florida.

Page 16, after line 7, insert the following (and redesignate subsequent paragraphs accordingly):

(3) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(4) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

Page 23, strike lines 10 and 11.

Page 23, line 12, strike "(C)" and insert "(B)".

Page 23, line 12, strike "Secretary of the Army".

Page 23, line 14, strike "district engineer" and all that follows through "out" on line 15.

Page 23, line 19, strike "(D)" and insert "(C)".

Page 23, line 21, strike "liquidated".

Page 24, lines 3 and 5, strike "partnership".

Page 24, line 3, after "agreement" insert "under this section".

Page 24, line 15, strike "liquidated".

Page 25, strike line 7, and insert the following:

(d) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.—

(1) IN GENERAL.—Agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) shall further partnership and cooperative arrangements with non-Federal interests and shall be referred to as "partnership agreements".

Page 25, line 8, strike "(1) TO" and insert "(2) REFERENCES TO".

Page 25, line 14, strike "(2) TO" and insert "(3) REFERENCES TO".

Page 25, after line 18, insert the following:

(e) ENTRY OF AGREEMENT WITH DISTRICT ENGINEER.—After January 1, 2005, the agreement required to be entered into under section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) shall be entered into with the district engineer for the district in which the project will be carried out, unless, before that date, the Secretary issues policies and guidelines for partnership agreements and delegates to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law, or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources development project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources development project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) PUBLIC AVAILABILITY.—Not later than the 120th day following the date of enactment of this Act, the Chief of Engineers shall ensure that each district engineer has made available on the Internet all partnership agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10 years and all partnership agreements for water resources development projects currently being carried out in that district and shall make any partnership agreements entered into after such date of enactment available on the Internet within 7 days of the date on which such agreement is entered into.

Page 36, line 19, strike "conveyed to" and all that follows through the closing parenthesis mark on line 21 and insert "owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community."

Page 74, after line 11, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2034. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the Southeastern United States; and

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000 and to carry out subsection (a)(2) $5,000,000. Such sums shall remain available until expended.

Page 76, line 4, strike "TATILEK" and insert "TATITLEK". Conform the table of contents of the bill accordingly.

Page 76, line 6, strike "Tatilek" and insert "Tatitlek".

Pages 79 and 80, move section 3012 (relating to Los Angeles Harbor, Los Angeles, California) after section 3013 (relating to Larkspur Ferry Channel, Larkspur, California). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 87, after line 15, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3028. JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

Page 87, line 24, after "project" insert "in accordance with the feasibility report of October 2002".

Page 87, line 24, strike "$12,926,000" and insert "$12,632,200".

Page 87, line 25, strike "$6,547,000" and insert "$7,882,493".

Page 88, line 1, strike "$6,379,000" and insert "$4,749,707".

Page 88, line 2, strike "$925,000" and insert "$1,044,400".

Page 88, line 4, strike "$468,500" and insert "$651,706".

Page 88, line 5, strike "$456,500" and insert "$392,694".

Pages 89 and 90, move section 3032 (relating to Miami Harbor, Florida) after section 3029 (relating to Manatee Harbor, Florida). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 89, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3032. TAMPA HARBOR-CUT B, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B if the Secretary determines that such improvements are necessary for navigation safety.

Page 90, line 8, before "Federal" insert "a".

Page 90, line 8, strike "and" and insert "or".

Page 90, line 9, strike "agencies" and insert "agency".

Page 91, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 3034. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.

(a) ONGOING PROJECT.—The project for improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to provide for a dispersal barrier for invasive species, is modified to allow that Federal assistance made available through other Federal agencies may be used toward payment of the non-Federal share of the costs of the project.

(b) NEW WORK.—The Secretary shall conduct a study of a project for the improvement of the quality of the environment, Chicago Sanitary and Ship Canal, Illinois, and if the Secretary determines that the project is appropriate, shall carry out a project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), including upgrades or improvements to the existing barrier for aquatic invasive species. Federal assistance made available by other Federal agencies may be used toward payment of the non-Federal share of the cost of the project.

Page 100, line 23, before the period insert the following:
and to authorize the Secretary to carry out the project in accordance with the report prepared by the non-Federal interest if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible

Page 109, line 4, after "would" insert "not".

Page 109, line 5, strike "the same" and insert "a lesser".

Page 109, line 17, strike "$18,000,000" and insert "$18,200,000".

Page 118, after line 20, insert the following:
(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

Page 118, line 21, strike "(1)" and insert "(2)".

Page 119, line 3, strike "(2)" and insert "(3)".

Page 119, line 5, after "determination" insert ", within 180 days after the date of enactment of this Act,".

Page 120, line 13, before "construction" insert "design and".

Page 120, lines 14 and 15, strike "before the date of the partnership agreement".

Page 123, line 25, insert before the period the following:
; except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet

Page 127, after line 19, insert the following (and redesignate subsequent paragraphs accordingly):

(4) MUSCATINE, IOWA.—The Mississippi River at Muscatine, Iowa project, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164).

(5) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18 thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

Page 141, after line 3, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4002. CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS WATERSHED, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, recreation, and water supply in the Chactawhatchee, Pea, and Yellow Rivers watershed, Alabama.

Page 142, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4007. NAPA RIVER, ST. HELENA, CALIFORNIA.

The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities. In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study where the Secretary determines that such plans and designs are consistent with the Federal interest.

Page 144, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4015. FALL RIVER HARBOR, MASSACHUSETTS.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

Pages 144 and 145, move sections 4016 (relating to Chicago, Illinois) and 4017 (relating to South Branch, Chicago River, Chicago, Illinois) after section 4011 (relating to Calumet

Harbor, Illinois). Redesignate subsequent sections, and conform the table of contents of the bill, accordingly.

Page 150, after line 25, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 4033. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

Page 154, after line 12, insert the following:

(20) Schuylkill River watershed, Pennsylvania.

Page 157, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

"(10) $25,000,000 for the project described in subsection (c)(23);

Page 160, after line 25, insert the following:

(5) Project for environmental restoration, Gwynns Falls, Maryland.

Page 161, line 1, after "Special Rule" insert "for Egmont Key, Florida".

Page 161, after line 10, insert the following:

(d) Special Rule for Gwynns Falls, Maryland.—The report on the project for environmental restoration at Gwynns Falls, Maryland, referred to in subsection (a)(5), shall be treated as being consistent and in compliance with the consent decree entered into between the United States and the Mayor and City Council of Baltimore, Maryland, filed with the United States District Court for the District of Maryland on April 26, 2002, and no policy of the Secretary with respect to work performed under a consent decree shall delay completion of this report and its submission to Congress.

Page 166, after line 7, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5020. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

Page 167, after line 6, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5023. HELENA AND VICINITY, ARKANSAS.

The Secretary shall accept as fulfilling the non-Federal cost sharing responsibilities for the project for flood control, Helena and Vicinity, Arkansas, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4112), the non-Federal cash contribution of $568,000 and the lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal sponsor as of September 1, 2003; and the Secretary shall not seek to recover any reimbursement from the non-Federal sponsor related to advanced payments to, or work performed for, the non-Federal sponsor under the authority of sections 103 and 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2214).

Page 170, after line 16, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5029. PLACER AND EL DORADO COUNTIES, CALIFORNIA.

(a) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Placer and El Dorado Counties, California.

(b) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties through water and wastewater projects, programs, and infrastructure.

(c) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) Credit for work.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) Land, easements, and rights-of-way credit.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(g) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 170, lines 19 and 20, strike "amended—" and all that follows through "by" on line 21 and insert "amended by".

Page 170, line 22, strike the semicolon and all that follows through line 5 on page 171 and insert a period.

Page 175, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5033. SAN PABLO BAY WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) San Pablo Bay Watershed, California.—

(1) In general.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) Report.—Not later than March 31, 2008, the Secretary shall transmit to Congress a report on the results of the study.

(c) Suisun Marsh, California.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(d) San Pablo and Suisun Bay Marsh Watershed Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, activities, immediate and substantial ecosystem restoration, preservation and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

Participation in such critical restoration projects may include assistance for planning, design or construction.

(2) Non-federal interests.—Notwithstanding the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may serve, with the consent of the affected local government, as a non-Federal sponsor for a project undertaken pursuant to this section.

(3) Cost sharing.—Before carrying out any project under this section, the Secretary shall enter into a partnership agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the cost of construction for the project;

(B) to provide any lands, easements, rights-of-way, dredged material disposal areas and relocations necessary to carry out the project; and

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(4) Credit.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(A) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided for carrying out the project, regardless of the date of acquisition;

(B) funds received from the CALFED Bay-Delta program; and

(C) the cost of the studies, design and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $40,000,000.

Page 176, after line 17, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5034. UPPER KLAMATH BASIN, CALIFORNIA.

(a) DEFINITION OF UPPER KLAMATH BASIN.—In this section, the term "Upper Klamath Basin" means the counties of Klamath, Oregon, and Siskiyou and Modoc, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Upper Klamath Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in the Upper Klamath Basin through water and wastewater and ecosystem restoration projects, programs, and infrastructure.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000. Such sums shall remain available until expended.

Page 181, after line 11, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5041. COOK COUNTY, ILLINOIS.

Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 535; 114 Stat. 2763A-221) is amended—

(1) by striking "$35,000,000" and inserting the following:

"(A) IN GENERAL.—$35,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $80,000 for the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

Page 186, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5045. SOUTHWEST ILLINOIS.

(a) DEFINITION OF SOUTHWEST ILLINOIS.—In this section, the term "Southwest Illinois" means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 197, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5053. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33

U.S.C. 1271), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

Page 199, after line 22, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5059. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection in the vicinity of Highway 2, Crookston, Minnesota, and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

Page 203, after line 8, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 5065. DELAWARE RIVER, TRENTON, NEW JERSEY.

The Secretary shall provide assistance to address floating and partially submerged debris in that portion of the Delaware River downstream from Trenton, New Jersey.

Page 206, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5069. GATEWAY POINT, NORTH TONAWANDA, NEW YORK.

The Secretary shall review the shoreline stabilization, recreation, and public access components of the feasibility report for waterfront development at Gateway Point, North Tonawanda, New York, entitled "City of North Tonawanda, Gateway Point Feasibility", dated February 6, 2003, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $3,300,000.

Page 207, after line 18, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5071. TIMES BEACH DIKE, BUFFALO, NEW YORK.

As part of operation and maintenance of the Buffalo Harbor and Buffalo River navigation projects, the Secretary may repair the Times Beach confined disposal facility dike, Buffalo, New York.

Page 217, after line 13, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5092. J. PERCY PRIEST DAM AND RESERVOIR, OHIO RIVER BASIN, TENNESSEE.

The Secretary shall plan, design and construct upgrades to the existing trail system at the J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), including design and construction of support facilities for public health and safety associated with trail development. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

Page 218, after line 8, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. 5094. EAST TENNESSEE.

(a) DEFINITION OF EAST TENNESSEE.—In this section, the term "East Tennessee" means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 230, line 23, strike "$20,000,000" and insert "$30,000,000".

Page 230, line 24, strike "1001(1)" and insert "1001(a)(1)".

Page 234, line 17, strike the closing quotation marks and the final period.

Page 234, after line 17, insert the following:

"(96) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

"(97) ARCADIA AND SIERRA MADRE, CALIFORNIA.—$20,000,000 for water-related infrastructure, Arcadia and Sierra Madre, California.

"(98) EL PASO COUNTY, TEXAS.—$25,000,000 for water-related infrastructure and resource protection and development, El Paso County, Texas.

"(99) ATLANTA, GEORGIA.—$35,000,000 for implementation of a sanitary sewer overflow control plan, Atlanta, Georgia.

"(100) CHATTAHOOCHEE RIVER, GEORGIA.—$20,000,000 for implementation of wastewater infrastructure and resource protection to enhance water quality in and adjacent to the Chattahoochee River, Georgia.

"(101) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.

"(102) IMPERIAL COUNTY, CALIFORNIA.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, Imperial County, California.

"(103) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.".

Page 235, after line 12, insert the following (and conform the table of contents of the bill accordingly):

SEC. 5115. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading "Administrative Provisions" of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5116. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this en bloc amendment makes technical and conforming changes to project-related provisions in the bill and authorizes or modifies additional projects brought to the committee's attention following committee action.

Specifically, the Corps of Engineers has prepared nine additional chief's reports, recommending that Congress authorize certain water resources projects. The amendment also directs the Corps of Engineers to carry out a number of small projects under existing Corps authorities to improve navigation, provide flood damage reduction and improve the quality of the environment. For other projects that have not been studied, the amendment authorizes four new Corps of Engineers studies.

This amendment, like the underlying bill, has been developed in a bipartisan fashion. All projects must be in the Federal interest and must comply with cost-sharing and cost-benefit rules. This means not every project could be addressed. But, within these constraints, we did our best to meet the needs of all our communities and all the Members that we possibly could.

I urge all Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois is recognized for 10 minutes.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not rising actually in opposition to the amendment, but I am claiming the time. I actually am rising in support of the manager's amendment that is offered by the gentleman from Alaska (Mr. YOUNG).

The amendment offered by the gentleman from Alaska (Chairman YOUNG) is a bipartisan amendment addressing various needs and issues that have come to the committee's attention since the bill was considered at markup in July. The amendment contains modifications to provisions in the bill and a few new items. Each were considered by the leadership of the Committee on Transportation and Infrastructure, and they are consistent with the policies of the committee for inclusion in the Water Resources Development Act.

The Young amendment contains nine new authorizations or modifications based upon completed reports of the Chief of Engineers. It includes authorization of 5 small projects and modification to 10 existing projects. There are two new project deauthorizations and authority for the Corps to conduct four new project studies.

Mr. Chairman, this amendment, like the underlying bill itself, was developed in a bipartisan process that ensured that Members on both sides of the aisle were treated fairly and openly.

Mr. Chairman, I congratulate the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), for their cooperation in developing not only the bill, but this amendment, and I urge the adoption and approval of the manager's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I have no further speakers. I yield back the balance of my time and urge support for this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

Mr. GOODLATTE. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection the gentleman is recognized.

There was no objection.

Mr. GOODLATTE. Mr. Chairman, I want to clarify one point that is in this bill. I was going to ask unanimous consent to modify the bill, but the Democrats have not had an opportunity to make a final decision about that, and we are ready to move to final passage. So I would just ask the gentleman from Tennessee if he would clarify this with me.

I rise to enter into a colloquy with the gentleman from Tennessee (Mr. DUNCAN) to clarify section 3090 of the bill today.

Included in this bill, H.R. 2557, is language regarding the Roanoke River Upper Basin Flood Control Project, a much-needed project located in the Sixth Congressional District of Virginia. This project has been in discussion for many years, and my community, along with the Corps of Engineers, stands ready to begin construction within the year. As written, section 3090 contains language stating that awards for contracts will be based on invitation for bids procedures.

Mr. Chairman, I wonder if you might clarify the intent of that language.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, my understanding from staff on the other side is that the staff on the other side of the aisle and the Members on the other side of the aisle, particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will be glad to work with the gentleman from Virginia (Mr. GOODLATTE) if the gentleman withdraws his colloquy at this point.

I will say that there is language in the bill at this time that attempts to get at the problem that the gentleman from Virginia (Mr. GOODLATTE) is trying to solve. The language says, "In carrying out the project, the Secretary shall award contracts based on an invitation for bids procedure."

If that is not satisfactory to accomplish the goal of the gentleman from Virginia (Mr. GOODLATTE), if he feels that he is in a position to withdraw the colloquy at this point, then it is my understanding that the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will try to work with the gentleman from Virginia (Mr. GOODLATTE) to resolve this issue.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, as the chairman knows, it is my intention that anybody be able to bid on this contract. That is what the city of Roanoke desires and so on. However, if the understanding is with the other side that they will at least strike this language that does not clarify that, I would ask unanimous consent at this time to strike the language at page 121, lines 5 and 6, carrying to the end of that section.

The CHAIRMAN pro tempore. That unanimous consent request is not in order in the Committee of the Whole.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, let me assure the gentleman that, number one, we have an agreement to strike the language, we agree to that, and we will work with the gentleman and with the chairman of the subcommittee and the gentleman from Alaska (Mr. YOUNG) further. But we are not willing to go any further today than to strike the language.

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. GOODLATTE. Is it correct that once we are out of the Committee of the Whole and into the House itself, that this unanimous consent request would be in order at that time?

The CHAIRMAN pro tempore. The unanimous consent to modify the bill before final passage might be entertained in the House after the committee rises.

Mr. GOODLATTE. Mr. Chairman, I would ask the gentleman from Illinois (COSTELLO) if that would be appropriate, to raise it in the House?

Mr. COSTELLO. Mr. Chairman, if the gentleman will yield further, if the subcommittee chairman would make a motion to strike the language without any reference to legislative intent, just take the language out, we would agree to that.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–282.

AMENDMENT NO. 3 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ROHRABACHER:

Page 74, after line 11, insert the following:

SEC. 2034. PORT OR HARBOR DUES.

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) by inserting "or container fees" after "tonnage duties or fees";

(2) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (i);

(B) by striking "and" at the end of clause (ii) and inserting "or"; and

(C) by inserting after clause (ii) the following:

"(iii) to finance the cost of construction and operation and maintenance of any infrastructure project for a harbor, including an infrastructure project outside the boundaries of the harbor if the project is for transportation to, from, or through the harbor; and"; and

(3) in paragraph (1)(B) by inserting "and security" after "emergency response".

Conform the table of contents of the bill accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will see to it that the massive costs in making our ports and harbors more secure are shared by those foreign manufacturers who use these facilities. The American people should not be stuck with the entire costs of the expensive infrastructure and security upgrades now necessary for the sake of homeland security.

What happens under the current system is that Americans are taxed to pay for improvements to our ports, which are then used by foreign manufacturers to move more efficiently in their exporting of products into our market. Yes, we end up taxing our own manufacturers in order to help their foreign competitors put them out of business. Something is wrong with this formula.

My amendment will permit local port authorities the right to levy a fee on containers traversing through their ports. This fee will be fed into a fund controlled by the authority to meet the new and rising cost of security and infrastructure.

Why should all the tens of billions of dollars needed for this upgrading come out of the hide of our own taxpayers? Should the manufacturers in Shanghai not pay a share of the cost through a fee on the containers they use? After all, are these foreign manufacturers not making huge profits by using an infrastructure provided for them by our own taxpayers?

Surprisingly, some of our ports are opposed to this amendment. You can hear lobbyists around the Hill talking about it. They like the status quo. They come to Washington and expect us to provide them more and more money by just simply taking it right out of the hide of the American working people. They want us, whenever there is an upgrade necessary, especially as we look into the future where it is not just regular upgrades and regular structural operations in their ports, now that we are looking at a huge expense because of homeland security needs, they just expect us to hand it to them and take it right out of the pockets of the American people.

Well, I am sorry, but that is not the fair way to do things, and that is not the best way to do things. We should be expecting foreign businesses through a container fee to pay their fair share.

If the ports do not want to ask them for that, but would rather come here and have us take that money out of the pockets of our own people, well, I am sorry, they are going to be disappointed. But the American people will not be disappointed. The American people will be disappointed if we continue to provide people overseas who manufacture products that put our own people out of work, that we continue to provide them these services free of charge, of course, at the expense of the American taxpayer.

Mr. Chairman, lobbyists have been around. Some of the people who vote on this bill will have heard from their lobbyists saying they have to be against the container fee. I am suggesting, because it is going to go to a non-Federal interest. That is right, it is not going to go into the Federal pool of money here. It is going to be kept locally by the port authorities to be used for infrastructure and security matters in those local areas, or it could perhaps, for example, be used for matching funds. If the Federal Government is going to provide something, they could use that for matching funds. This is fair to the American taxpayer.

□ 1715

If there is any problem with wording, a little bit of wording here, little tweaks that need to happen to make this a perfect bill, I am happy to work with the chairman and work with the people on this committee as this bill moves forward. But if this bill loses today, if my amendment loses today, it will mean the American taxpayer is going to get stuck with all of this cost, and we are basically letting these foreign manufacturers off the hook; and we all know that. This is our chance to start this process down the road so we will have container fees and a more fair system of providing resources to our ports and our harbors.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, on behalf of the committee and the gentleman from Alaska (Chairman YOUNG), I claim the time in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to the gentleman's amendment. I can understand the gentleman's interest in supporting the additional investment in infrastructure and security, but I believe that the Rohrabacher amendment is not the best way to pursue that goal.

In the brief time that we have had to review the proposal, the committee has heard only objections to the proposal. Port interests, those that one would expect would be supporting this proposal, have indicated that they are either in opposition or that they have no position. We have been contacted by the California Marine Affairs and Navigation Conference who are opposed to the amendment; the California Association of Port Authority is opposed; the American Association of Port Authorities, they defer action and recommend that we take no position on this issue, at least they take no position. The Port of Long Beach is opposed, and the Port of Stockton is opposed. Those are just some of the port interests that have contacted us just today, since the amendment was given to us.

Let me also say that a proposal similar to the Rohrabacher proposal, but a little more narrow than the Rohrabacher amendment, was considered in the last Congress during the committee's work on the Maritime Transportation and Security Act of 2002. That proposal was not adopted, in large part due to the strong objections from the Office of Management and Budget within the Bush administration.

The fees contemplated in the Rohrabacher amendment would be available for ports or States to use for any infrastructure project, including infrastructure outside the boundaries of the harbor, if the project is for transportation to, from, or through the harbor. This could be any road, rail, or even any airport project associated with the harbor. It could include the locks and dams on the inland waterway system.

The committee has long supported transportation trust fund financing of transportation modes. Highway users support highways, inland waterway users support inland waterways, airport users support airports, and port users support ports. It is inappropriate to establish a fee system where the containerized cargo industry could be supporting other transportation modes.

This amendment could encourage ports or States to view containerized cargo as a simple source of revenue, in effect, a hidden tax to finance any and all transportation modes.

Mr. Chairman, this amendment simply does not have broad-based support, and we should reject the amendment. There have been no hearings on the proposal. I would suggest that we have the opportunity to learn more about the proposal in the appropriate forum in the subcommittee of this Committee on Transportation and Infrastructure. While I will say that my friend from the Committee on Transportation and Infrastructure and the Committee on Science, whom I serve with on the Committee on Science, that his amendment is well intentioned, and I would like to work with him to achieve what he is attempting to achieve, I believe that this amendment, in its current form, is more harmful than beneficial. Let us, on the appropriate authorizing committee, have the opportunity to consider and debate it. But I stand in opposition to the amendment as it is presented before us today.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Any amendment such as this and as broad as this should be debated and heard in the hearing process rather than coming right here to the floor of the House. This is almost giving to local government tariff authority. I question exactly the constitutionality of this. This is not just simply a user fee. It is much broader than that, and it goes on much beyond that. The ports of our Nation should be heard on this particular issue. All of the indications that I have and the letters and correspondence that I have before me indicate opposition to this idea.

This type of authority and granting this type of authority, what I understand to be authority to impose a fee, or one might call it a tax upon imports into this country and use those funds outside of the port is certainly a very broad step, and I think a step in the wrong direction.

Mr. Chairman, I certainly would urge all Members to vote against this amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just suggest, we do not represent the ports here. By the way, if anybody represents the ports in this room today, it is me. I represent, in my district, the ports of Los Angeles and Long Beach; and if there is anything I understand now about being a Congressman from an area that represents ports is the ports are looking for leadership. The American people, surprise, surprise, are looking for leadership from us.

Our job is not to make our decisions by, well, let us call up the people who want Federal money and see if they want us to give them Federal money. That is not our job. Our job is to try to structure a system that works for the benefit of the American people.

I would suggest this: that even though I represent both the ports of Los Angeles and Long Beach, who I really represent are the American people. I do not know if any of my colleagues have had the experience that I have with the small manufacturers in their areas. I have gone to small manufacturers in my area, and what have I found? They are going out of business. And they are going out of business because we have set up a structure that has permitted foreign manufacturers to slip into our market at almost no expense to those foreign manufacturers and undercut our own manufacturers. Why is it so wrong that we would expect that those foreign manufacturers pay a little fee, a little fee on the containers they are using so they can help build the infrastructure, rather than tax those companies that I visited in my district who are going under because of this, really, actually, American tax-supported competition that they are having to face? This is not right.

I can see why our ports and harbors do not want this. They do not want to have to ask for that fee. Well, the fact is, it is good for America, it is good for the American manufacturer, and it will be good for our ports in the end if we give them this right.

This idea that they may not get the money, we can tweak this language; we all know that. If this amendment passes, we can tweak the language to make sure it goes exactly where we want it, into security and infrastructure for these ports. But if we do not pass this amendment, this idea is dead, this idea is dead; and what is going to happen is, the tens of billions of dollars, right now, that we are making a stand on, will be paid by the American people, rather than through a container tax paid for by foreign manufacturers.

I say it is time for this body to stand up and provide some leadership. Who cares what the ports say right now. If they are operating in their self interests, we have to operate in America's interests, and it is in America's interests to have foreign manufacturers contribute to infrastructure costs here.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time.

I think one of the things that is important for us to consider when we are dealing with issues of our infrastructure with ports, we have a requirement here I think of the Federal Government to be a full partner. The Federal Government is a full partner with our ports around the country, and I think we need to be careful with the authority to levy charges coming in and out of our ports. This could have a very significant differential effect up and down, for example, the west coast.

I am supportive of the notion of our committee investing more money in infrastructure from water resources to roads to transit, but I would hope that it is not done in a scatter-shot fashion where we take Federal authority and turn it over to interfere with the orderly flow of commerce and trade; but rather that we, as has been recommended by our ranking member and our chairman, have a consideration before the committee about what those resources' needs are.

Frankly, we have higher priorities, in my judgment, that we are not meeting now. We have had difficulty providing adequate resources now to deal with critical maintenance dredging, to deal with port infrastructure, to deal with other areas that are connected; and I think the last thing we need to do is to take a step back to balkanize this, to move away from the system. This is authority that I think we as a committee ought to be looking at to be able to have an integrated system dealing with multimodal requirements and promoting an integrated, smooth flow of trade.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just note that this creates a new revenue flow. This amendment will create new revenue, a new source of revenue that begins perhaps in Shanghai or some other foreign country, and that revenue then can be used to our benefit. Now, the only other option we have, of course, is to fight over limited revenue, all of which is taken out of the pockets of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Alaska (Chairman YOUNG) wanted to be here to make a statement in opposition to this amendment. On his behalf, I have been asked to point out, at least, that the ports already have the authority to charge fees for the services that they render; they do not need Congress to give them this authority.

Also, the gentleman from Alaska (Chairman YOUNG) feels that if this amendment were to pass, this could force ships to go to other ports. Also, we have letters from the American Association of Port Authorities and the California Marine Affairs Navigation Conference, the Port of Long Beach, the California Association of Port Authorities, the Virginia Port Authority, the Port of Stockton, and other similar groups opposing the gentleman's amendment.

Let me just say that as the gentleman from Illinois has said, we certainly sympathize with the gentleman's amendment. The gentleman from California and I came to Congress together. There is almost nobody in this Congress that I admire and respect more than the gentleman from California (Mr. ROHRABACHER).

I think, as the gentleman from Illinois said, this amendment is well intentioned. I think it is something that our subcommittee could and should hold a hearing about. And I think that perhaps if the gentleman would work with the committee and the subcommittee and the various organizations, the port authorities and the shipping industry, there might be a way to accomplish what he is attempting to accomplish through this amendment.

But at this point, we do have to rise in opposition to this amendment because it is something that I think probably deserves and probably needs a little additional work.

Mr. Chairman, I yield such time as I may have remaining to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for yielding me this time.

I just want to point out, in support of the committee position, that during the House-Senate conference on the port security bill last year, we were attempting to negotiate a fee proposition that would provide funding for the needs of ports to conduct the security measures that were required under the Port Security Act, and we hit upon this idea of a container fee. It was discussed between a Member of the other body and the gentleman from Alaska (Chairman YOUNG) and me. And we revised and revised this language down so we had it very narrowly honed to fit the definition of the Office of Management and Budget that a fee is a charge for a service directly related to the purpose for which the charge is imposed. That language proved to be unacceptable to the Office of Management and Budget, not on its merits, but on policy grounds that they did not want to fund port security with a container fee.

□ 1730

At the request of the President, Senator HOLLINGS and I, and the gentleman from Alaska (Chairman YOUNG) agreed to drop that language.

Now, while I am very much in sympathy with the purposes for which the gentleman from California (Mr. ROHRABACHER) wishes to generate this source of revenue, we tried a much more narrow application and ran aground on the rocks of OMB. We shoaled, if you will, on this issue. And I fear that there will be the same response were we to take a wider view. And I think that the gentleman from Tennessee's (Mr. DUNCAN) wise injunction let us put this aside, let us come back to work on the issue together, constructively, and find a way that we can reason together with the Office of Management and Budget.

Mr. ROHRABACHER. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side to allow the gentleman from Alaska (Mr. YOUNG) to speak.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman from Minnesota (Mr. OBERSTAR) and my friend, the gentleman from Tennessee (Mr. DUNCAN), the chairman of the committee and rise in opposition. I do this somewhat reluctantly because the gentleman from California (Mr. ROHRABACHER) has talked to me about this issue over some time.

But to have a cliche, I do not think this amendment does anything right now but muddy the waters, and this is a very clean bill, and I would suggest respectfully that although his endeavors have great merit, that to put it on this bill, at this time, would be a detriment to the bill itself. We have had most, I would say all of the harbors speak out very strongly about this.

As the gentleman from Minnesota (Mr. OBERSTAR) said, if this was to be left in the bill or be adopted in this committee, then I think there would be a great opposition to the legislation because of OMB. And I would prefer that not to happen. I would prefer this to be a clean bill. I will work with the gentleman from California (Mr. ROHRABACHER) to try to solve this problem because I happen to agree that there ought to be some revenues generated from all the cargo containers that come into our ports, but I do not believe this is the appropriate vehicle to do so.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I certainly respect those people, especially the gentleman from Alaska (Chairman YOUNG) for the very hard work they have put into this legislation.

It has always been my intent to support this legislation. So this is not done with the spirit of anything except trying to do something for the American people because this is an opportunity that we have today to start working on a very positive idea.

There is no reason for us to put this off. If we put this on this legislation today, this idea will move forward, and a lot of work will be done on this, and we will move toward this goal.

If this amendment fails, what we have done is condemn the American people to tens of billions of dollars of expense that could have been taken up by foreign manufacturers who are importing their goods into our ports and putting their goods onto our market and undercutting our domestic manufacturers.

Earlier the gentleman from Alaska (Chairman YOUNG) suggested that perhaps the ports already have this authority, thus this amendment is redundant. Let me say if that is the analysis, why not pass it then? There is no reason then, if the ports already have this authority, why are we so hesitant about passing this? The reason we are so hesitant is that there are powerful interests at play. We should be interested in what is the effect on the American people.

We face, in these next 12 months, a horrendous, an astronomic expense in our ports, making them safe, making them more secure and more efficient. We should start working right now, and this is how we can do it, finding a new revenue source, a source for manufacturers overseas that will help us accomplish this mission. OMB will go along. The ports will go along. The American people will applaud us if we provide the leadership today, and that is what I am suggesting.

I would ask my colleagues who are listening to this debate to join me, siding with the American people, the American manufacturer and let us not tax billions of dollars from them when we could have a fee paid by foreign manufacturers that would provide us the revenues necessary to make our ports secure and to upgrade their infrastructure.

Mr. Chairman, I appreciate the good work that those people who have worked on this legislation have done, and I intend to support this one way or the other.

Mr. OSE. Mr. Chairman, today, I rise to discuss Mr. ROHRABACHER's Amendment (No. 1) to the Water Resources Development Act of 2003 (H.R. 2557). This amendment is well intended since it seeks to find a way to provide additional funds for needed port security improvements. It permits seaports to impose fees to be collected on a per container basis to be used for port security.

On May 21, 2003, after holding a hearing on port security, with my Government Reform Subcommittee Ranking Member JOHN TIERNEY, I introduced a bi-partisan bill, entitled the "Port Security Improvements Act of 2003" (H.R. 2193). Our bill takes a different approach. To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided sufficient Federal funding to fully ensure port security. Currently, the U.S. Customs Bureau collects $15.6 billion in duties on commodities entering the U.S. through marine transportation. Our bill dedicates a portion of these duties for five years toward port security enhancements. In addition, our bill reflects other recommendations from our witnesses. It sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11 world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

H.R. 2193 currently has 31 co-sponsors. This summer, both the American Association of Port Authorities (AAPA) and I requested that Transportation and Infrastructure Subcommittee Chairman FRANK LOBIONDO hold a hearing on this bill. Today, I ask for additional co-sponsors for H.R. 2193 and for Chairman LOBIONDO to schedule the requested hearing.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF KIND AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Kind amendment be made in order immediately after the disposition of the Rohrabacher amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 375 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2557.

☐ 1738

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 108–282 offered by the gentleman from California (Mr. ROHRABACHER) had been debated.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 359, not voting 10, as follows:

[Roll No. 518]

AYES—65

Abercrombie
Akin
Bartlett (MD)
Barton (TX)
Burr
Burton (IN)
DeFazio
DeLauro
Doolittle
Emerson
Farr
Foley
Franks (AZ)
Gingrey
Green (WI)
Gutknecht
Hall
Hart
Hastings (FL)
Hayworth
Hefley
Hobson
Holden
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
King (IA)
Kucinich
Langevin
Lantos
Larson (CT)
McNulty
Musgrave
Nadler
Neugebauer
Olver
Otter
Pence
Petri
Pitts
Pombo
Radanovich
Renzi
Rohrabacher
Royce
Ryan (WI)
Sabo
Sanders
Sensenbrenner
Shays
Sherman
Slaughter
Smith (MI)
Stark
Tancredo
Taylor (MS)
Taylor (NC)
Wamp

NOES—359

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (WA)
Hayes
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz

Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (UT)
Conyers
Gephardt
Lewis (GA)
Osborne
Pastor
Reyes
Rodriguez
Walsh
Weller

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1802

Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of North Carolina, and Mr. SCHIFF changed their vote from "aye" to "no."

Messrs. GREEN of Wisconsin, MCNULTY, Ryan of Wisconsin, JONES of North Carolina, OLVER, NEUGEBAUER, HOLDEN and BURR, Mrs. JONES of Ohio, Ms. HART, and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 518 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 printed in House Report 108-282.

AMENDMENT NO. 2 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KIND:

Page 56, strike lines 8 through 22 and insert the following:

"(3) COMPLETION OF MITIGATION.—To ensure concurrent mitigation, the Secretary shall implement at least 50 percent of required mitigation before beginning project construction and shall implement the remainder of required mitigation as expeditiously as practical, but not later than—

"(A) the last day of construction of the project or separable element of the project; or

"(B) in those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) FULL MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended—

(1) in the first sentence of paragraph (1)(A)—

(A) by inserting after "Congress" the following: ", and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,";

(B) by striking "a recommendation with"; and

(C) by inserting "fully" before "mitigate"; and

(2) by adding at the end the following:

"(3) STANDARDS FOR MITIGATION.—

"(A) IN GENERAL.—To fully mitigate fish and wildlife impacts, the Secretary shall develop and implement mitigation plans under paragraph (1) that will—

"(i) acquire and restore at least one acre of superior or equivalent habitat of the same type to replace each acre of habitat negatively affected by the project; and

"(ii) implement additional activities necessary to ensure that mitigation will result in replacement of all functions of the habitat negatively affected by the project, including spatial distribution and natural hydrologic and ecological characteristics.

"(B) PROBABILITY OF SUCCESS.—A mitigation plan submitted by the Secretary under paragraph (1) shall have a high probability of successfully mitigating the adverse impacts of the project on aquatic and other resources, hydrologic functions, and fish and wildlife.

"(4) MITIGATION PLAN CONTENTS.—A mitigation plan shall include—".

Page 57, line 15, strike "any necessary".

Page 57, line 20, strike "(4)" and insert "(5)".

The CHAIRMAN pro tempore. Pursuant to House Resolution 375, the gentleman from Wisconsin (Mr. KIND) and the gentleman from Tennessee (Mr. DUNCAN) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Let me thank my friend, the gentleman from Tennessee (Mr. DUNCAN), for the courtesy and consideration that he is showing in allowing this brief discussion.

It is my intent that after a brief debate on this amendment I will ask unanimous consent to withdraw and we will go to final passage at this time.

Mr. Chairman, let me first of all commend the work that the Committee on Transportation and Infrastructure has done on this important piece of legislation. I think it is a good bill. It is a bill that can be made better. I think there has been important progress in a variety of areas, especially the provisions relating to the Corps of Engineers reform.

Mr. Chairman, I believe that the inclusion of these critical Corps reform measures demonstrate a critical recognition that reforms are necessary in how the Corps of Engineers conducts their projects throughout the country and accomplish many of the goals that I set forth nearly 4 years ago when I introduced the Army Corps of Engineer Reform Act of 2000.

These efforts are an important first step towards assuring that the Corps properly plans, constructs, and operates projects and provides Congress with accurate information.

My amendment, Mr. Chairman, briefly would build on the committee's efforts to improve the Corps record on mitigation of civil works projects. The committee took an important step in requiring the Corps to include critical information in its mitigation plans. Unfortunately, I do not think it goes quite far enough.

I am hoping that we can keep an open mind as the Senate begins their work on WRDA and as we enter the conference committee that perhaps some more improvements can be made with the Corps reforms that are recommended in this base bill.

The Corps track record on mitigation certainly needs improvement. In May 2002, the General Accounting Office reported that the Corps had proposed no mitigation for almost 70 percent of its projects. In addition, despite the existing requirement that the Corps carry out its mitigation concurrently with project construction, the GAO also reported that the Corps has not done so for over 80 percent of the projects where mitigation is supposed to occur.

Mr. Chairman, failure to properly mitigate has real implications for the Nation's health and economic wellbeing. For example, when wetlands losses are not mitigated, water quality is harmed, water supplies are strained, flood damage increases, and wildlife is harmed. Wetlands filter pollutants from water, absorb and slow the release of storm runoff, recharge aquifers, provide crucial wildlife habitat for millions of migrating waterfowl, shore birds, and other species and provide recreation and enjoyment to millions of Americans who visit wetlands areas throughout the year. We must correct this situation and quickly.

My amendment to section 2030 would do so by requiring the Corps to first fully mitigate habitat loss from the construction of Corps projects by replacing at a minimum each acre of damaged habitat with an equivalent or superior acre of habitat.

Second, complete at least 50 percent of mitigation before construction begins with the remainder to be completed when the project construction is complete wherever it is physically possible.

Third, to prepare detailed mitigation plans that have a high likelihood of successfully replacing loss values and that require monitoring to ensure success.

I wish to emphasize that these recommendations are not mine alone but are also those from a panel of experts of the National Academies of Research Council. Speaking to the specific issue of compensating for wetland loss, the NRC's Water Science and Technology Board recommended, "Restoration and creation of wetlands should occur simultaneously or before the filling of the natural wetland and according to established design criteria that are better monitored and enforced."

Again, I would reiterate that hopefully we can keep an open mind as we move forward with the work of the Senate and begin work on the conference report whenever that might occur so we can improve upon, I think, significant improvements that have been made in the area of Corps reform and perhaps produce a better bill at the end of the day for the protection of wetlands and habitats throughout our country.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the gentleman is going to withdraw his amendment, so just let me very briefly and quickly say that many groups and Members started out far apart on different issues involved in this legislation, but we came together in the spirit of bipartisanship and arrived at a bill that all the members of the Committee on Transportation and Infrastructure supported, that the leadership on both sides support. We had groups like the Chamber of Commerce, the Farm Bureau, all the environmental groups. And the environmental groups and the business groups came together to endorse this bill. It is almost unprecedented. So we came up with the most environmentally friendly bill that has ever been produced, I think, in a Water Resources Development Act. So I think it is a bill that can be supported proudly by Members on all sides.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I will gladly yield to the gentleman from Minnesota, the ranking member of the committee.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman for his statement about the diligent work of the committee and in addressing the resource issues in a very comprehensive manner. Of course, there is always more that can be done, but we have created a platform and a structure within which this program can be improved.

The reference of the gentleman from Wisconsin to concurrency of mitigation efforts with construction is a matter that the former Member from Minnesota, Congressman Quee, Republican from southeastern Minnesota, and I crafted into a water resources bill in 1977, but it has taken years to get the corps to actually carry out that responsibility. So it is evidence that we need to proceed further.

But the discussion of the gentleman from Wisconsin sets the stage and lays the groundwork for this committee to continue to address this matter in future legislation and future form.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time, and given the lateness of the hour, I will be brief. But I think what we are doing here this afternoon is a metaphor for why we have the problem that we have and why we need to consider something like the gentleman's amendment.

There is never a good time to deal with mitigation, yet there are people in this Chamber who represent tens of thousands of Americans who are worse off today because of the hurricane flooding, because over the last 200 years we have filled over one-half of our country's wetlands. This is nature's sponge. This buffers storm surges. This slows the release of flood water. And despite the good intentions, we never quite get there.

The gentleman has pointed out that 70 percent of the corps' projects have exactly zero mitigation, and very little follow-up occurs to make sure that the mitigation that is established actually happens. I appreciate what our subcommittee Chair has said, the ranking member, and the spirit with which this has been offered; but I hope that Members of this Chamber who have constituents that are flooded out tonight or that are going to have constituents that will be flooded in 6 months or a year, who are going to be dealing with massive supplemental budgets to deal with the problems of how we have not properly dealt with water resources, will remember this time, and we will come forward where we are dealing realistically with mitigation and give the American public the type of protection they need and the environment the consideration that it deserves.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume, and again I want to thank my friend from Tennessee for the courtesy he has shown and my colleagues for their patience.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN pro tempore. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

☐ 1815

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the further amendment I have placed at the desk be considered as adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

On page 121, line 5, strike the sentence that begins with "In carrying out" and all that follows through line 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of establishing the concurrence of the gentleman from Tennessee (Mr. DUNCAN) that the unanimous consent request to strike the language referred to in the gentleman's amendment does not create legislative history on the subject and is not indicative of legislative intent; and, further, any prior or subsequent discussion of this provision does not constitute legislative intent.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I agree with the statement by the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Accordingly, the further amendment was adopted.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 8, not voting 14, as follows:

[Roll No. 519]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
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Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
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King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
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LaHood
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Langevin
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Larsen (WA)
Larson (CT)
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Lewis (CA)
Lewis (KY)
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Lipinski
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Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
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McCarthy (MO)
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McCrery
McDermott
McGovern
McHugh
McInnis
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McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
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Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
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Obey
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Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
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Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
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Snyder
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Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
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Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
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Thornberry
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Van Hollen
Velázquez
Visclosky
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Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Andrews
Flake
Franks (AZ)
Hostettler
Paul
Sensenbrenner
Shadegg
Stearns

NOT VOTING—14

Bishop (UT)
Davis (FL)
Fattah
Gephardt
Gibbons
Harris
Knollenberg
Lewis (GA)
Murtha
Osborne
Pastor
Reyes
Rodriguez
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 519 I was inadvertently detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2660) "An Act making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

2555) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.".

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–284) on the resolution (H. Res. 377) providing for the recommittal of the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. WAMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? The Chair hears none and, without objection, appoints the following conferees: Messrs. HOBSON, FRELINGHUYSEN, LATHAM, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, PETERSON of Pennsylvania, SIMPSON, YOUNG of Florida, VISCLOSKY, EDWARDS, PASTOR, CLYBURN, BERRY, and OBEY.

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. SANDLIN of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. PALLONE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Mr. PALLONE moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the proceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. KIND. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. KIND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. KIND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KIND) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. GREENWOOD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what this motion to instruct basically states is asking for some fairness and some equity in regards to the rural health care providers during the Medicare reform conference discussions that are taking place right now.

Mr. Speaker, rural America is often called the backbone of our country, and rightly so. It is rural America where so many of our parents and grandparents grew up, and it is to rural America that many of our veterans, teachers, and farmers retire.

There are 9 million Medicare beneficiaries in rural communities, and these seniors tend to be older. They tend to be sicker. They tend to have a little less money than those in urban communities. Rural seniors are in great need, and we must be sure that any Medicare bill does not leave these citizens out in the cold.

□ 1845

Yesterday, the House voted on an identical motion offered by my good friend the gentleman from Texas (Mr. STENHOLM). Unfortunately, the motion was defeated, 202 to 213, with 19 Members absent. We are hoping to give those absent Members another chance to come and vote and participate in this discussion, and hopefully then have the votes to prevail on this motion to instruct.

There are many Members on both sides of the aisle, Mr. Speaker, that come from rural areas, from rural districts. I do not for the life of me understand why a Member from a rural area would oppose a motion to instruct on this basis. I think it makes a lot of sense.

This is not an ideological or partisan issue, this is a geographic issue, and we are asking for some fundamental fairness and some equity in dealing with rural health care providers.

I believe Medicare recipients deserve a prescription drug plan under Medicare, and I believe that all seniors, regardless of their location, should have access to affordable, stable drug benefits. H.R. 1, however, lacks a guarantee that seniors living in rural areas will have access to such a plan.

Rather than gaining a drug benefit under Medicare, seniors would have to join a managed care plan or purchase a private drug-only plan. For rural seniors, only 19 percent of whom had access to a Medicare-managed plan in 2003, this could be disastrous. In effect, seniors in rural areas would be subsidizing prescription drugs for others, but would not get a drug benefit plan of their own.

I am not prepared to tell seniors in my district in western Wisconsin that some seniors will be getting a drug benefit, when they will not.

The Senate Medicare bill, recognizing the instability of private plans in rural areas, provides a fallback, meaning that traditional Medicare would offer its own prescription drug plan to areas with fewer than two private plans available to Medicare recipients. I urge the conferees to recognize the importance of offering prescription drug plans to all Medicare enrollees and to accept the Senate provisions.

Yesterday, some of my colleagues on the other side of the aisle argued that the instructions in this motion would lead to greater spending and higher deficits. I am committed to being fiscally responsible at all times and reducing the deficit, and this motion does not call for exceeding the budget limit of $400 billion allotted for this Medicare reform bill. Rather, this motion instructs the conferees to carefully assess their priorities in allocating the $400 billion. I hope that this dispels any confusion over the costs advocated by this motion, and I hope that my colleagues across the aisle will be able to join in supporting it.

We have seen too many rural hospitals close, over 470 in the last 25 years alone, and rural hospitals all over the country are in danger of being forced to shut their doors forever. Currently hospitals receive full inflation or market basket payments for inpatient and outpatient services. H.R. 1 would reduce hospital payment updates for the next 3 years, which the CBO estimates would lead to a $12 billion loss to hospitals over the next decade.

Currently over 57 percent of hospitals in America lose money when serving

Medicare patients. We cannot ask hospitals to continue to accept Medicare payments that are below the cost of delivering the care they provide. The Senate bill makes no such cuts to the market basket payments and would keep rural hospitals in business. I urge the conferees to reject the House provision and accept the Senate provisions.

Geographic disparities in Medicare reimbursements disproportionately affect rural providers. In my State of Wisconsin, providers are paid 25 percent less on average per Medicare beneficiary. The motion encourages the conferees to adopt the best-world provisions in both bills. These provisions go a long way to reduce geographic disparities.

Physicians and specialists are scarce in rural areas. In fact, less than 10 percent of physicians practice in nonmetropolitan counties. It is not surprising, given that rural providers consistently receive lower reimbursement rates than providers in the rest of the country.

These providers who do deal with the unique challenges presented by health care in rural areas are the pillars of our communities, and fair payments to rural providers mean quality health care for our Nation's seniors.

Physicians in rural communities see a large percent of Medicare patients. This motion instructs conferees to include the best provisions of the Senate and House bill. We must insist that rural providers and beneficiaries are protected and that critical-access hospitals are maintained and improved.

I would be disappointed if my colleagues on the other side of the aisle did not join in voting for this motion and supporting providers in their communities. Yesterday's close vote on a motion identical to this one shows that many of us are concerned about the crisis of health care in rural areas. By again offering this motion, and by dispelling the myth that these instructions would lead to a more expensive Medicare bill, I hope that those Members who were absent yesterday, as well as those Members who truly do care about the state of rural health care in our country, will cast a vote in favor of this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. McINNIS), a member of the Committee on Ways and Means.

Mr. McINNIS. Mr. Speaker, I thank the gentleman for yielding me time.

I also wanted to note at the beginning of my comments that the gentleman from Wisconsin (Mr. KIND) is a gentleman, he is well respected, but I adamantly disagree with the statements that he has made.

Let me say that I represent a large rural district, and I know something about rural hospitals, and I know something about a government-run plan. The proposal that the gentleman from Wisconsin (Mr. KIND) is asking to instruct the conferees on is simply a government-run program. It is a repeat of HILLARY CLINTON.

So while I have high regards for the gentleman from Wisconsin, I could not disagree more. The motion that he has got clearly asks for a government-run prescription drug plan. It will give us a government bureaucracy that will increase its influence and adopt a philosophy of even bigger and bigger government.

Now, our government currently has government health care programs, whether you look at the VA or Medicare or some of these others things, and they have not done a very good job of it. What kind of encouragement exists out there for us to expand this program? How can you want to enlarge it? It will not work. The intent is good. The result will be a disaster.

The motion also provides an unprecedented inflationary increase as to hospitals and other health care providers, which forces the conference to quickly exceed the $400 billion allocation in the budget resolution. It is always easy from this House floor to propose all kinds of money going out to the Nation, but the fact is somebody has got to write the check, and right now we do not have the balance to write that check.

So the motion to instruct defeats the purpose of the conference committee, which has already come to agreement on several provisions contained in both bills. Let me kind of highlight that for the remaining time.

These conferees have been working very, very hard. This is a very tenuous agreement, if we are, in fact, able to come up with agreement. To interject at this late point in the game a proposal that would quickly exceed the ceiling in cost, and, on top of that, invoke clearly a large government-run health care program just like the Clinton program will defeat our purpose.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that large government-run program is called Medicare, a very successful and highly popular program for seniors throughout the country.

Mr. Speaker, I yield 4 minutes to my friend the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong support of the Kind motion to instruct. It was amazing listening to my colleague from Colorado, because his statement has no relationship whatsoever to this motion to instruct.

The Kind motion will include a fallback provision to ensure that seniors have prescription drug coverage where private plans choose not to participate. It has nothing to do with increasing the size of any program. It just says if the program that is in the House bill does not work, there is a fallback.

Congress has a responsibility to guarantee this very important component of health care for all seniors, not just those who happen to live in an area where a private drug plan is offered. Contrary to what you may have heard, and we just heard it a moment ago, this motion will not require a government prescription drug plan or bust the budget. The Medicare fallback would only apply if the private sector fails to provide prescription drug plans in rural areas.

The Kind motion to instruct also includes important improvements to rural health care providers. Because of the very high proportion of elderly in rural areas, Medicare is a very large and critical source of payment for rural health care providers. Inadequate Medicare payments to rural hospitals and other rural health care providers over the last several years have only deepened the challenges to quality health care.

The Kind motion to instruct would take the best provisions. It was amazing listening to all of this stuff that is going to happen in this bill. We are saying take the best provisions in the House bill and the best provisions that have passed the Senate and make sure that those get in the final bill, because rural America can stand no less.

The Kind motion to instruct also rejects the House provisions that would cut hospital inflation increases. Hospitals cannot rebound from a $12 billion payment cut from rate of increase. I want to be sure everybody understands rate of increase. But that is not the problem. The problem is rural areas have not kept up over the last 10 years, and, therefore, unless we have the market basket as designed, rural hospitals are going to find themselves in an even deeper hole.

Hospitals are already operating on a thin profit margin. They are hurting. One out of three hospitals in America is operating in the red. More than 57 percent of all hospitals lose money under the Medicare program. A reduction in the market basket would wreak havoc on our Nation's hospitals, particularly the more vulnerable rural hospitals.

That is why we come again to the floor again tonight saying, please take a look. And to those on the other side of the aisle who did not vote yesterday on it, take another look. Look at your district. Listen to your hospitals, listen to your constituents, and see if they do not agree.

Again, let me repeat, the myth that this is a budget-busting motion, it is not. We agree with the $400 billion, period. I do not want to hear any more of this "budget-busting." That is right out of the playbook that has got us into $560 billion deficits today.

We agree. We are just saying take the $400 billion, reprioritize, and make certain that rural hospitals get a fair shake. That is all that we are saying.

Even with stronger rural provisions, a Medicare fallback and no reduction in the hospital market basket update, the bill passed by the other body stays within the $400 billion. They do it; we can do it. We just disagree with some of the priorities of some of the folks on the other side of the aisle, and we believe that most Members of rural areas, most Members who have rural hospitals, agree with this basic presumption that we ought to have an instruction.

Hospitals are important. The crisis has, of our rural hospitals, we have closed 470 in the past 25 years. I have several in my district hanging by a thread. If you succeed in doing what you are arguing for, they will bust that thread.

Please support the Kind motion to instruct. It is good for 9 million rural Medicare beneficiaries and will put us on a path toward economic stability.

Mr. GREENWOOD. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, first off, let me suggest to the gentleman, my friend the gentleman from Wisconsin (Mr. KIND), that we take his motion seriously. Having said that, we all know that motions to instruct conferees are only that. They have no ultimate effect.

The fact of the matter is the negotiations have been ongoing in the conference committee, and whether this motion passes or does not pass, the conferees on the part of the House and the part of the Senate, the Republicans and the Democrats, are and have been and will be continuing to negotiate all of these issues, and they will all be negotiated in the context of all of the other issues that they are negotiating.

But having said that, I also want to, at least in this point in the argument, assume that the gentleman's arguments are sincere, and I would like to address them.

First off, with regard to the argument that we need a fallback, a government-run fallback, for the prescription drug program, the gentleman's point is well taken. We do, and we should have, and we should guarantee that, in every region of the United States of America, every senior will have access to a good and affordable prescription drug plan.

We believe that the bill as adopted by the House already does that, that the incentives that we give the Secretary to offer to the plans, in fact, does guarantee that there will be at least two programs, two plans, in every district, in every region, and, in fact, the CBO expects within the first year it will be available, the plan will be available, to 95 percent of seniors; in the second year, 99 percent.

On the second issue, the gentleman from Wisconsin argues that we need to pay hospitals a fair amount, and, indeed, we should. We relied upon the Medicare Payment Advisory Commission, MedPAC, who said what would be fair based on all of the data available is to include a 3 percent market basket update as opposed to a 3.4 percent, as the gentleman from Wisconsin argues.

Having said that, what the gentleman does not take into consideration is that is not the only increase in payments to hospitals available under our legislation. Looking at Iowa, for instance, a very rural State, they get a 1.6 percent increase under the standard amount, an additional 0.8 percent for the labor share, and 0.1 percent for medical DSH increases, which gives the hospitals in Iowa actually a 5.5 percent increase as opposed to a 3 percent increase. In Oklahoma, that number comes to 5.7 percent; the same in Montana, 5.7 percent; South Dakota, a very rural State, as rural as you can get, 5.4 percent.

□ 1900

So we think that the gentleman's objective in making sure that hospitals get healthy increases and reimbursements is, in fact, met by the legislation that this House passed and is continuing to be negotiated in the conference committee.

On the third major point of the gentleman's motion, he suggests that each and every rural provider increase in either the Senate bill or the House bill will be incorporated into the conference committee. The gentleman's objective is to make sure that the benefits are available in the rural areas. We all share that objective. But I would note that the House-passed bill itself included nearly $25 billion increases in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans.

So on the substance, I believe that the bill, as adopted by the House, meets the gentleman's objectives already. Secondly, again, a motion to instruct, while fun to debate, actually will have no impact on the negotiations themselves. I think we ought to let those negotiations continue and allow the conferees to come to an agreement, and I believe that they will, that this House can adopt and send to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN), a true champion of rural health care providers and rural health care patients.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time, and I thank him for his good work advocating rural health care. I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his epiphany and his conversion in supporting the fallback provision, something he voted against in committee; and I hope that he will let the conference committee, particularly the Republican conferees of his party, know that he does, in fact, support the fallback provision. I hope that that will move the Medicare bill along perhaps better.

I rise in support of the gentleman from Wisconsin's (Mr. KIND) motion to instruct on behalf of retirees living in rural America. Yes, we are continuing to push this body to take a stand on behalf of retirees living in rural America. And yes, we voted on the same motion yesterday. But anyone who thinks Congress always gets it right the first time just does not know much about Congress.

Last week, during our first round of debate on this motion, my colleague argued against it. He expressed concern that we actually have to spend money to fulfill our commitment to rural retirees. Apparently, Congress can afford to cut $3 trillion from Federal tax revenues, overwhelmingly from the wealthiest, most privileged taxpayers, but cannot afford to help retirees in Chillicothe, Ohio, secure the same basic health care services as retirees in Columbus, Ohio.

In his State of the Union address, President Bush called Medicare the binding commitment of a caring society. Does that commitment extend to rural America, or does it not? We have an obligation to pay health care providers adequately for the care they provide. We cannot pretend in this body that the financial challenges rural providers face are the same as those of urban providers. Ideally, the health care system would be thriving in rural America. Realistically, the health care sector is faltering in rural America.

A disproportionate number of seniors live in rural areas. Medicare is the lifeblood of rural health care. That is just the way it is. We can either ignore the impact of inadequate Medicare financing, or we can do something about it. What we definitely should not do is, as this body does all too often, simply pay lip service to the problem. The House Medicare bill simultaneously increases and reduces reimbursement to rural hospitals. That is paying lip service to the problem.

The Kind motion, the motion from the gentleman from Wisconsin, my friend, instructs conferees to move in one direction only, the right direction, and pay hospital rates that keep up with inflation. This motion instructs conferees to ensure there is a Federal fallback insurance program for areas of the country in which no private plan is available, something that we all think is essential.

While this provision is particularly important for rural beneficiaries, it is also one of the most important for any Member of Congress who really is worried about wasting constituents' tax dollars. It is basic economics. Absent a Federal fallback provision, which I am glad to see the gentleman from Pennsylvania (Mr. GREENWOOD) now supports, the private insurance industry will have a monopoly over Medicare prescription drug coverage. Do my colleagues think the cost of coverage to taxpayers will be higher or lower under those circumstances, when the insurance industry has a monopoly?

In the 6 years that the Medicare+Choice HMO program has been in effect, has an HMO ever told Congress, hey, we do not need any more money, you are paying us enough? Year after year HMOs demand more money from taxpayers even though, in fact, we were already overpaying them. Do not take my word for it; ask the nonpartisan General Accounting Office.

Medicare+Choice has inflated Medicare spending, draining precious tax dollars from the program. Making Medicare and making U.S. taxpayers fully beholden to HMOs is not going to improve the situation.

So, Mr. Speaker, whether our goal is to refrain from wasting tax dollars or to fulfill the Nation's commitment to rural Medicare beneficiaries, or, I hope, both, I urge my fellow Members to support the Kind motion.

Mr. GREENWOOD. Mr. Speaker, I yield myself 30 seconds to say that I am sure my friend from Ohio did not mean to misspeak with regard to my previous comments. What I said is that both the gentleman from Wisconsin (Mr. KIND) and Members of this side of the aisle want to make sure that there is a guarantee that our seniors in all regions have access to a plan. We think we do that adequately by the requirement that the Secretary provide incentives. The gentleman from Wisconsin (Mr. KIND) offers another way to do it, but we have the same goal.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I rise in opposition to the Kind motion.

This motion would allow the Department of Health and Human Services to offer a Medicare prescription drug plan. In fact, there is no need for this type of government-run fallback because the House has already passed legislation that guarantees that every Medicare beneficiary will have a choice of at least two Medicare prescription drug plans and be able to fill their prescriptions at any pharmacy that they choose.

The motion also instructs the conferees to recede to the Senate and remove the hospital market basket update adjustment contained in the House bill. I would note for my colleagues that we are not cutting hospital reimbursement.

According to the Medicare Payment Advisory Commission, hospitals make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients. The Medicare Payment Advisory Commission unanimously advised Congress to increase payments by 3 percent, which is what the House bill does.

Finally, this motion would instruct conferees to accept every rural provider increase contained in both bills.

Mr. Speaker, I would just add parenthetically that if our friends on the other side of the aisle were really concerned about rural providers and rural hospitals, they would encourage their colleagues in the other body to take up and pass the legislation that we passed last March, which was the Greenwood bill, H.R. 5, that limited noneconomic damages and medical liability lawsuits, and I believe that would return more money to the system.

But this motion is unnecessary. The House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House bill contains a $24.9 billion increase in payments to rural providers, which would help rural hospitals and physicians continue to provide care to rural Americans.

I think the House bill strikes the right balance between providing a meaningful prescription drug benefit and helping ensure that providers, especially those in rural areas, have the incentives to continue to serve Medicare beneficiaries.

I would also note that the conferees have reached agreement in a bipartisan, bicameral basis on a number of issues that would be reopened under this action. Do we really want to tell the conferees to just start over? I do not think so.

Mr. Speaker, we should allow the conferees to work out the differences between both bills. There are significant differences, but they are working hard to do that. Both Chambers have made a significant commitment to helping rural providers. I have every confidence that they will develop a sound policy.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a true champion of seniors in rural America and in her congressional district.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time. I rise today in strong support of the Kind motion to instruct conferees.

Let me just say a couple of words about instructing conferees. I have heard that it does not make any difference. Well, in fact, it does make a difference. The conferees do pay attention when this body, the majority of this body, says it is important, please pay attention to rural health care, the reimbursement rate, and the fact that our hospitals are closing.

Across Oregon, seniors tell me their top concern is the high cost of prescription drugs and the lack of coverage for these lifesaving medicines under the Medicare program. I believe it is time for us to pass a bill that will give relief to seniors, but that bill cannot neglect the needs of rural Medicare beneficiaries.

Limited access to care is a growing problem for those who live in rural areas, particularly Medicare beneficiaries who may have to drive great distances to receive care. In Oregon, a recent study showed that 55 percent of primary care physicians no longer accept Medicare patients or limit the services they provide to those patients. For many physicians in rural communities, their practices are dependent on Medicare patients, and yet they do not receive fair payments for their services. Rural providers are consistently hurt by lower reimbursement rates. This motion instructs conferees to include the best of the rural provisions in both the House and the Senate bills and would improve reimbursement rates for rural physicians.

Rural hospitals are also being hit by disparities in Medicare payments. You have heard it before and I will say it again. In 25 years, more than 470 rural hospitals have closed. Many are now in danger of being forced to shut their doors. Currently, hospitals receive full inflation payments for in-patient and outpatient services. The House-passed prescription drug bill would reduce hospital payment updates for the next 3 years, costing hospitals an estimated $12 billion. If we thought we saw a lot of hospitals close in the last 25 years, we are going to see a lot more close in the next few years if we do that.

This cut would be devastating to our hospitals, particularly, again, to those in rural areas. If we are serious about modernizing the Medicare program, we must ensure that we fairly and adequately represent rural seniors.

Mr. Speaker, I urge my colleagues to support this important motion to instruct conferees and assure that our rural Medicare beneficiaries receive the quality health care that they deserve.

Mr. GREENWOOD. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in opposition to the motion.

This motion would allow the Department of Health and Human Services to offer a government-run prescription drug plan. There is no need for this type of government-run fallback because the House legislation that we passed earlier this year guarantees that Medicare beneficiaries will have a choice in at least two Medicare prescription drug plans. We do that by offering incentives to private sector providers to offer that coverage; and they, in turn, assume some of that risk. The standard subsidy would be 73 percent to a private provider, but that private provider would assume the rest of that risk. This motion would have the government assume all of the risk; and, of course, what we know is when the government is assuming the risk, it is the American taxpayer who is the backstop; it is the American taxpayer who ends up really assuming the risk.

A second point. We have talked about the rural provider provisions of these bills. This motion to instruct would have the conferees accept every rural provider increase contained in both bills. What we have heard is that they say only the best provisions, only the best rural provisions of each bill. Well, we know that really means every rural provision of both bills. My friend, the gentleman from Texas, before said, well, this would not actually increase, it would not bust the budget, it would not increase the cost. Well, clearly, accepting every rural provision from both of these bills would cost tens of billions of dollars more than is already provided.

What we have heard from the sponsor of this motion and the gentleman from Texas is, well, we are not talking about increased spending; we are just talking about reprioritizing; we are talking about moving the money around a little bit. Well, what that really means, put in English, that means we are going to increase the spending for the rural providers, we are going to increase that money, that package to rural providers; but we are not going to change the total amount of spending. We are going to stay at the same price tag. Where is the money going to come from?

□ 1915

It is going to come from the drug benefit to everybody else. So either you are going to bust the budget and bust the price tag on this and jack up government spending, or you are going to take money away from the prescription drug benefit which is at the heart of this legislation.

This motion is unnecessary. This House has already passed and already recognized the need to ensure that rural Medicare providers are paid fairly. The bill that this House passed earlier this year contains $24.9 billion, almost $25 billion more, an increase in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans.

This motion would mean that we have to reallocate funds away from beneficiaries and toward providers. I do not support that. I think the House bill that we passed earlier this year strikes the right balance between providing a meaningful prescription drug benefit and helping to ensure that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

Finally, let me just say that, again, as I know some of my colleagues have mentioned, the House and the Senate conferees have reached agreement on a number of issues in a bipartisan, bicameral way on a number of issues that would be reopened under this motion. We are running out of time. Our session, this session, is running out of time. We want to finish this bill. We want to finish it this year. Do we really want to go back and tell our conferees to start over from scratch? I do not want to do that.

Mr. Speaker, we should allow the conferees to work out the differences between these bills since both Chambers have made a significant commitment to helping rural providers, and I have every confidence that, in the end, they are going to develop a sound policy.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

I am sure the gentleman from New Jersey must realize that the conference and negotiations are ongoing and that these very decisions have yet to be made. I am surprised by the rhetoric on the other side that they do not recognize that 39 Republican Senators recently voted for a Medicare prescription drug fallback provision. They had to have known what they were doing on that vote.

Mr. Speaker, I yield 6 minutes to the gentleman from Alabama (Mr. DAVIS), one of the youngest and brightest minds of the United States Congress.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Wisconsin for his compliments and for yielding time to me today.

I want to begin with the comments of my good friend from New Jersey because I think that they reflect a fundamental divide on how our two parties look at this issue. The gentleman from New Jersey is 100 percent correct when he says that the Medicare plan being contemplated would theoretically allow a choice for seniors. He is 100 percent correct when he says that seniors would have the ability to elect between a private managed care plan and Medicare. He is 100 percent correct about the theory and about what is written in this plan. But I come from the Seventh District of Alabama where a significant number of our seniors live in a world very different from a lot of the people who sit in this body. A lot of the seniors in my district live in a space where they are illiterate. They live in a space where they are not able to interpret the difference between a plan A and a plan B. They have trouble navigating every single aspect of their daily lives. Some of them cannot even fully understand their own prescriptions, but yet it is true they will have a theoretical choice as to which plan is better for their interests.

One thing that I would hope that this whole body would agree on, Mr. Speaker, is that we do not need to provide a benefit that some people in this society will enjoy but that other people will not enjoy because of their station and place in life. I care, as I know my colleagues on the other side of the aisle care deeply, about the seniors who do not have the education, who do not have the background to make the kinds of choices that they will need to make. The problem with this plan, unless it is fixed and made better by the Kind motion, is that it will force our seniors to have to make a fundamental choice, and if they choose wrong, they could find themselves without adequate coverage.

There is a deeper problem. Only 19 percent of the seniors in rural America live in an area that has access to a ready managed care plan; less than 20 percent. When the seniors who are listening tonight or the seniors who follow this debate hear that we are passing a prescription drug benefit, they imagine that it is something that will be executed, they imagine that it is something that can be implemented in a way that favors and is fair to them. They do not know about the maze of choice that is in front of them. We can talk all we want in a theoretical sense about the values of choice in our society. We can talk all we want in a theoretical sense about letting our seniors and letting the market combine to make good, efficient choices. This is not always an efficient world.

There is no dispute in this Chamber that after the next several years, a significant number of seniors would potentially be left out of this plan. That is something that the Kind motion would fix. That may sound to some of my colleagues on the other side of the aisle like paternalism, but a lot of the seniors who live in my district do not want to have to navigate their own way for this set of choices. They do not see it as paternalism, they see it as government lending a helping hand to them.

This Medicare program that we have heard denounced tonight as being a "big government program," that we have heard denounced tonight as being another example of "rampant government," it happens to be an important part of the social safety net that we have in this country. The question is, do we tighten that net and make it stronger or do we allow significant gaps to form in that net?

As I moved around my rural district during the month of August, so many seniors said to me, Mr. DAVIS, I would rather have no plan than a plan that I don't understand and a plan that I won't benefit from. So many seniors said, I would rather see you all in the ivory towers in Washington, D.C., do nothing than do something that leaves me worse off. Those are the people that I want to speak to tonight, and those are the people I want to speak for tonight because we have to make sure that this is a plan that would be available to all of the seniors in this country who need it.

We can talk all we want about appropriating more money in the House bill for rural hospitals. We still do not give enough. The Senate does far better. Until we address the root of these unfair choices, we will leave our rural seniors worse off. So I support this motion tonight. I will close on this basic point. Most of us in our campaigns in 2002 endorsed the idea of a prescription drug benefit. Most of us go back to our districts and we brag about the fact that we support it. A lot of our friends and colleagues on the other side of the aisle are touting that fact in their campaign ads. A lot of our seniors remember just 15 years ago when this body purported to pass a catastrophic health benefit plan that did everything but provide adequate coverage, that did everything but improve their conditions in life. It may be that this part of the session is running to a close, it may be that the clock is ticking, but the nature of what the people elect us to do is to make hard choices. The nature of what the people elect us to do is to make adequate choices. And, yes, sometimes as paternalistic as our friends may think it is, they sometimes elect us to make choices that will affect their lives.

So I urge my colleagues on both sides of the aisle to vote for this motion to close an unfortunate, but critical, gap that exists between our rural seniors and urban seniors.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

I would compliment the speaker on his argument and suggest, though, that his constituents must be able to make choices, and thoughtful choices, because they chose him. And I suspect that if they are sophisticated enough to choose the previous speaker, they can probably choose themselves a good Medicare plan as well.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I rise today representing the second largest district geographically in the Nation in the House, other than the five States that are only single-Member States, so I know something about rural health care. I spent 5 years on a community hospital board. I am still a private employer, so I see that side of health insurance. My in-laws are retired and face this battle about lack of medical prescription drug coverage under Medicare. My parents battled that until their death. They paid for their own prescription drugs out of their own pocket. The issue that we are trying to resolve here in this Congress is for the first time in 40 years expanding Medicare so that seniors can have access to affordable prescription drugs. It is not easy to do. It is not simple to do. It is very difficult to do, to get it right. But I think we are very, very close in getting it right this time.

We have passed the biggest rural health care package probably in the history of this House. We are adding $25 billion in additional rural health care for the country in addition to what we already spend, $25 billion over 10 years, for some very good provisions. In the committee I supported increasing the access to rural home health care, a 5 percent increase in payments. I have supported efforts to add additional funding for physicians to locate in remote and underserved areas in rural communities. In my State, though, while certainly these are all issues, the biggest issue I hear from medical providers is the runaway cost of malpractice insurance because of the claims and the litigation. That is driving specialists out of their specialties. I was in a community in my district this summer, a fellow who delivered babies says he is getting out of the GYN part of OB-GYN. They are not going to be dealing with that. We had five doctors deliver babies in one county in my district, and they are down to two, and those two are having their premiums subsidized now by the local hospital. We have passed medical malpractice reform in this House to try and make sure that people have access to their doctors. It is time for the other body to act. I know many of my colleagues on the other side tonight could not support us on that. That is a problem in rural health care delivery as well that needs to be addressed.

But the crazy thing to me tonight is to hear that somehow we are not going to help seniors with this bill. We are spending $400 billion over 10 years to provide a prescription drug benefit and additional help to our hospitals and our physicians in our rural communities, $400 billion. Any dollar you take to spend somewhere other than prescription drugs comes out of our ability to help seniors most in need to provide prescription drugs. And so I think that is important to remember here. Those of us who have kids, they want everything in Toys R Us, but you cannot have everything in Toys R Us. You have to make choices. What we have chosen is to put the biggest benefit possible into those seniors most in need. That is why a senior, low-income, $12,000 a year, will have their prescription drugs paid for other than a very small copayment. They will not have a premium. They will not have a deductible. They are covered. But if you are a Ross Perot and making $65,000 or more a year, that benefit phases out. It is an irony to me to hear the other side talk about tax cuts for the rich, but they want free pharmaceuticals for the rich. I think with the limited resources we have, it ought to go to the poor, those in need.

Finally, this is not me, this is a Congressional Budget Office report that says under both acts, the House and the Senate bill, CBO estimates that all Medicare beneficiaries would have access to prescription drug coverage. This report goes on to say that in the House bill, CBO, the Congressional Budget Office, nonpartisan, independent, estimates that about 5 percent of the part D participants, that would be under this bill, would be enrolled in reduced-risk plans in 2006 with that share declining gradually in succeeding years.

We have heard a lot of political rhetoric tonight. CBO cuts to the chase. Both plans provide guaranteed access to prescription drugs for America's senior citizens. Both plans do that, the House and the Senate. We do it differently. We think on our side we do it more effectively, because in 23 years, if we do not change how Medicare operates, it goes completely in the red. I do not think Congress is going to let it go broke. The point is here, we are trying to create a new benefit with a new idea that says we can use market forces to drive down the cost of drugs so we can provide better care to the poorest seniors in America. That is what our bill does. That is what is being negotiated in a bipartisan, bicameral effort as we speak. This is not the time to upend that, nor is it the time to politicize it and end up another year going by without seniors having access to affordable prescription drugs.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Just quickly in response to the previous speaker, no one is trying to politicize this. We are just trying to work to produce the best product at the end of the day, especially for many of our rural seniors whom we represent in this body.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SANDLIN), the foremost expert on the impact medical malpractice has on health care costs in this Chamber.

□ 1930

Mr. SANDLIN. Mr. Speaker, it is really pretty simple. Who is going to stand up for America's seniors? Who is going to stand up for rural health care? Who in this body will stand up for rural patients and rural doctors and rural hospitals over the HMOs? The answer is pretty clear.

Mr. Speaker, I join my colleagues in asking to instruct the Medicare prescription drug conferees to remember our Nation's 9.3 million rural Medicare beneficiaries and our rural hospitals and our rural doctors when they continue their critical deliberations.

The way this bill currently stands, it is nothing more, Mr. Speaker, than the old bait and switch. And everybody here knows that the Republican leadership has used smoke and mirrors to trick our seniors, to trick my seniors in east Texas into thinking they are getting a Medicare prescription drug plan while in reality forcing them to seek medication from private insurance companies and HMOs that will, number one, set the prices, and, number two, set the benefits. What a racket they have.

This is not any sort of Medicare prescription drug plan. What a misnomer. This is a plan to push our seniors, to forcefully shove them and their money into the HMOs.

Now, this official HMO enrichment plan that is pushed by the other side does not even pretend to address the needs of rural America. Mr. Speaker, as you know, and as has been mentioned, over 80 percent of rural Medicare beneficiaries today live in an area that private insurance companies do not and will not serve. And in my district it is even worse than that.

Mr. Speaker, I challenge my friends on the other side of the aisle to name me one insurance company in the United States of America, one, that wants to take part in this program. I would ask that a blank be left in the RECORD at this point, that a line be drawn right now so that our friends can insert in that blank the name of one insurance company, one in America. There is not one. They cannot fill it in, and the RECORD will remain blank.

What has history shown us about what happens when insurance companies, private insurance companies, get involved in Medicare? Medicare+Choice, the great managed care experiment of our seniors, should have been named Medicare Minus Choice. After all, it has been a disaster.

Between 1998 and 2003, the number of Medicare+Choice plans dropped by more than half. It is not available. In Texas, over 313,000 Medicare Plus seniors were dropped by insurance companies since 1999.

Rural seniors simply do not have the same access to private insurance plans as our urban seniors. Knowing this, we have to include a government fallback option for areas served by less than two plans, because otherwise the plan is meaningless, and our friends know it.

Mr. Speaker, we also need to eliminate the premium support provisions in H.R. 1 that are scheduled to take place in 2010. It is unconscionable to market this prescription drug plan as equitable and universal when those folks that stay in traditional fee-for-service Medicare will see significant increases in their premiums under this so-called competition program. It is just outrageous.

What about our rural hospitals? What shape are they in? Mr. Speaker, 470 hospitals have closed in the past 25 years, and overall Medicare margins have shrunk every year since 1998, with 57 percent of hospitals that treat Medicare patients losing money. And we are going to cure that by taking more money away? That is our cure? That is our plan?

Under current law hospitals are slated to receive full inflation payments for inpatient and outpatient services. The House bill that is being proposed by our friends on the other side would reduce hospital payment updates in 2004, reduce hospital payment updates in 2005, reduce hospital payment updates in 2006. The reduction would cost hospitals an estimated $12 billion. Well, in east Texas $12 billion is a lot of money, and those are cuts to our rural hospitals.

Mr. Speaker, it is a matter of priorities. I choose to stand with America's seniors. I choose to stand with our rural citizens. I choose to stand with our hospitals and our doctors in making sure that we have access to affordable medical care. The HMOs seem to do just fine.

Now, I find it interesting, too, in closing, and I am not here to talk about malpractice, we could go on all day about malpractice, but it is interesting that today our friends are standing up for HMOs. And a few days ago in the medical malpractice debate they were standing up for insurance carriers.

It seems pretty clear who we stand up for in this House, especially on the other side of the aisle. They stood up just the other day for malpractice carriers against hospitals, malpractice carriers against doctors, malpractice carriers against our patients, malpractice carriers against everyone. The malpractice reform was just a trick, because while we passed malpractice reform, we capped what insurance companies paid. We capped what they had to give to people. We capped the coverage needed by doctors. But we did not require in any respect whatsoever insurance carriers to bring down the premiums on our doctors. It is not there.

And in their model State, California, just in the last few weeks they have record increases, record requests for increases by the insurance companies who are protected by caps. Those caps do not work. And in States that have caps, they have premiums higher than in States that do not have caps.

It is just a sell-out to the insurance companies. It is a sell-out to the carriers on behalf of the insurance companies, against the doctors, against the patients, against the hospitals.

Mr. Speaker, it seems funny to me we always want to save money in this body and save money in health care by taking money out of the public and giving it to insurance carriers. That is a funny way that we save money, and it is simply an example of a lack of priorities.

Let us stand up for health care. The HMOs, the insurance carriers are doing just fine without our help.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. KIND) for offering the motion to instruct and for the temperate way in which he conducted his debate on the substance, as is his style. And the debate went pretty well like that until the previous speaker kind of laid down some political gauntlets. And I cannot resist the opportunity to respond.

The gentleman from Texas (Mr. SANDLIN) asked the question repeatedly, who will stand up for seniors, and who will not stand up for seniors. The historical record shows that Medicare was created in 1965, and in the 30 years that followed, the United States Congress failed consistently to get anywhere on the provision of a prescription drug benefit for Medicare beneficiaries.

As the previous speaker and earlier speaker said, there was an attempt 15 years ago when the Democrats controlled the House under Chairman Rostenkowski. It was immediately repealed. It was a dismal, dismal failure, a great disappointment to the seniors who had hoped for something that would be useful for them.

This Congress, where we happen to have a Republican majority in the House and a Republican majority in the Senate and a Republican in the White House, we have for the first time in the history of the United States brought ourselves to the point where we are poised to provide the senior citizens of this country a prescription drug benefit, and they need it.

We have all received letters over and over again from seniors who are forlorn and despairing over the fact that they are suffering from a variety of illnesses. They go to the doctor, they get a prescription, and they cannot fill that prescription. I remember a poignant letter from one of my constituents, an elderly woman from Bensalem, who said, I have eight prescriptions. I can afford to buy the ones that will keep me alive. I just cannot afford to buy the ones that will make my life worth living, and that letter has remained in my mind ever since, and it had driven me to work as hard as I can with colleagues interested in accomplishing this goal on both sides of the aisle to get a prescription drug benefit done.

It is hard. The reason it had not been done for 30 years is because it is so difficult, because it is so complex, to figure out how to do this in a way that is affordable, that maximizes a benefit for the very poor, that provides something worth happening for the middle class, asks a reasonable contribution from them, still does not create a disincentive for employers to continue to provide a prescription benefit for their retirees.

To deal with all of the rural issues, all of the provider issues is extraordinarily complicated and very difficult to do. If this body were 100 percent Republicans, it would be hard to do. If it were 100 percent Democrats, it would be hard to do because it is tough policy.

I think we are on the verge of being there. Our negotiators in the conference are working with the staff day and night to get us there. I believe that they will succeed. I again respect the gentleman from Wisconsin because he is bipartisan by nature. We ought to keep this debate bipartisan, consistently. That is the only way we will succeed in doing this. There are not enough Democrats to pass a Democratic plan. There are not enough Republicans to give the seniors this benefit with Republican votes only. We need to have a bipartisan bill. We will have a bipartisan bill.

On the subject of medical malpractice, the Democrats sat down year after year while the physicians of this country are going out of the profession, and we passed a bill in this House. It was a good passed bill. We did it in a bipartisan fashion, and if the Senate would come up with anything at all, we could go to conference on that bill, and it would also bring down the costs of medicine in health care in the United States.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COLE). The gentleman from Wisconsin's time has expired.

Mr. KIND. Mr. Speaker, I would ask passage of this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2657) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.".

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. CROWLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CROWLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in paragraphs (3) and (4) of section 1074a(f) of title 10, United States Code, as proposed to be added by section 701 of the Senate amendment (relating to health care for members of reserve components).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. MCHUGH) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

This motion is an easy one and one that should be accepted by everyone in this Chamber, if they are serious about supporting our troops and supporting our Nation. This is where I say rhetoric meets reality.

My motion would instruct the conferees working on the bill authorizing actions by the Defense Department to allow our Nation's reservists and National Guard members and their families to be eligible to receive medical coverage from TRICARE on a cost-share basis. TRICARE, as my colleagues know, is the U.S. military's comprehensive health care plan.

Reservists have taken on a new and more active role since the 1991 Gulf War. Today, we see these brave young men and women risking their lives on a daily basis in Afghanistan, Iraq and elsewhere in this world. After September 11, the President signed an Executive Order authorizing the activation of reservists for up to 2 years of Active Duty, and up to 1 million reservists may be on Active Duty at any one time. Reservists have left their families, their friends and their jobs behind to serve our country, and they deserve health care for themselves and for their families.

I am offering this motion today because in our Nation we are still facing the same problems we did during the first Gulf War call-up, poor medical care for reservists as they get ready to be deployed. We are seeing many people sent to the front lines in Afghanistan and Iraq who may not always be at peak readiness due to a lack of access to medical care necessary to ensure maximum performance. We rely on these reservists so much now that it would be a mistake not to include them in TRICARE. Their health and their ability to fight should be of our utmost concern.

Our reservists should be provided with health care so they can remain in good health while they are not in service so that they are always prepared for mobilization in our global war on terrorism.

The Congressional Budget Office estimated the cost of this program to be $460 million during the fiscal year 2004 and about $7.2 billion over a 5-year period.

□ 1945

Some Republicans and the Bush administration say that this is too costly, and I just do not see how that argument holds water, as the Bush administration has sent Congress a supplemental bill for Iraq that proposes over $20 billion in reconstruction and rebuilding efforts in Iraq alone, $20 billion in reconstruction and rebuilding in Iraq alone.

Yes, U.S. tax dollars are rebuilding the irrigation system of Iraq, and this administration and this Republican Congress refuse to fund medical care for our Reserves and National Guard members. This $460 million is a small price to pay to provide for our troops and to ensure their readiness when they are stateside. The U.S. will spend more to upgrade the housing of Iraqi citizens in the next month than we will on medical care for our Reserves and National Guard if we do not include this provision.

In comparison to the tax cuts for the richest 1 percent given by this administration and this Congress and the enormous cost of military operations and reconstruction in Iraq and Afghanistan, this should be, quite frankly, a no-brainer.

Some might say we need to do studies on this to see if it is feasible. We have done enough studies on this subject. Americans want action, not more studies. Studies are nice, but providing for readiness for our guard and reserve is a necessity. In fact, in 2002, a GAO report recommended Tri-Care assistance be provided during mobilizations targeted to the needs of Reservists and their dependents. Another GAO report that dealt with Reservists being mobilized during the 1990–91 Persian Gulf War came to similar conclusions.

We cannot afford to do another study when 40 percent of our Reservists on active duty between the ages of 19 and 35, 40 percent of those people are uninsured. Tri-Care is only extended to active duty and not to Reservists, even though they are required to maintain the same standards.

Mr. Speaker, with the war on terrorism and continuing military operations in Iraq, with no valuable contribution from our European allies to this effort in sight, U.S. Reservists are clearly being called upon more and more. In fact, after September 8, it was announced that the deployment of Reservists in the combat theater is being extended from 6 months to 1 year. This is in addition to the fact that about half of the active duty Army is currently deployed abroad, up from 20 percent before 9/11.

Certainly our heavily stressed armed services and their families being required to make such extensive sacrifices deserve these health benefits. While many Reservists do have health benefits through their current employers, we cannot forget the 40 percent who do not. These are the patriots who make up the fabric of our communities and form the backbone of our defense forces. We cannot keep looking the other way when it comes to the Reservists of our armed services.

The administration already refuses to provide concurrent receipt for our veterans who are protecting our freedoms abroad. Until just this morning we were charging people who got injured on active duty for their food at U.S. military hospitals. Now we tell people, the local hardware store owner, the local Realtor, the stay-at-home mom raising a family, that we would love for them to serve as a Reservist, but we cannot offer them the same health care as active duty servicemen and servicewomen.

We continue to ask our Reservists to live up to their duties when we are not willing to provide them and their families with the proper health care that they need and that they deserve. We are creating a two-tiered military, with a separate set of benefits for Reservists than those offered active duty servicemembers. We cannot let this happen.

Join me in urging the conferees to accept the Senate provisions. Anything else, in my opinion, is a slap at our troops on the front line in our epic war against terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume, and let me begin by expressing my appreciation to my friend and colleague, my fellow Representative, the gentleman from the great State of New York (Mr. CROWLEY), for his concern and his efforts to bring this motion to the floor and before the House at this time.

Clearly, Mr. Speaker, this motion to instruct is the most recent reflection of what is a common goal, I would hope, by all Members, and I do believe by all Members on both sides of the aisle, and that is a renewed and a very appropriate reinvigoration of concern for what is the reality of today's military. And that is, as again my friend, the gentleman from New York (Mr. CROWLEY), suggested, the fact that today the so-called active and Reserve components are seamless; that we have indeed a National Reserve and National Guard component that is carrying an equal burden.

In my capacity as chairman of the Subcommittee on Total Force, that subcommittee of the Committee on Armed Services that is charged with the oversight and hopefully the adequate protection of the need of all of our men and women in uniform, regardless of their position in active or guard or reserve, I feel very strongly that we need to do everything we possibly can to adequately care and respect and respond to the needs of those that we ask to do so much for us.

And as I began my opening comments here today, certainly this motion to instruct reflects that. It is really a continuation of other motions to instruct that we have had. Just last week, the gentleman from Texas, my colleague and my co-chair, as the chairman of the House Army Caucus, the gentleman from Texas (Mr. EDWARDS) had a motion to instruct on family separation pay, on imminent danger pay, that again suggested that when it comes to our men and women in uniform, we need to do the best job we possibly can, and respecting their contributions, their sacrifices through fair and equitable treatment, be it in pay or in benefits, and certainly health care is primary amongst those.

As such, I would never suggest to any Member of this House that he or she come to this floor tonight and oppose this motion. That will be the judgment of each individual Member. I will say I intend to support it, and I intend to support it principally because of the symbolism involved that we need to do, as I have mentioned before, the best job we possibly can. But let me state for the record, Mr. Speaker, a couple of aspects that are relevant to this process as we go forward in the defense conference committee, of which I am a member.

First of all, my friend from New York made some comments that frankly somewhat confused me. He noted that the GAO in its previous study said that about 40 percent of our Reserve component did not have health care coverage. If I heard him correctly, that is not what the GAO report said. And, in fact, the GAO report said quite to the contrary, that in 2000 nearly 80 percent of Reservists had health care coverage while they were not on active duty, health care coverage that was provided through the private sector.

And, in fact, the GAO went on to note that they had serious reservation about this particular initiative as embodied in the Senate bill to provide TRICARE coverage on a full-time, 12-month, year-in-and-year-out basis to Guard and Reservists because of the potential negative effects and because of what they viewed to be a questionable cost-benefit analysis.

The only thing I am aware of that in any remote way correlates with the gentleman's comments about 40 percent lacking is that that 2000 survey did say that 40 percent of Reservists from drilling unit members live 50 miles further from their home unit. That would be a correct statement, but it has nothing to do with health care.

The fact of the matter is, as I noted, according to the GAO analysis of the GAO study, 80 percent of our reservists have health care outside of the TRICARE and outside of the military-provided coverage.

However, even with that being the case, I do respect the gentleman's concerns. And I think a couple of other issues that really argue to the contrary to some of the things he said are relevant here as well.

As of April of this year, Mr. Speaker, a Reservist and his or her family who has orders placing that Reservist on active duty for more than 30 days is eligible and is covered by TRICARE, in spite of what I believe I heard the gentleman say that Reservists are not eligible for TRICARE. That, with all due respect, simply is not correct. No Reservist and no Reservist's family lack health care during wartime and under current law.

So those Reservists, who I have visited, and I have been to Iraq, those Reservists all across this planet who are deployed and who are in theater indeed have coverage, as do their families. And I would note as well that both Houses, the House and the Senate, have included in their respective versions of the Defense Authorization Act that we are currently conferencing upon new authority, and seeing as how it is included in both bills I assume and I hope very fervently we are working very hard to ensure it is included, to provide free health care and dental care to Reservists prior to mobilization, before they are actually shipped out where they do receive coverage under current law. Because of the very fact, as the gentleman correctly noted, it is not just a question of fairness and equitability but a question of readiness that we do provide that as well.

Also, I think it is important to note, because it is a concern held by, as I understand it, and I hope I am conveying his comments correctly, and I believe I am, such distinguished Members as Senator WARNER, the chairman of that other body's full Committee on Armed Services, is concerned about the need to distinguish, through benefits and pay and such, the differences between Reservists and the differences between the active component.

The cost the gentleman noted as somewhat over $460 million for 1 year escalates dramatically. The cost is not insignificant. The cost over 20 years, where he noted correctly the 10-year cost is just over $7 billion, the cost over 20 years is over $20 billion. And when you add that to the other things that we have afoot, the question simply is, as GAO noted, is this the best way to spend over $20 billion to respond to a need that 80 percent of the Guard and Reserve component currently do not experience? That is a judgment we have to make as we go through and try to balance the cost benefits of the entire budget.

But as I said, at the end of the day, Mr. Speaker, the intent and the soul and heart of this motion to instruct is on point. Our Guard and Reservists are putting their lives on the line every day for us.

Two weeks ago today, I was in my district, in a small community north of where I live, to attend the funeral of a 24-year-old specialist, who 5 months before that day was married for the first time and who was shot by an al Qaeda sniper in Afghanistan. He was a Reservist. He was a man who reentered the military for one reason: he cared about this country and its values. And as I stood in that church and I saw the pain and the suffering on the faces of that family, on his new bride, on everyone there who cared about him, no one could convince me that there is too much we can do for these Guard and Reservists and too much we can do for our men and women in uniform.

So I commend the gentleman for his concern, and again I would never counsel any Member of this House to come to this body and oppose this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my good friend, the gentleman from New York (Mr. McHugh), for his statement. And before I recognize someone from my side, I want to point out for the record that according to the GAO report, from which I received this information, it says, and as the gentleman pointed out, 81 percent of the people in the Reserves are covered. If we take that between the years 18 and 65 years of age, we would have 81 percent coverage. According to the GAO report, right in front of me, only 60 percent of junior enlisted personnel, about 90 percent of whom are under the age of 35, as I said in my statement between 19 and 35 years of age, not all Reservists, but those under the age of 35, had coverage. Only 60 percent.

That means, like a national average, that 40 percent have no coverage, just to clarify the point the gentleman made.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. Skelton), the ranking member of the Committee on Armed Services and my good friend.

□ 2000

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of the motion to instruct conferees offered by the gentleman from New York (Mr. Crowley). I compliment him for this and I also compliment the gentleman from New York (Mr. McHugh) for his support for this issue. This motion will direct the House conferees on the National Defense Authorization Act for the year 2004 to accept the Senate provision, which would provide enhanced health care coverage for Reservists and National Guardsmen.

Under section 701 of the Senate bill, members of the Selected Reserve, which includes the National Guard, who are alerted for mobilization, would receive expanded medical and dental screening. However, more importantly, this section would provide members of the Selected Reserve and Individual Ready Reserve the ability to participate in the Tricare program on a cost-share basis. Tricare, as we all know, is the military's health care system. In addition, the Senate section would require the Department of Defense to continue to pay the health care premiums for Reservists who are called to active duty and have other health care coverage.

Reservists and National Guardsmen have been an integral part of every military operation over the past decade. Desert Shield, Desert Storm, Somalia, Haiti, Kosovo, Operation Noble Eagle, Operation Enduring Freedom and Operation Iraqi Freedom all have seen citizen soldiers called to active duty. The vital role the National Guard and Reserves play in our Nation's security has only become more clear since September 11.

On the homefront, Guard and Reserve personnel were called to defend our Nation's airports and bridges and other important infrastructure across our country. Overseas, they continue to serve in Afghanistan, Iraq and other places around the globe.

In the last 2 years, over 329,000 of our citizen soldiers have been called upon to protect our Nation's interests both here and abroad. Today, there are still almost 170,000 part-time volunteers serving at the tip of the spear.

Those currently serving in Operation Iraqi Freedom have recently been informed that their deployments are being involuntarily extended. These Service members will have to serve at least 1 year in Iraq. Families who were expecting their loved ones to return home in a matter of months will not see their loved ones until next year. That means hardships for both military members and families alike. Thousands of Reservists who are basically part-time employees will have served full time for at least a year under incredibly dangerous and stressful conditions. Their families will have sacrificed in innumerable ways as well.

The very least we can do for those who volunteer to serve their Nation as citizen soldiers, and for their families, is to provide access to quality health care for themselves as well as for their families. This motion by the gentleman from New York (Mr. Crowley) tells the conferees to agree to that very proposition. I urge my colleagues to join me in this motion.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague refined his earlier statement that he did not make in his original statement and said 19 to 35. Previously, he just said that 40 percent of Reservists do not have that coverage, and that is an important distinction. I am not trying to trip up anyone on details; however, I have a report, and I would be interested, I would ask the gentleman, this is a little unusual for the character of these discussions, but are we referring to GAO report 03–1004?

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. CROWLEY. I am referring to GAO report 02–829, Defense Health Care. Also, for the record, on page 9 of my statement, and I repeat, we cannot afford to do another study when 40 percent of our Reservists on active duty between the ages of 19 and 35 are uninsured.

Mr. McHUGH. Mr. Speaker, I have no doubt that the gentleman's written statement said that. I do not have his written statement, I can only hear what he said. I am trying to understand the statement the gentleman made so we can take the proper path.

Mr. CROWLEY. I appreciate that.

Mr. McHUGH. Mr. Speaker, I think it is important to suggest that if we are talking about a targeted population here, perhaps a broad-based response is not the most efficacious we could adopt.

Again, in the GAO 03–1004 report, 80 percent which obviously is an average that includes the 19–35, have coverage, which means 20 percent do not have coverage. So is this the best way to do it?

In fact, GAO's final determinate was they seriously questioned this particular provision in the Senate bill, not referring to it specifically because it was not yet there, but questioning the provision of 24-hour-a-day, 7-day-a-week, 12-month-a-year coverage to Guard and Reservists not being the most appropriate response remains, whether it is 60 percent, 40 percent or 80 percent.

However, as I mentioned, and as I said, I want to thank the ranking member of the Committee on Armed Services, the gentleman from Missouri (Mr. Skelton) for, as always, his compassion and his leadership and his concern. There is no Member in this House I respect more than the gentleman.

We do need to make every effort we can to express our concern in our response to Guard and Reservists, so I would not urge Members to oppose this motion. We need to do the best job we can, in the context of the money we have available, and both the House and the other body are trying to work to that end in the defense authorization bill, and that is certainly, in large measure, led by the efforts of the gentleman from Missouri (Mr. SKELTON). I would urge my colleagues not to oppose this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I appreciate the comments of the gentleman from New York (Mr. McHUGH). We have known each other for many, many years, and I respect the gentleman's work here in the House, especially as it relates to our Armed Servicemen and Women. I join the gentleman in his remarks about the gentleman from Missouri (Mr. SKELTON), the ranking member, and how much we respect the gentleman and his work, as well as how it pertains to our young men and women, and to those up to the age of 65.

The gentleman from New York (Mr. McHUGH) mentioned that 80 percent of Reservists have health care, 81 percent of those between 18 and 65 have health care. Officers and senior enlisted personnel are more likely than junior enlisted personnel to have coverage. Again, only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage, interpreting that meaning 40 percent do not have coverage. That is lower than the similar age group in the general population. So our Reservists have even less insurance than the general population between those years of 19 to 35. That is what we are talking about.

If there was a Band-Aid approach, I would support that as well, if we could. That is not before us right now. We have a measure by the Senate that is before us that we can include in this conference report. That is what this motion is about, to cover all those individuals. Right now, we are asking many of them to make the ultimate sacrifice. I am sure the gentleman from New York (Mr. McHUGH) has been out to Walter Reed Hospital, as I have. Some have given their lives, and many have given limbs, many of whom are not even citizens. We are making efforts to do away with some of the ridiculous charges, charging fees for meals at these hospitals when some of these people do not have arms to even eat those meals. We are making progress, but here is an opportunity to take care of a segment of the population who are willing to sacrifice themselves and their families and the time with their families, and sacrifice their opportunities at work in defense of this country. I think the least we can do is make sure that not only they have the health care coverage they need in order to perform in the defense of this country, but that their children and spouses have that health care as well.

Mr. Speaker, I include for the RECORD, GAO 02-829 Defense Health Care, the paragraph that specifically pertains to what I was talking about.

[From GAO, September 2003, Defense Health Care]

MOST RESERVISTS HAVE CIVILIAN HEALTH COVERAGE BUT MORE ASSISTANCE IS NEEDED WHEN TRICARE IS USED

Until recently, DOD has administered a transitional benefit program that provided demobilized reservists and their dependents 30 days of additional TRICARE coverage as they returned to their civilian health care. The 2002 NDAA extended the transitional period during which reservists may received TRICARE coverage from 30 days to 60–120 days, depending on the length of active duty service. This change more closely reflects the 90 days that USERRA provides reservists to apply for civilian reemployment when they are mobilized for more than 181 days, and the change will provide health care coverage if they elect to delay return to their employment subsequent to demobilization. However, the 2002 NDAA did not provide any transitional benefit for dependents.

Overall, the percentage of reservists with health care coverage when they are not mobilized is similar to that found in the general population—and, like the general population, most reservists have coverage through their employers. According to DOD's 2000 survey of Reserve Component Personnel, nearly 80 percent of reservists reported having health care coverage. In the general population, 81 percent of 18 to 65 years old have health care upon coverage. Officers and senior enlisted personnel were more likely than junior enlisted personnel to have coverage. Only 60 percent of junior enlisted personnel, about 90 percent of whom are under age 35, had coverage—lower than the similarly aged group in the general population. Of reservists with dependents, about 86 percent reported having coverage. Of reservists without dependents, about 63 percent reported having coverage.

Mr. HOLDEN. Mr. Speaker, I rise today not only in support of the gentleman from New York's motion to instruct conferees, but also in support of the brave men and women who actively serve in the National Guard and Reserves. Their commitment to service is second to none, whether it is providing aid during natural disasters, the war on domestic terrorism, or on the battlefields of Iraq and Afghanistan.

Pennsylvania boasts the largest Army National Guard, as well as the fourth largest Air National Guard, making it the largest National Guard in the country. Many of these men and women serve at Ft. Indiantown Gap, the largest National Gaurd base in Pennsylvania in the heart of my Congressional District. Beyond all of this, the National Guard is the sixth largest employer in Pennsylvania and has a presence in over 100 communities throughout the commonwealth.

Mr. Speaker, as you can see, the National Guard and Reserves are an integral part of my district and of Pennsylvania. But I also know they are essential to every state and commonwealth, as well as the country as a whole. The protection they provide for us should be given back to them in their healthcare coverage. This is why I strongly support providing TRICARE coverage for these men and women.

Medical readiness is essential for National Guard and Reserve members if they are to continue their role as part of a cohesive, seamless force. These men and women train hard, take time off from their civilian jobs, and make many family sacrifices in order to serve. They are expected to be a ready force when deployed. To facilitate the use of the National Guard and Reserve as an integral part of our armed forces, we need a consistent health care option that covers our members and their families whether they are deployed or not.

In closing, Mr. Speaker, TRICARE should be an option for all members of the National Guard and Reserves and I support the motion to instruct conferees.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. KIND. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TOM MANCHESTER INDUCTED INTO BASKETBALL COACHES ASSOCIATION HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, a person once told me that only silly people have heroes in their lives. If that is true, then this silly person rises today to congratulate and thank a hero in my life, my high school basketball coach, Tom Manchester, who is being inducted into the Wisconsin Basketball Coaches Association Hall of Fame.

Coach Manchester is a native of Racine, Wisconsin, and played basketball and baseball at Wartburg College, Iowa. Fortunately, for many of us northsiders, kids who grew up on the northside of La Crosse, Wisconsin, Coach Manchester accepted a teaching position at Logan High School and became the head basketball coach in 1977. He coached from 1977 to 1997, and finished with a 224-209 record and many city titles and Big Rivers Conference Championships.

I had the pleasure of playing for him starting in my sophomore year in high school in 1978 and finishing in 1981. I was a member of his team when we struggled to be competitive my sophomore year, and then saw the remarkable transformation the next 2 years when we won back-to-back city championships, and also won our conference and became one of the top-ranked teams in the State of Wisconsin.

□ 2015

He must have seen something in me that I did not at the time because he plucked me off the streets and made me a starting guard my sophomore year even though it was obvious that I was wet behind the ears and qualified as a "work in progress."

I will never forget one of my first games with Coach Manchester. I took the in-bounds pass to break a full-court press, asked for my teammates to clear out the second half of the court so I could break the press by myself, and then proceeded to dribble off my heel when I went between my legs on a dribble. The whistle blew when the ball went out of bounds. The buzzer sounded for a substitution. I ran to the bench assuming I was going to be replaced, only to have Coach Manchester ask me what I was doing. The substitute was for someone else, and he told me to get back out there and get used to making some mistakes because we had some learning to do.

Basketball for Coach Manchester was more than winning and losing. Everyone likes to win, but I never had the impression playing for him that all that mattered was the score at the end of the game. He was always first and foremost concerned about his players, not only how we were playing, but how school was going and whether things were going well in our lives.

For many of us growing up on the north side of La Crosse, which was considered the wrong side of the railroad tracks in town, presented us with some unique challenges and some choices to make. We could, if we wanted to, hang out on the street corners and run with the wrong crowd, getting into trouble and disappointing our parents, or we could find another channel for our energies and focus. That channel for many of us was in sports and in school, and Coach Manchester knew this. The gym became our safe haven and the team our extended family. There was no greater feeling of comfort and security than walking into that dark, cold, smelly gym on a weekend winter night for practice before a big game and having Coach Manchester check on our personal lives and get us prepared for the next contest.

His wife, Jan, must have been very understanding to allow him leave from his family to spend as much time as he did with us kids. But we were not always alone. His young son Paul was the classic gym rat, dribbling and shooting off in another corner while the rest of us were practicing. Paul would later grow up to enjoy a spectacular high school career playing for his father at Logan, and then a terrific collegiate career at the University of Platteville and then the University of La Crosse. I cannot imagine the pride Coach Manchester must have felt coaching his son and watching him grow up to be the person he is today.

It has been said that great teachers enjoy a form of immortality because their influence never stops radiating. If true, then Coach Manchester is immortal. That influence can be seen today in so many of us kids who had the pleasure to play for and learn from one of the finest coaches in the State of Wisconsin. I am glad the Wisconsin Basketball Coaches Association is recognizing that by inducting him into their Hall of Fame.

I just hope Coach Manchester realizes the impact he has made on so many of our lives. Young kids need guidance. They need role models, people in their lives to teach them right and wrong and how to be good citizens. They also need from time to time a hero to look up to. I found one of mine, and whether it is silly or not, I do not mind saying that it is Coach Tom Manchester of Logan High School.

I congratulate the coach and thank him for all he has done.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentlewoman from Florida (Ms. ROS-LEHTINEN).

There was no objection.

MILITARY DEATH GRATUITY TAX REPEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight I am on the floor again. I am asking the House leadership and also the Democratic leadership to please bring to the floor H.R. 693, the Military Death Gratuity Tax Repeal.

Mr. Speaker, let me explain to my colleagues on both sides of the aisle that in the early 1990s, the Congress increased from $3,000 to $6,000 a death gratuity that is given to the family of a loved one who has died in uniform for this country. The Committee on Ways and Means, and it was not their fault, but the bill, the increase, was not sent to their committee so they could eliminate the tax. So since the early 1990s, anyone who has died in uniform for this country, their families have received a death gratuity of $6,000 and also the next year receive a tax bill from Uncle Sam.

Mr. Speaker, now that we are fighting for freedom for the Iraqi people, our troops in Afghanistan and also in Iraq have been killed, and God bless and rest their souls and bless their families, but, Mr. Speaker, the reason I am on the floor tonight is I am asking the House leadership, both Democrat and Republican, to please, before we leave here in early November, to bring this bill to the floor and let us pass it in a bipartisan way and send it to the other body.

In fairness to the gentleman from New York (Mr. RANGEL), ranking member, and the gentleman from California (Chairman THOMAS), they have included this language for 2 years in a larger bill to help our families in the military. But the other body, Mr. Speaker, has not passed the legislation.

So I hope that the Congress, the House, will join me in asking the leadership, both majority and minority, to bring this bill to the floor and let us send it to the other body and ask them to please pass this as a stand-alone bill.

Mr. Speaker, behind me are the photographs of those who have died for freedom. There are a lot more than these photographs, quite frankly. I have these photographs outside of my office in 422 Cannon because I do not want anybody to ever walk by my office and not understand the cost of freedom. We can see that it says, "Let us never forget," faces of fallen heroes. These are young men and one woman from across this Nation who have given their lives for freedom, and yet Uncle Sam next year will send a tax bill to those families.

We are talking about, Mr. Speaker, that in the year of September 11, 2001, there were over 292 families that had to pay this tax. In 2002, there were 1,007 families that had to pay this tax. It is important that we pass this legislation this year. It should have passed 2 years ago, but that is not the House's fault. It is the other body's.

Mr. Speaker, let me also read part of an e-mail I received recently. It happens to be from a constituent of the gentleman from Illinois (Mr. HASTERT), Speaker of the House. It says: "Dear Representative JONES, thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure that there are numerous young widows that do not need another complication in their lives. Our country should not add to their burden with additional taxation."

Mr. Speaker, that is why I will continue to come to the floor of the House until the House leadership, both Republican and Democrat, bring this bill to the floor. Yes, we are doing a lot of important things on the floor of the House, but yet there is time to bring this bill to the floor. And let us in a bipartisan way, as we have done before, pass this legislation.

Mr. Speaker, I would also like to share with the Members on the floor of the House, this is a young man whose name is Tyler Jordan. He is 6 years old. He has under his arm the flag that was draped upon his daddy's casket. His father was a gunnery sergeant in the United States Marine Corps named Phillip Jordan, who was killed in Iraq. We are looking at this photograph of this young man who is hurting very badly because his father has died for this country. But should we not in Congress, who are not being fired at with bullets, say to those who are dying for freedom not only for the Iraqi people, but for the American citizens that to this young man Tyler Jordan we are not going to send a bill from Uncle Sam asking him to pay a tax on the measly $6,000?

That is not enough, Mr. Speaker, but that is not the issue tonight. The issue tonight is we need to remove this tax.

I ask God to please bless our men and women in uniform. I ask God to please bless America. Let us pass this legislation.

PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to highlight the Pakistani Government's continued activities with regard to nuclear proliferation and cross-border terrorism in Kashmir. I am particularly concerned because Pakistan's leader, President Musharraf, continues to deny these activities and most recently in a New York Times interview this last weekend.

Mr. Speaker, with regard to exchange of nuclear equipment, it is abundantly evident that Pakistan has clandestinely provided rogue nations such as North Korea and Iran with necessary equipment for bolstering their nuclear weapons program. In fact, the U.N. nuclear watchdog agency, the International Atomic Energy Agency, recently reported that Iran has admittedly received support from Pakistan in obtaining centrifuges and other equipment that was used as a catalyst for creating its secret nuclear facility south of Tehran.

Mr. Speaker, I am disappointed that the Bush administration has chosen to dismiss the information in this report, especially since the Pakistan-Iran link is so well defined, and since Pakistan is in complete violation of international laws forbidding exchange of nuclear equipment with countries like Iran. Last June when Presidents Musharraf and Bush met at Camp David, and this was last June, it seemed that the United States would no longer tolerate Pakistan's nuclear transfers to any country within the President's so-called axis of evil, but Pakistan is now guilty of such transfers to both North Korea as well as Iran.

Mr. Speaker, I suggest that the Bush administration take appropriate action to punish Pakistan and to ensure that the same pattern of secretly supplying nuclear weapons to rogue nations does not continue.

The other pressing concern that I would like to highlight this evening is Pakistan's continued terrorist efforts in Kashmir. In the past few months, the world has seen a significant uprising in the number and severity of guerrilla attacks in Kashmir. This is largely a result of evidence-based increased infiltration by Islamic militants at the line of control. Assessments by intelligence officials show that during the summer of 2003, the amount of infiltration was double the amount during the summer of 2002, and the number of murders and casualties of Indian Army men, civilians, and political figures in Kashmir has dramatically increased compared to last year.

Mr. Speaker, we simply cannot afford to wait for these numbers to continue to rise. President Musharraf's participation in closing the borders thereby restraining militants from entering Kashmir is the key. To this day he denies that he allows cross-border terrorism to take place, and, in fact, he still provides direct moral and military support to terrorists that he terms "freedom fighters." The severity of the situation has also increased recently as terrorist training camps are reopening and as there has been a rise in the number of youth in Kashmir traveling to Pakistan to attend these camps.

As a result of pressure from the United States after 9/11, there seemed to be a somewhat successful effort to slow down infiltration at the border and to close terrorist camps throughout Pakistan, but, Mr. Speaker, that pressure has subsided, and the results are quite tangible in terms of increased terrorist activity in Kashmir that has brought much suffering to its people.

I urge the Bush administration to renew its role in ending global terrorism by pressuring Musharraf to enforce measures for ending cross-border terrorism in Kashmir.

Mr. Speaker, this past Sunday's New York Times ran an editorial called "Pakistan, a Troubled Ally," a title that could not have been more appropriate, in my opinion. The content of this editorial further strengthens my argument that Musharraf is pretending that he is not responsible for aiding Iran and North Korea's secret nuclear weapons program and furthermore that Musharraf is denying his role in promoting increased cross-border terrorism in Kashmir.

I believe the United States has to respond to the numerous reports of nuclear proliferation in Iran and the increase in murders in Kashmir. Turning a blind eye to Pakistan's misbehavior in this stage of the game will surely further our own inability to promote peace and stability in the South Asia region, and beyond that the Middle Eastern and Far Eastern regions of the world.

The United States has agreed to provide Pakistan with $3 billion in assistance for their help in the fight against terrorism. But, Mr. Speaker, before any of that money is provided, we must ensure that money is going to hands of a leader and a country that is, in fact, promoting nuclear security and ending terrorist activity. We have not seen a solid effort from President Musharraf on these vital issues, and before we can proceed with any assistance, these issues should be addressed.

TRIBUTE TO ERICKA DUNLAP, MISS AMERICA 2004

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY of Florida. Mr. Speaker, it is really a delight to be here tonight on a very special occasion for those of us in Florida, especially central Florida. It is my pleasure to rise and pay tribute to an extraordinary young woman from Florida's 24th District, which I serve, Miss America 2004, Ericka Dunlap.

Being crowned Miss America last Saturday was a historic moment for the State of Florida as Ericka was the first African American to win the Miss Florida pageant in 68 years. By the way, she is the second Floridian to be crowned Miss America in its storied 83-year history.

□ 2030

For Ericka, this achievement means a lot individually and personally; a $50,000 scholarship that will aid her in accomplishing her undergraduate degree at the University of Central Florida and continue on to her dream of law school, and this will afford her the honor of a national platform to discuss a number of nationally important issues to her and all of us, including, as she puts it, cultural diversity and inclusiveness.

While winning pageants is nothing new for Ericka, she has collected more than 110 trophies and 60 crowns since she started competing at age 6, an amazing record, her off-the-runway accomplishments are equally as awesome and impressive. She is a Dean's Scholar, a recipient of both the National Coca-Cola Scholarship and the Metropolitan Urban League National Scholarship, and she is a beneficiary of UCF, University of Central Florida, McKnight Center of Excellence's Thurgood Marshall Achievers Society.

Ericka, who is a former student senator with an interest in pursuing a career in public service or becoming a top-flight sports and entertainment attorney, is also a member of the prestigious UCF President's Leadership Council, whose members are selected for their excellence in leadership, scholarship and service to the University of Central Florida and the Orlando community.

As our president of the University of Central Florida put it, "At UCF our pride in Ericka began long before the Miss Florida and Miss America pageants. We were extremely proud of her academic success, her volunteering on campus and serving as a member of the President's Leadership Council. Being crowned as Miss America was the icing on the cake for us, since it was national recognition for the poised, caring and intellectual young woman we have come to know."

Mr. Speaker, just this last July I actually attended a ground-breaking for Partnership II Building at the University of Central Florida Research Park, and I had the pleasure of meeting Ericka. At that time Ericka signed an autograph, Miss Florida, for my 11-year-old son Tommy. He was thrilled to receive it, and he recognized he was in the presence of a star right off the bat. She is pleasant, she is attractive, she is wonderfully friendly, she is brilliant, and she is motivated, and I was glad and honored to meet her myself.

Mr. Speaker, finally, I expect in the year to follow our Nation will also come to know this exceptional young woman from Orlando. She plans to use her crown, as she puts it, as "a symbolic propeller to take cultural diversity to new heights," and she continues to set new benchmarks for her own success, as well as our collective ability to treat all of our members of society with respect and dignity and love that is the bedrock of our Nation.

Congratulations, Ericka. We are thrilled to have you. We are thrilled to have Miss America be from Florida and from central Florida especially.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, tonight I rise as cofounder of a new Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We call ourselves the Washington Waste Watchers. Do not be confused, the Washington Waste Watchers is not about counting calories. Instead, we are about counting the myriad of ways that the Federal Government routinely squanders the hard-earned money of the American family. We are here to look after the family budget by checking the growth of the Federal budget.

Mr. Speaker, I am sure that all my colleagues are well aware of the size of our Federal deficit. It is large and getting larger every day, at a time when our homeland security needs are paramount.

Now, Democrats say the only way to cut the deficit is to yet again raise taxes on the American family. Sound familiar? It is the same refrain we have heard from them for many, many years. We do have a large deficit, but it is not because the American people are taxed too little; it is because Washington spends too much.

Since I was born, the Federal budget has grown seven times faster than the family budget. Seven times faster. This is unconscionable. And the Democrats who claim to be concerned about Federal deficits have voted to spend almost $1 trillion more than our budget allows, $1 trillion more. There is a spending problem in Washington, not a taxing problem, and much of the spending is absolute pure waste, abuse and fraud.

For the moment, let us talk about fraud. In many instances, our government stands idly by while criminals routinely defraud the American people of billions of dollars each year. Here are just a few examples.

In just five individual cases, the United States Department of Agriculture was defrauded of almost $6 million in food stamp benefits; $6 million wasted by the Washington bureaucracy. And Democrats want to raise our taxes to pay for more of this?

Over a 4-year period, a California law student helped two companies bilk Medicaid out of $9 million in false claims; $9 million wasted. And Democrats want to raise our taxes to pay for more of this?

In Los Angeles, a woman and three coconspirators were convicted of wire fraud after they were caught helping unqualified borrowers obtain $70 million in fake FHA-insured loans; $70 million wasted. And Democrats want to raise our taxes to pay for more of this?

One Veterans Administration employee embezzled over $11.2 million from the VA. The woman, a 30-year VA employee, was the last of 12 coconspirators arrested in the scheme which involved the resurrection of claims filed for deceased veterans; $11 million wasted. And Democrats want to raise our taxes to pay for more of this?

Twenty-three percent of the people who have had their student loans forgiven due to disability actually hold full-time jobs, costing the Federal Government $40 million a year; $40 million, just wasted. And Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, these are just a handful of examples of the types of fraud that are being perpetrated against the American taxpayer every day, and we have just begun to scratch the surface.

One of the hallmarks of the recent Enron scandal was not just the profound outrage at the criminals who committed the fraud, but the recognition that the system had to be reformed. It was not enough just to catch the crooks, we had to change the system of accountability to make sure that it never happened again. Washington spending is a scandal, and it must be changed.

Once you begin to look at the reports, it is easy to see that many Washington programs routinely waste 10, 20, 30 percent of their budgets due to waste, fraud and abuse, and have for years. Yet Federal agencies routinely spend next to nothing policing these multibillion-dollar budgets. In the real world, when people lose this much money, they either go broke or they go to jail, but in Washington it is simply another excuse to take more money away from the American family.

Mr. Speaker, there are many ways that we can save money in Washington without cutting any needed services and without raising taxes on our hardworking Americans, because when it comes to Federal programs, it is not how much money Washington spends, it is how Washington spends the money.

Mr. Speaker, at a time of huge Federal deficits, unparalleled homeland security needs and a crushing family tax burden, the Washington Waste Watchers are here to let Americans know there is an alternative to even more Democrat tax increases on the American family.

THE UNDERFUNDING OF HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, thank you for the opportunity to speak this evening on a very important topic, the Head Start Program.

During the August recess, I had three opportunities to visit with Head Start workers at the Dane County Parent Council, a nonprofit agency that runs 13 Head Start sites. What I learned during those visits shocked and worried me, and I believe it will shock you also.

Thirty percent of these Dane County, Wisconsin, Head Start workers have faced or experienced an eviction from their housing. Fifty-five percent have had phones or other utilities shut off. Forty-five percent have used a food bank. Sixty-two percent make so little money that their own children are Head Start-eligible.

These figures are stunning. Head Start is a program designed to break the cycle of poverty. Instead, it has become a program that guarantees poverty to some of its front-line workers.

Workers and the management at the Dane County Parent Council are currently engaged in tense contract negotiations. Their most recent contract expired last night. At the center of these contentious negotiations are the extremely low salaries paid to these front-line Head Start workers.

So why do these Head Start workers put up with low wages and face the daily challenges that accompany poverty and near poverty? Because they are dedicated to the Head Start Program and the good that it does for so many children and families, oftentimes their own families.

One woman recounted for me how her own son had been a Head Start student. As a child, he had delayed speech development, but today he is a 15-year-old honor roll student. His mother, now a Head Start worker herself, knows firsthand of the good that the Head Start Program does. So despite the low wages and challenges that she faces in making sure her family's basic needs get met, she remains committed to being a part of Head Start.

This level of commitment is admirable, and it is the sort of commitment that we as Members of Congress should show to the Head Start Program as well.

I was sad to report to these struggling Head Start workers that the House-passed Head Start bill is not going to help their situation. In fact, the House-passed bill gives Head Start teachers a meager 0.4 percent raise. This is insulting, not to mention unconscionable. This is not going to help the workers that I met with who are constantly faced with the challenge of making ends meet. For these families the ends do not meet. They do not even come close.

In Congress we pass bills that authorize a lot of spending. Our appropriation bills authorize billions upon billions of dollars. But I urge my colleagues to stop for a moment and remember that it would take just a small amount of money, a drop in the bucket really, to do right by these devoted workers who do so much to bring hope to the next generation of youngsters.

A teacher's assistant or a bus driver should be focused on their precious students, not how they are going to keep the electricity on at home or clothe a growing child or stave off an army of bill collectors.

I remain hopeful that our colleagues in the other body will reward the dedication of Head Start teachers by adequately funding the Head Start Program. I also remain hopeful that the Dane County Parent Council will recognize the value of their workers through expeditious resolution of the remaining economic and noneconomic disputes in their contract.

□ 2045

TEA-LU EQUALS JOBS, JOBS, JOBS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes as the designee of the minority leader.

Mr. LIPINSKI. Mr. Speaker, on May 14 of this year, after months and months of delay, the administration finally released their TEA–21 reauthorization proposal. Called SAFETEA, the administration's proposal will authorize $247 billion for surface transportation programs.

In contrast, TEA–21 authorized $218 billion over 6 years for our Nation's surface transportation needs. While the landmark legislation made tremendous advancements towards addressing those needs, we still have much work to do. The next reauthorization must advance on the successes and priorities of TEA–21 and take into account our future needs as well.

Unfortunately, SAFETEA fails miserably in that regard. When we factor in inflation, SAFETEA's $247 billion funding level would mean a flatline of current transportation spending.

While I admire the administration's laser-like focus on flatlining surface transportation investments in their proposal, the fact of the matter is that SAFETEA is shortsighted and inadequate.

The administration's SAFETEA proposal is too little, too late, especially in today's gloomy economy. We now have 6.1 percent unemployment rate. This is the highest level since July, 1994. The unemployment rate for construction workers is even higher at 7.1 percent. In a time where nearly 9 million Americans are out of work, over 4 million Americans are underemployed, and nearly 2 million Americans have been out of a job for more than 6 months, we need something more than SAFETEA.

What this Nation needs is a bold and innovative economic stimulus plan. What this Nation needs is a robust public works funding package, and what the administration has proposed just is not it.

What we need is the proposal laid out by the Committee on Transportation and Infrastructure. Under the leadership of the gentleman from Alaska (Mr. YOUNG), the committee is working on a $375 billion reauthorization bill. Mr. Speaker, $375 billion is within the funding levels recommended by the U.S. DOT's "Conditions and Performance Report." Mr. Speaker, $375 billion is needed to maintain and improve our highways and transit systems.

I strongly believe that TEA-LU will adequately fund our national surface transportation needs. And just as important, it will be a shot in the arm for our struggling national economy. It will create jobs and put people back to work.

Over the last several months, much of the debate has centered on the highway user fee, or gas tax. User fees and taxes are never popular, but leadership requires making tough decisions.

Let us be perfectly clear. I support an increase in the highway user fee. I support depositing these revenues in the Highway Trust Fund to pay for surface transportation needs, and I do not stand alone on this.

In fact, I stand with the majority of Americans on this issue. In a poll conducted by Zogby International in June 2003, 67 percent of those surveyed supported an increase in the highway user fee of up to 5 cents per gallon, provided those revenues went towards infrastructure improvements.

Putting this into perspective, a 5-cent increase in the highway user fee on gasoline will cost the average motorist an additional $30 per year, which is about the same price as an oil change nowadays.

Instead of getting bogged down with the concept of user fees and taxes, we should all take a page from the history books.

Let us look back to 1982. Let us not forget that this Nation was in the midst of a recession when Ronald Wilson Reagan, a native Illinoisan, signed into law the Surface Transportation Assistance Act of 1982, a bill that raised the gas tax by 5 cents. In his wisdom, he knew the importance of increasing highway and transit funding. He knew the importance of investing for the future. He knew that the cost to the average motorist would be small, while the benefits to the national transportation system would be immense. But most importantly, Ronald Reagan knew that a $151 billion surface transportation funding bill would create jobs and provide immense benefits for a sluggish economy stuck in a recession back in 1982.

Reagan also pointed out that the gas tax is not a tax, it is a user fee. An increase in the highway user fee would simply be deposited in the Highway Trust Fund, and there it would be used to improve our Nation's transportation system and would have no impact on our Federal deficit.

Highway user fees are, as President Reagan noted, simply good tax policy.

His successor, President George Herbert Walker Bush, also recognized the importance of public works investments and economic vitality. When he signed ISTEA into law in 1991, he said the highway bill could be summed up in three words: "jobs, jobs, jobs." That is just as true today.

Each $1 billion invested in infrastructure creates 47,500 jobs and $6.1 billion in related economic activity. For the price of a few cents per gallon, we can craft a $375 billion transportation investment bill that would potentially create millions of new jobs. That is an investment for our American working families today as well as an investment for our Nation's future. For the price of a simple oil change, we can reauthorize the Highway Trust Fund at $375 billion. It would not only ensure our transportation system will be second to none in the world; it would also create jobs and stimulate the economy without impacting the Federal deficit. What is not to like?

But right here, right now, it is really about jobs, jobs, jobs. We need to create good-paying jobs. We need to put people back to work. We need a $375 billion surface transportation bill.

Let us not lose sight of these public policy objectives in these trying economic times.

In conclusion, let me once again say that the sure way to improve this economy, to improve transportation, to improve highways in this country is to support a bill for $375 billion that will ensure America being, as it is today, the leader in the world in transportation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank Ranking Member LIPINSKI for his leadership and for organizing this time for a special order this evening.

The need for infrastructure investment is greater than ever.

The U.S. economy desperately needs a shot in the arm.

Our economy is in dismal shape. Unemployment numbers are the highest ever in the last decade.

With this Bush Recession, family incomes are falling across the board, and falling most rapidly among lower-income workers.

The increase in unemployment of the last two and a half years has had a disproportionate effect on people of color.

The rate of unemployment for African Americans is 10.9 percent—more than twice the rate for whites.

We need to put people back to work in this country, and we need to get this economy going again.

Transportation infrastructure investment will do just that.

According to the U.S. Department of Transportation (DOT), every $1 billion invested in infrastructure generates 47,500 jobs and $6.1 billion in related economic activity.

The 375 billion dollar surface transportation bill that the bipartisan membership of the Transportation Committee supports reflects the needs expressed in the Department of Transportation's own needs assessments!

The legislation would potentially create over 1.3 million new good-paying jobs. This bill would put people back to work, and this is just what the American economy needs.

We face rising costs—in congestion, in wasted fuel, in frustration, and in air quality.

I support an increase in the gas user fee because we can not afford to allow infrastructure to continue to crumble.

We cannot afford to bare the increasing cost of congestion (which was 67.5 billion dollars in 2000).

We cannot afford the healthcare costs we will face as a result of breathing polluted air.

Unfortunately, the Bush Administration and the House and Senate Republican leaderships now obstruct our efforts to pass a 6 year bill that adequately funds transportation infrastructure.

But the need to invest in public infrastructure is genuine, and moving forward requires additional funding.

Investment in infrastructure will improve mobility, productivity, and our quality of life.

President Bush's tax cuts have only further harmed our economy.

The Transportation Committee's legislation will provide REAL stimulus to our economy, and it will finally put people back to work.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 2100

THE PRESIDENT'S SPEECH BEFORE THE UNITED NATIONS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today with a deep sense of gratitude as an American in the wake of the courageous and determined address that the President of the United States made before the United Nations yesterday. The temptation for the President, Mr. Speaker, was clear. It was to respond to weeks and months of withering criticisms about our historic allies and to go into the chamber of the United Nations with a tone of apology, a tone of conciliation. But that is precisely not what President George W. Bush did.

Yesterday, the President of the United States strode into that chamber and with our allies and even some of our antagonists represented in the audience, even including in the war on Iraq, the leaders of nations that opposed our coalition, President Gerhard Schroeder of Germany and President Chirac of France were in the audience and listening, but the President did not mumble; he did not apologize. He came and explained the challenges that we face in Iraq. He embraced the nations, some 32 in number, who joined together in a coalition for nothing less than the advancement of freedom for the people of Iraq.

It was, in sum total, Mr. Speaker, one of the finest addresses I believe that the President has made since taking office in January of 2001.

And I was here on the floor of the Congress when the President came in the immediate aftermath of 9/11 and spoke those courageous words. But yesterday speaking to the world, the President of the United States struck the right tone. It was that we are not here in any way to gloat, but neither are we here to apologize for doing the necessary work of freedom in the world, for taking the 16 separate pronouncements of the United Nations seriously, and leading a coalition to enforce them against a tyrannical dictatorship in Baghdad.

The United States had nothing to apologize for, and the President was right, in words and in tone, not to apologize. But let me also say that the President was right to go to the United Nations and challenge that body and its membership to come alongside those of us that advance freedom and human rights in Iraq, saying that for the members of the United Nations there was, "a role to play in humanitarian assistance, in the establishment of a transition to a free and democratic government."

I also commend the President for identifying that proper role for the United Nations to play. And so it seems to me all together, Mr. Speaker, that President George W. Bush, struck exactly the right balance. He spoke glowingly of our role in advancing freedom for the people of Iraq, in standing up for the rule of law and human rights in the world as Americans have done for other peoples throughout our history.

The President also said there is a role for allies now, to let bygones be bygones, to come alongside and to be a positive force as an international community for change for the people of Iraq that will be stable, that will be permanent, and that could literally change the landscape of that torn region of the world for generations to come.

Mr. Speaker, I thank the President of the United States for being a man of principle, a man of freedom, and a true leader on the world stage.

OUR NATION'S IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to talk about an issue that often compels me to come to this floor and express to my colleagues my concerns about, I think, one of the most pressing public policy issues that we face as this Nation, and certainly as the Congress of the United States, and that is the issue of massive immigration, legal and illegal, into the country and what that means for us as a Nation.

And I say that, Mr. Speaker, because I believe with all my heart that there are massive, to use the word again, massive, implications of massive immigration, both legal and illegal.

And some may be very good, some may have value, and some may be very, very bad. And it behooves us, it seems to me, as the body that is charged with the responsibility for being, perhaps, the foremost marketplace of ideas in the country, it behooves us to at least talk about these issues.

And I suggest that we talk about it because I know, Mr. Speaker, that America is talking about it, America around the water cooler, America around the unemployment line, America across neighborhood fences, America is talking about this, and America is worried about this issue.

They are worried about many things, and they are accepting of many things. They, I think for the most part, look at immigration as certainly I do, as being something that has been beneficial to the Nation, that has provided for us a diverse population and culture that certainly is the envy of the world in many respects and has been immensely rewarding to us as a Nation. It is a rich environment in which we all can exist and prosper.

And so it is difficult, then, if you feel that way in your heart, which I, of course, do, that it is difficult to then lead us into the discussion of another aspect of it and that is a far more disconcerting aspect of immigration, massive immigration, I should say, not just immigration, but massive immigration on a scale we have never, ever experienced before at a time, I hasten to add, at a time when we also are going through a peculiar cultural phenomenon in the United States.

I refer to this phenomenon as the culture of multiculturalism which has overtaken us. It is a philosophy peculiar in many, many ways, I think, and peculiar, I think, to many Americans, but it has nonetheless taken hold among the elite in the country, the academics, the media, certain groups within the United States political establishment, that see America, and in a broader sense Western civilization, as something that they have to be ashamed of.

The values of Western civilization, many people who I would call cultists in the pursuit of this multiculturalism agenda, they see Western civilization as nothing of value and, as a matter of fact, for the most part something to be discounted. And they will actually talk about it in the most negative terms, and continually suggest to our children in school and to the public that pays the slightest bit of attention anymore to the national media, especially the media represented by or as exemplified, I should say, by commercial television, to those who still pay attention to those particular forums, these people look at this and think to themselves, maybe there is not anything really of value.

And children will, unfortunately, grow up learning only the most negative things about the United States and about Western civilization and begin to lose any real connection to the goals and aspirations and ideals of America that were exemplified in the Constitution of the United States, that were articulated by the people who founded this country and for 200 years, the ideals to which and around which we all rallied. And I fear, in a way, that we are losing this kind of connection.

I know this is somewhat esoteric, I know that this is not the typical kind of discussion that is held here on the floor of the House, but I ask that we do, in fact, engage in this discussion because I believe it is both meaningful and important to us as a Nation to discuss and to debate. The simple question is who are we? Who are we?

Samuel Huntington, who is a well-respected historian and social scientist, has written several books, the most recent, at least that I read, was The Clash of Civilizations. And he is coming out with another one, I am told, relatively soon. And I am looking forward to it. It is called Who Are We? And it takes a very in-depth look at this particular issue and this question.

He suggests that we are being sort of Balkanized in the United States, and in much of Western civilization for that matter. We are Balkanized into subgroups, subcategories, hyphenated categories as something American. And that this pressure to disconnect from a set of American ideals and ideas or those that we could call Judeo-Christian in nature, the precepts of Western civilization, that the disconnect from this is dangerous and that we should not be doing it.

And I certainly agree that there, again, are implications to this kind of phenomenon that are worthy of our discussion.

Beyond that, then, we have to think about what massive immigration means in this light and in this context, especially when it has changed so dramatically. Immigration and immigration policies have changed so dramatically over the last, let us say, 50 or 60 years but certainly in the last couple of decades.

In the past, certainly when my grandparents, and perhaps yours, came to this country, they were encouraged in many ways. Certainly, there were all kinds of discrimination that my grandparents faced. I am sure every wave of new immigrants confronted a new set, or maybe an old set, of discriminatory tactics. But even in the face of those obstacles, they were able to overcome them, they were able to succeed, they were able to move on. And they did so for a variety of reasons. Certainly, there was some internal desire to do so.

I remember, distinctly, my own grandparents talking about the fact that we should never ever think of ourselves as anything about Americans. We should never really connect to the old past. My grandparents all came from Italy. And although they were certainly proud of their heritage, they wanted to disconnect from the past and reconnect, or connect, I should say, to a new culture. And they wanted to be Americans in every sense of the word. So much so that, as I grew up, I never, ever, thought of myself as anything but an American.

Mr. Speaker, if someone were to have said to me, what is your home country, I would have said, well, the United States. What is your home State? I would have said, Colorado, and thought, how silly to ask such a question. But that is how I grew up. That is what I thought of as my heritage.

And my grandparents were forced to do other things. They were forced, whether they wanted to or not, of course, to work because there were no options. They would either work or they would starve. There was no welfare. There was no social service net to save them if they were to fail. They had to rely upon their own labor because they had few other skills but the labor they brought with them, the brawn, if you will.

□ 2115

They had to rely upon family and friends, and they had to do something else that was incredibly important when you think back on it. It was important for many reasons, but some did not become, some of those reasons were not clear, as they are today, when you think back, and that is that they had to learn English. They were sort of forced into it. I do not know how willingly my grandfather learned the English language, how devoted he was to the study of it, but I do know this, that it consumed him in terms of the time he would try. Certainly my grandmother would tell him, you have to try harder and you have to speak English. Actually she would always say, speak American, and in that process what was happening is they were becoming part of a greater society, a greater culture, bigger culture, and they were integrated into that culture, again, overcoming the obstacles that they faced with discrimination, which they certainly did, and, as I say, every newly arriving group in this country faces, but they were forced to learn English. They were forced to work. They were forced to actually integrate into the American mainstream.

Today, because of this cult of multiculturalism that permeates our society, we set up obstacles. We not only set up obstacles to people coming into this country and feeling at home. I mean, there are certainly a lot of discriminatory tactics employed, and I am not suggesting for a moment that discrimination has been eliminated from the culture. It has not, but we have done something else in a very peculiar way, maybe in a response to what we consider this, the discrimination, as we have set up this other sort of agenda or culture, if you will, or phenomenon.

I guess that is the best way to describe it because what we tell people today is they should not, in fact, reconnect, or they should not connect with America and with our culture and with American and Western civilization; that they should remain separate and distinct, in separate enclaves and retain their own language and retain their political affiliation and cultural affiliation with the country of their origin. And we tell them not to come into American mainstream, that there is nothing of value, and, therefore, they should essentially stay separate, all in this quest to make people feel at home or certainly make people feel that Western civilization offers them nothing of any consequence, and therefore, this separate and distinct set of societies that we are developing in the U.S. has greater value.

Not too long ago, in fact just a couple of weeks ago, there was an article in the Los Angeles Times that I remember reading here on the floor, at least excerpting parts of, and it talked about an event in Los Angeles. I believe it was not Cinco de Mayo because it was just a few weeks ago. It may have been the celebration of Mexican Independence Day, and it talked about the fact that there were thousands and thousands of people on the streets of Los Angeles, all with Mexican flags, and all, as they said, experiencing the joy of their homeland in talking about and cheering the flags that went by of their States. And I remember thinking to myself, their homeland? Their homeland. What is their homeland? Is it not the United States of America? What is their State? Is it not California?

We all have pride, as I say, in our heritage, but there was something peculiar about this article, I thought, because it does, once again, sort of focus in on what I am trying to describe here as a problem, at least I believe is a problem in this country, and that is our desire to ignore everything that would pull us together as a Nation and to, in fact, accentuate all the things that split us apart.

As I say, from my point of view, Mr. Speaker, it is disconcerting to say the least, and I worry about what this means for America, and I wonder. And although I certainly will be the first to tell you I do not have all the answers, I know, and I can certainly ask a lot of questions, but I am well aware of the fact that this is a cultural phenomenon that deserves a great deal of attention. A lot of very important scholars should study it and think about it, but is it not something that we should think about even superficially a little bit? Should we not give some thought to what this means to our Nation? Should we not then, therefore, think about what kind of immigration policy we should establish in this country?

Even if you sweep all of this aside and say it is all too highbrow, it is all too, again, esoteric, who wants to think about all that stuff; it does not matter, and it is just grist for social study textbooks. Okay. Forget about it. Let us talk about other more mundane but certainly dramatic aspects of massive immigration into this country, both legal and illegal. Let us talk about money. Let us talk about costs. Let us talk about the fact that today in the United States we expend far more money as taxpayers in the infrastructural support necessary for those people who have come here both legally and illegally than we ever obtain from those same folks in terms of the taxes, quote, they pay. And I say "quote" because many, of course, pay no taxes whatsoever because of our peculiar system, the system we have developed over a series of years. It is a big difference, I explained, to what my grandparents faced.

You come to the United States and really do not have to work. Not only that, but you work and earn a little amount of money, we will pay you in the form of something called the earned income tax credit, and many, many immigrants, both legal and illegal, thousands in fact, hundreds of thousands by the latest count, actually file income tax forms for one purpose, to obtain the earned income tax credit. It is not to pay taxes, because they do not pay taxes for the most part. They do not make enough money, but they will claim a certain number of people. Even when they work here illegally, they still file income tax forms.

We found them in what are called pick-up sites. These are places throughout the desert in the Southeast where illegal immigrants gather. As they come across on foot, they gather at certain areas to be picked up by some sort of vehicle, trucks or cars, and taken into the interior, and these sites sometimes are places where literally thousands of people will have gathered over a period of time, and they are strewn with trash; unfortunately, I mean, it is an indelicate thing to talk about, but tons of human waste and very, very unpleasant from many respects.

But we were going through one of these sites, and I happened to look down, and I saw all these IRS forms laying on the ground, and I picked them up. We still have them in my office, and I will never forget. I mean, one guy had filed his income tax, used a fake Social Security number, but had received, we found out later because we checked this out, and he filed an income tax claim that he had made $7,800, something like that, in the course of the year. He listed four or five dependents, all of whom lived in Mexico, but were given taxpayer identification numbers by the IRS. All you have to do is request a number for a dependent, whether they exist or not, who knows, because they are in a different country, but he filed this claiming four or five dependents in another country, using their ITIN numbers and said that he paid something like $94 in taxes on those $7,000 that he earned, but he claimed $3,800 in earned income tax credit.

We do this for people. This is part of who we are, but it changes the whole idea, the whole philosophy, the whole phenomenon of immigration into this country, changes it dramatically from what it used to be because we provide this.

So, as I say, forget about all of the cultural implications, whether you think they exist or not, as I have described them. Think about the actual costs to the United States, to the taxpayer of the United States. We are encouraged to keep open borders and allow illegal immigration into this country because we know, on our side of the aisle anyway, and many people on the other side of the aisle, by the way, believe in the concept of cheap labor, that businesses should be able to hire the cheapest labor possible, and if you get that across the border illegally, so be it. The other side of the aisle is much more interested in the votes that may accrue to them by the increase in the number of people who are here in this country as immigrants, either legal or illegal, but together this causes a very big problem because it is hard to actually then do something about it.

It is hard to stop it. It is hard to actually address it or reform it when you have got these two pressures and pressure groups, the political pressure group on that side of the aisle, the cheap labor group on our side. And I say all the time cheap labor is only cheap to the employer. It is not cheap to the American public. It costs us greatly. It costs us an enormous amount of money to provide the infrastructure for those people who are here working for very little and for very low wages.

Not only do we find that there are tax implications for us in terms of just the money that we will pay somebody for being here and having a low income, but, of course, there are the costs for schools. There are the costs for highways. There are the costs for hospitals and health care in a broader sense. All of these things, of course, are charged to the American taxpayer.

So I would suggest that if for no other reason we have a legitimate cause here, a legitimate concern based around the fiscal issues presented by massive immigration. And our opponents will say, well, these people come, they work, they provide value. Again, they do work, they provide value, mostly for employers who oftentimes exploit them, who oftentimes use that labor, pay them less than even minimum wage, refuse to give them benefits, and, in many ways, make their lives something close to those of indentured servants.

So it seems to me, as I say, that we have a legitimate interest, a legitimate concern, but sweep that aside, forget it for a moment. Say, okay, there is no cultural issue I care about listening to, and there is no fiscal issue that concerns me. Think about national security. Does that matter to anyone in this body? Should it matter to anyone in this body? Should it matter that our borders are porous? Does it matter that we have absolutely no control over who comes into this country? We do not know who they are. We do not know for how long they are here. We do not know for what purpose.

To the credit of people like Asa Hutchinson, whom I admire, he is trying his best, I think, to gain some degree of control over the immigration process, and we are working to devise better mechanisms to actually identify people who are coming across the border at our ports of entry. We are giving them cards, and unfortunately there is no hardware, there is no machinery there to actually scan these cards and to get the information. But a lot of people have cards now that carry some information we call biometric identifiers, and that is good, and I am happy. But, of course, those ports of entry are tiny, tiny pebbles that we have placed in the huge river of immigration. At those ports of entry we may have a better sense of who is coming across, and we may be doing a better job, but every place between those ports of entry, Mr. Speaker, unfortunately it is still "olly olly oxen free."

I flew over the port of entry in Nogales not too long ago, and it was a great metaphor for what I am saying. We looked down. Here was the port of entry with a line of cars maybe a mile deep into Mexico waiting to come into the United States, everybody being checked, but, of course, Nogales is in a desert area, very flat area, and we were flying in a helicopter, and so we looked at that, and it was ironic to say the least that not more than a mile on either side of that port of entry where everybody was being stopped, you could watch people walking across, sometimes simply driving off of a road in Mexico and into the United States through our national park down there, Organ Pipe Cactus National Park.

□ 2130

It looks like a racetrack. It is not a national park any more; it is a combination of a dump and a racetrack, where everywhere you look tracks have come through. People have simply driven over into the deserts, driven into the United States. You can fly over and see all these tracks looking like spiderwebs every place.

They have ruined the environment. They have destroyed much of the environment to the point that I cannot believe the Sierra Club does not go down there and really go ballistic. But of course they will not, because this is a politically incorrect thing for them to do, to complain about the degradation of the environment being done by illegal immigration.

And so we watched as people came into the country, of course completely undetected, except for the fact we happened to be flying over and watching it. But certainly we do not know who they are and, for the most part, of course, they are coming for the benign reason of a job. Absolutely true. But how do I know all of them come for that purpose?

And I guaranty you all of them do not come for that purpose, because of course we could also see the remnants of the drug trafficking, which is enormous. We picked up sacks all over the landscape where people had carried them in because they were coming in illegally and they were being used as what they call mules to bring the stuff in on their backs. And by the way, this is observable certainly on the southern border, but it is absolutely as rampant on the northern border, especially the drug traffic. So it is not just a southern border problem. It is a huge problem for America.

We do not know who is coming. We know that there are cartels in South and Central America that have now specialized in the importation of people, not drugs any more. They have changed their marketing tactics, their sales or whatever, because they are now importing people because it is more lucrative. It is $1,500 to $2,000 for a poor Mexican peasant to come into the United States paying a coyote; it is up to $55,000 for someone coming from the Middle East or Asia. It is a very lucrative endeavor.

And what do they have invested in it? Hardly anything. It is not like they need to pay the grower to take care of the plants and all that kind of investment there is in drugs. You do not have that in people. And if they lose a load, there is plenty more where they came from, so it is no big deal.

So now there is a cartel in what is called the tri-border area. This is in southwestern Brazil, the corner of Brazil, Paraguay, Argentina. The tri-border area is a very lawless area, and it is the site of an enormous amount of smuggling activities and that sort of thing, but it is also the site of this Mexican mafia cartel that no longer deals in drugs specifically, it deals now primarily in people, and it wants to concentrate on Middle Easterners coming in because they pay the most, $55,000.

So Middle Easterners will come into South and Central America, coming into what is called the tri-border region, be acclimated there in Brazil for a little bit, and then they are moved into Mexico and then into the United States. Some of them may be for jobs. Maybe they are all coming to do jobs Americans just will not do. I hear that all the time, of course. That is the only reason why we have illegal immigration; it is because we have so many jobs Americans will not do.

So therefore we have to bring in Saudis and Pakistanis and Iranians and Chinese? Well, no, Mr. Speaker, there are other reasons people are coming here, and some of them are nefarious. Some of the reasons are very, very scary. But our borders are porous, and they can come across at their will. And we are shirking the most basic responsibility we have in this body.

It may be bizarre to say such a thing here, but our primary responsibility in this House is not to educate America's children, it is not to provide welfare benefits to America's disenfranchised and poor, it is not to provide highways, and it is not to provide recreational services. Those things are not any of the identified responsibilities of this body in the Constitution of this country, which is supposed to be our guiding light.

Every Member takes an oath. We stand here at the beginning of the session, and we do not take an oath to the President. And we do not take an oath to our party. We take an oath to the Constitution. And when you look at the Constitution, what does it say about educating children or any of the other things? At least you are going to have to sort of interpret. But what does it say about our responsibility to defend America? What is the Federal Government's role here? Clear, unambiguous, it is our primary role. It is the one thing we are supposed to do: defend the Nation.

And, therefore, I say to you, Mr. Speaker, we shirk our primary responsibility here when we refuse to defend our own borders because of the politics of cheap labor. And that is the reason we do not defend our borders. That is it. As ugly and as uncomfortable as that is to deal with, here, 2 years after the most devastating attack on our shores we have ever experienced, we still do not defend our own borders and enforce them because of that fear, the fear that we would stop cheap labor. It is politics. It is unacceptable. It is disgusting, in many ways.

So, yes, I am here tonight, as I am on the floor many nights, and I am speaking on this, which I have spoken on hundreds of occasions. And I will continue to do so because I believe with all my heart that this issue warrants our attention, our concern, and at least, Mr. Speaker, a debate.

MAKING IN ORDER ON THURSDAY, SEPTEMBER 25, 2003, CONSIDERATION OF H.J. RES. 69, CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that it be in order at any time on September 25, 2003, without intervention of any point of order, to consider in the House the joint resolution (H.J. Res. 69) making continuing appropriations for the fiscal year 2004, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. CARTER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3161, RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. FEENEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H.R. 3161; that the bill shall be considered as read for amendment; that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except: number one, 1 hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and, number two, one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IRAQ/MILITARY/RESERVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, on March 19, 2003, the United States invaded Iraq against the broadest international opposition I had ever seen. President Bush remarked the coalition invaded; yet of the troops in combat theater, 94 percent were Americans.

Then on May 1 of this year, George W. Bush, as Commander in Chief, flew onto the deck of the USS *Abraham Lincoln*, after circling 30 minutes outside the San Diego shipyards as the ship approached shore, dressed in a flight suit, to announce that major hostilities were over. The battle of Iraq, he said, is one victory on a war on terror that began on September 11, 2001, and still goes on.

That is what the President said. But now 5 months later, more U.S. citizens have died in theater than before the President declared victory. Our National Guard and Reserve forces are experiencing their longest deployments in U.S. history, with the Department of Defense extending their orders every day, and indeed today announcing more call-ups.

As of September 9, 2003, according to Department of Defense officials, approximately 148,000 U.S. forces are in Iraq in support of combat operations. There are also 21,700 non-U.S. coalition forces from 29 countries in Iraq. There are 172,362 Guard and Reserve soldiers on active duty during Operation Iraqi Freedom, the majority of those serving in the Army, 108,000.

America's Guard and Reserve forces are being sent to Iraq for record-breaking deployments. It is obvious that the war in Iraq is not proceeding as we were originally led to believe and longer troop deployments in theater have been necessary. But that is still no reason to turn our National Guard and Military Reserve into something they were never intended to be, active duty forces. Unfortunately, this is what is happening.

At the beginning of September, the Department of Defense extended the tours of duty for Guard and Reservists to 1 year. Because of the dynamic situation in theater, one Army official said, asking he not be identified by name, "We had to take a look at our overseas forces to make sure we were maximizing their deployment opportunity."

What possible dynamic situation could he be referring to? Could it be the fact that since President Bush announced that hostilities in Iraq were over that in fact 164 U.S. soldiers have been killed compared to the 138 who lost their lives before May 1? Over 1,240 have been injured.

In our foolhardy rush to war, this administration clearly missed the mark. By relying on faulty intelligence, an utterly ill-conceived notion of Iraqi resistance and the total lack of an exit strategy, our brave servicemen and women are being placed in harm's way to face a new guerilla-style warfare. Active duty forces have been focused in Iraq, which the President says is the front in the battle on terrorism; yet most people know that 15 of the 19 September 11 hijackers did not come from Iraq; they came from Saudi Arabia.

The Taliban is now regrouping in Pakistan and in Afghanistan, and Afghanistan is a teetering tinderbox. More U.S. troops are being called to Afghanistan. Madrassas across the Islamic world turn out hate-mongering acolytes daily. And the Israeli-Palestinian killing fields have never been so bloody. So what state of mind would compel a President to say it is over, and why would he define the front as Iraq?

My primary concern this evening are those who are dying, in our Armed Forces and the innocent bystanders in the Middle East and central Asia. On "Meet the Press," before the war, Vice President CHENEY told Tim Russert, "I really do believe the war, that we will be greeted as liberators. There is no question that they want to get rid of Saddam Hussein and they will welcome as liberators the United States when we come to do that."

It is inconceivable that the administration could commit our brave men and women to battle with such a flawed perception of Iraqi sentiment. The fact is our troops are being shot at instead of welcomed with open arms. And when they are not being shot at, they are being price-gouged by profiteers because the administration has not adequately provided for our troops, ranging from telephone service to goods and supplies to even Internet access.

□ 2145

Mr. Speaker, one of my constituents tells me that troops are having to ask family members to send them cash in one-dollar-bill increments, so they can pay to call their families back home by going to Iraqi establishments to make phone calls stateside. It costs them $1 a minute, our troops, the people who are putting their lives on the line. To me, that is totally unacceptable.

And if they cannot afford $1 a minute, they are being told you can pay $3 an hour to use e-mail. The problem is the lines are so long, they cannot wait to do it. The administration has asked Congress for $87 billion more to fund nation-building in Iraq. Let me ask where has the $79 billion that was voted on last year gone? We cannot get reports back to the Congress line item by line item on where that money has been expended.

Why can our troops not make free phone calls without having to pay $1 a minute to an Iraqi citizen. Dozens of tales like this tell me that military morale will become lower in Iraq. Yes, our men and women are gutting it out, and we are proud of them, but it did not have to be this way. Here are quotes from soldiers deployed and their families. A letter I received on June 24 from a soldier stationed in Iraq, "If morale was any lower, this soldier, my mother's son, would have taken his own life a week ago. There ain't nothing you can do but read the sorrow through my pen. I hope between us something can be done to alleviate some stupid mistakes the Army has unraveled on us."

Another letter from a soldier reads, "Mom, things here have just hit a new low. Go ahead, have a seat. Here is a small list of things going on here. Our deployment papers were cancelled before we left, but they still sent us. Nobody knew our unit was overseas until our tent burned down in Kuwait. We have enough bulletproof plates for half of our battery, front and back during the day. They give us one day's supply of water, and expect it to last 3 days. We receive mail once a week, Wednesdays, plus they lost two bags of mail. If morale was any lower, your son would not be writing you any more. What is happening?"

Another letter from a mother of a servicewoman writes, "We bravely watched as our soldiers left, not knowing what the future held. And surprisingly enough, we could not believe one of the first requirements from us would be to send such a basic item as toilet paper. Whenever I pack my care packages, I would use rolls of toilet paper to fill out the box. For anyone who says there is toilet paper in a soldier's MRE, don't be fooled. There are six squares, four inches by four inches. If you save all day, you will have 18 squares to handle your problem. Oh, and by the way, pray you do not get diarrhea. We sent our son mosquito netting, calcium and snacks. Today, we continue with our packages and ignore the cost of shipping. An average package costs around $15 to send. Two a week, 4 weeks a month averages about $120 a month. Oh, by the way, that does not include the cost of what goes into the package.

"Many families took considerable pay cuts when their soldier left, and today almost 7 months to the day, there are still families that are not getting the full benefits their soldier is entitled to. As families struggle to juggle all of their responsibilities at home, our soldiers are forced to struggle without many of the basics needed to survive. They are in heat averaging around 120 degrees with full gear on. Every day they face the risk of being shot. What is an issue and seems to be the most puzzling thing to me is their treatment by regular Army. In most cases, they are considered second-class citizens because they are Guard. As families, we go through the Guard ranks to inquire about help with this problem. We are told that the National Guard cannot help us because our soldiers are regular Army now. Well, if they are regular Army, why are they treated as if they are National Guard? And there is the ever-changing return date. Our soldiers have been deployed twice in 2 years, so we wait and we pray for a return date.

"Every time our leadership appears on the news and without blinking an eye, they say our soldiers' orders are for 1 year, and that is what they should expect, but how can we keep up the morale of our soldiers without a real date of return to look forward to?"

Mr. Speaker, this week the Bush administration has asked Congress for another $87 billion in American taxpayer money for the President's nation-building experiment in Iraq. What I want to know as one Member is why the troops from our region do not have the supplies and do they not have the services we should be affording them with the billions we have already sent?

Yes, our Nation is being asked to do nation-building in Iraq. In fact, it is the mother of all nation-building experiments. Eighty-seven billion dollars in request is more than we send around the world for all of our foreign assistance in any year. In addition to that, it is more than we spend on all veterans' costs in a year, plus all of our housing programs around the country, plus all of the costs of NASA, plus all of the costs of transportation, plus all of the costs of environmental cleanup, all rolled together.

It is an enormous amount of money. How ironic that the President, who was a candidate in 2000, bitterly denounced the practice of nation-building, but he is now engaged in the largest nation-building experiment in history. Make no mistake, this is an extremely expensive experiment in nation-building, especially when we stop to consider that the United States Government is already digging a hole of debt deeper and deeper every day.

Those $87 billion being requested will come out of the Social Security trust fund. Why? Because the fact is there is no more money to go around. We have huge deficits, and so we are going to have to borrow the $87 billion from somewhere and there is only one place to get it. This is the most fiscally irresponsible administration that I have ever seen.

Now, how much is $87 billion? I do not think the American people really realize how huge this request is. Eighty-seven billion dollars equals $3,480 for every man, woman and child in Iraq. How would you like to get a check for $3,480? Eighty-seven billion dollars is more than all of the State budget deficits across this country combined.

Our States are raising taxes and cutting programs like education with college tuition going up, cutting jobless benefits, Medicaid, library services, social services. Our States are choking from a lack of tax revenue because of unemployment in this Bush economy. We have $87 billion for Iraq, but not even half of that for our States in this union? Eighty-seven billion dollars more is double what we are investing here in homeland security right here in the U.S.A.

I can travel to any community in my district and hear from first responders, fire departments, police departments, emergency personnel, and port security who are desperate for funds to protect their communities. I hear from our personnel from the Port of Toledo who need funds to upgrade the security of our port, and that is true of every port in America. Eighty-seven billion dollars is eight times what we invest in Pell Grants for our college students. Ask any middle-class family about economic anxiety, and they will tell you they worry about job security, economic security and pension security. And they worry about how to pay for their kids' college.

Our young people leave college with tens of thousands of dollars of debt. Some of them will be in debt for the rest of their lives just to pay for college. The United States Government just does not have $87 billion laying around. We have budget deficits as far as the eye can see. Our next Federal budget deficit is probably in the neighborhood of half a trillion dollars, the largest in the history of the Republic. Where does it stop? The administration has no idea. We had a subcommittee hearing today and heard testimony from Ambassador Paul Bremer and also from General Abizaid, both men who live the words honor, duty and country. They do not know, they do not have a clue what it is going to cost our Nation to stabilize Iraq.

This additional $87 billion is only a down payment until next year when the money runs out. The ranking member, the gentleman from Wisconsin (Mr. OBEY) asked them for a ballpark figure, how much ultimately? They could not provide an answer. It is an open-ended commitment. They even said during the hearing, well, the waste water systems of Iraq are so bad that only 6 percent of the people are accommodated.

I thought, oh, all right, so the $400 million that might be needed for waste water treatment in Toledo, Ohio will have to be put on hold because we have to transfer those dollars there, even though the waste water treatment system in my home community is spewing pollution into Lake Erie every day. There are some important trade-offs we have to think about.

We have no exit strategy militarily, and that is a violation of the Powell Doctrine, in case anybody remembers, and we have no exit strategy fiscally. Iraq is a fiscal black hole becoming bigger every day. We can pour as much money as we want down that hole, and we have no idea, no idea where it ends.

I have never seen pallets of U.S. cash being flown to a country and handed out on the streets, but that is exactly what we are doing in Iraq. One of my questions is as money, as U.S. dollars are being distributed to Iraqis to pay their pensions, to pay them for doing police work, and I am not sure what all this money is going for, why is it being distributed in dollars? Why are dinars, their home currency, not being used? What is this business of pallets of U.S. dollars being flown over? We have flown over plane loads of $20 bills to hand out to people. In my life, I have never seen this happen. We have seen rice and flour and beans being handed out to hungry people. We have never seen pallets of money being distributed. It looks like what some people might call street money, walking around money. Maybe if we hand out enough $20 bills, the Iraqi people will suddenly fall in love with America and with our confused policy of nation-building.

How strange that a neoconservative administration and Republican Congress, who are hostile to social programs such as Medicare and Social Security and students loans, would adopt a policy of handouts to the Iraqi people. Are we creating a Middle East version of a welfare state where people get money for doing nothing? While we cut benefits for Americans, we hand out $20 bills to Iraqis? Is this the legacy of the Bush policy? Free money for Iraqis, is this really what the administration wants?

Meanwhile, the Bush administration is charging our troops in the Middle East in Iraq $1 a minute to call home to their families, yet they are handling out $20 bills in Iraq. Is this really U.S. policy in Iraq? It is happening. Families in my district are sending one dollar bills to their loved ones. One mother sent $75 in one dollar bills, put on the postage and sent it over there so her son could call home. At the same time, our government is handing out $20 bills to Iraqis.

Is it too much to ask that our government provide a seamless communication system for our troops in theater, including Guard and Reserve forces, without whom we could not conduct this campaign, who are experiencing the longest deployments in U.S. history, and their families are missing them? So it goes in the war on terrorism.

Yesterday, President Bush said that Iraq is the major front in the war on terrorism. But on Friday, he said that Saddam Hussein had nothing to do with 9/11. The administration cannot seem to get its story straight. Did Saddam Hussein have anything to do with 9/11? President Bush says no. Vice President CHENEY says yes. Secretary of Defense Rumsfeld says no. Paul Wolfowitz did not appear. Secretary of State Powell seems to be laying kind of low lately. The administration policy is confused about where the front is. The President says the front is Iraq, but let us look at the facts. Fifteen of the 19 hijackers were not from Iraq, they were from Saudi Arabia.

□ 2200

Now we see the Taliban forces are regrouping and fighting again in Afghanistan. Afghanistan is far from over, far from lockdown. Madrassas in Pakistan continue to churn out thousands of hate-filled young men each year. And the Israeli-Palestinian killing fields are bloodier than ever.

Think about this. Think about where the front is. When President Bush nominated Texan Phillip Carrol, the former chief executive officer of Shell Oil, to oversee oil operations in post-war Iraq, was it merely coincidental that over one dozen Shell gas stations in Pakistan were bombed by terrorists? Think about it. Where is the front? Yet President Bush insists that Iraq is the frontlines in the war against terrorism.

More troops from Ohio have just been deployed to Afghanistan because of uprisings in the border area between Pakistan and Afghanistan. Where is the front in this war? The President insists he needs another $87 billion to clean up the mess in Iraq and build a stable nation, but the American people are deeply skeptical about where the front is and the administration policy in Iraq. And for good reason. Not only is there no coherent plan for the reconstruction of Iraq, there are serious doubts about where the front in terrorism really lies, and there is no clear road map, no exit strategy. Now more of our Reserve and Guard forces are being called up, without the ones currently in theater being given a certain rotation date out. It appears to me that the administration is making up their plan as they go along.

In terms of the cost of all this in the President's $87 billion new request on top of the billions and billions already appropriated last year, Secretary Rumsfeld told us back in January of this year that we would not have to do this. In fact, his words were, "Well, the Office of Management and Budget has come up with a number that's something under $50 billion for the cost. How much of that would be the U.S. burden and how much would be with other countries is an open question." But he said, "I don't know that there is much reconstruction to do." He said that in April of 2003. The story must have changed because now we are being asked for $87 billion more.

Deputy Defense Secretary Paul Wolfowitz said, "There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people . . . and on a rough recollection," he said, "the oil revenues of that country could bring in between 50 and $100 billion over the course of the next 2 or 3 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon." I think the question I would ask there is, then, why are we appropriating hard U.S. dollars? Why are we not making loans that can then be repaid back once the oil fields begin to operate again?

Secretary Rumsfeld told us back in the fall of last year, "If you worry about just the cost, the money, Iraq is a very different situation from Afghanistan because Iraq has oil." And again the Secretary said in March of this year, "I don't believe that the United States has the responsibility for reconstruction because in a sense reconstruction funds can come from those various sources such as frozen assets, oil revenues, and a variety of other things including the Oil for Food program, which has a very substantial number of billions of dollars in it."

Clearly, this administration really does not know what it is doing. Secretary Powell, in answer to my question this year in an appropriations hearing prior to the invasion of Iraq, assured me that the United States would be welcomed in Iraq as a liberator, because I had been questioning him, "Mr. Secretary, how do we know when we are a liberator versus when we are an occupier?" Secretary Powell, with all due respect, was wrong.

Vice President CHENEY said the same thing on TV on "Meet the Press" in March when asked by Tim Russert, and I will repeat Mr. Russert's question: "If your analysis is not correct, Mr. Vice President, and we're not treated as liberators but as conquerors and the Iraqis begin to resist, particularly in Baghdad, do you think the American people are prepared for a long, costly, and bloody battle with significant American casualties?" And the Vice President responded, "Well, I don't think it's likely to unfold that way, Tim, because I really do believe that we will be greeted as liberators . . . there is no question that they want to get rid of Saddam Hussein and they will welcome as liberators the United States when we come to that."

I think Vice President CHENEY was wrong. At best, Iraq is a cauldron of competing interests, much as it has been since it was created by the British Empire. At worst, the Bush administration has succeeded only in creating another failed state that can serve as a staging ground for more international terror war.

Before another $87 billion in cash is directed at Iraq, we had better get clear answers on how the current situation can yield a governing structure that is representative. Of the 25 members the United States has appointed to Iraq's governing council, 11 are exiles, 11 of 25. These are people who had been living outside of Iraq for some 3 and 4 decades. That means 44 percent of the people on the governing council were not even there, some for decades. What do we really know about these people on the governing council? How representative are they of the Iraqi people? Indeed, whose interests do these 25 represent?

We should ask how can exiles be more representative of Iraqis than those living in the country now, those who endured the suffering of the Hussein regime. Indeed, many new sources have reported the current president of that council, appointed by the United States Department of Defense, Ahmad Chalabi, was a convicted felon who embezzled over $350 million and counting in Jordan, who was then exiled, escaped in the trunk of a car, and subsequently took up residence in London for years. He had been associated with the former monarchy of Iraq. So whom does he represent?

In the RECORD tonight I am going to place two compelling news stories about who is this man, how democratically was he chosen? I am submitting for the RECORD also the names of all persons on the governing council of Iraq. The world community should assess them and their ability to represent the people of Iraq. From my study of the list, it appears Iraq's indigenous Shia majority is seriously underrepresented as is its Sunni minority. Tragically, one of the council's Shia members is the brother of the famed Ayatollah Hakim, who was just assassinated. And another Shia representative, Aquila al Hashimi, a woman, was shot a few days ago but survived.

With two thirds of Iraq's population composed of Shia Muslims, but only about a third of the council comprised of Iraqi Shias who actually have been living in the country, one can question how representative the governing council is. Further, the Sunni minority's underrepresentation is worrisome as well. Somehow the world community and our Arab friends must weigh in on creating a governing structure that is more representative and moves Iraq toward free elections as expeditiously as possible. After all, the Iraqi people are a literate people. An unrepresented governing council cannot possibly succeed in transferring democratic principles to Iraq.

Mr. Speaker, in concluding this evening, the path forward to me is clear. Congress should not give a blank check to the Bush administration on its $87 billion request for more funds for Iraq. We must demand clear reporting of all expenditures to date in Iraq and demand clear explanations of why more appropriated dollars are necessary as opposed to loans that can be repaid as Iraq's economy recovers. We must clarify the front in this war on terrorism and not lose focus on other places where terrorism is spawning. A major diversion of funds to Iraq can indeed draw attention and resources from equally tender places where terrorists are spawning. For example, the deterioration of the Israeli-Palestinian situation feeds growing terrorism across the region. Indeed, it is its clarion call. The continuation of the madrassas schools that foment violence by young men continue to graduate thousands. There is no money in this budget to deal with that festering problem.

And Afghanistan is far from buttoned down. Importantly, we must do more for our troops and provide them with what is necessary to complete their mission and return them home soon. We must assure the administration provides them with clear rotation out schedules. And we must enlist the broader world community in assuming a larger role in the massive task of rebuilding. We must urge the composition of the governing council be more representative, indeed more democratic, in order that a transition to a more orderly society through free elections can occur soon. Doing any less will not yield an enduring victory for freedom in Iraq.

MEMBERS OF THE IRAQI GOVERNING COUNCIL

Name	Shiite/Sunni, etc.	Organizational affiliation	Rotating presidency	Occupation	Other
Abd al-Aziz Al Hakim	Shiite	Political leader of the Supreme Council for Islamic Revolution.	Yes		
Abdul Karim Mohammedawi	Shiite	Guerrilla affiliated with Supreme Council for Islamic Revolution.			"Prince of the Marshes"—led opposition in the Southern Marsh Region.
Adnan Pachachi	Sunni		Yes		Served as Foreign Minister before the Baath Party came into power. 80 years old.
Ahmad al-Barak	Shiite	General Coordinator for the Human Rights Association of Babel.			Worked with UN programs in Iraq since 1991 in the Foreign Ministry.
Ahmad Chalabi	Shiite	Leads Iraqi National Congress	Yes		Exiled for the nearly 45 years. Educated at MIT. Convicted of embezzlement in Jordan.
Aquila al-Hashimi	Shiite			Diplomat. Holds doctorate in French literature	Woman. Led the Iraqi delegation to the New York donor's conference. Worked in the Foreign Ministry under Hussein.
Dara Noor Alzin	Sunni Kurd			Judge	Served on the Court of Appeal until Hussein imprisoned him for ruling against the government.
Ezzedine Salim	Shiite	Head of the Dawa Islamic Party			
Ghazi al-Yawar	Sunni			Civil engineer	Had been living in Saudi Arabia where he was president of Hicap Technology.
Hamid al-Moussa	Shiite	Secretary of Iraqi Communist Party		Economist	
Ibrahim Jafari	Shiite	Spokesman for the Islamic Dawa Party	Yes—first to take post		Party was banned in 1980 and he fled the country.
Iyad Allawi	Shiite	Secretary-General of the Iraqi National Accord	Yes		Exiled.
Jalal Talabani	Sunni Kurd	Leader of the Patriotic Union of Kurdistan	Yes	Lawyer	
Mahmoud Othman	Sunni Kurd	Founder of Kurdish Socialist Party		Independent Kurdish politician	Lived in London.
Massoud Barzani	Sunni Kurd	Leader of the Kurdistan Democracy Party	Yes		Commands tens of thousands of armed militia fighters.
Mohammed Bahr Uloom	Shiite		Yes	Cleric	Fled Iraq in 1991. Headed charitable clinic in London. Considered pro-US.
Mohsin Abdul Hamid	Sunni	Secretary-General of the Iraqi Islamic Party	Yes		Author of more than 30 books on the interpretation of the Koran.
Muwaffaq al-Ruba	Shiite	Dawa Party		Physician and author	Human rights activist. Educated in UK.
Nasir al-Chadirchy	Sunni	Leads the National Democratic Party		Lawyer and businessman	Lived in Iraq throughout most of Saddam's regime.
Raja al-Khuza'i	Shiite			Heads maternity hospital in Diwaniyah	Woman. Studied and lived in the UK during the 60's and 70's. Returned to Iraq in 1977.
Salaheddine Bahaaddin	Sunni Kurd	Founder of Kurdistan Islamic Union			
Samir Shakir Mahmoud	Sunni			Writer and Entrepreneur	
Sondul Chapouk	Turkmen	Directs the Iraqi Women's Organization		Engineer and teacher	Woman. Represents the Turkmen community.
Wael Abdulatif	Shiite	Governor of Basra		Lawyer and judge	
Yonodam Kanna	Assyrian Christian	Secretary-General of the Assyrian Democratic Movement.		Engineer	Served as Transportation the first Kurdish regional assembly and as Trade Minister.

Note.—Spelling of names may vary.

[From the New York Times, Sept. 20, 2003]

LISTENING TO THE WRONG IRAQI

(By David L. Phillips)

Critics say the Bush administration had no plan for postwar Iraq. In fact, before the war, hundreds of Iraqis were involved in discussions with Washington about securing and stabilizing their country after military action. Today's difficulties are not the result of a lack of foresight, but rather of poor judgment by civilians at the Pentagon who counted too much on the advice of one exile—Ahmad Chalabi of the Iraqi National Congress—and ignored the views of other, more reliable Iraqi leaders.

Last year the State Department, joined by 17 other federal agencies, put together the Future of Iraq Project, which was supposed to involve Iraqis from the country's many ethnic and religious factions, including representatives from the exile community. The project had working groups on topics ranging from agriculture to the economy to new government structure. I was adviser to the democratic principles working group, which the Iraqis called the "mother of all working groups." Anticipating many of the problems playing out in Iraq today, participants worked on plans for maintaining security, restoring services and making the transition to democracy.

On security, the participants envisioned a key role for reformed elements of the Iraqi Army. They insisted on the dissolution of agencies involved in atrocities—like military intelligence and the secret police (the Mukhabarat)—and proposed setting up a body to investigate war crimes, prepare a "most wanted" list, and prosecute war criminals. They envisioned a military council vetting and then taking steps to professionalize the armed forces.

Representatives of the Iraqi National Congress, however, claimed to control a vast underground network that would rise in support of coalition forces to assist security and law enforcement. They insisted that the entire Iraqi Army be immediately disbanded. The Pentagon agreed, in the end leading many Iraqi soldiers who might otherwise have been willing to work with the coalition to take up arms against it. Mr. Chalabi's promised network didn't materialize, and the resulting power vacuum contributed to looting, sabotage and attacks against American forces.

The working group also emphasized winning hearts and minds of average Iraqis, largely through improving living conditions. It urged cooperation with Iraq's existing technocracy to ensure the uninterrupted flow of water and electricity. Though civil servants and professionals for the most part were required to be Baath party members, the working group maintained that not all Baathists were war criminals. The group proposed so-called lustration laws to identify and remove officials who had committed. atrocities.

On the other hand, the Iraqi National Congress was adamant that all former Baath party members were inherently complicit in war crimes. Siding with Mr. Chalabi, the coalition provisional authority decided that the Baath party would be banned, and dismissed many party members from their jobs. As a result millions of Iraqis are still without electricity and fresh water, necessities they could at least count on under the criminal regime of Saddam Hussein.

Most important, the working group insisted that all Iraqis needed a voice in the transition to a stable, democratic Iraq. Participants agreed that exiles alone could not speak for all Iraqis, and endorsed discussions with leaders inside and outside the country as the basis for constituting a legitimate and broadly representative transitional structure.

Before the London opposition conference in December, Mr. Chalabi lobbied the United States to appoint a government in exile, dominated by his partisans, to be installed in Baghdad at the moment of liberation. Concerned about legitimacy, the Bush administration ultimately rejected this proposal. Still, Mr. Chalabi's supporters in Washington—particularly civilians in the Pentagon—relentlessly promoted him as Iraq's future leader. Exceptional treatment included airlifting Mr. Chalabi and his American-trained 700-man paramilitary force to Nasariya in the middle of the war. He is now a member of the Iraqi Governing Council, serving as its president this month.

Why such devotion to a man whose prewar advice proved so misguided? For one thing, Mr. Chalabi has shown himself amenable to those in Washington who want to reshape the entire Middle East. They envision Iraq as a springboard for eliminating the Baath party in Syria, undermining the mullahs in Iran and enhancing American power across the region.

There are benefits to spreading democracy in the Middle East, but hegemonic ambitions are sabotaging the shorter-term project of turning Iraq into a viable state. The other day, a Sunni participant in the democratic principles working group told me he is reluctant to speak up about how its recommendations have been ignored lest criticism discourage the coalition. In frustration, he asked: "So this is liberation?"

The Iraqi people have suffered a generation of tyranny and deserve better. To succeed in Iraq, and be constructive elsewhere in the world, the Bush administration must listen to all voices, not just those that are ideologically compatible. Liberation cannot be imposed.

[From the New York Times, Sept. 23, 2003]

IRAQ COUNCIL HEAD SHIFTS TO POSITION AT ODDS WITH U.S.

(By Patrick E. Tyler and Felicity Barringer)

BAGHDAD, IRAQ, Sept. 22.—Ahmad Chalabi, the president of Iraq's interim government, is in New York this week to press alternatives to the Bush administration's occupation policy in postwar Iraq, he and his aides say. In the process, he may complete a personal transformation from protégé of Pentagon conservatives to Iraqi nationalist with a loud, independent voice.

In an interview today in New York, Mr. Chalabi professed gratitude to the Bush administration for toppling Saddam Hussein's government, but his specific proposals were directly at odds with the policies Washington is pursuing in Baghdad and at the United Nations. He demanded that the Iraqi Governing Council be given at least partial control of the powerful finance and security ministries, and rejected the idea of more foreign troops coming to Iraq.

Mr. Chalabi's strategy, he says, is to get from the United Nations General Assembly sovereign status for the unelected 25-member Governing Council. This move to lobby other nations for a swift transfer of some sovereignty is going down poorly in Washington, according to the Iraqi leader's aides.

Mr. Chalabi has sent representatives to France and Germany to discuss putting Iraqis back in charge under a new United Nations mandate that would end American control of the occupation, even if American troops remain in Iraq. His aides say he also plans to tell the Senate that the United Nations could save billions of dollars on Iraqs reconstruction by allowing an Iraqi administration to handle it.

"People in D.C. are accusing us of 'conspiring with America's enemies,'" one aide said, describing the reports of his advance men on the mood in Washington.

Mr. Chalabi insists that he is not changing diplomatic sides. "The last thing we are going to do is fall into the trap of France," he said this weekend. He said that he was looking forward to seeing the president at a reception Mr. Bush is giving for visiting government leaders on Tuesday evening, and that his strategy was intended to make it easier to maintain the American presence in Iraq.

"I am fighting to keep Americans in Iraq," Mr. Chalabi said before leaving Baghdad. "We are afraid that they will lose their resolve and go home if the current situation continues."

Yet Mr. Chalabi's arrival in New York with a delegation determined to advance the clock on sovereignty puts him and the interim government he heads in direct confrontation with Mr. Bush.

"We want to claim Iraq's seat at the United Nations," Mr. Chalabi said today.

He also declared that "we are not at cross purposes" with the Americans, but his words seemed so.

The United States is seeking a new United Nations resolution that would help bring foreign troops into Iraq in a newly constituted multinational force. At lease one major potential troop donor, Pakistan, says it wants an invitation from the Governing Council first.

"We cannot be expected to solicit foreign troops in Iraq," Mr. Chalabi said. "We cannot be expected to do that."

He said some aspects of governance should be handed over immediately.

"They can start by putting Iraqis to be in joint control, with the coalition, of Iraqi finances," he said. "All of these are measures that would demonstrate increasing sovereignty in Iraq." Asked when, he replied, "Right away."

He also sought an immediate role in commanding security forces, saying, "We think that internal security in Iraq cannot be maintained unless Iraqis are far more involved than they are now."

A senior Bush administration official reiterated over the weekend that "we'll stay on the same schedule" of keeping Iraq under a strong American-British occupation while proceeding with drafting a new Iraqi constitution, to be followed by national elections sometime next year.

That extended debate over sovereignty and the end of the occupation is part of a political struggle that neither side feels it can afford to lose.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSBORNE (at the request of Mr. DELAY) for September 23 and today on account of his mother-in-law's funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and October 1.

SENATE BILL REFERRED

A Bill of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. 1404. An act to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on the Judiciary.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4396. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Pork-Filled Pasta [Docket No. 02–003–2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4397. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No. 03–018–2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4398. A communication from the President of the United States, transmitting report concerning His decision regarding the Singapore Technologies Telemedia in Global Crossing Ltd; to the Committee on Financial Services.

4399. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast [Docket No. 1998F–0196] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4400. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Orthopedic Devices; Classification for the Resorbable Calcium Salt Bone Void Filler Device [Docket No. 01N–0411] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4401. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Format and Numbering of Award Documents (RIN: 2700–AC61) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4402. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 03–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4403. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 03–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4404. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4405. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 03–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4406. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 03–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4407. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services (Transmittal No. 03–35), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4408. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107–40, to help ensure that the Congress is kept informed on the status of United States efforts in the global war on terrorism; (H. Doc. No. 108—129); to the Committee on International Relations and ordered to be printed.

4409. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Public Use (RIN: 3095–AB17) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4410. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Hours of Operation for the Exhibition Halls (RIN: 3095–AB22) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4411. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations [Docket No. RSPA–03–15372 (RSP–5)] (RIN: 2137–AD71) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. A letter from the Acting Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule—Split-Dollar Life Insurance Arrangements [TD 9092] (RIN: 1545–BA44) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 2658. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–283). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 377. Resolution providing for recommittal of the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–284). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself and Mr. CARDOZA):

H.R. 3157. A bill to provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federally declared disaster area as a result of a disaster; to the Committee on Agriculture.

By Mr. TURNER of Texas (for himself, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. CARDIN, Ms. SLAUGHTER, Mr. DEFAZIO, Mrs. LOWEY, Mr. ANDREWS, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr: MEEK of Florida, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Ms. BERKLEY, Mr. PALLONE, Mr. ISRAEL, Mr. LANTOS, Mr. ACEVEDO-VILÁ, Mrs. MCCARTHY of New York, Mr. CASE, Ms. KILPATRICK, Mr. MCGOVERN, Mr. GREEN of Texas, Ms. DELAURO, Mr. MOORE, Ms. SOLIS, Mr. FROST, Mr. ROSS, Mr. MCINTYRE, Mr. STENHOLM, Mrs. TAUSCHER, Mr. MICHAUD, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PAYNE, Mr. WYNN, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Mr. HONDA, Mr. SANDLIN, Mr. JOHN, Mr. SNYDER, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. BERRY, Mr. RUPPERSBERGER, Mr. EDWARDS, Mr. UDALL of Colorado, Mr.

Farr, Ms. Bordallo, Mr. Hoeffel, Mr. Berman, Mr. Hinojosa, Mr. Bell, Mr. Reyes, Mr. Ortiz, Ms. Kaptur, Mr. Davis of Florida, Ms. Lee, Mr. Boyd, Mr. George Miller of California, Mr. Kennedy of Rhode Island, Ms. Corrine Brown of Florida, Mr. McNulty, Mr. Delahunt, Ms. Carson of Indiana, Mr. Rothman, Mr. Engel, Ms. Linda T. Sánchez of California, Mrs. Maloney, Mr. Kildee, Ms. Majette, Mr. Larsen of Washington, Mr. Hinchey, Mr. Towns, Ms. Hooley of Oregon, Ms. Schakowsky, Mr. Filner, Mr. Spratt, Mr. Bishop of New York, Mr. Waxman, Mr. Van Hollen, Mr. Tierney, Mr. Meehan, Mr. Nadler, Mr. Blumenauer, Mr. Baca, Mr. Schiff, Mr. Lampson, Mr. Sherman, Mrs. Capps, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mr. Davis of Tennessee, Ms. DeGette, Mr. Emanuel, Mr. Hastings of Florida, Mr. Hill, Mr. Jefferson, Mr. Meeks of New York, Mr. Price of North Carolina, Mr. Strickland, Mr. Thompson of California, Mr. Wu, Ms. Waters, Ms. Eshoo, Ms. Roybal-Allard, Mr. Larson of Connecticut, Mr. Brady of Pennsylvania, Mrs. Davis of California, Mr. Ballance, Ms. Eddie Bernice Johnson of Texas, Mr. Holt, Mr. Smith of Washington, Mr. Bishop of Georgia, Mr. Cooper, and Mr. Skelton):

H.R. 3158. A bill to amend the Homeland Security Act of 2002 to establish a task force to determine essential capabilities for State and local jurisdictions to prevent, prepare for, and respond to acts of terrorism, to authorize the Secretary of Homeland Security to make grants to State and local governments to achieve such capability, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Tom Davis of Virginia, Mr. Shays, Mr. McHugh, Mr. Clay, Mr. Towns, Mr. Carter, Mr. Van Hollen, Ms. Ros-Lehtinen, Mr. Bell, Mr. Souder, Mrs. Miller of Michigan, Mr. Burton of Indiana, Mr. Schrock, Mr. Lynch, Mr. Ruppersberger, Mr. Putnam, Mr. Cummings, Ms. Linda T. Sánchez of California, Mr. Lantos, Mrs. Maloney, Mr. Owens, Ms. Watson, Mr. Ose, Mr. Cooper, Ms. Norton, Mr. Davis of Illinois, Mrs. Jo Ann Davis of Virginia, and Mr. Turner of Ohio):

H.R. 3159. A bill to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing; to the Committee on Government Reform.

By Mr. FLETCHER (for himself, Mr. McIntyre, Mr. Goode, Mr. Etheridge, Mr. Ballance, Mr. Ballenger, Mr. Barrett of South Carolina, Mr. Bishop of Georgia, Mrs. Blackburn, Mr. Boucher, Mr. Boyd, Mr. Brown of South Carolina, Mr. Clyburn, Mr. Collins, Mr. Cooper, Mr. Davis of Tennessee, Mr. Tom Davis of Virginia, Mr. DeMint, Mr. Gordon, Mr. Hayes, Mr. Hill, Mr. Kingston, Mr. Lewis of Kentucky, Mr. Lucas of Kentucky, Mr. Marshall, Mr. Miller of North Carolina, Mr. Norwood, Mr. Peterson of Minnesota, Mr. Price of North Carolina, Mr. Rogers of Kentucky, Mr. Scott of Georgia, Mr. Spratt, Mr. Thompson of Mississippi, Mr. Wamp, Mr. Whitfield, Mr. Wilson of South Carolina, Mr. Duncan, Mr. Murtha, and Mr. Isakson):

H.R. 3160. A bill to eliminate the Federal quota and price support programs for tobacco, to provide transitional assistance to tobacco quota holders and traditional producers of tobacco affected by the elimination of these programs, to ensure the future quality and availability of United States-grown tobacco, to protect against the disruption of tobacco markets, to establish a trust fund to finance this Act, and for other purposes; to the Committee on Agriculture.

By Mr. TAUZIN (for himself, Mr. Dingell, Mr. Upton, and Mr. Markey):

H.R. 3161. A bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3162. A bill to require cigarette products to be placed under or behind the counter in retail sales; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3163. A bill to amend section 526 of the National Housing Act to provide that any certification of a property for meeting energy efficiency requirements for mortgage insurance under such Act shall be conducted by an individual certified by an accredited home energy rating system provider; to the Committee on Financial Services.

By Mr. CARSON of Oklahoma:

H.R. 3164. A bill to provide for reduction of the Federal budget deficit by reducing wasteful government spending; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Chocola, Mr. Hensarling, Mrs. Miller of Michigan, Mr. Schrock, Mr. Feeney, Mr. Garrett of New Jersey, Mr. Lincoln Diaz-Balart of Florida, Mr. Barton of Texas, and Mr. Putnam):

H.R. 3165. A bill to require the Administrator for Federal Procurement Policy to prescribe a policy regarding purchase card and travel card programs to provide a government-wide system of accountability for such cards; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mrs. Lowey, Mr. King of New York, Mrs. McCarthy of New York, Mr. Hinchey, Mr. Bishop of New York, Ms. Slaughter, Mr. McNulty, and Mr. Houghton):

H.R. 3166. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building"; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mrs. Lowey, Mr. King of New York, Mrs. McCarthy of New York, Mr. Hinchey, Mr. Bishop of New York, Ms. Slaughter, Mr. McNulty, and Mr. Houghton):

H.R. 3167. A bill to redesignate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building"; to the Committee on Government Reform.

By Mr. GOODE (for himself and Mr. Boucher):

H.R. 3168. A bill to amend title 40, United States Code, to direct the Administrator of General Services to give preference to high unemployment areas in selecting sites for the construction of public buildings and in leasing space to accommodate Federal agencies; to the Committee on Transportation and Infrastructure.

By Mr. GOODE:

H.R. 3169. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Ms. Velázquez):

H.R. 3170. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Financial Services.

By Mr. KUCINICH (for himself, Mr. Paul, Mr. Conyers, Mr. George Miller of California, Mr. Serrano, Ms. Schakowsky, Ms. Baldwin, Ms. Solis, Mr. Honda, Ms. Woolsey, Mr. McDermott, Mrs. Jones of Ohio, Mr. McGovern, Mr. Abercrombie, Ms. Lee, Mr. Stark, Mr. Filner, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Hinchey, and Mr. Farr):

H.R. 3171. A bill to provide for an appropriate review of recently enacted legislation relating to terrorism to assure that powers granted in it do not inappropriately undermine civil liberties; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Education and the Workforce, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCOLLUM:

H.R. 3172. A bill to amend the Federal Election Campaign Act of 1971 to establish a program under which Congressional candidates may receive public funding for carrying out campaigns for election for Federal office, to amend the Internal Revenue Code of 1986 to establish an income tax checkoff to provide funding for such program and to provide a refundable tax credit for individuals who make contributions to such candidates, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Frost, Ms. Corrine Brown of Florida, Ms. Schakowsky, and Ms. Slaughter):

H.R. 3173. A bill to provide for the purchase by the Secretary of Energy of excess Russian plutonium and highly enriched uranium, and for other purposes; to the Committee on International Relations.

By Mr. PAYNE:

H.R. 3174. A bill to amend the Fair Labor Standards Act of 1938 to require payment of at least the minimum wage to certain drivers for all hours worked as a condition of exempting such drivers from overtime requirements; to the Committee on Education and the Workforce.

By Mr. REGULA (for himself, Mr. TIBERI, Mr. PORTMAN, Mr. BROWN of Ohio, Mr. GILLMOR, Mr. OXLEY, Mr. TURNER of Ohio, Mr. HOBSON, Mr. LATOURETTE, Mr. BOEHNER, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. KUCINICH, Ms. KAPTUR, Mr. NEY, Ms. PRYCE of Ohio, Mr. CHABOT, and Mrs. JONES of Ohio):

H.R. 3175. A bill to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building"; to the Committee on Government Reform.

By Mr. UDALL of New Mexico (for himself and Mrs. WILSON of New Mexico):

H.R. 3176. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. MICHAUD, Mr. CHABOT, and Mr. KNOLLENBERG):

H. Con. Res. 288. Concurrent resolution honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict; to the Committee on International Relations.

By Ms. GRANGER:

H. Res. 378. A resolution recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation's families who want to send their children to private colleges and universities; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. DUNCAN.

H.R. 97: Ms. ESHOO, Mr. MICHAUD, and Mr. LUCAS of Kentucky.

H.R. 111: Mr. NEUGEBAUER.

H.R. 186: Mr. SANDERS.

H.R. 259: Mr. WATT.

H.R. 369: Mr. CHABOT.

H.R. 375: Mr. CRENSHAW and Mr. MANZULLO.

H.R. 401: Mr. SHAYS.

H.R. 445: Ms. ESHOO.

H.R. 528: Mr. MENENDEZ.

H.R. 664: Mr. NETHERCUTT.

H.R. 678: Mr. SCOTT of Georgia.

H.R. 757: Mr. EMANUEL.

H.R. 775: Mr. BARRETT of South Carolina.

H.R. 798: Mr. CUMMINGS and Mr. ROSS.

H.R. 852: Mrs. MCCARTHY of New York, Mr. CASE, Mr. ISRAEL, Mr. ABERCROMBIE, Ms. ESHOO, and Mr. GEORGE MILLER of California.

H.R. 857: Mr. BARTLETT of Maryland and Mr. ABERCROMBIE.

H.R. 882: Mr. GARRETT of New Jersey.

H.R. 972: Mr. GORDON.

H.R. 996: Mr. HOLDEN.

H.R. 1078: Mr. SPRATT.

H.R. 1123: Mr. GOODE.

H.R. 1146: Mr. FEENEY.

H.R. 1214: Ms. DELAURO, Mr. GALLEGLY, Mr. MURPHY, and Mr. RAHALL.

H.R. 1229: Ms. ROS-LEHTINEN and Mrs. MUSGRAVE.

H.R. 1258: Mr. NEAL OF MASSACHUSETTS, Mr. LUCAS of Kentucky, and Ms. JACKSON-LEE of Texas.

H.R. 1288: Mr. SANDERS and Mr. SIMMONS.

H.R. 1295: Mr. CUMMINGS, Mr. MCKEON, and Mr. ROSS.

H.R. 1305: Mr. RADANOVICH and Mr. GIBBONS.

H.R. 1414: Mr. VAN HOLLEN.

H.R. 1428: Mr. ROSS.

H.R. 1443: Mr. HENSARLING.

H.R. 1470: Mr. WEXLER, Mr. HINOJOSA, and Ms. LOFGREN.

H.R. 1477: Mr. GARY G. MILLER of California.

H.R. 1489: Mr. GREEN of Wisconsin and Mr. CHABOT.

H.R. 1510: Mr. WATT.

H.R. 1519: Ms. HARRIS.

H.R. 1532: Mr. LANTOS, Mr. BOSWELL, Mr. CAPUANO, Mr. GALLEGLY and Ms. WOOLSEY.

H.R. 1567: Mr. SMITH of Texas.

H.R. 1608: Mrs. MUSGRAVE.

H.R. 1632: Mr. CARSON of Oklahoma.

H.R. 1639: Ms. LOFGREN.

H.R. 1657: Mr. MCINTYRE.

H.R. 1662: Ms. HART and Mr. HAYWORTH.

H.R. 1676: Mr. WELLER, Mr. RADANOVICH, Mrs. MALONEY and Mr. LEWIS of Kentucky.

H.R. 1684: Mrs. LOWEY, Mr. SNYDER, Mr. OLVER, Mr. HINCHEY and Mr. KLECZKA.

H.R. 1692: Ms. HARRIS and Mr. GRIJALVA.

H.R. 1699: Mr. KLECZKA.

H.R. 1738: Mr. PAYNE.

H.R. 1742: Mr. DOOLEY of California and Ms. ESHOO.

H.R. 1749: Mr. SCHIFF, Mr. BAIRD, Mr. EMANUEL and Mr. BRADY of Pennsylvania.

H.R. 1820: Mr. LAMPSON.

H.R. 1824: Mrs. JONES of Ohio, Mrs. NAPOLITANO and Mr. GIBBONS.

H.R. 1828: Mr. GOODE, Ms. BALDWIN, Mr. FARR and Ms. LOFGREN.

H.R. 1900: Mrs. JONES of Ohio, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. STRICKLAND, Mr. CASTLE, Mr. EVERETT, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. SENSENBRENNER, Mr. HOLT, Mr. OBERSTAR, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. STENHOLM, Mr. CRAMER, Mr. MCCRERY, Mrs. MALONEY, Mr. NADLER, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. SCHROCK, Mr. SHADEGG, Mr. PENCE, Mr. GUTKNECHT, Mr. BURR, Mr. REYNOLDS, Mr. WELDON of Florida, Mr. WELLER, Ms. WOOLSEY, Mr. PALLONE, Mrs. LOWEY, Mr. LIPINSKI, Mr. LANGEVIN, Mr. KANJORSKI, Mr. HALL, Mr. BLUMENAUER, Mrs. JOHNSON of Connecticut, Mr. BURTON of Indiana, Ms. BORDALLO, Ms. HART, Mr. CARTER, and Mr. WEXLER.

H.R. 1914: Mr. ADERHOLT, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BOSWELL, Mr. BOYD, Mr. BURTON of Indiana, Mr. BUYER, Mr. COLLINS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. HAYWORTH, Ms. HOOLEY of Oregon, Mr. HYDE, Mr. ISSA, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. LAHOOD, Mr. LUCAS of Kentucky, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Mr. MURPHY, Mr. PENCE, Mr. PUTNAM, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. FLETCHER, Mr. GOSS, and Mr. BROWN of Ohio.

H.R. 1915: Mr. HINOJOSA.

H.R. 1919: Mr. THOMPSON of California, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. WAMP, Mr. STRICKLAND, Mr. TIERNEY, and Mr. STEARNS.

H.R. 1958: Mr. SCHIFF, Mr. MCDERMOTT, Mr. CROWLEY, and Mr. FRANK of Massachusetts.

H.R. 1998: Mr. PALLONE.

H.R. 2022: Ms. LOFGREN.

H.R. 2038: Mr. WATT.

H.R. 2045: Mr. HUNTER, Mr. BURR, Mr. BUYER, Mr. TAYLOR of Mississippi, and Mr. SCHROCK.

H.R. 2052: Ms. MCCOLLUM, Mr. NEAL of Massachusetts, Mr. WU, and Mrs. TAUSCHER.

H.R. 2087: Mr. ROGERS of Michigan and Mr. CALVERT.

H.R. 2125: Mr. NADLER.

H.R. 2176: Mr. SCOTT of Virginia.

H.R. 2260: Mr. DEFAZIO, Mr. HONDA, Mr. KENNEDY of Rhode Island, Ms. NORTON, Ms. SLAUGHTER, and Mr. WAMP.

H.R. 2264: Mr. ENGEL and Mr. SMITH of New Jersey.

H.R. 2300: Ms. SCHAKOWSKY and Mr. GUTIERREZ.

H.R. 2303: Mr. DEAL of Georgia.

H.R. 2318: Mr. HALL.

H.R. 2327: Mr. CANTOR.

H.R. 2347: Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. PENCE, and Mr. CHABOT.

H.R. 2365: Mrs. MYRICK and Mr. ROSS.

H.R. 2401: Mr. KIRK, Mr. DEUTSCH, and Mr. LAHOOD.

H.R. 2422: Mr. GRIJALVA.

H.R. 2456: Mr. LYNCH.

H.R. 2462: Mrs. TAUSCHER.

H.R. 2490: Mr. GUTIERREZ.

H.R. 2570: Mr. HINOJOSA and Mr. LANGEVIN.

H.R. 2625: Ms. HOOLEY of Oregon and Mr. FATTAH.

H.R. 2635: Mr. OTTER.

H.R. 2671: Mr. PUTNAM, Mr. LEWIS of Kentucky, and Mr. GERLACH.

H.R. 2699: Mr. SESSIONS and Mr. PITTS.

H.R. 2700: Mr. HOEFFEL.

H.R. 2705: Ms. LOFGREN and Mr. SHUSTER.

H.R. 2728: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2729: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2730: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, Mr. MANZULLO, and Mr. SCHROCK.

H.R. 2731: Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, Mr. ISAKSON, and Mr. SCHROCK.

H.R. 2733: Mr. SPRATT and Mr. ISSA.

H.R. 2743: Mr. WILSON of South Carolina.

H.R. 2759: Mr. MCDERMOTT.

H.R. 2813: Mrs. NORTHUP.

H.R. 2824: Mr. CANTOR.

H.R. 2828: Mr. PEARCE.

H.R. 2829: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2843: Mr. PASCRELL.

H.R. 2900: Mr. BACHUS, Mr. VITTER, Mr. SCOTT of Georgia, Mr. JOHN, and Mr. GIBBONS.

H.R. 2908: Mr. GREEN of Texas and Mr. PAYNE.

H.R. 2932: Mr. NADLER.

H.R. 2938: Ms. HART and Mr. EHLERS.

H.R. 2966: Mr. LUCAS of Kentucky.

H.R. 2998: Mr. CRENSHAW, Mr. MCINTYRE, Mr. MATHESON, Ms. DUNN, Mr. THOMPSON of

California, Mr. KOLBE, Mr. SOUDER, Mr. HONDA, Mr. NEUGEBAUER, Mr. CARSON of Oklahoma, Mr. SHAYS, Mr. BACHUS, Mr. LoBIONDO, Mr. CUMMINGS, Mr. DELAHUNT, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. SMITH of Washington, Mr. NADLER, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, and Ms. ROYBAL-ALLARD.

H.R. 2999: Mr. SOUDER and Mr. SMITH of New Jersey.

H.R. 3012: Mr. ISRAEL, Mrs. McCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Ms. SLAUGHTER, Mr. FOSELLA, and Mr. HOUGHTON.

H.R. 3023: Mr. LARSON of Connecticut.

H.R. 3043: Mrs. CAPPS.

H.R. 3052: Mr. PAUL.

H.R. 3054: Mr. SOUDER and Mr. PLATTS.

H.R. 3058: Ms. SLAUGHTER, Mr. WICKER, Mr. BOSWELL, Mr. WATT, Mr. PETERSON of Minnesota, Mr. GINGREY, Mr. McINTYRE, Mr. TIBERI, Mr. BURNS, and Mr. GREEN of Texas.

H.R. 3080: Mr. FROST.

H.R. 3106: Mr. BARTON of Texas.

H.R. 3119: Mr. STRICKLAND, Mr. GILLMOR, Mr. OXLEY, Mrs. TAUSCHER, Mr. LaTOURETTE, Mr. LATHAM, Mr. TIBERI, and Mrs. JONES of Ohio.

H.R. 3130: Mr. KING of Iowa, Mr. RYUN of Kansas, Mr. FRANKS of Arizona, Mr. HOSTETTLER, and Mr. MILLER of Florida.

H.R. 3133: Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. HOEFFEL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HONDA, Ms. DeLAURO, and Mr. CASE.

H.R. 3140: Mr. SHIMKUS, Mr. PITTS, and Mrs. BONO.

H.R. 3149: Mr. GOODE.

H.J. Res. 45: Mr. SHERMAN.

H.J. Res. 46: Mr. CARTER.

H.J. Res. 56: Mr. GOODLATTE, Mr. ALEXANDER, and Mr. TANCREDO.

H.J. Res. 60: Mr. PLATTS.

H. Con. Res. 37: Mr. WALSH and Mr. MARSHALL.

H. Con. Res. 111: Ms. JACKSON-LEE of Texas.

H. Con. Res. 126: Mr. HOEKSTRA and Mr. CHOCOLA.

H. Con. Res. 183: Mr. LaHOOD.

H. Con. Res. 247: Mr. CRAMER, Mr. PLATTS, and Mr. KILDEE.

H. Con. Res. 254: Mrs. LOWEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. GUTIERREZ.

H. Con. Res. 274: Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARDIN, Mr. ROHRABACHER, Mr. KINGSTON, Mr. DREIER, Mr. CHABOT, and Mr. GALLEGLY.

H. Con. Res. 275: Mr. FROST and Mr. BROWN of Ohio.

H. Con. Res. 282: Mr. FROST, Ms. JACKSON-LEE of Texas, Ms. McCARTHY of Missouri, Mr. MOORE, Mr. NEY, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. McDERMOTT.

H. Con. Res. 285: Mr. McCOTTER.

H. Res. 103: Mrs. McCARTHY of New York.

H. Res. 136: Mr. BEREUTER.

H. Res. 198: Mr. EVERETT, Mr. ROGERS of Alabama, Mr. HOSTETTLER, and Mr. SAXTON.

H. Res. 373: Mrs. MALONEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. PETERSON of Minnesota.

EXTENSIONS OF REMARKS

TRIBUTE TO DOYLE DAVIDSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Doyle Davidson of La Junta, Colorado recently announced his retirement from the Colorado Boys Ranch, a residential treatment facility for at-risk boys. I am honored to recognize Doyle's dedication and commitment to our youth before my colleagues here today.

Like so many brave men and women of his generation, Doyle heeded his country's call and served as an Army officer during World War II. Doyle participated in the Normandy Invasion and the Battle of the Bulge, and received the Bronze Medal for distinguished military service. He then went on to serve in Korea before returning home and embarking on a life marked by his service to the community.

As an active community member, Doyle has served on several local Chambers of Commerce, including those in Delta, Pueblo, and Canon City. He is also active in groups ranging from the La Junta Rotary to the Southern Colorado Economic Development District. In addition, Doyle was appointed to serve on several State councils and committees, including the Colorado State Highway Council and the Highway Legislative Review Committee.

Doyle's hard work has not gone unnoticed. He was named Good Will Ambassador for the State of Colorado by former Governor John Love, and has been honored with the prestigious Ft. Carson Good Neighbor of the Year Award for 1988. However, more valuable than awards and accolades, Doyle has also earned the respect and admiration of his fellow Coloradans.

Mr. Speaker, Doyle Davidson has given many years of service to his country and his community, and I am honored to pay tribute to his accomplishments before this nation today. Doyle has been a tireless and dedicated servant of Colorado and I wish him all the best in his future endeavors. Thank you, Doyle, for your many years of service.

IN MEMORY OF MARGE HARTIGAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Marge Hartigan, an extraordinary woman who passed away on June 28, 2003, after a long and courageous battle with lung cancer. Marge was married to Illinois Appellate Court Judge Neil Hartigan for 41 years and was the very proud mother of four children: John, Elizabeth Connelly, Laura Jenkins and Bridget Routh, and the loving grandmother of five.

Marge Hartigan was born in New York and raised in Connecticut. After graduating from Rosemont College in Rosemont, Pennsylvania, she married Neil and later moved to Chicago, Illinois where she lived the remainder of her life. She made an indelible impact on the community through her philanthropic involvement with dozens of Chicago area foundations and organizations. She held positions on the boards and executive committees of such groups as the Chicago Trust, the Boys and Girls Club of Chicago, the Museum of Science and Industry, the Field Museum, the Chicago Symphony Orchestra, the Lincoln Park Zoo, the Children's Memorial Hospital, as well as Northwestern, Loyola and DePaul Universities. She also served as past president of the Service Club of Chicago. President Clinton appointed her to serve on the advisory committee for the John F. Kennedy Center for the Performing Arts where she served with great distinction.

Marge was a woman who loved and was loved deeply in return by her family and her circle of friends. She considered herself a mother and homemaker above all else. When asked what she considered the greatest monument of her life to be, she responded that it was her four children and the successful lives they created. Marge had a great sense of humor and an enormous amount of talent, energy and good common sense. She had an ability to get right to the heart of issues and would discuss them from a human point of view.

I ask all my colleagues in the House to join me in expressing our collective sympathy to the family of Marge Hartigan and by doing so, honor her life and her work to make her community and our country better for human kind.

TRIBUTE TO BILL BASCH ON HIS RECEIVING THE RAOUL WALLENBERG MEDAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Bill Basch on the occasion of his receiving the Raoul Wallenberg Medal. For the past twelve years, the Raoul Wallenberg Executive Committee of the University of Michigan has awarded the Raoul Wallenberg Medal to an individual who has demonstrated through their work an unwavering commitment to upholding the humanitarian values that the legacy of Raoul Wallenberg embodies.

Raoul Wallenberg's extraordinary rescue efforts saved tens of thousands of Hungarian Jews from certain death at the hands of the Nazis and their allies in Hungary during the Second World War. His subsequent kidnaping by Soviet troops and his disappearance into the Soviet gulag elevated him into one of the truly outstanding heroes and role models of modern times. Both my wife, Annette, and I owe our lives to the valor and ingenuity of Raoul Wallenberg in his heroic humanitarian efforts.

Mr. Speaker, I am delighted that Bill Basch, a Holocaust survivor, has been selected to receive the thirteenth Raoul Wallenberg Medal. His efforts to assist Wallenberg in the rescue of Hungarian Jews during World War II render him a worthy recipient of this outstanding humanitarian award. As the Nazi occupation spread into Hungarian territory in 1944, Bill Basch, only sixteen years old at the time, was sent from his small Hungarian village to survive in the streets of Budapest. Though his own life was in constant danger, he nevertheless undertook the extremely dangerous mission of assisting Raoul Wallenberg in the production and distribution of protective passports for those incarcerated within the walls of the so-called international ghetto in Budapest.

Before he was captured and deported to the concentration camp at Buchenwald, Bill delivered hundreds of schutzpasse (protective passports) which were instrumental to the survival of those hiding in the Swedish houses protected by Wallenberg. He used underground passages and the sewage system to get into the houses, but he was captured as he tried to leave through one of these secret routes. As he accidentally surfaced outside one of the safehouses, he was suddenly confronted by Arrow Cross (Hungarian Fascist) guards. He attempted to elude the Arrow Cross by mingling with a group of people in the area. Unbeknownst to him, this group, suddenly surrounded by more Arrow Cross soldiers, was in fact being marched to the deportation trains headed for Buchenwald.

Mr. Speaker, in spite of many months of endured suffering in Nazi concentration camps, Bill Basch survived one of the darkest eras of human history. In 1946 he arrived in the United States of America after having been transferred from one displaced persons camp to another, first in Austria and then in Southern Italy.

Like so many immigrants who sought refuge and renewal in the United States, Bill arrived by ship at Ellis Island in New York Harbor. He was penniless, without family, and unable to communicate in the English language. Despite all of these obstacles, he persevered. He had already demonstrated that as a survivor. He eventually settled in the Los Angeles area and established himself as a successful businessman in the garment industry, property investment, and numerous other business ventures, all of which brought him much prosperity.

Mr. Speaker, in addition to the material comfort Bill has earned in America, he finds

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

greater happiness in the personal prosperity he has found with his family. Bill is father to one son and two daughters, and grandfather to two grandsons and three granddaughters. Sadly, in 1979 Bill Basch lost his wife, Rose, a survivor of Auschwitz, due to complications stemming from torturous medical experiments conducted by Nazis in the concentration camp. Nevertheless he has continued to appreciate and value the gift of life for which he so arduously fought in the Second World War.

Fifteen years ago Bill Basch retired from the business world, and this gave him the opportunity to reflect on his past, particularly his experience in the Holocaust. He began to wonder why he survived while so many others were murdered. Five years into retirement, Bill's ten-year old granddaughter, Heidi Basch, asked him to speak to her sixth grade class about his experience in the Holocaust. This began the next phase of Bill's life.

Mr. Speaker, Bill continues his commendable humanitarian work by dedicating his life to Holocaust education. He regularly gives lectures and interviews to students young and old in Southern California, where he still resides. He hopes to instill an obligation and trust in youth, which compels them to speak out against crimes against humanity, wherever they occur.

Bill's moving story of survival came to the attention of the Shoah Foundation, an organization created by Steven Spielberg after he made the movie Shindler's List. The Shoah foundation employs numerous individuals dedicated to the accumulation of testimonies of Holocaust survivors throughout the world, and one of the accounts they added to the archive was Bill Basch's personal history.

In 1997, Spielberg began researching survivors' testimonies for the The Last Days, the academy award winning documentary film which focused upon five Hungarian survivors whose stories intertwine through their connections with Raoul Wallenberg. Due to Mr. Basch's involvement in Wallenberg's heroic efforts to save thousands of Hungarian Jews, he was selected to take part in this film. My own personal story is also told in The Last Days, and it was in the making of that documentary that I came to know Bill Basch. I stand before you today to commend Bill both as an outstanding humanitarian and as my personal friend.

Mr. Speaker, since 1990 the University of Michigan has awarded its Wallenberg Medal to twelve individuals whose humanitarian actions exemplify those of Raoul Wallenberg. Medal recipients include Nobel Laureates Elie Wiesel, His Holiness the Dalai Lama, and Miep Gies, the woman who supported Anne Frank and her family in hiding.

Mr. Speaker, this year, Bill joins the ranks of these remarkable human beings who have made incredible efforts to speak and act out against man's inhumanity to man. I urge my colleagues to join me in paying tribute to Bill Basch, the Raoul Wallenberg Medal recipient of 2003.

MOTHER TERESA: A TRIBUTE TO THE ANGEL OF MERCY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TANCREDO. Mr. Speaker, soft-spoken, demure, barely five feet tall, Agnes Gonxha Bojaxhiu changed the world with her selfless heart for the suffering. Known to all as Mother Teresa, this Roman Catholic nun of Albanian descent lived out her calling in the slums of Calcutta, India, offering decency and self-respect to the inhabitants of the streets and gutters. The depth of her compassion for the unwanted and uncared for left an indelible impression on this world.

Her impact was most directly felt in Calcutta, where she established and directed her order, Missionaries of Charity. But the effect of her mercy reached far and wide, through a network of homes around the world for the poorest of the poor. Wielding the weapon of love, Mother Teresa combated hunger, disease, and death with a quiet spirituality that defied discouragement. She brought attention to the despair of those trampled underneath the weight of wealth and affluence, while underscoring their hope for dignity. The simplicity of her message, that there is nothing acceptable or noble about poverty, resonated well with the natives of her adopted country.

At the height of the siege in Beirut in the early 1980s, Mother Teresa persuaded the Palestinian guerillas and the Israeli army to stop fighting long enough for her to rescue 37 children with mental retardation from a hospital on the front lines. She was then 72 years old.

She pioneered one of the first homes for AIDS victims, established a leper colony called Shanti Nagar (Town of Peace), and created a home for the dying poor—the Nirmal Hriday, or "Pure Heart," Home for Dying Destitutes, where homeless people who could not receive care from other institutions were washed and fed by the sisters, and allowed to die with dignity.

Mother Teresa described her mission as caring for "not just the poor, but the poorest of the poor: those who are so dirty and full of germs that no one goes near them; those who do not go to pray because they are naked; those who do not eat because they do not have the strength, those who collapse on the sidewalks knowing they are about to die while the living walk by without even looking back; those who do not cry because they have no more tears left."

Upon her death, we were left with, in the words of French President Jacques Chirac, "less love, less compassion, less light in the world."

TRIBUTE TO PAULETTE WAGGONER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Paulette Waggoner of Kim, Colorado selflessly dedicates her time and efforts to helping children experience the excitement of the rodeo, a longstanding western tradition. Her love and dedication to this unique western experience is truly inspirational, and I am honored to share Paulette's story here today.

Paulette has been involved with the Kids Rodeo for fifty-one years, beginning when she raced Shetland ponies as a young girl. She donates her time and energy to sharing her extensive knowledge of the rodeo with young Coloradans in my district. Whether it is helping with the Three Horse Relay, a race comprised of three-rider teams, or working as a timer, Paulette is always there to lend a hand. Paulette and her husband Kent also lend horses to children who need them in order to compete. She has helped many children win All-Around titles.

Mr. Speaker, countless children have learned the joy and excitement of the rodeo because of the ceaseless work of Paulette Waggoner. Her dedication and hard work keep the tradition and heritage of the rodeo alive, and I am honored to join with my colleagues here today in extending my thanks to Paulette and wishing her the best of luck in the future. Thank you, Paulette, for your service to Colorado.

REMEMBERING THE LATE SHANNON BYBEE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PORTER. Mr. Speaker, I rise today to mourn the passing of Shannon Bybee, executive director of the University of Nevada, Las Vegas' International Gaming Institute and a pillar of our community, who passed away last week at the age of 65.

Shannon Bybee was born Aug. 29, 1938, in Tropic, Utah. Shannon Bybee graduated from the University of Utah College of Law in 1969 and clerked for Nevada Supreme Court Justice Jon Collins. He was appointed to the Nevada Gaming Control Board in 1971. Shannon went on from that position to run casinos in both New Jersey and Nevada.

After his successes in the gaming industry, Shannon joined UNLV in 1994, teaching classes at the school's College of Hotel Administration and the William S. Boyd School of Law, and directing UNLV's International Gaming Institute.

Shannon is survived by his wife Norma Reid Bybee, daughters Kelli Poll and Erin Belanger, and sons Sean Bybee, Brendan Bybee and Reid Bybee, as well as 12 grandchildren. He is also survived by sister, Molly Adams, and brothers Patrick Bybee and Evan Bybee.

People like Shannon Bybee helped make Las Vegas what it is today. Shannon always demonstrated, in his industry and educational careers, his commitment to the people and well-being of Las Vegas and Southern Nevada. My condolences are with his wife Norma and their family.

TRIBUTE TO BILL STEARMAN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PENCE. Mr. Speaker, in Indiana, high school basketball is a passion. My home state has produced thousands of first-rate players and coaches since the 1940s. And one such hero passed away on Tuesday at the age of 79.

Coach Bill Stearman's basketball acumen earned him legendary status throughout Indiana. His Columbus High and then Columbus North teams won 714 games, included among them two semistate titles, 12 regional championships and 27 sectional crowns. amassed an impressive resume including two undefeated regular season teams before being inducted into the Indiana Basketball Hall of Fame in 1983.

But, Mr. Speaker, while all of Indiana will mourn the passing of an outstanding basketball coach, Bill Stearman's hometown of Columbus, Indiana will mourn the passing of a great man and Christian role model to generations of Columbus High School students, myself included.

Mr. Speaker, on behalf of the City of Columbus, I extend heartfelt sympathies to Bill Stearman's family, specifically his son Bill, his grandson Sloan and his sister Katherine. Coach Stearman embodied both the Hoosier Hysteria of Indiana high school basketball and the Hoosier Hospitality of Indiana's caring communities. He will be deeply missed.

IN HONOR OF THE 50TH BIRTHDAY OF THE CITY OF DEL REY OAKS, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate the City of Del Rey Oaks on celebrating its fiftieth birthday on September 13, 2003. This small residential community on the Monterey Peninsula was incorporated on September 4, 1953 and embodies the best qualities of the Central Coast.

In many ways, Del Rey Oaks is an idyllic town, with its large open space and parkland, low crime and unemployment rates, and high voter turnout. The citizens of Del Rey Oaks are proud of their community, with good reason, and work hard to maintain this quality of life. After fifty years, the town continues to grow, but has not forgotten its humble beginnings.

The city celebrated its birthday and its history with an old fashioned picnic in the park, complete with the planting of oak trees and the burying of a time capsule. This town symbolizes the wonderful nature of the people and communities of the Monterey Peninsula, I am pleased to honor the fiftieth birthday of the City of Del Rey Oaks.

TRIBUTE TO ROBERT FLOHR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Robert Flohr of Rifle, Colorado has dedicated countless hours to local rodeo clubs for children. His hard work has helped keep the rodeo tradition alive for future generations to enjoy, and I am honored to share his story here today.

For over twenty years, Robert has been volunteering his time and efforts to everything from 4-H to the Little Britches Rodeo Association and local high school rodeo clubs. Children are especially dear to Robert's heart, and he focuses on those groups that help and educate children. Robert is currently the President of the Garfield County Fair Board, which is responsible for putting on the county fair. Five hundred children participate in the fair each year, where they learn lessons that will serve them throughout their lives, from the importance of providing consistent care to animals to how to keep a budget.

Mr. Speaker, Robert Flohr's tireless work makes the joy and excitement of the Garfield County Fair possible. His commitment to children and the organizations that serve them is inspirational, and I am honored to join with my colleagues today in recognizing Robert's dedication and commitment to our youth. I wish him the best in his future endeavors.

TRIBUTE TO RICHARD NADDER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor a distinguished American, Richard Nadder, who was finally awarded four medals, 50 years after serving our country in the Korean War: the National Defense Service Medal, the United Nations Service Medal, the Presidential Unit Citation and the Korean Service Medal with a Bronze Star.

Mr. Speaker, Richard Nadder was drafted in December of 1952 and went to Korea in May, 1953, as a Private with the 3rd Infantry Division. His main duties included hooking up telephone lines to maintain communication in the treacherous terrain of the "Iron Triangle" in Chorwon, North Korea, in the final weeks of the war that cost nearly 37,000 American lives. He has never regretted serving his country and has always been proud to call himself a Korean War Veteran.

Mr. Speaker, six years ago Richard Nadder decided he wanted to obtain these medals as treasured keepsakes for his three grandchildren. After several of his letters went unanswered, Richard contacted Congressman KIRK's office, who then determined his military records had been destroyed in a St. Louis warehouse fire. After much work on the part of the Army and Congressman KIRK's office, Richard Nadder's discharge papers were recreated. With his wife, children, grandchildren and other fellow Korean War veterans looking on, he was finally awarded the medals he earned and deserved.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Richard Nadder. I'm exceedingly proud to honor him for his courageous service to our country and for the honorable life he has led as a husband, father, grandfather, brother and cousin.

INTRODUCTION OF THE YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANTOS. Mr. Speaker, today, I along with 32 of my colleagues introduced H.R. 3139, the "Youth Worker Protection Act" (YWPA). This legislation is necessary because the exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation's children and teenagers. In our farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. This legislation seeks to eliminate the all-too-common exploitation of children working long hours late into the night while school is in session, and working under hazardous and dangerous conditions.

Mr. Speaker, one hundred years ago the state of child labor conditions in our country was so deplorable many children worked 60 or 70-hour weeks in the hardest forms of labor—mines, mills and the fields. These appalling conditions led Mother Jones to lead thousands of children from the mills in Kensington, PA, to President Theodore Roosevelt's home in Oyster Bay, New York. These mill children went on strike demanding that their work schedules be lowered from 60 hours to 55 hours a week.

Today, a century after the famous "March of the Mill Children," working conditions of child labor in our country have noticeably improved. As a result of laws passed after the march, the "Mill Children's" work week was set at 58 hours, and then came the passage of the Fair Labor Standards Act (FLSA) in 1938, which limited hours for children and adults to 40 hours per week.

Despite these advances, there are still significant problems facing America's youth work force. In some ways kids today are working just as long as their "Mill Children" predecessors, especially when one considers the hours a student is in school. While people today often associate the evils of child labor as occurring only in Third World countries, American teenagers are also exploited on the job.

Mr. Speaker, the average time a student is in class is about 7 hours a day, or 35 hours a week. This does not include additional time for extracurricular activities or homework. Going to school is almost a full time job itself. In addition to devoting a minimum of 35 hours a week to their schoolwork, many high-school students are also working 30 to 40 hours a week for some of America's largest corporations, often working well past midnight while simultaneously trying to balance school requirements. When one combines the hours some of today's teens are at school with their hours at work, the 70-hour workweek is still in place.

Research clearly indicates that working more than 20 hours a week in addition to a normal school schedule has a negative effect on student's academic progress. Additional studies show that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, this is why I have introduced H.R. 3139, the Youth Worker Protection Act (YWPA), which sets common-sense limits on the hours that students can work during the school year.

Beyond the long hours, many of our nation's teenagers are forced to work in hazardous conditions that threaten their health and safety. Mr. Speaker, I am saddened to report that a young person is killed on the job every five days, and that every 40 seconds a child is injured on the job. It is appalling to learn that in our great country, the occupational injury rate for children and teens is more than twice as high than it is for adults. In fact, the National Institute for Occupational Safety and Health (NIOSH) estimates that 230,000 teens are injured on the job each year. I am sure my colleagues will agree with me that these statistics are a national disgrace and are totally unacceptable for a civilized, advanced society such as ours. Unless we swiftly enact this legislation, children will continue to be employed in jobs that place their lives in danger.

Mr. Speaker, The YWPA will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally our legislation will require better record keeping and reporting of child labor violations. It also prohibits minors from operating or cleaning certain types of unsafe equipment, and prohibits children from working in certain particularly hazardous conditions.

Mr. Speaker, the issues of children working early in the morning or late into the evening is a problem facing our country. Students continuously tell me that working long hours, late into the night negatively affects their school performance, that they are too tired for class, and that the long hours on the job take away from important extra-curricular activities and take away time from their family.

Mr. Speaker, for the past 60 years our nation's agribusinesses have enjoyed special exemptions under the FLSA. Many of these exemptions were based on the historical prominence of the family farm in the American economy. Current labor laws allow children—even those under 10 years of age to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operating dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry are children so exploited as they are in agriculture. Despite all these dangers, there are no protections for children working on farms and in the fields.

Mr. Speaker, most of today's farms are not owned by families, but by large corporate entities, and deserve to be treated like any other company employing children. Although I am pleased to report the YWPA keeps the existing family farm exemption, I am delighted that it amends the FLSA to treat companies like Archer-Daniels-Midland and Dole just like McDonalds and Wal-Mart, because obtaining parity in the regulations and restrictions of jobs in agriculture and the rest of the economy is long overdue.

Mr. Speaker, I want to make it adamantly clear, as supporters of child labor reform, we do not oppose young people working. We wholeheartedly believe that children need to be taught the value of hard work and to learn the valuable lessons of responsibility and enjoy all the rewards of working. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy.

What we oppose are the senseless deaths and needless injuries of our teenagers. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. An education, not after-school employment, is the key to a successful future.

Mr. Speaker, the Youth Worker Protection Act modernizes our child labor laws through simple common sense measures. It has been endorsed by numerous organizations, including the AFL–CIO, the NEA, the National Consumer's League, and the Child Labor Coalition. I ask that the letters from the AFL–CIO and the Child Labor Coalition be placed in the CONGRESSIONAL RECORD.

I urge my colleagues to consider these much needed protections for our nation's young people and to join me in support of this legislation.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, September 23, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: Since its inception, the AFL–CIO has fought to assure safe working conditions for the nation's workforce, especially for young workers, who are among the most vulnerable to long hours and unsafe conditions. By setting specific objectives to assure that young workers work in appropriate employment, for reasonable hours and in safe conditions, the Young Worker Protection Act represents significant progress toward this goal and we strongly support it.

Recent studies indicate that 80 percent of all youth in America work for pay during their high school years. However, such studies also reveal that as many as 148,000 youth are illegally employed in the United States each week. The Young Worker Protection Act would address these concerns by establishing reasonable hours of work and by setting the minimum age for all youth employment at 14 years. It also includes safeguards for appropriate employment by requiring minors under the age of 18 to obtain a work permit prior to employment. Because every year, approximately 230,000 children under the age of 18 are injured on the job, and nearly 70 children each year die from their job-related injuries, the bill updates the list of hazards for young workers and incorporates recommendations made by the National Institute for Occupational Safety and Health to protect young workers from hazardous equipment, occupations and industries.

The AFL–CIO commends you for taking the lead in promoting improved working conditions for young workers and is pleased to endorse the Young Worker Protection Act.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

CHILD LABOR COALITION,
Washington, DC, August 28, 2003.

Hon. TOM LANTOS
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: On behalf of the member organizations of the Child Labor Coalition (CLC), I thank you for your efforts to protect employed youth in the United States. The CLC is pleased to endorse your bill, Youth Worker Protection Act, which promotes safe and appropriate youth employment.

The Child Labor Coalition is a national group that works to protect the health, education, and safety of working minors and to end child labor exploitation in the U.S. and abroad. The CLC is comprised of more than 50 non-governmental organizations, reflecting educators, health groups, religious and women's groups, human rights groups, consumer groups, labor unions, and child labor advocates.

This bill provides several important updates to the Fair Labor Standards Act. Among these are the following:

Equalizes protections for all working minors. No more will there be differing standards between agricultural and non-agricultural youth employment, which often confuses employers, parents, and youth.

Sets reasonable hours of work. This bill promotes education remaining "job one" for youth in this country, which is best for our youth who will be shortly transitioning into the adult workforce and for our nation which must remain competitive in the global market.

Updates hazards list. This bill incorporates recommendations made by the National Institute for Occupational Safety and Health (2002) to better protect youth from hazardous equipment, occupations, and industries.

The CLC is pleased to endorse this bill and is committed to employing our resources to promote the bill's passage at the earliest time.

Sincerely,

DARLENE ADKINS,
Coordinator.

THE OJITO WILDERNESS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of New Mexico. Mr. Speaker. I rise today to introduce the "Ojito Wilderness Act." This bill designates the Ojito Wilderness

Study Area in New Mexico as Wilderness, and takes specific federal public land in New Mexico into trust for the Pueblo of Zia.

This bill establishes the Ojito Wilderness Study Area, an area totaling approximately 12,500 acres, as a permanent wilderness area to be protected pursuant to the 1964 Wilderness Act. The bill also provides for the purchase and transfer of adjacent Bureau of Land Management (BLM) lands, contiguous to the established boundaries of the Pueblo of Zia, by the Pueblo. This land, an area totaling approximately 13,000, will then be taken into trust and held for the benefit of the Pueblo by the Secretary of Interior, and would subsequently be managed by the Pueblo in perpetuity as wilderness.

This proposal has been under consideration for many years, and I am pleased to have the opportunity today to take an important step toward making it law. The proposal has the explicit support of the Governor of New Mexico, the counties of Sandoval and Bernalillo, individual members of State government, the Pueblo of Zia and its members, numerous environmental groups, including the New Mexico Wilderness Coalition, the Wilderness Alliance, the Wilderness Society, and the Sierra Club, and business owners, private citizens, and landowners located nearby. Furthermore, the BLM has evaluated this area and found it to have sufficient land area and natural characteristics to qualify for full wilderness status and protection.

The Ojito Wilderness Study Area is characterized by pristine and dramatic landforms and rock structures, and by several rare plant populations that are indigenous to the area. This area is also recognized for its high density of cultural and archeological sites, including sites that have religious significance to Pueblo Indians. Many paleontological specimens have been found in the area, and large areas of exposed dinosaur bones are currently visible on the surface of the land. As such, the area is a veritable outdoor classroom for people of all ages.

This legislation has special significance to the Pueblo of Zia. The Pueblo's reservation lands currently lie in 2 noncontiguous sections. Zia has made a concerted effort over many years to adjoin its reservation lands by acquiring adjacent parcels of land. This legislation will help make this longstanding goal a reality.

To facilitate the acquisition of this land, the Pueblo has worked in cooperation with other interested parties and the environmental community to reach a mutually satisfactory arrangement for protection of these important wildlands and to assure that the lands will be open to the general public. As part of the agreement, the Pueblo has developed a series of proposed conservation measures for the acquired lands including a requirement to manage the land as open space; a guarantee of continued public access to the lands for scientific, recreational, and educational purposes; a strict limitation on road vehicle use; and a ban on commercial development within the designated area.

It is important to stress that all lands acquired by the Pueblo of Zia will be preserved as undeveloped open space with continued public access. Members of the public will have access to the acquired land for recreational, scientific, and educational uses, and for access to the Wilderness Area over existing roads. The legislation would prohibit new roads, buildings, mineral and oil and gas extraction, and ATV use. Therefore, the combined Zia acquisition and establishment of the Ojito Wilderness will enable approximately twice as much land to be protected than the establishment of the Wilderness Area alone.

The Pueblo of Zia has waited many years to link the portions of its reservation lands that are separated by the Ojito Wilderness Study Area. The proposed land acquisition is the result of collaborative effort of many to assure that these important lands are protected forever. And, in an additional gesture of good faith, the Pueblo has waived its sovereign immunity from suit for matters arising under the provisions of this bill.

Considering the above, I believe it is time to ensure the preservation, protection, and public access to this special area of New Mexico for future generations of Americans to enjoy forever. It is my pleasure to help facilitate this process, and I encourage my colleagues to join me in supporting this important legislation.

TRIBUTE TO ANTHONY PRICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding student from my district. Anthony Price, a recent graduate of Centennial High School, was recently named the National Champion for Computer Applications by the Future Business Leaders of America. I am honored to pay tribute to the many accomplishments of this young Coloradan here today.

Anthony set a goal for himself and he worked hard to achieve that goal. After an impressive fourth place finish in the Future Business Leaders of America competition last year, Anthony decided that this year he was going to win. He studied hard and never gave up on that goal. Anthony's efforts paid off when he won not only the Colorado competition, but the national competition as well.

I know that Anthony will make good use of the lessons he has learned as he goes on to study business management at Johnson and Wales University in Denver. With his drive and determination, Anthony is sure to excel at whatever he puts his mind to.

Mr. Speaker, Anthony Price exemplifies how, with hard work, determination, and perseverance, any goal is attainable. Anthony has a bright future ahead of him, and I am honored to join with my colleagues here today in congratulating him on his accomplishments thus far. Good luck, Anthony.

COMMENDING PEOPLE AND GOVERNMENT OF TAIWAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Ms. LEE. Mr. Speaker, I rise today to commend the people and government of Taiwan for their democratic achievements, their economic accomplishments, and their significant advances in healthcare, the sciences, business, and many other fields.

RECOGNIZING ROBERT M. LYNCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Robert M. Lynch, the patriarch of one of California's premier publishing dynasties. Mr. Lynch passed away Sunday, September 21, 2003 in Sonoma, California with his family at his side.

Bob Lynch was a treasure to our community and to his family. He was an old time newspaperman in the very best sense, who used the pages of the Sonoma Index Tribune to make his hometown a better place. There was nothing he relished more than crusading for the passage of a school bond measure, building new ball fields, constructing the senior center, the swimming pool at the high school or the boys and girls club. It was a role he played for 57 years.

Bob's grandfather was editor and publisher of the Index Tribune from 1884–1915. His aunt Celeste took the reigns after that and Bob joined his aunt in Sonoma after graduation from high school.

It was during this period that the newspaper business got into his blood but his plans were interrupted when he answered his country's call at the outset of World War II. Bob joined the Navy and spent 4 years in service away from his new bride, Jean and his beloved newspaper.

Bob and Jean purchased the Index Tribune in 1946. During those early years, Bob did it all. He was the editor, publisher, reporter, photographer and even covered all the sports and society events.

The paper flourished and grew under Bob's stewardship. One of his proudest moments was when his three sons joined the family business. This moment was only surpassed this year when two grandsons came on board.

Though officially semi-retired, he still wrote a weekly column and all of the obituaries because he knew everybody in town.

His newspaper won numerous State and national awards during his 57 years at the helm. He was also recognized by his peers on many occasions, most notably as the California Press Association's Newspaper Person of the Year for 1989, the California Press Association's Philip N. McCombs Achievement Award winner for 2003 and as one of the first three people inducted into the Sonoma County Hall of Fame.

Mr. Speaker, Bob Lynch has had a long and distinguished career in journalism and it is appropriate that we honor him today. He has made his community a better place in which to live and has passed on his passion for the newspaper business to his sons and his grandsons. He leaves his wife of nearly 62 years, his sons, six grandchildren, two step grandchildren and three great grandchildren. He will be missed but his memory will live on forever in the pages of the Index Tribune.

IN HONOR OF PETER TROXELL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate Peter Troxell on his recent retirement as the station manager at KUSP. For 10 years he has run this Santa Cruz-based community radio station, making changes and improvements, and never forgetting the people whom it serves.

When Peter took over as the station manager in 1993, KUSP was in serious debt and he had some hard decisions to make. While he may not have always done what was popular, he managed to bring the station out of debt within a year, and used the new money to make some much-needed improvements. KUSP doubled the number of signal translators, and added another station, KBDH in San Ardo, so that today their signal is reached in 5 counties. Last year the station underwent a major remodeling, making the space professional and comfortable.

Peter's first commitment at KUSP has always been to his employees. He trusts in their abilities and works with them to foster their talents. The many employees and volunteers at KUSP regard Peter as a father figure whom they can depend on and trust. He takes this commitment seriously and understands that the station cannot function without its dedicated employees. This is a welcome change from many businesses that see employees as the first to go when times are tough.

Mr. Speaker, I applaud Peter Troxell's achievements and accomplishments. He has shown an outstanding commitment to both KUSP and the community of Santa Cruz during his decade as the station manager, and his service will be greatly missed. Running a non-profit, independent radio station is not an easy task, but through his hard work and dedication, Peter has guaranteed that we will not lose this valuable resource. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his achievements at KUSP.

TRIBUTE TO LOUISE MOONEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Louise Mooney of Glenwood Springs, Colorado volunteers countless hours to her local community, helping adults and children learn to read. She routinely spends time with people who are sick or injured and frequently helps out her neighbors who are in need. Louise is a valued member of her community, and I am honored to pay tribute to her here today.

Louise has dedicated her life to helping others. As a young mother, Louise answered a crisis line at Valley View Hospital and volunteered at the area's first hospice. When her children grew up, Louise joined the Peace Corps, where she helped the people of the Philippines for two years. Today, Louise teaches adults to read and write as a tutor for Literacy Outreach. She volunteers at Sopris Elementary School, where she reads to the kids in order to help them improve their reading and writing skills. Louise also volunteers at the Frontier Historical Museum. For her efforts and her impressive dedication to her community, Louise was recently awarded the Garfield County Humanitarian Service Award, a recognition she has certainly earned.

Mr. Speaker, Louise Mooney is an exemplary neighbor and a great citizen. Throughout her life, she has sought out opportunities to give back to her community. Her example of determination and hard work are an inspiration to us all, and I am honored to join with my colleagues today in thanking Louise for her service. Thank you, Louise. I wish you all the best in your future endeavors.

MEMBERS OF CONGRESS WRITE TO STATE DEPARTMENT: WITHDRAW OFFENSIVE TERRORISM VIDEO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TOWNS. Mr. Speaker, I am proud to have co-sponsored with the gentleman from Indiana a recent letter to the State Department asking them to withdraw the offensive video "Terrorism: A War Without Borders," which characterized all Sikhs as terrorists. This is offensive and against America's principles. As a minority, I take special offense at this kind of characterization of any minority group.

While the video may have had some usefulness in reminding Americans what they can do to help combat the threat of terrorism, its stereotyping of Sikhs as terrorists is unacceptable.

Let me quote from the letter, Mr. Speaker: "This video should be corrected or withdrawn immediately. The United States government should not be in the business of spreading inaccurate information, especially when that information is offensive to a hard-working, honorable people and serves only to promote the interests of a foreign regime."

The Sikhs are hard-working people who have been involved in every aspect of American life. One Sikh American, Dalip Singh Saund, even served in the U.S. Congress. Back in the subcontinent, they are one of many national groups, along with predominantly Christian Nagas, Kashmiris, and others struggling for their sovereignty and independence from India, which is run by militant Hindu nationalists bent on imposing Hinduism on all aspects of Indian life. The Sikh leadership has committed to carrying out this struggle by peaceful, democratic, nonviolent means. Yet it is for seeking their freedom at all that India labels them "terrorists." In fact, shortly after India's independence Prime Minister Nehru issued a directive calling Sikhs a "criminal class" and ordering police to keep special track of them, despite the fact that the Sikhs, who were less than two percent of the population, gave the majority of the sacrifices in India's freedom struggle. I am very distressed to see the government of the United States repeating this offensive description.

That is why withdrawing this video is so important, Mr. Speaker. There were more than 300 cases of hate crimes or actions against Sikhs in the wake of September 11, 2001. For the United States to give support in an official production of the government to the characterization of all Sikhs as terrorists merely encourages more of this kind of hate against loyal, hard-working, honest Americans. It also unfairly supports the position of a repressive regime that has murdered over 250,000 Sikhs since the Golden Temple attack of June 1984, according to figures compiled by the Punjab State Magistracy and human rights groups, as well as over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. It encourages a government that admits to holding 52,268 Sikh political prisoners and holds tens of thousands of other minorities as political prisoners as well, according to Amnesty International.

Mr. Speaker, we should not be endorsing the party line of such a repressive regime. Instead, we should be working to support freedom by stopping U.S. aid to India until all people there enjoy full and equal human rights and by supporting self-determination for the Sikhs of Khalistan, the Kashmiris, the Nagas, and everyone seeking freedom. That is the democratic way and it is the only way to bring real peace and freedom from terrorism to everyone in South Asia.

Mr. Speaker, I would like to place the letter from Members of Congress to Secretary Powell into the RECORD at this time for the information of my colleagues.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 18, 2003.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR SECRETARY POWELL: As Members of the United States Congress, we are very concerned about your Department's video, "War Without Borders." Your depiction of the Sikhs is discriminatory, unfair, and offensive.

The video is offensive to Sikhs around the world and to all people who support nondiscrimination and freedom. The video inaccurately broadly labels all of the world's 25 million Sikhs—500,000 of whom live in the United States—as terrorists. This is offensive and inaccurate.

The video's description of the June 1984 Indian military attack on the Golden Temple in Amritsar, the most sacred of Sikh shrines, misrepresents the circumstances of that unfortunate incident. Every terrorist act cited in the video is described as either the work of an individual or a group of a certain nationality or a group, such as Al Qaeda or the like, which honorably refrains from labelling an entire people as terrorists. Yet with the Sikhs it takes a different approach, referring to the terrorists merely as "Sikhs," thus implicitly creating the impression that all Sikhs are terrorists. But there were no terrorists in the Golden Temple complex. The book Chakravyuh: Web of Indian Secularism reprints letters showing conclusively that India planned this attack in order to kill Sant Jarnail Singh Bhindranwale and other Sikh leaders who spoke out for a sovereign Sikh state. Labelling all Sikhs who support an independent, sovereign Khalistan as terrorists is the propaganda line of the repressive Indian regime. We share your desire to have good relations with India, but good relations must not trump truth.

India is a repressive government. Over 250,000 Sikhs have been murdered by the Indian government since the Golden Temple attack, according to figures compiled by the Punjab State Magistracy and human rights groups and reported in *The Politics of Genocide* by Inderjit Singh Jaijee. According to a report by the Movement Against State Repression (MASR), the Indian government admits to holding 52,268 political prisoners under the brutal, repressive "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. In addition, India has murdered over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian Cabinet minister said that everyone who lives in India must either be a Hindu or be subservient to Hinduism.

This video should be corrected or withdrawn immediately. The United States government should not be in the business of spreading inaccurate information, especially when that information is offensive to a hard-working, honorable people and serves only to promote the interests of a foreign regime.

Sincerely,

DAN BURTON.
ED TOWNS.
WALLY HERGER.

MAYOR KALISZ SPEAKS WISELY ON FISHING REGULATIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, we face a very difficult situation regarding the fishing industry in Massachusetts. I believe that current federal law should do a better job then it does of allowing fishing to go forward with appropriate respect for environmental considerations. Flaws in the current law have resulted in judicial orders that restrict fishing unduly, and will cause serious economic harm without appropriate environmental justification. It is my hope that we will proceed quickly to amendment of existing law so as to avoid this problem in the future.

Currently, because we have not yet dealt with the law, the fishing industry in Massachusetts faces the imposition of unduly restrictive rules. Some of my Congressional colleagues and I have spoken out in an effort to hold off drastic action for as long as is legally possible, to give us time to change the law. Last week, Mayor Frederick Kalisz, Jr. of New Bedford addressed an important meeting in New Bedford, attended by a large number of representatives of the fishing industry, as well as federal officials. Mayor Kalisz's comments are extremely thoughtful and because this is an important national subject, and because I hope that the views expressed by Mayor Kalisz will be followed by federal officials, I ask that his comments be printed here.

2003 NOAA—FISHERIES CONSTITUENT SESSION—SEPTEMBER 16, 2003

Good afternoon Dr. Hogarth, on behalf of the residents of the City of New Bedford, I'd like to thank you for the opportunity to present a few brief remarks regarding the current state of fisheries issues.

Back in 1976 when the Magnusun Act was first enacted there was great hope throughout the country that the Act's innovative structure of setting forth objective standards and requiring that these standards and scientific data form the basis of decisions rendered through consensus by a regional fisheries management councils would protect the American Fishery and also create a sustainable fishery. As you are aware, the Act set forth ten (10) national standards and required that all fisheries management plans be consistent with these standards. Although Congress seemed to give all of the standards equal weight, the regulations promulgated to implement the Act and subsequent Court decisions appear to have created a pecking order among standards. As a result the scientific data is no longer a tool to assist in crafting consensus, but rather disagreements over basic scientific data have become the single biggest impediment to consensus. This is truly unfortunate.

We rely on current economic conditions to determine interest rates; we rely on current air quality conditions to determine smog, yet we are satisfied to rely on last year's fishing trawls to determine if fish are in the same area today. My remarks are not intended to attack the science, but rather to call for a renewed scientific partnership based on consensus. If we can not agree on the basics of fisheries science, we will never be able to agree on maximum sustainable yield.

I understand that in spite of the significant strides that have been made in marine biology and marine environmental science, our knowledge pales in comparison to the mysteries the oceans still hold. We still do not fully understand the result of a 2% change in the salinity of the water, nor do we fully understand the impact of a 2 degree change in the water temperature on year old fish stock. We understand that smoke stack emissions from the Midwest can affect our air quality here in New England, but do not understand, or in some cases recognize, the effects the particulates from those emissions will have on Georges Bank when they run into an Atlantic Storm. We intuitively understand that there must be an effect on the oceans from El Nino, but we still don't know what causes red tide to occur when it does.

Perhaps it is only the arrogance of man that would lead us to assume that we can totally understand the intricacies of the seas. And so rather than expand our knowledge of those things we still don't understand, we have settled for intensive study of the things we do understand. We then purport to be committed to building a sustainable fishery by controlling only those things we understand. It is analogous to learning that someone has polluted a stream and then rather than seek to identify the source of the contamination, claim that the reduction of fish is solely due to new lures being used by people who fish in the stream.

We have allowed ourselves to become overwhelmed by the task of fisheries management and have ceded our responsibilities to science. Science's role must be to use the best methods available to collect data, analyze that data and then identify trends. Science's role is not to set policy. That is the role that Congress assigned to the members of the regional council who represent all of the various interests.

As we seek to expand our knowledge, we must also guard to ensure that we recognize the difference between scientific data and rhetoric. There is currently a movement afoot to paint our fishing families as "capture hunters" and not the harvesters of the bounty of the sea as Magnuson rightfully recognizes. The fisherman are no more the enemy of the oceans than farmers are enemies of the land.

So where do we go from here. I believe that Vice Admiral Lautenbacher's message in the NOAA Annual Guidance Memorandum clearly identifies NOAA's role in the future. The Vice Admiral writes:

"NOAA's own decision making processes must be transparent, participatory, and information-based, taking into account diverse societal values. In short, the Nation needs NOAA as an honest broker when it comes to oceanic and atmospheric issues."

I couldn't agree more. But there must be actions to support these words. An honest broker facilitates frank and forthright discussion and is not willing to resort to overly simplistic solutions such as "hard TACs" which do nothing more than encourage more intensive use of the fishery.

An agency that has led the way in understanding the dynamics of hurricanes by flying planes into the middle of the cyclone, cannot rely on old outdated models and data when it comes to fisheries. The Vice Admiral also rightfully recognizes the need to develop new models and methods for data gathering and analysis. Again the Vice Admiral writes:

"We should enhance our current scientific and decision-making ability, in order to fulfill mandates for trust resources in a manner that satisfies the public's expectations of an honest broker. We should conduct research on ecological, social and economic processes geared toward advancing integrated analyses of alternatives."

The Vice Admiral further writes:

"To enhance NOAA's role as honest broker, we should strive consistently to improve the accuracy and quality of the scientific research on which important decisions depend. We should also work to make our decision processes as fair and transparent as possible and expand our interaction with the entire spectrum of decisions-makers to ensure increased responsiveness to NOAA science."

The Vice Admiral's message is actually a call to develop models that analyze the entire system rather than just one piece of a much bigger system. As I mentioned earlier, this new model will require renewed commitment as we seek to understand that which is still a mystery.

Finally, the Vice Admiral writes of the need to forge strategic partnerships stating.

"The challenges facing America require integrated, cooperative solutions. No agency can go it alone. We need to work with universities, industry, stakeholder groups and government agencies at all levels."

Over the past two years, the City of New Bedford has forged a strategic partnership with NOAA and other federal agencies and through this partnership has developed innovative consensus based strategies for the remediation and redevelopment of Brownfields. Today, I renew the commitment of New Bedford to continue our work with SMAST, MassFisheries, NOAA-Fisheries, and our sister ports in Massachusetts and throughout New England to develop and implement the best practices possible so that we can collect and analyze data in real time to create a truly sustainable fishery.

Today, the winds have changed. A solidarity is building on the wharves and in the facilities, on the streets and in the community. During the past year, I have met regularly with a Seafood Industry Advisory Task Force composed of representatives of the various sectors of New Bedford's Seafood Industry. In these meetings there is a sense of cooperation and resolve. We understand that it is more than just charts and graphs, it is about families and community. We understand that an academic exercise that only results in a 1% change in the resource in 2023 can decimate an industry, a community and a family.

We have many difficult decisions to make. Let us agree to use the best available science to gather and analyze our data in real time, and then allow the deliberative framework created by the Magnuson Act to balance the interests and manage our fisheries.

HONORING COLONEL DIANE L. BERARD

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to honor Colonel Diane L. Berard, a native of Janesville, Wisconsin, who will retire later this year after more than 26 years of distinguished service with the United States Army.

Colonel Berard was born in Janesville, Wisconsin, and attended the University of Wisconsin-Whitewater. She graduated with a degree in accounting and was recognized as a Distinguished Military Graduate for her participation in the university's four-year ROTC program. In addition to holding the distinction of being the first woman to graduate from a four-year ROTC program at the University of Wisconsin-Whitewater, Colonel Berard is also the school's first ROTC graduate to earn the rank of Colonel in the United States Army.

Colonel Berard's first duty station was with the U.S. Army in Germany. Since that assignment, Colonel Berard has been stationed in Fort Stewart, Georgia; the Pentagon; Rock Island Arsenal, Illinois; Fort Jackson, South Carolina; Fort Hood, Texas; Fort Eustis, Virginia; and Fort McCoy, Wisconsin. She closes out her long military career as the senior military Resource Manager for the U.S. Army Training and Doctrine Command at Fort Monroe, Virginia. At Fort Monroe, she worked with the Deputy Chief of Staff for Resource Management in the planning, execution, and overall management of resources totaling 4.2 billion dollars.

As a reflection of the leadership skills and financial management expertise that have allowed her to shape the future of financial services for soldiers and their units serving worldwide, Colonel Berard has received numerous awards and decorations. Eight Meritorious Service Medals, two Army Commendation Medals and two Army Achievement Medals are only a few of the many distinctions that she received throughout her career. Upon her retirement, Colonel Berard will be awarded the prestigious Legion of Merit, an honor reserved for members of the Armed Forces who have displayed exceptionally outstanding conduct in the performance of meritorious service to the United States. This tremendous award is a fitting tribute to Colonel Berard for her courage, patriotic service, and exemplary dedication to her profession.

I ask my colleagues to join me in thanking Colonel Berard for her service to the Nation and the United States Army, and wish her and her family all the best in their future endeavors.

TRIBUTE TO DON MOFFATT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. Don Moffatt of Crested Butte, Colorado recently passed away at the age of 58, and as his family and friends mourn Don's passing, I would like to pay tribute to his life and memory.

Don was an active member of his community. He served on the Board of the Adaptive Sports Center, where he worked hard to secure funding to help physically-challenged adults and children. Don was also an avid golfer and was active with the Crested Butte Open. Throughout the community Don was widely admired and respected. Don treated everyone he met with courtesy and respect, and he will always be remembered as someone who looked for, and found, the best in those around him.

Mr. Speaker, Don Moffatt was a beloved member of the Crested Butte community. His love for life and dedication to his friends and neighbors touched many lives. While Don has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Don here today.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TERRY. Mr. Speaker, on Tuesday, September 23, 2003, I missed four votes due to a funeral for Omaha Police Sergeant Jason Pratt, who was killed in the line of duty. Had I been present, I would have voted NO on: Roll Call Vote #509—The Motion to Instruct on H.R. 1308 and Roll Call Vote #510—The Motion to Instruct on H.R. 1.

I would have voted YES on: Roll Call Vote #511—The Motion to Instruct on H.R. 1588 and Roll Call Vote #512—H.R. 1409—To provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

HONORING REV. SCOTT R. PILARZ ON HIS INAUGURATION AS THE PRESIDENT OF THE UNIVERSITY OF SCRANTON

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the inauguration of Rev. Scott R. Pilarz as the new President of the University of Scranton. I am pleased to be joining the entire community of Northeastern Pennsylvania in welcoming him to the area this Friday, September 26, 2003.

Rev. Scott R. Pilarz, S.J., Ph.D. has a remarkable background and career. He entered the Society of Jesus in 1981 and was ordained a priest in 1992. He received his bachelor's degree in English from Georgetown University, and a master's degree in philosophy from Fordham University and in divinity and theology from the Weston School of Theology in Cambridge, Massachusetts. He went on to earn a Ph.D. in English at the City University of New York, CUNY, and his dissertation won the 1997 CUNY Alumni Achievement Prize for Dissertation Excellence.

As he was completing his studies at Weston, Father Pilarz served as a lecturer in the philosophy department of Ss. Peter & Paul Seminary at the University of Ibadan, Nigeria. While completing doctoral studies, he was appointed to the English faculty of St. Joseph's University in 1994. In 1996, he joined the Georgetown faculty as an assistant professor of English. In 2002, he was appointed interim University Chaplain, where he served as a member of the President's Cabinet and was responsible for leading campus ministry efforts on Georgetown's Main, Medical and Law campuses. He worked with the President to promote Georgetown's Catholic and Jesuit character, sponsored inter-religious dialogue and coordinated interfaith activities on all three of Georgetown's campuses.

He was recognized by the Georgetown Alumni Association in 2002 with the William Gaston Award for Outstanding Service and was chosen by the graduating class of 1999 to receive the Edward B. Bunn, S.J., Award for Faculty Excellence, an award that recognizes outstanding teaching and service.

As a scholar, Father Pilarz has delivered numerous papers at scholarly conferences on various aspects of Medieval and Renaissance literature. He has also lectured and published on topics related to Jesuit education. His articles on John Donne, Robert Southwell and Medieval drama have appeared in academic journals and collections of essays, and his book, Robert Southwell, S.J., and the Mission of Literature 1561–1595: Writing Reconciliation, will be published by Ashgate Press.

In 1998, he received a grant from the National Endowment for the Humanities, and he has received three research grants and a competitive junior faculty research leave from Georgetown.

Father Pilarz serves on the boards of Boston College, Loyola University of Chicago, the Community Medical Center, Scranton, and Camden Catholic High School in Cherry Hill, N.J., from which he graduated. His professional memberships include the John Donne Society, the Renaissance Society of America, the Shakespeare Association of America, the Medieval and Renaissance Drama Society, the Polish Institute of Arts and Sciences of America, and the Modern Language Association.

Father Pilarz has served as a member of The University of Scranton's Board of Trustees since 2000. In April of 2003, The University of Scranton's Board of Trustees completed a national search and announced the selection of Father Pilarz as the next President.

Father Pilarz became the twenty-fourth President of The University of Scranton on July 1, 2003.

Mr. Speaker The University of Scranton is, by tradition, choice and heartfelt commitment, a Catholic and Jesuit university. Founded in 1888 as Saint Thomas College by the Most Reverend William G. O'Hara, D.D., the first bishop of Scranton, it achieved university status in 1938 and was entrusted to the care of the Society of Jesus in 1942.

On the inauguration of its newest President, I would like to pay tribute to the University of Scranton, its administration, trustees, faculty, alumni, and students. I would also like to wish Father Pilarz the best of luck as he leads this university into the future. Thank you.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. CARTER. Mr. Speaker, during rollcall votes 509, 510, and 511, Representative Ryan (OH) Motion to Instruct Conferees on H.R. 1308, Representative Stenholm Motion to Instruct Conferees on H.R. 1, and Representative Rodriguez Motion to Instruct Conferees on H.R. 1588, I was unavoidably detained. If I had been present, I would have voted "no."

During rollcall vote 512, the Eastern Band of Cherokee Indians Land Exchange Act of 2003, H.R. 1409, I was unavoidably detained. If I had been present, I would have voted "yea."

TRIBUTE TO TRI-COUNTY HOUSING & COMMUNITY DEVELOPMENT CORPORATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an organization that is dedicated to serving people in need of affordable housing. The Tri-County Housing & Community Development Corporation serves Colorado's Bent, Crowley, and Otero counties. The corporation works to rehabilitate homes and bring neighborhoods back to life. It is for their ongoing efforts to provide safe, sanitary, and affordable housing to the residents of Colorado that I would like to recognize Tri-County here today.

The Tri-County Housing & Community Development Corporation was created in 1991 to provide assistance in rehabilitating low-income housing. Over the years, Tri-County has received several accolades, including the Eagle Award from Colorado Housing NOW, as well as acknowledgement from Housing and Urban Development Secretary Henry Cisneros.

From helping build or repair homes to answering questions regarding financing, Tri-County serves local homeowners in many ways. Tri-County serves more than homeowners, though. The corporation also owns and operates several low-income housing apartments. Tri-County remains active in community development, assisting with downtown renovations, restoration of historic train stations, and improving local senior centers. Tri-County has been a major help in securing funding for the creation of parks, libraries, nature trails, and other community services.

Mr. Speaker, I am honored to recognize an organization committed to creating and maintaining safe, sanitary, and affordable housing. Tri-County Housing & Community Development Corporation provides a needed service to a grateful community. Tri-County's work lifts not only individual people but transforms the entire community. I join with my colleagues today in honoring this dedicated and hardworking organization.

RECOGNIZING REPUBLIC OF KAZAKHSTAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BARTON of Texas. Mr. Speaker, I rise today to recognize the Republic of Kazakhstan for its potential to enhance our nation's energy independence and for its significant contributions in support of the United States in the War on Terror. I ask that my colleagues join me in recognizing the strategic importance of Kazakhstan to our nation's well-being.

It is widely recognized that the United States relies greatly on imports of OPEC oil from the Middle East. This reliance is exacerbated by the present instability of that region. Mr. Speaker, if the United States is to become truly energy independent, it must seek non-OPEC alternatives for our supply of oil. Kazakhstan can—and is willing to—help greatly in this endeavor.

The Caspian region of Central Asia contains a wealth of oil reserves. Kazakhstan, in particular, shows great promise. Adding to its robust economy, over the past six years, Kazakhstan has more than doubled its production of oil from 415,000 to almost 1 million barrels per day. By 2015, Kazakhstan is expected to produce 2.5 million barrels per day. This production would place it among the top non-OPEC producers of oil in the world. However, Kazakhstan requires foreign investment in order to improve and expand its oil and gas infrastructure so that the benefit of its significant reserves can be realized.

Importantly, Kazakhstan has taken steps to promote transparency in its financial transactions, particularly with regard to oil transactions. The government recently established the National Fund, which will be a model for openness and disclosure in the management of the country's oil revenues. The government also has pledged transparency and openness in future oil and gas contracts, and has officially endorsed the British government's Extractive Industries Transparency Initiative.

Kazakhstan is a young country struggling to institute meaningful democratic reforms. This has been a difficult path to travel and much work remains. Yet from the beginning, Kazakhstan's tangible progress has signaled its unwavering commitment to effect true change. Kazakhstan's desire to forge a strong energy partnership with the United States is one example. Another is Kazakhstan's support of the United States in the War on Terror.

As the center of the former Soviet Union's nuclear and biological weapons programs, Kazakhstan held considerable—and potentially dangerous—power over the world as the Soviet Union broke apart. In fact, Kazakhstan had the fourth largest arsenal of nuclear weapons in the world larger than Britain, France and China combined. Rather than capitulating to countries offering to pay millions of dollars to purchase these weapons, Kazakhstan's leader, Nursultan Nazarbayev, boldly chose instead to destroy the country's stockpile and position Kazakhstan as a stabilizing force in the region. Mr. President, in light of September 11, threats from North Korea, and the war and continuing operations in Iraq, Kazakhstan's courageous decision against becoming a nuclear state certainly has helped the world avoid greater threats to peace and stability.

Kazakhstan has been a leader and is the current chair of the Central Asian Cooperation Organization, which unites several nations of the region to combat terrorism, extremism, and drug trafficking. Toward that end, Kazakhstan has consistently supported the United States in the War on Terror. During the war in Iraq, Kazakhstan granted to the United States overflight rights and access to its airbase at Almaty. Kazakhstan also participates in NATO's International Security Assistance Force in Afghanistan.

Kazakhstan's contributions have not gone unnoticed. During a visit to Kazakhstan in July 2003, the NATO Secretary General praised Kazakhstan for its support of the peace keeping mission in Iraq and its support for the War on Terror. Kazakhstan was the first Central Asian republic to join in the post-war reconstruction efforts. In August 2003, Kazakhstan sent 27 military personnel, including de-mining experts, engineers, and translators to Iraq.

The illustrations of Kazakhstan's tangible efforts to join the democratic world could not be more stark. Kazakhstan chose non-proliferation over possessing nuclear weapons; it chose peace and prosperity over terrorism and strife; it chose a market economy over the communist status quo; and it chose the difficult path of reform over complacency. Kazakhstan's ability to greatly enhance our energy independence, and its position alongside the United States in the War on Terror, are but two illustrations of Kazakhstan's resolve to affect positive, longstanding change.

Kazakhstan stands out because it possesses great potential and is supported by a powerful commitment toward democracy. Considerable work remains, and the United States must lend its support to ensure that Kazakhstan continues down the path toward democratization. I ask that my colleagues join me in commending the Republic of Kazakhstan on its positive steps forward.

NORTH STAR CHARTER SCHOOL

HON. C. L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. OTTER. Mr. Speaker, I rise today to commend the work and purpose of the North Star Charter School in Eagle, Idaho. This public school was founded by volunteers—parents with a vision of virtue, citizenship and leadership not only for their own children but also for their community and our nation.

I recently had the honor of visiting the North Star Charter School at its new building, not far from my ranch in Idaho. About 270 students joined with 20 excellent faculty members and a similar number of involved, caring parents as we unveiled a painting of George Washington at prayer. That painting now is displayed prominently near the school's main entrance. It is a stirring image of the first and greatest of our Founding Fathers, and it provides a fitting reminder of the kind of values that the North Star Charter School has made the foundation of its curriculum and educational environment.

The school for kindergarteners through eighth-graders, led by Board of Directors Chairman Gale Pooley and Principal Nancy Smith, has established as its mission the development of virtuous citizen leaders. The lives and work of our Founding Fathers are the historical guideposts of that journey.

Even the school's name provides a constant reminder that its goals are unwavering and steadfast, like the North Star itself—an eternal beacon trusted by navigators searching for new lands, or simply making their way home.

I couldn't hope to say it any better than the school's own mission statement: "The North Star Charter School will endeavor to develop each student into a leader that can be trusted to serve the interests of his family, community, profession and nation with the strength of character and the depth of knowledge to stand for the time-honored principles and ideals of a free and open society."

Mr. Speaker, I am extremely proud to represent the school, its students and the families that find such great value in the timeless lessons of our nation's birth.

TRIBUTE TO MS. RITA BALIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to recognize a woman who exemplifies the idea of the humanitarian activist, my good friend, Ms. Rita Balian. Rita is an extraordinary person who gives significant time and personal resources to see that the rate of cancer in the Country of Armenia is significantly reduced.

Rita is the founder and current president of the Armenian American Wellness Center (AAWC). The Center has provided mammography screening to over 40,000 women and has been credited with saving the lives of nearly 1,000 women diagnosed with breast cancer in Armenia. Started in April 1997 and originally called the Armenian American Mammography University Center (AAMUC), Rita has worked tirelessly to expand the Center to serve an ever increasing clientele. Before Rita established the Wellness Center in Armenia, not a single mammogram had been preformed in the entire country. Instead, women discovered breast cancer through obvious pain and a woman's only treatment option was complete mastectomy.

Along with her commitment to the Wellness Center, Rita was closely involved in the rebuilding of Armenia in the aftermath of the devastating 1988 earthquake. During this time, she worked with the Mayor of Alexandria, VA to establish a sister-city program with Alexandria and the Armenian town of Gyumri. She has also worked with her husband Vartkess to promote their passion for education throughout the country.

Despite her generosity and dedication to her causes, Rita seeks no recognition for her work. However, other groups and organizations have seen fit to commend her giving spirit. Last year, she was honored by the United States Agency for International Development's "Outstanding Citizen" award for her work with the Wellness Center. Today, she is the sole recipient of the "Cancer Advocacy Award" as part of the Washington Hospital Center's Spirit of Life Awards Celebration.

Mr. Speaker, I ask that my colleagues join the Washington Hospital Center, USAID, and the patients of the Armenian American Wellness Center and recognize the extraordinary efforts of Rita Balian. It is with great pleasure that I speak about her accomplishments today.

TRIBUTE TO MYRON "MIKE" GENOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to a great citizen from my district. Myron "Mike" Genova of Grand Junction, Colorado recently passed away at the age of sixty-one. As his family and friends mourn Mike's passing, I would like to pay tribute to his memory here today.

Mike was born in San Jose, California in 1942, but later moved with his family to Grand Junction, where he graduated high school and attended Mesa College. Mike and his wife, Doralyn, settled in the community and raised three wonderful sons. Throughout his life, Mike was a dedicated and hard-working man, devoting thirty-seven years to his job dealing with high pressure natural gas for Public Service/Xcel Energy. Mike was a National Hot Rod Association and NASCAR racing enthusiast. In his youth, he raced competitively, and remained a devoted race fan throughout his life.

Mr. Speaker, Mike Genova had a tremendous zeal for life. He was devoted to his family and committed to his work. Everyone who knew Mike liked and respected him. He will be greatly missed, and his legacy will certainly continue to live on. I am honored to join with my colleagues in remembering the life of Mike Genova here today.

TRIBUTE TO THE LATE BENJAMIN H. ZIMMERMAN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to the late Professor Benjamin H. Zimmerman of the University of Kansas, who died on September 4th.

Ben Zimmerman was a well known community activist and human rights leader in the city of Lawrence, Kansas, throughout his career with the University of Kansas, where he served as a professor of social welfare for 13 years and was a resident for 25 years. In addition to being active in local, partisan politics, Ben Zimmerman actively supported the causes of civil rights based on race, gender and sexual orientation, child development, equality of economic opportunity, and broader public participation in the electoral process.

Mr. Speaker, I am placing into the RECORD the obituary for Professor Zimmerman that was carried by the Lawrence Journal-World, as well as an article detailing a few of his many achievements supporting greater social justice in Lawrence, Kansas. All who knew him will continue to be inspired by Ben Zimmerman's devotion to serving his fellow Kansans, and many who never met him will benefit from his energetic, tireless work to expand human rights and individual opportunities for all.

[From the Lawrence (KS) Journal-World, Sept. 7, 2003]

BENJAMIN HYMAN ZIMMERMAN

Memorial services for Benjamin Hyman Zimmerman, 85, Lawrence, are pending and will be announced by Warren-McElwain Mortuary. Private inurnment will be in Pioneer Cemetery.

Mr. Zimmerman died Thursday, Sept. 4, 2003, in Venice, Calif.

He was born April 25, 1918, in Syracuse, N.Y., the son of Max and Esther S. (Rudevitsky) Zimmerman.

He was valedictorian of his high school class in Syracuse. He received a bachelor of arts degree from Syracuse University in 1940 and was Phi Beta Kappa, Phi Kappa Phi and magna cum laude. After serving in the U.S. Army in World War II, he continued his education in anthropology at Columbia University and received honors as a Gilder Fellow and Social Science Research Fellow. He then did fieldwork in Brazil in anthropology, working toward a doctorate degree.

Mr. Zimmerman served on the staff advising or teaching at several universities, including City College of New York, Columbia University, University of Illinois and Yale University. He had been a research director for United Way, executive director for the Mayor's Commission for Youth Inc. and executive director of Crusade for Opportunity Inc., all in the Syracuse area. He also worked on national programs including the Office of Economic Opportunity Community Action Program as chief of program planning and the Day Care and Child Development Council of America.

He joined Kansas University as an associate professor in 1972 in the school of social welfare, where he worked until he became associate professor emeritus in 1984.

A resident of Lawrence for more than 25 years, Mr. Zimmerman was chairman of the Discrimination Hearing Board and faculty adviser for Gay Services of Kansas. He also helped found the Day Care Coalition of Lawrence and Douglas County, Lawrence Alliance, Freedom Coalition, Douglas County AIDS Project, Simply Equal and Lawrence-Topeka P–FLAG. He also served on the boards of the NAACP, Freedom Coalition and League of Women Voters and co-chaired a committee that monitored the changes in the Kansas Department of Social and Rehabilitation Services.

Survivors include a daughter, Anne Zimmerman, Sherman Oaks, Calif., and his partner, David Scheuer, Lawrence.

The family suggests memorials be held until an organization is chosen.

E-mail condolences may be sent at *www.warrenmcelwain.com,* subject: Zimmerman.

[From the Lawrence (KS) Journal-World, Sept. 7, 2003]

LONGTIME ACTIVIST DIES AT 85

(By Tim Carpenter)

Ben Zimmerman lived to the age of 85, but never lost the passion of youth when it came to community activism.

"He was quite amazing," said Lynne Green, who, with Zimmerman, co-chaired a campaign to amend the city of Lawrence's discrimination policy. "He had the fire in his belly and the energy of a very young committed activist. He was never an old man."

Zimmerman, a former associate professor of social welfare at Kansas University and longtime Lawrence resident, died Thursday in Venice, Calif.

His fingerprints are on a long list of organizations and projects designed to bring fairness to the lives of unprotected people, said Ann Weick, dean of social welfare at KU.

"He contributed so much to this community in terms of issues of justice and equality," Green said. "He was an eloquent advocate for vulnerable groups and was really a leader in our faculty during the time he was there in focusing attention of the community on pressing issues of the day."

In Lawrence, Zimmerman helped found the Day Care Coalition of Lawrence and Douglas County, Lawrence Alliance, Freedom Coalition, Douglas County AIDS Project, Simply Equal and Lawrence-Topeka P–FLAG. He was on the boards of the NAACP, Freedom Coalition and League of Women Voters.

Zimmerman was active in social welfare activities in Syracuse, N.Y., before joining the KU faculty in 1972.

It was Zimmerman's role in the mid-1990s campaign to add the words "sexual orientation" to the city's anti-discrimination ordinance that sticks in the memories of many people in Lawrence. He was co-chair with Green of Simply Equal, a coalition of more than 1,000 people that pressed for the change.

In 1995 the City Commission agreed, making Lawrence the first city in Kansas to protect homosexuals from discrimination in housing, employment or public accommodations.

At that time, Zimmerman proclaimed: "Lawrence will not tolerate bigotry."

Mike Silverman, chair of the Freedom Coalition, said Zimmerman was a terrific leader.

"He was the public face of the Freedom Coalition for a good deal of time," Silverman said.

More recently, Zimmerman worked to help convince the Lawrence school board to add "gender identity" to a list of classes for which district employees have protection from discrimination.

MORE EXPLANATIONS NEEDED FROM ATTORNEY GENERAL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of Colorado. Mr. Speaker, I continue to have serious concerns about the activities of the Justice Department under the current Administration.

So, I agree completely with an editorial in today's Rocky Mountain News regarding the recent directive by the Attorney General instructing U.S. Attorneys to limit use of plea bargains and to pursue the most serious possible charges in most cases.

As the editorial notes, "if there is a problem with overly lenient sentences and go-easy prosecutors, the Justice Department has yet to prove it. Ashcroft might be trying to fix a system that isn't broken. The order also could have the dangerous effect of diminishing the discretion of federal judges and prosecutors, a critical point now that more and more offenses that were once purely state law are now federal crimes."

The editorial concludes by saying "Congress should insist that Ashcroft more thoroughly explain why this order is necessary." On that point, I fully concur, and urge the Judiciary Committee to seek such an explanation without delay.

For the benefit of our colleagues, here is the full text of the editorial:

[From the Rocky Mountain News, Sept. 24, 2003]

WHAT PROBLEM IS ASHCROFT SOLVING?

Attorney General John Ashcroft is becoming a prolific writer of memos to the 94 U.S. attorneys.

His latest instructs them to pursue the toughest possible charges and seek the severest sentences possible. And he also ordered them to limit the use of plea bargains. The goal, he said, was to bring uniformity and consistency to federal criminal prosecutions.

By itself, the order is not unreasonable. It reflects the Bush administration's stand on law enforcement, and it returns to a similar order the department issued in 1989 during the administration of Bush senior. The order was relaxed during the Clinton administration. And Ashcroft's order has reasonable exceptions on plea bargaining, for example, to reward cooperation and clear overcrowded dockets.

But if there is a problem with overly lenient sentences and go-easy prosecutors, the Justice Department has yet to prove it. Ashcroft might be trying to fix a system that isn't broken.

The order also could have the dangerous effect of diminishing the discretion of federal judges and prosecutors, a critical point now that more and more offenses that were once purely state law are now federal crimes.

Ashcroft also has told the U.S. attorneys to report judges who impose lighter sentences than called for by federal sentencing guidelines. Yet seeking the toughest charges with the maximum sentences could also increase the federal judiciary's already backlogged workload. With little possibility of a plea bargain, more defendants now have an incentive to go to trial and then continue the fight through the appeals process.

Congress should insist that Ashcroft more thoroughly explain why this order is necessary.

12TH ANNIVERSARY OF THE NAGORNO KARABAGH REPUBLIC'S INDEPENDENCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 12th anniversary of the Nagorno Karabagh Republic's independence from the Soviet Union.

In 1991, the world underwent dramatic changes as communism was finally overthrown in the Soviet Union and millions of people got their first tastes of democracy. The autumn of that historic year saw many of the former Soviet Republics declare their independence and begin the process of self-governance.

Armenia has made amazing progress in rebuilding a society and a nation in the face of dramatic obstacles. The United States must continue to support Armenia's commitment to democracy, the rule of law, and a market economy, and I am proud to stand with Armenia in so doing. While we should look forward to the future, we must never forget the struggles of the Armenian people throughout their history.

I look forward to the strengthening of the diplomatic and economic ties between the United States and Armenia so that the people of both nations can forge an alliance that will never be broken. I offer my sincerest congratulations to Armenia on the anniversary of its independence.

TRIBUTE TO DOROTHY SAVAGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Dorothy Savage of Ordway, Colorado has tirelessly worked to promote literacy and the importance of education in Colorado. She is a valued citizen, and I am honored to share her story here today.

A former teacher, Dorothy knows the importance of educating our children. Dorothy volunteers her time to teach elementary school children the joy of reading. She also encourages other seniors to volunteer to tutor children. At 93 years young, Dorothy was recently crowned the Colorado State Fair Silver Queen for 2003, a recognition honoring her courageous outlook on life and youthful spirit. Dorothy has dedicated her reign to promoting literacy among children.

Mr. Speaker, Dorothy Savage has selflessly taken the attention that has been given to her and focused it on a cause that is near to her heart. She has announced that she will dedicate her reign, and the attention that comes with it, to promoting literacy. For years, Dorothy has attempted to share the joy and wonder of reading and writing with the children of her local community. For her enthusiasm and tireless work, I am honored to join with my colleagues in thanking Dorothy Savage. I wish her the best of luck in the future.

HONORING ST. PETER'S CATHEDRAL PARISH ON ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the St. Peter's Cathedral Parish in Scranton, Pennsylvania as they celebrate their 150th Anniversary on Sunday, September 28, 2003.

Reverend Monsignor Joseph Quinn announced that a yearlong celebration of events will culminate this Sunday, the anniversary date of the dedication of the Cathedral, with a grand celebration of liturgy in St. Peter's Cathedral.

St. Peter's Cathedral and its parishioners have a storied history. In 1841, the Catholic faith was formally brought to Scranton by James Sullivan, a missionary priest who celebrated the first Mass in a house on Shanty Hill, located in what is now the South Side of the city. Within the next seven years the first Catholic Church had been built in that section and dedicated by Bishop John Kenrick of Baltimore.

In 1853, a small wood frame church was constructed on the corner of Franklin Avenue and Spruce Street in what would become downtown Scranton, to accommodate the growing number of Catholics in the Scranton area. It was named St. Vincent de Paul Church, and later renamed St. Peter's Cathedral. Before its completion, Rev. Moses Whitty became the first pastor of what was to eventually become known as St. Peter's Cathedral. With the establishment of the Diocese of Scranton in 1868, this parish began a history of faith that continues today.

With the rapidly growing number of newly arrived immigrants, it was soon necessary for Father Whitty to search for a site to construct a new church. Three lots in the 300 block of Wyoming Avenue were purchased for the sum of approximately $2,000, a large sum for its day, at the present site of the Cathedral. In 1865 ground was broken at the corner of Linden Street and Wyoming Avenue for the new church. Some deemed it to be "in the woods" as it was far removed from the primary commercial area of the community then located in the Bellevue and Hyde Park areas of the city.

On March 10, 1867, Bishop James Wood of Philadelphia blessed the new church. The establishment of the new Diocese of Scranton and the installation of its first Bishop followed quickly in 1868 with the consecration of the Most Reverend William O'Hara. A native of Ireland and the former pastor of Saint Patrick's Church in Philadelphia, Bishop O'Hara was to remain as the first head of the new diocese until his death three decades later on February 3, 1899.

Beginning in 1883, a project was undertaken to remodel and embellish the church, which was now the central church of the diocese. On September 28, 1884 upon completion of the project and satisfaction of all debt incurred, the new Mother Church of the diocese was consecrated by Archbishop P.J. Ryan of Philadelphia, and its name was changed to the Cathedral of St. Peter marking its new role in the still young diocese comprised of eight counties in northeastern Pennsylvania.

Mr. Speaker, on this 150th anniversary celebration, I would like to congratulate the parishioners of St. Peter's Cathedral. St. Peter's Cathedral, a Scranton landmark that has endured these many years, is a visible example of both the storied history of the City of Scranton and the role the Catholic Church played as an integral part of this community.

EULOGY FOR EDWARD TELLER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to honor the memory of Edward Teller, perhaps the most important scientist of the 20th century, who died Tuesday, September 9, 2003, at his home on the campus of Stanford University, at the age of 95.

Edward Teller was born into a prosperous family of Jewish Hungarians in 1908. After attending schools in Budapest, he went to Munich and Leipzig to earn a Ph.D. in physical chemistry in 1930. His doctoral thesis, on the hydrogen molecular ion, helped lay the foundation for a theory of molecular orbitals that remains widely accepted today.

Teller studied atomic physics under Niels Bohr in Copenhagen in the early 1930s. In 1935, Teller and his bride, Augusta Harkanyi, went to the United States where he taught at George Washington University. Together with his colleague George Gamow, he established new rules for classifying the ways subatomic particles can escape the nucleus during radioactive decay.

In 1941, Teller became a U.S. citizen, and joined Enrico Fermi's team at the University of Chicago in the epochal experiment that produced the first self-sustaining nuclear chain reaction. Teller then accepted an invitation from the University at Berkeley to work on theoretical studies on the atomic bomb with J. Robert Oppenheimer. When Oppenheimer set up the secret Los Alamos Scientific Laboratory in New Mexico in 1943, Teller was among the first recruited.

As early as 1943, Teller conceived the idea for the hydrogen bomb, a weapon potentially thousands of times more powerful than the atomic bomb. Teller's idea for an H-bomb was a decade ahead of his fellow scientists, who were the best and brightest in their field.

After World War II, in 1946, Teller accepted a position with the University of Chicago, while also serving as a consultant to Los Alamos. When the Soviet Union exploded an atomic bomb in 1949–years before they were expected to do so—the Atomic Energy Commission investigated Teller's proposal for developing an H-bomb. Oppenheimer voted against such a program, siding with scientists who claimed the H-bomb was technologically impossible. The debate was settled by the confession of the British atomic scientist Klaus Fuchs that he had been spying for the Soviet Union since 1942. Fuchs had known of American interest in a hydrogen bomb and passed along U.S. data to the Soviets. In response, President Truman ordered the H-bomb project to proceed.

Teller solved a key problem in designing the H-bomb, proposing that radiation, instead of mechanical shock, could be used to compress and ignite the thermonuclear core. Teller's H-bomb was successfully tested on November 1, 1952. It yielded an explosion of 10 megatons, one thousand times more powerful than the Hiroshima A-bomb.

By the way, on August 12, 1953, the Soviet Union successfully tested their H-bomb, less than one year after Teller's test. So Teller was proven right both about the technical feasibility of the H-bomb, and about the imminent Soviet threat. If Teller had lost his argument with Oppenheimer, the Soviet Union would have beaten the United States to the H-bomb, and the Cold War might have had a very different outcome.

Teller was instrumental in the creation of the United States' second nuclear weapons laboratory, the Lawrence Livermore Laboratory, in 1952. For the next four decades, with Teller often at its head, Lawrence Livermore was the United States' chief laboratory for the design of nuclear weapons.

Throughout his life, Teller served as a prominent government advisor on nuclear weapons, nuclear strategy, and national security issues. In 1982–83, he was a major influence on President Ronald Reagan's proposal to defend the United States from nuclear missile attacks by means of a Strategic Defense Initiative.

In 2003, Edward Teller was awarded the prestigious Presidential Medal of Freedom, the nation's highest civilian honor.

Although no longer with us, Teller will always live through his technological achievements and his political ideals. Edward Teller's scientific vision combined with his patriotism and far-sighted wisdom to create a safer world. Teller's invention of the hydrogen bomb thwarted the Soviet Union from achieving a decisive technological advantage over the United States and probably prevented nuclear war. The H-bomb also deterred the USSR from attempting to enslave the western democracies by invading with its vast preponderance of tanks, soldiers, and aircraft. So Teller's awesome invention prevented the Cold War from turning hot, made possible the long half-century stalemate between East and West, and avoided the Third World War that many, but not Teller, thought inevitable. The Cold War ended with the peaceful triumph of democracy and the emergence between the United States and Russia of friendship. Edward Teller deserves a huge amount of credit for this happy outcome.

Edward Teller also deserves credit for conceiving the idea of missile defense as a way of defeating weapons of mass destruction. As early as 1945, Teller authored a report for the Navy arguing that missile defense against atomic weapons is possible. Teller never stopped thinking about the idea of missile defense. He briefed then Governor Ronald Reagan on the possibility of a national missile defense in 1967. He again promoted the idea of strategic missile defenses to President Reagan in the early 1980s. Teller's ideas became the basis for Ronald Reagan's Strategic Defense Initiative. SDI has evolved into the reality of a National Missile Defense to protect the United States from weapons of mass destruction launched by rogue states and terrorists.

Critics claim that missile defenses against weapons of mass destruction cannot work. Ironically, back in the 1950s, Teller's liberal critics said the same thing about the hydrogen bomb, claiming the H-bomb would not work. Those critics were wrong then and they are wrong now. Missile defenses are already technologically proven.

The bottom line about Edward Teller is that, had he never lived, millions would probably be dead today, and the Western democracies might not exist. In the future, millions will continue to enjoy the fruits of freedom and security, sheltered by missile defenses, because of the genius of Edward Teller.

I have introduced two bills that honor the memory of Edward Teller by trying to carry on his work. One bill establishes the Teller-Kurchatov Alliance for Peace. The Teller-Kurchatov Alliance will support joint research on peaceful uses of nuclear energy and promote cooperation and friendship between the United States and Russia. The other bill establishes a Commission on Nuclear Strategy of the United States. The Commission will think broadly and deeply, twenty years into the future, about the long-term role of nuclear weapons given the end of the Cold War and the rapidly changing global security environment. The Commission will harness the intellectual power of men like Edward Teller, the leading intellects of that Great Generation that guided the United States safely through the nuclear perils of the Cold War, in order to gain their wisdom and guidance on the safest course to follow in the future.

In closing, on behalf of the U.S. Congress and the American people, we say farewell to Edward Teller, the lion of science. Following his leadership and vision, we must continue to search for scientific answers to the world's most demanding challenges.

We must embrace his calls for greater cooperation with our former adversaries in the Soviet Union. Dr. Teller's life and work make clear that we can solve any problem, overcome any challenge and rise to any occasion for the good of humanity.

EXPRESSING SYMPATHY TO CITIZENS OF EUROPE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MICHAUD. Mr. Speaker, I rise today to remember the victims of the heat wave that gripped Europe through the month of August. Record-setting temperatures across the continent resulted in crop-ravaging drought, devastating forest fires and the deaths of thousands.

Cities across Europe from London to Paris to Rome experienced temperatures never before seen in recorded history. A lack of rainfall and soaring heat left crops withered and unusable. The economic costs of such losses have been measured in the billions. Forest fires burned thousands of acres, left hundreds homeless and several dead. Sadly, thousands lost their lives as a result of dehydration, fever and other heat-related illness. In France alone, more than ten thousand people lost their lives.

Citizens of Europe have not hesitated to bow their heads and join us in grief during times of tragedy, especially to remember the terrible events of September 11, 2001. Let us take a moment to express our sympathies and share in the grief of the family and friends of those who succumbed during Europe's recent human tragedy.

TRIBUTE TO LENEXA, KANSAS, MASONIC LODGE #135

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MOORE. Mr. Speaker, like all Members of this House, I commute to Washington for my work in the House of Representatives. I live in Lenexa, Kansas, and it is my honor to rise today on behalf of my home town and my congressional district, to recognize the Lenexa, Kansas, Masonic Lodge, #135, on the 130th anniversary of its founding, which is upcoming on October 15th.

A document compiled by Lenexa Historical Society member and current Masonic lodge member Angelo Mino, based on articles by Henry D. Gillette and Joseph R. Wilson, reveals that the history of this lodge is intertwined with the history of Lenexa. In reading the history of this, the very first fraternal or civic organization of Lenexa, I learned much about Lenexa's history.

The City of Lenexa was platted in 1869, and the first Masonic Lodge meeting was held the very next year, in 1870. The Lenexa lodge received official recognition from the Masonic organization on October 15, 1873. The earliest leaders of the lodge were also the early leaders of Lenexa. Members of this Masonic Lodge include the first mayor of Lenexa, the first police judge, the first postmaster, and the first city physician. This tradition of community service has continued to today.

The first Eastern Star chapter associated with the Masonic Lodge was also established in 1873. After the lodge building burned down in 1877, the Eastern Star chapter was not reconstituted until 1919 when the ADDA Chapter was formed.

In 1922, the first DeMolay group in Johnson County, Kansas, received its charter. The Lenexa Lodge has sponsored this chapter since 1994. In 1953, the Rainbow Girls Assembly #56 of Lenexa began.

Mr. Speaker, I congratulate the members of the Lenexa Masonic Lodge #135 on this remarkable anniversary, and thank them for 130 years of community leadership and service. I hope that their lodge will continue to flourish and serve our community for this century and beyond.

HONORING THE ACCOMPLISHMENTS OF BOB G. CARTER

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. PEARCE. Mr. Speaker, I rise today to recognize Bob Carter for receiving the 2003 Governor's New Mexico Distinguished Public Service Award. To know Bob Carter is to respect him. He is a public servant, a leader, a statesman and a friend.

Bob and his wife, Glenda, moved to Lovington, New Mexico in 1971 and have been an instrumental part of the community. He held the job of Lovington economic development director before becoming assistant city manager, and then city manager. In 1992, Bob was named citizen of the year by both the Board of Realtors and the Lovington Chamber of Commerce.

Bob now works for the good people of Southern New Mexico as the District Outreach Director in my office. He travels the entire district listening to the concerns and the visions of my constituents. Thanks to his background and expertise in city government, he works especially hard to facilitate economic development opportunities in Southern New Mexico.

Bob has left his trademark on our communities for his love of God, family, state and country. I thank him for his services and for his dedication to making life better for the people of Southern New Mexico.

Mr. Speaker, I ask that my colleagues join me today in recognizing and congratulating Bob Carter, a remarkable man who has selflessly served his community and fellowman. God Bless him and his family.

IN PRAISE OF MOTHER TERESA

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mrs. MYRICK. Mr. Speaker, I cannot hope to give fitting praise to Mother Teresa's impeccable legacy of generosity and selflessness on the occasion of her beatification by Pope John Paul II. Reflecting on her Christ-like attitude and example of loving charity, I share feelings of awe and deep respect with so many others who can't help but venerate this heroic woman.

I had the great honor of attending Mother Teresa's funeral in Calcutta, her adopted home and base of her own order, Missionaries of Charity. Representing the U.S. Congress on this occasion, I was once again humbled by her devotion to some of the world's most destitute citizens. Not only did this "angel of mercy" ease the physical horrors of so many hopeless people, she treated them as God's own children, leaving a global impression with her hands-on determination.

While Mother Teresa's impact was always felt by the impoverished in India, her inspirational spirit infused charitable objectives and even public policy on an international scale. She aided victims of war and tragedy in every circumstance, from those dying of AIDS in New York to the desperate in Beirut and Palestine. Ever-mindful of the sanctity of even unborn human life, the good nun is known for asserting that "a child is a gift from God. If you do not want him, give him to me." As Pope John Paul II prepares to beatify this truly virtuous woman, I pray that her fearless displays of unconditional love and charity may forever encourage us all.

TRIBUTE TO NATIONAL SPORTS CENTER FOR THE DISABLED

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to The National Sports Center for the Disabled in Winter Park, Colorado. This outstanding internationally recognized recreational program in my district has been serving people with disabilities more than thirty years.

Founded in January, 1970 by The Winter Park Ski Resort ski school to teach skiing to amputees from The Children's Hospital in Denver, this now year-round recreational program has now served over 48,000 persons with a range of disabilities.

Blind, paraplegic, cancer, stroke, amputees, deaf and cerebral palsy children and adults from across the country participate in skiing, mountain climbing, hiking, horseback riding, golfing, rafting and fishing in the beautiful Fraser Valley of Colorado.

Recreational and competitive programs prepare disabled athletes for this range of mountain sport activities to develop confidence and self-esteem in an athletic environment long thought to be inaccessible to disabled members of society.

The Sports Center's competitive programs groom elite-level skiers for regional, national and international competition. Winter Park's Disabled Ski Team competed in the 2002 Paralympics in Salt Lake City, winning over 20 medals in competition.

In 1992, a therapeutic riding center, run by volunteers, was established to give participants riding lessons, training riders in the care, grooming and health of horses. The Center also provides a fully accessible camping experience for disabled campers and their families. This outdoor experience is offered on a first come, first serve basis and is completely free.

Through a partnership with The Metropolitan State College of Denver, the Center is creating a virtual reality skiing experience on the internet to help the disabled overcome the fear of the unknown and work toward participating in the many athletic programs available at Winter Park.

Through the generous support of the Robert R. McCormick Tribune Foundation, the Denver Broncos Charities Fund, Barbara and Joseph Glaser Scholarships, and the NSCD's Sponsor an Athlete Scholarship fund, athletes from around the country are selected to come to Colorado. Scholarships are awarded based on need and athletic commitment.

Widely considered the largest and most successful outdoor therapeutic recreation agency in the world, each year thousands of children and adults with disabilities come to our magnificent state to learn they, too, can enjoy the mountains, trails, golf courses and streams that the Rocky Mountains offers our nation and the world.

Colorado and the Rocky Mountain West is proud to be the home to The National Sports Center for the Disabled in Winter Park, created and maintained to give individuals with mental or physical disabilities superb summer and winter sports programs to learn about a variety of sports and themselves.

DALLAS TEXANS '85 GIRLS RED SOCCER TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Dallas Texans '85 Girls Red Soccer Team on winning the 2003 United States Youth Soccer Association Girls Under-18 National Championship on July 27, 2003 in Germantown, Maryland.

The team was formed in the fall of 1995 and includes members from cities throughout the Dallas/Fort Worth Metroplex. Over the past eight years of its existence, the team has won numerous nationally recognized tournaments including State Championships in 1997, 1999, 2000 and 2002, and Regional Championships in 1999 and 2000. They qualified this year for the National Championship by winning the State Championship and then winning the Regional Tournament in Greensboro, North Carolina. They are to be commended for their dedication and achievements. I believe the Dallas Texans '85 Girls Red Soccer Team has represented North Texas very well.

Once again, I want to express my congratulations to Dallas Texans '85 Girls Red Soccer Team on a job well done.

TRIBUTE TO NORA KATHERINE DWIRE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to the memory of an outstanding woman from my district. Nora Dwire of New Castle, Colorado leaves behind a large family and a grateful community. It is with a heavy heart that I stand before you today to honor her remarkable life.

Nora lived in the New Castle area her entire life and was an active member of her community. She spent most of her professional career as a columnist for the local newspaper and dedicated a great deal of time to various volunteer and community organizations. Her volunteer activities centered around helping the elderly and women's groups such as the Ladies Aid and Senior Meals. Nora was also involved with her church, Women's Club, and Community Recreational Council. Nora leaves behind a large family consisting of a daughter, two sons, many great-grandchildren, and even a great-great-grandson.

Mr. Speaker, I am honored to stand before you today to remember the life of such a caring and compassionate citizen. Nora's generous spirit will truly be missed in her community, though I know that spirit will live on through the lives she touched. As her family and friends mourn her passing, I would like to recognize the devoted life Nora lived. She will truly be missed.

IN MEMORY OF TYLER MATTHEW PINCHOT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. ROYCE. Mr. Speaker, I rise today to pay tribute to Tyler Matthew Pinchot, a 23-year veteran of the Buena Park Police Department.

He was a motorcycle officer and on June 13, 2003, Mr. Pinchot was struck by a car from behind, during a traffic pursuit. His condition had deteriorated rapidly recently, and on Sunday, September 21, he passed away.

Mr. Pinchot was raised in Garden Grove and Orange, and graduated from Golden West

College's police program in 1979. Mr. Pinchot won the Officer of the Year Award two years in a row, in 1991 and 1992. He also was a Special Weapons and Tactics team member, Explorer Post adviser, station-house Santa Claus, unofficial department photographer and a tactical officer at Fullerton College's police reserve academy.

It is through the hard work of law enforcement officers like Mr. Pinchot that our communities stay safe and secure. I am honored to join with my colleagues today in paying tribute to one of California's finest.

INTRODUCTION OF THE "GOVERNMENT NETWORK SECURITY ACT OF 2003"

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today Congressman HENRY WAXMAN and I are introducing the "Government Network Security Act of 2003." This bill closes a loophole in the Federal Government's efforts to protect the security and privacy of its computers. It requires Federal departments and agencies to take steps to protect government computers and information from the risks posed by the use of peer-to-peer file sharing programs. Peer-to-peer file sharing programs are Internet applications that allow users to download and directly share electronic files from other users on the same network. These programs are surging in popularity with millions of people trading music, images and documents over these networks at any given time.

While most of the news coverage on file sharing focuses on the ability of users to illegally trade copyrighted music, movies, and videos, another less publicized dark side to this technology is the risk it poses to the security of computers and the privacy of electronic information. Few people recognize these risks. At a hearing held by the Committee on Government Reform in May, Members learned about the privacy and security risks created by these programs. Through a couple of simple searches on one file sharing program, Committee staff easily obtained tax returns, medical records, and confidential legal documents, and business files. Using these programs is similar to giving a complete stranger access to your personal file cabinet.

Needless to say, file sharing programs creates a number of risks for Federal departments and agencies if they are installed on government computers. The Federal Government uses and stores a wide variety of classified and sensitive information, including information vital to national security, defense, law enforcement, economic markets, public health, and the environment. Government computers also contain personal and financial information of U.S. citizens and businesses. Installing these programs on government computers can expose this sensitive information to the public. It also creates the potential for the spread of viruses, worms, and other malicious computer files. The files downloaded using file sharing programs can also consume valuable network resources, which could result in a degradation of network performance.

Both the House of Representatives and Senate have successfully addressed these risks through both technical and non-technical means including firewalls and employee training. This legislation would require the Executive Branch to take similar steps to protect its computers.

File sharing technology is not inherently bad, and it may turn out to have a variety of beneficial applications. However, as our committee has learned, this technology can create serious risks for users. This bill takes a common sense approach to protect the computers and networks of the Federal Government and the valuable information they contain.

HONORING TOMMY REDER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Michigan State Polka Music Hall of Fame to honor Mr. Tommy Reder of Bay City, Michigan for his musical contributions to the Polka music industry. On October 5, 2003 Mr. Tommy Reder will be inducted into the Michigan State Polka Music Hall of Fame.

Tommy Reder was born in Bay City, Michigan on February 2, 1939 to Louis and Frances Reder. He graduated from St. Stanislaus School. In 1962, he graduated from Central Michigan University. Tommy adapted a love for music at an early age. In 1947 at the age of 8, Tommy was awarded first chair in the clarinet section of the St. Stanislaus school band. By fifth grade Tommy had mastered the saxophone and began playing at various social events. His first major performance was with the Ted Dzrewicki Orchestra; it was with this group that Tommy was able to sharpen his vocal, music writing and arranging skills. In 1963 Tommy assumed leadership of the Tommy K'Orchestra, which was later renamed the Polka Towners Orchestra. The group performed at Polka Festivals throughout the country, and was the sponsor of the Polka tours to Hawaii, Toronto, Seven Springs, Pennsylvania and Las Vegas. In 1978 Tommy and his group had the privilege of performing back up for Bobby Vinton at the Riviera during the PLAV convention. The Polka Towners recorded six 45's, eight LP's, four 8 tracks, three cassettes, and one CD. Aside from performing, Tommy co-hosted the Polka Show on WKCQ and WSAM from 1974 to 1999. Presently Tommy performs with the Bay Area Concert, Midland Concert and the Vassar City Bands.

In addition to being a musical icon, Tommy is an outstanding father and husband. He has three children, Becky, Edward, and Marty. Tommy married Barbara, his wife and mother of his children in 1965. Barbara passed away in 1996. Tommy remarried in 2002, and his new bride is Dollene.

Mr. Speaker, I ask my colleagues of the 108th Congress to please join me in congratulating Tommy Reder on obtaining the State's highest honor for contributions made to the Polka Music Industry.

SEX TRAFFICKING ON THE RISE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. WOLF. Mr. Speaker, I would like to commend the President for highlighting the issue of sex trafficking in his speech to the United Nations yesterday. I am pleased the Administration is focused on eradicating this appalling practice. Modern-day slavery and slave trading is an ugly practice and is increasing in countries around the globe. Million of people worldwide are bought, sold, transported and held against their will in slave-like conditions.

This summer the State Department released its annual report highlighting countries with the worst records on trafficking. Some of these countries include, Cuba, Greece, North Korea, Sudan, and Turkey. Many countries that the United States does business with everyday are also on the tier 2 watch list. The United States should be particularly hard on these countries and demand that these countries make significant improvements and strengthen their anti-trafficking efforts. I share the President's commitment to work to end slavery.

Below is an excerpt from the President's speech:

> There's another humanitarian crisis spreading, yet hidden from view. Each year an estimated 800,000 to 900,000 human beings are bought, sold or forced across the world's borders. Among them are hundreds of thousands of teenage girls, and others as young as 5, who fall victim to the sex trade. This commerce in human life generates billions of dollars each year, much of which is used to finance organized crime.
>
> There's a special evil in the abuse and exploitation of the most innocent and vulnerable.
>
> The victims of sex trade see little of life before they see the very worst of life: an underground of brutality and lonely fear.
>
> Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.
>
> This problem has appeared in my own country and we are working to stop it. The PROTECT Act, which I signed into law this year, makes it a crime for any person to enter the United States or for any citizen to travel abroad for the purpose of sex tourism involving children. The Department of Justice is actively investigating sex tour operators and patrons, who can face up to 30 years in prison. Under the Trafficking Victims Protection Act, the United States is using sanctions against governments to discourage human trafficking.
>
> The victims of this industry also need help from members of the United Nations, and this begins with clear standards and the certainty of punishment under the laws of every country.
>
> Today, some nations make it a crime to sexually abuse children abroad. Such conduct should be a crime in all nations. Governments should inform travelers of the

harm this industry does and the severe punishments that will fall on its patrons.

The American government is committing $50 million to support the good work of organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of a new life. I urge other governments to do their part.

We must show new energy in fighting back an old evil.

Nearly two centuries after the abolition of the trans-Atlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time.

HONORING STEPHANIE FLOOD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MANZULLO. Mr. Speaker, I rise today to recognize Stephanie Flood of McHenry County, Illinois, in the district I am proud to represent. Stephanie is a remarkable 16-year old who suffered from cancer but was fortunate enough to have been cared for by the doctors and staff at Children's Memorial Hospital in Chicago. When Stephanie was nine years old, she was diagnosed with a brain tumor. Since her initial diagnosis, she has undergone radiation, chemotherapy, and four separate surgeries.

In the spring of 1997, when Stephanie was in fourth grade, she began having flu-like symptoms—headaches and nausea. The symptoms persisted for nearly three weeks. When she visited her pediatrician, he looked through her eyes and could see pressure on her brain. He immediately ordered a CAT scan of her brain, which confirmed that the pressure he saw was in fact a brain tumor. Her pediatrician then referred Stephanie and her family to Children's Memorial Hospital in Chicago because he felt the hospital had the best neurosurgeons available.

At Children's Memorial Hospital, Stephanie and her family met with Dr. Tomita and Dr. McClone who immediately planned for her surgery. At the time, her parents were struggling with their small business and had let their health insurance lapse. Dr. Tomita, however, insisted that Stephanie would have the best care available. They said the tumor was at the base of her brain stem. This extremely dangerous tumor could have left her blind, deaf, paralyzed or handicapped due to the tumor's close proximity to her nerve endings. Dr. Tomita carefully removed the tumor. After weeks of struggling with math due to memory loss associated with the brain tumor, Stephanie soon found herself getting straight A's in math class. She then went through six weeks of radiation treatments after the operation. Her radiologist, Dr. Marymount, skillfully administered the radiation, with Stephanie's only hair loss being where her incision was located.

Unfortunately, Stephanie's tumor was an ependymoma, meaning it would eventually grow back. Three years later, when she was 12 years-old, something showed up on her routine MRI again. Dr. Tomita performed another surgery, but he and her Oncologist, Dr. Goldman, decided to try a new type of chemotherapy in an attempt to get rid of the tumor once and for all. The chemotherapy was called Temazolamide, and Stephanie was one of 17 other people ever to use it.

Unfortunately, the tumor returned again, and Dr. Tomita suggested a new type of treatment, Gamma Knife radiation. Stephanie thought she would try this treatment which would be much easier than another brain surgery again. A team of doctors screwed a metal plate into her head with hundreds of little holes. They then sent radiation directly into the area where the tumor was located, hoping to shrink it.

The Gamma Knife procedure was successful in helping shrink the tumor for a short period of time, but another MRI eventually showed its regrowth. Dr. Tomita and Dr. Goldman suggested another new type of treatment called Intrabeam Radiation for Stephanie, who was only the fourth patient in the nation to ever use it. The tumor was again removed by Dr. Tomita, and the remaining cancer cells where the tumor originated were irradiated. Thus far, it has been eight months, and Stephanie is extremely hopeful that this final procedure will rid her of the tumor permanently.

Stephanie is extremely fortunate to be under the care of such wonderful doctors. She is also very proud to be part of a brand new study in hopes that she will help other children who suffer as she did. Cells from her tumor were actually taken from her tumor and are currently being studied at the Children's Research Center in Chicago in order to discover how and why the tumor continued to regrow. Without Children's Hospital, this incredible story would not have been possible.

Mr. Speaker, I wish to extend my support to Stephanie and the many other children who are fighting such difficult battles. I commend Children's Memorial for all of the work they have done for her. I would also ask that we continue to work hard to support children's hospitals in order to save more children just like Stephanie. It is my hope that with continued research into new lifesaving treatments, children all over the country will be given the precious gift of life.

75TH BIRTHDAY OF MR. JAMES WYNNE HART

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great pleasure that I rise today to commemorate the 75th birthday of Mr. James Wynne Hart.

Born on September 10, 1928 Mr. James Wynne Hart has dedicated much of his life to spreading the word of God. For over thirty years, Mr. Hart served with distinction as a minister of the United Methodist Church. Having served pastorates in Vonore, Kingsport, Chattanooga, Knoxville, Tennessee, and in addition Bluefield, Virginia, Mr. Hart has been an integral part of the spiritual life of these communities.

Despite his retirement from the Ministry, Mr. Hart continues to be active in his church, the Clyde United Methodist Church in North Carolina. Currently, Mr. Hart resides in Lake Junaluska, North Carolina, with his beloved wife of 51 years, Mrs. Frances Cobb Hart.

A graduate of Emory and Henry College in Abingdon, Virginia, Mr. Hart pursued and completed post-graduate studies at the Candler School of Theology at Emory University in Atlanta, Georgia.

Mr. Speaker, I am honored to commemorate this man of conviction, principle, and God, on such a joyous occasion. I ask you to join me in congratulating Mr. James Wynne Hart on his 75th birthday, and in wishing him and his wife, many more years of happiness and accomplishment.

CONGRATULATING THE COAST GUARD HOUSE RESTAURANT AND RESTAURANT: PROV/ATOMIC CATERING FOR EARNING THE 2003 RESTAURANT NEIGHBOR AWARD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to honor two restaurant operators in Rhode Island's second district that have been awarded the prestigious 2003 Restaurant Neighbor Award. The Coast Guard House Restaurant in Narragansett and Restaurant PROV/Atomic Catering in Providence were recently recognized by the National Restaurant Association for their remarkable community involvement in addition to their commitment to quality food. The current economic situation makes these generous contributions even more important, and Rhode Island restaurants and small businesses are stepping in to help. Seventy-eight restaurants from forty-three states earned the Restaurant Neighbor Award in 2003, and I am pleased that two were from my home state.

Every year, owner Deborah Kelso oversees the Coast Guard House's donations of more than $30,000 to community causes including the Rhode Island Food Bank, South County Hospital, Sisters of the Poor, Johnnycake Center, March of Dimes, and Seniors Helping Others. The main event over the last ten years has been the restaurant's lead sponsorship of Concerts on the Beach, the annual Rhode Island Philharmonic concert on the Narragansett Town Beach. The Coast Guard House hosts a pre-concert reception and fundraiser, which raises more than $10,000 to help offset the cost of the event. This concert provides 30,000 families an opportunity to enjoy beautiful music in an extraordinary setting.

Restaurant: PROV and Atomic Catering, both owned by Stoli Management, are equally deserving of this recognition. Thanksgiving at Restaurant: PROV is an annual tradition for many families. Every year, 1,000 low-income individuals who might not otherwise have a meal are treated to a free Thanksgiving celebration with all of the usual fixings. In addition, employees, led by Executive Chef/co-owner Kevin Millonzi, served more than 400 meals to relief workers, volunteers, and victims' families in the wake of the deadly fire at the Station nightclub in February 2003. Stoli Management also donates time and food to Chefs for Cystic Fibrosis, the annual Zoobilee, and Providence Fire Fighters.

Kelso and Millonzi's beliefs in volunteerism and giving back the community are applicable in their own lives as well as the way they run their restaurants. The commitment to giving of these two companies is an inspirational model, and I hope more businesses around the country follow their lead and contribute to their own communities.

TRIBUTE TO THE LIFE OF JACOB E. DAVIS II

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BROWN of Ohio. Mr. Speaker, it is my privilege to pay tribute to the life of Jacob E. Davis II, a model of hard work, commitment, and community service, who passed away on August 29. Jacob's exemplary career began in college as a student at Princeton University's Woodrow Wilson School of Public and International Affairs. After graduating cum laude, he served four years in the U.S. Navy and another seven in the Navy Reserves. He worked for Gov. Michael DiSalle of Ohio and former U.S. House Speaker Sam Rayburn before earning his law degree in 1963 from The Ohio State University. In 1963, Jacob Davis joined the law firm of Vorys, Sater, Seymour and Pease in Columbus, Ohio, and was appointed Partner in 1970. After seven years managing the firm's Washington office, he returned to the firm's Columbus office and to the city he considered his home.

Throughout his career, Jacob remained committed to his community and his church. He was active in the First Community Church, serving in many leadership positions, including Chairman of the Board of Trustees. He was a member of the Columbus Mayor's Human Rights Commission and the Franklin County Veterans Memorial Board. As Secretary of State, I appointed him to the Ohio Elections Commission in 1990, where he served admirably.

Jacob E. Davis II left an indelible mark on his community and those close to him. I extend my condolences to Sallie, his loving wife of 36 years, his family, and all those who will treasure Jacob's memory.

RECOGNITION OF WSIU/WUSI–TV

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. SHIMKUS. Mr. Speaker, I rise to congratulate WSIU/WUSI–TV, the public television stations serving southern and southeastern Illinois on their switch to digital technology.

I have seen first hand the enormous challenge it is to not only commercial television stations but to public broadcasters to convert to digital programming. However, public stations are taking the lead and using digital technology for education.

Such is the case with WSIU/WUSI by sponsoring and developing these worthwhile programs: PBS Kids will offer Ready to Learn programming and afterschool specials. Chalkwaves will offer K–12 classroom instruction. Adult education will be improved. The Illinois Channel, a CSPAN-style broadcast bringing Illinois state government to the people, will become available.

I want to wish WSIU my sincere congratulations on the switch to digital this Sunday. I am sorry that I cannot join them in person but want to acknowledge their service to the people of Illinois.

Congratulations from us all to WSIU/WUSI Channels 8 and 16!

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. BALLANCE. Mr. Speaker, I could not be here to vote on Tuesday, September 23, 2003, as I was touring the 1st Congressional District, meeting with Federal, State, and local officials and my constituents as they recover from Hurricane Isabel. Had I been present, on rollcall vote No. 509, I would have voted "aye"; on rollcall vote No. 510, I would have voted " aye"; on rollcall vote No. 511, I would have voted "aye"; and on rollcall vote No. 512, I would have voted "aye."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 25, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9 a.m.

Governmental Affairs

To hold hearings to examine the nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, Craig S. Iscoe, to be Associate Judge of the Superior Court of the District of Columbia, and Brian F. Holeman, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities industry.

SD–538

Indian Affairs

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings to examine S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982.

SD–366

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine illegal file sharing on peer-to-peer networks and the impact of technology on the entertainment industry.

SD–342

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine underage drinking.

SD–430

2 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine visa issuance in relation to homeland security.

SD–226

OCTOBER 1

9:30 a.m.

Governmental Affairs

To hold hearings to examine the need for federal real property reform.

SD–342

OCTOBER 2

10 a.m.

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Energy and Commerce to examine activities of the National Institutes of Health.

SD–106

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park.

SD–366

2 p.m.

Indian Affairs

To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.

SR–485

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

OCTOBER 15

10 a.m.

Indian Affairs

To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

SR–485

OCTOBER 16

10 a.m.

Indian Affairs

To hold hearings to examine the Missouri River Master Manual.

SR–485

OCTOBER 21

10 a.m.

Indian Affairs

To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.

SR–485

OCTOBER 22

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.

SR–485

OCTOBER 30

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, September 25, 2003*

The House met at 10 a.m.

The Reverend Dr. Harold R. Mayberry, Senior Pastor, First African Methodist Episcopal Church, Oakland, California, offered the following prayer:

God of wisdom, humility, and compassion, we thank You for the marvelous gift of life that You have so wonderfully shared with us. For the ability to reason without being unreasonable, and to learn from one another, for the spirit of cooperation that serves to bless us all, we give You thanks.

We pray, O God, that Your constant presence which provides guidance will be manifest in the spirit of each congressional representative and that Your will and Your strength will shape their decision-making.

We pray, O God, that Your spirit of sensitivity, for the well-being of all of Your people, will be lifted up in this body.

May those who serve in this Chamber never know fear as they seek to do what is morally right as mandated by You. May courage be the order of the day; may Your spirit of peace rule here; and may You always be acknowledged as Lord and Leader we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. HAROLD R. MAYBERRY

(Ms. LEE asked and was given permission to address the House for 1 minute).

Ms. LEE. Mr. Speaker, let me just say, first of all, how honored we are that Pastor Harold Mayberry has presented and provided with us a very powerful prayer this morning.

Pastor Mayberry is the pastor, as he indicated, of First AME Church in Oakland, California. Pastor Mayberry and his wife, Mary Mayberry, are here with us this weekend as we work to look at the major issues which, of course, the Congressional Black Caucus and all of us deal with each and every day.

First AME Church, let me just say, is a very powerful church, a very committed church in our community. It is a shining light in Oakland and in the East Bay. It provides a vision for our community. It is a church which, under Pastor Mayberry's leadership, insists that our community puts people first in the sense that they focus on educating our young people, housing the homeless, feeding the hungry. It is a congregation that makes religion really real in our community, and that is thanks to Pastor Mayberry and the First AME Church family.

The leadership of this congregation has made many, many changes in our great East Bay and especially in the city of Oakland, California. And for that we are deeply grateful.

We are honored and privileged that Pastor Mayberry and his wife, Mary, are here with us today. Mr. Speaker, I am thankful for the opportunity to share his wisdom and his insight with this great august body.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The SPEAKER. Pursuant to clause 11 of rule I, the Chair appoints Mr. CHABOT and Ms. LOFGREN as conferees on S. 3.

The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 5 one-minute speeches on each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TRAFFICKING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President this week made a courageous move at the U.N. He called on the world to act against trafficking. The U.N. should follow the President's lead and take action.

Human trafficking is one of the worst forms of human violations in the world today. Each year, over 800,000 men, women, and children are trafficked into prostitution or forced labor. It is modern-day slavery. It is absolutely vital that we act to remove these people from slavery and assist in their recovery, but it is also important that police and security forces around the world root out the people who profit off of this special evil.

Many of these people are involved in organized crime. There are even reports that suggest profits from trafficking in persons are used to support terrorist activities.

Make no mistake about it, any government that tolerates trafficking, tolerates a form of slavery.

THE COST OF REBUILDING IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, last fall the President's economic adviser, Larry Lindsey, said the war in Iraq could cause $100 billion to $200 billion. Well, Wolfowitz, Rumsfeld, said, "That is absurd. Those are crazy numbers." In fact, Wolfowitz said, "Don't worry, they can pay for their own reconstruction."

Now, the President is asking Congress to borrow $87 billion in the name of the American people. $20 billion of that to rebuild the infrastructure of Iraq.

Now, it is nice that we want to build a $150 million children's hospital in Iraq, but American kids lack basic health care. Where is the money for that?

It is nice that they want to rebuild the Port of Umm Qasr, $80 million. The President has zeroed out dredging ports in my district.

Billions for the electric grid; not a penny for the faltering electric grid in the United States of America.

$20 billion invested here would create 1 million U.S. jobs. $20 billion in Iraq is a drop in the bucket of what it is really going to cost, but it will produce some nice profits for Halliburton.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO SGT. JASON "TYE" PRATT

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I come to the floor today with great sadness. Two weeks ago in Omaha, a brave, dedicated police officer, Sgt. Jason Pratt, was gunned down by a violent criminal following a routine traffic stop. He died of severe head injuries last Friday. I attended his funeral 2 days ago.

I want to extend my sincere condolences not only to the family and friends of this heroic man, but to the entire community for the loss of such a brave officer. But while I rise today to mourn the death of Sgt. Jason "Tye" Pratt, I also want to celebrate his life, a life built upon optimism, bravery, compassion and dedication.

Those who were lucky enough to know him will tell you what an honorable husband, father, son, brother, friend, coworker and citizen he was. A 1992 honors student graduate of Burke High School, dubbed as having the "best smile," he married his wife, Stacy, in 1995 and began his work serving the Omaha community as a rookie police officer in 1996. Upon completing training in 1997, he joined the SWAT unit, the emergency response unit.

Jason and Stacy were the parents of two young daughters, Madison and Jordyn. Sgt. Pratt bragged about his wife and her work at the Immanuel Medical Center and his daughters constantly at work.

He was known for his tremendous discipline, work ethic and commitment. He balanced an irresistible sense of humor with full-throttled intensity in whatever role he undertook. This is a man who truly loved what he did, and never hesitated to help somebody in need.

Police officers are everyday heroes. They put their lives on the line day in and day out to ensure our safety and protect our community.

For a week, Sgt. Jason "Tye" Pratt hung on to his life in the hospital, receiving an outpouring of prayers. He is a true hero. Sgt. Pratt was a hero to his wife, daughters, family and fellow officers, and he will remain a hero to all of us.

THE AMERICAN DEBT

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, it has been 868 days since President Bush and the Republican Party embarked upon their economic plan for our country. During this time, the national debt has increased by $1,163,468,782,425.75.

According to the Web site for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday as of 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,803,794,168,784.52.

The interest we will have to pay on this debt, the debt tax, for fiscal year 2003 through the end of August, amounts to $304,978,878,641.11.

HONORING GOVERNOR HUGH GREGG

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor a dedicated public servant who has devoted his life to the State he so loved dearly, former Governor Hugh Gregg.

Governor Gregg passed away yesterday at the age of 85. Governor Gregg wore many hats in his lifetime, war hero, businessman, lawyer, public servant, but he will most be remembered as a devoted husband to his wife, Catherine, a father to his two sons, Cyrus Gregg and U.S. Senator JUDD GREGG, and a grandfather and great-grandfather.

He served as a special agent in the U.S. Army Counterintelligence Corps from 1942 to 1946 in China. He also served as an alderman in his hometown of Nashua, and later became mayor of that city.

Governor Gregg was proud to be a politician and realized that politics was the vehicle to better the lives of New Hampshire's citizens. He perhaps will most be remembered for his passion for the New Hampshire first-in-the-Nation presidential primary. Governor Gregg authored two books on the New Hampshire primary, and his history of the primary is part of the official State record published by the Secretary of State's office.

Not one to sit by idly, Governor Gregg was still a dominant presence in the State, even at the age of 85, most recently serving on the State Ballot Law Commission.

Governor Gregg's legacy will continue to live on in the causes he held so dear to his heart, helping those with disabilities and preserving New Hampshire's unique role in the political process. The State mourns the loss of a great statesman, civic leader and friend, and his efforts to make New Hampshire a better place in which to live has made a lasting impact on all who call New Hampshire home.

Governor Gregg represented the New Hampshire ideals we all cherish: Integrity, strength and honesty. He has raised the bar high for those who want to be public servants. His civility, frankness and fairness will be sorely missed.

□ 1015

A LOOK AT U.S. DAILY DEATHS IN IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, in the next few days, we will hear people say that if you do not support that $87 billion, you are against the troops and you do not care what is happening to our people in Iraq.

The fact is that since this war started, 304 people have died. Mr. Speaker, 167 have died since the President announced that the mission was accomplished. And now they want us to give them a blank check with $87 billion. They will not change one single thing. They will not acknowledge anything with the international community; they will not change anything.

Mr. Speaker, Sergeant Lunsford Brown died on September 20. Captain Brian Faunce died on September 18. Sergeant David Freidrich died on September 20. Sergeant Paul Sturino died on September 22. They continue to die, and the President will not tell us how he is going to get us out of this morass, except give me more money or you are unpatriotic.

Members in this House who want to ask questions are not unpatriotic. The people who make those kinds of charges ought to stand down here and tell people what they did when their chance came.

Some of us served. I was not in Vietnam, but I was in the hospitals dealing with people who came back. Everybody in this body ought to go out to Walter Reed and walk around Unit 56 and look at those amputees and talk to them.

SUCCESS STORIES FROM IRAQ

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as part of the Committee on Government Reform that took a recent official visit to Iraq, I witnessed what I thought was the true shock and awe story. I saw the progress of a fledgling free nation, and I came away knowing we have every reason to be optimistic in that country.

My disappointment, Mr. Speaker, is that when watching the evening news on my return home, I could scarcely recognize the situation I had just left. In Iraq, General James Conway of the First Marine Expeditionary Force described our efforts there as a vivid success story, both during the major combat phase and since its conclusion. Perhaps most important, he said that most Iraqis were concerned not that we would stay too long, but that they would leave too soon.

As a doctor, I particularly wanted to assess the Iraqi health care system. I knew the difficulties that this system had suffered under Saddam's rule, but I also knew that we were starting to see the decrepit hospitals begin to improve. Most of these hospitals had no nursing staff left at all.

A member of the public health team of the 385th Civil Affairs Brigade, Lieutenant Michael Keller, told me that in the library at the medical school no text had a copyright date later than 1984. Mr. Speaker, on average, Saddam's government spent 50 cents per person on health care. Since the fall of that regime, that amount has increased to $45.

SUPPORT COMPREHENSIVE MANDATORY SECURITY TRAINING FOR FLIGHT ATTENDANTS

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise to express my support for comprehensive mandatory security training of the Nation's flight attendants. A bipartisan measure included in the FAA reauthorization bills passed by the House and Senate would have required the TSA to establish clear, consistent security training standards for all flight attendants, regardless of airline affiliation.

The agreement would have ensured fight attendants received self-defense instruction as well as training to coordinate effectively with Federal air marshals, closing a glaring gap in the Nation's aviation security program.

Unfortunately, this critical provision was stripped, apparently at the behest of a single carrier, from the final conference report. Under the new language, TSA could, but would not be required to, issue guidelines for flight attendant security training programs. In the absence of a statutory requirement, TSA is unlikely to establish the rigorous training program demanded by flight attendants.

Forcing flight attendants with no prior self-defense training to confront well-armed, suicide terrorists is unfair and unwise. Flight attendants are uniquely capable of disrupting a potentially devastating terrorist attack. The attempted hijacking of a Quantas flight in May is a good example. The incident, which left two flight attendants and two passengers with stab wounds, dramatically illustrates the consequences of inadequate security training.

The Department of Homeland Security's recent warning of another suicide hijacking reminds us of the perils of complacency. I was pleased that the Committee on Rules reported out a resolution recommitting the reauthorization bill to conference. As this legislation is rewritten, I urge my colleagues to support restoration of the original flight attendant training language.

EXPRESSING DISMAY WITH REMARKS OF PRESIDENTIAL CANDIDATE HOWARD DEAN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to express my dismay with the recent remarks made by Presidential candidate Howard Dean. His remarks related to the U.S. role in the Israeli-Palestinian conflict.

Dr. Dean said that it is "not our place to take sides," in this conflict. He could not be more wrong. We must as Americans support the only democracy in the region that deals with the ongoing battle of terror. I was in Israel just last month, and I saw firsthand the death and destruction of Hamas and the suicide bombers. They continue to inflict this tragedy on the country of Israel.

Edmond Burke said that "all that is necessary for the triumph of evil is for good men to do nothing." Dr. Dean would have us do nothing and allow evil to triumph over our friends and our allies.

His comments are out of touch and uninformed. I call on all of my colleagues in this body from both sides of the aisle to denounce his thoughtless words. Truly good men recognize that what he has said is simply wrong and that he should be reminded that it is always the place of the United States to take the side against terror.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 69, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, under the previous order of the House, I call up the joint resolution (H.J. Res. 69) making continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 69 is as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2004, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2003, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(3) The District of Columbia Appropriations Act, 2003.

(4) The Energy and Water Development Appropriations Act, 2003, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(5) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

(6) The Department of the Interior and Related Agencies Appropriations Act, 2003.

(7) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003.

(8) The Military Construction Appropriations Act, 2003.

(9) The Department of Transportation and Related Agencies Appropriations Act, 2003.

(10) The Treasury and General Government Appropriations Act, 2003.

(11) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. The appropriations Acts listed in section 101 shall be deemed to include supplemental appropriation laws enacted during fiscal year 2003.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2003.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. (a) The matter under the heading "Department of Education—Education for the Disadvantaged" in division G of Public Law 108–7 is amended—

(1) by striking "$4,651,199,000" and inserting "$6,895,199,000"; and

(2) by striking "$9,027,301,000" and inserting "$6,783,301,000".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 31, 2003, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2003 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2004 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2003, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1 and December 1, 2003, may continue to be made.

SEC. 113. Section 1316(c) of Public Law 108–11 shall be applied by substituting the date specified in section 107(c) of this joint resolution for "September 30, 2003" each place it appears.

SEC. 114. Activities authorized by section 403(f) of Public Law 103–356, as amended by section 634 of Public Law 107–67, and activities authorized under the heading "Treasury Franchise Fund" in the Treasury Department Appropriations Act, 1997 (Public Law 104–208), as amended by section 120 of the Treasury Department Appropriations Act, 2001 (Public Law 106–554), may continue through the date specified in section 107(c) of this joint resolution.

SEC. 115. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act, shall remain in effect through the date specified in section 107(c) of this joint resolution.

SEC. 116. Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) shall be applied by substituting the date specified in section 107(c) of this joint resolution for "October 1, 2003".

SEC. 117. Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "1.38 percent" in the last sentence and inserting "1.46 percent".

SEC. 118. Collection and use of maintenance fees as authorized by section 4(i) and 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a–1(i) and (k)) may continue through the date specified in section 107(c) of this joint resolution. Prohibitions against collecting "other fees" as described in section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) shall continue in effect through the date specified in section 107(c) of this joint resolution.

SEC. 119. The full amount provided under this joint resolution for necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), section 118(f) of the Superfund Amendments and Reauthorization Act of 1986, and section 3019 of the Solid Waste Disposal Act, shall be derived from the general fund.

SEC. 120. National Aeronautics and Space Administration is authorized to implement full cost accounting as of October 1, 2003, in the account structure that is consistent with the President's request for fiscal year 2004.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 107(c), the limitation on new loan guarantee commitments of the Federal Housing Administration, General and Special Risk Insurance Fund, shall be $3,800,000,000 for the period of applicability of this joint resolution to continue projects and activities under that account: *Provided*, That the Secretary of Housing and Urban Development shall submit daily reports to the Committees on Appropriations of the House of Representatives and the Senate on the total amount of new loan guarantee commitments issued during the period of applicability of this joint resolution.

SEC. 122. For the period covered by this joint resolution, there shall be available, at the current rate of operations for fiscal year 2003, such funds as may be necessary for grants and necessary expenses as provided for, in accordance with, and subject to the requirements set forth in the Compacts of Free Association, as amended, and their related agreements, (sections 211, 212, 213, 214, 215, and 217) as between the Government of the United States of America and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and (sections 211, 212, 213, 214, and 216) as between the Government of the United States of America and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended: *Provided*, That if H.J. Res. 63 of the 108th Congress, or similar legislation to approve the Compacts of Free Association, is enacted, any funding made available in this appropriation shall be considered to have been made available and expended for the purposes of funding for fiscal year 2004 as provided for in such enacted legislation.

SEC. 123. From amounts available to the Bureau of Indian Affairs under this joint resolution, $123,500 shall be available to satisfy the requirements specified in sections 10(f), 11(b)(2), and 11(c) of Public Law 106–263.

SEC. 124. Notwithstanding any other provision of this joint resolution, except section 107(c), the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds-Operating Expenses" at the rate set forth for such programs and activities under title II of H.R. 2765, 108th Congress, as passed by the House of Representatives.

SEC. 125. Notwithstanding any other provision of law or of this joint resolution, except section 107, amounts provided in this joint resolution and in prior Appropriations Acts from the Airport and Airway Trust Fund shall be available for fiscal year 2004, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003, for expenditures to meet obligations, heretofore and hereafter incurred, as paid from the Airport and Airway Trust Fund in fiscal year 2003.

SEC. 126. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Highway Administration, for purposes described in 23 U.S.C. 104(a)(1)(A), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 127. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Bureau of Transportation Statistics, in accordance with 49 U.S.C. 111, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 128. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Transit Administration, in accordance with the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, shall continue to be transferred and credited to the Mass Transit Account of the Highway Trust Fund, to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner provided under section 5338(g) of title 49, United States Code.

SEC. 129. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the National Highway Traffic Safety Administration, in accordance with 23 U.S.C. 402, 403, 405, 410 and chapter 303 of title 49, United States Code, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 130. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Motor Carrier Safety Administration, for purposes described in 23 U.S.C. 104(a)(1)(B), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 131. Notwithstanding any other provision of law, amounts shall continue to be appropriated or credited to the Airport and Airway Trust Fund and the Highway Trust Fund after the date of any expenditure pursuant to this Act.

SEC. 132. Notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of sections 125 through 130, and section 134, of this joint resolution that would change direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SEC. 133. Notwithstanding any other provision of this joint resolution, during fiscal year 2004, direct loans under section 23 of the Arms Export Control Act may be made available for the Czech Republic, gross obligations for the principal amounts of which shall not exceed $550,000,000: *Provided*, That such loans shall be repaid in not more than twelve years, including a grace period of up to five years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs for these loans: *Provided further*, That the Government of the Czech Republic shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, associated with these loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of the Czech Republic prior to any disbursement of any loan proceeds: *Provided further*, That no funds made available to the Czech Republic under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

SEC. 134. The following provisions of law shall continue in effect through the date specified in section 107(c) of this joint resolution:

(1) Sections 9(b)(7), 14(a), 17(a)(2)(B)(i), and 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7), 1762a(a), 1766(a)(2)(B)(i), and 1769(f)(2)).

(2) Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

SEC. 135. Section 8144(b) of the Department of Defense Appropriations Act, 2003, Public Law 107–248, is amended by striking "on September 30, 2003" and inserting "October 31, 2003".

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 24, 2003, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.J. Res. 69, is a continuing resolution for fiscal year 2004, and it would extend until the end of October. Normally we do a 3- or 4- or 5-day CR, but the wiser approach is to do this for the entire month of October because there is considerable work still to do that has not yet been completed. This legislation is needed to continue the operation of the Federal Government for the first month of the new fiscal year.

I think everyone is aware that the Committee on Appropriations continues to work on the fiscal year 2004 bills. The House, as a matter of fact, has passed all of our appropriations bills, we passed three conference reports, and we have two more bills in conference with the other body as we speak today. Yesterday, we passed the conference reports for three very important appropriations bills: the Defense Appropriations bill, the Homeland Security Appropriations bill, and the Legislative Branch Appropriations bill that also included supplemental appropriations for natural disasters and forest fires.

We are continuing to move forward on conferences with the other body. We hope to have the conference reports for Energy and Water and Military Construction ready for House consideration very soon.

As I think we all know, in addition to our regular appropriations bills, we are also in the process of considering an $87 billion budget amendment for the war against terror. Yesterday, we began oversight hearings on this request. There is still a considerable amount of work for our committee to do before we are able to adjourn.

That is the reason for this continuing resolution. Let me now briefly describe the terms and conditions of the continuing resolution. It will continue all ongoing activities at current rates, including supplemental funding, under the same terms and conditions as fiscal year 2003. As in past CRs, it does not allow new starts, and it restricts obligations on high initial spend-out programs so the annualized funding levels in this bill will not impinge on our final budget deliberations.

It includes provisions that allow for the continuation of programs and fee collections that would otherwise expire, for example, entitlement payments under the Food Stamp program, certain child nutrition programs, certain SBA loan programs, and payments to military personnel for imminent danger special pay and family separation allowances. The CR also allows the District of Columbia to spend local funds through the period of the CR at budget levels as passed by the House. The CR ensures that funding is available during the period of the CR to conduct administrative oversight and to pay certain Department of Transportation personnel managing surface and aviation programs in the absence of reauthorizations for such programs.

A provision was also requested by the Administration that is included in the CR that provides legislative authorization to implement a new, no-subsidy $550 million Foreign Military Financing 12-year loan to the Czech Republic for the purchase of 14 of our used F–16 aircraft, weapons, training, and related logistics support from the United States.

Mr. Speaker, I do not think this CR is controversial, and I urge the House to move it to the Senate so the government may continue to operate efficiently and so that we can continue our work to finish the balance of the appropriations bills and the substantial request that we have for the $87 billion war against terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this continuing resolution will, I assume, be known as the Halloween appropriation bill for the year 2003, because what it does is to extend government activities until October 31 of this coming year. I am looking around the floor, looking for the chickens, and I do not see any. And I am a little confused by that, because this is the day that the chickens come home to roost. I guess they are invisible, much like much of the truth is in the budget resolution that passed earlier this year. But I think we need to understand how we got to this situation today.

As of today, even though we are supposed to have all 13 appropriation bills passed by October 1, plus any supplementals for that fiscal year, despite that fact, this House has passed only three of the 13 conference reports that it would have to pass on appropriation bills in order to do its work. Now, that is not the fault of the Committee on Appropriations; it certainly is not the fault of the gentleman from Florida. The problem is that we have a budget process which has been stood on its head.

The idea behind the original budget resolution was that it was supposed to force all of the players in the Congress to face reality. Instead, it has been used increasingly each year by the House Republican leadership to assist the House in avoiding reality and ignoring reality.

What happens is this: the budget resolution for the year is produced by a committee that has absolutely no responsibility to implement it. The Committee on the Budget produces unreal numbers; they produce numbers that pretend that this Congress will spend less money than will actually wind up being spent on discretionary appropriations. It pretends in the budget resolution, as it did in April, that budget resolution pretended that we were going to meet the goals that many moderate Republicans had in this House for special education and for the No Child Left Behind Act, for instance. And then as soon as the budget resolution was passed, then the Committee on Appropriations is given the responsibility to deliver reality. And because the majority did not provide sufficient room in the budget resolution for this House to meet the promises that were laid out in the Republican budget resolution, then the Committee on Appropriations is stuck with the job of being the bad guy messenger.

□ 1030

So then poor RALPH REGULA, the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, has to come to the floor and say, "Sorry, boys and girls, we do not have enough room in the resolution to do what we promised we would do just 3 weeks ago." So we cannot fund special education the way we were going to fund it, and we cannot keep our promises on title I or the No Child Left Behind Act, and the list goes on and on and on.

So because that budget resolution starts out with an unrealistic set of numbers, then the next 6 months the House and the other body try to get a double hernia trying to lift enough weight in order to get and pack all of these obligations into a tiny overall budget ceiling bag, and they cannot do it because they cannot repeal the basic laws of mathematics.

So now we are here with only three of the 13 appropriation bills passed. Last year when this happened, our friends on the majority side of the aisle blamed the other body because it was under Democratic control. Well, this year that is not the case. This year the Republican Party has all the marbles. They run the House, they run the Senate, they run the White House, and on good days, they even run the Supreme Court. And now what happened is that they do not have anybody to blame anymore. And the fact is, right now the majority Republican Party is having a fight with itself and it cannot win the debate. So it is stuck.

And so the gentleman from Florida (Mr. YOUNG), who has done his job, I mean the gentleman from Florida (Mr. YOUNG) has been a loyal soldier, followed his marching orders, even though the orders produced turkey results. He is a good, loyal soldier, and he has followed them; and so now he has to come to the floor and say, "Folks, guess what, because the budget resolution was not real, we have not been able to move these bills forward, and so we are stuck way behind on the calendar." And that is not the whole story.

In addition, yesterday we had a hearing on the supplemental for Iraq. Now, we were told in March of this year by the wizard who ran OMB for the past 2 years, Mitch Daniels, we were told by the resident wizard over there that Iraq was only going to cost the $60 billion that the White House had already asked for in their first appropriation and there would not be any more need for money for Iraq for this year. They were only off by $87 billion. So now we have got to come in and pass a supplemental, even though the witnesses yesterday did not have a clue, or at least they would not tell us if they did, about what it was going to cost us over the next 5 years to carry out, not our program, but their program in Iraq.

So, very frankly, this Congress has no budget process at this point. The truth is revealed to us on the installment plan by the administration in terms of the cost of the effort for Iraq, and the truth is obscured as far as the domestic budget is concerned in order to maintain the fiction that, even though we have conducted a unilateral war, we can afford to continue to provide $88,000 tax cuts to millionaires in this country, and that is the biggest fiction of all.

So this bill is here trying to put a reality patch on an Alice in Wonderland fairy tale which is what the budget resolution has been. And so I do not blame the press for not covering it. This is too absurd a story to cover, and so we are left here facing inevitability; and we have no choice but to pass this resolution today.

Now, I would like to think that we would see a new sense of reality in the coming months, but I do not think so; and I go back to the conversation that I had years ago with Dick Bolling who served in this House, very distinguished career, and who wrote the Budget Act under which the budget resolution comes to the floor every year. Dick Bolling told me the night before he finalized his recommendations that he had one hard choice to make. He said, "I do not know whether we should set up the Committee on the Budget so that people who are on the Committee on the Budget are people who represent the power centers in this institution, like the Committee on Appropriations and the Committee on Ways and Means and the other committees with direct spending authority. I do not know whether we ought to require that it be made up of people like that or whether we ought to require that it be made up of independent players appointed by the caucuses without respect to what committees they serve on." He decided to do the latter. But when he did, he said, "If the party leaders do not take this process seriously and if they do not use it to force reality, then," he said, "I will have made a bad mistake."

And in fact, I think what has happened is that the majority party leadership has decided to use the budget process, not as an instrument to force Members of Congress to make hard choices but, rather, as an instrument that facilitates the pretense that we can have it all. And so we pretend that we can provide $3 trillion-plus in tax cuts, even though we no longer have the surpluses that we had, that we were expecting when those tax cuts were passed.

We pretend we can fight a war in Iraq and charge every single dime to our grandchildren, and we pretend that that war will not have a consequence in terms of denied opportunities for kids to get a decent education and denied opportunities for people without health care to get some coverage. We pretend there are no consequences to the free-lunch budget that this place has passed. Well, there are in the real world, outside of this Chamber. And in this Chamber, probably the least consequential consequence is that we get stuck with having to pass a CR.

Now, this is not the first time that this has happened, but each year the problem gets worse because each year the Committee on Appropriations is asked to perform an act that is more and more impossible because the budget resolution is less and less responsible and real. And sooner or later we will come to the conclusion that the only way to return credibility to this House on the budget matter is to start with a budget resolution that makes sense and is honest in the first place.

We have not done that in years; and I will readily grant that in some years, when our party was in control, we did not have budget resolutions that were the finest in the world either. But none of them, none of them departed as much from reality as the budget resolutions the last 3 years in this place; and so that is why we are here today, not because the Committee on Appropriations has not done its work, but because the Committee on Appropriations is asked to perform an impossible act. It is supposed to tell the truth in the context of a budget resolution which is a public lie; and that, no one can do.

So I sympathize with the gentleman from Florida. I will support this resolution because it is the only alternative we have, but the reasons we are here, indeed, do no great credit to this institution.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

I want to thank the gentleman from Wisconsin (Mr. OBEY) for pointing out that basically the Committee on Appropriations in the House has done its job. There are other reasons that are beyond our control that require us to have this CR. So I appreciate him pointing that out.

As he speaks to the budget issue, I want to defend the chairman and the ranking member and every member of the Committee on the Budget, but I would join the gentleman from Wisconsin (Mr. OBEY) in not having very complimentary comments about the product that eventually came to us as a budget resolution. It required considerable creativity on the part of the Committee on Appropriations in order to do what we had to do and still comply with the budget; and the fact that we were able to conclude our 13 bills early on is in no small part thanks to the cooperation that the gentleman from Wisconsin (Mr. OBEY) and I had with each other as we proceeded through some of these rocky paths, some of the very difficult differences that we had that we were able to finally work out.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman indicated that the budget resolution required a great degree of creativity. I would like to explain to the House what one of those creative measures has been.

Last year, in order to pretend that the budget resolution provided adequate funding for education, the committee provided what was known as "advance funding" for education to the tune of $2.2 billion. That meant that, for Enron accounting purposes, that $2.2 billion, which was appropriated last year, was not going to count until the next fiscal year, 2004; but now, guess what. Now we are at the end of fiscal 2003. So nobody is watching what happens to the deficit for 2003 anymore. So what happens instead is that now we get a double reverse because this proposal, this resolution today contains a gimmick that can only be labeled "Enron accounting 1A" because what this resolution does now is to move that $2.2 billion back to fiscal 2003.

So you have to play the shell game when they are looking at what happened in 2003, slip the money into the fiscal 2004 budget, and then when people take their eyes off 2003 and now focus on 2004, then you slip the same money into 2003. Great gimmick. It technically works, but if the SEC were supervising this, I think they would have the same kind of questions about our bookkeeping that we have had about Enron.

So that is just one of the creative accounting measures that the committee has been reduced to following. I see the gentleman smiling. He knows what I am talking about.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time, and I agree with everything he said; and I think the chairman agrees with most of what he said.

Usually when we discuss these issues, almost invariably those of us on this side of the aisle rise and first say that we do not hold responsible our chairman for the policies that are being pursued. It is his responsibility, however, to practically try to carry out flawed policies. He does so with a great deal of skill, with eminent fairness and with grace for which all of us who serve on his committee are very thankful.

But, Mr. Speaker, the chairman of the Committee on Appropriations is operating in the context of the most fiscally irresponsible policy that any administration and majority has followed in the history of this country. I pause for emphasis. The children of America, the grandchildren of America are going to be called upon to pay the bill for this irresponsible policy. That is what the ranking member meant when he said that all of the dollars that are being requested to pursue a policy that I supported in Iraq will be paid for by our children and grandchildren.

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An irresponsible policy. An unrealistic policy.

And I would recall for Members that just a few months ago, when we adopted that budget resolution, of which the gentleman from Wisconsin (Mr. OBEY) spoke, we adopted it on a Thursday. No Democrats voted for it. Not one. We then, on the Tuesday following that Thursday, had a motion made by the gentleman from South Carolina (Mr. SPRATT), and that motion simply said that we instructed the conference not to do what was in the budget; not to cut veterans by $1.5 billion; not to cut housing, which is in short supply for middle America; not to do many of the things that would have undercut education, health care, and the environment that were proposed in that budget.

And I would further recall for Members, and unfortunately there are no press here, but I recall that the chairman of the Committee on the Budget (Mr. NUSSLE), sitting where the chairman of the Committee on Appropriations now sits, railed for about 29 minutes about how awful the motion to instruct was and how Members ought to vote against it. And then, lo and behold, the majority leader came to the floor, spoke quietly to the gentleman from Iowa (Mr. NUSSLE), and the vote was called.

Many Republicans rushed to the floor to vote against that motion to instruct, and, lo and behold, as the minutes went by, votes were changed. Lo and behold, as the minutes went by, the rhetoric of the gentleman from Iowa (Mr. NUSSLE) was forgotten quickly when the reality of the votes and the necessity to report at home the consequences of those votes was realized by our Republican friends on the majority side. So they changed their votes; or if they had not voted, voted for the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT). How ironic.

And now the gentleman from Florida (Mr. YOUNG) is confronted with another reality. Last year, we could not pass appropriation bills. Eight of them were passed not only after the fiscal year, but after the Congress had adjourned. Why? Because the gentleman from Florida (Mr. YOUNG) was forced to operate within a context of a totally unrealistic budget. And what did the Republicans say? They said, oh, it is Mr. DASCHLE's fault. It is the Senate's fault. They have not adopted a budget.

Well, now, they control the House, they control the Senate, they control the administration, and as the gentleman from Wisconsin (Mr. OBEY) pointed out, on a good day, they control the Supreme Court. I thought that was a good line and, unfortunately, true at times as well. But the fact of the matter is they control it all. And the lamentation that they put forward last year, the excuse that they put forward last year, the rationalization they pursued last year is not available to them; not to the gentleman from Florida (Mr. YOUNG) but to the majority leadership.

And so we are confronted with, yes, having passed our bills, and I might say some without a single Democratic vote. As a matter of fact, one of the largest bills, one of the most important bills for education of our children, for the health care of our families and citizens, not one Democrat voted for it. Not because we are not for education and health care, but because we knew that bill was an unrealistic bill.

So we are confronted today with a resolution that the gentleman from Florida (Mr. YOUNG) is required to put forward, and acting as he always does, responsibly, he must put forward, and which I am going to support, as the gentleman from Wisconsin (Mr. OBEY) is going to support. It is the alternative we ought to pursue.

I said the most fiscally irresponsible administration. Why? Because after we adopt this budget or these appropriation bills, which will spend a lesser and lesser percentage of the gross domestic product of our country on discretionary spending that we will make decisions about, we will have created over a $.5 trillion deficit in this single year, more debt than we incurred in the first 90 percent of the days of this Republic, and our children are going to pay the bill. How tragic. How irresponsible.

We passed a bankruptcy bill in which we made it harder to declare bankruptcy, and each of us on the floor said we need to require personal responsibility of those who seek credit. If we applied that same criteria to this administration and to the Congress of the United States, we would fail. We are not exercising personal responsibility. In this instance, we must pass this resolution, and I will vote for it, but I lament the fact that it is passed in the context of the most irresponsible fiscal policy that I have ever seen and this country has ever seen, and which is disadvantaging our country and our ability to invest in the future.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to associate myself with the comments made by the gentleman from Wisconsin and the gentleman from Maryland.

Mr. Speaker, we have entered into a new era of irresponsibility in government, and this continuing resolution is representative of that. I understand the good work that went into trying to put this effort together, but as a Nation, we have very serious unmet needs: Health care, education, retirement security, and pension reform.

Our States are laboring under the biggest fiscal crises that we have seen since World War II. We have an economy that is faltering. Millions of workers are unemployed. We have nine million workers unemployed and 3.3 private sector jobs gone in the last couple of years. We have 41 million without health insurance and an entire generation on the cusp of retirement.

The people in charge have no plan to deal with these pressing needs, rather we have simply and systematically starved our capacity to do anything by imposing incredibly irresponsible tax cuts that benefit just a few wealthy individuals and special interests.

We come to this piece in the process where we say we have limited resources in order to deal with these very serious unmet needs, but the fact of the matter is we need to deal with the fundamental question of why do we have so few resources? It is because so few in our society are receiving so much. We have 184,000 millionaires in the United States who are going to get a tax cut of $93,000, and yet we cannot do anything about people who make between $10,500 and $26,000 in terms of a child tax credit because we say we do not have the money to do it. With 184,000 people getting $93,000 in a tax break, we have so few getting so much. That is what we ought to be debating on the floor of this House.

This Congress is undermining the capacity and the obligation of government to provide key social support to reflect the values and the issues and the interests of the American people. From prescription drugs to education, from veterans health and housing programs, they are undermining the idea that our society can act with a shared sense of purpose, with a shared sense of responsibility to address the tasks that are before our country.

When we starve the government of the resources to meet its public commitments, in essence, we then are saying that government has no role to play. And while we know and we understand that government cannot play the sole role in people's lives, I believe that all Americans believe that we have, at the State and local and the Federal level, the obligation to assist people in a time of need to face the challenges that they have in their lives.

We cannot remove government from participating in the lives of the American people. We cannot undo our social responsibility. We cannot let it happen. The American people deserve better. And as we strive to finish the remaining appropriation bills, we should remember that this Congress, this House, the people's House, has an obligation to promote the capacity of our country to act together on our shared values. That is what we were elected to do.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the gentleman from Florida and I are personal friends. And I take some pride in the fact that although this institution has become incredibly political over the last 15 years, and although it has become incredibly partisan, I take some pride in the fact that our friendship has withstood the context in which that friendship operates every day. I think, frankly, that the unreal demands on the part of the power centers in this institution have put greater strains on our friendship than is the case with any other chair and ranking member in the House, and yet we remain good friends. Because I know that the gentleman is trying to do his duty, and I think he understands that I am trying to do mine, and I think we genuinely like each other and respect each other.

But he is given the job of bringing some of the saddest pieces of legislation to this floor of anyone in the House, simply because he is denied the resources to meet our responsibilities to the citizens we represent. We had $6 trillion in surpluses when the majority party 2 years ago started passing out its tax cuts. We are now facing $2 trillion to $3 trillion in deficits over that same time frame. And on top of that, we are going to have to pay for Iraq, which will add a whole lot more than the $87 billion that we have been told about so far.

And so in a rational world, one would think that when conditions change to that degree, assumptions would also change and conduct would change, and we might reconsider some of our past decisions. But that is evidently not going to occur, so we are still going to continue to pretend that we can afford these huge tax cuts that have been passed out to high-income people in this country.

This Congress faces a very simple choice: What kind of country do we want America to be? Are we satisfied with the prospect of having a country which in 10 years will have 50 million people without health insurance, rather than 40? Are we satisfied with the pretensions that we provide equal opportunity for education, when in fact we do not? Are we satisfied with the meager enforcement that protects private pension systems and that protects and enforces honest accounting by corporations so that investors can know what the rules of the game really are? Are we satisfied facing the long-term shortfalls that will occur in Social Security?

I am not satisfied with that prospect, and I do not think most Members of this institution are either. If that is the case, we need to act like it, and we need to have a reconsideration of what the gentleman from Maryland (Mr. HOYER) correctly calls the most colossally, fiscally irresponsible actions on the part of any administration certainly in my lifetime.

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Mr. Speaker, having said that, I would simply urge Members for the time being to support this continuing resolution to give the Committee on Appropriations more time to perform its impossible responsibilities, and in hopes that eventually the majority leadership of this House will see the necessity to reconsider some of its most reckless fiscal actions.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say that I appreciate more than I can say, the friendship that I enjoy with the gentleman from Wisconsin (Mr. OBEY) and the strong spirit of cooperation, as the leadership of the Committee on Appropriations, and also with the gentleman from Maryland (Mr. HOYER), as we work together to meet our responsibilities to the Congress and to the country. The gentleman from Maryland and I have not only a friendship, but a mutual respect.

But, Mr. Speaker, I think it is fair to point out that we have political and philosophical differences. There is no doubt about that. That is basically why we have two parties, because one party believes one way and the other party believes another way on many issues. While our appropriations bills have received very large votes on the Republican side as well as the Democratic side, as we prepared those bills, we dealt with a lot of amendments in our committee. Most of those amendments were to increase spending and to increase taxes. Our committee does not have the jurisdiction to raise taxes, and we make that case when necessary in the committee.

If we were to add up all of the amendments offered by the minority party alone in committee, the deficit would really be big. They believe we do not spend enough money in many areas, and we believe that sometimes we spend too much money.

I want to say that I meet with my leadership, with the Speaker of the House and the majority leader, on a very regular basis. In fact, they probably get tired of seeing me, but I would say they are genuine in understanding their responsibility to the country. They are genuine and sincere in having a reasonable, responsible fiscal policy; and they are determined to allow the American workers to keep as much of their own money as they can without passing it on to the Congress.

We are in an unusual time. We have a war going in Iraq and a war going in Afghanistan and to a lesser extent a war going in many other parts of the world against terrorists, against people who are determined to do harm to the American people and to our country.

This did not just start on September 11. On February 26, 1993, terrorists bombed the World Trade Center in New York. Six lives were lost. The response was some harsh words, but basically nothing else.

On June 25, 1996, Khobar Towers in Saudi Arabia which housed our United States Air Force personnel was bombed by terrorists. Nineteen American airmen lost their lives. Again, there were words but no action, no response; and the terrorists grew bolder because they believed if America was not going to fight back, they should continue. So they did.

On August 7, 1998, terrorists bombed American embassies in Kenya and Tanzania, and 259 lives were lost. Well, we took some action then. We fired a couple of cruise missiles into abandoned terrorist training camps in Afghanistan. That was the extent of it.

On October 12, 2000, the USS *Cole*, a Navy warship, was bombed off the shore of Yemen. Seventeen sailors lost their lives, and many others were injured; again, harsh words, but no action.

On September 11, 2001, under a new Administration, a new President, a hijacked plane crashed into the Pentagon, and 189 lives were lost. September 11, 2001, hijacked planes crashed into the World Trade Center Towers, and nearly 3,000 lives were lost. September 11, 2001, a hijacked plane crashes into rural Pennsylvania, and 44 lives were lost. A new Administration, a new President as of September 11, and the words were harsh, the words were threatening; but there was more action. The attack was massive against the terrorist trainers and the terrorist supporters and the terrorist camps in Afghanistan. Further, we sent nearly 200,000 American troops into Iraq to rid the world of a tyrant who supported terrorist activities.

There is a major difference. This President, George Bush, took action to defend America. We have spent a lot of money since September 11, and that is one of the reasons we have a larger deficit. But let me say this to those Members who believe this money is nothing more than a mortgage on the future of our children and future generations. I say it is different. I say that we are going to fight terrorism, wherever it raises its ugly head, to secure future generations, to guarantee that our children and our grandchildren and future generations do not have to worry about being on a hijacked airplane or having a building they are inhabiting being attacked by a bomber or a hijacked airplane, or that future generations are going to be as secure as we can make them, to be free from anthrax, to be free from sarin gases, and to be free from nuclear exchanges.

Mr. Speaker, that is what we are doing today. We are spending considerable money to guarantee the future security and safety of Americans; and it is better to do that at the source, beyond the United States boundaries, than to do it here in the streets of Washington, D.C. or to do it in the streets of New York or Pennsylvania or any one of our districts that could be a target.

I say this is the proper philosophy. This is the proper way to secure the future generations, to invest what we must today to eliminate the ability of terrorists to threaten our future generations, our children and our grandchildren and our great grandchildren.

Yes, Mr. Speaker, there are some philosophical differences, some political differences among friends; but this is a brief statement of our position. I urge the passage of this continuing resolution.

Ms. WOOLSEY. Mr. Speaker, I rise today to share my disappointment that the Republican leadership must resort to this resolution to ensure the continuity of our Nation's vital programs. Instead of staying here and finishing the work that needs to be done, the Republican leadership continues to schedule short workweeks. Everyday that they drag their feet is another day our Nation's working families continue to struggle.

Our priorities should be passing a child tax credit that extends to low-income families denied a break in the Republican tax package, and, approving welfare reform that will not only reduce welfare rolls but also reduce poverty.

No person should go a day longer forced to choose between paying their rent and paying for their prescription drugs while a prescription drug plan awaits a final vote by Congress. Sensible and popular initiatives such as education reform, homeland security and affordable housing continue to be either inadequately addressed or drastically underfunded by this leadership.

Mr. Speaker, it is time for the Republican leadership to wake up and put America's priorities first. Our country's working families are working hard everyday to strengthen this nation and we should be working just as hard to support them.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to the order of the House of Wednesday, September 24, 2003, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 8, not voting 19, as follows:

[Roll No. 520]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1134

Mr. FRANKS of Arizona and Mr. PEARCE changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KLINE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. TAUZIN. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3161 is as follows:

H.R. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL DO-NOT-CALL REGISTRY.

(a) AUTHORITY.—The Federal Trade Commission is authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to implement and enforce a national do-not-call registry.

(b) RATIFICATION.—The do-not-call registry provision of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.

The SPEAKER pro tempore. Pursuant to the order of the House, Wednesday, September 24, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, welcome to Groundhog Day, courtesy of a misguided court decision, soon to be overthrown, I believe, were we not acting today, but one that jeopardizes one of the most consumer-friendly regulations ever to come out of Washington in a long time. Just several months ago, President Bush signed the Do-Not-Call Implementation Act into law. That law authorized the funding of the Federal Trade Commission's National Do-Not-Call registry, a concept so embraced by consumers in America that 50 million Americans have now signed up to be on that list since then. And, Mr. Speaker, Congress passes a law, and an agency then implements it. Nothing wrong, right? Wrong. One can imagine our surprise when we found out yesterday morning that a Federal court in Oklahoma, not California, Oklahoma, invalidated the FTC's do-not-call registry. And even more surprising was the judge's basis for the decision. He found the FTC did not have the statutory authority to create a national do-not-call list.

Nothing could be further from the truth. As I mentioned in February of this year, Congress passed the Do-Not-Call Implementation Act. Obviously, Congress would not have funded something that it thought was unauthorized. Indeed, back in 1994, Congress passed the Telemarketing Fraud and Abuse Prevention Act, which gave the FTC power to regulate abusive telemarketing practices. Certainly, allowing consumers to sign up for a do-not-call list, to essentially opt out of an abusive telemarketing practice, is well within the mandate given to the FTC.

Make no mistake. The judge in this case is dead wrong, and I am sure his decision will, in turn, be overturned. In an abundance of caution, however, and I make perfectly clear to any and all who may have doubts, today we consider H.R. 3161. This bill specifically authorizes the FTC to create a national do-not-call list and explicitly ratifies the FTC's actions over the past year to implement that list. We should probably call the bill "This Time We Really Mean It Act" to cure any myopia in the judicial branch.

The bill leaves no doubt as to the intent of Congress. The FTC wants this list. The President of the United States wants this list, and more importantly, 50 million Americans, who are growing impatient about being interrupted at mealtime by unwanted and unnecessary harassing telemarketing calls, want this list. And this Congress is going to make sure they have this list today.

Every consumer should have the right to choose whom they want to talk to. We allow consumers to opt out of junk mail. All they have to do is go down to the post office and tell the Postal Service they do not want junk mail coming to their house, and it does not come. They can choose not to answer a knock at the door. They can decide who enters their house and who communicates with them there. Consumers ought to have the power to say "no" to unwelcomed and unwanted telemarketing calls. Families ought to have the right to enjoy a little time together at the end of a day and no longer come home to find their answering machines jam filled with telemarketing calls.

Worst of all, they get that call and answer it, and there is nobody there. These new devices that rotary dial three, four, five, maybe 20 people at a time and the first one who answers, they hang up on all the rest, those are the worst to me. Americans are signing up to end that kind of abusive practice, and we need to give the FTC clear authority.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on our committee and the dean of our House, because he and I have promised to do everything in our power to make sure that the do-not-call list becomes a reality, and he is here with me today to make sure we pass this bill.

Less than 1 week from today, on October 1, 2003, we hope to give Americans access to precisely what they have been asking for, a national do-not-call list, and today we are effectively hanging up on the telemarketers who have been bothering me at that precious hour of the day.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, unwanted telemarketing calls are less popular than a skunk at a church picnic, and they are more persistent and obnoxious than athlete's foot. Today we are going to bring them under control at the request of the American people.

In 1994 this body passed the Telemarketing Act to protect consumer privacy and to curb abusive and abrasive telemarketing. Through that law, the Federal Trade Commission created a national do-not-call registry, and over 50 million American consumers have registered their numbers on that list. They do not want to be called.

Earlier this year, I introduced the Do-Not-Call Implementation Act with my dear friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee. That bill was passed by both Chambers by an overwhelming majority. It provided necessary funding so that the do-not-call list could go into effect on time. It also was said in the hearings by the Federal Trade Commission that no additional authority was needed by that body to issue this do-not-call list.

Well, the telemarketers are back. Despite our previous efforts, an erroneous decision made in Oklahoma agreed with the Direct Marketing Association that we did not give the Federal Trade Commission authority to create the list. That decision was in remarkable error, and we are today going to overrule it.

Last night I, once again, in concert with my distinguished friend and the chairman of the Committee on Energy and Commerce, introduced legislation to settle this question for good and all. That legislation is now before us. It unequivocally states that the FTC is authorized to create and to enforce a national do-not-call registry, and it officially ratifies the existing list.

I commend and congratulate my friend, the gentleman from Louisiana (Mr. TAUZIN), the chairman, for his splendid work on this matter. I urge my colleagues to vote for that legislation.

The registry is scheduled to go into effect in less than one week. And we are here to make sure that it stays on schedule. I encourage my colleagues in both Chambers to pass this legislation swiftly. And I hope the President will heed the call of consumers and sign this legislation into law.

Mr. Speaker, 50 million Americans cannot be wrong. They want this legislation, they deserve no less. I urge my colleagues to enact the legislation.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY), and I ask unanimous consent that he may be permitted to yield time on behalf of this side of the aisle. He has had much experience with this and has been a great leader in the matter.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the time of the gentleman from Michigan.

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation that fixes Judge Lee R. West's decision of earlier this week. I have the phone number for Judge Lee R. West. I thought maybe the 50 million folks that have decided to call the FTC and say enough is enough, maybe we ought to pass on this phone number to his office in Oklahoma. I do not know that they would get anything done for the next couple of weeks.

Mr. Speaker, I rise in strong support. And I do not know of a family out there that has not received these awful phone calls, usually at some important moment. I can remember earlier this summer, I was finally home from a long day, and my wife and kids are ready to go with their friends down to Lake Michigan, my dog is wagging his tail. That is one of the words that he knows, "beach." He is so excited. The phone rings. It is a solicitation call from a good group, I am sure. My wife has it down pat. Do you know what she does? "It is for you." I get to the phone, and I have got to make sure they are not from our district, and then with that, that phone call is gone.

Mr. Speaker, 50 million folks like our house have called the FTC. When you look at it, that is 50 percent of America. We have about 100 million households, so 50 million households have said hang up. We do not want this. And, yet, Judge Lee R. West, I cannot say a good guy, a guy out in Oklahoma, has said no.

This legislation changes it. We are going to get it done. Let us all vote for this bill.

□ 1145

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, we had a very unfortunate ruling in Oklahoma City, one that we are going to undo today.

This reminds me a lot about back in the days before I was in Congress. I was in the insurance business, and we used to do a lot of cold calling to make insurance calls. They always told us as they were training us that you had to get nine noes in order to get a yes; but if you kept calling, that every time a person said no to you, not to lose faith, because you were one step closer to the yes.

So today we are doing a tremendous favor for the telemarketers in America, something that I wish they had done for me when I first started in the insurance business. We are giving them the list of the noes up front, so they do not have to make these nine calls to get a yes. We are telling them up front the people that do not want to talk to them, and now all they have to do is call the people that want to hear from them, that want to buy their products.

I think it is a wonderful thing which we do today for the telemarketers, and it is a wonderful thing we do for the 50 million Americans that do not want to have to pick up that phone at dinnertime.

Mr. MARKEY. Mr. Speaker, I want to associate myself with the excellent comments and argument of the gentleman from Pennsylvania.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, yesterday, the U.S. District Court for the Western District of Oklahoma ruled that the Federal Trade Commission did not have the authority to create a national "do-not-call" registry.

While the Court can and did make legal arguments to support its ruling, what it cannot and should not deny is the will of the people. And the will of the people when it comes to a national "do not call list" is strong and vigilant.

Since June, when the registry was first opened, over 50 million phone numbers have been submitted to the FTC registry. People are simply fed up with telemarketers interrupting their meals by offering vacations or more credit cards.

In my home state of Indiana, almost 1.5 million phones are registered for the Telephone Privacy program. That represents almost 58 percent of our state, meaning that 3.5 million Hoosiers have chosen to reduce unwanted telemarketing calls. A survey in Indiana found that those on the Indiana Telephone Privacy list had their calls reduced from an average of twelve per week to only one per week. Indiana's Telephone Privacy law works.

One important feature of the Indiana law is that it contains very few exemptions. In fact, Indiana's law has fewer exemptions than the FCC and FTC rules.

While we have permitted these agencies to provide more exemptions on the Federal level, it must be made clear that Congress does not intend to interfere with statutes, like Indiana's, that choose to tighten these loopholes. Indeed, efforts like Indiana's that inspired the Federal "do not call" program, demonstrate the critical role that States can play in achieving creative solutions to serious problems. Such efforts should not be discouraged.

It is my understanding that Congress has no intention of preempting State laws that provide protections greater than those provided by our Federal "do not call" program. Furthermore, I also understand that Congress has no intention of permitting the FCC or FTC to preempt, by regulation or otherwise, State statutes that provide greater protections than the Federal "Do Not Call" program provides.

The FCC and FTC should be reminded that the mandate from Congress is create a "do not call" program that provides a nationwide minimum standard of protection for all Americans. States that choose to exceed that standard should in no way be prohibited from doing so.

I am pleased by the swift action of the Chairman and Ranking Member of the Energy and Commerce Committee. H.R. 3161 will allow the will of the people to prevail in light of the judicial interference from yesterday.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again emphasize this is extraordinary. The court decision came out yesterday. The leadership of this House authorized this bill to the floor today. We are about to pass this bill, I believe the Senate is about to do the same thing, and, in all likelihood, we will have a bill on the President's desk this afternoon.

This Congress has often been called a slow and cumbersome beast, but I think you can see how fast this Congress is prepared to move when 50 million Americans are angry, and I cannot imagine more anger now, when 50 million Americans found out the national do-not-call list was put in jeopardy by a single judge in Oklahoma somewhere.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the ranking member on the Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection, which has jurisdiction over the Federal Trade Commission.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time, but, more importantly, today I thank him for his nearly decade-long leadership on this issue.

Mr. Speaker, I rise in strong support of this bipartisan legislation. I want to thank the gentleman from Louisiana (Chairman TAUZIN) and the full committee ranking Democratic Member, the gentleman from Michigan (Mr. DINGELL), for their outstanding leadership in quickly advancing this pro-consumer legislation.

Yesterday's decision by the Federal District Judge blocking the FTC from implementing its national do-not-call registry was, I believe, incorrect. Earlier this session we passed the National Do-Not-Call Implementation Act with overwhelming bipartisan support. The new law explicitly gave the FTC the authority to collect fees and create a national do-not-call list.

I am actually confident that the court's decision would have eventually been overturned on appeal. But, fortunately, we are not waiting for that process to occur. Today we are removing any uncertainty about Congress' intent. With the passage of this legislation, the Federal Trade Commission will be able to add more people to their list, and they will be able to implement its do-not-call registry without interruption or delay.

Mr. Speaker, we all appreciate the very precious time that we have at home with our families after a long day at work, but who has not been interrupted by an unwanted telemarketer? We all know from personal experience how intrusive these calls can be.

I think it is important to note that it will not block the calls from companies with whom you already do business. I received a telemarketing call from a credit card company offering me a deal that could lower my rate, et cetera. I was happy to get that call, and we actually made that change. Those calls will be able to continue.

But we all know the calls. My last name is "Schakowsky." My key is when they say, "Is Mrs. Schakowsky home," or all kinds of funny names, I just say "no," and hang up. We all have our strategies for dealing with those.

Mr. Speaker, I urge all of my colleagues to support this pro-consumer legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the senior gentleman from New Jersey, (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today as a cosponsor and strong supporter of the chairman from Louisiana's bill and commend him for taking swift action against the ruling of the District Court in Oklahoma City.

Over the years through my Know-Your-Caller Act, I have worked with the gentleman from Louisiana (Mr. TAUZIN) and the FTC to bring consumers greater protection from the many unwanted annoying calls that telemarketers placed at all hours of the day and night, seven days a week. These calls are an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older American senior citizens.

The FTC, Congress, and the American consumers have got it right, and this district court has got it completely wrong. This is the most incorrect and outrageous ruling I have seen in a long time. It is a direct shot at every consumer. Millions of them have registered to get their names on the list, who receive these annoying calls during dinner with their families, in the middle of the night, and then again early in the morning.

Mr. Speaker, I support this bill, and commend the chairman for his leadership and quick action.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me time.

As a member of the Committee on Energy and Commerce and as a cosponsor of this bill, I really want to thank the judge. We ought to have more court rulings like this, because I have never seen one that brings this Congress closer together the whole year. This has often been a contentious Congress that clashes on issues. Here everyone agrees. I want to thank the judge for making us all love each other.

We do it because 50 million Americans have signed up to not be bothered by telemarketers. That is a phenomenal amount of people in a very short time. So if there was ever an issue on which everyone agrees, this is the issue.

Everyone has been bothered at the dinner table with these annoying calls. This morning as I was leaving to come here to the Capitol, the phone rang. I picked it up, and there it was, another telemarketer asking kind of sneaky questions, intrusive questions, trying to get you to give them some information in a very sneaky way. People are just fed up with it.

There are no first amendment rights here. All of the things that have been said about why this law should be blocked are ridiculous. Again, in all my years in Congress, I have hardly ever seen anything with which everyone agrees.

So, again, I want to thank the judge for bringing us together. I rise in strong support of the legislation, and as a cosponsor, I commend the chairman of our committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). That is why this is such a great committee; we all agree on so many important things.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to do something very unusual on the House floor. As the gentleman from Massachusetts (Mr. MARKEY) knows, every now and then, we are accused of voting for bills we have not totally read. I am going to read the whole bill.

I want all the judges of America to pay close attention. I want you to tune in good. Turn up the volume a little bit and turn off your telephone and listen real carefully, because I am going to read the whole bill to you. Every judge in America, here it comes:

"(a) AUTHORITY. The Federal Trade Commission is authorized under section 3(a)3(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(A)(3)(A)) to implement and enforce a national do-not-call registry."

Do you hear me? To implement and enforce a do-not-call registry.

"(b) RATIFICATION. The do-not-call registry provision of the Telemarketing Sales Rule, (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified."

Did you hear me, judges? Ratified.

When this bill passes today, when the Senate does the same thing, none of you judges ought to have any doubt. We really mean it, do you understand? We really mean it. We want the national do-not-call list to become law on October 1.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for this bill, and I rise in strong commendation for the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and for our ranking member, the gentleman from Michigan (Mr. DINGELL).

The gentleman from Louisiana (Mr. TAUZIN) has brought this bill out at such a rapid pace that I believe that this legislation has set the Congressional land speed record for legislating in the aftermath of a terrible Oklahoma court decision, and I want to congratulate the gentleman from Louisiana. I think this record, like Roger Bannister's breaking of the fourminute mile, will be viewed as a landmark for all future legislation in the history of our country.

This legislation got to the House floor faster than a consumer can hang up on a telemarketer at dinner time. I mean, the gentleman just did a phenomenal job in ensuring that we are able to protect the American people, because we need this bill in order to ensure that by Christmastime, the only ringing bells consumers will hear are jingle bells and sleigh bells, not the jangling phone ruining people's family holidays.

Now, if we do not pass this legislation, the judge in Oklahoma will have to put his own courthouse phone number on a do-not-call list, because he will have millions of phone calls from complaining Americans demanding that this decision be reversed. So we are doing the judge a big favor today. We are saving him from the same headache that tens of millions of Americans feel that they are subjected to on a daily basis by the phone calls that come into their homes on an unwanted basis.

What is our purpose? The gentleman from Louisiana, the gentleman from Michigan, all the Members of Congress, all we are trying to do is to make the Direct Marketing Association, these telemarketers, more efficient. How efficient is it to know exactly who is receptive to your hundreds of calls a year than for us to put together a list for you of all of the people in America who want to get these calls?

Now, I do not happen to be one of them. I actually signed up at 12:01 a.m. on the first day that it was available to end these calls coming in to my own home, personally, and I threw my cell phone in as well. Those 50 million other phone numbers that are on that list, I was trying to be number one in that land speed race to end it once and for all.

What we have got now on our hands is, in my opinion, a very efficient telemarketing industry, one which can now use their huckster sales pitch to address just those Americans who kind of enjoy having people call them at all hours of the day, and we know there are people out there that really do like it.

If a salesman comes to your front door and knocks on the front door, you do not have to answer. That is your way of dealing with them. But if someone calls you on the phone, that phone just keeps ringing until you have to answer it. That is the difference between a door-to-door salesman and someone who calls you on the phone. That person can ruin your supper, can ruin your day. So this do-not-call database proposal is a winner for the millions of consumers who are plagued by those unsolicited commercial telemarketing calls.

The bill which we consider today permits the FTC to proceed on a timely basis, so that by October 1, consumers can begin to see a reduction in unwanted telemarketing calls.

Having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country have clearly voted in favor of signing up for the database, indicating by the millions that they want an effective "no soliciting" sign on their home phone or cell phone.

□ 1200

They want this national database to help to bring a halt to the seemingly nightly ritual of phone calls, interrupting dinner or precious family time.

I am pleased to be an original cosponsor of this bill with the gentleman from Louisiana (Chairman TAUZIN). Again, I want to commend the chairman for his alacrity in bringing this bill to the floor so soon after the court decision. He and the gentleman from Michigan (Mr. DINGELL) and all of the Members who worked on this and the staff who worked on this overnight deserve an enormous amount of credit.

Finally, I want to commend FTC Chairman Timothy Muris for his proconsumer action in creating the Federal Trade Commission do-not-call rules. This do-not-call database will be a powerful new tool for consumers to combat unwanted telemarketing intrusions. It is a landmark day in the history of consumer legislation in our country. Tim Muris deserves a lot of credit, the rest of the FTC, the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and all of the other Members.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, let me thank my friend from Massachusetts for his compliments and, most importantly, for his extraordinary longstanding support for actions to protect consumers in America, and this is just one more step in that direction.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of our committee.

Mr. WALDEN of Oregon. Mr. Speaker, as a cosponsor of H.R. 3161, I stand here today to express my strong opposition to yesterday's decision by the U.S. District Court in Oklahoma.

As of September of this year, 16 percent of all Oregonians, that is 541,117 citizens, have made the decision to be on the do-not-call list; 16 percent. These citizens have expressed their rights to uninterrupted free speech at the dinner table and the breakfast table and the lunch table, and the middle of the night.

Earlier this year, I received a call from Mr. Chad De Gennaro of Grants Pass, Oregon, that best summarizes the frustration that I think all of us have felt after getting these unsolicited phone calls in our homes when we did not want them. Chad said, "As only one person, I cannot single-handedly defend myself against telemarketing companies with banks of telephones and hundreds of phone solicitors. No matter how many times I say that I do not want to be called again, sure enough, I wind up getting called again, and at all times of the day."

Mr. Speaker, 541,117 Oregonians looked to the Federal Government, to us, to protect them from these unsolicited phone calls and trusted that this list would allow them some peace and quiet in their homes. That is what the FTC's list would have provided on October 1.

Here in Congress, we understood from the FTC that they had the authority to prepare and implement this list. The FTC believed they had the right to create this list; and more importantly, the citizens of Oregon and across America knew and believed that the FTC was going to protect them by implementing this list and this legislation. Only the U.S. District Court of Oklahoma thought otherwise.

Mr. Speaker, I join my chairman and my colleagues on both sides of the aisle today in support of this legislation. I appreciate the quick action of our chairman, the gentleman from Louisiana (Mr. TAUZIN), in moving this bill forward so that we can protect ourselves from calls we do not want coming into our phones and into our homes.

Mr. MARKEY. Mr. Speaker, I have no other requests for time to speak on this important bill, so I will continue to reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I applaud his stunningly quick action with alacrity to speak on behalf of the elected representatives of the American people on this subject.

Mr. Speaker, one unelected Federal judge in Oklahoma took it upon himself to strike down a law passed by Congress, actioned by the executive branch, and two appropriations acts, and the action of 40 million Americans to sign a do-not-call registry. Never in history has so much been screwed up by such a small number of people: one judge.

Protecting telemarketers under the first amendment is like protecting the classroom bully who insists that it is his first amendment right to harass all of the other children in class. I think the judge in this case has wondered if the Congress has been clear in this case. Well, Congress is going to be blisteringly clear; and we are going to follow this up, if this bill does not pass the Senate quickly, with appropriations action to make sure that in this Congress, in this year, we keep the do-not-call registry online, that we do not force any other Americans to reregister, that we keep those who signed up on the list, and that we protect that sacred zone of privacy in Americans' homes so that they can have dinner with their wives and kids and not be harassed by these calls.

Mr. Speaker, I applaud the ranking member and the chairman for this quick action, and I urge rapid adoption of this legislation.

Mr. MARKEY. Mr. Speaker, with compliments to the gentleman from Louisiana (Chairman TAUZIN) and to the gentleman from Michigan (Ranking Member DINGELL), and to all of the Members who worked on this legislation, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

In summation, let me again thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) for their extraordinary bipartisan cooperation in moving this as rapidly as we have. It is the sort of cooperation we always seem to get from our members on both sides of the aisle on the Committee on Energy and Commerce when we have a problem that clearly faces our country that is neither Democrat nor Republican, but is American. This is an American problem, and we are solving it as Americans in this House, and that is always a proud moment in this House when that occurs. I want to thank my colleagues for all of the courtesies and the help that we have gotten in moving this legislation forward.

The gentleman from Massachusetts (Mr. MARKEY) was correct in complimenting the chairman of the FTC, Mr. Muris. I want to also join in that compliment. The Federal Trade Commission, as the gentleman knows, took on what the FCC would not take on. We had originally given this authority to the Federal Communications Commission which declined to put together a national do-not-call list. Mr. Muris and the Federal Trade Commission decided to go forward with it with our help. So we authorized the money for them to proceed with the list. Only this judge seems to want to stand in the way of it, and this Congress now makes it very clear today that we want to give Americans this right.

I want to make a public apology. These harassing phone calls that come to us in the middle of the precious time we have with our family have gotten to a point of, I know, such aggravation that some of us react very badly to a call we get at a most inappropriate moment, and sometimes we are pretty ugly to a telemarketer who is bothering us or interrupting us. I hung up on the Ambassador's wife from Norway one day, thinking she was a telemarketer. She belongs to an international club with my wife, and we had to make great apologies afterwards because I thought I was being harassed by a telemarketer. Those sorts of things ought not happen in America. We ought not be caught in these awful circumstances where we are so aggravated that we are impolite to someone as important as an Ambassador's wife who was trying to make a call to my wife, and I apologize both to my wife and to her again publicly for my impatience.

But Americans are impatient, and they are tired of this kind of problem, and they want it fixed; and this legislation will fix it today. We have heard some of the passion on this floor. The passion that we feel about this issue is the passion that Americans feel about this issue. When 50 million Americans sign up as fast as they have, that tells us how passionately Americans feel about a national do-not-call list, and it is time to be implemented.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I want to commend the chair for his rapidity in bringing this to the floor. I just want to say there is total bipartisan agreement that Americans are sick and tired of having their dinners interrupted by these calls, and today that is going to stop.

I just want to answer the people who have raised freedom-of-speech issues here, which I do not believe apply to this, because there is also a freedom not to listen. What we are saying today is Americans have the right not to listen to these telemarketing calls. This is in the finest tradition of the Constitution which said we, the people, in order to assure the common defense and assure domestic tranquility, and we are standing up for domestic tranquility today. This is a good day to do it.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. In fact, we have been asked so many times, is this a free-speech issue. The United States Constitution gives you the right to speak; it does not give you the right to be heard. None of us have an obligation to listen if we do not want to. As a courtesy, we listen to one another in this House, hopefully we do, but nobody has an obligation to listen. The fact that Americans have the right not to be bothered by some speech they do not want to listen to is a right we ought to protect too. That is what we do today.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I just want to ask the chairman if, after he hung up on that Ambassador's wife, if he still got the pocket fisherman or the ginsu knife, if they still might have sent that along.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I can only tell the gentleman it was an embarrassing moment and, again, I apologize to both of them. But the gentleman knows we have heard this bill in committee, and he knows how absolutely aggravated people get with these calls. They seem to come at the worst moment. When you are just leaving the house, you are trying to get everything in the car and the phone rings, it could be your mother calling, your daughter, your son, somebody important; and you rush back in and it is one of these doggone calls. They always come at the exact wrong moment. I am not saying telemarketers are bad people. There are many good telemarketing firms, and for folks who want to receive these calls and take advantage of them, they will have that right under the bill. But it is just going to end the ones we do not want, the ones that aggravate us to the point where we do something as stupid as I did, for which I have apologized today a few times.

Mr. HOLT. Mr. Speaker, the Do-Not-Call Registry was crafted as a balance between the rights of businesses to market their products and the right of consumers to avoid unnecessary harassment. Today, due to a judicial decision, we are back here on the House floor to reaffirm the validity of the registry.

Telemarketers have, like everyone else in this country, the right to free speech. They have the right to say what they want. What they don't have is the right to force Americans to listen to their sales pitches.

Americans, on the other hand, should have the right to a little peace and quiet. They should have the right to not have to get unwanted advertising pitches over the phone during dinnertime.

Telemarketers already have the tools they need to exercise their right to free speech—they have autodialing computers, prerecorded messages, phone registries, and legions of operators. In creating the Do-Not-Call Registry, the FTC was merely trying to provide consumers with the power to truly exercise this right. The Do-Not-Call Registry is just one simple, effective tool that will give consumers the ability to exercise their right to a little peace and quiet.

Unfortunately, Judge Lee R. West of the Western District of Oklahoma recently ruled that Congress did not give the FTC explicit authority to create the do-not-call list. Of course, Judge West has the right to make that ruling, if he thinks that is the correct interpretation of the law. Congress then has the responsibility to clarify that it has indeed given the FTC authority to protect consumers by creating the registry, as we are doing today.

While I strongly support the continued implementation of the Do-Not-Call Registry, I should mention that the FTC left some loopholes. If you've bought, leased, or rented something from a company in the past 18 months, they can still call you until you say, "Stop." They can also call you if you've applied or inquired with them over the past three months—even something as mundane as asking for a store's hours.

Telemarketers have jumped to these loopholes, showing the lengths that many of them will go to in order to call people during dinnertime with unwanted ads. The FTC should revisit its rules and see if these loopholes can be closed.

Even still, it's critical that we reaffirm the validity of the do-not-call list. I want to commend Chairman TAUZIN, Ranking Member DINGELL, and all the members of the Energy and Commerce Committee, for bringing this clarifying legislation to the floor. I'm sure my constituents will be pleased to see this body reacting so quickly.

I urge all of my colleagues to vote for this bill so it can be signed into law and we can avoid delaying implementation of the do-not-call list.

Mr. STUPAK. Mr. Speaker, I am pleased that Chairman TAUZIN and Ranking Member DINGELL have moved so quickly to address this week's decision by the Federal district court in Oklahoma that the FTC did not have authority to implement the national Do Not Call list.

It is not often that we can move forward with such speed in a bipartisan manner in both bodies, but this action only proves that Congress intends this list to go into effect, despite what Judge West in Oklahoma may think.

This list was to have gone into effect on October 1, and millions of consumers were looking forward to getting some relief from telemarketers.

I am somewhat amazed by the decision of the court, given that Congress clearly expressed its intent to provide the FTC with the authority to implement the list by passing the Do Not Call Implementation Act.

I do not know how much more clear we could have been—we gave the agency funding to set up the list, but yet the court managed to find that no authority existed from Congress.

This bill will make things clear, and I am pleased at this quick response to the ruling. I am a cosponsor of this bill and look forward to its quick passage.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this legislation to clarify that Congress specifically authorizes the Federal Trade Commission to establish a Do Not Call Registry.

During debate last year on the Do Not Call Registry, I had initially preferred that Congress enact even stronger language.

But, in voting for the registry, I never thought that the language we enacted wouldn't be sufficient enough to withstand judicial review.

Mr. Speaker, the people have spoken.

They want the power to reduce the number of annoying telemarketing calls that too often interrupt the precious, yet increasingly limited, time that they spend with their families.

The response has been tremendous

I've joined over 50 million Americans who have already signed up for the registry, and it hasn't even gone into effect yet.

The Do Not Call Registry is a popular consumer protection tool that needs to be implemented.

The FTC has moved swiftly on behalf of consumers, and we should do the same.

If the FTC needs this specific authority, then let's pass this bill today, get it to the President and make sure that there is no disruption in the FTC's ambitious timeline to make the Do Not Call Registry a reality for millions of American consumers.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Wednesday, September 24, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on H.R. 3161 will be followed by 5-minute votes on the motion to instruct on H.R. 1, by the yeas and nays; and the motion to instruct on H.R. 1588, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 8, not voting 14, as follows:

[Roll No. 521]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell

Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Bishop (UT)
Cannon
Flake
Meek (FL)
Paul
Ryan (OH)
Strickland
Terry

NOT VOTING—14

Bishop (GA)
Gephardt
Gibbons
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Nadler
Pastor
Pombo
Reyes
Shays
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1233

Mr. TERRY and Mr. RYAN of Ohio changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BISHOP of Georgia. Mr. Speaker, on rollcall No. 520 and 521, had I been present, I would have voted "aye."

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Wisconsin (Mr. KIND), on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 199, nays 220, not voting 15, as follows:

[Roll No. 522]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)

DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Gephardt
Gibbons
John
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Maloney
Markey
McCollum
Nadler
Napolitano
Pastor
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 522, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained due to committee business and missed 2 votes. Had I been present, I would have voted: 521—"yes" and 522—"no."

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from New York (Mr. CROWLEY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 67, not voting 11, as follows:

[Roll No. 523]

YEAS—356

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—67

Akin
Baker
Ballenger
Barton (TX)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Burgess
Buyer
Cannon
Capito
Carter
Castle
Chocola
Crane
Culberson
DeLay
DeMint
Doolittle
Dreier
Duncan
Feeney
Flake
Foley
Franks (AZ)
Garrett (NJ)
Gillmor
Goss
Granger
Green (WI)
Gutknecht
Harris
Hastings (WA)
Hefley
Hensarling
Hunter
Issa
Johnson, Sam
King (IA)
Lewis (CA)
Linder
McCrery
McInnis
McKeon
Miller, Gary
Myrick
Nethercutt
Neugebauer
Nussle
Pence
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Sessions
Shadegg
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Weller

NOT VOTING—11

Cantor
Gephardt
Hart
Kucinich
Larson (CT)
Lewis (GA)
McCollum
Nadler
Pastor
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1258

Mr. SIMPSON and Ms. DUNN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, September 25, 2003, to vote on rollcall vote Nos. 520, 521, 522, and 523 because I was attending a funeral in my District.

Had I been present, I would have voted: "aye" on rollcall vote No. 520 on H.J. Res. 69—Continuing Resolution through October 31st; "aye" on rollcall vote No. 521 on H.R. 3161—To Ratify the Authority of the FTC to Establish a Do-Not-Call Registry; "aye" on rollcall vote No. 522 on the motion to instruct conferees on H.R. 1 to accept provisions in the Senate and House bills to avoid cuts to rural hospitals, ensure access to health care for rural communities and provide guaranteed prescription drug coverage; and "aye" on rollcall vote No. 523 on the motion to instruct conferees on H.R. 1588 to accept provisions in the Senate bill to provide TriCare health coverage for reservists called to active duty.

LEGISLATIVE PROGRAM

(Mr. SANDLIN asked and was given permission to address the House for 1 minute.)

Mr. SANDLIN. Mr. Speaker, for the purpose of scheduling, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding, and I would be happy to talk about the schedule to the extent we know it.

Mr. Speaker, according to the calendar we announced at the beginning of the year, next week was scheduled to be the last week of the first session of the 108th Congress; and while the House by and large has completed its work for this session, the Senate is a little behind us, maybe several weeks behind us, and we still have some more work to do. So we will be here beyond October 3, certainly. We will be completing appropriations bills, as well as other important priorities.

In addition, the President's recent request for additional resources for the war on terrorism through the supplemental is something this Congress will be considering. Of course, that means we will need additional time in session.

While I understand that Members are anxious to know about votes for October, especially for the week of October 6, we have not yet finalized a number of key decisions that need to be made before we know exactly what that schedule will be. Hopefully by the close of business tomorrow, Friday, we will be able to distribute a "Dear Colleague" letter to each office which will indicate the days when we expect to have votes for the entire month of October. This information will also be on the majority leader's Web site hopefully by the close of business tomorrow.

For next week, in addition to a lengthy list of bills that we will consider under suspension of the rules starting on Tuesday, we do have a long list of conference reports that could become available.

□ 1300

These include, but are not limited to, the FAA authorization, which has to get done, as we all know, the DOD authorization bill, military construction appropriations bill, energy and water appropriations bill, and, of course, the Energy Policy Act of 2003.

No one can say at this time which days any of these bills will be considered by the House. It is difficult to know, but I would stress that we will expect to be voting on one or more of these conference reports, and we should expect to be here next Friday.

Members should know we may well be working late into the evening next Friday, October 3, 2003, to consider some of these conference reports. I would try to answer any further questions the gentleman from Texas has.

Mr. SANDLIN. Mr. Speaker, I will reclaim my time.

Mr. Speaker, it was indicated that there was hope to have a schedule available as soon as tomorrow for the month of October. As of right now, is there an expectation that we would have legislative business during the week of October 6, 2003, even though the other body has decided not to be in session during the week?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I think we will have a better answer to that as of tomorrow close of business. But my expectation would be we would have business here on the floor even though the Senate will be out, the other body, in part because of the work we need to do on the supplemental, and in part because of possibility of other important work in the appropriations conference reports.

Mr. SANDLIN. Mr. Speaker, I note that it was indicated that we could be working late into the evening next Friday. And, of course, that is contingent on many things. But I would like to know if there is a possibility that we will not be working late next Friday so that the Members can schedule their transportation needs, and also would request an answer to why we would be working late next Friday and confounding scheduling when we have not been working on Mondays and Fridays in the past.

Mr. PORTMAN. Mr. Speaker, that is certainly a fair question. And I honestly do not think we will have the answer to that until some time midweek next week, depending on how the conference reports are going. My point earlier was that Members should be prepared to be here on Friday, if necessary. We do not know if that will be necessary, but if there are conference reports that are ready to go, I think it is important that we are here to get our work done.

So it seems like it would make sense for Members not to make plans for Friday that they are unable to get out of. We will see what happens as of next week.

Mr. SANDLIN. Mr. Speaker, is there an idea about what time we might know tomorrow about the upcoming week's schedule so that our Members can make their scheduling for airplanes or other modes of transportation and deal with their families and events at home?

Mr. PORTMAN. Mr. Speaker, I am advised by the majority leader's office that it will be available as soon as possible tomorrow, which, in House terminology, probably means tomorrow afternoon or evening. It is going to take a while to make some decisions on some matters that are not entirely in our control, including working with the Senate on how we work through the supplemental. So I would think tomorrow afternoon sometime.

Mr. SANDLIN. Mr. Speaker, in the event that we do meet late next week, during the week would our business that week be consideration of the Iraq supplemental appropriations legislation? And, if so, can Members be assured that we will have a fair process for consideration of that bill, a process that would allow full debate so that Members will have the ability to address all of their concerns of justification and accountability?

Mr. PORTMAN. Mr. Speaker, if the gentleman will further yield, I appreciate the question. And my own sense is that it is very unlikely we would see the supplemental appropriations bill on the floor next week simply because the committee has not yet gone through the hearing process to the extent they would like to. My understanding is they would like to hold additional hearings next week.

In fact, the members of the subcommittee have indicated that they will be going on a trip this weekend, I think, to Iraq to gather further information. So it seems very unlikely it would be before us next week.

In terms of the rule, we have not worked that out yet with the Committee on Rules. I certainly have not talked to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), but that is a decision that would be made as we get closer to that vote.

Mr. SANDLIN. Mr. Speaker, reclaiming my time.

Mr. Speaker, we passed a continuing resolution today that will take us through October 31, 2003. Would you anticipate that we would be able to finish all of our legislative work for the year by the end of October?

Mr. PORTMAN. Mr. Speaker, another fair question from the gentleman. I wish we could provide a definitive answer. That is certainly our hope, that by the end of the month of October that we would be completing our legislative business for this session of this Congress. But it would depend on our progress with the Senate on a number of these conference reports that we talked about earlier.

Mr. SANDLIN. Mr. Speaker, I appreciate the information from the gentleman. I noticed in the initial remarks that several conference reports were mentioned that would be coming up including FAA and DOD and military construction and energy and water. Certainly, those are important matters. But in looking at that list, I would note that many of those things have not been brought forward yet because we have not been scheduling Friday and Monday.

Secondly, I would note that in that list, from what I am reading, that neither the Medicare prescription drug legislation nor the tax credit legislation is on that list. But could Members be told which one of those two are most likely to come to the floor? Is there a possibility of the Medicare prescription drug legislation coming to the floor and is there a possibility of the child tax credit legislation coming to the floor?

Mr. PORTMAN. Mr. Speaker, if the gentleman would further yield, I would say absolutely. It is our hope that we would have both of those conference reports coming back to the House floor. Certainly they were not excluded from the list because we do not hope to do them, but they were not in the list because it is unlikely we will do them next week. So it will not be something imminent. On both of those conferences, we would hope to come to a resolution.

As the gentleman knows, being on the Committee on Ways and Means, the members of the Committee on Ways and Means on the conference and the members of the Committee on Energy and Commerce are working diligently with regard to the Medicare conference and their staff, even as we talk this afternoon. So we are very hopeful we can resolve both of those and bring them to the floor before completing our work for this session.

Mr. SANDLIN. Mr. Speaker, I appreciate that. So there is certainly the possibility that in addition to the ones that you listed, since we are working extra hours next week and working late through Friday, there is the possibility that Medicare prescription drugs and/or the child tax credit legislation could come up for consideration next week since we do have additional time next week?

Mr. PORTMAN. Mr. Speaker, my colleague from Texas knows some of the complexities of some of these issues and knows the progress we have made, but also the ground we have yet to cover. So I think it is unlikely, from my point of view, it is unlikely we will see it next week. But I think it is very likely that we will make significant progress in the next two weeks, particularly if we are here for a considerable amount of time the week of October 6, 2003, to be able to make progress on these conference reports. Even in the absence of the Senate being in session, we can still work on conference reports.

So our hope is to continue to push with regard to all of the conferences. We named a number of them earlier. We hope to have them come to the floor over the next several weeks as we complete our work.

Mr. SANDLIN. Certainly we hope since we are working a little bit later, we can consider Medicare prescription drug legislation and the child tax credit. That is, of course, very important.

Does the gentleman expect that we could move forward and go to conference on the Labor-HHS-Education bill sometime next week? Since we do have additional time, would that be a priority?

Mr. PORTMAN. It certainly would be a priority. It is my understanding that the Senate formally requested a conference just last night on what is the second largest now of our 13 appropriations bills. It is certainly a very important bill for us to be able to complete on an independent basis and that is our goal. We cannot commit to a day next week when we would consider a motion to go to conference, but I think it is very likely it could happen next week.

Mr. SANDLIN. The House earlier today was supposed to consider a rule to send the FAA conference report back to conference. When the conferees reconvene, would the gentleman expect them to work in a truly cooperative manner and accept the will of both Houses of Congress with regard to halting the privatization of air traffic control towers as has been debated here on the floor?

Mr. PORTMAN. It is our understanding that Members of that conference from both sides of the aisle and both sides of the Capitol have indicated that a couple of relatively small changes are necessary to get that bill into position where both the House and the Senate can pass the conference report. That is what we are working toward. Those grant programs administered by FAA expire, as the gentleman knows, at the end of the month. I know that the chairman of the Committee on Transportation and Infrastructure and so many other Members in this Chamber would like to get this bill to the President for signature as soon as possible.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Ohio for his information and cooperation today and would ask that the gentleman and/or the leadership of the majority let us know just as quickly as possible tomorrow about the scheduling, so that our Members can make their scheduling for their transportation, and also let us know if there is any possibility of the Medicare prescription drug bill or tax credit bill or FAA bill or any of that coming up next week.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 2003; AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 30, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 30, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SANDLIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. SANDLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Texas (Mr. SANDLIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the way this bill currently stands is nothing more than a misrepresentation and a bait and switch. The leadership has used smoke and mirrors to trick our seniors into thinking that they are getting a Medicare prescription drug plan and into thinking that our hospitals will be adequately reimbursed while, in reality, we are forcing our seniors to seek medication from private insurance companies and HMOs that will set the price and set the benefits and we are taking money away from our hospitals.

Mr. Speaker, I rise to offer this motion to instruct the conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003 and ask to remember our Nation's 9.3 million rural Medicare beneficiaries as they continue their critical deliberations. The legislation that I speak of today, as I mentioned, is much more than simply a drug bill, it is a testament to our commitment to quality-of-life issues for our Nation's seniors in our communities. Modern health care today requires a comprehensive system that depends on access to needed prescription drugs, certainly. It depends on physician care and hospital treatment. All of those needs must be addressed. When access is denied, treatment fails and people suffer. As H.R. 1 stands today, our rural communities all across Texas and all across the Nation will suffer.

Everyone here knows that our Nation's rural hospitals are desperately in need of assistance. Over the past 25 years, Mr. Speaker, more than 470 hospitals across America have closed. That is unacceptable. That impacts primarily rural America. This is very devastating for rural citizens. Due to the fact that rural seniors have a lack of access to preventive care, that causes them to have higher incidences of chronic illnesses like heart disease, arthritis and things of that nature. Medicare is a significant source of payment for rural health care providers because of the higher proportion of seniors in rural areas. We must provide the strongest reimbursement aid possible by taking the best of the House and the best of the Senate bills. The House bill's rural assistance provisions contradict each other by offering funding through one avenue and slashing it through the market basket. This measure, as proposed by the House, denies hospitals $12 billion of desperately needed assistance, nearly $9 billion of which would go to rural hospitals, the hospitals with the most challenge. In my home State of Texas, over $420 million will be lost. That is all in the name of fiscal responsibility. That is a false savings, Mr. Speaker, and it is a savings that endangers the lives of Americans, especially in rural America. This cost-saving measure certainly will not save hospitals but it will cost them and their patients dearly.

□ 1315

How much do we as a Congress expect our hospitals to endure? Our rural hospitals are barely scraping by on what Medicare and Medicaid already paid. In the name of patient safety, we ordered them to comply with Federal mandate after Federal mandate from EMTALA to HIPPA but then failed to grant the funding to ensure quality of care is provided. Let me tell the Members here no one will expect care to be provided if these hospitals close. It just will not be availability, and with that elimination of care will follow a massive elimination of jobs critical to our local economies and endangering our local families.

Rural seniors in hospitals are getting a raw deal here, Mr. Speaker. We all know that. They are not looking for anything extra. They are just looking for something equitable, something fair. Join with me and do at least that much today for our hospitals, for our doctors, and for our rural patients in rural communities.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

The Sandlin motion to instruct conferees is essentially the same as the last two motions to instruct that have been defeated by the House of Representatives. This motion, like the others, asks us to accept the Senate's position of a government-run prescription delivery drug system and structure. It would provide unprecedented and unnecessary inflationary increases to providers and would undo the bicameral decisions that the conferees have already resolved. Roughly a third of the bill in question, H.R. 1, has been resolved by the Medicare conference. This motion would reopen those issues that have already been resolved in a bipartisan, bicameral fashion. This is the third Congress that has attempted to enact a prescription drug benefit in Medicare, and this motion would ensure that a prescription drug Medicare bill never reaches the President's desk; and I urge a defeat of this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I appreciate the gentleman's comments. I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

It is nice to be able to join on an issue as important as this and one that does not deal with redistricting in Texas.

I do rise today in support of the Sandlin motion to instruct on Medicare prescription drugs. This motion carries with it the efficacy of protecting seniors and health care providers in rural areas. It was not too many years before I came up here to Congress that I was serving on a board called the Area Agency on Aging. It was a board where we spent a great deal of our effort with senior citizens and the needs that they had. Ultimately, they selected me to be a delegate to the 1995 White House Conference on Aging, and the goals that came from that meeting of several thousand people gathered across the country had to do with allowing seniors to live in independence and dignity, to make sure they continued to have access to the programs that made such a significant difference in their lives, Medicare and Social Security. Since Medicare was enacted in 1965, it has truly provided health care security to millions of America's seniors and people with disabilities.

Medicare is the binding commitment of a society to our most vulnerable citizens and a commitment that America must always keep. One segment of society that is neglected time and time again in Washington is seniors living in rural communities, and I come here today to tell the conferees that we have a real commitment to rural seniors.

Mr. Speaker, I represent a fairly diverse district. It consists both of urban and rural areas, and therefore I have witnessed the degradation of care for my constituents living in these rural years. This Congress has a responsibility to represent all people throughout the country and to provide guaranteed prescription coverage through a Medicare fallback option in areas where private drug plans are not available. We must ensure that cuts in payments to hospitals that were included in the majority-offered House bill which adversely affect hospitals in rural areas are not included in the conference report. These cuts will serve to further undermine the ability of rural hospitals and health care providers to ensure that adequate coverage is offered in rural areas.

I cannot in good conscience allow this House to send to the conference committee a bill which would leave our Nation's rural areas in continued peril. I have pledged with my colleagues to work to provide adequate health care to all Americans; and, frankly, this bill as it currently exists imperils citizens living in rural areas.

HMOs and other private health plans have had a very poor record of serving seniors living in rural areas. Indeed, according to the government's own advisory board, the Medicare Payment Advisory Commission, only 19 percent of rural Medicare beneficiaries have the option of enrolling in a Medicare managed care plan in 2003. How can we as a Congress participate in passing such a broad and affecting piece of legislation without ensuring that the disparity between rural and urban areas is abolished?

So the Sandlin motion to instruct will help to ensure that we do not leave our rural citizens behind. I support this motion to instruct, and I call on my colleagues here to join us and do exactly the same thing.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the key problems with the House GOP Medicare prescription bill is it fails to meet the needs of the one-fourth of Medicare beneficiaries who live in rural areas. And someone who knows that very well is the gentleman from Texas (Mr. STENHOLM), my good friend and colleague and a real champion of health care, especially out in west Texas, and a very respected Member of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank him for bringing again this motion to instruct to the floor of the House.

Some of our colleagues are asking why do this again. Listen carefully to the rationale and the reasons of why we are doing it again. It is critical to rural districts all over the United States. This is a matter of life and death for 27 hospitals in my district. The issue is fairness, and this is the third time that I have had to correct my friends on the other side of the aisle for the red-herring approach that they are talking about. No one is advocating a government-run program unless by that they are suggesting that they are not in favor of continuing Medicare. If they are in favor of letting Medicare go, then they are correct; but I do not think the majority of the House is talking about that.

Certainty we are not. And when they talk about budget issues, make it very clear, we are proposing to live within the budgeted amount of $400 billion and not one penny more, period. But what we are saying is that when we are looking at rural hospitals in particular, there are some issues that the conferees need to listen to, and yes, one can make the argument this is procedural, and I understand that, but when that conference bill comes back on the floor and we are going to have to vote on this issue, I am asking my colleagues, for example, in Kansas 1, 37 hospitals will lose $21.682,000; Georgia 11, six hospitals, $17 million; Texas 19, 18 hospitals, $39 million; Texas 23, 11 hospitals, $11 million; Indiana 8, 13 hospitals, $28 million; North Carolina 8, 12 hospitals, $43 million; Minnesota 1, 15 hospitals, $45 million.

I can go on and on on this list. This is money that would not be coming if the conferees come back and say market basket is not applicable. And one can say, yes, this is a cut from a rate of increase; but that is precisely what we are talking about in rural areas. We have been cut and cut and cut to the point we cannot take any more, and we have got to have some rationale and reasoning, some logic, now in saying to rural areas, you must be treated fairly; and that is what the best of both the House and the Senate bill does.

We are arguing about a philosophical direction, and with all due respect, I do not agree with the direction that the majority wish to take the conference, and I think a majority of this body does not. I really do. That is why we will continue to come on this floor and suggest to our colleagues who continue to vote against this motion to instruct, take a good look, listen to their hospitals back home, listen to what is being proposed and see how they will vote when that conference committee completes its work and brings it back to the floor of the House.

And everyone now I hope understands that the conference is in trouble because we have some irreconcilable forces. It is kind of like the Texas redistricting plan. We have got some folks not willing to give. And when we have that, then we run the risk of doing nothing, and no one wants to come out of this Congress by doing nothing. We have a tremendous need of dealing with the cost of medicine, and there are ways that we can do some great things to reducing the amount of cost of health care to our senior citizens and to others, middle-income America. But pay particular attention, and this is done for the benefit of our colleagues, the conferees having to recognize that we have got to come to an agreement with the Senate or otherwise nothing will happen.

Again, I repeat, this is not a budget issue. We are just saying we have a recommendation to the conferees of how they spend the money. We are not talking about spending any more. And if you believe your hospitals can do with less, continue to vote as you have been voting. Do not instruct the conferees. But you had better start talking to them because if the conferees insist on doing it the way they insist on doing it, we risk the whole bill; and nobody wants to see that done.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Let me just say, Mr. Speaker, that under the Senate approach to the Medicare prescription drug bill, one third of the beneficiaries will be in a full government run fallback plan; and if the government is at risk, the plan will have little incentive to control costs and would simply process claims. And that is why the nonpartisan Congressional Budget Office has estimated that the Senate provisions would lead to higher prices for beneficiaries and taxpayers and result in over $8 billion in higher costs; and this would, I think, be an unacceptable giveaway. The Congressional Budget Office, CBO, also estimates fewer plans and therefore fewer choices for seniors under the Senate proposal, and that would be because the full-risk plans would be hesitant to compete against the government contractors.

And let me just say that the market basket adjustment is just a part of the picture in terms of what is being done for providers in rural America; and when we add in together the market basket update, the standardized amounts, the labor share, the Medicare disproportionate-share payment, we are seeing increases over current law in rural areas; and most of those numbers do not include the increases for critical access hospitals which are an important part of health care providing in rural America.

So I would still urge my colleagues to defeat this motion to instruct. We have a good process moving, and let us keep the process going forward.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, the $12 billion that CBO says the House bill cuts from hospitals, $9 billion of that comes from hospitals serving rural communities. As I said the other day when we were talking about this approach, all the medical technology in the world is of no use to me or anyone else if it is not accessible. Over 47 percent of the 134 acute care hospitals in Tennessee are losing money. A lot of these hospitals are in rural areas that simply will not be able to remain open with the market basket reduction, with the way this bill is drafted, and with the demands that are being placed on them. Literally, if one believes that accessibility to medical technology is as important as the technology itself, and I cannot imagine anybody who would argue that it is not, if they cannot get to a doctor or a hospital with a heart attack in time, they are going to die. So it really does not make sense to say this medical technology is important in and of itself. There also has to be this accessibility issue to be addressed, and this bill is not addressing this accessibility issue.

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That is why this motion to instruct is important.

But even if you do not believe that accessibility is a real goal that we ought to strive for in America, you have got the equity argument that the gentleman from Texas (Mr. STENHOLM) made. Even if you say we know it may not be fair, but that is just the way it is, what about all of the jobs that are going be lost, jobs of dedicated medical professionals that want to help people in rural America? They live there voluntarily, they devote their productive years to curing and helping people who are sick, and they go out the window as well when these hospitals close.

I would just implore the House to look at the system of health care delivery in our country and realize that this approach that the majority is taking is shortchanging hospitals, rural hospitals, and, more importantly, sick people all across this country, but particularly in rural areas, and is that the kind of country we want to have? Is that the kind of country we can be proud of? I think not.

Mr. Speaker, I would urge that this motion to instruct be approved whenever we have a vote on it.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS), one of the people that really has a good knowledge in the Congress about the issue of prescription drugs due to the fact that he owns a pharmacy.

Mr. ROSS. Mr. Speaker, I thank the gentleman for yielding me time and for offering up this motion to instruct conferees on the Medicare prescription drug bill.

Mr. Speaker, let me tell you that, as the owner of a small-town family pharmacy, one of the things that I see way too often is seniors who walk through the doors of our pharmacy who cannot afford their medicine or who cannot afford to take it properly.

I live in a small town, a town that lost its hospital back in 1995. Our folks now go 16 miles down the road to the hospital in Hope, Arkansas. Living in a small town, I see so many seniors that end up 16 miles down the road in the hospital running up a $25,000 or $50,000 Medicare bill, or requiring $250,000 worth of kidney dialysis, or having a $50,000 leg amputation, simply because they cannot afford their medicine or cannot afford to take it properly. This is America, and we can do better than that by our seniors, America's greatest generation.

There has been a lot of talk in Washington about trying to help our seniors with the high cost of prescription drugs, but that is all we have seen and that is all we have gotten, has been a lot of talk.

When I came to Congress in 2001, I thought if there was one issue that would not be partisan, that would not divide us, but, rather, would be a senior issue, this is not about Democrats or Republicans, or at least it ought not be, it ought to be about our seniors, and I thought if there was one issue that could bring us together, it would be to do right by our seniors. But, instead, what we have had offered up by the Republican leadership is a false hope and a false promise, nothing more than Medicare fraud for our seniors.

There are several problems with this so-called Medicare prescription drug bill. Number one, the fund that they want to cut funding for to fund the prescription drug coverage for our seniors, the Republicans want to cut funding to rural hospitals to the tune of $12 billion. We have lost 470 rural hospitals in America in the last 25 years. As I mentioned earlier, we lost the hospital in my hometown of Prescott, Arkansas, in 1995, and I can tell you that is something I do not wish on anyone. It is wrong to try and fund this Medicare prescription drug benefit by shutting down rural hospitals.

Another problem with the bill is this bill is supposed to be about helping our seniors. The problem is, it is not a seniors' bill, it is a bill that has been written by the big drug manufacturers.

The drug manufacturers have more lobbyists in Washington, D.C., than we have Members of Congress in the House and Senate combined, and their fingerprints are all over this bill. The Republican leadership had the nerve to put language in this bill that says that the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost of medicine. That is in the bill.

Another problem with the bill is privatizing the Medicare prescription drug benefit. There is a very good reason why they want to do this. You hear about how drugs are cheaper in other countries. They are. It is because America is the only industrialized nation in the world where people go without health insurance. That does not happen anywhere else in the industrialized world.

There are 41 million people in America without health insurance today; 8.5 million are children. Who are the rest of them? It is not the folks that do not want to work. If you do not want to work, you get on welfare and you get Medicaid.

We are talking about the people that are trying to do right and stay off welfare, that are working the jobs with no benefits. But in other countries that does not happen. In other countries the government says to the big drug companies, you give us a discount if you want your drug in our country, and they do.

I did a survey, Mr. Speaker, about a year ago, where I compared the price paid by seniors in my Congressional District in Arkansas on the five most commonly used brand name drugs with the price paid by seniors in seven other countries. Guess what? Seniors in my district in Arkansas pay, on average, 110 percent more than seniors pay in these seven other countries.

So the drug manufacturers want to privatize this, because they know if we have 40 million seniors under one plan, we, too, will demand these kinds of discounts and rebates to help offset the costs of the program. So they want to privatize it and have 100 different insurance companies knocking on your momma's door, calling her on the phone, sending her mail, all trying to sell her exactly the same policy.

Finally, the biggest problem with the bill is the benefit itself. There is all this talk in Washington about helping our seniors with the high cost of prescription drugs. What does the plan do?

Well, from day one you have got to pay at least a $35 monthly premium, although no one can tell us exactly how much it will be. Then you will have a $250 deductible. Then from $250 to $2,000, Medicare will kick in at 80 percent of the cost of its medicine. That part sounds pretty good. But when you get to $2,000, you have got to continue to pay the $35 monthly premium. But, guess what? The senior is back being forced to foot the entire bill from $2,000 up to $3,500. Pay the premium, but get no help.

If seniors cannot afford the first $2,000 worth of medicine, tell me, how in the world they are going to afford the next $1,500?

When you do the math on this, here is what it comes out to. All this talk boils down to this. On the first $3,500 worth of medicine that seniors need each year, Medicare is going to help them with $900 of it. Seniors are still going to get stuck trying to pay $2,600 of the first $3,500 worth of medicine. When you take the formula, and you almost need a CPA to figure it out, and you factor in the premium, that is what it amounts to.

Tell me this, $900 worth of help on a $3,500 drug bill, I do not know about where you come from, but I can tell you, where I come from, that is not going to help my struggling seniors to choose between their medicine and their groceries and their rent and their light bill.

I am not going to rest until seniors can walk into the pharmacy of their choice, pull out their Medicare card and be treated like they are when they go to the doctor and to the hospital. I will continue to fight, and that is exactly what we are doing in this motion to instruct conferees on the Medicare prescription drug bill. I am going to continue to fight until we get a plan that is voluntary, but guaranteed, and made available to all seniors who have no help today, while protecting those seniors who have help. I want to make sure that this bill that passes this Congress will not shut down another rural hospital.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third Congress where we have attempted to pass a prescription drug bill. The bill that is in conference now passed this House with a bipartisan vote. Finally, the other body has acted and also has passed a prescription drug bill. That is why we are in this meeting called a conference, to resolve the differences between the two.

We have made tremendous bipartisan progress in that conference. One-third of the bill, approximately, has been agreed to. This is the third time this motion has been brought to try to divert time and attention away from the progress that has been made in conference.

I think that if we are serious about trying to enact a prescription drug benefit this year, if we are serious about getting a bill to the President's desk, I think it would be important not to support this motion. This would literally stop all of the progress that has been made, not only in a bipartisan way between Republicans and Democrats, but also between the House and Senate. As I say, this has been the third Congress where we are very close. One-third of the bill has been decided, great progress has been made. Let us let that progress continue. Vote no on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield 4 minutes to my good friend the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I want to thank my colleague from Texas for yielding me time.

I am here to say you do not have to have a drawl to have this problem in your State. There are 50 States where this is a problem. I was walking across to my office building a minute ago, and I met a reporter from a major newspaper here in the East who said to me, "What is going on in the Medicare conference?" I said, "I do not know. They are talking." So he said, "Well, what do you hear?" I said, "We do not hear anything on the Democratic side. That is why we are out here every day trying to instruct those people."

I went to our Democratic House Member who is on that conference committee and said, "What is going on?" He said, "I do not know. They are not having any meetings where they are discussing anything."

Now, they have been telling us we are going to have this bill. But this morning I was in the gym, and as I came out of the gym, I met one of my Republican colleagues, and I said to him, "What does this drug thing look like? How does it look like it is coming?" He said, "Frankly, I hope it does not pass." I said, "Really? Why?" He said, "Well, when they hang that doughnut hole around our neck in the next election, we are going to be dead."

You just heard my colleague from Arkansas describe the doughnut hole. You have a $3,500 bill, and you get $900 in benefit, and you still have to pay a $35 a month premium. It is a terrible bill, and the House bill is based on the fact that they hope that the insurance companies will put something together.

The reason we need the best of the Senate bill is at least they have a fallback position which would allow the Federal Government to set one up if the private sector cannot.

Now, the other thing my colleague pointed out and that needs to be emphasized, this is so privatized that the House of Representatives said that the United States Government, represented by the Secretary of the Department of Health and Human Services, Tommy Thompson, cannot negotiate lower prices on the basis of what is good for the American people. He is absolutely, by law, prohibited from doing what is best for the American people.

What kind of a plan is that? This is throw the folks into the arms of the drug companies. They must have written every blessed word in it, including that line.

They did not want the Secretary of Health and Human Services to sit down on behalf of 40 million people, because they know what happened to them when the Secretary of Veterans Affairs sat down on behalf of the veterans, 5 million of them, and got a huge discount. They are afraid that Mr. Thompson will negotiate something for them.

Now, we will hear, I am sure, something is going to pass this Congress, whether it is any good or not will be for the people to decide, because the Republicans know they cannot go home without something. It better be worth something, or else they are going to pay in the next election, because they have been promising, and they have no excuse. They have the Presidency, they have the Senate, they have the House, and if they cannot put a bill out that does what the people need, they need to pay for it at the ballot box. That is what is being set up.

We are instructing them the way to go if they want to do what is best for the American people. But if they want to do what is best for PhRMA and the drug companies, we will continue down this path, and no one will know, until one day a bill pops out here, 1,000 pages, and we vote on it, with nobody knowing what is in it.

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That will be wrong, and the payment will come at the ballot box.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman's comments and the anecdotal nature of them, but I do know that there was a 10 o'clock meeting this morning in Dirksen 215 to brief the staff on the progress that has been made on the Medicare bill and to go over issues and to discuss matters.

But this motion to instruct does not deal with the particulars of the prescription drug benefit, as has been discussed. It really only would provide for a government-run fallback in the plan. And both bills have prescription drug plans that assume some financial risk. The difference is they would ask the government to be the fallback on that, which would really then allow for very little incentive to control costs and would not really be the kind of benefit that would become available to seniors and be effective.

So, again, I would urge a rejection of this motion to instruct on that basis.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), ranking member on the Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman from Texas, my colleague, for yielding me this time on what is a very, very important motion to instruct, and one that I would hope would be received favorably by our Republican colleagues, because there are provisions in this motion that I think are important to many of us, particularly those of us who come from rural areas.

When we look at what this bill looked like as it left the House, as my colleagues will recall, it only passed by one vote, and I think it took over an hour to get that one vote after a little arm-twisting. So this bill clearly was one that did not sail out of this House, and I think that the provisions that are in it are important.

First of all, it is, I think, appropriate in this motion to ask that the very best provisions of both the House and the Senate bill on improving Medicare payments to health care providers in rural areas be in the final conference report, because many of us in rural areas have been hurt by some of the changes and cutbacks in Medicare funding. I have people come into my office all the time from my district who are administrators of hospitals, who tell us that they are having a hard time keeping the doors open and pleading with us to try to provide adequate reimbursement for Medicare services in our rural hospitals.

It is true that since 1998, 57 percent of the hospitals treating Medicare patients in this country have lost money, and that is only the beginning of the story. As we listen to the individual hospitals who come and talk to us, they tell us that they may be closing the doors if we do not do better in terms of Medicare reimbursements. So this is not a partisan issue; this is a bipartisan issue that particularly affects those of us in rural America. At a time when we are being called upon to spend billions of dollars to reconstruct Iraq, we do not need to be closing the doors of hospitals right here in America.

I also think the provision of the motion to reject any cuts that may affect a rural hospital is an appropriate and similarly arguable meritorious provision to have in this motion.

Finally, the guarantee that is in the Senate bill that there is a fallback to a Medicare prescription drug plan if there are not two plans offered by private companies in your area seems to only make common sense. After all, most seniors in this country are happy with Medicare; and they would be well pleased, as I have always been, in advocating a prescription drug benefit under regular Medicare. But because our Republican colleagues have insisted that we have a privatization of Medicare in order to get a prescription drug benefit, it seems only to make common sense that as we enter into that experiment, if that is the direction the Republicans choose to lead us, that we have some protection. After all, it is an experimental venture. In my area we had cutbacks in Medicare offerings by private companies.

So I think this motion should be well received by both sides of the aisle, and I hope it will be adopted.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Medicare, of course, with regard to hospitals and providers, reimburses, particularly hospitals, based on a system that on average allows them to make a profit under Medicare. We are advised in Congress by a nonpartisan group of panel experts called MEDPAC, or the Medicare Payment Advisory Commission. And this bill, as passed the House, follows their recommendation and their advice to Congress, which they made unanimously, that Congress increase payments by 3 percent, which is what this legislation does. We will be spending billions and billions of dollars on Medicare. We are trying to do it in a responsible way that follows the advice of the nonpartisan experts that Congress has looked to in the past to help guide us in these matters.

So again, I would say that there will be a tremendous amount in this legislation for providers, particularly in rural areas. I represent a rural area in Michigan. And just to give Iowa as an example, they will ultimately receive a 5.5 percent increase in Medicare payments above what they would have received under current law. Again, that does not include the increases that they would receive for the 51 critical access hospitals in Iowa. So there will still be, I think, a significant help to make sure that there will be access to health care in rural areas. It is a critical issue, and this legislation provides for that.

Mr. Speaker, I yield back the balance of my time.

Mr. SANDLIN. Mr. Speaker, we have heard today about the problems in this bill. It is important that we stand up for hospitals, for seniors, and for rural America. For too long, America's rural hospitals have received Medicare funding far below the amount paid for the same service to their urban counterparts. Further, Medicare's base payment and DSH payments are less for rural hospitals and include an arbitrary cap. The results are very predictable. There has been an overall Medicare operating margin of negative 2.9 percent, and that has had a terrible impact on rural health care.

Let us stand up for our seniors. Let us stand up for rural hospitals. Let us make sure that we have a prescription drug plan that is guaranteed. We know the cost, we know what it covers, it is available, and that does not have a doughnut hole. Let us work together. I am urging my colleagues to support the motion to instruct conferees, because the instructions in this motion are the very ones that are not being worked out in a bipartisan way or in any way at all by the conference committee.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. SANDLIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SANDLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. PALLONE. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PALLONE moves that the manager on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Ms. DUNN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct conferees on H.R. 1308, the child tax credit bill. My motion makes five specific instructions of the House conferees.

Mr. Speaker, there would be no reason for us to address this issue tonight had the Republicans not deliberately ignored the well-being of 12 million children in its latest tax law. The omission of a provision that would have extended a $400 child tax credit to working families making $10,000 to $26,000 a year was neither an accident nor an oversight.

The provision, which had not been included in President Bush's initial $726 billion proposal or the House Republicans' $550 billion version, was added in the other body by Democratic Senator BLANCHE LINCOLN.

Now, why did this considerably small provision, $3.5 billion out of a giant $350 billion tax bill, make the Republicans chopping block? Well, anyone who has followed things around the House over the last couple of years unfortunately knows the answer to that question: this House, the people's House, under the Republican majority, has been turned over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle- and lower-income Americans.

Mr. Speaker, Republicans have a chance tonight to begin to rectify that image. First, my motion instructs the House conferees to include in the conference report a provision in the Senate bill that provides immediate payments to the 6.5 million working and military families who were initially left out of the Republicans' 2003 tax bill.

Mr. Speaker, House Democrats are fighting to immediately enact the bipartisan Senate-passed bill so we can help the 12 million children that Republicans left behind. Now, I think it is outrageous that it has been more than 3 months since the Senate overwhelmingly passed a measure, 94 to 2, to immediately give an increased child tax credit to the millions of children previously left out. If the House Republicans truly wanted to fix this injustice, they would have immediately approved the Senate measure. My motion simply instructs them to do just that, so that we can be fair to these working families and provide them the same benefits that many other Americans received this summer.

Mr. Speaker, the second part of my motion instructs the conferees to include in the conference report a provision included in the Senate bill that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone. The House Republican bill contains bad news for the children of the 200,000 men and women serving in Iraq or other combat zones. The Republican bill leaves in place current law under which families will face tax increases because combat pay is not counted for purposes of the child tax credit.

Now, let me give an example of what I mean here. Let us take an E–5 Sergeant with 6 years of service and two children who is paid $29,000 a year. Generally, both of his children would be entitled to the full $1,000 tax credit; but if he is over in Iraq for 6 months, his credit would drop to $450 under the House bill. Now, how can we take a critical benefit away from the family of a soldier who is now over in Iraq risking his life?

Third, Mr. Speaker, the motion instructs the House to include in the conference report all of the other provisions of the Senate bill and not report back a conference report that includes additional tax benefits not offset by other provisions. If my colleagues have noticed, in the Senate bill, the $3.5 million for the child tax credit addition is fully offset.

House Republicans, I believe, are exploiting the child tax credit provision passed, and even more tax cuts that will saddle our children with mountains of debt. The House Republican bill costs more than $80 billion, while only $3.5 billion is needed to make sure that these children and their families are treated fairly; and that is fully offset, as I said, in the Senate bill. I think it is based on a Customs duty or a Customs tax. In other words, it does not add any money at all to the Federal deficit.

Now, the House action is particularly reckless and irresponsible considering the Republicans' tax policies have already produced a record $400 billion deficit that continues to climb. I think it is almost $500 billion at this point.

Fourth, Mr. Speaker, to the maximum extent possible within this bill in the conference, the House conferees are instructed to include in the conference report other tax benefits for military personnel, as well as the families of the astronauts who died in the Columbia disaster.

And the fifth section of the motion instructs conferees to, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees should then file a conference report consistent with this motion no later than 2 legislative days from today.

□ 1400

Mr. Speaker, this is the 21st motion to instruct that my Democratic colleagues and I have brought to this House attempting to bring right this wrong. I have personally been here many times to argue this same or a similar motion. How many nights will we Democrats have to come to this floor to fight for the 12 million children of low-income parents who were neglected by the Republicans in their latest tax bill?

I have to say, Mr. Speaker, I am the father of three children, and I received a $1,200 check, $400 for each of the three children. It pains me to think, based on my income as a Congressman, that many of my constituents who have one, three, or more children were not able to get that $400 per child, because they certainly need it a lot more than me.

This neglect on the part of the Republicans has to come to an end this evening. It is simply a question of fairness. How can Republicans say it is fair to give a millionaire a tax break, or a Congressman a tax break, while giving nothing to millions of working families. It is time for the Republican majority to join us in passing this motion to instruct conferees so we can finally resolve this injustice, an injustice that should have been rectified many months ago.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion. The House has considered similar motion on 14 different occasions in the last month. And just as those previously, this motion will deny millions of families the relief we have already proposed by broadening coverage under the child tax credit.

Earlier this year, the House passed House bill 1308, the All American Tax Relief Act. This very important legislation includes increasing the child tax credit through the end of the decade. We all agree on expanding the refundability of the child tax credit. On a bipartisan basis, we want to broaden the child credit's availability to more families. This is one reason why H.R. 1308 not only increased the child credit to $1,000, but also eliminated the marriage penalty in the child credit. We also agree that those serving this Nation in uniform should receive tax relief, including the increases in the child credit. That is included in House resolution 1308. We differ, however, on how to achieve these goals.

This vote is not about denying a refundable tax credit to certain families. It is about helping more working families get tax relief for a longer period of time. A vote for this Democrat motion would reduce the child credit to 2 years instead of maintaining the credit at $1,000 and making it permanent over the decade.

Who realistically believes we should allow the credit to revert to $700 a year in just 2 years?

A vote for this motion would eliminate the possibility of more married couples with children receiving the child credit. A vote for this motion would deny tax relief to members of the Armed Forces. Much of the cost of the House bill goes toward maintaining the child credit at $1,000 until 2010.

I hope no one will hide behind the rhetoric of deficit reduction. The fact is we should insist on keeping our provisions in the bill.

Mr. Speaker, I do not want to belabor matters that have been exhaustively debated day, after day, after day on the floor on the many occasions that I referenced. I think it is important for folks to realize that all of these provisions are included in House Resolution 1308, that the House of Representatives has passed that piece of legislation, stands behind it and the other provisions included in that legislation, and vote no on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I listened to my colleague on the other side, and I have heard this so many times now. With respect, the notion that the Republicans have already passed a bill that is much broader belies the fact that they are not willing to move in the conference to do anything. This conference has not even met on this bill. I know this gentlewoman is well-intentioned but she suggests that somehow the House Republicans have passed a better bill, well, what good is a House-passed bill versus a Senate-passed bill in any case, unless there is actually a conference, and there is an effort to try to come together and pass a bill that will go to the President?

There has been absolutely no effort on the part of the House Republicans to meet in conference or to try to come to any kind of an agreement with the other body, so that we would have a bill that is finally passed. And the suggestion that somehow we are going to include all of these other tax measures in additional tax cuts, that is not possible under the circumstances. We know that that will simply increase the deficit. It will cost a lot more. And the reality is if we are going to do anything, the only thing we could possibly do at this point would be to pass the Senate version, and they are not willing to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding me time. And I appreciate his tenacity for bringing this out here for what I think is the 22nd time to make a point. Now, the next few days we are going to work on an $87 billion bill for Iraq. The President has said we have to give him this money. If we do not give it to him, we are not patriotic. Anybody who wants to quibble about it or ask questions or raise any concerns, is clearly not patriotic and not supporting the troops.

Well, let me tell you something, this child tax credit does not go to a family whose father or mother is serving in Iraq today making $29,000. Now, my colleague honestly said, a Congressman gets it, a Congressman gets it, but a sergeant serving in Iraq, getting shot at from every corner, his wife is back home someplace at Ft. Hood or whatever taking care of kids, and they do not get it.

Now, I know there are going to be a lot of people out here puffing out their chest and talking about how much they have cared about the troops and how much they care about winning the war and all the rest, they are going to talk about a bill that will have money in it to build schools in Iraq and to put the electric lights on in Iraq and fix up the water system and the sewage system. But for kids of the soldiers, there is no money.

Now, if that is considered fair by the Republicans, I certainly hope they can explain it to the troops when they come home, how it was that we could spend billions of dollars fixing up Iraq, but we could not give money to the wife or the stay-at-home person who is taking care of some military kids, some money to provide better day care or better child care for them.

It is so unfair on the face of it, I do not know how you can have the gall to stand up here and say that you care. If you do not care about the kids, what are the fathers over there fighting for, or what are the mothers over from fighting for? They are fighting for their children and their future. And you are saying because you do not make enough money, you are not going to get it. If you make enough, like a Congressman, you make whatever we make, you get it. But if you only make $29,000, I guess you are not worth it or your kids are not worth it.

I do not know how they explain that. It makes no sense in human terms. It may make some budgetary sense when you drive the country $500 billion in debt in one year, I guess you got to cut somewhere, so let us cut the kids that belong to some sergeant or some lance corporal in the Marines or some chief petty officer in the United States Navy. They do not need it, because we got to buy this other stuff, whatever it is, in Iraq.

That is what is wrong with this bill and has been wrong from the very start. The people at the bottom, who need it most, do not get it. And they knew that when they came out of the Committee on Ways and Means that my distinguished colleague from Washington and I both sit on. They knew it. They knew they were not going to get this money, and they just glossed it over and said, well, we do not have to worry about that. Well, somebody has to worry about the sergeant's kids, and, boy, it better be the United States Congress that does it.

I urge the adoption of the motion.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to respond to the point of the military families not receiving child credit.

The House-passed bill, H.R. 1308, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child tax credit, and they will continue to receive a refundable child credit under the House-passed bill.

The Democrat motion to instruct would only increase the refundable child tax credit to some military families, by allowing them to take into account income that is currently tax free when they compute their refundable credit if they are in a combat zone.

I think it is important to also bring up that in our provision, H.R. 1308, that we provide additional tax relief for members of the Armed Services including capital gains tax relief on home sales, tax free death gratuity payments, and of course, tax free dependent care assistance which is child care assistance, and that these provisions provide $806 million of tax relief to people who are members of the Armed Forces over the next 11 years.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, here we are at the end of September, and I find it pretty remarkable we are still talking about this.

I am convinced that most people in this country expect us to come back here and get something done. I really do. When I meet with my constituents back home, there may be this issue that they care about or that issue they care about, but at the end of the day, they are looking for people to come back here and try to get something done.

I supported H.R. 1308, the House passed-bill. I supported that. I also recognize that the United States Senate voted 94 to 2, 94 to 2, to fix this one problem. If we want to talk about the art of what is possible, and to get something done, then we ought to support this motion we are talking about right now.

Let us talk about what is fair. Let us talk about what is right, and let us try to get something done. We are talking about folks in a lower-income situation. This was in the bill when the House and the Senate were first negotiating this tax cut package this last spring. It was taken out, $3.5 billion, which in the grand scheme of the overall cost of the bill was 1 percent, but it was taken out.

But it is a pretty important $3.5 billion, pretty important to those families of all those kids. It is really important. It is so important, in fact, that 94 out of 96 senators thought so and voted to fix this problem. What I do not understand is, we come over here to the House of Representatives and this breaks down into a partisan issue. I do not get it. It sure was not partisan in the United States Senate. Everybody, just about everybody other than two, sure felt it was the right thing to do. So I would encourage all of us to take a little bit of a step back from the rhetoric, a little bit of a step back from trying to pursue what may be the ultimate and perfect piece of legislation in some people's eyes.

Let us get away from looking at the art of perfection, and let us look at the art of what is possible. There is no question that if the House of Representatives passes this measure and agrees to go to conference with the Senate to move this package for these kids that are in that income bracket of 10 to $26,000, that it is going to get done. We can get something done around here.

As I said at the start of my comments, I think that is what people in this country are looking for. They are looking for this Congress to make some progress, get something done. I encourage passage of this motion.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to point out, again, I listened to what the gentlewoman said in response to the gentleman from her home State, and it just seems like it is the same pattern, it seems like it is the same pattern every time we bring up this motion where my colleagues on the Republican side of the aisle, and again I am not saying they are not well-intentioned, but they keep talking about the House bill as a sort of panacea because of the fact that it has all these other tax cuts, which I think add up to something like $80 billion in additional debt that is not paid for.

And my colleague from Utah made a very good point when he said we should be talking not about pie in the sky, but what is possible. And I think that my Republican colleagues know full well that there is absolutely no way that an $80 billion-deficit-creating bill is going to pass the other body and go to the President.

□ 1415

That is not going to happen. This can be fixed. This problem can be fixed with the addition of simply $3.5 billion which is in the Senate bill, which is what my motion asks that be enacted, is fully offset I think primarily with some provisions with Customs duties. That is what is possible.

It is not possible to talk about an $80 billion package, and what is happening essentially is that the Republicans in the House are using this as a ruse. They have no intention of ever passing this $80 billion bill. If they did, they would have the conference meet, which it has not. It has not met, and I keep saying that over and over again. They are in the majority. The Democrats are in the minority. They control whether or not the conference is going to meet and what kind of a bill is going to pass. Oftentimes they do not even consult with us; but in this case, the conference has not even met.

So what I keep hearing from my colleagues on the other side of the aisle about the House version, as if it is somehow out there and is going to become law or is something they are working on, there is no truth to that whatever.

I just wanted to point out, this is what the Republican leader, the gentleman from Texas (Mr. DELAY), said back in June. He said, "To me it is a little difficult to give tax relief to people who do not pay income tax." There are so many speakers, so many Members on the Republican side that have made it quite clear over and over again that they have no intention of moving the legislation. Here are some quotes that were made by the gentleman from Texas (Mr. DELAY) June 10: "Ain't going to happen," regarding the Senate-passed child tax credit bill.

The gentleman from California (Mr. THOMAS) says in The Wall Street Journal June 13: "There are worse things than the child tax credit bill not happening."

Let us see what else we have here. The gentleman from Missouri (Mr. BLUNT), the conference leader on the Republican side, June 1: "We will let the conference take as long as it takes."

The conference has not even met.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and neighbor from New Jersey for highlighting this issue and all the good work he does, and let me just pick up on the last point he was making about whether these child tax credit benefits should go to families that, in the words of some in this Chamber, do not pay taxes.

I would think that it would be embarrassing to the authors of the rule that resulted in this bill that 250,000 children of active duty servicemen and -women would not be eligible for this. We have heard this before, and at risk of repeating some of what the gentleman from New Jersey (Mr. PALLONE) has said, I really want to emphasize this. I mean, the Children's Defense Fund and others point out that hundreds of thousands of children of teachers, nurses, farmers would be left behind.

It really gets at the heart of what these tax cuts are. They are not to stimulate the economy. They are not to inject some fairness in a very complicated tax code. Quite simply, they are to provide some benefits to the upper-income segments of American society in some misguided hope that will trickle down to benefit the families of teachers and nurses and farmers and servicemen and -women. It does not work that way.

178,000 children of farming families, 567,000 children of nurses or hospital orderlies, 337,000 children of teachers are calculated to be left out in this child tax credit. The rationale given by the leaders on the other side of the aisle for preventing these families from receiving the expanded child tax credit was that the total cost of the tax legislation could not exceed $350 billion over 10 years. Adjustments had to be made. Adjustments had to be made. So these nurses, orderlies, servicemen and -women, farmers, teachers are categorized as adjustments or, more to the point, their children are somehow less worthy and adjusted out of this.

Other tax analysts have noted that the cost of the tax credit provision of what we are talking about here with the gentleman from New Jersey (Mr. PALLONE) and this child tax correction, the cost of this correction is less than 3 percent of the total cost of the dividend and capital gains provisions. It did not take much of an adjustment to fix this, but I guess adjustments had to be made.

At a time when American families are struggling to make ends meet, at a time when if we really want to stimulate the economy we would put money in the hands of people who need it most and, therefore, would spend it the quickest, at a time when families of Reservists and other military personnel are facing financial difficulty, at a time when jobs continue to be lost throughout the country at an alarming rate, what could be more important than helping America's families by putting a few extra dollars in their pockets?

I thank my colleague from the neighboring district in New Jersey for yielding me the time.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to call attention again to the fact that the Republican majority simply does not want to deal with this issue and that is why we have had no conference, and the easiest way to point that out is to make reference to an article in Roll Call, the Hill newspaper, dated September 10.

At that time, in that article, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, essentially said that he was not going to work out the differences between the separate House and Senate bills and did not want to be bothered dealing with the issue. The gentleman from California (Mr. THOMAS) was sent a letter from his counterpart in the Senate, Senator GRASSLEY, who is the chairman of the finance committee; and in that letter, Mr. GRASSLEY basically said that he wanted to work out the differences between the two Houses on the bill.

In the Roll Call article, Chairman GRASSLEY is quoted as saying, "I suppose I could call a conference meeting but I am not going to do that unless it is going to be productive, and right now it does not look like it would be." Mr. GRASSLEY is saying that because the gentleman from California (Mr. THOMAS) has simply been uncooperative and does not want the conference to meet because he does not want a bill.

My motion tonight instructs both the gentleman from California (Mr. THOMAS) and his colleagues in the House Republican leadership to stop their delaying tactics and to finally sit down with Chairman GRASSLEY. If we look at the motion, it actually calls for certain actions to take place with regard to the conference.

Mr. Speaker, my Democratic colleagues and I are clearly not the only ones frustrated. Chairman GRASSLEY expressed his frustration again in that Roll Call article when he stated, "The Democrats will not let it be dead and I do not blame them. If I was them and the majority party was not doing something about it, I would certainly make an issue of it, too."

So again, Mr. Speaker, I do not know how many times we are supposed to come down here on the floor and keep making the point that this is not only an important matter, but this is a matter that deserves the attention of the Republican leadership, and so far there has been certainly no indication that the Republican leadership seeks to address this. The only time we hear anything from the Republican side is when we make a motion and my colleagues on the other side come down here to oppose it.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would remind Members it is inappropriate to quote communications from Senators in the context of this debate.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I had not intended to speak on this matter; but as I listened to this debate, I decided to make a few comments.

There is waste in the private sector, just like there is waste in the public sector; but the waste in the private sector pales in comparison to the waste that is in the public sector. So it has been proven all over the world that the more money that can be left in the private sector, in whatever country, the better off everyone is, the better off especially the poor and low-income people are because more jobs are created, the lower prices are; and so all over this world it has been proven that the more money government takes, either legally or illegally or corruptly, that the people who are hurt the most are the poor and working people of that particular country. In every country where we have been able to keep the amount of the GDP that the government takes to a relatively small amount, the better off everyone is, especially the poor and lower-income people.

I am probably one of the least partisan Members of this Congress. I have been here 15 years. I do not think I have ever mentioned the word "Republican" and "Democrat" in any speech that I have ever given, but I mentioned to the gentlewoman from Washington State a while ago an article I read a couple of years ago in the Atlantic Monthly magazine, and David Brooks wrote an article, and he compared Montgomery County, Maryland, one of the wealthiest counties in this country, which went 68 percent for Vice President Gore to Franklin County, Pennsylvania, 70 miles to the north which went 68 percent for President Bush. What he said was it is just exactly the opposite of the image the media tries to portray or some of those on the other side who participate in what I think has actually been described as class warfare.

This author, Mr. Brooks, said that when he went to Franklin County, Pennsylvania, he tried to find a meal that cost more than $20, he could not. The Cracker Barrel was the most expensive restaurant. He said the death of Dale Earnhart in Franklin County, Pennsylvania, was a big event. In Montgomery County, Maryland, they did not even know who Dale Earnhart was.

What I am saying to my colleague is the most liberal areas in this country are always the wealthiest areas, and if they want to talk about class warfare, let us talk about it. Our party is very much a middle-income, particularly even lower-middle-income party, and the easier people get money the more liberal they are politically. It is just like a kid. If one gives a kid a $20 bill, it burns a hole in his pocket until he spends it. If he has to go out and earn it, he is a little more careful with the way he spends it; and our party, the Republican Party, we have some people with money but they are almost always people who started with nothing or very little and who made some money.

That is what we are trying to do with these tax cuts. We are trying to give people an opportunity to better themselves, and the people who get the bulk of the tax breaks that we came up with are almost entirely in the middle-income levels of our society. So we get pretty tired of hearing all this class warfare that is going on on the other side, when 9 out of the 10 wealthiest contributors politically in this country are to the Democratic Party. That was in an article in the Roll Call newspaper today. So if they want to play class warfare, we can play it; but we should not have that on this floor.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Again, I respect my colleague who just spoke, but I just I cannot believe his suggestion that somehow the Democrats are committing class warfare. I mean, it seems to me that what the Republicans have done with regard to this child tax credit is the classic example of class warfare or class discrimination on the side of the wealthy.

I started out this debate by pointing out that I, as a Member of Congress, who makes, I guess, about $150,000 a year, received a check back in June or July for $1,200 from my three children, and I am making $150,000 a year; and at the same time, the person who is making between $10,000 and $29,000 or whatever the figure is, does not get the child tax credit because of the Republicans' unwillingness to provide it to them in this massive tax cut bill that they passed.

If it is class warfare, it is class warfare on the Republican side because they want to give the money to wealthy people or certainly higher-income people and not give it to the working person who is making between $10 and $20-some-plus thousand dollars a year. I have no idea how my colleagues can justify that and say somehow that is class warfare unless it is class warfare to help the wealthy on the Republican part.

□ 1430

I have heard again and again, maybe not so much tonight but on other occasions, this idea on the part of the Republicans that we should not give these people that are making between $10,000 and $20,000 a year this additional tax credit because they do not pay enough taxes. And again, on the Democratic side, we have made the point that the parents of these children do indeed pay taxes, with 7.65 percent of their earnings going to pay for Social Security and Medicare.

An analysis released earlier this year by The New York Times found that families with pretax incomes of $20,319 pay more than $2,800 in total taxes. That is 14 percent of their income. We are talking about working people. We are talking about the very same people that my colleague on the Republican side seems to suggest that he represents or is trying to help. These are not people that are not working or sitting around, these are working people.

Why should I, as a Congressman, or any of my colleagues get the extra $1,200 and not give it to these people? It is simply unfair. I think the Democrats are simply saying, let us be fair. Let us not discriminate against working people who happen to be at the lower end of the income spectrum.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

I think it has been an interesting discussion this afternoon. I am glad that we had this discussion. I have listened to what the gentleman from New Jersey has said, and some of it has merit, but some of it, I believe, is a flawed argument.

We have included in our proposal, which passed the House by a vote of 224 to 201 several months ago, H.R. 1308, all the elements of the gentleman's proposal, but our bill is far better and far superior, and that is what has been kept out of this debate.

Our bill increases the child credit to $1,000 per eligible child through the year 2010. The Democrat bill ensures that the child tax credit stays at the same level only through 2005, and then it reverts back to $700. Our bill eliminates the marriage penalty in the tax credit. It raises the phase-out threshold for marriage couples. His bill creates a marriage penalty for married couples because it keeps the income levels below what our bill does.

Our bill accelerates the increase in the refundable child tax credit so that the 15 percent rate takes effect in 2003 instead of having to wait until 2005. His bill requires that the rate schedule be phased in and not become 15 percent until 2005.

In sum, Mr. Speaker, we passed a very, very good bill. We passed a bill with some Democrat support. This selecting out of a provision of our bill, which covers a number of very, very important topics, like providing tax relief and enhancing tax fairness for members of the Armed Forces, like suspending the tax-exempt status of designated terrorist organizations, like providing tax relief for astronauts who die on space missions, and like increasing the child tax credit to all people, including the ones he wishes to serve, and doing it far more quickly and for a greater length of time.

And so, Mr. Speaker, I encourage a "no" vote on this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume, and again, while I respect the arguments that my colleague from Washington is making on the Republican side, I really think it is the wrong argument to suggest that their bill includes ours and goes further.

The bottom line, and we have made this point over and over again, the Democrats are being realistic about what can be passed. This initiative began because there was a realization, after the Republican tax package passed, that these 12 million children at a lower income level were left out.

The other body made a valiant effort to say, okay, let us pass a bill that addresses this, that makes sure they get the credit, that their parents get the credit, that spends the $3.5 billion that is necessary but does not add anything to the deficit by having it fully paid. Now, for the Republicans to come back and say, oh, well, that is all fine, but we will go further and come up with an $80 billion package that will do a lot more is just a ruse, because they know the other body will never pass this. It is just another budget buster that is not paid for that will never go anywhere.

And the proof of that is that they have absolutely refused to even convene a conference. The chairman of the House Committee on Ways and Means has made it clear he has no intention of ever convening the conference, which is really an outrage.

It is an outrage we are here on the House floor, again this evening, talking about the exclusion of these 12 million children. It is an outrage we are forced to bring up another motion to instruct conferees on an issue that should have been resolved 3 month ago. It is an outrage that the House and Senate Republicans, who took less than a week to reconcile differences between these two giant $500 billion tax bills, cannot seem to come to an agreement on a much smaller bill to simply expand the tax credit to the parents of children earning between $10,000 and $26,000.

It is an outrage that my Republican colleagues seem content to leave Washington, yes, it is another day, we are leaving for another week without resolving this injustice. And, Mr. Speaker, it is an outrage that President Bush, who last month advised House Republicans to pass this child tax credit legislation and send it to him so he can sign it, now sits silently as congressional Republicans do nothing. I have not heard anything from the President. His silence is an indication of his true intention. A very good indication, I think, that he is not truly looking to pass this legislation either.

And, finally, Mr. Speaker, I think it is outrageous not one Republican on the other side comes down here and talks about this other than when the Democrats bring it up, and they come down to oppose our motion to instruct. I do not know how many times I am going to have to join my Democratic colleagues here on the floor to point out the unfair treatment these hardworking American families received with the passage of the Republican tax bill.

All we are asking for, Mr. Speaker, is fairness. How can Republicans say it is fair to give a millionaire a tax break of more than $90,000, or a Congressman like myself a tax break, while giving nothing to millions of working families? I do not think we should leave this city until this injustice is corrected, and we will certainly be back again to make the point.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RELIGIOUS FREEDOM IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, what is America if not a Nation that stands up for basic decency and human rights? What is America if it is not a people that speaks out for those who cannot speak out for themselves? And what will America become if we fail to speak out against dictators and despots who oppress and brutalize their own people?

China has for too long been at liberty to detain and torture and intimidate and oppress good men and women for their religious beliefs. As the world's greatest democracy and the symbol of hope for millions, America has a duty and an obligation to speak out for the oppressed people of the world. We fail in our duty if we do nothing.

It was the British philosopher and statesman Edmund Burke who said that Representatives owe you not just their industry but also their judgment. As Representatives and beholders of American ideals, we should speak out on the issue of the persecution of those of faith in China.

The litany of abuses committed by the Government of China toward its own people is long and senseless. I recently held a meeting with a number of groups who have spent years in documenting the numerous abuses committed by the Chinese Government upon the Chinese people. In the coming days, I will be highlighting the plight of different groups of long-suffering Chinese people so that colleagues can better understand the depth of this problem in China. The material I will be submitting today was prepared by the International Religious Freedom Commission, and I hope Members will read it.

As I close, 10 Catholic bishops are in China today under house arrest, and this government, our government, our Congress and the administration, does not act. The Protestant Church is being abused and beaten in China and we have refused to speak out. The Chinese have plundered Tibet, and yet the West is quiet. Muslims are being persecuted in the northwest portion of China, and yet the West speaks out not at all. The Falun Gong are being persecuted almost on a daily basis.

I think this is an opportunity to hear, in their own words, what all of these groups have to tell us in the Congress and us in the United States and us in the West about what is taking place, so that we know we should speak out on their behalf, particularly next year when the Geneva resolution with regard to condemning China on human rights comes up.

Depending on the religious organization in question, the Chinese government provided various justifications to defend its policy of repression. Its action to restrict religious belief and practice, however, go far beyond what is necessary to protect legitimate state interests.

Since 2001, the Communist government has engaged in a persistent campaign of banning some religious groups while insisting on registration for others. Many groups, particularly Christian house churches, have refused, understandably fearful that providing membership rosters would lead to regular surveillance by party and government agencies.

The government's policy of designating religious or spiritual organizations as "cults" has led to tragic outcomes for millions of religious believers. All too often victims are sentenced to "re-education through labor camps," administered by the notorious Ministry of Public Security, which appears to perpetrate human rights abuses with absolute impunity. Persons adhering to "unacceptable" faiths have been given prison sentences of up to three years without a right to a hearing, without counsel and without judicial determination of their cases.

There are at least 30 million Protestant Christians in China. Mostly, believers belong to independent house churches. Purely on account of their faith, properties belonging to or used by such groups have been confiscated, closed, or destroyed and members have been detained, tortured, and subjected to other forms of government harassment.

In June 2003, 12 members of a house church in Guna Village in Yunnan province were arrested after they sought registration with the local government. On June 6, in response to the government's "invitation" to complete the registration process, the 12 church leaders were arrested for engaging in "feudalistic superstition." Eight of the 12 were immediately sentenced to three years in "re-education through labor" camps, while the other four were indicted and are being held for trial.

In late August 2003, local officials arrested 170 house church Christians in Nanyang county, Henan province after local police reportedly raided the meeting place where the worship service was being conducted. The report indicates that the 14 leaders of the group are currently being held in detention, possibly facing serious charges, while the other members were released after having been fined, fingerprinted, and warned against continuing their activities.

The Chinese Communist state has, since the 1950s, banned the Roman Catholic Church, replacing it with the state-approved Catholic Patriotic Association. Through this state organization, the Communist government has claimed the exclusive right to appoint Chinese bishops. Most Chinese clerics, however, have refused to accept the legitimacy of government appointees. As a result, many Roman Catholic bishops and priests have been harassed, detained, or imprisoned.

According to the Cardinal Kung Foundation, a number of Catholic bishops and priests who refuse to submit to government tutelage remain in prison or in detention and the status of other priests and lay persons remains unknown. As of August 2003, at least 10 Catholic bishops, including Bishop Su Zhimin, whose whereabouts are unknown, are imprisoned, in detention, under house arrests, or under surveillance.

In Tibet, Buddhist monks and nuns serve lengthy sentences for voicing their allegiance to the Dalai Lama. In point of fact, the great majority of Tibetan political prisoners are monks and nuns.

The longest-serving Tibetan political prisoner, Tagna Jigme Zangpo, was granted a medical parole to come to the United States in summer 2002 when he was in the middle of a 28-year sentence before his "early" release. Ngawang Sandrol, a member of the famous Tibetan "Singing Nuns" who was released last year, had served over 10 years in the infamous Drapchi Prison before her release. According to the Tibet Information Network, the State Department, and the testimony of former Tibetan nuns like Ngawang Sandrol, many of these prisoners have been severely beaten and subjected to other extreme forms of punishment. Some have died in prison.

The Chinese government has denied repeated requests, including from the U.N. High Commissioner for Human Rights, for access to the 12-year-old boy whom the Dalai Lama recognizes as the 11th Panchen Lama. Government officials have stated that he is being "held for his own safety," while at the same time insisting that another boy is the true Panchen Lama.

The Chinese government's official ban on the Falun Gong movement, in 1999, has meant heightened government repression for all religious organizations designated by the government as "cults." According to Falun Gong practitioners, as many as 100,000 of their members have been sent to labor camps without trial. They claim that as many as 700 may have died as a result of police brutality either while in prison or after their release.

In largely Muslim Xinjiang, religious freedom is severely curtailed by the government, which indiscriminately links Muslim religious expression with "separatist" or "terrorist" acts. The indiscriminate repression of the Uighur people is best exemplified by the arrest and imprisonment of Rebiya Kadeer, a prominent Uighur businesswoman and activist, who was arrested in 1999 after she met with a visiting U.S. congressional delegation. Close supervision of all mosques in the region by local Communist Party officials is now commonplace.

China repeatedly engages in severe—systematic, egregious—violations of religious freedom. If our ideals and what America stands for—both at home and abroad—are to mean anything, then we must not shrink from this issue. We must not allow human considerations to come secondary to the pursuit of trade.

We must dare to speak out for those who have no voice.

THE SYSTEMATIC CORRUPTION OF THE ALIYEV DYNASTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this afternoon to address what I consider one of the largest potential factors for destabilization in the entire Caucus' region: The systematic corruption of the Aliyev Dynasty currently ruling Azerbaijan.

I have highlighted the problems with President Heydar Aliyev for years now, but his health has deteriorated recently, and that has put the future of Azerbaijan and the entire Caucus region in doubt.

In July of this year, President Aliyev suffered what has been described by the Cleveland Medical Center, where he currently resides, as congestive heart failure. Last month, his son Ilham was appointed as Prime Minister. This would seem only appropriate at first, unless you consider that a recent referendum forced through the electorate changed the line of succession from Speaker of the Parliament to Prime Minister. This was widely criticized at the time by domestic Azerbaijani opposition groups and the international community as a clear way for President Aliyev to set up a dynastic regime. Unfortunately, as President Aliyev has become incapacitated during his treatment, the predictions have come true. His son Ilham is now in direct line to take over the Presidency from his father.

The partnership, Mr. Speaker, of the father and the son is not only limited to the fact that Azerbaijan will be the first monarchy established in the former Soviet Union. A Financial Times article on September 13, 2003, clearly shows that power is not the only object of the Aliyevs' desire. Both were implicated in a court case that was unsealed in New York this week. The actual case had been filed against a Swiss banker by the name of Hans Bodmer. In the indictment, he allegedly conspired to facilitate the participation of foreign citizens in Azerbaijan's privatization process of the state-owned oil company, often referred to by its name, SOCAR, through improper payments made to Azerbaijani officials.

This would most likely not have come to light were it not for the fact that Heydar and Ilham Aliyev had never intended to privatize the oil company in the first place. Instead, they stole over $100 million in the form of vouchers that were designed to give the purchaser disproportionate influence over the privatization process. All of this was alleged to have happened while Ilham Aliyev was the head of SOCAR, a position his father bestowed on him to apparently prepare him for his job as heir apparent of the country of Azerbaijan.

Mr. Speaker, this is a clear example of this administration's misguided policies when it comes to countries that are oil rich. The day that Ilham ascended to his post and forced the former Prime Minister from office, President Bush sent a letter of congratulations to him. This is clearly not in the interest of democracy that the President of the United States has touted lately in regards to the Middle East. How can this administration have separate distinctions about what is democracy and what is not?

It seems increasingly clear what the answer is. Those countries that have significant resources that are sent to western markets are allowed to be less Democratic than those that do not.

□ 1445

Now, Mr. Speaker, I am also very concerned about what the Aliyev regime plans to do about the resolution of the Nagorno Karabakh conflict. Heydar Aliyev was tantalizingly close to reaching a settlement with Armenian President Robert Kocharian in Key West in 2001, but those negotiations soon fell apart when Aliyev returned home. Since then, Aliyev and Kocharian have met many times, but resulted in no progress.

The Organization for Cooperation and Security in Europe's Minsk Group, which is charged with moving the two parties towards peaceful settlement, has been increasingly frustrated with the process. Ilham has recently taken a much harder stance on the Karabakh issue than did his father, and this is of great concern to me.

Mr. Speaker, it is clear that the Aliyev family is on their way to establishing the first dynastic regime in the former Soviet Union. Not only is this a concern for the entire Caucasus region but also other leaders in the former Soviet Union that must be watching the United States' reaction to this. The message that is sent is not positive. How can we be supportive of this?

Families in the Middle East that have controlled vast oil revenues have scarred the last century with wars and oppressive regimes. Members of the Bush administration know this better than anyone. The current Secretary of Defense, Donald Rumsfeld, visited Iraq with a delegation in 1988. They met with Saddam Hussein and decided that the stability of his regime and oil revenue was more important than his lust for power, whatever the cost. We are now paying for that tragic mistake with the lives of our Nation's sons and daughters.

It is time for the administration to change its tune on the corrupt and oppressive Aliyev regime. Though stability may be the temporary result of the President's support, the end result could destabilize the entire region.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.".

LACK OF DIVERSITY IN COLLEGE AND UNIVERSITY FACULTIES

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on two very different and unrelated topics, Mr. Speaker, but both are certainly of national importance.

First, almost every college and university in this country receives very large amounts of Federal money through grants, appropriations, or student loan money. Yet, there is in some ways a one-sided brainwashing of students on many campuses today because of the lack of true diversity in college and university faculties.

There is also a lack of true academic freedom because conservative students generally feel they cannot express their true views on papers or in person without being penalized on their grades.

Possibly the group most discriminated against today is conservatives who wish to teach on college campuses. They simply are not welcome, to put it lightly, especially at left-wing colleges like Berkeley, Oberlin, Antioch, and many, many others.

I wish our colleges and universities would make true diversity a major goal and hire a few token conservatives at least. I wish so many college and university faculties were not so intolerant toward conservatives.

I wish the speakers who are invited to speak at graduation ceremonies or major college speaking programs were not 100 to one or more liberal to left-wing.

What has spurred these comments, Mr. Speaker, is an article in the September Atlantic Monthly magazine, certainly not recognized as any conservative-type publication, but this article said, "It is striking that the institutions that talk the most about diversity often practice it the least.

"For example, no group of people sings the diversity anthem more frequently and fervently than administrators at our elite universities. But elite universities are amazingly undiverse in their values, politics and mores. Professors, in particular, are drawn from a rather narrow segment of the population.

"A recent study found that roughly 90 percent of those professors in the arts and sciences who had registered with the political party had registered Democratic. Fifty-seven professors at Brown were found on the voter registration rolls. Of those 5,4 were Democrats. Of the 42 professors in the English history, sociology and political science departments all were Democrats.

"The results at Harvard, Penn State, Maryland, and the University of California at Santa Barbara, other universities that were in the study were similar to the results at Brown."

This article continues, "What we are looking at here is human nature. People want to be around others who are roughly like themselves. That is called community. It probably would be psychologically difficult for most Brown professors to share an office with someone who was pro-life, a member of the National Rifle Association, or an evangelical Christian.

"It is likely that hiring committees would subtly, even unconsciously, screen out any such people they encountered. Republicans and evangelical Christians have sensed that they are not welcome at places like Brown or other elite universities so they do not even consider working there. In fact, any registered Republican who contemplates a career in academia these days is both a hero and a fool.

"So, in a semi-self-selective pattern brainy people with generally liberal social mores flow to academia and brainy people with generally conservative mores flow elsewhere.

"The dream of diversity is like the dream of equality. Both are based on ideas we celebrate even as we undermine them daily. On the one hand, the situation is appalling. It is appalling that Americans know so little about one another. It is appalling that many of us are so narrow-minded that we cannot tolerate a few people with ideas significantly different from our own. It is appalling that evangelical Christians are practically absent from entire professions such as academia, the media, and filmmaking. It is appalling that people should be content to cut themselves off from everyone unlike themselves." That is, as I said, quoting from an article in the September issue of the Atlantic Monthly magazine.

VULNERABILITY IN FUTURE ELECTRICAL BLACKOUTS

Mr. DUNCAN. Mr. Speaker, the Associated Press reported a few days ago that the fix for the recent blackout in the Northeast ironically may make us even more likely to have such blackouts in the future. The AP story said the proposed improvements "are making the electricity supply vulnerable to a different kind of peril: computer viruses and hackers who could black out substations, cities, or entire States."

Now, I know that everyone is supposed to worship the computer god today, and I know computers can do miraculous things that make our lives better in many ways. But when we decide what to do about the recent blackouts, surely we should not allow love for computers to make us even more vulnerable in the future.

To quote the AP story, it says, "In the past the grid's old electro-mechanical switches and analog technology made it more or less impervious to computer maladies, but now switches and monitoring gear can be upgraded and programmed remotely with software and that requires a vulnerable connection to a computer network. If that network runs on Microsoft Corp. operating systems, which virus-writers favor, or connects to the Internet, the vulnerabilities are increased."

Also, we should not have an electric power grid that is nationwide—even though that has some advantages—because a nationally integrated system also makes us even more vulnerable.

It is ridiculous that we have allowed ourselves to get into a situation where a minor incident in suburban Ohio can black out almost the whole Northeast, and part of Canada, and cause 40 to 50 million people to lose their power.

Bigger is not always better, and smaller, more independent utilities, with free competition, would make our power both more secure and less expensive.

AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, the President has asked the United States Congress in the name of the American people to borrow $87 billion to continue the actions in Iraq and to rebuild the nation of Iraq. That is going to be paid for by a couple of generations of working Americans, and there are an awful lot of questions about the request by the President.

Now, let us look at some of the details here: $20.3 billion to rebuild Iraq borrowed by the American people and sent to Iraq, perhaps utilizing some U.S. contractors such as Halliburton. Here are some of the things we are going to pay for: $20 million for executive job training, a 4-week class at the cost of $10,000. I have community colleges in my district that would provide that same class for a tiny fraction of that cost whose budgets are underfunded because of the cuts in the Federal Government's spending on education. $10,000 a person for a 4-week class, send them to my community college. We can house them and educate them for a lot less.

Then we have the $100 million for the witness protection program. What witnesses? Well, the witnesses that might come forward to tell us something about the nonexistent weapons of mass destruction, among other things. That will be to pay for 100 Iraqi families at $1 million each. In the United States of America when we put people in the witness protection program, it generally costs $120,000 per family. So it is going to cost us roughly eight times more per family, but I guess that is because of the high cost of living in Iraq, or the life-style to which they would like to become accustomed. Again, the American people will borrow this money, or the President is asking Congress to borrow it on behalf of the American people.

It is going to cost $255 per person in Iraq to rebuild the electricity infrastructure. They said we are not just rebuilding the bomb damage; they have this horribly outdated system, and we have to rebuild it.

Mr. Speaker, guess who else has a horribly outdated electricity infrastructure system? The United States of America. Did the President notice that the lights went off in one-third of the country? Also, we had a big blackout in the West a few years ago. Our system is operating on the edge. What is the President proposing here, $255 will be borrowed for each Iraqi by the American people, sent to Iraq to rebuild their electricity infrastructure, and the President is asking for 71 cents on behalf of every American here in the United States.

It will cost $45 million to further improve the already fully functioning port of Umm Qasr while the President is proposing zero dollars to dredge ports in my district and elsewhere in the United States because he says we cannot afford it. He is asking to borrow $45 million and send it to Iraq to further improve their ports, but he cannot find a penny for ports in the Pacific Northwest and other parts of the United States.

It is going to cost $150 million for a national 911 system in Iraq. Mr. Speaker, is that so they can call the next time a rogue regime uprises? What does this have to do with the war? The American people are going to borrow $150 million because the President wants it, send it to Iraq to give them a 911 system.

Job centers, 22 centers, $350,000 each. If we took the $20.3 billion the President wants this Congress to borrow and spend on behalf of rebuilding the nation of Iraq, if we matched that dollar per dollar in the United States of America, if we borrowed $20.3 billion to rebuild the infrastructure system in the United States, we could put 1 million Americans to work in the very near future, in addition to investing in our future, our economic productivity, our ports, our highways, our water systems, our electricity grid.

It is one thing to borrow money to invest in the United States of America; it is another thing to indebt the next two generations of Americans to borrow money to spend rebuilding Iraq.

Mr. Wolfowitz told us they can pay for their own reconstruction. I guess that guy made about a $50 billion mistake that is going to cost the American taxpayers, but he is still held in highest esteem by the Bush administration. He is still working there. He is still pumping out the same mistakes. How many more billions will he cost us before the President demands his resignation. This is outrageous that the American people are being asked to borrow this money. Instead of borrowing money, investing in infrastructure and putting a million Americans to work here, he is proposing more tax cuts. His last tax cut, the dividend tax cut, returned 5 cents on the dollar to the United States economy. If it is spent on infrastructure, we get $7 for every dollar borrowed.

Mr. Speaker, let us get our priorities straight: America first.

REPEAL DEATH GRATUITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today to talk about the repeal of the death gratuity tax on the families who have given their loved ones to die for freedom in America.

Mr. Speaker, behind me are the faces of just a few of those who have died in either Afghanistan or Iraq. In the year 2001, there were 292 families that received a bill from Uncle Sam in the way of a tax because their loved one died in uniform fighting for freedom. In the year 2002, there were 1,007 families that received a bill from Uncle Sam because their loved one died in uniform for freedom.

Already in 2003, it is well over 280 families.

Mr. Speaker, the history on this issue is that prior to 1991 or 1992, there was a $3,000 death gratuity that was given by the government to the families whose husband or wife or daughter or son died in uniform. It could be in an accident or war situation.

☐ 1500

The Congress in the early 1990s increased that from $3,000 to $6,000, but what happened is it did not go through the proper committee to take the tax off.

So, Mr. Speaker, I have a bill that is H.R. 693 to repeal this tax; and in fairness to the committee and to both sides, it has been supported by both sides. The committee of jurisdiction, the Committee on Ways and Means, included this language in a larger package to bring tax relief to the military, which was fine with me; but the Senate will not move the legislation. Mr. Speaker, I think it is absolutely unacceptable, deplorable that we do not take this tax off the families who are giving loved ones.

Let me show a photograph of a young boy whose name is Tyler Jordan. This was a shot in a national newspaper that I saw, and I was so touched by it that I wanted to have a copy of it. Tyler's father was a gunnery sergeant named Phillip Jordan. He was killed in Iraq. In the photograph of Tyler, he has an American flag that was taken off his father's coffin under his arms and he is looking at the father's coffin. How tragic that is within itself, but adding to that tragedy is that next year his family is going to get a bill from Uncle Sam, a bill of $6,000, which is not enough; but we need to take this tax off so that the families who have lost loved ones will not be paying a penalty for giving the loved one who died for freedom and died for this country.

This week I received an e-mail from the father of Sergeant Jacob Frazier, and I want to read this, Mr. Speaker. It says, "Thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure that there are numerous young widows that do not need another complication in their lives. Our country should not add to their burden with additional taxation. Let me know if I can do anything to help you here in Illinois to get this bill passed."

Mr. Speaker, I am going to call on the House leadership, both parties, and ask the House leadership to please before we leave in November bring up H.R. 693, stand-alone bill. I have got many supporters from the Democratic side and the Republican side. Bring it to the floor, and let us morally do what is right for those families who have given their loved one.

Mr. Speaker, I actually wrote the President of the United States on September 17 and asked him to please use the executive office to contact the leadership in the House and the Senate, both parties, to move this legislation. In the last paragraph I wrote this sentence to the President of the United States: "Given the very little time left in this legislative session, failure to do so will result in more American military families not only giving a loved one for freedom but also suffering the unacceptable indignity of being taxed on that gift."

Mr. Speaker, we do a lot of good things around here and a lot of things we debate. We disagree, both parties and within our own parties. But this is one of those issues that it is simple. It is morally the right thing to do.

Mr. Speaker, I close by asking God to please bless our men and women in uniform and, God, please bless America.

QUESTIONS FOR THE BUSH ADMINISTRATION

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, today in my e-mail I got five separate copies of an article that was put in the Atlanta Journal Constitution by a man named Max Cleland. Max Cleland is a Vietnam vet who lost his legs and one arm. He is a triple amputee, was a United States Senator, and in the last campaign they attacked him for being unpatriotic. Max is a hero in my book. The fact that he would raise questions about what the President of the United States is doing in Iraq and Afghanistan did not make him unpatriotic.

We are going to have a bill out here in a few days for $87 billion, and the same White House is going to attack all of us if we raise any questions. Max's article starts with an erie kind of quote: "The public has been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by steady withholding of information. The Baghdad communiques are belated, insincere, incomplete." These "things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster." That is a quote from a guy named T.E. Lawrence, Lawrence of Arabia, the Sunday Times of London, August 22, 1920.

The British know what they are into and they know where they have been; and if we take that quote and then ask ourselves what have we been told, we have been told that the mission has been accomplished. The President went out and said it is all over. There have been 304 people killed in Iraq, 167 of them, more than half, since the mission was accomplished. It was this President on October 14, 2002, who said, "This is a man," meaning Saddam, "that we know has had connections with al Qaeda. This is a man who, in my judgment, would like to use al Qaeda as a forward army." Mr. Rumsfeld followed him right up and said, "Yes, there is a linkage between al Qaeda and Iraq." And Condoleezza Rice, not to be outdone, said, "There have been contacts between senior Iraqi officials and members of al Qaeda going back for actually quite a long time."

And then their story started to unravel. On September 16 of this year, almost 11 months later, the President comes out and says, "I have not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the September 11 attacks." Condoleezza Rice jumped up again: "And we never claimed that Saddam Hussein had either . . . direction or control of 9–11. What we've said is that this was someone who supported terrorists, helped them train." And Mr. Bush the next day said, "There is no question that Saddam Hussein had al Qaeda ties. We have no evidence that Saddam Hussein was involved with the September 11 attacks."

The American people have been fed a PR campaign of misinformation from the very start. And while that has been going on, and I will have entered into the Record both the speech by Max Cleland and an article from the New York Newsday by Jimmy Breslin dated 23 September, while this has all been going on, our people have been dying.

Some of you have been out to the Vietnam Memorial, and those panels get carved with those names in there. One can go up to Walter Reed Hospital up on Georgia Avenue and see people without arms and legs, just like Senator Cleland. While we keep getting misinformation out of the White House, Ryan Carlock, specialist, 416th Transportation Company, died on September 10; Joe Robsky from Fort Irwin, California, died on September 10; Henry Ybarra from Austin, Texas, died. And they keep dying and they keep dying.

If we ask questions about this $87 billion, it does not make us unpatriotic. It makes us care about these men and women.

[From the New York Newsday, Sept. 23, 2003]

They Lied and Many Soldiers Died

(By Jimmy Breslin)

George Bush won't mention the names below in today's speech, nor will your gullible news and television people—the Pekinese of the Press.

Therefore we print promptly and thus prominently the names of American soldiers killed in Iraq and reported from Sept. 9 to Sept. 19:

Spc. Ryan G. Carlock, 25, 416th Transportation Co., 260 Quartermaster Battalion (Petroleum Support), Hunter Army Airfield, Ga. Died in attack on truck Sept. 10. Home: Macomb, Ill.

Staff Sgt. Joe Robsky, 31, 759 Ordnance Co., Fort Irwin, Calif. Home is a mobile home park trailer in Elizaville, N.W. Died in Baghdad while trying to defuse a homemade bomb on Sept. 10. He volunteered for this duty because he didn't want children killed by land mines.

Sgt. Henry Ybarra III, 32, D Troop, 6th Squadron, 6th Calvary. Home: Austin, Texas. Died when truck tire exploded, Sept. 11.

Marine Sgt. Kevin N. Morehead, 33 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. 1st Class William M. Bennett, 35, 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. Trevor A. Blumberg, 22, 1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne, Fort Bragg, N.C. Home: Canton, Mich. Died in attack on his vehicle in Baghdad on Sept. 14.

Staff Sgt. Kevin C. Kimberly, 31, 4th Battalion, 27th Field Artillery Regiment, North Creek, N.Y. Killed when his vehicle was hit by rocket-propelled grenade while on patrol in Baghdad Sept. 15.

Spc. Alyssa R. Peterson, 27, 311 Military Intelligence Battalion, 101st Airborne Division, Fort Campbell, Ky. Home: Flagstaff, Ariz. Died of wounds on Sept. 15 at Tel Afar.

Spc. James C. Wright, 27 Fourth Infantry Division, Fort Hood, Texas. Home: Delhi Township, Ohio. Died when vehicle hit by rocket-propelled grenade during ambush near Tikrit on Sept. 18.

George Bush told lies and they died.

First, your government lied to ensure Bush's re-election. Who votes against a president in time of war? And even better, you get oil with the winning election.

So Bush lied to you. Not misstatements. Lies. He and his people threw away their honor and consciences to lie to the people. they had sworn to protect.

The lies of Washington put young men from Seymour, Tenn., and Maspeth, Queens and Palos Hills, Ill., into boxes. And that, dear reader, is quite a lie.

At the start, Bush claimed that Iraq had poison gas and was making nuclear weapons. Soon, they will poison us all and blow us up. His proof was documents forged by elementary-school pupils. Still, Bush used it in his State of the Union speech. Condoleezza Rice said it was only 23 words in a speech. What are you so concerned about?

The 23 words were only about nuclear bombs.

Look now at the lie that George Bush carries into the United Nations today:

We went into Iraq because they were part of the World Trade Center attack.

That's what they told you, and Americans, who honor their government, believed what their government told them. And so did all those young people as they were about to put up their lives in the desert.

On Oct. 14, 2002, Bush said. "This is a man [Saddam] that we know has had connections with al-Qaida. This is a man who, in my judgment, would like to use al-Qaida as a forward army."

Defense Secretary Donald Rumsfeld said, on Sept. 26, 2002, "Yes, there is a linkage between al-Qaida and Iraq."

Condoleezza Rice, the national security adviser, said on Sept. 25, 2002, "There have been contacts between senior Iraqi officials and members of al-Qaida gong back for actually quite a long time."

They knew exactly what they were saying and what it would do. It was using a Big Lie in an age of screens and faxes. What did you think it was, a government telling you the truth? Why should they do that?

At summer's end, suspicions rose. It was time to change the lie before it became a liability. How do you do that? By using the ultimate con: telling the truth.

Here in the world of professional lying is how you use the truth to defuse a lie when it becomes dangerous to keep: Suddenly, Donald Rumsfeld on Sept. 16 announced, "I've not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the Sept. 11 attacks."

That same day, Condoleezza Rice jumped up and chirped, "And we have never claimed that Saddam Hussein had either . . . direction or control of 9/11. What we've said is that this was someone who supported terrorists, helped train them."

And then the next day, George Bush said, "There's no question that Saddam Hussein has al-Qaida ties. We have no evidence that Saddam Hussein was involved with the Sept. 11 attacks."

So the three now say that they never said that Hussein was involved in the World Trade Center attack. Look up what we said. We never said it.

Of course they did. Anybody who thinks they didn't is a poor fool. Take a half-word out of a sentence, replace it with a smug smile or chin motion and the meaning is there. Saddam was in on the Trade Center with bin Laden. Of course Bush and his people said it. Then go to the whip, go to the truth.

Only the strong memory is an opponent, and there are few of them. Otherwise, the only thing that can remind people and maybe even inflame them are these dead bodies coming back from Iraq to Heber, Calif. They arrive here in silence. We have no idea of how many wounded are in government hospitals with no arms or legs. You never hear Bush talking about them. He often acts as if subjects like this have nothing to do with him.

[From the Atlanta Journal-Constitution, Sept. 15, 2003]

Disaster in the Desert

(By former Senator Max Cleland, D-Georgia)

"The public had been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information," he said. "The Baghdad communiqués are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows." He added: "We are today not far from a disaster"—T.E. Lawrence, The Sunday Times of London, August 22, 1920.

Let me see if I can get this straight.

The President of the United States decides to go to war against a nation led by a brutal dictator supported by one party rule. That dictator has made war on his neighbors. The President decides this is a threat to the United States. In his campaign for President he gives no indication of wanting to go to war. In fact, he decries the over extension of American military might and says other nations must do more. However, unbenounced to the American public, the President's own Pentagon advisors have already cooked up a plan to go to war. All they are looking for is an excuse.

An element of the U.S. military is under attack. The President, his Secretary of Defense and his advisors sell the idea to Congress and the American people that it is time to go to war. Based on faulty intelligence, cherry-picked information is fed to Congress and the American people. The President goes on national television to explain the case for war, using as part of the rationale for the war an incident that never happened. The Congress buys the bait hook, line and sinker and passes a resolution giving the President the authority to use "all necessary means" to prosecute the war.

The war is started with an air and ground attack. Initially there is optimism. The President says we are winning. The cocky, self-assured Secretary of Defense says we are winning. As a matter of fact, the Secretary of Defense promises the troops will be home soon.

However, the truth on the ground that the soldiers face in the war is different than the political policy that sent them there. They face increased opposition from a determined enemy. They are surprised by terrorist attacks, suicide bombers, village assassinations, increasing casualties and growing anti-American sentiment. They find themselves bogged down in a guerrilla land war, unable to move forward and unable to disengage because there are no allies in the war to turn the war over to. There is no plan B. There is no exit strategy. Military morale declines. The President's popularity sinks and the American people are increasingly frustrated by the cost of blood and treasure poured into a never-ending war.

Sound familiar? It does to me!

The President was Lyndon Johnson.

Got Ya!

The cocky, self-assured Secretary of Defense was Robert McNamara.

Got ya again!

The Congressional resolution was the Gulf of Tonkin resolution.

You are catching on!

The war was the war that I, John Kerry, Chuck Hagel, John McCain and three and-a-half million other Americans of our generation were caught up in. It was the scene of America's longest war. It was also the locale of the most frustrating outcome of any war this Nation has ever fought.

Unfortunately, the people who drove the engine to get into the war in Iraq never served in Vietnam.

Not the President.

Not the Vice-President.

Not the Secretary of Defense.

Not the Deputy Secretary of Defense.

Too bad. They could have learned some lessons.

First, they could have learned not to underestimate the enemy. The enemy always has one option you cannot control. He always has the option to die. This is especially true if you are dealing with true believers and guerrillas fighting for their version of reality—whether political or religious. They are what Tom Friedman of the New York Times calls the "non-deterables." If those non-deterables are already home in their country, they will be able to wait you out until you go home.

Second, if the enemy adopts a "hit and run" strategy designed to inflict maximum casualties on you, you may win every battle but the battles you fight (as Walter Lippmann once said about the Vietnam War), can't win the war.

Third, if you adopt a strategy of not just pre-emptive strike but also pre-emptive war you own the aftermath. You better plan for it. You better have an exit strategy because you cannot stay there indefinitely unless you make it the 51st state. If you do stay an extended period of time, you then become an occupier, not a liberator. That feeds the enemy against you.

Fourth, if you adopt the strategy of preemptive war, your intelligence must be not just "darn good," as the President has said it must be "bullet proof," as Secretary Rumsfeld claimed the administration had against Suddan Hussein. Anything short of that saps credibility.

Fifth, if you want to know what is really going on in the war, ask the troops on the ground not the policy makers in Washington. The "ground truth" as the soldiers call it, is always more accurate than the truth expounded through the mouths of those who plan the war and have a political, personal and emotional investment in their policy. They will bend any fact, even intelligence, to their own ends. If the ground truth and the policy truth begin to diverge, "Shock and Awe" will turn into what one officer in Iraq has described as, "Shock and Awe S---!"

Sixth, in a democracy instead of truth being the first casualty in war, it should be the first cause of war. It is the only way the Congress and the American people can cope with getting through it. As credibility is strained, support for the war and support for the troops goes down hill. Continued loss of credibility drains troop morale, the media becomes more suspicious, the public becomes more incredulous and the Congress is reduced to hearings and investigations.

Instead of learning the lessons of Vietnam, where all of the above happened, the President, the Vice-President, the Secretary of Defense and the Deputy Secretary of Defense, have gotten this country into a disaster in the desert. They attacked a country that had not attacked us. They did so on intelligence that was faulty, misrepresented and highly questionable. A key piece of that intelligence was an out-right lie which the White House put into the President's State of the Union speech. These officials have over-extended the American military, including the Guard and the Reserve and expanded the United States Army to the breaking point. A quarter of a million troops are committed to the Iraq war theater, most bogged down in Baghdad. Morale is declining and casualties continue to increase. In addition to the human cost, the funding of the war costs a billion dollars a week adding to the additional burden of an already depressed economy. The President has declared "major combat over" and sent a message to every terrorist, "Bring them on." As a result, he has lost more people in his war than his father did in his and there is no end in sight. Military commanders are left with extended tours of duty for servicemen and women, told long ago they were going home, and keeping American forces on the ground where they have become sitting ducks in a shooting gallery for every terrorist group in the Middle East.

Welcome to Vietnam Mr. President. Sorry you didn't go when you had the chance.

SUPPORT H.R. 3156, EXTENDING UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, for most of the last 2 years, my home State of Oregon has had the highest unemployment rate in the Nation, and thousands of Oregonians have tried for a year or more to find a job without success.

This coming Saturday, 12,000 unemployed Oregonians will lose all of their unemployment benefits with the expiration of an Oregon unemployment program which provides assistance when Federal unemployment benefits run out. The estimates are that 400 additional Oregonians per week will lose all unemployment benefits starting next week and for every week thereafter. For unemployed Oregonians, it is these benefits that keep their kids in college, prevent the loss of a home, car, or vital health care.

Mr. Speaker, a jobless economic recovery does not help the unemployed. I challenge this Congress to do more to help our jobless Americans. I challenge this Congress to pass H.R. 3156, my bill to extend Federal unemployment benefits by an additional 13 weeks.

PROBLEMS WITH THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, I rise today to bring attention to an issue of utmost importance to my home State of Utah and to the rest of this country.

As we are now in the beginning of a new school year, I am very troubled by news from across our State about the implementation of the No Child Left Behind Act. The concepts and ideas behind this Federal education reform legislation remain just as good as they were 2 years ago when, with bipartisan support, Congress enacted the bill at the urging of President Bush. Despite the bill's good intentions, such as improving student achievement, increasing teacher quality, and providing parents with greater options, the legislation implementation has strayed off course.

How bad is it? Under the strictest interpretation of standards, 78 out of the 83 schools in Utah's Jordan School District will be designated as failing schools. In rural Utah it is questionable whether any junior high or high school will be able to meet all of the criteria. This just does not make sense. I have met with teachers, principals, parents, school board members, and superintendents throughout my State, and I know first hand about the good work that is done every day in our schools. Utah's schools face challenges based on large class sizes and low State funding. Now, due to the imposition of a new series of underfunded Federal requirements, they face the possibility of being labeled as "failures."

There are two basic problems with the implementation of the No Child Left Behind Act. First, the act promised significant Federal funding to assist local schools in meeting new requirements. In fact, a strong commitment to fund the No Child Left Behind Act requirements was critical in garnering overwhelming bipartisan support for the legislation. Unfortunately, when it came time to provide the actual funding, Congress fell short by $9 billion. At a time when State budgets are already tight, Federal requirements to push schools to do more with less set up our schools to fail.

Second, as with any complex law enacted by Congress, the Federal agency responsible for administration develops specific regulations. And in this case of No Child Left Behind, the U.S. Department of Education has developed a set of regulations based on an extreme interpretation of the legislation. There are many problems with the way No Child Left Behind regulations have evolved, but let us just take a look at two examples.

Acknowledging that quality teaching is critical to student performance, No Child Left Behind calls for teachers to meet competency and training standards for subjects they teach. This sounds reasonable, but any new Utah secondary teacher is required to have a bachelor's degree in the subject that he or she teaches. In rural schools, teachers often must teach multiple subjects.

□ 1515

In the case of foreign language teachers, many Utah teachers are former LDS missionaries with foreign language fluency. Even if these teachers have college minors in the language, they would still not be considered qualified to teach the subject. Special education teachers also teach a variety of subjects every day. Is it reasonable to require multiple college degrees? Clearly, greater flexibility is necessary to pursue teacher quality.

Now, the No Child Left Behind Act also recognized that teacher turnover is a problem, and it directs States to ensure that poor and minority children are not taught by inexperienced teachers at higher rates than other students. Again, this sounds reasonable, but the implementation has proven problematic.

In Utah, anyone with less than 3 years of teaching is considered an inexperienced teacher. The Jordan School District has a low percentage of inexperienced teachers across the whole district, and Midvale Elementary School in that district, they just recently aggressively recruited a dozen new teachers with foreign language skills to meet students' needs. But because they are all new teachers, it drives the school's percentage of inexperienced teachers above the district average, so the school is a failure under this requirement. Again, this just does not make sense.

As a Congressman, I often hear about the unintended consequences of legislation. As someone who supported the No Child Left Behind Act, I am gravely concerned that a lack of funding and an inappropriate set of regulations have brought on many unintended consequences that will harm Utah's schools.

The gap between legislative intent and real world implementation must be addressed. That is why I have cosponsored legislation to suspend No Child Left Behind requirements until Congress fulfills its funding commitments.

I have seen the great work that goes on every day in our schools. Our teachers, our principals, the PTA parents, teacher aides and school district staff work hard for our kids. None of them would ever want to leave any child behind. They know that the best investment we can make is the investment in our children's education. Congress should do everything we can to help them succeed.

THE COST OF IRAQ RECONSTRUCTION

The SPEAKER pro tempore (Mr. McCOTTER). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 140 years or so ago, former President John Quincy Adams came to the House floor and read letters from his constituents about slavery and about the abolitionists because the House actually passed a rule in 1838 saying that Congress could not debate the issue of slavery on the House floor, believe it or not.

Today, we have not really been free; we have not had committee hearings; we have not had floor debate on a lot of the questions about what is happening in Iraq, getting answers from the President and from the administration about the reconstruction, the cost, how the money is being spent; all of that, and I have gotten letters from hundreds of constituents asking for answers to those questions.

But what we have seen, Mr. Speaker, is information from the Bush administration that obfuscates, that deceives, that simply does not tell us.

Deputy Defense Secretary Wolfowitz recently said, "No one that I know of would ever say that this war is cheap."

Well, that is not what the President's people were telling us before the invasion. Budget Director Mitch Daniels said Iraq, back then, before the attack, said Iraq would be "an affordable endeavor that will not require sustained aid."

Now, Jane from Sheffield Lake, Ohio, wrote to me, "We cannot let this enormous deception from the Bush administration continue."

Back several months ago, White House economist Glen Hubbard said the costs of any intervention would be very small.

Edward from Akron in my district wrote, "I believe we were duped by this administration through misleading statements and outright lies."

Larry Lindsey, the President's Chief Economic Adviser, estimated the war in Iraq would cost $100 billion to $200 billion, the war and the aftermath and the reconstruction. He was shunned by the administration after saying that. He was later fired because of that.

From Akron Ohio, Susan writes, "Please represent us in Summit County and get to the bottom of these untruths and these lies."

Mr. Speaker, we have seen the President's proposal to spend $87 billion. That is just this year. That is in addition to the $65 billion check that Congress and the American people have already written to the President for the war in Iraq. This $87 billion details how the President's request allocates $157 per Iraqi, U.S. taxpayers pay $157 per Iraqi, for sewage improvements, but in the President's budget there is only $14 per American for sewage improvement in this country.

The administration, according to the President's request for this $87 billion, is devoting $38 per Iraqi for hospitals, but in this country, only $3.30 per American citizen for hospitals.

The President is seeking almost $6 billion to rebuild and expand Iraq's electricity generation and distribution system, as millions of Americans are regaining power lost from Hurricane Isabel and as Congress continues, frankly, not very well in this Congress, to deal with the fallout from the August blackout.

The President requests from the $87 billion, 350 times more money for Iraqis individually; $255 per Iraqi for electrical power rehabilitation, 71 cents per American for electrical power rehabilitation.

Mr. Speaker, Americans need some answers. How are we going to spend this money? Where has the $1 billion a week gone now? We need accountability. We need, most importantly, for the President to assure us that our troops will be well-supplied, and that our troops will be safer than they have in the past.

In fact, I received a call just last night from a young man whom I know who was injured in Iraq from my district. He spent 70 days in the hospital. Because of this administration's policy, he owes $550 back to Bethesda Hospital, back to the government, because the government has charged him, believe it or not, $8.10 for every day's meal he has eaten in that hospital as an injured soldier in the United States of America, injured in the battlefield in Iraq. Yet, now the administration simply is not telling us how we are going to spend that money, not making the private contractors, many of them friends of the President who are getting literally hundreds of millions of dollars, not disclosing where that money is going, how they are spending it.

I would close, Mr. Speaker, Elizabeth from Akron writes, "The Bush administration's blatant disregard for the ability of the American people to sort through, to discuss and to reach reasonable conclusions on important issues is disturbing. What else aren't they telling us? What other lies are they trying to foist on us? Whether one supported the war or not, the question of the obvious and overwhelming deceptions the administration seems to regard as normal is disturbing."

THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise at the end of a week of activity here on Capitol Hill to do nothing less than to begin a process and an effort that I hope will be a part of the fabric of my career for however long I have the privilege of serving in the United States House of Representatives.

I rise very simply, Mr. Speaker, to make the case for life; to make the arguments, philosophical, intellectual, moral and historical, on this blue and gold carpet, on a regular basis, for the sanctity of human life.

My inspiration, oddly enough, Mr. Speaker, for this series, was just mentioned by the gentleman from Ohio (Mr. BROWN) in his remarks immediately preceding mine. It is almost uncanny to me to have heard it. For my inspiration in rising today on the House floor is none other than a former Member of this body who served as a Member of Congress from 1827 until his death in 1848.

Prior to being a Member of the House of Representatives, John Quincy Adams was President of the United States, and his father President before him. But, remarkably, after one term in Congress, John Quincy Adams felt compelled, Mr. Speaker, to be elected to Congress from the State of Massachusetts and to come to this place. And more than any other purpose, it is clear as one studies his speeches and pronouncements on this floor, that he was a man deeply committed to the abolition of slavery in America.

Just as the gentleman from Ohio (Mr. BROWN) reflected, it is reported that oftentimes on a weekly basis or more throughout the nearly 20 years that John Quincy Adams served as a Member of this Congress, in a Chamber, as you know, Mr. Speaker, just down the hall, the great, grand old man and former President would come, history records, and bring his papers with him and make the moral and the intellectual and the historical and even the Biblical case against slavery in America.

We are even told that some of his colleagues at the time during the course of those two decades actually tried to change the procedural rules of the House, because they thought it rather impolitic to have old Mr. Adams coming down and bringing up that difficult issue again. But he did it, and he did it well, and he did it without apology. And as I rise today to begin what I hope for however many years I serve in Congress to be a series on the case for life, I am inspired and magnetized by John Quincy Adams.

Now, many may say that John Quincy Adams, who perished, we are told, in the midst of a session of Congress, fell over backwards in his Chair, was carried into a waiting room where he died the next day, some may say that his death in 1848, long before slavery would vanish from this continent, proved that he had failed in his endeavor.

But God works in mysterious ways, Mr. Speaker, and I cannot help but feel to this day that at some time from heaven John Quincy Adams smiled down when he realized that on the back row of the Congress in which he gave those lectures arrived in the year 1847 a tall, lanky man from the State of Illinois who served for one term in Congress, and Abraham Lincoln would later reflect that the speeches on the abolition of slavery that he heard from the great man John Quincy Adams deeply impacted his thinking and his life. And when Abraham Lincoln would then run for the Senate in Illinois and lose, and then be propelled on that same issue to the Presidency, he, no doubt, as is all of our posterity, was in debt to the rantings of that old man.

And here is hoping that my rantings may cast seeds, somewhere, Mr. Speaker, whether in this Chamber or through the means whereby people observe what we do here, that some might reflect on the principles that we share over the course of this series on the case for life and be inspired by it, because it matters.

Despite the fact that ever since Roe v. Wade became law in 1973 America has looked across the street to the U.S. Supreme Court to define this business of the rightness and the legality of abortion, and despite the fact that, frankly, even in this Congress we pay scant attention to the issue, it, nevertheless, is a colossal issue about which our Nation must attend, for one reason and one reason only: 1.6 million abortions are performed in the United States each year. Ninety-one percent are performed during the first trimester, twelve or fewer weeks gestation. Nine percent are performed in the second trimester.

Approximately 1.5 million U.S. women with unwanted pregnancies choose abortion every year, and most are under the age of 25 years and unmarried. And as psychologists across America now reflect, post-abortion stress syndrome, which seems to viciously take hold of women at or around the age of menopause, where in many cases women are led into therapy because of a deep sense of remorse about decisions they made decades before, it is a decision that those 1.5 million women make not just for that day, but for many, Mr. Speaker, a decision that colors much of the rest of their life.

Approximately 6 million women in the United States become pregnant every year. About half of those pregnancies are unintended, and 1.5 million elect to terminate them with legal abortion.

□ 1530

Each year, more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate has moved in the last 30 years to truly startling statistics. Eighty percent of women having abortions are single, 60 percent are white, 35 percent are black, 82 percent of women having abortions are unmarried or separated, and almost half, this is almost incomprehensible to me, but statistics from Planned Parenthood's National Center for Health Statistics suggest that almost half of American women, 43 percent, will have an abortion sometime in their life. Yet, we rarely talk about it here. A procedure of deep physical and emotional and moral and perhaps even spiritual consequences reflected on through the millennia is scarcely talked about in the center of the most powerful government on Earth.

Today I would like to speak, if I may, about a few of the historical aspects of the case for life. Oftentimes, when I am standing before groups of young people, I will say, rather obliquely, that for roughly 3,000 years in Western Civilization, until 1973, it was the unanimous position of medical ethicists throughout Western Civilization that abortion was immoral and unethical. And I am always amazed at the startled look on children's faces. Because, of course, every student that I see in a classroom was born in the post Roe v. Wade America where abortion is a settled fact. It is a settled legal reality. But to begin with the realization that for 3 millennia through, if I can use the word, through the gestation of Western Civilization, there was, as Mother Teresa often reflected, that core principle that human life is sacred. Often rejected, even by nations and peoples in the midst of our civilization, nevertheless, the sanctity of human life rises out of the march of our civilization, almost like no other.

We all are familiar with the founding documents of this Nation that speak of certain unalienable rights endowed by our Creator, and among them are life. It is an astounding thing to consider. But what did our Founders think of when they thought of life? They were men who reflected on the ancients; they reflected on history. The Founders of this Nation, some of whom are remembered on the walls and carved in stone throughout this building, were truly learned men. So it is important when we think about a reference to the unalienable right to life, what did our Founders think about when they said life? What did they think of as human life? In the context of our common law and in the context of the history of the ancients or the Middle Ages, or even the early church fathers who so deeply influenced the Founders of this country, it is a consistent, one after another element of the law in history that argues beyond a doubt that abortion was considered a deep moral offense.

In the Lex Cornelia 81 B.C., the Jurist Iulius Paulus applied a text of this law that applied to poisoners and those who dispensed drugs specifically intended to cause abortion, saying that whoever dispenses an abortion pill, regardless of its intention, the law read, set a bad example and was condemned to work in the mines in 81 B.C. One thinks of that story of a young girl who may have had medical complications just last week from having taken the pill RU486 and died. And one thinks of the wisdom of Lex Cornelia from 81 B.C., the dispensing of a pill and a poison that causes an abortion and its harm.

Cicero actually placed it beyond doubt that the offense of abortion was a capital offense punishable even by death. In the Persian Empire, criminal abortions were severely punished. And so it goes.

In fact, the Ephesian, Soranos, often described as the greatest ancient gynecologist from whom we obtain the word and the practice of gynecology were, as history records, deeply opposed to Rome's prevailing free abortion practice. Soranos found it necessary to think first of the life of the mother and resorted to an abortion when he thought the life of the mother was in danger, but it was otherwise unacceptable. At the time of Soranos, Greek and Roman law afforded little protection to the unborn until Christianity took root in the Roman Empire, and then it changed. And from that point forward, after the spread of Christianity in the Roman Empire, infanticide and abortion were treated as equally criminal acts, alongside murder.

Throughout the Middle Ages, the severe penalty for abortion remained in force in all countries of Europe well into the Middle Ages, and it was reflected in many of the writings. I think of John Calvin, one of the early church fathers and someone who deeply influenced the development of common law and Christian theological thinking. He said, John Calvin now, "The fetus, though enclosed in the womb of his mother, is already a human being, and it is a monstrous crime to rob it of life which it has not yet begun to enjoy. If it seems more horrible to kill a man in his own house than in a field, because a man's house is his place of most secure refuge, it ought surely to be deemed more atrocious to destroy a fetus in the womb before it has come to light," John Calvin wrote in the commentary in the Book of Exodus.

Truly astonishing words, but not at the time that he wrote them. To think of that time and to think of that context, what John Calvin wrote about, what the ancients embraced was what was common accepted law, and, of course, our own common law was given birth by those historical moorings.

As James S. Cole wrote in an essay entitled "Abortion at Common Law," long before the settlement of the English colonies on this continent, the common law of England, that is, the law recognized as common to all Englishmen, defined abortion as a crime. In accord with the limits of biological knowledge of the day, it was believed that there was no life until what was known as "quickening," when the movements of the baby could be discerned. Abortion was therefore declared by the earliest authorities a lesser crime than criminal homicide until quickening, and then it was a felony after quickening. Much later, in the 1600s, there was some hesitation to prosecute abortions in which a child died in the womb as opposed to those in which the baby was expelled before dying, because of the problems of proving that the act of beating the mother's abdomen or giving her a poison had caused the death of the child. However, there was no doubt that abortion of a woman who was either "quick or great with child" was unlawful.

In colonial America, abortions were prosecuted under the common law. After the Revolution, the new American States adopted the common law of England as the basis of their own law, including common law crimes. Within a generation, the independent States began to outgrow the English common law, and State legislatures increasingly defined crimes in their States. However, common law crimes survived until superseded by legislative enactment.

Although common law prohibitions on abortion were largely replaced over time with legislative enactments through the 19th century, there was never a gap in which the common law had anything other than a prohibition of abortion. Abortion was a crime during the hundreds of years before the founding of this Nation, and it remained a crime in every State at the beginning of our Nation and throughout the 19th century.

Until the advent of Roe v. Wade that, it is worth noting, struck down simultaneously those laws promulgated from the common law in all 50 States, abortion was considered a crime, a deep moral offense, and anathema to medical ethicists.

It is altogether appropriate to point out as well as we consider the ancients today, Mr. Speaker, that the Hippocratic Oath itself carved, depending on who you believe of the historians, and doctors will argue the point, but somewhere between 3,000 and 4,000 years ago, the Hippocratic Oath authored by the great physician Hippocrates begins in many versions with the phrase, "First, do no harm," and in its most classic versions will make reference to abortion; that it was altogether and always inappropriate for the healer ever to end human life, either born human life or unborn human life. It is contained in the Hippocratic Oath. It was what it meant to be a doctor, that you heal; your charge was to heal human beings. And so the bright line, to put it in modern terminology, Mr. Speaker, the eight-lane superhighway in Hippocrates' mind, it seemed to me, was that the doctor does not kill human beings. Doctors do not end human life. And for 4,000 years, the advance of medical ethics, and every doctor in my State of Indiana and every doctor who takes an oath throughout the Western world raises their hand, in many cases, and takes the Hippocratic Oath.

Now, the edited version oftentimes does not include reference to abortion, but it still includes that line, "first, do no harm." And it is why today so many doctors in America refuse as a professional decision to perform abortions. They simply choose not to be a part of it. In fact, there seems to be some evidence in the medical community of a diminishing availability of abortion in America, because men and women that wear the white smocks and the green smocks of physicians are less and less interested in that fundamental compromise of their mission and their ministry as a healer, according to the Hippocratic Oath.

I spoke of the English common law, which specifically forbade abortion. It did, in some cases, as I mentioned, treat it as a felony and, in other cases, treated it as a misdemeanor; but in all cases it was immoral, wrong, and illegal. Blackstone, who wrote, as I learned in law school, the famous Blackstone Commentaries at the founding of the country; it can be accurately observed that a practicing lawyer could literally consider themselves as having an entire legal library if they possessed one book, not counting the Bible, but Blackstone's Commentaries on the Law. It is taught even to this day in the most secular of law schools, and people understand that Blackstone was, for people practicing the law in the colonies and in the States and in the territories, it was the ultimate resource. And Blackstone was clear on abortion, writing in one of his commentaries, "If a woman is quick with child and by poison or otherwise killeth it in her womb, or if anyone beat her whereby the child dieth in her body and she is delivered of a dead child, this, though not murder was, by the ancient law, homicide or manslaughter."

So whatever may have been the exact view taken by common law of any specific offense, in and around 1803, there was no question that abortion was a crime. And yet, in America today, by a judicial decision and by judicial fiat, that has fundamentally changed.

So why does all this matter? As I talked to some colleagues today, they said to me, now, why are you doing that? Is there some legislation coming to the floor that is going to change things in abortion? And I granted the point that ever since Roe v. Wade, we, in the people's House, in the Congress, and in the State legislatures of all 50 States have very little to say about this issue.

□ 1545

It comes down to nine men and women in black robes and the Presidents who appoint them. But it seems to me to be altogether fitting that something that so deeply troubles the heart of half of the American people ought to be something that resonates in the heart of our national government.

That is how I see this Chamber, Mr. Speaker. I said it shortly after 9/11 in a speech that I gave on this same floor, that I viewed the House of Representatives as the heart of the American government and that it ought to resonate with the hearts of the American people. When the hearts of the American people are troubled about an issue at home or abroad, this should be a troubled room. When the hearts of the American people are quiet and at rest, this should be a quiet and amicable place.

It may be over-literalizing it, trying to turn the government into some homotropic version of man, but I think it has merit. And the truth is that while there are millions of Americans who embrace the right to choose an abortion, who take to the street to defend it, who take to the polls to support it, there are, by any measure, a growing number of nearly half of this country who are deeply troubled to live in an America where innocent human life is so callously discarded. It was as Meghan Cox Gurdon called it in an article in the Wall Street Journal a number of years ago, it is, in my judgment, the mother of all rights.

Meghan Cox Gurdon, and I borrow from her essay now, wrote, "The Roe versus Wade anniversaries make me think of the last scene in Schindler's List, the film about Oskar Schindler, the German industrialist who saved a small number of Jews during World War II. The final scene," for those who have seen it, "features actual Schindler survivors with their children and grandchildren line up to place stones on his grave in Israel. What makes the scene so powerful is not just the surprising number of progeny already produced by the Holocaust escapees, but the staggering number of men, women and children who are not there, who never had a chance of life because the Nazis gassed those who would have been their parents and grandparents."

Meghan Gurdon goes on to write compellingly, "When Roe comes up, it has a Schindler-like reverberation in my own family. The fact is, my husband and I, our four children, his three siblings and their combined eight children all owe our lives to the fact that the famous Supreme Court decision did not come until 1973 (and its British equivalent until 1967). For all 17 of us, all descended from two unwanted pregnancies—two pregnancies that produced hasty marriages, some unhappiness, rather more sadness, and even actually two divorces. And I have to say, boy, am I glad that those pregnancies, dismaying and unexpected as they were, entailing the compromises that they did for those involved, were not tidied up in a clinic so that the young mothers in question could 'get on with their lives.' You, gentle reader, would have been deprived of nothing more than my editorial voice. I and 16 kinsfolk would have been robbed of everything."

It is in every sense, as Meghan Gurdon writes, "the mother of all rights." I think it is why our founders listed life first, that they knew from the spilled blood that had happened on our shores and would happen at the hands of a despotic king. They knew that if a man does not have an unalienable right to life, he has nothing. That if a man or a woman cannot anticipate that government cannot deprive them of their life without due process of law and cannot deprive any human person of their right to life without due process of law, then they are, in the words of John Calvin, like that man in his own home, most grievously offended to have been attacked in what is to be his safest place.

Alexander Hamilton cautioned us against forgetting the ancient parchments, the teachings of ancients, and cautioned those who believed that we could create a society that separated law from moral truth saying, "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity and can never be erased or obscured by mortal power."

It is a truth, Mr. Speaker, I have tried humbly to advance today for your and my colleagues' ears and for anyone else who is listening and in the weeks and months and, if the Lord wills it, years ahead. I hope from time to time to come to this floor and do likewise. To begin to take a break from the arguments of the day at home and abroad and to take a longer-view perspective on this Nation and on the vitality of its legal and moral traditions. For it seems to me that abortion is the issue of our time.

I used to say to people when I was younger that I thought abortion was the most important moral issue of our time, and I have since abandoned the adjective because I really do believe that as the late Mother Teresa would say often, that it is the defining issue of our age, and on some days, I believe in a hopeful view of the future, that our posterity will look back and say there was a time when America lost her way, but largely because of a broken heart, she came back. She came back to the truth of the ancient, not because she returned to a puritanical society that judged people in their hour of need, but because America again became a broken hearted society that said, we want to be a place where there are no unwanted children. We want to be a society where crisis pregnant centers come to replace entirely centers where innocent life is destroyed; where women know that there are better choices, not only for their unborn child, but for them than ever the choice of ending that life.

That is my hope and that is my dream that they will look back on this time and they will say, Mr. Speaker, America got off the path, but she reflected on the truths of the ancients. She reflected on the unalienable rights that she had alienated for a while, of life, and liberty and the pursuit of happiness. And by God's grace, she found her way back, to be a compassionate society and a caring society, but a society that once again embraced the unalienable right to life.

THE PRESIDENT'S WAR REQUEST AND AMERICA'S FUTURE COURSE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of North Carolina. Mr. Speaker, the President's request of an $87 billion supplemental appropriation on top of $79 billion already appropriated has prompted renewed debate over our military operations in Iraq, our plans for the subsequent reconstruction of that country, and our broader policy objectives in the Middle East.

We must take to a successful conclusion the securing of Iraq, the rebuilding of the country's economy and infrastructure, and the transition to an indigenous democratic government. We must provide our forces in Iraq the resources they need to complete their mission and to enhance their safety and security while they are performing their mission. But the Bush administration must give a full accounting of how we plan to reach these goals, how we are going to meet the costs, and how we are to enlist the necessary international support.

This afternoon, Mr. Speaker, I want to specify certain key questions and expectations that Members of Congress must bring to the consideration of the President's request.

This request is considerably overdue. For far too long the Bush administration refused to estimate the precise costs of the war as it pushed for tax cuts upon tax cuts, mainly benefitting the wealthiest Americans, and as it presided over a 2-year, $8 trillion fiscal reversal, the largest in our country's history.

But now the bill is coming due, and that stubborn fact, in addition to the critical situation on the ground in Iraq, has forced the President's hand.

That is not to say he has totally come clean. The President's request of $20 billion for reconstruction covers less than half of the projected costs. And it is bound to increase if his optimistic estimate as to oil revenues and contributions from allies do not materialize. Nor are we ever likely to hear the President acknowledge that every dime of that $87 billion is borrowed money, adding to what was already a record Federal deficit.

How much money is $87 billion? It is three times what we spend each year on major disease research at the National Institutes of Health. It is more than double our entire post-9/11 Homeland Security budget. It amounts to $3.5 million each week throughout 2004 for each of the 435 congressional districts in our country: $3.5 million dollars each week for each district. I will leave it to colleagues to calculate what this could mean in terms of covering the uninsured or upgrading our schools or improving roads and mass transit.

So the cost of our Iraqi intervention is immense and we are reminded daily of the human cost as well. American fatalities since the President declared the combat phase concluded now number 158, more than the 139 incurred during active combat. Honest acknowledgment of these costs is essential both to assessing our Nation's course thus far and to charting our course ahead.

As it became more and more evident last winter that nothing was likely to divert the President from the course he had chosen in Iraq, I, like others, took to the House floor to raise questions that the administration had not answered, questions which were basic to any rationale for war:

"What accounting do we have of the costs and risks of military invasion? How are we to secure and maintain the support and engagement of our allies? Can Iraq be disarmed by means that do not divert us from, or otherwise compromise, equally or more urgent anti-terrorist and diplomatic objectives? Do we have a credible plan for rebuilding and governing post-war Iraq? Have we secured the necessary international cooperation to ensure that this does not become a perceived U.S. occupation?"

I must say in retrospect that those were legitimate and important questions. In some areas, the administration had no answer or wrong answers, and in others they refused to level with Congress and the American people.

□ 1600

On one of the few instances when Secretary of Defense Donald Rumsfeld addressed the war's costs, he echoed OMB Mitch Daniels with an estimate of "something under $50 billion." That was in January, and a few weeks later his deputy, Paul Wolfowitz, described Iraq as "a country that can really finance its own reconstruction, and relatively soon." Such statements help us understand the fix we are in in Iraq and the pressure the administration is now facing to give an honest accounting, along with a credible plan, complete with cost and deployment estimates, going forward.

The President's $87 billion supplemental appropriations request has been accompanied by a return to the United Nations to seek the support, for the post-war reconstruction of Iraq, of the allies the administration once spurned. This appears to be, as Ron Brownstein of the Los Angeles Times termed it, a case of "reality trumping ideology," based on the realization that under present policies the President does not have the means to achieve his ends in Iraq. But it does not yet amount to the mid-course correction that is called for.

The administration still has a long way to go in presenting to the American people and to our prospective allies a credible plan for securing and rebuilding Iraq. There is no time to spare, as the New York Times editorialized on September 14, "If Mr. Bush does not demonstrate a clear and convincing strategy soon, he may face political pressure to bring home American troops under conditions that would be embarrassing for America and perilous for the Middle East."

In the first place, Mr. Speaker, the President must provide a straightforward account of how the $79 billion already appropriated has been spent and what the newly requested $87 billion will buy. Accountability for funds thus far expended; justification for the present request; and an honest estimate of the costs yet to come.

Is the request consistent with our first priority of combatting terrorism in Afghanistan and beyond? Is it based on realistic estimates of funding from oil revenues and from allied contributions? Even if we succeed in enlisting additional allies, that will only partially ease our financial burden. Current plans, for example, are for Poland to lead a multinational force of some 19 countries in the central-southern region of Iraq. But of the estimated $240 million cost of the operation, Poland is expected to pay no more than $40 million, with the U.S. covering the rest.

It is critically important, I believe, to focus separately on the portion of the President's $87 billion request that is targeted to Afghanistan: $11 billion for military operations and $800 million for reconstruction. Those numbers pale in comparison to the Iraq request, and they may not be sufficient. In crucial respects, our Afghan operations offer a contrast to Iraq. Afghanistan was a war of necessity. It was directly related to the 9/11 attacks. It was endorsed and supported almost unanimously by the world community. The NATO alliance has now assumed responsibility for ongoing operations there. Yet the country is largely unsecured outside of Kabul and the top leadership of both the Taliban and al Qaeda is still at large.

Our decision to deal with the Iraqi challenge through a massive military invasion has arguably set back the broader war on terrorism, allowing the Taliban and al Qaeda to regroup. There is no place in the world where it is more important to position U.S. Special Forces than in the Afghanistan-Pakistan border region where Taliban and al Qaeda forces are still operating. Our Special Forces must be fully supported, and they must not be further diverted until their mission is concluded.

The Afghan reconstruction funding will partially address such critical needs as road and school construction, irrigation projects, and training a self-sustaining Afghan security force. This aid may also help shore up some support for the embattled, pro-Western President of Afghanistan, Hamid Karzai. However, decades of civil war have left the nation without such basic needs as a modern electric power infrastructure, urban sanitation systems, or an advanced medical infrastructure. There is much left to do, and it will take a concerted multinational effort to meet these needs.

The administration must also explain to Congress and the public how the $87 billion, all of it deficit spending, far beyond the scale of most emergency supplemental appropriations requests, is to be paid for. In particular, is it either fair or fiscally prudent to leave in place, much less to extend, massive tax cuts for those in the highest brackets, tax cuts that have produced unprecedented annual deficits and that mock the very idea of shared sacrifice?

Secondly, the administration must deal with the question of troop strength. The supplemental appropriations request assumes American troops will remain at present levels for at least another year. We in North Carolina have particular reason to recognize the spectacular performance of our men and women in uniform during the combat phase and the valor and commitment they continue to display under trying conditions. Tens of thousands of these troops have been deployed from our State, including National Guard and Reserve units that have been subject to repeated call-ups.

By the same token, however, North Carolinians have been especially attentive to evidence of administration misjudgments as to the troop levels that would be required in post-war Iraq, to extensions in the tours of many units, and to the mismatch between what these troops have been trained for and the security and reconstruction functions that they are being called upon to perform.

Secretary Rumsfeld has offered dubious assurances, despite the continuing level of violence, that no more troops are needed; but the administration has not explained how even the present level of deployment in Iraq can be sustained. Of the Army's 33 active duty combat brigades, 16 are currently assigned to Iraq and five elsewhere overseas. Almost all of the others are needed for rotation purposes, mainly in Iraq, and for emergency standby related to North Korea. As of last week, more than 128,000 Army Guard and Reserve members, or 23 percent of the force, were mobilized in support of operations overseas and in the United States, many on yearlong tours, with thousands more to be deployed or redeployed soon.

Thirdly, what is the administration's plan for securing allied participation and how much relief can this realistically afford relative to American financial and personnel requirements? The tens of thousands of additional troops and the billions of dollars of additional funding that we need in Iraq, as well as our broader antiterrorist and peacemaking endeavors in the Middle East, will require intensive diplomatic repair work in the coming weeks. The return of Secretary Powell and of the President to the United Nations is a necessary first step toward the cooperative ties we must forge with allies ranging from Germany and France to India and Turkey and Egypt. At the same time, we must press ahead with the recruitment and training of indigenous Iraqi police and security forces and the transition to Iraqi self-rule.

Finally, we look to the President for a reaffirmation of America's commitment to Middle East peacemaking. After almost 2½ years of ill-advised disengagement from the quest for a fair and enduring settlement between Israel and its neighbors, the President has commendably joined with our "Quartet" partners, the European Union, the United Nations and Russia, to announce the "Road Map" initiative for mutual, step-by-step Israeli-Palestinian accommodations.

Recent weeks have not been auspicious for the Road Map initiative. Hamas suicide bombers have conducted devastating attacks, killing and maiming dozens of Israelis, many of them teenagers and children. The Israeli government has stepped up its targeted assassination of Hamas leaders and members and has tightened its chokehold on the occupied territories.

In fact, the two sides seemed locked in a death grip. Violent deaths since the collapse of the peace process number 858 among Israelis and 2,468 Palestinians. Who would not be moved by the story of two of the victims of the September 9 Jerusalem bombing, Dr. David Applebaum and his daughter Naava, out on an errand the night before what was to be her happy wedding day? Such wrenching stories underscore again and again the urgency of reaching a settlement that ensures security and integrity for Israel and a viable state for the Palestinians. And in the post-9/11 world, Middle East peacemaking has assumed an added dimension. "Suicide bombing is becoming so routine" in Israel/Palestine, Thomas Friedman recently wrote, "that it risks becoming embedded in contemporary culture. America must stop it. A credible peace deal is no longer a U.S. luxury: it is essential to our own homeland security. Otherwise, this suicide madness will spread, and it will be Americans who will have to learn how to live with it."

The simultaneous steps that the Road Map envisions are politically difficult and vulnerable to sabotage. The Israeli government, reluctant to challenge the settlers in any case, is doubly so when the likely reward is another horrific bombing by Hamas, whose structure of terror remains intact. As for the Palestinians, they feel they are being asked to risk a civil war by taking on militant groups by force without assurances that settlements will actually be removed from Palestinian territory or statehood achieved. That is why American leadership is absolutely essential, to help ensure that both sides in fact comply with the road map and that the process is steadied against the predictable attempts at sabotage by the enemies of peace.

If the process remains stalled and the violence continues, American leaders may need to think outside the Road-Map "box" in terms of putting a peace plan on the table proactively. What is not even thinkable is for our government again to disengage and to let that death grip tighten.

Mr. Speaker, we are at a critical juncture in the war on terrorism and in our Nation's engagement in the Middle East. We must push ahead with the reconstruction and democratization of Afghanistan and Iraq, preventing either a return to tyranny or a collapse into violence that would allow forces deadly to our country's vital interests to take root.

That is what the supplemental appropriations requested by the President must help underwrite, and that is why I expect that most of us in this body are likely in due course to support something close to the requested amount. But while Congress was willing to provide a blank check in the past, it does not seem likely to do so now. We must have an accounting of the administration's strategy going forward, its timetables and objectives, its costs and personnel requirements, how our allies will share in its obligation, and how past mistakes will be corrected or avoided. The committees of the Congress must schedule sufficient hearings to allow administration officials to make their case and to allow Members to question them fully.

The need for mid-course correction raises serious issues, yet unresolved, about the path to war that the President chose. We will no doubt debate these questions for years to come, and we cannot allow them to paralyze us now. But if we are to correct our course and go forward successfully, we must confront the flawed premises and the failed diplomacy that set the terms of the Iraqi invasion. In closing, I want to underscore the importance of one of these pieces of unfinished business, not merely to clear the air but also to clarify what Congress and the American people must demand of this administration or of any administration in the future. I am referring to the intelligence and to the interpretations of intelligence on which the decision to invade Iraq was based.

We are all aware, Mr. Speaker, of the perils of 20/20 hindsight. And on some questions, most notably Iraq's possession of chemical and biological weapons, even hindsight is still unclear. Iraq possessed and used such weapons in the past. Yet after 5 months, no stockpiles have been found. U.S. weapons inspector David Kay is soon expected to make an interim report to Congress on the Iraqis weapons program. By all reports, he will suggest that Saddam may have intended to produce weapons when and if U.N. inspectors left Iraq. However, intent does not constitute an imminent threat. While Mr. Kay has work left to do, he has yet to uncover the threat that we expected.

Regarding Iraq's development of deployable nuclear weapons and the tenuous linkage between al Qaeda and the Iraqi government, we are not simply talking about 20/20 hindsight. We are talking about evidence that Members of this body knew, or should have known, to be shaky as early as the October congressional vote authorizing the use of force and certainly in the winter months leading up to the invasion.

The President and administration officials continue to obfuscate the Iraqi-al Qaeda link, which now may become a self-fulfilling prophecy as Iraq becomes a magnet for terrorist operatives from around the region. As for the claims by the President, the Vice President, and others that Iraq was attempting to reconstitute its nuclear program, we have the testimony of retired foreign service officer Joseph Wilson, who was dispatched to Niger in early 2002 to investigate reported sales of uranium ore to Iraq. "Based on my experience with the administration in the months leading up to the war," Wilson wrote, "I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."

□ 1615

The House and Senate Permanent Select Committees on Intelligence are currently conducting investigations which we are assured will focus not only on the prewar performance of U.S. intelligence agencies but also on how the White House used intelligence information to make the case for war. These investigations must be thorough and objective, following the facts wherever they lead. We commend these colleagues for the hard work they have done thus far. They know we are counting on them for a conscientious and comprehensive job. If this investigation takes a partisan turn, or if there is any hint of pressure to protect the administration, sentiment may well shift toward an inquiry by an independent commission of the sort the gentleman from California (Mr. WAXMAN) has proposed. We must never conclude, despite the undisputed fact that Saddam Hussein was a blood-soaked tyrant, and that both the Iraqis and the world are better off with him gone—we still must never conclude that the credibility of the reasons that our government gave to the American people and to our potential allies for going to war do not matter. These reasons, which centered on the grave threat posed by Iraq's weapons program, do matter. If they are found to have been based on fallacious or manipulated evidence, the blow to our international credibility and to the integrity of the discourse on which our democracy depends will be profound.

Mr. Speaker, there will be many calls for national unity and resolve as we consider the President's $87 billion request and contemplate the long, hard road ahead. I will join in those calls, for the challenges confronting our country transcend political divisions and the differences we have had in the past. But the administration needs to understand its end of the bargain, for in a democracy, where power is shared between the executive and legislative branches of government, critical decisions must not be taken in an atmosphere of deception or political intimidation or stealth. Going forward, we must hold one another accountable for the clear-eyed development of a strategy in Iraq, Afghanistan, and the Middle East, planning carefully and realistically, dealing truthfully with costs and risks, and working cooperatively with allies who share our values and goals. This is the mid-course correction, indeed the new beginning, that we need to signal and to achieve as we consider the request the President has made of this Congress and of the people we represent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material):

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material):

Mrs. BLACKBURN, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 30.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 30.

Mr. MORAN of Kansas, for 5 minutes, October 2.

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

ADJOURNMENT

Mr. PRICE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, September 29, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4413. A communication from the President of the United States, transmitting FY 2004 budget amendment for International Assistance Program; (H. Doc. No. 108—130); to the Committee on Appropriations and ordered to be printed.

4414. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting The Fiscal Year 2002 Defense Environmental Technology Program Annual Report, pursuant to 10 U.S.C. 2706; to the Committee on Armed Services.

4415. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the experience under FY 1999 and 2000 "Pilot Program for Revitalizing the Laboratories and Test and Evaluation Centers of the Department of Defense"; to the Committee on Armed Services.

4416. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1157] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4417. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement (RIN: 1660-AA29) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4418. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7815] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4419. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — Special Demonstration Programs--Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals With Disabilities (RIN: 1820-ZA29) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4420. A letter from the Director, Directorate of Construction, OSHA, Department of Labor, transmitting the Department's final rule — Safety Standards for Signs, Signals and Barricades [Docket # S-018] (RIN: 1218-AB88) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4421. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Anorectal Drug Products for Over-the-Counter Human Use [Docket No. 1980N-0050] (RIN: 0910-AA01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4422. A letter from the Secretary, Department of Health and Human Services, transmitting a interim report entitled "Human Papillomavirus: Surveillance and Prevention Research," pursuant to Public Law 106—554, section 317P.(b)(2) #(114 Stat. 2763A—72); to the Committee on Energy and Commerce.

4423. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Office of Nuclear Material Safety and Safeguards Consolidated Decommissioning Guidance; Notice of Availability — received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4424. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations (RIN: 3150-AG93) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4425. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Combustible Gas Control in Containment (RIN: 3150-AG76) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4426. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4427. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a revised copy of the Department's Annual Report on grants streamlining and standardization, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4428. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to provide for review of certain determinations of the Board of Actuaries of the Civil Service Retirement System in accordance with the requirements of the Constitution; to the Committee on Government Reform.

4429. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements; Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 010820209-1209-01; I.D. 080901A] (RIN: 0648-AP40) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4430. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010926236-2199-02; I.D. 081202B] (RIN: 0648-AP63) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4431. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Sea Turtle Conservation; Summer Flounder Trawling Requirements [Docket No. 991007270-2042-02; I.D. 090399E] (RIN: 0648-AM89) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4432. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2278-02; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4433. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2057-01; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4434. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 980331080-0286-03; I.D. 092100A] (RIN: 0648-AK66) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4435. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions Applicable to Fishing and Scientific Research Activities [Docket No. 010607150-1264-02; I.D. 091200F] (RIN: 0648-AN64) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4436. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation Measures for the Pound Net Fishery in Virginia Waters [Docket No. 020319061-2122-02; I.D. 031402B] (RIN: 0648-AP81) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4437. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — American Lobster Fishery [Docket No. 001120327-1037-02; I.D. 091800H] (RIN: 0648-AO58) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4438. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Managment Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan; Partial Delay [Docket No. 000105004-0260-02; I.D. 063099A] (RIN: 0648-AI78) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4439. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 091103A] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4440. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 090803B] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4441. A letter from the Chief Counsel for Technology Administration, Department of Commerce, transmitting the Department's final rule — Licensing of Government Owned Inventions [Docket No. 010111012-1012-01] (RIN: 0692-AA17) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4442. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the U.S. Commission on Civil Rights recently voted to recharter the Connecticut State Advisory Committee; to the Committee on the Judiciary.

4443. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice--Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4444. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans (RIN: 2900-AL08) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4445. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program (RIN: 2900-AL30) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4446. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense (RIN: 2900-AL40) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4447. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation and Pension Provisions of the Veterans Benefits Act of 2002 (RIN: 2900-AL62) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4448. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Depreciation Allowance [TD 9091] (RIN: 1545-BC19) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-63] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2003-89) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4451. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-107) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4452. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-103) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4453. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Notice 2003-64] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4454. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Built-in Gains and Losses under Section 382(h) [Notice 2003-65] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4455. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — The Jobs and Growth Tax Relief Reconciliation Act of 2003--Information Reporting for Payments in Lieu of Dividends [Notice 2003-67] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4456. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2003-104) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4457. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled "To eliminate inequities in the compensation of certain Federal employees stationed outside the continental United States, and other purposes"; jointly to the Committees on International Relations and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2714. A bill to reauthorize the State Justice Institute (Rept. 108–285). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1829. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes, with an amendment (Rept. 108–286). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DeMINT:

H.R. 3177. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of individual Social Security accounts ensuring full benefits for all workers and their families, giving Americans ownership of their retirement, restoring long-term Social Security solvency, and for other purposes; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. Conyers, Mrs. Christensen, Ms. Jackson-Lee of Texas, Mr. Bell, Mr. Platts, Mr. Reyes, Mr. Lantos, Mr. Davis of Illinois, Mr. Green of Texas, Mr. Kildee, Mr. Gordon, Mr. McNulty, Mr. McGovern, Ms. Corrine Brown of Florida, Mr. Owens, Mr. Wexler, Mr. Serrano, Mr. Towns, Mr. Baca, Mr. Becerra, Mr. Cardoza, Mr. Gonzalez, Mr. Grijalva, Mr. Gutierrez, Mr. Menendez, Mrs. Napolitano, Mr. Pastor, Mr. Ortiz, Mr. Rodriguez, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Ms. Solis, Ms. Velázquez, Mr. Abercrombie, Ms. Roybal-Allard, Mr. Etheridge, Mr. Clay, Mr. Ballance, Ms. Slaughter, Ms. DeGette, Mr. McDermott, Mr. Payne, Mr. Sanders, Mr. Fossella, Ms. Waters, Ms. Eddie Bernice Johnson of Texas, and Mr. Nethercutt):

H.R. 3178. A bill to amend the Elementary and Secondary Education Act of 1965 to prohibit interference by certain grant recipients with a student's treatment of his or her diabetes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself and Mr. Goss):

H.R. 3179. A bill to strengthen anti-terrorism investigative tools and promote information sharing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. Pelosi, Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kucinich, Mr. Holt, Ms. McCollum, Mr. Davis of Illinois, Mr. Case, Mr. Grijalva, Mr. Van Hollen, Mr. Ryan of Ohio, Mr. Bishop of New York, Ms. Majette, Mr. Abercrombie, Mr. Scott of Virginia, Mrs. Jones of Ohio, Mr. Serrano, Mr. Frank of Massachusetts, Mr. Nadler, Mr. Crowley, Ms. Millender-McDonald, Mr. Brown of Ohio, Ms. Baldwin, Ms. DeLauro, Ms. Watson, Mr. Wexler, Mr. Ortiz, Mr. Hoeffel, Mr. Alexander, Mr. Israel, Mr. Filner, Ms. Solis, Mr. Markey, Ms. Norton, Mr. Faleomavaega, Mr. Cummings, Ms. Loretta Sanchez of California, Mr. Honda, Ms. Carson of Indiana, Ms. Jackson-Lee of Texas, Mr. Ruppersberger, Mr. Gutierrez, Ms. Linda T. Sánchez of California, and Mr. Emanuel):

H.R. 3180. A bill to amend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. LaTOURETTE (for himself and Ms. Norton):

H.R. 3181. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. Cardin, Mr. Herger, Mr. DeLay, Mr. Stark, Mr. Cantor, Mr. McDermott, Mr. English, and Mr. McInnis):

H.R. 3182. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. OXLEY (for himself and Mr. Frank of Massachusetts):

H.R. 3183. A bill to provide for direct and accurate compensation to financial institutions for providing various critical depositary and financial agency services for or on behalf of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK (for himself, Mr. Delahunt, Mr. Bachus, Mr. Ballance, Mr. Boozman, Mr. Capuano, Mr. Conyers, Mr. Frank of Massachusetts, Mr. Isakson, Mr. LaHood, and Mr. Stenholm):

H.R. 3184. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on the Judiciary.

By Mr. BASS (for himself and Mr. Bradley of New Hampshire):

H.R. 3185. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building"; to the Committee on Government Reform.

By Mr. CLAY:

H.R. 3186. A bill to establish and maintain geospatial preparedness for the Nation with the National Spatial Data Infrastructure and integrated applications and systems required for homeland security, national defense, electronic government, and for other purposes; to the Committee on Science.

By Mr. CUNNINGHAM:

H.R. 3187. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma (for himself, Mr. Goodlatte, Mr. Stenholm, and Mr. Holden):

H.R. 3188. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 3189. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING:

H.R. 3190. A bill to safeguard our religious liberties; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GOODE, Mr. TIAHRT, Mr. CHABOT, Mr. HYDE, Mr. HEFLEY, Mr. RYAN of Wisconsin, Mr. FEENEY, and Mr. HENSARLING):

H.R. 3191. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. ALLEN, Mr. HINCHEY, Mr. SERRANO, Mr. ROSS, Mr. MCDERMOTT, and Mr. EMANUEL):

H.R. 3192. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. ROSS, Mr. DEMINT, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. HOLDEN, Mr. SESSIONS, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. BISHOP of Georgia, Mr. CANNON, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. JOHN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. REYES, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. MATHESON, Mr. PAUL, Mr. HALL, Mr. MICHAUD, Mr. ORTIZ, Mrs. BLACKBURN, Mr. MICA, Mr. DEAL of Georgia, Mr. ISTOOK, Mr. NEY, Mr. GOODLATTE, Mr. SCHROCK, Mr. PORTER, Mr. HENSARLING, Mr. CARTER, Mr. SANDLIN, Mr. BRADY of Texas, Mr. BURGESS, Mr. REHBERG, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. VITTER, Mr. EVERETT, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. PETERSON of Minnesota, Mr. CARSON of Oklahoma, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. GREEN of Texas, Mr. BARTON of Texas, Mr. GINGREY, Mrs. CUBIN, Mr. BACHUS, Mr. DUNCAN, Mr. JANKLOW, Mr. BOUCHER, Mr. MARSHALL, Mr. RYAN of Ohio, and Mr. TOOMEY):

H.R. 3193. A bill to restore second amendment rights in the District of Columbia; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself and Ms. DEGETTE):

H.R. 3194. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H. Con. Res. 289. Concurrent resolution urging the Secretary of Homeland Security to use the Interior Repatriation Program for apprehended aliens who repeatedly enter the United States illegally, urging the President of the United States to request more funds for such program for fiscal year 2005, and for other purposes; to the Committee on the Judiciary.

By Mr. BELL (for himself, Mr. CULBERSON, Mr. BARTON of Texas, Mr. BONILLA, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Ms. GRANGER, Mr. GREEN of Texas, Mr. HALL, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. PAUL, Mr. REYES, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, Mr. THORNBERRY, and Mr. TURNER of Texas):

H. Res. 379. A resolution honoring the Rice University Owls baseball team for winning the NCAA baseball championship; to the Committee on Education and the Workforce.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. KELLER):

H. Res. 380. A resolution honoring Ericka Dunlap, Miss America 2004; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1215 Joint Resolution memorializing the Congress of the United States not to change what is currently a very successful program, to keep the Head Start funding system as it is and to make sure that all the children in America who need this program have the opportunity to be part of Head Start; to the Committee on Education and the Workforce.

204. Also,a memorial of the House of Representatives of the State of Massachusetts, relative to a Resolution memorializing the United States Congress to repeal the Government Pension Offset Rule of Title II of the Social Security Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mrs. JO ANN DAVIS of Virginia.

H.R. 54: Ms. HARRIS.

H.R. 173: Mr. PUTNAM and Mr. EMANUEL.

H.R. 198: Mr. NORWOOD.

H.R. 284: Mr. MORAN of Kansas.

H.R. 331: Mr. ETHERIDGE.

H.R. 339: Mr. BRADY of Texas, Mr. PEARCE, Mr. NETHERCUTT, Mr. TANCREDO, and Ms. ROS-LEHTINEN.

H.R. 348: Ms. LINDA T. SÁNCHEZ of California.

H.R. 358: Mr. GREEN of Wisconsin.

H.R. 548: Mr. ACKERMAN and Mr. ETHERIDGE.

H.R. 571: Mr. SULLIVAN, Mrs. MALONEY, and Mr. PEARCE.

H.R. 713: Mr. TIAHRT.

H.R. 728: Mr. KELLER and Mr. GALLEGLY.

H.R. 775: Mr. JENKINS.

H.R. 792: Mr. BARRETT of South Carolina.

H.R. 806: Mr. SKELTON.

H.R. 819: Mr. WAXMAN.

H.R. 850: Mr. SULLIVAN.

H.R. 857: Mr. DEFAZIO and Ms. ESHOO.

H.R. 870: Mr. KINGSTON and Mr. JONES of North Carolina.

H.R. 876: Mr. ROGERS of Alabama.

H.R. 879: Mr. GREEN of Wisconsin.

H.R. 919: Mr. HOUGHTON and Mr. BALLENGER.

H.R. 962: Mr. DEUTSCH and Mr. MCDERMOTT.

H.R. 997: Mr. QUINN.

H.R. 1205: Mr. GRIJALVA.

H.R. 1250: Mr. MOORE.

H.R. 1302: Mr. SAM JOHNSON of Texas.

H.R. 1310: Mr. ROSS and Mrs. BLACKBURN.

H.R. 1336: Ms. BERKLEY, Mr. PAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. ROSS, and Mrs. BLACKBURN.

H.R. 1345: Mr. TOWNS, Mr. MEEHAN, and Mr. ETHERIDGE.

H.R. 1372: Mr. PEARCE, Mrs. MUSGRAVE, Mr. BAIRD, and Mr. DICKS.

H.R. 1508: Mr. HOLDEN.

H.R. 1513: Mr. RYAN of Wisconsin.

H.R. 1523: Mr. GOODE, Mr. ISAKSON, Mr. CAMP, Mr. LEWIS of Georgia, Mr. HYDE, Mr. QUINN, and Mr. ROSS.

H.R. 1532: Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. BERMAN, and Mr. DEFAZIO.

H.R. 1582: Mr. GIBBONS.

H.R. 1660: Mr. PAUL.

H.R. 1689: Ms. BALDWIN.

H.R. 1731: Mr. ROSS.

H.R. 1734: Mr. MURTHA.

H.R. 1735: Ms. LINDA T. SÁNCHEZ of California and Mr. GREEN of Texas.

H.R. 1749: Ms. LOFGREN and Ms. CORRINE BROWN of Florida.

H.R. 1796: Ms. KILPATRICK, Mr. EMANUEL, Mr. WU, and Mr. DAVIS of Illinois.

H.R. 1829: Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. KIRK, and Ms. KILPATRICK.

H.R. 1958: Mr. MORAN of Virginia.

H.R. 2034: Mr. OTTER and Mr. SOUDER.

H.R. 2047: Mr. DAVIS of Florida.

H.R. 2094: Mrs. MALONEY and Mr. GARRETT of New Jersey.

H.R. 2181: Mr, SMITH of Michigan.

H.R. 2203:.Mr. GUTIERREZ.

H.R. 2264: Mr. GALLEGLY.

H.R. 2269: Mr. TOOMEY and Mrs. MYRICK.

H.R. 2318: Mr. DOGGETT.

H.R. 2347: Ms. HART and Mr. SMITH of New Jersey.

H.R. 2352: Mr. GUTIERREZ.

H.R. 2379: Mr. HOEKSTRA.

H.R. 2385: Mr. CANNON.

H.R. 2389: Mr. EMANUEL.

H.R. 2391: Mr. KIND.

H.R. 2394: Mr. GRIJALVA and Mr. PAYNE.

H.R. 2402: Ms. BALDWIN.

H.R. 2511: Mr. HALL.

H.R. 2515: Mr. Pomeroy and Mr. Ruppersberger.

H.R. 2569: Mr. Matsui.

H.R. 2628: Mr. Carson of Oklahoma.

H.R. 2662: Mr. Porter.

H.R. 2671: Mr. Tauzin and Mr. Hoekstra.

H.R. 2702: Mr. Emanuel.

H.R. 2706: Mr. Sessions.

H.R. 2719: Mr. Ballance.

H.R. 2732: Mr. LaHood, Mr. Janklow, and Mr. Istook.

H.R. 2743: Mr. Case.

H.R. 2768: Mr. Sanders, Mr. Larson of Connecticut, Mr. Barrett of South Carolina, and Mr. Clyburn.

H.R. 2770: Mr. Faleomavaega.

H.R. 2813: Mr. Garrett of New Jersey.

H.R. 2850: Mr. Grijalva.

H.R. 2885: Mr. Janklow.

H.R. 2900: Mr. Stenholm, Mr. Thompson of California, and Mr. Moore.

H.R. 2905: Ms. McCollum.

H.R. 2934: Mr. Ryun of Kansas and Mr. Chabot.

H.R. 2947: Mr. Emanuel and Mr. Snyder.

H.R. 2948: Mr. Honda.

H.R. 2959: Mr. Goode and Ms. DeGette.

H.R. 2971: Mr. Serrano.

H.R. 2998: Mr. Langevin, Mr. Taylor of Mississippi, Mr. Johnson of Illinois, Ms. Berkley, and Mr. Hayworth.

H.R. 3002: Mr. Souder and Mr. Goode.

H.R. 3015: Mr. Souder and Mr. Emanuel.

H.R. 3027: Mr. Farr and Mr. Sanders.

H.R. 3052: Mr. Jones of North Carolina.

H.R. 3069: Mr. Janklow and Mr. King of Iowa.

H.R. 3079: Mr. Keller, Mr. Camp, and Mr. Tiberi.

H.R. 3094: Mr. Baker and Mr. Deal of Georgia.

H.R. 3119: Mr. Ney, Mr. Burgess, Ms. Pryce of Ohio, Mr. Baird, and Mr. Petri.

H.R. 3122: Ms. Slaughter.

H.R. 3130: Mr. Weldon of Florida and Mr. Hoekstra.

H.R. 3137: Mr. Deutsch and Ms. Ros-Lehtinen.

H.R. 3139: Mr. Hastings of Florida, Ms. Millender-McDonald, Ms. Lee, Mr. George Miller of California, and Mr. Stark.

H.R. 3149: Mr. Souder.

H.R. 3153: Mr. Brown of Ohio, Mr. Case, Mr. Serrano, Ms. McCollum, and Mr. Farr.

H.R. 3161: Mr. Bradley of New Hampshire, Mr. Bachus, Mr. Walden of Oregon, Mr. Michaud, Mr. Kirk, Mr. Frelinghuysen, Mrs. Cubin, Mr. Fossella, Mr. Burr, Mr. Pickering, Mr. Bass, Mr. Sherman, Mrs. Bono, Mr. Shimkus, Ms. Schakowsky, Mr. Green of Texas, Mr. Pallone, Mr. Stupak, Mr. Hall, Ms. Solis, Mr. Shiff, Ms. Eshoo, Mr. Doyle, Mr. Waxman, Ms. DeGette, Mr. Deutsch, Mr. Rush, Mr. Towns, Mr. Wynn, Mr. John, Mr. Davis of Florida, Mr. Allen, Mrs. Capps, Mr. Gordon, Mr. Engel, and Mr. Stearns.

H. Con. Res. 218: Mr. Andrews, Ms. Ros-Lehtinen, Ms. Jackson-Lee of Texas, and Mrs. Jones of Ohio.

H. Con. Res. 266: Mr. Green of Wisconsin, and Ms. Linda T. Sánchez of California.

H. Con. Res. 275: Mr. Spratt.

H. Con. Res. 285: Mr. English.

H. Res. 261: Mr. Souder and Mr. Capuano.

H. Res. 300: Mr. Ramstad, Mr. Sessions, Mr. Moore, Mr. Blunt, Mr. King of Iowa, Mrs. Musgrave, Mr. Sullivan, and Mr. Hensarling.

H. Res. 356: Mr. Engel, Mr. Bereuter, Mr. McCotter, Mr. Gallegly, Mr. Hoeffel, and Mr. Bell.

H. Res. 372: Mr. Towns, Mr. McGovern, Mr. Hastings of Florida, Mr. Kildee, Mr. McDermott, Mr. Emanuel, Mr. Grijalva, Ms. Lee, Mr. Hoeffel, Mr. Abercrombie, Ms. Harris, Mr. Udall of New Mexico, Mr. Reyes, Mr. McCotter, Ms. McCollum, Mr. Snyder, Ms. Eddie Bernice Johnson of Texas, Mr. Burton of Indiana, Mr. Payne, Mr. Sherman, Mr. Crowley, Mr. Berman, Mr. Ackerman, Ms. Berkley, Mr. Menendez, Mrs. Jo Ann Davis, of Virginia, Mr. Gallegly, Mr. Frost, Mr. Faleomavaega, and Mr. King of New York.

H. Res. 373: Mr. Meehan, Ms. Lee, Ms. Norton, Mrs. Tauscher, Mr. Hinchey, Mr. Towns, Mr. Grijalva, Mr. Kennedy of Rhode Island, and Mrs. Capps.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. Kline and Mr. Pitts.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

39. The SPEAKER presented a petition of Florida League of Cities, Inc., relative to a resolution in support of including heightened accountability and performance measurements for State Departments of Transportation and Metropolitan Planning Organizations in the Reauthorization of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

40. Also, a petition of Florida League of Cities, Inc., relative to a resolution supporting the Reauthorization of a Successor Program to the Transportation Equity Act for the 21st Century, and supporting the elimination of funding inequities that exist for the receipt of funds by the State of Florida; to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2, by Mr. JIM MARSHALL on House Resolution 251: Walter B. Jones.

SENATE—*Thursday, September 25, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Sheila C. Gustafson, of the First Presbyterian Church in Sante Fe, NM.

PRAYER

The guest Chaplain offered the following prayer:

Eternal Spirit of God, You are in all our beginnings and all our endings, and You are with us at the beginning of this day's session of the Senate. We pray for the Senators here gathered, and for those who are about our Nation's business in other places and in other ways, that this day might offer new opportunities for creative service.

We pray for them fresh perspectives on perplexing problems, and new opportunities for cooperation. May they model for our people, and for the people of the world, a process of corporate discernment which allows inspired solutions to emerge to the challenges we face as a Nation and global community. And grant each one of them, we pray, the physical, mental, and spiritual stamina to persevere in support of truth and justice.

Author of liberty, we are grateful that we are privileged to live in a nation of abundance and freedom. We know that to whom much has been given, much is expected. Bless the Senators who work on our behalf to fulfill our country's great calling and responsibility. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senator will conduct a period of morning business to allow Senators to speak. Following morning business, at approximately 10:30, the Senate will begin consideration of the conference report to accompany the Defense appropriations bill. Senators STEVENS and INOUYE will be ready to give their remarks at that time. It is my hope that we can schedule the vote on that conference report prior to noon.

Yesterday, we completed two conference reports—the Homeland Security and the legislative appropriations reports. I thank Senators COCHRAN, CAMPBELL, and the ranking members for assisting in getting these ready for the floor for full Senate consideration.

Following the Defense appropriations conference report passage, we will consider the remaining available judicial nominations and another two or three still on the Executive Calendar that hopefully we will be able to clear. There is a standing request from the other side of the aisle that a rollcall vote be held on judicial nominations and, therefore, we will schedule those votes accordingly.

We will resume consideration of the District of Columbia appropriations bill today. Senator DEWINE has been actively engaged in working through a number of possible amendments to that bill. I hope we can make substantial progress today toward finishing that measure.

We have a number of the appropriations bills and conference reports to consider, and we will consider those as they become available. I thank Members for their cooperation in this regard.

Mr. REID. Mr. President, if I could, through the Chair, ask the distinguished leader a question, we have a number of Jewish Members who are concerned about tomorrow. They want to be home by sundown. We have at least one Senator who would like to be home in California in time for observance of the holiday. I am wondering if the leader has made a decision about tomorrow yet because of the holiday.

Mr. FRIST. We will discuss tomorrow's schedule over the course of the morning. We will let people know. Obviously, we will take that into strong consideration in terms of scheduling votes for tomorrow. I do expect us to be voting in the morning. But in terms of specifics, we will have announcements as we go through the day.

Very shortly we will be going into morning business, but I want to make several comments.

As most people know, my colleagues and others, we have made a concerted effort to respond to the President of the United States in terms of emergency requests to support our troops and our military efforts overseas—the men and women who are fighting for freedom and democracy. Thus, over the course of this week, we have held a number of hearings at the committee level with the hopes that we would be able to end at a reasonable but as short a time as possible so as to bring that request to the floor of the Senate in order to have plenty of time to both look at amendments and to debate, discuss, and examine the specifics of that request.

We are going into a recess at the end of next week. That is what is anticipated now. As I said last week, knowing that the supplemental would be delivered last week, we immediately began to set up a 2-week period by which the Senators would have sufficient and adequate time to address this particular request. This week, we had over 30 hours of hearings at the committee level.

The distinguished President pro tempore attended most of those hearings.

There have been seven separate hearings in the Senate alone in addition to the hearings that are being held in the House of Representatives.

We have had attendance at the policy lunches to be briefed on both sides of the aisle by Ambassador Bremer. The President has given two national addresses that relate to this supplemental request.

I mention this because I have said I would schedule adequate time for consideration. It requires a lot of participation over the course of this time. Probably over 70 Members are participating in those particular hearings that are being held this week.

I think it is important to have us come to the floor so we can have a full debate and debate amendments on the floor as well.

That will be the goal for next week. Again, because at the end of next week we will go on a recess for greater than a week, I believe it is important to respond to the emergency requests by the President of the United States, our Commander in Chief, in a timely way. That means this week and next week.

AMBASSADOR BREMER

Mr. FRIST. Mr. President, I wanted to comment on Ambassador Bremer briefly.

I asked Ambassador Paul Bremer to come back and to participate in the hearings this week. He has really gone nonstop.

I express my deep appreciation for his presence every day—both in formal meetings, informal meetings, and hearings. He is the U.S. administrator of Iraq and head of the coalition of provisional authority.

Early last summer, Ambassador Bremer, who had already retired from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

government service, was asked by the President of the United States, on very short notice, to move to Iraq and to lead the coalition effort to stabilize the country; indeed, he volunteered to do so.

We all listen to him, and in listening to his testimony, we all realize what a daunting task he has. Iraq has been ruled by a vicious dictator for decades, the economy has deteriorated, as we all know, to near pre-industrial levels, the population is scarred by the ravages of this dictatorship, the Saddam Hussein regime, and now we have the foreign terrorists who on a daily basis seem to be sneaking in the country, adding to the disorder and death.

Through all this, Ambassador Bremer continues to lead. He does that in spite of personally being under constant threat of attack and even constant threat of assassination in that part of the world. Like many of our fine service men and women, he has left loved ones behind and is living in what we all know are tough conditions in Iraq to serve the United States of America.

Ambassador Bremer may set a record this week for the number of committees before which he is testifying. There are at least 6 congressional committees over 5 days, in addition to speaking informally to our policy luncheons. He is a public servant in the truest sense of the word, a great man serving our Nation.

As we debate the appropriate policies in Iraq, I want everyone to remember that he and others, military and civilian, are sacrificing for us in Iraq. I know we will have our differences. I encourage all of our colleagues to be respectful of each other as we move forward and as we recognize the great, unselfish leadership of Ambassador Bremer.

Mr. REID. Mr. President, the Senator from New Mexico wants to speak regarding the Chaplain. I will finish in a minute.

While the majority leader is on the floor, I say to the distinguished majority leader, the reason I stepped off the floor is I got a call from one of our Jewish Senators indicating they were speaking for a number of other Senators of that faith. They not only have to, as I indicated, be home in time for the sundown services but also have to prepare meals and things of that nature. They wanted me to let you know, if there is some way we could meet the burdensome schedule we have tonight, it would sure be good for them because they have a lot of things to do other than be home by sundown.

I also say, while the majority leader is here—I am speaking for me—I want to do everything I can—and I think I can fairly speak for the Democratic caucus—to move this very important supplemental. Senator BYRD and others are extremely concerned, for example, about having the hearing on Monday. The distinguished President pro tempore has heard from Senator BYRD himself. He would rather have that on Tuesday and rather have some other witnesses.

We want to do everything we can to be fair and responsible and move this along. However, remember, the House is not going to mark up their legislation until the week we are gone.

The leader is right, we should do everything we can to move this along, but I don't want anyone thinking that Democratic Senators who have some concern about the large amount of this number, especially the reconstruction, are in any way trying to hold this up. We want to cooperate in any way we can.

Now, speaking only for this Senator, I think it may be to the advantage of the Senate to take this over and do whatever debate we need next week but not complete it until we get back. I have complimented the distinguished majority leader on a number of occasions since the Senator has taken over the Senate. We have had very few needs to file cloture on your side. We have tried to be as cooperative as possible. For example, without entering into unanimous consent agreements we simply have told you we will finish a bill on a certain night and generally we have been able to live up to that. We are not trying in any way to slow down or stall this most important legislation, but there is not a question of running out of money tomorrow, the next day, or the next day. I don't think it would hurt until we got back to have some final time to complete this.

That is coming from this Senator, not the caucus. I am sure the Democratic leader will be in touch early in the day. We had a number of meetings yesterday to talk about this most important subject.

For the third time today, we want it understood we on this side are going to do everything we can to support the troops. There are serious questions about the reconstruction money and how we should handle that. I don't think anyone disputes the fact they need reconstruction money. I think we need to take a close look at that.

Mr. FRIST. Mr. President, I respect what the assistant Democratic leader has put forward. I am not making accusations of stalling or obstruction at all. I do feel it is important as we turn on our television sets every morning or read the paper and we see the importance of the security in Iraq that we address the issue which has been brought by our leaders on the ground there, the security issues and the request for the supplemental, as expeditiously as possible and not delay unnecessarily. That is why from a leadership position I want to focus this body on that security issue and spend whatever time it takes right now to address that issue.

I understand we are working in good faith as we go forward. My intention is to continue to address thoroughly, with plenty of debate, maybe an unprecedented number of hearings in a short period of time, by most significant people, and to allow adequate time for floor debate. If we can keep working together, it is my goal to dispose of this appropriately over the next 9 days before we go on recess. I am going to have a hard time leaving the Senate to go on recess and not addressing a Presidential request.

The House of Representatives is staying here. They are not going on recess. They are going to be addressing it in early October. That is why at least from a schedule standpoint I want to do it as soon as possible.

Mr. REID. If I could just say this, the other problem we have is we do not want to have to go through this twice. Under the procedures of the Senate, when we just have a Senate bill, we are limited very much because points of order will be raised on most everything we do relative to amendments. I ask the distinguished majority leader to understand we do not need to go through this twice because when the bill comes back over from the House, we do not need to go through the same amendment procedure again.

I am not sure we gain anything by trying to complete this by next week. We would be well served to see what the House gives us and work through that. That way there can be amendments that can be offered without points of order being issued to those. Otherwise, we are stuck offering amendments, points of order, then coming back with the House bill and doing the same thing again.

I see the distinguished Democratic leader on the floor and I certainly will not speak anymore.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I see the Senator from New Mexico is ready to speak, as well, and I will be brief.

We had a caucus last night, and I don't know that I can recall ever having witnessed the depth of anger and deep-seated frustration expressed by all of our membership as a result of the scheduling decisions made with regard to the supplemental next week. It started with the decision that may have been necessary but made last week with regard to calling Ambassador Bremer to a hearing on Monday, the very day the hearing was scheduled in the afternoon. No Senators were notified ahead of time. Senators had very little time to prepare. Very few Senators could attend because they were out of town. Many expressed the view that this was orchestrated in a way to minimize the amount of scrutiny and attention Mr. Bremer would receive.

Throughout the week, similar experiences have been noted. And now we have a markup on Monday, when, again, Senators have made travel plans and the real prospect for a good attendance is minimal at best.

The frustration, the anger, the venting that I witnessed, and that most people felt, was as palpable as any caucus I can recall holding in the 9 years I have been leader. I have not had the opportunity—I just tried to call the majority leader, and I will talk to him in private in, hopefully, a couple minutes, but I would ask that we reconsider holding that markup on Monday. I would ask that in the name of comity, but also in the name of just ensuring that there be an opportunity to do this right, it be postponed until Tuesday. I think we would actually accelerate the prospects of completing the work.

I will guarantee you, there will be very little prospect for comity and accommodation as we go through this already very vexing and controversial supplemental request by the administration—in order for the Senate to complete its work, it is going to take cooperation. But when our caucus feels as jammed as they do, as shut out as they are, it will be very difficult to reach some degree of procedural accommodation. So I will tell you that this matter needs more thought. I would hope we could have more consultation. But I will say, unless something changes, this is going to be exceedingly difficult.

So I only put the Senate on notice. And, again, as I said, I attempted to call the majority leader prior to the time I came to the Senate floor to impress upon him privately the same message I am sharing with our colleagues in this public way. We will have more to say about it later. But this matter has generated far greater anxiety and anger than virtually anything I have seen in a long time.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I note the Senator from New Mexico wants to comment on the guest Chaplain and he has to be at a funeral.

We will talk privately. We have not had the opportunity to talk since their caucus, so we can handle our discussion privately and then come back to the floor.

Again, my goal is simply to address this request in a manner where both sides are heard. We have done our very best this week to schedule it in terms of the hearings, and we have talked further about that.

I do ask you to consider—because how much time we spend in hearings or in markups or on the floor does not matter to me as much as having people heard over a period of time—if the markup were delayed, will the Democratic side at least consider finishing this before we go out on our recess, given the fact that this is an emergency request from the President of the United States? We can, whenever it comes to the floor, start early, work late; if it is Monday morning, coming in, or Tuesday, or as soon as you would say, "Well, the markup is OK," so we could finish this before we go out on vacation or recess when we have this emergency request here. Can we finish it next week?

Mr. DASCHLE. Mr. President, again, I would respond to the distinguished majority leader in several ways.

First of all, the Ambassador, in speaking to our caucus on Tuesday, noted he does not need this money until January. Now obviously one could make the case that there really is not any rush to do this in September.

I would also say the House has not acted. Until the House acts—and they are not going to act until next week—many of my colleagues wonder what the rush is. If we are denied the right to offer amendments, there are those who could make a point of order that many of the amendments we will be offering involve legislating on appropriations because of the germaneness questions. And if that becomes an issue, then I doubt very much that there will be any way we can finish next week.

As I think I heard the distinguished assistant Democratic leader note, this bill will come back, and we will have to have a second debate when the House bill comes to the Senate if points of order are raised on the amendments, denying us the opportunity to have this debate in the first place.

So I guess my answer to the distinguished majority leader would be threefold: No. 1, will we have an opportunity to offer the amendments without points of order being raised against them? No. 2, when will the markup actually occur? And if it does occur on Monday, I fear there could be some procedural delays involved in bringing the bill up. No. 3, we need to have a clear understanding of just when this legislation needs to be passed to accommodate the schedule Ambassador Bremer noted to our caucus. If we do not need to finish this until January, that is another matter. So some clarification with regard to the urgency of this issue also needs to be provided.

I certainly will work with the majority leader as we follow through with these questions.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, let me turn to the Senator from New Mexico. I know he has a comment on the guest Chaplain, as well as other comments.

Mr. REID. Mr. President, could I make a unanimous consent request prior to the Senator from New Mexico beginning?

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time used by the Senator from New Mexico not be counted against the morning business time of the Republicans, and that the full 30 minutes be granted to each side due to this late start.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first of all, might I say to my friends on the other side, I came with the intention of speaking about the guest Chaplain, who is from New Mexico. But I want to note we have an important event, a funeral for a 27-year-old son of one of our staffers from the Energy Committee at 10:15, so I will not be able to come back during that Republican time. So I would ask if I can——

Mr. REID. That was my request. You have it right now.

Mr. DOMENICI. I wonder if I could just give my speech on the guest Chaplain and also my other comments now.

Mr. REID. That is what I asked in my unanimous consent request.

The PRESIDENT pro tempore. Without objection, the Senator is recognized.

COMMENDING THE PRESIDENT PRO TEMPORE

Mr. DOMENICI. Mr. President, first, might I say, as I note your presence in the chair—and you are also the chairman of the Appropriations Committee, about which we are talking this morning—I compliment you. I have not seen more difficult hearings than you have endured in getting started on this process. I think you have been eminently fair. I have great confidence that what you choose to do, and how you choose to handle this, will be fair to everybody. And I say that to you in all honesty.

WELCOMING THE GUEST CHAPLAIN

Mr. DOMENICI. Mr. President, I am proud to introduce Rev. Sheila Gustafson from First Presbyterian Church of Santa Fe, NM. She has devoted her life to the ministry of God and within her work has touched many lives.

She began her service as the first female pastor ever to serve at First Presbyterian Church, and she is devoted to their mission and has served it faithfully for the past 8 years.

Reverend Gustafson demonstrates a great leadership style that endears her not only to the members of her congregation but to the community of Santa Fe. She has taken the lead within the New Mexico Coalition of Churches to create a faith-based organization that fights hate crimes and recently has dedicated her time to the revitalization and modernization of First Presbyterian Church. This project will allow the church to become a mission-oriented building that will provide direct assistance to the community. First Presbyterian Church will be able to provide meeting space for social and faith-based organizations.

I thank Reverend Gustafson for coming to offer our invocation this morning. That is not an easy chore clear from New Mexico, as I know when I take that trip every couple of weeks. It is an honor to have her here today.

PROGRESS IN IRAQ

Mr. DOMENICI. Mr. President, I rise to comment on where we are with reference to the war. I was very pleased to read in the New York Times yesterday that a poll had been taken in Iraq. In fact, the New York Times reports so little good news about the theater of the war, I figured it had to be a poll or it wouldn't state anything good.

The poll said two-thirds of the Iraqi people believed they were better off and that they would be better off in 5 years, having gotten rid of Saddam, rather than with him present. If you listen to all the news, you wonder whether the people of Iraq even care about our efforts to help or whether there are very many who are pleased to be part of this transition toward freedom.

In addition, that same article said something rather phenomenal about the distinguished Ambassador who runs the American effort. The poll said—and the New York Times used two words—"remarkably positive"—to characterize the 47 percent of the Iraqis who said he was doing a very good job. That was said almost with incredulity that it could be true, but it is, because we are doing a good job.

We have been there 4½ months—not years. For us to already have achieved what has been done is borderline miraculous: Schools opened; hospitals opened; a council formed; a head of government there ready to move step by step toward democratization, with great leadership of the 25-member governing body, 17 of them Ph.D.s in the subjects of the ministries they run. The agriculture ministry is run by an agronomist of real class, the water problems handled by a hydrologist of high quality. These are the kinds of people working with us to put that country together.

One of the reasons I think we should move ahead rapidly—and I don't know what rapidly means on this legislation. Does it mean Monday, Tuesday, or Wednesday? I don't know—but we had better send a signal as soon as we can that we are there to get this job done.

I had the privilege of asking questions yesterday of the two distinguished generals, the chief of staff of the military, General Myers, and the general in charge of the entire operation, General Abizaid, who speaks Arabic brilliantly. My questions to them were: Will we win this war, this conflict? Will we prevail, and will it end up positive? Instantly, each answered: Yes.

Can we win?

Yes.

Will we win?

Yes.

Do our men want to win?

Yes.

Are our men happy, pleased? Do they know what they are doing?

Absolutely.

When I was finished with my time with the Secretary of Defense and the two outstanding generals, I was convinced that all we needed to be sure that democratization sets in and takes its footing there is the will to do it. We got into this with the full concurrence of the Congress. Those who continually speak of this as being President Bush's war are stating the facts wrong. It is our war. We voted for it by huge numbers, and we haven't brought a resolution to the floor negating that, to my knowledge.

For those who now think it is not ours, but that it is the President's alone, maybe they ought to bring a resolution here denying that we are involved and that it is just his, and see what the Senate would say. I believe no one will do it, and if they did it, it would overwhelmingly fail, because we want to win and we know it, but the critics are involved in a great game of politics.

Truly, it is time we get politics out of the scene and do what is needed. If there are Senators who know how to do it better, they ought to propose it. This is a very open body. If they have a better plan, suggest it. If they think we ought to spend the money differently, amend it. But we ought to do it. Everybody involved in this on the ground in Iraq thinks we are on the right path—the men there, the women there, the generals there, the privates. The men whose boots are on the ground think we are doing right. The only people who don't are countries such as France. We will never convince France about this. There is no use trying. They have already forgotten about America and America's involvement in helping them, and they are on some new path of their own.

I remember as a Senator when people such as Helmut Kohl, the former Chancellor of Germany, would give a speech that would make you cry about how much Germany owed America. I heard one. I cried as he told of what brothers we were and why and what great people we were to win a war and demand nothing from them. Here we are engaged in a war against terror that will help all of Europe, and we have France and other countries, for some reasons of their own, out there acting as if America were some foreign power that they don't even know, that has some mission that is adverse to the world, when they know better. They know our mission, they know our attitude, and they know what kind of country we are.

Having said that, I hope, if we can't move this emergency supplemental request on Monday, that we move rapidly, whenever that is, to let the Senate speak. Do we want to abandon this process before it ever has a chance to succeed, or do we want to give it a real chance to prevail? I believe in the end the latter will prevail. It will take some time and some talking, but in the end we will conclude that 4½ months is not long enough to determine the destiny of that country where we had such a fantastic military victory that the world will recognize forever as one of the single most significant military achievements in history with minimal civilian damage and expeditious and maximum annihilation of the real opponent.

We cannot quit after 4 months. We cannot say we will support the men and women of the military but we won't support the effort to provide the minimal service that will bring the Iraqi people into a state where they will want to move forward, democratize, and become free.

To me, it is a simple proposition—and maybe it should not be—that is, do we want to give up or do we want to win? Do we want to abandon this effort after 4½ months and challenge every single move by somebody as distinguished as Ambassador Bremer and his team? I believe the answers are pretty simple. The American people, even with all the negatives thrown at them about what's happening in Iraq, still believe we did right going in, and they still believe we are right in being there now. All that is left is that we do what is right.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business not to exceed 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the remaining 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

The Senator from Florida is recognized.

UNITED STATES MILITARY ROTATION POLICY

Mr. NELSON of Florida. Mr. President, I will address the rotation policy in Iraq of our U.S. military forces, and specifically the National Guard and the Reserves. I will also address the planning of that rotation policy.

Over the weekend, I met with enumerable groups in Florida about their loved ones who are serving overseas. As members of the Senate Armed Services Committee, we addressed this issue with Deputy Secretary of Defense Wolfowitz and the Chairman of the Joint Chiefs, General Myers, in our committee meeting 2 weeks ago on the plan of rotation and the inequities that are coming out as a result of the lack of planning and how that is being implemented.

Now, I am going to give some specific examples. I might say that this large stack contains all e-mails—and you know how small the type is on e-mails—from family members in my State about the inequity of the situation. These are e-mails that I have received directly from soldiers, primarily members of the Florida National Guard and the Reserves.

As I tried to address what I perceive to be the inequity in this so-called plan as being implemented, as I tried to address it in committee, as I have in private meetings with the brass, and now as I try to discuss these inequities with the Senate, I, first, will say that had the executive branch of Government listened to the bipartisan voices in the Senate Armed Services Committee—and in particular the Senate Foreign Relations Committee where the chairman of that committee, Dick Lugar of Indiana, a Republican, and one of his ranking members, Senator CHUCK HAGEL of Nebraska, a Republican, and another of his high-ranking members, Senator LINCOLN CHAFEE of Rhode Island, a Republican, along with a chorus of voices on the committee, including mine—had they listened about the need for a plan after the military campaign in the postwar occupation of Iraq, then I don't think we would be going through the strains and stresses on this rotation policy. Combatant Commander General Abizaid, who is supplied with Army troops through the Army Chief of Staff, of which they are having to stretch out these deployments of the National Guard and Reserves in Iraq, had they listened—had the executive branch of Government listened that there had to be a plan in place, as we had for Germany and Japan—we had a plan being worked on for 3 years prior to the end of World War II for Germany and Japan—had the plan been in place, we would see that we should not have an American face as occupiers in a Muslim country. Instead, it should be the world community participating in trying to stabilize Iraq politically and economically.

Had a plan been in place, the preparation would have been there to bring in the Iraqi civilians to run the Government so that there is an Iraqi face on the running of the Government. But that plan is not in place and we are seeing the results of the near chaos from time to time and, indeed, the sabotage that is occurring, the deaths that are occurring, and so forth.

But that is an issue for another day. It is a table setter for what I want to talk about—the inequity of the rotation policy and the plan that is specifically being conducted in the rotation of the troops in Iraq.

First, Florida's National Guard is one of the most professional in the Nation. It is well organized, it is well trained, and it is well led. They have proven their dedication to duty in this war, and they have committed to do whatever this Nation asks, and they have done it very well.

A couple of days ago, General Schoomaker, the Chief of Staff of the Army, told me that the soldiers of the Florida National Guard are as good as they come. They are also tired and fatigued.

I raised this rotation policy with the Deputy Secretary of Defense and the Chairman of the Joint Chiefs in that committee meeting a couple weeks ago. I have discussed this rotation policy with the Army Chief of Staff. I will discuss this policy with the Secretary of Defense tomorrow.

Florida National Guard soldiers were among the first Guard units alerted in December. They were brought into the armory the day after Christmas to start preparing all of their equipment, and they were mobilized right after New Year's Day. They were also among the first to enter the theater of operations, beginning in February and flowing quickly through March and early April.

Florida's National Guard soldiers participated throughout the major combat phase of this operation and throughout the breadth and depth of the theater—a theater that we know had no safe rear area, in the traditional sense.

Company C, Charlie Company, 2nd Battalion, 124th Infantry of the Florida Guard—let me tell you what they did before the war. The war started on March 19. Charlie Company dug by hand through the berm that marks the Jordanian-Iraqi border, and then they attacked into Iraq in support of the 5th Special Forces Group. They were in Iraq before the war started on March 19. Since then, Charlie Company has been passed around the theater, from command to command, about 10 times, from the 5th Special Forces Group, to Special Operations Headquarters, to the 5th Corps Headquarters, to the 3rd Infantry Division, to the 2nd Armored Cavalry Regimen, and to the 1st Armored Division.

Charlie Company is still there and they have suffered two fatalities—one gunned down at the University of Baghdad the night I was coming into Baghdad in early July, another in a vehicle accident, and a third wounded in the neck. Other companies of the three battalions of the 124th Infantry, of the Florida Guard, have been passed among the headquarters all over the theater no less than 40 times since arriving in the area of operations.

This is not a complaint. This is a statement of fact. Florida is justifiably proud of its contribution to the war on terror. Florida has the third highest number of Guard and Reserve soldiers mobilized and deployed globally in the war on terror, with 6,190 Florida Guard soldiers. Two States are a little higher, California and Texas, and it is only by a few hundred soldiers in each of those States.

Florida has also deployed the second highest number of Guard soldiers to the Iraqi theater. Right now, in the Iraqi area of operations, there are 2,482. We are second highest to Alabama, and Alabama has 38 soldiers more. These two States, Alabama and Florida, by far have the most soldiers deployed to the Iraqi theater.

No State has provided more infantry from the Guard than Florida—1,392 infantry soldiers, followed by Indiana's infantry at 1,286. These two States by far are contributing more to the Iraqi theater from Guard units than are infantry troops.

Naturally, since they were deployed the day after Christmas, they are tired, and I believe they should be replaced by fresh troops as soon as possible.

There is a new policy, and the new policy of the Defense Department is a "12-month Boots on the Ground in Iraq" rotation policy, and it may not be equitably implemented because Florida's Guard entered the theater in company-size elements spread out over a period of 2½ months. So it doesn't sound like it is equitable for this new policy of boots-on-the-ground for the clock to start ticking only when the last unit arrives in theater, what they call over at the Pentagon "closed in command."

I understand that other National Guard units are already beginning the process of coming home, and I am happy for them, and I am happy they are coming back to their loved ones. But I cannot seem to get a clear answer from the Department of Defense and the Army about who is coming home early and why.

National Guard units that have spent the entire major combat phase outside of Iraq appear to be on the way home. I will give an example.

I had several from the highest echelons of the Department of the Army tell me that another State's National Guard is rotating back—that State's Guard has, in fact, never been in Iraq.

In fact, if that information is correct that the other State's Guard is returning in October, then they will have served there 11 months. I am happy for them, but I am questioning the equity of a case where because of a "closed in command" policy, the last unit arriving in the theater starting the clock ticking for 12 months "boots on the ground," that, in effect, is going to extend some of the Florida National Guard a year and a half since they were mobilized and when they went to that headquarters to start packing their gear on December 26.

Then I was told last night by another general in the Pentagon that, no, that particular State was not going home until next January or February. The Department of Defense cannot get the information correct. I have been told three different things about those units. I have been told four different things about the Florida units. So I have had to dig it out for myself by talking to our own Guard members through e-mail and talking with them directly by telephone.

The rotation policy for our Guard and Reserve forces should be simple: Return them to their civilian lives as soon as is militarily practical. This requires detailed and timely planning which does not appear to have been adequate or to have been based on realistic assumptions for operations after the major combat phase. Of course, the major combat phase was brilliant. General Franks will go down in military history as one of the great military leaders of the United States.

Now we are in the phase of the occupation, and our soldiers of the Florida National Guard are proud to soldier on in Iraq, Afghanistan, Kuwait, and Bosnia, as well as at home securing Air Force bases in Florida. But we are on the threshold of a serious problem for our Guard and Reserve servicemembers. Their sacrifices began the moment they were mobilized and left their civilian lives behind. They leave their families, they leave their employers, their livelihoods. Their families' well-being is at risk throughout the deployment regardless of their location or tactical conditions. Guard families in Florida and across the Nation have endured the separation, uncertainty, financial hardship, and fear that goes along with any deployment into harm's way, and that is what they signed up for. They are willing to accept it.

When I talked with these family members, as I did in Orlando last Thursday, in Tampa on Friday, and in Miami on Monday, they were almost apologetic to me. They said: For me to say anything sounds like I don't want to be patriotic. I am most patriotic, they tell me, and we are so proud of our Guard who are serving. They are pointing out, if others are coming back in less than a year, why are our Florida Guard and Reserves going to be mobilized for up to a year and a half? That is an excellent question.

Let me give some of these family stories. In central Florida in Daytona Beach at the Halifax Medical Center, Kaitlyn Rose Long was born on February 25. Her father was not there. He did not expect to be there because he is a soldier deployed since January. At the time of her birth, he was 7,600 miles away in Qatar.

Kaitlyn's mother thought her husband was coming home soon, particularly because he had suffered a collapsed lung while working guard duty in Balad, an Iraqi city about 50 miles north of Baghdad. He was sent to a hospital in Germany where doctors initially told him he was going to have to go home. They changed their minds, and he is expected back in Balad next week. To family members that is heartbreaking, but they will accept that. What they will not accept is the inequity of treating some one way and others another way.

The husband of another, 25-year-old mother of three from Brandon is a specialist in Charlie Company of the 2nd Battalion. As I said earlier, they have shifted to over a half a dozen units during their deployment. In mid-May, the company was told, because they were fatigued from the fog of war, that they were heading home. Instead, they were sent to Baghdad.

Another lady, Ada Dominquez, came from Miami all the way to the Orlando meeting to tell me of her concern about this inequity.

Florida's military families are tough, they are dedicated, and they are loyal Americans, proud of their service. They are willing to continue to make sacrifices to keep this Nation strong and free. They are an inspiration to me. They are an inspiration to all of us. They know this is very tough and complex, and it is still a very dangerous mission.

One soldier's mother from central Florida said to me: Just tell them when they are going to be coming home. Do not keep jerking them around, getting this information; it stops, then it starts, and then it stops. She said that is when the morale sinks to the lowest.

Members of the Guard and the Reserve are also volunteers. As we so often say, we recruit individuals but we re-enlist families. The rotation challenges the Army struggles with now are going to be the result of too few troops for the missions we ask them to do. We need to look seriously at adding more troops to the Active Force.

There have been a number of us who have been trying to urge the Secretary of Defense to open that issue, and thus far it has not been addressed. We must, as a Nation, figure out how we are going to deal with this challenge, or we are going to risk losing the numbers we need in the finest Guard and Reserve system in world history.

If the demands on our military continue at their current pace and more than 12-month overseas deployments become routine—as some of the Florida troops are facing, up to a year and a half—then our National Guard and Reserve troops are not going to re-enlist when the time comes. Our military force of the Army, which is roughly a half million plus Active, 400,000 plus Reserves, and 300,000 plus Guard; we can see that the Guard and the Reserves are so integrally important to the military force structure. If we do not have what is perceived to be an equitable rotation policy, then when it comes time for them to re-up, many of them will not. That will be devastating from the standpoint of providing for the force structure this Nation is going to need as we face the multitude of places around the world where we will have to go and battle the terrorists. If those ranks are depleted, then we will not have them when we need them the most.

I commend the Guard and the Reserves. They have been one of the finest military fighting outfits that has ever been produced to supplement the regular Active-Duty Army. We can talk about the Air Guard as well, performing services all over this country, including air-defense. It is those Guard units, under the command of the general from Tyndall Air Force Base, that if we ever have another airliner hijacked, he has the command responsibility of ordering the shoot-down of that airliner that is taken over by terrorists. The Air Guard is performing that.

The issue in front of us now is the equity of the Guard and the Reserves in the rotation policy. I hope General Schumacher, the Secretary of Defense, the Deputy Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs will listen to these words and will enact a policy of rotation that will be perceived to be equitable for all the Guard units.

Parliamentary inquiry, Mr. President. What is the status of the morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. NELSON of Florida. Is the time equally divided?

The PRESIDING OFFICER. Equally divided, 30 minutes controlled by the Democratic leader or his designee, and 30 minutes controlled by the Senator from Texas or her designee.

Mr. NELSON of Florida. The Senator from Florida would ask, does that mean the entire first 30 minutes is set aside for this side of the aisle?

The PRESIDING OFFICER. That is correct.

Mr. NELSON of Florida. How many minutes remain?

The PRESIDING OFFICER. There are 4½ minutes remaining controlled by the Democratic leader.

Mr. NELSON of Florida. Mr. President, I will make a couple of other comments.

The PRESIDING OFFICER. The Senator from Florida.

THE FEDERAL DEFICIT

Mr. NELSON of Florida. Mr. President, on a completely different subject, as a Nation, we are recklessly careening down the road toward bankruptcy. In the fiscal year that ends in a week, September 30, we are going to be hemorrhaging in our budget to the tune of $500 billion. That is a half trillion dollars.

In the new fiscal year that starts October 1, it is estimated we are going to be hemorrhaging to the tune of $600 billion, well over a half trillion dollars. Just to put it in perspective, in the decade of the 1980s, when we ran up so much of our national debt, the max in any one year in the late 1980s was a deficit of $280 billion. That means we were spending $280 billion more than we had coming in in revenue. Therefore, we had to go out and borrow it, and that added to the national debt.

The next fiscal year starts in a few days. We are going to spend more than we have coming in tax revenue to the tune of $600 billion and we have to borrow it. Now, where do my colleagues think we borrow it from? We borrow it from folks like you and me, when we buy Treasury bills. We borrow it from institutional investors like pension funds. But it will shock people to know that a good bit of the debt that is being acquired, or debt that is being bought—or to put it in the vernacular of the street, the people who we are borrowing from are the Chinese and the Saudis. Does that not portend some uncomfortable things for America to have a good part of its national debt owned by folks who from time to time we have serious policy differences with?

How did we get into this? September 11 clearly was part of the problem. To protect this Nation, the war in Afghanistan and the war in Iraq have caused additional spending, but that is not the only reason for the $600 billion deficit. It was because in the spring of 2001, by a one-vote margin, on a technical part of the budget bill, this Chamber of the Senate passed an instruction that by a majority vote we could pass a tax bill and that tax bill, once we passed it, diminished the revenues so much that the deficit started to swell. We are on a reckless fiscal course, headed toward bankruptcy. Is it any wonder that earlier we heard the majority leader and the Democratic leader going at it over this question of addressing the President's $87 billion request? That is going to add all the more to the budget deficit. We are going to pass the $67 billion that is going to the troops because our troops are going to be provided what they need. But for the remaining $20 billion that is for building 1,000 schools in Iraq, what do we tell our constituents at home about building schools here? For that $20 billion that is to fix water systems and roads and bridges in Iraq, what are we to tell our constituents in America about the water systems and the roads and the bridges?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Florida. I thank the Presiding Officer for giving me the remainder of the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I wish to first associate myself with the comments of my friend and colleague, the Senator from Florida, with regard to concerns he raised about all the stress on the National Guard and Reserve. I have been to a number of deployments of troops of the National Guard and Reserve from Minnesota. Our folks are serving admirably and bravely, and there is great stress. I think it is clearly important to make sure we do the things to alleviate the strain, not just on the folks on the front line but on the families, and creating a bit of certainty would be good thing to do. It is not a partisan thing. It is the right thing to do for the folks who are serving so bravely and for their families. So I thank my distinguished colleague from Florida for raising this concern and wish to let him know there are many of us on both sides of the aisle who share that concern and would like a greater sense of certainty.

What does it mean to have boots on the ground? When are our folks coming home? We do have to give them every bit of support we can when they are there. But certainly for the families, the words of my colleague ring true and I associate myself with them.

I do disagree with my colleague from Florida when it comes to his discussion about the economy and the cause and the impact of debt. By the way, debt is a bad thing. I am not going to spend a lot of time talking about that right now, but I do certainly want to raise the issue. The national debt today is not as great as it was in the 1980s, not if you measure it as a percentage of the overall economy. That is the way we have to do it. If you bought a house in the 1980s and you spent $30,000 and you put $15,000 down, $15,000 in cash, you would be in debt 50 percent. As time went on, inflation went on, and you made a little money and you bought a second house in the 1990s, or today, for $100,000, and you borrowed only $30,000, you would be twice as much indebted as you were in the 1980s, but the $30,000 as a percent of the overall value of the house would be less, only 30 percent.

The reality is that the debt today is less than it was in the 1980s. That is not to say debt is ever a good thing, but I think you have to make the facts very clear.

It is also important to understand the cause of that. Let's never forget that September 11 had a devastating impact on the economy of this country. Let's not forget that WorldCom and Enron and the corporate scandals that undermined the confidence of investors in corporate America—undermined it—had a devastating impact on the American economy. And let us not forget this economy was rolling into recession, was moving into recession at the time President Bush was elected. All these things had an impact.

The other concern and observation I have to make, as a Senator who has been here at this point only about 9 months, is my distinguished friends and colleagues on the other side of the aisle, many of them, have consistently talked about the debt, they have great concerns about the debt, yet the reality has been that every time we have acted on budgets, one of the first things that I and, as a newly elected Member of this body, the Presiding Officer did was we had to resolve the budget for 2003 as soon as we got here. On issue after issue, my friends and colleagues from across the aisle, who loudly proclaim concern about the debt, sought to raise the spending. They sought to increase spending, I believe to the tune of perhaps $1 trillion of new spending.

So it is hard to hear folks being concerned about the debt when, on issue after issue, they seek to raise spending. We have experienced that as we have gone through the process of approving the 2004 budget. On issue after issue, whatever amount is set in the budget to spend, my colleagues from across the aisle seek to increase that, again to the tune, calculated over 10-year periods, of trillions of dollars. Even for the Government, a trillion dollars is real money.

So, yes, the debt is of concern. The way you deal with the debt is you get the economy moving. That is what the President has done. That is what the tax cuts have stimulated. And then you have the will and resolve to keep a lid on spending.

Again, I urge my friends from across the aisle, every time you vote to increase spending, time and again, take a breath then before you talk about the debt.

I came here this morning to support the President's request for a supplemental appropriation of $87 billion to support our troops in Iraq and to accelerate the redevelopment of that country to a stable, democratic, and peaceful member of the community of nations. As Senators, we have two responsibilities in this matter. As members of the legislative branch of Government, we must put the administration's proposals to the test to ensure they are prudent, practical, and can achieve the promised results. That is what we do as a legislative body. We also have a responsibility to support our Commander in Chief as he leads us as a nation.

I love the story told about Abraham Lincoln during the time he was leading our Nation in the Civil War. He was getting, on a regular basis, communications from an elderly woman who said to him that God was talking to her and God was telling her which general to hire and which general to fire and where to attack and where to retreat. He got this series of letters. Finally, President Lincoln wrote back to this lady and said: Ma'am, I want to thank you for your correspondence and thank you for your advice, but isn't it fascinating how the Lord Almighty has given you all the answers but gave me the job.

We have a Commander in Chief. We have the right to question and modify the things he proposes. But it is our responsibility, I submit, to work expeditiously and to approve these urgently needed resources.

I express my strong hope that this bill will not be held hostage to political ambitions or become the vehicle of high-profile second-guessing. Our effort in Iraq has many challenges, but lack of politics is not one of them. This debate falls in a tempting place on the electoral calendar, but I do hope we rise above a talk show mentality.

There was talk this morning: Why do we have to move quickly on the President's request? What is so urgent about it? Does the money need to be spent right away? Kind of a slow walk and no sense of urgency.

I do hope those concerns are not raised so that we simply can extend the possibly to have in the political arena debate for the sake of taking political potshots. That is not what this is about. That is not what this body is about. We need to send a message to our troops in the field that we support them and will provide them the resources they need. We need to send a message to the Iraqi people that we are committed to working with Iraq to ensure that democracy is there. You can't have democracy when the lights are out 8 hours a day. We are seeing in Washington and Virginia how difficult it is to operate when the lights aren't on. Multiply that many times over.

I am concerned about the nature of the debate that comes with our involvement in Iraq. Debate is what this body expects and understands, but there is a tone about the debate that is of great concern because others watch. There is discussion now about whether this is the President's war.

Before you and I entered this body on October 11, 2002, there was a debate about what action we should take regarding Iraq, what authority we should give the President regarding Iraq.

There was a full debate. There was a great dialog. There was great discussion. This body voted. The sense of this body was 77 to 23 to support the President and to give the President the authority to do the things that had to be done to make sure Saddam Hussein complied with the United Nations resolutions. Let us not forget that for a period of 10 years he disregarded United Nations resolutions.

By a vote of 77 to 23—not 51 to 49, not a 50 to 50 tie asking the Vice President to break that tie—a broad bipartisan coalition, an overwhelming majority of the Senate, said: This is our battle, this is America's battle, and the responsibility we have as elected representatives to speak for the people we represent and give voice to their hopes and concerns was reflected in that debate.

When others now talk about the "President's war," it causes great concern.

I like the words of the "Serenity Prayer." I hope we have the wisdom to address ourselves in the things we can change and not try to change the past.

I say to my colleagues that one of my pleasures as a Senator from the State of Minnesota is to represent the western shore of Lake Superior, the world's largest body of freshwater. If you visit this area during the right time of year, you will see the enormous iron ore boats that transport Minnesota iron ore to the steel plants of the eastern Great Lakes. These gigantic boats are so large that it takes them many hours and many miles to execute a turn into port.

The bigger something is, the longer it takes to turn it around. Such is our challenge in Iraq. We are attempting to turn a large society from a generation of tyranny and totalitarianism to democracy and free enterprise.

For over 25 years, the people of Iraq suffered under the brutality of Saddam Hussein. For over 25 years, the people of Iraq didn't even have a budget. Its infrastructure was eaten away as resources were simply given to Saddam for his friends and for his palaces, and the country suffered.

I find it ironic that some critics of our policy who said we could never defeat Saddam Hussein are now loudly complaining that it takes too long. In our instant-everything, drive-through, microwave society, we perhaps have lost sight of the fact that some things take time. The bigger the thing, the more time it takes.

To those who lament our supposed slow progress in Iraq, we are exceeding any realistic expectations of success. Rome was not built in a day and Iraq won't be, either. The lasting social structures in Iraq need to rest on firm foundations and progress. And those foundations are being made.

To those who say we need to turn Iraq over to the Iraqis, we want to turn it over to the Iraqis. We want the Iraqis to be in charge. We want the Iraqis to be guarding the hospitals and the oil wells. We want the Iraqis to be responsible for the future of Iraq. But in order to have that, you have to have a foundation. Iraq has to develop a constitution. It needs to be affirmed. When it is affirmed, it then needs to have free and fair elections. That is how to develop the foundation.

As we are developing that foundation, we are making progress in developing Iraqi security forces and police units which can begin to take the load off the American and coalition military units.

We are helping the Iraqi oil industry and its power generation come back to some semblance of functionality. The Central Iraqi Bank has taken bold steps to create a secure currency. Some of the most dramatic steps that any government has to set for itself is to be open to trade, to be open to entrepreneurship, and to be open to opportunity. These are bold moves in any part of the world but certainly in Iraq.

The Governing Council has just taken steps to open the country to foreign investment.

You heard earlier today my colleague, the distinguished chairman of the Energy Committee, Senator DOMENICI, talking about the Ministers of Iraq and the number of Ph.Ds—one of the most educated governments anywhere in the world—and the caliber of folks we are bringing to the table.

The Poles have already assumed command of a multinational division in Iraq with NATO support. We have captured or killed over 40 of the 55 most-wanted Iraqis, including one more over the weekend, Saddam's Minister of Defense.

I mentioned the Governing Council being formed. I am told there is even a city council in Baghdad. I must say as a former mayor that when I heard there was a city council in Baghdad, my first thought was, Haven't the Iraqis suffered enough? But a city council is there and operating.

Thousands of Iraqi policemen and soldiers are being hired and trained to help provide security for their nation. Every hospital and clinic in Baghdad is operating, as are most of the others around the country. Every hospital and clinic in Baghdad is operating. The clinics and hospitals in Iraq have 7,500 tons of medicine distributed by the coalition since May, an increase of over 700 percent over the level at the end of the war.

For the first time in its history, all of Baghdad has garbage collection service. No longer is garbage collection a privilege reserved for neighbors favored by the Government.

Again, I reflect back to my days as a mayor and the importance of basic services being provided to all of the citizenry and not just for the rich neighborhoods. We are doing that in Iraq.

Iraqi workers are producing over 1 million barrels of oil per day, the proceeds of which will benefit the Iraqi people rather than Saddam Hussein's corrupt regime. Ninety-two thousand Iraqis receive social security and welfare benefits at levels four times higher than they received under Saddam. One point three million Iraqi civil servants are drawing salaries under a new salary scale. Many of them, such as teachers, are being paid four times what they were paid under Saddam.

The test of our efforts is that the Iraqi people are voting with their feet. They are staying put. There has been no humanitarian crisis. There has been no flood of refugees as had been predicted. The $87 billion in this bill will bolster all of these critical efforts.

We all need to put the daily events so effusively reported in Iraq in perspective. We see this, by the way, even in our own Nation. A lot of good is being done but somehow that doesn't always qualify as news.

I believe the President's leadership is beginning to pay dividends, even at the United Nations. It is a slow boat to turn as well, but I believe we will soon see progress towards broad international cooperation for the rebuilding of Iraq. Even the French say they will not now veto a resolution.

The President met with the head of Germany yesterday and had a good conversation.

Let there be no mistake. We are in a state of war against terrorism. Our decisions and the tone of our debate must recognize that fact. Forces that seek to destroy us are measuring our will and our resolve at each turn. Their view is that we are weak and easily distracted and divided. We must prove to them the truth—that we are not. We do that by what our military does on the ground every day. We do that by how we as leaders conduct this debate in this body.

Again, I recognize the importance of debate and challenging ideas and propositions. But there is a tone about debate and I worry that we are crossing the line. I worry that when we talk about this being the President's war, again disregarding the fact that this body, in a broad bipartisan way, raised its hand and understood the dangers of Saddam, understood the evil of Saddam and the evil impact he had on the Iraqi people, the impact that it was having on the region, the impact it was having on Israel, and the impact it was having on terrorism; understood that we had in Saddam and Iraq a nation which took care of and catered to the persons who masterminded the terrorist acts in the airports in Rome and Vienna; a nation that coddled, took care of and exalted the terrorists responsible for the execution of an American in a wheelchair, Leon Klinghoffer on the *Achilles Lauro* in Athens—everybody understood what we were dealing with.

We rose together in unison. Let us not now forget. Let us not now pull apart. Let us not now send the signal that we are weak and in disarray. It is important to have a sense of strength and purpose. Let us have the debate but let us make decisions.

In World War I, the French soldiers came up with the saying that "the difference between a hero and a coward is the hero is brave 2 minutes longer." We cannot afford to lose our nerve at the point of victory or all the sacrifice and the progress to date could be lost.

For those who question this amount of money being spent at times of economic difficulty and high deficits, I understand that concern. It is so easy to say, with anything we do, if we put dollars into something, why aren't we taking care of the needs of kids? Why aren't we taking care of the needs of schools? Why aren't we taking care of seniors? The arguments can certainly be made, and they touch a sympathetic chord, a sympathetic note.

The reality is we have to understand again and again that you cannot have economic security, you cannot have peace of mind, you cannot have the opportunity for your kids to go to good schools, and folks to live in peace in their neighborhoods and go about their daily lives if we live in fear. The world changed after September 11. We have to reflect on the impact of September 11, not just psychologically but economically.

What happens when we allow terrorism to visit our shores? The folks in Washington, DC, saw this very graphically during the terrible period when the sniper was on the loose in Washington, and people would not go out of their homes. They were afraid to go to a gas station, afraid to shop, afraid to go to a restaurant. I have not seen the final bills, but I am sure the economic impact was enormous. When people live in fear, they cannot prosper economically or emotionally.

America has a responsibility at this point in history—for the sake of our kids, for the sake of our seniors, for the sake of our parents—to do those things necessary to live in peace, to confront and deal with terrorism. We learned on September 11 we cannot contain terrorism. We have to aggressively reach out to make sure we do all we can to make sure terrorism does not visit our shores.

It is not a matter of saying, if we did not put this money here we would put it there. The reality is, of the $87 billion, $67 billion goes directly to the military. It is also to rebuild the infrastructure of Iraq so that the military ethics can take hold. We cannot have such short memories.

Ambassador Bremer visited with many Senators this last week and gave a little historical lesson. He said: Look at what we did after World War I. We did not step in. We did not have the sense of heart and purpose to come together and say we were going to deal with the destruction left in the wake. We gave rise to Nazism, to fascism. What happened is, ultimately, millions of lives were lost.

I am of the Jewish faith. In our faith we say: We shall never forget; we shall never forget the Holocaust. The seeds of that were laid in the actions after World War I that were not taken to deal with the plight, deal with the economic plight, deal with the disarray, deal with the disintegration.

After World War II, we took a very different path. After World War II, we enacted a Marshall plan, and we came together, with the United States taking the lead; the international community then joining in building up and restoring the economy, doing things that restored hope, doing things that restored water and electricity. The result is Europe has been safer. We have been safer until the rise of terrorism.

Let us not forget those models. Let us not forget that history. Success will build world confidence and investment far beyond this investment in Iraq. Failure would cost far more.

All of these practical arguments notwithstanding, I close with a simple argument for the passage of this supplemental appropriation: It is the right thing to do. Our troops need our support. The people of Iraq, present and future, need our help. The world that hopes for far more freedom and less terror needs what only the United States can provide. We can reach out and set an example to the international community to join with us.

This bill is the right thing to do. It is the right for the people of Iraq who are free from the torture chambers so they may never come back again. It is the right thing to do for the young women of Iraq who are raped and assaulted by Quday and Usay Hussein. It is the right thing to do for the memory of thousands murdered and buried in mass graves, and for their justice; for the millions of Iraqi people who will choose their own path, live their own lives, and decide their own faith when we set the foundation, set the table for restoration of democracy, firm and lasting in Iraq.

It is the right thing to do for the millions of neighbors of Iraq who will not fear the unbearable fanaticism of a dictator more concerned about power than the moral obligation of leadership. It is the right thing to do for our democratic ally in Israel who no longer will face the threat of Scud missiles from Iraq. It is the right thing to do for the courage of our American soldiers who have performed their duty and lived up to their oath to defend and protect the national interests of their Nation.

It is the right thing to do for the memory of American soldiers who have given their lives so that others may live in freedom. It is the right thing to do for the millions of Americans and the 3,000 who died on September 11 that American determination, resolve, and will are not things of the past but are ironclad promises for the future.

It is the right thing to do for the message it sends to those who support terrorism, that they will have no refuge; for the message it sends to those who kill, who terrorize, who destroy the hopes, dreams, and happiness of men and women and children that this is a new day, a better world. Their days are numbered. No more can we accept the crying faces, parents holding their dying children, parents burying their dead children. To those who seek to destroy, those who choose to unravel the fabric of society and civilization, this bill is the right thing to do because it makes it clear their time will come; our resolve is strong. We will support our fighting men and women and give them what they need to do the job.

We will work with the Iraqi people to rebuild and create a foundation where democracy and hope will take place. Good will triumph over evil. Democracy will triumph over tyranny. Security will triumph over terrorism. Peace will come to Iraq. And all of us in America will be safer as a result.

SCHOOL VOUCHERS

Mr. COLEMAN. Mr. President, in the time remaining, I raise one other issue, the issue of opportunity scholarships, of expanded choice for students, the issue of the debate we are having over the opportunity for the children of the District of Columbia to take advantage of a "voucher" program. We do not like to use that word. In my State, it is a pretty divisive word.

The Mayor of Washington, Anthony Williams, says this is the right thing to do. As a former mayor, I will stand with Mayor Williams. This is a very divisive issue in my city of St. Paul. When I ran, I said I would not push vouchers for the people of Minnesota. We had our debate. We have gone a different path, expanding charter schools. St. Paul, my city, had the first charter school in the Nation. As mayor, we started 20 more charter schools, providing tax incentives and tax credits so parents could get money back and use money they need to support their kids' education, to give their kids more choice. That makes sense.

But more needs to be done. I recognize that. This is a divisive issue. When the Mayor of the District of Columbia is saying we need to do this for our kids, why not do it? It is not taking any money from my kids in Minnesota. It is not taking any money from any kids in any of the other States. We have a local, elected official saying we need to do this; our kids are failing and we need to give them more hope and opportunity. Why not do it? What are we afraid of?

When I was mayor of St. Paul, the Governor offered, I believe, $13 million to any community that would simply do a pilot project offering opportunity scholarships to the poorest of the poor and only the kids who were not succeeding.

So you were not going to take the cream of the crop. You were not going to cherry-pick. You were going to take those who were not making it. You have to do something. In fact, the offer was that out of this $13 million, he would give $10 million to the school district to do whatever they wanted. Only $3 million would be for this pilot project. And not a single elected official, other than myself, would stand up and do it.

What are we afraid of? If all you keep doing is what you have been doing, all you are going to get is more of the same. Our children need more hope and opportunity. I hope we have the courage to give it a shot and a chance. The downside is minimal. The opportunity is great. Let's seize the opportunity. Let's do this for the kids. Let's do the right thing. Let's make change. Let's give hope.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2658, which the clerk will state by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 2003.)

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am pleased to present to the Senate, on behalf of myself and the Senator from Hawaii, Mr. INOUYE, who is currently chairing the Indian Affairs Committee, the Defense appropriations conference report for fiscal year 2004.

This conference report was approved by the House of Representatives by a vote of 407 to 15. It has overwhelming bipartisan support. The agreement provides for a total of $368.7 billion for the Department for fiscal year 2004. Throughout our conversations with the House over the past months, Senator INOUYE and I have sought to strike a balanced agreement that we believe addresses key requirements for readiness, quality of life, and reconstitution of our defense force.

As we take up this conference report on the floor today, there are hundreds of thousands of men and women in uniform deployed and serving our country at home and abroad. They are performing superbly, and we are extremely proud of what they are accomplishing. This agreement is a demonstration of our support, the Congress's support, for our men and women in uniform.

It provides a 4.1 percent average pay raise for all military personnel. It funds an increase in basic allowance for housing to reduce average out-of-pocket expenses from 7.5 percent to 3.5 percent for our military people. It provides an additional $128 million for the continuation of increased rates for imminent-danger pay and family-separation allowances.

This agreement honors the commitment we have made to our Armed Forces—one we will maintain. It helps ensure they will continue to have good leadership, first-rate training, modernized equipment, and quality infrastructure. The agreement provides $115.9 billion for operation and maintenance, $74.7 billion for procurement, and $65.2 billion for research and development.

Defense is a very expensive concept for our country. That is so not only because we have a volunteer service but because we are modernizing our force for the future. This agreement is the result of a bicameral, bipartisan approach. I urge the Senate to adopt this conference report.

Let me once again thank my cochairman, Senator INOUYE, for his support and invaluable counsel on this bill. I would also like to note the dedicated work of his chief of staff Charlie Houy, Betsy Schmid, and Nicole DiResta.

I thank my hard-working staff led by Sid Ashworth and including Tom Hawkins, Kraig Siracuse, Bob Henke, Lesley Kalan, Jennifer Chartrand, Menda

Fife, Brian Wilson, Mazie Mattson, Nicole Royal, and Alycia Farrell. They have helped put together this conference report and worked with us through the year to bring us where we are today with the largest defense budget in history and the best bill we have ever presented to the Senate.

I yield to my good friend from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, before I proceed, I wish to commend my chairman, Mr. STEVENS, for bringing this conference report to the Senate. In doing so, I commend him for his leadership. I realize Members of the Senate may not be aware of this, but because of the leadership skills and because of the hard work of the staff, the conference committee concluded its work on this important measure in 2 hours. In 2 hours, we concluded a bill that was filled with controversy and issues. At the end, the vote was unanimous.

The conferees recommend $368.7 billion in mandatory and discretionary appropriations for the coming year. It is a huge sum, but it is a sum that is absolutely necessary.

This is nearly half a billion less than recommended by the Senate and $3.6 billion less than requested by the President. We have tried our best to trim what some would call "fat."

The reduction to the President's request is not an indication that we believe Defense is overfunded. Instead, it is because we realize that there are so many other underfunded areas of the budget that we had to reduce defense to accommodate these needs. This was a tough conference. Our chairman did an exceptional job—I emphasize "exceptional"—representing the Senate position. This is especially true given the reduced allocation.

This agreement provides the funds necessary for the military. It fully funds the pay and allowances for our troops and thereby ensures that we have taken care of the crown jewel of our Defense capability—the men and women who put on the uniform.

In the interest of time, I will not present all of the details of this massive bill. However, I would like to address two important subjects that the managers of the House and Senate spent many hours discussing.

First, the conferees agreed to include an amended version of House language that would close down the Navy Station at Roosevelt Roads, Puerto Rico.

As we looked into this matter we found that the Navy no longer needed or wanted the base and it could save $300 million annually by closing it. As such, we agreed to close the base. However, the conference agreement ensures that the base will be closed in accordance with existing base closure laws. We did not agree to a new procedure which would have given the Navy all the benefits of the closure and the local population none of the safeguards included in the BRAC legislation.

Second, the Senate bill include language terminating the controversial Terrorism Information Awareness program, TIA. The conferees have agreed to terminate the program and close the Office of Information Awareness in the Defense Advanced Research Projects Agency, DARPA.

Language has been included that precludes any successor version of this program to be reinstated or developed by any Federal agency. However, I must inform my colleagues that in our review, we learned that there are some classified elements that are related to this program. These have all the safeguards of programs under the jurisdiction of the National Foreign Intelligence Program to protect civil liberties of U.S. citizens. These are very important to the ongoing war on terrorism overseas. The conferees have agreed to allow this effort to continue.

In addition, there were some worthwhile programs in the Office of Information Awareness unrelated to the TIA program. The Statement of the managers lists these programs and funds their continuation. This is a good compromise. It kills TIA and on-line betting, and other questionable DARPA programs, but ensures that beneficial parts of information awareness can continue. Finally, I want to express my strong support for this measure.

My colleagues should know this was a fully bipartisan accord. There are no parts of this bill that I oppose. While it is a compromise, it is a very good bill.

The chairman and his staff, led by Sid Ashworth, have done great work. I thank all the staff who worked so hard on this: Mazie Matson, Nicole Royal, Jennifer Chartrand, Kraig Siracuse, Tom Hawkins, Bob Henke, Lesley Kalan, Menda Fife and Brian Wilson of the majority, and Nicole Diresta, Betsy Schmid and Charlie Houy of the minority staff.

This is a good bill, and I urge all my colleagues to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, today we are considering the conference report to accompany H.R. 2658, the Department of Defense appropriations bill by FY 2004.

I commend the distinguished chairman and the ranking member on their successfully reporting and conferencing this bill.

The pending bill provides $368.7 billion in total budget authority and $389.2 billion in total outlays for fiscal year 2004. The Senate bill is $3.5 billion in BA and $4.6 billion outlays below the President's budget request. These funds were shifted to other non-defense spending bills consistent with an agreement with the administration.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2658, DEFENSE APPROPRIATIONS, 2004: SPENDING COMPARISONS: CONFERENCE REPORT

[Fiscal Year 2004, in $ millions]

	General purpose	Mandatory	Total
Conference Report:			
Budget Authority	368,183	528	368,711
Outlays	388,642	528	389,170
Senate 302(b) allocation:			
Budget Authority	368,572	528	369,100
Outlays	389,306	528	389,834
2003 level:			
Budget Authority	426,621	393	427,014
Outlays	393,835	393	394,228
President's request:			
Budget Authority	371,699	528	372,227
Outlays	393,222	528	393,750
House-passed bill:			
Budget Authority	368,662	528	369,190
Outlays	388,836	528	389,364
Senate-passed bill:			
Budget Authority	368,637	528	369,165
Outlays	389,371	528	389,899
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget Authority	(389)	....	(389)
Outlays	(664)	....	(664)
2003 level:			
Budget Authority	(58,438)	135	(58,303)
Outlays	(5,193)	135	(5,058)
President's request:			
Budget Authority	(3,516)	....	(3,516)
Outlays	(4,580)	....	(4,580)
House-passed bill:			
Budget Authority	(479)	....	(479)
Outlays	(194)	....	(194)
Senate-passed bill:			
Budget Authority	(454)	....	(454)
Outlays	(729)	....	(729)

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 9/24/2003.

Mr. INOUYE. Mr. President, it is interesting to note that Senator NICKLES says this bill complies completely with the requirements of the Budget Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we only have notification of one person who wishes to speak. If that is the case, I believe we will have a vote on this conference report sometime around noon. It is my hope that we will have it before lunch if possible. So I put the Senate on notice that we will be voting around noon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, today I rise to address the conference report for fiscal year 2004, the Department of Defense appropriations bill. As has become a standard practice for appropriations matters, this legislation is loaded with porkbarrel spending catered to the parochial needs of the Members and special interests and not to the interests of the men and women in the military.

I feel it is important that I come to the floor of the Senate to draw attention to this legislation, especially at a time when American troops are stretched across the globe, including major commitments in Iraq and Afghanistan. I notice in this morning's paper it is very likely that more National Guardsmen and Reserve Forces will have to be called up. We should be devoting critical defense dollars to urgent defense priorities. Apparently, that philosophy is not shared by all.

In this year's version of the legislation, there is over $6.5 billion in Member add-ons. I must say I congratulate the committee because last year it was $8.1 billion. So we have experienced a $1.6 billion reduction. I want to point out that these add-ons were not in the President's budget, not on the unfunded priority list, and not on the Pentagon's long-range defense budget.

Nowhere—nowhere—was there a priority for any of these items that I will be talking about and listing. One of the remarkable things about it is our disabled veterans are now trying to receive what we call concurrent receipt—in other words, to be treated, when they are disabled, the same way that nonmilitary members of the Federal Government are treated. As it is now, they are prohibited against receiving both retirement and disability pay, as are other men and women who work for our Federal Government. Full concurrent receipt would cost the Government $3.5 billion annually, which is approximately half the total pork that is in this bill.

So I am announcing to my colleagues today I was trying to work out some way of ameliorating the cost of this concurrent receipt. When we spend money like this—when we will spend $5.9 billion more by leasing Boeing tankers rather than buying them, it seems to me that taking care of the men and women who have served with honor and distinction in the military deserve full concurrent receipt.

Once again, we are considering the Defense appropriations conference report prior to the consideration of the Defense authorization conference report. I remind my colleagues again of the role of the Appropriations Committee. The responsibility of the authorizers and the appropriators are expected to be distinct. The role of the Senate Armed Services Committee is to establish policy and funding levels and oversee the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills. The appropriators' function and role today, however, is expanded dramatically, and they now engage in significant policy decisionmaking and micromanagement, usurping the role of the authorizing committees.

I recognize the failure of authorizing committees to pass authorizing legislation contributes to this broken system and that often, as is probably the case now, appropriators have no choice but to fund unauthorized programs and take it upon themselves to make policy determinations. That is why, as chairman of the Commerce Committee, I have tried to reauthorize every program and bureaucracy that falls under the responsibilities of the Commerce Committee. I think I have done this with some success. But we still find, for example, in the Commerce-State-Justice appropriations bill—which has not been considered yet on the floor—significant policy changes, laws written—it is rather remarkable. Entire departments of Government are dissolved without debate—by the way, with the strong objections of the executive branch.

So one of the reasons the authorization bills are held up is because Members know that authorization measures don't really have to pass, and we know that the appropriations vehicles are always available to carry legislative riders. I have testified before the Rules Committee on the need for change, and I think at some point in time we will be faced with a choice: We either do away with the Appropriations Committee or with the authorizing committees.

The authorizing committees, to some degree, have become rather engaging and sometimes interesting debating groups when the real changes and policy decisions are made by the appropriators.

I also want to point out, last week I saw one of the most remarkable things I have ever seen in all the years I have been here. The energy and water appropriations bill was voted on and passed last Tuesday night. We voted. It was a recorded vote. Everybody went home. The next morning—and I mention this because the Senator from Nevada is on the floor—the next morning the Senator from Nevada stood and asked unanimous consent that $65 million be added for water projects for the Corps of Engineers.

I understand there was some technical reason for it and there was some technical change that was made, but I have to tell you, Mr. President. I have never, in all the years I have been here, seen a bill passed and voted on and the next day, many hours after the bill was passed, a Member come to the floor and ask unanimous consent that millions of dollars be added to an appropriations bill. If that is the way we are going to do business around here, then, I say to my friends, there is no fiscal discipline.

On September 17, the Comptroller General of the United States David Walker delivered a speech at the National Press Club. According to the head of the General Accounting Office, "We must begin to come to grips with the daunting fiscal realities that threaten our Nation's, children's and grandchildren's future."

In his speech, Mr. Walker cited CBO estimates at that time—they have since gone up $401 billion and $480 billion for the unified budget deficits for the fiscal years 2003 and 2004 respectively. If we take out the Social Security surpluses, these numbers jump to $562 billion and $644 billion respectively. More importantly, the costs of the $87 billion war supplemental are not even factored into these numbers.

In addition to this money, there are a number of financial liabilities the Federal Government has to pay out but are not counted against the budget, such as Medicare trust funds and health care benefit costs provided to the Department of Veterans Affairs. This leads Mr. Walker to state:

> We are starting off in a financial hole we don't really have a very good picture of how deep it is.

His suggestion:

> It is time to admit that we are in a fiscal hole and "stop digging."

I would like us to take seriously the advice of the top Government watchdog and quit digging. It seems to me if everybody in this country is watching reality television these days, I say to my good friends watching the Senate proceedings on C-SPAN, you are not watching reality television here. What you are watching is unreal. You are watching Members who don't care about the budget deficit we are running. In the face of huge deficits, we can still find enough money to blow on some of the items I will describe today.

Mr. President, I am tired of fighting these bills. I don't enjoy arousing the animosity of my friends on both sides of the aisle. I don't pretend to judge these projects. Many of them are worthwhile. Many of them are worthy causes. The hundreds of millions of dollars that are spent out of the Defense appropriations bill for breast cancer research is a worthy cause. My question remains, What in the world is it doing in a Defense appropriations bill when we have men and women who are still on food stamps and living in quarters that were built in World War II?

I am dismayed by the lack of attention we focus on these bills. Aside from scouring the bills to see if their projects are included, not much time is devoted to considering the conference report.

This legislation passed the House of Representatives without a copy of the bill text or explanatory report being available to all who want to look at it. In fact, a member of my staff called the House committee while they were voting on final passage of this conference report to inquire if the committee had the report available. The House appropriations staffer said they had a copy but were only allowing one staff member at a time to look at it. Staff was not allowed to make copies or remove the bill from the appropriator's office.

It took the House of Representatives 7 minutes to pass a bill that appropriates $368 billion for projects that appear on the Defense appropriations add-on list of items requested by Senators and were not included in the President's budget request. They did not appear on the Joint Chiefs unfunded priority list and were not authorized in the Defense authorization bill.

This criteria has been useful in identifying programs of questionable merit and determining the relative priority of projects that are requested by Members, often at the expense of the readiness of our Armed Forces.

The fact remains that in the years I have created these lists, no offsets have been provided for any project. The Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for the year 2004. We should provide additional funding for defense for items and programs which the Joint Chiefs need, not for programs that are important because of the State they come from or because of the seniority of the Member of Congress.

My point is, we cannot do business as usual. There is an ever-growing proportion of our Federal budget that is in these appropriations. While the cost of each program or project may not seem like a good deal of money, collectively, earmarks, such as the ones in this legislation, significantly burden American taxpayers.

Let me point out some of the more egregious examples in this legislation:

$135 million for advanced procurement of the LPD–17;

$8.1 million for the 21st century truck. Mr. President, $8.1 million for the 21st century truck, not requested by the Department of Defense, not on any list the Joint Chiefs of Staff might feel is important, but the 21st century truck finds its way into the Defense appropriations bill each year;

$4.3 million for the Army's smart truck. One would think after all these years on the pork list if this truck was so smart, it would find a way to fund itself by now;

$1.0 million for the Young Patriots Program. It is a wonderful name. It is a program by the National Flag Foundation to expand the Young Patriots Program to include a video which promotes the significance of national patriotic holidays. I love our patriotic holidays, but $1 million to watch a video on national patriotic holidays?

One of my favorites that has come up—it is interesting, once they are in, they continue year after year—$1.0 million for Shakespeare in American Military Communities. Shakespeare in American Military Communities has found its way in again. I guess it all is a matter of priorities.

$1.8 million for the canola fuel cell initiative. I think canola is cooking oil. I am not sure. But $1.8 million for the canola fuel cell initiative not requested by the President or the Department of Defense;

$1 million for Lewis and Clark bicentennial activities. If this was in the Interior appropriations bill, I would support celebrating the Lewis and Clark bicentennial activities. I think it was a monumental series of events in American history, but we are taking it out of defense.

$7.5 million for the Joint Advertising Market Research and Studies Programs. I can hardly wait to see the commercials that come from this money.

$3 million for U.S.-made bayonets. Nobody else has made bayonets. Once again, Buy America provisions have found their way into the bill.

$6.5 million for the procurement of lightweight armor for CH–46. The conferees mention use of Kevlar, a DuPont product, making this another Buy America provision.

I congratulate again the Senator from Alaska for a large number of appropriations that are earmarked for the State of Alaska ranging from $8 million and up to $26 million for railroad track alignment at Air Force-managed ranges to $8.9 million for hybrid electric vehicle testing only at the cold region testing facility. $9 million for the Fort Wainwright Utilidor. I apologize I keep displaying my ignorance on some of these items. I do not know what a utilidor is. Kentucky, they did OK. Then there is $1.2 million for the Fort Knox University of Mounted Warfare Campus Area Network Infrastructure. One of my favorites that was in the bill last year, a half million dollars for a hangar at Griffis Air Force Base in New York. The only problem with that is that Griffis Air Force Base has been closed for many years. It no longer belongs to the military or the Federal Government.

Of course, language preventing that has been in for several years, language which clearly falls under the purview of the authorizing committee, preventing the disestablishment of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve stationed in Mississippi. That is clearly a policy decision and has nothing to do with appropriations.

Then there is $45.7 million for the Maui Space Surveillance System; $23 million for the Hawaii Federal health care network, $2.5 for the Alaska Federal health care network. If I were from Alaska, I would be a little upset at that disparity: $23 million for the Hawaii Federal health care network, and only $2.5 million for the Alaska Federal health care network.

Our old friend, the brown tree snake, is back, another $1 million for the brown tree snake, the best funded snakes in the United States and certainly in the world; $1.4 million for the minimally invasive surgery program for Ohio; $4.5 million, Pacific Island health care network; $3 million for complementary and alternative medicine.

Again, I want to point out there are a number of excellent programs. The legislation provides a pay raise to our soldiers, sailors, and airmen, as well as a targeted raise for midcareer officers and selected noncommissioned officers. The legislation also provides $128 million for the continuation of increased rates for imminent danger pay and family separation allowances. Of course, my question is: Why is that not permanent?

I have a serious concern that extended deployments will lead to retention problems if we do not work to ensure that we take care of our soldiers and sailors. By providing our servicemembers with adequate benefits, we help ensure that our military will not face retention problems.

In this morning's Washington Post there is a quote from an unnamed National Guardsman who said that with these recent strains, the Guard in particular, and Reserves, are going to have significant difficulties. National Guard and Reserve servicemembers are performing many vital tasks. Direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea, guarding nuclear powerplants, our borders and airports in the United States; providing support to the war on terrorism through guarding, interrogating and extending medical services to al-Qaida detainees; rebuilding schools in hurricane-stricken Honduras; fighting fires in our Western States; overseeing civil affairs in Bosnia; and augmenting aircraft carriers short on Active Duty sailors with critical-skilled enlisted ratings during at-sea exercises, as well as during periods of deployment.

I look forward to the day when I do not have to criticize the unrequested spending in appropriations bills. Yesterday, the House and Senate passed the Department of Homeland Security Appropriations Act. I was encouraged to see that there was not a great deal of unnecessary spending in that legislation. We still have a number of appropriations bills and conference reports left to consider in this session. I can only hope that the members of the Appropriations Committee will follow the lead of the Homeland Security appropriators in the future. I think we are entering a very serious fiscal crisis in the United States, including the fact that the Social Security situation is going to be compounded by the retirement of the baby boomers, the Medicare trust fund is going to be in a very serious situation, and we are rapidly approaching the kind of deficits that were only equaled in the early Reagan years and may even exceed them.

I know of no economist who does not believe that sooner or later the deficit will increase interest rates and cause inflation. There are a broad range of economists who have many different views on many different aspects of economics. I know of none who believe that over time burgeoning deficits are bad for America and the people who reside in our country.

Not too long ago, someone said the difference between California and Washington is that in California they cannot print their own money. I think there is a certain truth to that. What bothers me is that we are not making strong efforts to reduce unnecessary spending at this very difficult time.

I thank the Senator from Alaska, our distinguished chairman, as we enter a very difficult time, for trying to get approval of the request of the President of the United States. I commend him for his heroic effort on behalf of the much needed and very critical amounts of money, both in terms of defense and in reconstruction funding.

I just came from a hearing in the Armed Services Committee where Ambassador Bremer stated unequivocally, as did General Abizaid, that this money, both for the military and reconstruction, is not only vital but very time sensitive. Both Ambassador Bremer and General Abizaid said the war is on for the hearts and minds of the Iraqi people. We need to restore the infrastructure. We need to provide for their security. Otherwise, we will face, in the words of Ambassador Bremer, "the most severe crisis."

I thank the Senator from Alaska, our distinguished chairman of the Appropriations Committee, for the heroic effort he is making to get that urgent request from the President of the United States to take care of our men and women in the military and pursue to success the very vital mission and challenges we face in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do thank the Senator from Arizona for his comments about the supplemental. This bill before us now is what we call the peace budget for defense. It does not contain any of the monies for Iraq or for Afghanistan. That money is in the separate supplemental emergency appropriations bill on which we are working. That was handled in that manner because of the request that we have a clear delineation of the monies to be spent for Iraq and Afghanistan.

I will comment on two things, but first I ask unanimous consent that the vote on the pending conference report occur at 12:10 today, and that Senators be so notified.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object. There has been a problem.

The PRESIDING OFFICER. The objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I was just notified by staff that we received a call and we could have the vote at 1:15.

Mr. STEVENS. I did not hear the Senator. If there is an objection to the time agreement, I will continue with my comments.

The Senator from Arizona did mention the money in this bill for the Alaska railroad. The Alaska railroad goes through two military reservations, and this money is to straighten out that railroad as it goes through those two military reservations. We have done this for a period of years now. We are straightening it out so it does not provide a hazard to the people who live on base. It moves the sound as far as we can from the military operations. It is much more safe as it is straightened out and does not have a circuitous route through those two military bases.

In addition, for the Senator's information, a utilidor is a facility that we put into the ground in Alaska to carry our utilities. In effect, it is an underground tunnel so that the utilities can all be maintained underground during the wintertime. It contains water, sewer, electric, all cables, and they are capable of maintenance through the winter.

As a matter of fact, I would welcome the District of Columbia to follow our path and put the utilities underground because every time there is a storm, all the electric lines, power lines, and cable lines come down because they are not buried. We do not just bury them under the ground. We bury a long, continuous container that is capable of being walked through so we can maintain all of the utilities on our military bases. They, at times, need modernization. The money in this bill is for modernization.

I know my friend wants to comment. I have been asked—we do expect a vote. We will try to get a vote on the pending bill. We are having a communications problem. I yield to my friend.

Mr. REID. I say to the distinguished chairman of the committee, we want to have a vote on this most important bill as early as possible. It appears now we are not going to be able to do that until a later time today because we have a number of people who are going to the White House at 2:20. President Bush always meets on time.

Mr. STEVENS. If the Senator will yield, I am informed if I make a request for a vote on this conference report at 1:15, that will be acceptable. Is that not correct?

Mr. REID. We would agree to that.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote on the conference report occur at 1:20, and I ask for the yeas and nays.

Mr. REID. Reserving the right to object, that would be fine if the Senator would modify his request—that we stay on this until 1:15?

Mr. STEVENS. That is my understanding. We will stay on this bill until 1:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, my friend from Arizona, for whom I have the greatest admiration and respect—he and I came to Washington together in 1982 as new Members of Congress. Of course, at that time I was aware of his gallant deeds for our country as a member of the U.S. Navy.

However, the Senator has tried to indicate that there was something wrong with how the energy and water appropriations bill was handled, especially the raising of the 302(b) allocations. That is done all the time. We worked very hard with the chairman of the Budget Committee, the ranking member of the Budget Committee, the chairman of the subcommittee, this Senator, the chairman of the full committee, and the ranking member of the full Appropriations Committee to come up with some way to take care of the weather-related problems that had occurred, dealing with the Corps of Engineers.

What we did was, we had an amendment ready to offer, to have an emergency appropriation, in effect, for the $125 million that was caused by weather-related activities. I have no doubt that would have been agreed to. However, after meeting with the Senators about whom I spoke, they were able to find money in other appropriations bills that was not used. Rather than have the emergency designation, we simply raised the 302(b) allocation. The $65 million was just that.

So anyone who would in any way infer that there was anything wrong with that simply is wrong. The chairman of the full committee is in the Chamber, and he would acknowledge that, as would the chairman of the Budget Committee, Senator NICKLES, as would Senator CONRAD.

Mr. President, could we have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. REID. One reason I asked you to bring the Senate to order was there were two conversations going on. They were both interesting. It was hard for me to listen to both of those and also try to get my thoughts together. I don't know which of the two was the more interesting but they were both pretty good.

I say to my friend from Arizona, the distinguished senior Senator from Arizona said the country was in a hole and we should stop digging. I respectfully agree with him. But the hole isn't anything the Energy and Water Development Subcommittee created. We are struggling to take care of the defense needs of this country. You know the Energy and Water Development Subcommittee handles the defense nuclear programs of this country, in addition to many other programs—university programs and other things that go on.

The situation is simply that the hole the Senator talks about was created by the fact that we are spending far more money than we are taking in. It is no secret, when President Bush took office, there was a surplus of about $7 trillion over 10 years. That is gone. This year's deficit will be around $700 billion, when you take out the Social Security Program and don't have that mask the deficit. So the hole is there, and I acknowledge that. The Senator is right. I am simply saying don't pick on the Energy and Water Development Subcommittee; we had nothing to do with the hole. The hole was dug by others, not by us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. GRAHAM of Florida. Mr. President, today I commend the Senate for addressing and correcting an unfortunate hardship placed on Native American veterans.

For the past decade, VA's Native American Housing Loan Program has provided direct loans to eligible Native American veterans who wish to purchase, construct, or improve a home on trust lands—lands held by the federal government for the benefit of Native Americans. A problem arose this year due to a provision included in the fiscal year 2003 Omnibus Appropriations bill, which set a spending cap for the program at $5 million. That figure was deemed reasonable by the administration and appropriators because it was taken from previous years' spending amounts.

However, due to historically low interest rates over the past year, VA and borrowers have worked together to refinance many loans, loans that were counted toward the $5 million cap. The combined costs of refinanced loans and new loans led VA to exceed the newly-implemented cap. Consequently, last June, VA was forced to cease providing further funds for the year. This left many Native American veterans in despair as their housing projects sat awaiting completion. With the cessation of the program, veterans have been unable to complete construction on homes that were already in progress, refinance existing loans, or pay contractors.

The Native American Housing Loan Program originally began as a 5-year pilot project in 1993. Congress, recognizing its value, has re-authorized it twice and extended it through 2005. A recent GAO report noted a primary motivating force behind the bill was the fact that the home ownership rate among Native Americans is one of the lowest in the United States, finding that "while over 67 percent of Americans own their homes, fewer than 33 percent of Native Americans own homes."

In the report accompanying a reauthorization of the program in 1998, the Senate Committee on Veterans' Affairs stated that direct loans to these Native American veterans are necessary since—even with traditional VA guarantees—commercial lenders will not make mortgage loans to finance the purchase or construction of housing on Native American lands. They decline to do so because Federal law would prohibit a lender, in the event of default, from taking possession of native trust lands. Recent estimates indicate there are approximately 190,000 Native American military veterans. Many expert demographers recognize that, historically, Native Americans have the highest record of service per capita when compared to other ethnic groups. Congress realized that they should be allowed to receive the benefits they have earned through their service—such as VA home loans—no matter where they choose to live in the United States.

The Native American Housing Loan Program alleviates some of the problems faced by Native American veterans in a couple of ways. First, the bill lowers barriers for these heroic veterans by encouraging them to participate in the privileges and benefits of home ownership in America. Secondly, the program provides economic incentives to develop thriving and long-lasting Native American communities. According to VA's Annual Report to Congress for fiscal year 2002, VA closed 62 loans during 2002 for a total of 289 loans made under the program from its inception through September 30, 2002.

Mr. President, as ranking member on the Veterans' Affairs Committee, I applaud the Congress for working to alleviate this problem in a timely manner. I am proud to support a provision in the Department of Defense appropriations bill that will eliminate the spending cap completely. The legislation ensures that stalled housing projects can be continued without stifling future home ownership opportunities for Native American veterans. I am glad that we have been able to work in a bipartisan manner and I know the Native American veteran community is thankful of our efforts.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Edwards
Graham (FL)
Gregg
Kerry
Lieberman

The conference report was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine/Landrieu amendment No. 1783 in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a moment my colleague and friend from California will be offering an amendment. Before she does that, I again thank her for her contribution to this bill.

When this bill was being marked up in the Appropriations Committee, she came to Senator STEVENS, the chairman, Senator GREGG, myself, and the other members of the committee and said she believed the bill could be improved—specifically, the section having to do with the scholarships for the children in the District of Columbia.

She made some suggestions. Quite frankly, as I told her on the phone later, I was just sorry I had not come up with those ideas because, frankly, she significantly improved the bill. So I wish to publicly again thank her for the suggestions she made. We incorporated those suggestions, those ideas, into the bill in the committee.

She said: We want to make sure this bill is constitutional. She had some ideas in regard to that. We incorporated them into the bill. She also said: "Let's make sure the mayor—who has been such a strong advocate for the scholarship program, the mayor of the District of Columbia—let's make sure he is intricately involved in this program, the designing of the program, the running of the program; let's make sure he is tied into this program, and that we can, in fact, do that." We made those changes as well.

Third, she said: "Let's make sure there is accountability so we can measure the results." We made some changes to accomplish that as well.

The amendment she will offer and describe in a moment builds on the changes that we have already made but goes further and breaks new ground and perfects the bill even further. I am anxious to hear her description of the amendment. I have taken a look at it. It is an excellent amendment.

I yield the floor and anxiously await her amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill, my colleague from Ohio. I appreciate his sentiments.

Once in a while, by something we do, we can make a tangible and immediate difference in the lives of others. This is one such instance. In this case, what I hope to do is send an amendment to the desk, have Senator DEWINE's second degree, and then I would like to speak to the underpinnings of this scholarship program, which some people call a voucher program, and my rationale as to why I think this Mayor's request to try a pilot small voucher program in the District of Columbia should be granted.

I begin by sending the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1787 to amendment No. 1783.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the DC Student Opportunity Scholarship Program regarding student assessments)

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used for school year 2003–2004 by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

Mrs. FEINSTEIN. Mr. President, I have been in public office for 30 years. I have always supported schools. I supported every charter amendment, and every bond issue to be helpful to schools. I have supported every vote to increase dollars to schools. I voted to support charter schools, magnet schools, alternative schools. I have campaigned for increasing Title I moneys that go to schools that teach poor children to try to correct the formula so the money goes where the child goes.

As a Mayor for 9 years, 3 of those years I bailed out the school district with $3 million a year so that teacher salary increases could be paid during those years. I have traveled to many cities to see what innovative public education programs have been put into play. I have never before supported a voucher program. I do so now with a great commitment to see if this program can succeed. I do so now because those of us who believe strongly in public education—and that is 100 Members of the Senate—have perhaps been too concerned with the structure of education, the rhetoric of education, and not concerned enough about what actually works on the streets and in the neighborhoods and communities of America.

This was brought to my attention 3 years ago when the Mayor of Oakland, Jerry Brown, called me and said: My schools have deep troubles. There are so many failing youngsters. I want to try something new. I would like to try a military school, all voluntary, aimed to be geared for excellence, college preparatory. I want to have the poorest of the poor admitted to this school.

I thought about it for a while.

He said: I have been turned down by the local board of education. But that is not going to stop me.

He went to the State and got a special charter from the State. He came back here and convinced JERRY LEWIS in the House, me in the Senate, to put some money in a bill to allow him to begin.

I spoke to Jerry Brown this morning. I said: Jerry, I want to give the Senate a brief progress report. How is it going in your military school?

He said: We have our startup problems, but we are doing pretty well. We have 350 youngsters. Some drop out. We have discipline. We have uniforms. We have the National Guard participating. These youngsters, 3 years later, are testing to the equivalent of the second best middle school in Oakland.

So it was a new model. It was refused by the educational establishment. But it is working for some youngsters.

When I went to public school in San Francisco, there were 350 students in the school. The class sizes were under 20. There were no other languages other than English spoken. That is certainly not the case for the most part in public education today. It has changed dramatically. Schools have student populations in the hundreds. Classes are way up in numbers. Language has run up to 40 different languages in a school. The economic and social disparity of this great diverse society makes teaching in the elementary school grades much more difficult.

I have come to believe that if I can make a difference to work for new models in education, I am going to do it. Education is primarily a local institution. Policy is set by local leaders. The Federal Government provides maybe 7 percent of educational dollars and most of those through Title I of the Elementary and Secondary Education Act.

I strongly believe that Mayors should have an input. This Mayor has asked for dollars not to be taken from public schools but new dollars: new dollars to be put in public schools, $13 million; new dollars to be put in chartered schools, $13 million; and new dollars to try a scholarship program to try something different.

What he has seen in the District of Columbia is too much failure. Despite the fact that each youngster receives $10,852 a year—the third highest in the United States,—despite the fact that of the amount of money that comes into education, test scores are dismal.

Of fourth graders in the District of Columbia schools, only 10 percent read proficiently. Of eighth graders, only 12 percent read proficiently.

Think about what that means. If you are in the eighth grade and you can't read, what good is high school? You can't read to learn. Reading is a predicate to learning, just as discipline is a predicate to learning. So these youngsters become doomed.

This is not my assessment. This was a national assessment that was done in March of 2000. Of eighth graders, 77 percent are below the grade level in math. Twelve percent are proficient in reading.

I am supporting this because the Mayor wants it. I am supporting it because it is not a precedent. It is a pilot. It is 5 years. The voucher is adequate. It is $7,500. There are 9,049 students in the District of Columbia in failing schools.

This would cover 2,000 of those youngsters; 2,000 of those youngsters would have an opportunity to have some choice in where they go to school. Would they go to a religious school or a secular school? That is up to the parent; it depends on the cost. Some families would be able to put in some additional funds, if the private school tuition is above $7,500.

But I know for a fact there are plenty of schools where the tuition is below the $7,500. As I said in the committee, I helped a youngster go to one of these parochial schools in the District. The tuition is $3,800 a year. I have watched her blossom. I have watched the discipline work for her. I have watched the small classes work for her. I have watched the additional time the teacher spends with her work. I see her reading way above grade now. I see her proud of her uniform that she wears, so there is no competition for clothes. It is just one model.

The key thing that comes through to me, as somebody who listens to average people perhaps more than I do the policy wonks when it comes to education, is different models work for different children. We all know with our own children, what works for one child doesn't necessarily work for another. Therefore, what public education needs to do is stop worrying about structures and bureaucracies and bigness and worry about what is not working for these children. What do we do to provide a different environment? Do we divide up our campuses in a number of smaller schools? Do we build schools in office buildings—small schools, maybe with a hundred youngsters—so children can be closer to their families? What do we do? What new models do we look at?

All this Mayor is saying is these are failing schools. Why should the poor child not have the same access as the wealthy child does? That is all he is asking for. He is saying let's try it for 5 years, and then let's compare progress and let's see if this model can work for these District youngsters.

Interestingly enough, I am looking at the list of failing schools, and I see four are elementary, four are middle/junior high; and then it jumps to eight for senior high. What is the lesson in that one statistic? The lesson in that one statistic is if you have four elementary schools failing, you are going to add to that in high school; you are going to have more high schools failing and more difficulty in high school.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUMBER OF STUDENTS IN FAILING SCHOOLS, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, ENROLLMENT FOR SELECTED SCHOOLS AS OF SY 02–03

Schools	Enrollment
Elementary	
Bruce-Monroe ES	370
Stanton	622
Wilkinson	508
Fletcher-Johnson EC	528
Middle/Junior High	
Evans MS	259
Sousa MS	420
Johnson JHS	646
R.H. Terrell JHS	294
Senior High	
Anacostia SHS	693
Ballou SHS	964
Coolidge SHS	843
Eastern SHS	968
Roosevelt SHS	821
M.M. Washington CSHS	329
Woodson SHS	788
Total kids low performing schools	9049

Mrs. FEINSTEIN. Mr. President, the Mayor has asked for a 5-year pilot. He said it would be for the less affluent. They are defined by families of 4 at 185 percent of poverty. This is a family of 4 that earns $34,000 a year, or below, and these children would be given priority by lottery to have an opportunity to go to another school. It is like a golden key. It gives them an opportunity to try something else. It is voluntary. Nobody is forced to do it. Why is everybody so threatened by it? No one is forced to do it. If a family wants to try it, this provides them with that opportunity.

Again, these are schools identified for improvement, corrective action, or restructuring. That is the language from the bill. And priority is given to students and families who lack financial resources to take advantage of educational opportunities. That is the language in the bill. So for $7,500 a child, 2,000 youngsters will have an opportunity to try this, to see if it makes a difference.

It might offer some smaller classes, or uniforms; it might offer more attention; it might offer an easier learning environment; it may offer better discipline. Certainly, there will be some curriculum changes. There will certainly be more emphasis on reading, writing, and arithmetic—the basics, if you will.

Now we have in the Appropriations Committee, thanks to the accommodation of Senator DEWINE and Senator JUDD GREGG, made several changes in the original bill. It was brought to my attention to take a look at the Zelman

Supreme Court case. Senator VOINOVICH mentioned that to us. I believe he was Governor of Ohio when Cleveland put forward this program, and it went up to the Supreme Court in a case called Zelman v. Simmons-Harris. So we took that case and this bill and we tried to bring them together so that we added religion to the general nondiscrimination clause, which also covers race, color, national origin, and sex, and extend the nondiscrimination clause to both schools and the entity operating the voucher program. We added language clarifying that the bill does not override title VII to ensure that we don't change title VII's provisions permitting religious discrimination under certain circumstances.

We deleted certain other language which we thought might impact the establishment clause. We increased the role of the Mayor to make the Mayor responsible for the details and functioning and accountability of this program, and to ensure the proper use of public funds by the schools participating in this voucher program.

The amendment I have sent to the desk is an additional strengthening of the testing and evaluation components of the bill to try to ensure that scholarship students are taught by quality teachers. Essentially what this bill says is every voucher child must be taught by a teacher that at least has a college education. Additionally, we have changed the testing requirements. I have had a conversation with Cardinal McCarrick. Since about one-third of the private schools in the District are Catholic schools, I talked to the Cardinal about the advisability of having the same tests given to a student on a voucher in a parochial, or secular school, as would be given to a student in the public school. He agreed that would be a very significant thing to do.

I would like to read into the RECORD a portion of the letter from Cardinal McCarrick.

> . . . I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.
>
> I was happy to be able to tell you that in the District of Columbia 47% of our students are non-Catholic—

Forty-seven percent of the students in the DC Catholic schools are non-Catholic—

> and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE OF WASHINGTON,
Washington, DC, September 8, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It was good to be able to speak to you on the phone on Friday. I promised to send you this letter to clarify the situation of our Catholic schools in the District of Columbia. First of all, I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

I was happy to be able to tell you that in the District of Columbia 47% of our students are non-Catholic and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I am so grateful to you for your concern for the parents of these children. So many of our parents work three jobs and more to be able to afford the education in our schools. The help that this legislation would make available would be such a blessing for them.

If there is any further information that you might find useful, please do not hesitate to have your staff contact me.

With every good wish and deepest gratitude, I am

Sincerely,
THEODORE CARDINAL MCCARRICK,
Archbishop of Washington.

Mrs. FEINSTEIN. We have a provision in this bill that a scholarship recipient would essentially be tested against a control group with the same test given in the public school setting as in the private school setting.

The first component of my amendment requires that the managing entity that will run the voucher program give voucher students—not every student in private school—the same assessments they took in public schools. It also requires that the Secretary of Education, in conjunction with the Mayor, appoint an independent evaluator to study all aspects of the voucher program, with a strong focus on the academic progress of the students in the program.

The independent evaluator, which could be a think tank, could be an independent entity, will be required to evaluate the test scores of voucher students over the 5-year period, as well as the scores of a randomly selected group of comparable students who applied for vouchers but did not get them.

The test scores of the control group for which no voucher is available will be studied and measured against the scores of the voucher students.

The evaluator will be required to report back to the Congress every year on the progress, for the duration of the 5-year pilot. This amendment also requires that the test scores of both recipients and the student control group, as I said, would be studied, obviously, against one another.

I think we have a very practical, very doable trial proposal. I know on this side of the aisle there are a lot of objections to it, and I must say I am deeply puzzled by them because I do not understand what the fear is. Traditionally, the argument against vouchers always has been it takes money away from the public school. This does not. It adds money to the public school. Another argument always has been, how do we really know the students will do better? We have the testing and evaluation component in place.

Finally, the program is restricted to those most in need. These will be the poorest families in DC who will participate. They will all be families of four, earning under $34,000 a year. So for 5 years, a child who is not making it, whose parent may be at wit's end, will have an opportunity to say, aha, I might be able to get one of those vouchers. Let's see if John, Sam, Gloria, or Betty can make it in another setting. In other words, let's try another model for our child.

Affluent people do this all the time. Affluent people have that opportunity. If their child does not do well in one setting, they can place their child in another setting. Why shouldn't the poor person have that same opportunity? This is the weight of our argument. This is the candor of our argument. I hope this is the caring point of our argument, because if this passes, 2,000 children will be able to take that pilot and 5 years from now we will know a lot more than we know today.

I have gotten a lot of flak because I am supporting it. And guess what. I do not care. I have finally reached the stage in my career, I do not care. I am going to do what I sincerely believe is right. I have spent the time. I have gone to the schools, I have seen what works, I have seen what does not work. Believe it or not, I have always been sort of a political figure for the streets as opposed to the policy wonks. I know different things work on the streets that often do not work on the bookshelves. So we will see. It is kind of interesting.

I have a member of my own staff who I do not think was very much in favor of me trying this, but at one point she came up to me and said: I must tell you something. I grew up in Anacostia. My parents could afford to send me to a Catholic school, and I went to that school. I saw so many of my peers get into such trouble and it conditioned the whole remainder of their life. Now today, she is a distinguished attorney with a solid career and a solid job.

My concern in education has always been K–6. It has always been teaching the basic fundamentals to kids so they could go on and learn, because if they do not have the basic fundamentals, it is so humiliating.

As mayor, I used to go out to Bayview Hunter's Point every Monday. I spent the afternoon with children. I talked to children. It took me 6 months to get them to look me in the eye, to be able to pronounce their names, to be able to talk directly to another human being. It took the time, the energy, and the effort. Through no fault of their own, in many cases our public institutions are so overburdened, with so many different issues, that it is difficult to provide everything for every child. Obviously, some children need more than they are getting.

I hope there will be others on my side of the aisle who will give this program a chance. I believe it will meet the test of constitutionality. I believe it is a bona fide pilot. I intend to stay with it and see what happens and see that the evaluation and the testing is adequate and carried out correctly and see what we learn for the future for our children.

Once again, I thank Senator DEWINE for his courtesy in working with me. He really has been terrific and I appreciate it very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from California for a wonderful speech, but, more important than that, for her commitment to the children of the District of Columbia. Her position on this issue is so typical of her career and what I have seen her do during the time I have been in the Senate, during the time I have served with her. That is, she does not necessarily take the conventional position. She studies issues. She goes out and looks at the issue. She goes out and sees what the issues are and tries to understand them. As she says, she listens to the street. She listens to the people. She finds out what is going on, and that clearly is what she has done in this particular case.

Again, as I have said on this floor before, I applaud her. I applaud her for her contribution to this bill. This is a better bill than it would have been but for the Senator from California. I thank her for her contribution.

Mrs. FEINSTEIN. May I say one more thing? Will the Senator yield to me for a moment?

Mr. DEWINE. I yield to my colleague from California.

Mrs. FEINSTEIN. First of all, again, I thank the Senator. It has been a great pleasure for me to work with him. I really appreciate it.

I have just been alerted that the Mayor is here. I understand the Mayor of the District of Columbia can come on the floor of the Senate. I believe very strongly, because mayors run their cities, they are responsible. Yet, in education, it is very often so frustrating because they do not have control. This is the Mayor who wants to leave a legacy of an improved education system for the District.

Those of us who read the Washington Post this morning, and the Mayor's comments addressed, I guess, to the editorial board of the Washington Post, understand the frustration. I have always been one who had a great appreciation for Dick Daley, of Chicago, who went to the State legislature and said: Give me control of appointment of the school board. And they did. He appointed some of his people to the school board and turned around the Chicago public schools. I think in a way that has set a real pattern for public education in America. I had the privilege of visiting those schools and spending a day in Chicago.

I ask consent that the Mayor be allowed to come on the floor of the Senate?

The PRESIDING OFFICER. The Mayor of the District of Columbia is authorized to be on the floor of the Senate under the rules.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Just to continue on for a moment, I think what's going to happen in America is that more mayors of big cities will get more control over the schools, whether it is by appointing the school board or whether it is by having a separate entity involved in it. In the case of Chicago, I remember the Mayor appointed his chief of staff as head of the school board and his budget person, Paul G. Vallas, as superintendent of public instruction. So they had a working team to really turn the public school system around.

I would like to welcome the Mayor of the District of Columbia to the floor of the Senate.

Welcome, Mr. Mayor. Thank you very much.

I want everybody to know this is your request and your program. I don't know how many votes on our side of the aisle we will have for it, but I think it is a very important program to try. I think it is very important. I think because of the testing we have built into it, the same tests, the evaluation component, the fact is that your feet are going to be to the fire because this is your program and it is going to succeed or fail based on your energy, your staying power, your drive, your motivation. And I know it is there.

To the Presiding Officer, and to the manager of the bill, I have made my arguments. I am happy to answer any questions there may be, but I am hopeful this amendment will be agreed to and we will have an opportunity to try this pilot program.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate the Senator from Ohio giving me the opportunity to speak at a time while the Senator from California is still in the Chamber and the Mayor of the District of Columbia is still here.

I greatly respect the leadership shown by the Mayor of the District of Columbia and by the Senator from California, who are willing to take a fresh look at children who need help. This leadership is based upon their own experiences and common sense, and wisdom to try something different.

I listened very carefully to the Senator from California. I was thinking the Senate is a good place for someone with a lot of experiences on the street and in the Mayor's office, in political campaigns, and in legislative bodies. She is someone who has enough experience to come to her own conclusions.

This is a terribly important decision. It would not even be before us if the Mayor and other local officials in the District of Columbia had not asked for it because too many of the changes that have been suggested in education are often suggested in the tone of: This is good for you. But, it rarely ever happens unless somebody says: I want this for my child, or my school district.

I remember in Milwaukee 15 years ago, there was a strange confluence of circumstances that led Milwaukee to try to give the poorest families in the city more choices of school for their children. It only happened because Polly Williams, who was the State representative and was the leader of Jesse Jackson's campaign in Wisconsin, and the Democratic mayor of Milwaukee, and the Republican Governor, Governor—now Secretary—Thompson, all happened to come to the same conclusion. They all thought outside the box. They all did things that were different.

But the person that really made the most difference, with great respect to the mayor and with great respect to the Governor at that time, was Polly Williams, who represented parents who said: I want this for my child.

What we are hearing today in the Senate, and what the Senator from California has so beautifully stated, and the Mayor has brought to our attention, is that we have several thousand families in the District of Columbia who are saying to us: We want this for our child. We see the results. We see the figures the Senator from California cited: In eighth grade only a few children are reading at the eighth grade level, so few children are able to do math, this lack of academic success is almost a guarantee of a lack of success in life.

I was glad I had the assignment of being the Presiding Officer at the time when the Senator from California made her speech. I wanted to add to that in a couple of ways.

I think she beautifully distinguished between this proposal and a broad voucher program. We have argued those up and down the street for years. But here is what the Senator from

California reminded us is different about this proposal:

No. 1, the Mayor wants it. If we were in a State, if we were in the State of California, or Tennessee, or Ohio, the money we are talking about would really be the State's money; in effect, it would be money the State was spending the way the State wanted to spend it. We just happen to be in the District of Columbia where the money is collected a little differently. This is money that local people really ought to be able to decide how to spend, and they want to spend it this way. That is one big difference.

The Senator from California said this is a pilot program. One might argue that there is not such a thing in Federal Government; that every program lasts forever. But it doesn't have to last forever. This is a chance to try to give 2,000 poor children from failing schools one option to see if they can succeed in their educational life.

We don't have many pilot programs with this idea. We have one in Milwaukee where it worked well, I thought. I have been to those schools. We learned a lot. We have some programs in Ohio, which the Presiding Officer helped to implement.

In the Nation's Capital, it might be good to have a look and see whether this idea works or not. The Senator from California suggested in her amendment some provisions which will help make sure that it gets a fair test—requiring scholarship students to take tests similar to other students in the District, requiring the Secretary of Education and the Mayor to select an independent entity for evaluation, and to say that the teachers of these children who are on scholarships should be as well qualified as possible. Those are very sensible additions.

The Mayor wants it. It is a pilot program. And it helps 2,000 of the poorest children in failing schools by giving them $7,500 a year of new money. This comes from no other educational program. If it is not spent for this, it goes right back into the Federal budgets. It is new money to give them that choice.

Pilot programs and studies sometimes help us learn things. For example, Vanderbilt University did a very interesting report that was published in September of 2001.

The Senator from California and the Mayor of the District of Columbia might be interested in this, too. They took a group of schools, all of which have the characteristics of potential failing schools. In this group of schools, 35 percent of the students changed school every year, and 50 percent of the students qualified for free or reduced-price lunches.

The parents of the children in those schools had a modest education themselves. It is a recipe for failure when compared to most of our schools. Yet in these schools—instead of having only 1 of 10 or 1 of 20 8th graders who score proficient in math or reading, these schools are first in the country and second in the country among African-American students, according to the National Assessment for Educational Progress in Math and Reading.

What schools are these? These are the schools on the military bases across the country. All of us can speculate as to why that is true. There might be more discipline in a military school or military environment. Another one might be that the school reports to the commanding officer of the base.

The Senator from California has just increased the accountability of the schools in these scholarship programs by saying the Mayor is directly responsible. The Mayor of the District of Columbia is going to be paying attention to these schools and these scholarship kids.

There is another thing we might learn from this study of the military. There is one other provision which I found very interesting. At the military post schools where the military children who live on the base go to school, parents must go to the parent-teacher conference. They don't have a choice. They can be court-martialed if they don't go. They are ordered to go. I guess that might be the single most important thing.

If this education has all of these aspects—and everyone is an expert. Everybody has 1,000 ideas. There are two things we know for absolute sure. The thing that makes the most difference in a child's education is the parent and the second thing is the teacher. Everything else all added up into a lump counts for relatively little compared to those first two.

It might be that if there are 2,000 families who go to the trouble of helping their kids move from a failing school into another school that these parents will have increased parental involvement. This might be what makes the difference in terms of their child's success. But we don't know that unless we try to find out, which we can do over the next 5 years if we support the Senator's amendment and then we support the bill that is reported.

There are a couple of other things I would like to say. The Senator from California said that she has lived long enough to do what she thought was right and that she was puzzled by the opposition to this program. I have to admit that I am puzzled, too. On my side of the aisle, I am not always in lockstep with all of the Republican ideas that come along because I have lived long enough to make up my own mind about things.

But on the idea of saying that poor children shouldn't have the same choices of schools that middle-income and rich kids have, I have never really understood the opposition. It has always puzzled me.

Let me give an example of why. This is not some idea from the Moon. The idea of giving families choices in educational institutions has been the single most successful social program we have ever had in our country's history. Most people would say that the GI bill after World War II has been our most successful social program. What happened after World War II?

At a time when only 5 or 10 percent of Americans were going to college, the Government said to the veterans: When you come home, to pay you back, we are going to give you a scholarship to go wherever you want to go to school. They said: You may go to Berkeley. You may take this money to Fisk University. You might go to Hastings in California. You can go to Vanderbilt, you can go to the University of Tennessee, you can go to Ohio State, or to Notre Dame, or Kenyon. You can go to Yeshiva. You can go to a Brigham Young University. Wherever you want to go you can go to an accredited university.

A great many of the veterans returning from World War II used their GI bills to go to high schools. Many of them went to Catholic high schools. At that time, we began to allow Government scholarships to follow students to the educational institutions of their choice.

At that time, about 20 percent of our higher educational institutions were public. About 80 percent of the students went to private schools.

It sounds strange today because now we have big public universities. In Ohio you had all of those wonderful institutions—Miami, Kenyon, Oberlin—all the colleges in Ohio. And Ohio State wasn't all that big at the end of World War II. A lot of the colleges that are universities today were just small teachers colleges.

What has been the effect of allowing Federal dollars to follow students to the educational institution of their choice since World War II? What happened is that it has created more opportunities for Americans more than any other program we have ever passed. It has created not just some of the best universities in the world but almost all of the best universities in the world. It continues today in the form of the Federal Pell grant and the Guaranteed Student Loan Program. One-half or more of students who go to colleges or universities in California or in Ohio or in Tennessee go to college with a Federal grant or with a loan following them to the college or university of their choice.

When I was president of the University of Tennessee, it never occurred to me to come to the Senate and say: Senator DEWINE, I hope you will pass a law that keeps Federal dollars from following a Tennessee student to Vanderbilt or to Fisk or to Maryville College or Carson-Newman College or Howard

University or Brigham Young or Yeshiva because they are private, public, or parochial. It never occurred to me. I wanted the students to have all of those choices. It helped them and it helped our university.

If we have the tradition of choice in America, and if we have 60 years of funding educational institutions by allowing the money to follow the student to the school of their choice, it has always puzzled me as to why we exempt grade schools and high schools. We even allow Federal scholarships to let money follow preschoolers to Head Start or the child care program of their choice. Many States allow juniors and seniors in high school to let money follow them to the college of their choice.

We have gotten in this rut, and it is not clear how we got there but some people are determined to keep it forever. The ones paying the price are the poor kids of America.

We just finished what has turned out to be a very unpopular set of tests in Tennessee and America, the leave no child behind test. In our State, some of the superintendents and teachers were up in arms. They said: We are not a failing school.

I said: I would not get too proud or too embarrassed about the scores in Tennessee or California because all the leave no child behind tests are demonstrating is what we already know, which is that in most of our schools in America, even some of our finest schools, there are some children who are not learning to read. They are not learning to compute. Almost all of those children are disadvantaged.

We can ignore that and adopt a new slogan that says leave no more than 35 percent of our children behind and go right on to decide to try some other things.

As the Senator from California said, one thing we could try is to allow the District of Columbia to spend its money helping 2,000 of those children who are poor and in failing schools, help them go to a school of their parents' choice and see whether that helps.

Some people say the school choice plan is a think-tank plan, maybe a conservative plan, maybe even a Republican plan. It is none of that. Let me give an example. One of the most distinguished educators in America is a man named Ted Sizer, at Harvard University, a graduate student during the Lyndon Johnson days. He was a "power to the people," Johnson liberal Democrat. As his graduate degree thesis in the late 1960s, Ted Sizer published a proposal called "The Poor Kids Bill of Rights." The idea was that part of the war on poverty, under the LBJ programs, the Federal Government should give $5,000, in 1969 dollars, to every poor kid—he defined poor as middle income or below; which meant half the kids—give $5,000 to half the children in America and let it follow them to the school of their choice.

That proposal came out of the 1960s from Ted Sizer, out of Harvard, out of Lyndon Johnson's philosophy. It is as true to that philosophy as it is to Milton Friedman's philosophy.

I like better what the Senator from California said. She was not so interested in a philosophy. She was interested in parents and kids on the street. That is who we should be listening to. If the Mayor and the chairman of the city school board say: We have tried everything. We are spending $11,000 per kid; we are putting more money into charter schools; we are improving our schools, but we have all these children who are not learning to read, could we not try to give them a chance to go to some of the same schools that they could go to if their parents had some money? That is all they are saying.

I am very glad to have been here today to hear the Senator from California address the Senate. I am glad she is here to make a difference. I am glad the District of Columbia Mayor is here to make a difference too.

Everyone, after being here for a while, looks to the end of their careers and wonders what it will look like when looking back. My guess is when the Senator from California and the Mayor of the District of Columbia look back—these decisions, which are courageous in a political sense, are decisions they will take great pride in years to come.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to support the inclusion of the District of Columbia School Choice Program contained within the fiscal year 2004 District of Columbia appropriations bill. I urge my colleagues to defeat any attempt to weaken or remove the program.

I also rise to support the amendment of Senator FEINSTEIN which strengthens that provision in the appropriations bill.

First of all, I applaud the efforts of my friend, the senior Senator from Ohio, Mr. DEWINE, for his efforts to expand school choice for the parents and schools of the District. I also applaud the leadership of Senator GREGG moving this issue forward. I also applaud Senator FEINSTEIN for her courageous support of this program and her very thoughtful amendment to the amendment to the appropriations bill.

My father, a first generation American, used to say that America enjoys more of the world's bounty than any other nation because of the free enterprise system and our educational system. This is true today as it was years ago. If we expect to remain competitive in the world marketplace and maintain our standard of living, this country needs to rededicate itself to the free enterprise and most importantly our educational system.

Some in Congress believe rededicating ourselves to this Nation's educational system means simply throwing more money at the issue, closing our eyes, hoping it will solve itself.

If spending alone ensured a quality education, the District would be one of the best school systems in the Nation. For the school year that ended June 2001, the District spent an average of $10,852 per student. That is the third highest in the Nation. However, the 2002 national assessment of educational progress showed fourth grade students in the District held the lowest scores for writing and tied with Los Angeles for the lowest score in reading. That means 27 percent of fourth graders in the District scored below the basic level in writing, and 69 percent tested below the basic level in reading.

What a dismal message on the state of education for the families who live in the shining city on the hill, the Nation's Capital. What a terrible record to send throughout the country and the world.

We, in Congress, are obligated to do more to help the children in our Nation's Capital. I have often said that the greatest thing one could do for their fellow human being is to help them fully develop their God-given talents so they can take care of themselves, their families, and make a contribution to society. We need to empower families and children with more than just additional funding.

When I was first elected Governor of Ohio in 1990, I pledged to the people that I would draw a line in the sand for this generation of children in Ohio by making their health education my administration's top priority. As I look back, I am proud of that record in Ohio. When I left the Governor's mansion in 1998 for the Senate, Ohio led the Nation in State funding for Head Start. Every eligible child whose parents wanted them in a Head Start Program, early education had a place for them. Many of these Head Start facilities were sponsored by religious organizations and located on the premises of religious organizations.

We were among the Nation's leaders in providing health care for uninsured children. Ohio increased funding for children and family programs by 47 percent while holding State spending to its lowest rate in 30 years. These actions and accomplishments were rooted in the belief that future generations of Ohioans would be served by a government that strived to empower families.

As the Presiding Officer knows, education begins with a family. A parent must be a child's first teacher. It was in this context that Ohio became one of the first States to undertake the challenges of implementing school choice. My colleagues in the Senate know how tumultuous a battle that program faced. It went on for years and finally ended up in the Supreme Court.

At the beginning of the Cleveland scholarship program, we provided 2,000 scholarships to children in grades kindergarten through third grade that would follow them through the eighth grade. Depending on the family's income level, the State paid between 75 and 90 percent of the cost of education. The scholarship amount did not exceed $2,250, which provided a significant portion of the tuition at one of the participating nonpublic schools in Cleveland. The State also provided an equal number of $500 tutoring grants to those students who did not receive scholarships but whose parents felt they needed additional help for their children.

The response to our program was overwhelming. The State received nearly 7,000 applications from Cleveland parents. More than half of the applicants were from households dependent on welfare, and half were from minorities. It was evident from the sheer number of applicants that parents were demanding options that the Cleveland Scholarship Program provided.

Today, the program has expanded. Effective July 1, 2003, students who had previously received a scholarship are now eligible to receive a scholarship for grade 9 in the 2003–2004 school year. And beginning in the 2004–2005 school year, a student who received a scholarship in the 9th grade will be eligible to receive a scholarship in the 10th grade. We are moving them along. Additionally, the scholarship amount has increased. The capped tuition for the 2003–2004 school year is now $3,000.

From its humble beginnings in 1996, with 2,000 students, and total scholarships of $2.9 million, the program has more than doubled its enrollment. Today it covers some 5,200 students. Additionally, total scholarship amounts have increased to almost $10 million.

Since 1998, Indiana University's Center for Evaluation has been conducting longitudinal studies regarding the Cleveland Scholarship Program. So we have been watching it. We put the money out so we could watch how this thing has progressed.

In its most recent study, the center found that students who have participated in the Cleveland Scholarship Program since kindergarten have achieved significantly higher levels than public school students in reading and language skills.

I would also like to call my colleagues' attention to the results of an evaluation of the Cleveland voucher program that was conducted 2 years after it began by Paul Peterson of Harvard University.

In his study, Dr. Peterson found that parents of voucher recipients were consistently more satisfied with many aspects of their child's education than were parents of students in the Cleveland Public Schools. From the quality of academic programs to school discipline, teachers' skills, class size, and so forth, parents whose children were participants in the Cleveland Scholarship Program showed greater satisfaction and enthusiasm than did parents in the Cleveland Public School System.

The Cleveland Scholarship Program is merely one component of a renewal in our education system that needs to occur. I do not stand before the Senate and claim it is a cure-all for all troubled school districts. I think it is very important. Those of us who are supporting Senator DeWine's and Senator Feinstein's amendment are not claiming this is going to be the cure-all for troubled school districts. What we are saying is that it is another option on the education smorgasbord. And as the Presiding Officer so eloquently stated, why not look at some other programs that are out there? A business that is not doing very well starts to look at itself saying: What are other things we could be doing? Let's do some research and development. Let's look at some new ideas. Let's try something else.

I must tell you, as chairman of the Governmental Affairs subcommittee with jurisdiction over the District of Columbia, I support this as one of many options. We need to expand our vision. Instead of putting on our blinders, let's look at some other programs. The legislation offers the positive step toward empowering parents in the District by increasing their involvement in their child's education and offering them more choices.

Families in the District of Columbia have limited opportunity for choice in their children's education, and families have wholeheartedly embraced school choice. In 1996, the first charter schools opened in the District. The 39 charter schools operating in the District of Columbia only educate 1 in 7 children in the District. That is 15 percent of the students. Hundreds—hundreds—are on waiting lists.

Additionally, the Washington Scholarship Fund, a private, nonprofit organization, that provides scholarships for economically disadvantaged families, received over 7,500 applications for 1,000 available scholarships. It is clear that the parents of children in the District of Columbia want more options.

When I came to the Senate, I said I would not mandate a scholarship program on any jurisdiction; they had to want it. It is clear to me that the District of Columbia wants this. And it is just as clear that the District is within the responsibility of the Congress. They are our responsibility. We are not mandating every school district in America. We are increasing options for families in the District of Columbia.

Some would contend this is going to be running throughout the United States of America. We are concentrating our attention on our responsibility: the city on the hill, the Nation's Capital—our responsibility. And we are saying we want to give the parents of those children more options.

The most important thing is that this proposal for fiscal year 2004 has been drafted in consultation with and has the approval of Mayor Anthony Williams—I have talked to him about it; he is passionate about it—Council Member Kevin Chavous, chair of the Council's Committee of Education, Libraries, and Recreation; and Ms. Peggy Cooper Cafritz, president of the DC Board of Education. They are for this. They want this for their children. They are asking us for it.

The bill also contains $13 million for charter schools and $13 million for public schools to assist them with requirements under No Child Left Behind for teacher recruitment, training, and similar programs. Combined, the funds for these three programs represent the largest Federal contribution to the District of Columbia in the history of this country.

Unfortunately, the debate is not focused on the $39 million in new funds for the District. Oh, no. It is on the $13 million being considered for the scholarships. The proposed scholarship program would be authorized for 5 years, giving Congress the opportunity to monitor and evaluate the progress of schools and students—5 years. Let's watch it, just as we did in Cleveland with the longitudinal studies. Let's see how it works out. It would be overseen by the District of Columbia and the U.S. Secretary of Education.

Finally, it is a scholarship program that will help the neediest families in the District, the ones about whom the Presiding Officer so eloquently spoke. Eligible students are children attending low-performing public schools and whose household incomes do not exceed 200 percent of the poverty level. We are talking about a relatively small number of students. I think it is something like 2,000 students who would be eligible for the program.

I would like to stress to my colleagues that this is all new Federal money for students in the District of Columbia. Let me repeat: This is all new money. These scholarships are one piece of a larger proposal to address the educational needs in Washington, DC.

Certainly there is a role for Congress to play. We in Congress have increasingly recognized the need for the Federal Government to serve as the State for the District, a necessity considering the unique relationship between the District of Columbia and the Federal Government.

For example, just 4 years ago, I was the chief sponsor in the Senate of the DC Tuition Assistance Grant Program, which was enacted in 1999. This program provides grants for students graduating from DC high schools to attend public universities and colleges nationwide at in-State tuition rates. In other words, we put the students in the District in the same position as if they lived in the State of Tennessee or the State of Ohio. There is a subsidy by the State so they could go on and get higher education.

It also provides smaller grants for students to attend private institutions in the DC metropolitan area and private historically black colleges and universities nationwide. So we have expanded it beyond just public. We now have private and historically black colleges included. This program has been enormously successful.

There is one final point I would like to discuss. Critics of scholarships argue that scholarships are ways for private schools, especially religious schools, to get rich quick. Incredible, just incredible. It is not true. As my colleagues may know, tuition for a student does not cover the full cost of educating a child. The difference currently is made up by private donations.

Many schools in the District run by the Archdiocese of Washington are struggling financially and would not be able to support a large influx of students. The Archdiocese estimates needing an additional $5 million in the first year alone, should the Archdiocese fill all open seats in their schools with students on scholarships. It basically means, if they opened their doors and took advantage of the scholarship program, for them to do that, they would have to go out and find $5 million someplace in order to educate these children.

It is the same thing in the city of Cleveland, with our nonpublic schools. We have hundreds of low-income kids who are not Catholic who are attending Catholic schools. My mother was a volunteer librarian at one of them where 70 percent of the kids were non-Catholic. There was not any proselytizing going on.

The reason they opened their doors is they believed in the two great commandments—love of God and love of fellow man. They believed the best way they could witness their faith is by reaching out and making a difference in the lives of these children, developing their God-given talents so they can take care of themselves and their families and make a contribution to society.

I will never forget one of those students was a player on the Ohio State football team. He was a big center. He went to the school where my mom was a librarian. I went out there to one of their practices. He almost picked me up, and he looked at me and said: Are you Mrs. Voinovich's son?

I said: Yes, I am.

And he talked about the wonderful experience he had at St. Aloysius and the difference it made in his life so he could go on to high school and get a scholarship to play football.

This is what we are talking about. Why anyone would deny a student in the District the opportunity that students have had in the city of Cleveland and other places throughout the United States is simply beyond me. It is not the end of the world, if this is adopted. That is ridiculous. This is a small experiment to give people an option in their children's education.

Over the years it was argued that the Cleveland scholarship program was unconstitutional. I argued it was constitutional. I am not going to make that argument because the Presiding Officer made it in his presentation just before me, in terms of kids having money. The money goes to them, and then they can go wherever they want to go. That is in the American tradition. That is how thousands of Americans got their college education through the GI bill. The Supreme Court, on June 27, 2002, upheld the Cleveland scholarship program. When they did that, I labeled it a victory for hope. We have seen wonderful successes in Cleveland of children excelling in school, when the doors of opportunity were opened and parents could choose to offer what they believed is the best education. I believe all families deserve those options. I urge my colleagues to support this legislation for the families in our Nation's capital.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the DC Appropriations Subcommittee, I thank Senator DEWINE and Senator LANDRIEU and their staffs for their hard work on this important legislation.

This is never an easy bill. I have been ranking member of this subcommittee in years gone by. It appears every Senator or Congressman, whoever in their weakest moment or wildest dreams wanted to be a mayor or a member of a city council, decides they can play the role when it comes to the DC appropriations bill. Thank goodness for Delegate ELEANOR HOLMES NORTON who has stood fast year after weary year, beating off every assault on home rule with some success and a few setbacks. But this bill is a tough one. It is always a tough one.

Members of Congress will do on this bill what they wouldn't dare do in their own districts or State. They will force on the District of Columbia things they would never even consider doing at home. They think it is easy. This is an area of America which, sadly, does not have a vote in Congress nor in the Senate. Frankly, they don't have to answer to the voters of the State. So when it comes to experimenting and doing what you would never suggest at home, it is usually the DC appropriations bill that becomes that laboratory, that political playground.

Senators DEWINE and LANDRIEU, with very few exceptions, have done their level best to make certain this year's appropriations bill did not deteriorate into that particular situation. I want to take a few minutes to underscore that there is much in this District of Columbia spending bill that merits our collective endorsement.

As has been outlined, this bill provides $545 million in Federal funds, the bulk of which will fund the District of Columbia Courts, Defender Services, and the Court Services and Offender Supervision Agency, CSOSA, for the District of Columbia.

Since the enactment of the District of Columbia Revitalization Act of 1997, these three entities are funded entirely by Federal appropriations. The Revitalization Act made substantial changes in the financial relationship between the Federal Government and the District of Columbia and in management of the DC government.

Under revitalization, the Federal Government's cash contributions to the District budget were substantially reduced. In exchange, financial responsibility for several governmental functions was transferred from the District's budget to the Federal Government.

This year additional resources are being provided to the DC courts to integrate the 18 different computer systems that track offender and litigant information. In addition, the bill provides an increase of $6.8 million over the President's budget request which will allow CSOSA to enhance its supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

In addition, the bill continues level funding for the DC resident tuition program, a very successful initiative Congress established in 1999 which permits DC high school graduates to attend out of State schools at in-State tuition rates.

Among other items, the bill also provides Federal funding for hospital bioterrorism preparedness; for security costs related to the presence of the Federal Government in the District of Columbia; for support of the Anacostia Waterfront Initiative; and for the Children's National Medical Center.

It is important to recognize and emphasize that about 93 percent of the funds contained in this bill—fully $7.43 billion, $6.33 billion in operating expenses plus $1.1 billion in capital outlay funds—are not Federal funds, but locally-generally revenue which must be approved by Congress before the mayor can execute his budget and begin spending these local funds.

The District of Columbia does not enjoy autonomy over the local portion of its budget but must await a congressional imprimatur. Senator SUSAN COLLINS has introduced bipartisan legislation designed to change that, which I hope we will have an opportunity to consider during this session of Congress.

Senator DEWINE and Senator LANDRIEU have collaborated on producing a thoughtful product. We owe them a debt of gratitude for tenaciously juggling municipal needs, amid Federal funding constraints.

I have been in their shoes as either chairman or ranking member of the District of Columbia Subcommittee and was honored to serve. I quickly learned from that experience that while the DC spending bill is technically the smallest of the 13 appropriations bills we consider each year, it usually is among the more contentious ones.

The issue before us is the issue of school vouchers. It is not just another debate about another DC appropriations measure. If this is adopted, it will be the first time in the history of the United States that the Federal Government will pay for private school vouchers in grades K through 12.

This issue was brought up a few years ago when President Bush suggested sweeping reform of public education and some of his allies said: Let's put in school vouchers for private schools at the same time.

In the Senate we took a vote on that issue. If I am not mistaken, the vote was 41 in favor of school vouchers, 58 opposed. I raise that vote because it will be of interest to see what happens now when this issue goes beyond a national program and is confined to the District of Columbia. I suspect many of those who said "we don't want school vouchers in our State" are going to say "but we will allow them to have school vouchers in the District of Columbia." That is unfortunate. It reflects an attitude toward the District of Columbia which is not complimentary. Mayor Williams is here on the floor with Delegate NORTON. I respect him very much. We agree on much more than we disagree, though we disagree on this particular issue. He was treated with a Faustian bargain. Here was the bargain the Republicans offered to him. They said: If we give you $13 million for your public schools that you had not anticipated and $13 million for your charter schools that you had not anticipated, will you sit still for and embrace and endorse and help us pass the first federally funded voucher program for private schools in America?

The District of Columbia struggles with a lot of spending problems. There are a lot of reasons for it I will not go into. I know he must have looked at this long and hard and thought: This is something I will have to agree to. To get $26 million for public schools and charter schools, I am going to support the Republican voucher program.

That, unfortunately, was the decision he made. I say "unfortunately" because my respect for him has not diminished, but I am concerned that the decision he made for the District of Columbia is a departure from where the District of Columbia has been year after year when this appropriations bill has come up. For year after year the District of Columbia has said to Congress, respect home rule. Let us make our own decisions. Now this year they have done 180 degrees. The Mayor has said: When it comes to our schools, which is the responsibility of DC local government, we are going to allow the Federal Government—in this case the Congress—to create a school scholarship program, vouchers for private schools.

DC could have done this on their own. They could have done it over the years. They didn't. There was a reason they didn't. It isn't that they didn't consider the possibility of vouchers for private schools. They considered it and voted on it and overwhelmingly voted against it. The residents of the District of Columbia, in referendum, overwhelmingly opposed vouchers for private education, overwhelmingly opposed diverting public money from public schools into private schools. That is what the people think about the concept.

It isn't confined to that concept. The Mayor's own city council opposes this, and the elected members of the school board also oppose it. But the Mayor and the president of the school board support it. They have entered into this bargain with the Republicans to go forward with a voucher program, the first federally funded diversion of public funds from public schools to private schools in the history of the United States.

It is momentous. What is particularly noteworthy is that this measure comes to us not after committee hearings, deliberation, a markup process with amendments, but comes to us, frankly, in a package in this appropriations bill which we are now changing with some drama on the floor of the Senate even as I speak.

Senator FEINSTEIN of California came forward with an amendment. She had made it clear in the Senate Appropriations Committee that she supported the voucher plan for the District of Columbia. Many of us pointed out in that hearing some deficiencies in this plan. Understand, we were given this voucher program in the Appropriations Committee where we don't usually entertain anything of that complexity—not that it isn't done, but it is done rarely—and we were given it on a take-it-or-leave-it basis. As we considered what was proposed to us, a lot of questions were raised.

Let me cite an example of one amendment I offered in the Appropriations Committee to give an idea about the mindset that is pushing this forward. I offered an amendment which said: You cannot give vouchers to a private school—public money to a private school—unless the teachers in the private school receiving the voucher money have a college degree and the school physically complies with the life, health, and safety code of the District of Columbia.

That seems fairly reasonable for my colleagues who have voted for No Child Left Behind. Remember the President's program? The President not only required college degrees for teachers, but imposed even higher standards of excellence over the years. So to require a college degree at the private schools where we are sending public tax dollars is not a huge leap or a radical idea. It is consistent with what the overwhelming majority of the Senate said would be the minimum standard for public schools in America. To say that any private school that is supported with public taxpayer dollars has to be safe for the children—fire escapes, and alarms, the appropriate exit doors, and the like—it seems to me is just common sense. I am sorry to report to my colleagues that amendment was defeated.

Senator FEINSTEIN and the Republicans who support this DC voucher bill opposed my amendment which would have required a college degree of teachers at the private schools and would have required that those schools comply with the life, health, and safety code of the District of Columbia. I might add something. Per capita, the District of Columbia has the largest number of charter schools, which are exceptions to the traditional public school system, of any place in the United States. And even in the DC charter schools there is a requirement that teachers at these charter schools have a college degree.

When I offered the amendment in committee, you should have heard the debate. I actually heard my colleagues say: Senator DURBIN, you don't understand. These private schools are going to be experimental. We are going to try innovative approaches.

One Senator said that would rule out home schooling. Home schooling? Is that what DC vouchers are about? It strikes me as odd that we would want to engage in an experiment in private schools with standards far lower than what we are demanding of our public schools. I have to add, too, that Senator FEINSTEIN's effort to correct that problem, I don't believe, has been successful.

Let me give an example. In this amendment Senator FEINSTEIN offers, which is presently before us, there is a section on teacher quality. In describing it, she stated that all teachers in the schools receiving voucher funds must have a college degree. That is not what the amendment says. What it says is that only those teachers who teach the students on vouchers need a college degree. So this means, frankly, a school could put all of the students on vouchers in one classroom with a teacher with an associate's degree, which is a college degree. So I don't believe it was very carefully drawn. It doesn't meet the minimum standards we expect of schools in America.

Let me tell you what else is deficient in the Feinstein amendment. The amendment falls short of the requirements that we all voted and imposed on public schools in America, where we said it is not enough to have a college degree. We said in public schools we are going to require not only a bachelor's degree, but certification of ability to teach, and particularly "subject area mastery." What does that mean? If you want to stand in front of a high school class and teach chemistry, you must demonstrate that you have taken the appropriate amount of training in college to teach chemistry. Our understanding is that all of the statistics show that when the teacher in front of the classroom has not studied the subject, is merely reading a chapter ahead to stay ahead of the children, the students don't learn much. So we have said for public schools across America, this is our minimum standard—a college degree, bachelor's degree, certification, and evidence of mastery of the subject.

It means in some of my schools in Illinois that they are saying we know you have taught biology for many years and you are good at it, but you don't have the requisite number of college degree hours to meet President Bush's requirements of No Child Left Behind. You have to take biology classes in college to meet President Bush's minimum requirements for public schools.

Turn the page to this debate. In this debate, we hear from Senator FEINSTEIN and supporters of the DC voucher program that we are not going to hold the teachers in the private schools receiving Federal tax dollars to the same standards as teachers in the public schools in the District of Columbia. Something is wrong with this picture. Either we were mistaken in imposing the standard on public education, or they are lax and deficient in not requiring the same standards of teachers in private schools in the District of Columbia where these children are going to go to school.

Some of them have said this is just an experiment, and we are just going to see what happens. I can recall when my own kids were growing up and the school year started. After a few weeks, you get to meet the teacher. Before that, you may have said to your son or daughter, how are things going? They might say: Oh, I really like this teacher, or I am not getting along with the teacher. And you thought to yourself, I am going to work with my son or daughter and talk to the teacher and try to make things right. But there is a real possibility that students in some schools, public and private, can be thrust into a situation where they not only have a bad year, they have two straight bad years—bad years with teachers who are not up to the academic levels that we should require. The experiment may fail for those students. They may be in classrooms where the teachers are not ready to teach and where, frankly, the teachers don't have the background to even consider teaching.

What happens to that student after one bad year in this experiment? Can they catch up? It is possible but more difficult. Now give them a second bad year.

This is an experiment with the lives of students. To think that a child can have a bad experience in the fourth grade and fifth grade and then catch up in the sixth grade may be wishful thinking. Some students are struggling with challenges that I never had and that my kids, thank goodness, never faced. To put them in this experimental atmosphere where teachers are not required to have the same basic minimum qualifications as teachers in public schools is a disservice to those children and their families.

We hear about experiments taking place in other places, such as Cleveland and Milwaukee. We read about one in the Washington Post the other day, where a convicted rapist, a fellow, started Alex's Academics of Excellence. He received $2.8 million from the State of Wisconsin. It turned out that the students were not getting the kind of education they deserved there. They said it was very difficult for anybody to say no to someone who opened a school and said they were going to abide by all of the requirements of the law. That experiment failed, but it didn't just fail for those who wrote the law, it failed for those kids and their families.

Why would we say, if there is going to be a DC voucher program, that the teachers in private schools wouldn't at least meet the standards we require of teachers in public schools? Sadly, the Feinstein amendment doesn't do that. That may have been her intent, but I am afraid she didn't quite reach it in terms of satisfying that need.

There is another point that concerns me, too, and that is testing. If this is to be legitimate and honest, you would have to take the students who are in private schools and test them with exactly the same tests students in public schools take. Then you could at least compare progress. These students may be somewhat self-selected because they decided to go to a private school. At the end of the day, you ought to be able to compare test scores, in fairness, to not only the private schools but to the public schools.

Listen to what the Feinstein amendment says. It says: Student assessments are not a requirement imposed on the school; rather, it is placed on the fund recipient—a very unusual allocation of responsibility—the fund recipient that administers the voucher payout. I don't understand why the schools don't have this requirement.

The amendment goes on to say that the tests for voucher students must be the "same as" school year 2003–2004. In a way that seems to answer my challenge that the same tests be administered in the private schools as in the public schools. But read it more closely. If these are the same tests as required in school years 2003 and 2004, consider that this is proposed as a 5-year program. So what this means is that all of the students in all grades would have to be tested as required by No Child Left Behind for public schools. Why? Because the requirements for testing in No Child Left Behind take effect and change each year.

So what Senator FEINSTEIN set up as a standard is a testing for this year only, instead of just saying pointblank the students in these schools will be tested with the same frequency and the same tests as No Child Left Behind, she has instead said only one year's testing standards, 2003–2004.

For example, by 2007, there will be a science assessment required under No Child Left Behind. So public schools across America will be taking tests indicating competency in science. Under the Feinstein amendment, they do not have to worry about that. They are only held to the standard of 2003–2004.

There is no duty in this law, as we read it, to report the findings of those tests publicly, even to the parents, only to the Secretary of Education. Why not? Where I live, the State of Illinois—the State of Ohio and other States—school test scores are reported publicly so the parents know, taxpayers know, whether the schools are performing. The Feinstein amendment does not require this.

Now here is another thing I find curious. The Feinstein amendment requires the comparison made for those students tested must include testing not just students still in public schools and students who are now in private schools being funded with public funds, under vouchers, but also a third class, those students who applied for vouchers and were rejected. So we have a third category of students who are going to be a control group for testing.

I do not quite understand this, but I do think the concept is at least challengeable, because there is no doubt in my mind that the private schools are not going to rush to accept students who are going to be problem students and challenging students. So there will be the rejected students having been controlled out into a cherry-picked group being tested separately.

It is possible these students are likely to test worse. The private schools did not want to take them in because they are going to be held accountable for some 2003–2004 tests. Why the Senator has decided to include this, I do not know.

So when we look at this bill overall and consider the elements in it, I am afraid Senator FEINSTEIN's attempt to correct the problems does not quite solve the problem. We still have some major deficiencies in this bill.

What bothers me, too, I read in the paper this morning that the Mayor has said he wants new authority over education in the public schools of the District of Columbia. At the risk of stepping on the toes of some of my friends, I think the Mayor is on the right path. The reason I say it is this: Many of the people who are supporting voucher programs have given up on public education, for a variety of reasons. For some political reasons, they believe the teachers' unions support Democrats and they are going to go after public education and they are going to fight the teachers' unions. Others have said, just look at the results. Some of the public schools are not very good. Therefore, there should be an alternative.

If one takes an honest approach to this, the first obligation of elected officials in this country is to the system of education which built America and the system of education which serves more than 90 percent of America's school children, and that is the public school system.

I say to the Mayor of Washington, who has joined us today, and all those who are following the debate, do not give up on public education. Things are happening that are positive in the District of Columbia. Frankly, I think they have been ignored and played down and there has been a disservice by some of the rhetoric we have heard about DC public schools.

There are good things happening: Charter schools and transformational schools, big changes that are moving in the right direction. I ask the Mayor, before he gives up on the public school system and says we have to have vouchers, that there is no other way but to take public tax funds and send them to private schools, before he gives up on public education, come to Chicago. Come and look at what has happened there. In our Chicago public school system, we have 95 percent minority students and 85 percent students under the poverty level. Yet in a rather brief period of time we have seen dramatic increases in test scores because the mayor of the city of Chicago assumed a personal responsibility for the public school system, brought in some of the most talented people he could find, challenged the parents, the teachers, the principals, and the students to do a better job and got the results to show for it.

My colleagues do not have to give up on public education. They do not have to say there is no alternative but to let kids escape public education and go to private schools. There is a lot more that can be done. It takes some hard-nosed, tough-minded leadership, but I think the Mayor may be on the right path in what he said this morning. He is willing to accept more of this responsibility personally and maybe that is what is necessary.

The Chicago experience tells me it has been a good experience. When the mayor had the power and the responsibility, good things happened. Come with me to the city of Chicago and take a drive through many tough parts of that great part of town. Homes will be found where people in the lower and middle income are struggling to keep it together and then, like a mirage or an oasis, one will see the public school where over the last several years the Chicago public school system has dedicated dramatic amounts of money to renovate these schools and bring them back to a source of pride in the community.

No graffiti will be seen on the walls of the school. Flowers will be seen planted outside and the people in this neighborhood point to that public school with pride, because the mayor was proud of those schools and because the people in the neighborhood are, too.

If that mayor or any mayor had said these public schools are a failure, we are walking away from them, then frankly it would have created a negative environment. We need a positive environment for education. Moving to this voucher plan, without adequate hearing, without the consideration of the options that are available to us, frankly is a move in the wrong direction.

I also say to my colleagues that as I read through this bill, they must, I hope, acknowledge the fact there are several things that could happen they do not anticipate. For example, there is no prohibition in this bill that the 1,000 to 2,0000 vouchers that are created, whatever number they turn out to be, will all be given to children who are already in private schools. There is no prohibition against that. Though they start with a premise and a goal of moving kids from lower performing public schools to higher performing private schools, in fact the testing is not there for comparison.

Second, there is no requirement that the family of the student receiving the voucher actually bring the student from a public school to a private school. This could end up diverting a substantial amount of money to students, and their families, already enrolled in private schools. Like it or not, the bill is inartfully drawn, and having been so poorly drawn, that could be the outcome. So they will not be proving much of a case there, will they, if students are already in the private schools?

I can go on for some time about the experiments with vouchers in private schools. I want to close, because I see Senator KENNEDY is in the Chamber and I imagine he would like to make a comment on this bill. If he does, he is certainly welcome to.

I will close my comments on the Feinstein amendment by urging my colleagues to oppose it. Senator FEINSTEIN has identified the problem. She has not identified solutions, not good solutions, not solutions that are worthy of the first-ever program in the history of the United States to divert funds from public schools to private schools under a voucher program.

From my point of view, private schools in many communities add a lot to education. I am not an enemy of private education. I am a product of Catholic education. My wife and I both attended Catholic schools, as did our children. But we understood our responsibility. Our responsibility was first to pay our public property taxes, to support public education, and then if we chose, for religious reasons or whatever reasons, to send our children to a Catholic school, we accepted the financial responsibility of paying tuition. It was a sacrifice for many families. I think they add a lot.

I think we should take care here. We are creating a new system in the District of Columbia, and there are few protections and safeguards, if any, to stop the possibility that at some point after we have passed this bill that some group will decide to open up a private school and draw in hundreds of thousands of dollars of public taxpayer funds and the teachers in those schools may not have college degrees, only associate degrees, the testing in those schools may not match what is going on in the public schools, and the schools will be allowed to discriminate against students for such things as disabilities where they will not allow any children in who have any kind of learning disability or any physical or mental disability, which would be allowed, incidentally, under this proposal.

Is that what we want to see happen? Is that what should be the first test case of this experiment in the voucher program? I think not. I urge my colleagues to oppose this amendment. I urge them to think long and hard that if they voted against vouchers for their States, why is it now we are making an exception because the case in point involves the District of Columbia?

These students and their families deserve the same respect as the students and families in all of our States, and I urge my colleagues to keep that in mind as we consider this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, my friend and colleague from Illinois has once again demonstrated why he is known as certainly one of the best, if not the best, debater in the Senate. He does an absolutely excellent job. I always enjoy debating with him. I thank him for his contribution to this debate. I know we will have the opportunity to continue to debate in the days ahead.

My colleague from California, Senator FEINSTEIN, will, in a moment, talk about her amendment and will respond to Senator DURBIN's comments about her amendment. But I would like to make a couple of comments first about Senator DURBIN's comments.

My colleague from Illinois talked about where this plan came from. I talked earlier about the fact that it is a three-pronged program. That is what I like about it. I happen to like the fact that a third of the money goes to the public schools, a third of the money goes to the charter schools, and a third of the money goes to this new voucher program.

Somehow, my colleague seems to know—I don't know how, but he seems to know how this program started. Somehow he seems to know in his wisdom that this program was some sort of bargain deal. The House Republicans came to the Mayor and said: Mayor, here's the deal.

It is a funny thing. The Mayor, under the rules of the Senate, cannot come down here and speak. But if someone would happen to ask the Mayor, not on the floor—you can't do that; that is against the rules, but if someone someday would happen to ask the Mayor what the truth is, what the Mayor would say is that is not true, and this was the Mayor's idea; that the Mayor and his people said they wanted. This is the program we want. We want a balanced program because what we want is a choice for the children and the families of the District of Columbia. We want a balanced program.

Yes, we want more assistance for the public schools—and the Mayor has a consistent record of trying to get more money for the public schools of the District of Columbia, and he is not bashful about that. He should not be bashful about it. And he is proud about it. Yes, he wants more money to create more charter schools. Everyone who will vote on this bill needs to understand when the issue comes, when Senator DURBIN tries to strike the money, what you will be striking is $13 million which will create more charter schools, four or five more charter schools in the District of Columbia. Everyone needs to understand that.

The Mayor is proud of the fact that the District of Columbia has created more charter schools. I must say my colleague, Senator LANDRIEU, has been integrally involved in creating those charter schools. It is something she cares passionately about.

Mr. DURBIN. Will my colleague yield for a question?

Mr. DEWINE. If I may finish the thought and then I will yield.

The Mayor also said: I want more money for my public schools. I want to continue to improve them. I want more money for the charter schools. We are proud of what we are doing in that area. And third, I want to create the voucher program.

So let's clear that up. If anyone has any doubt about it, ask the Mayor. Go to the source. What the Mayor will say is: It was my idea. I am the one who had the idea. My people put the program together. We requested it. This is what we want.

I will be more than happy to yield, not the floor, but for the purpose of conversation with my colleague.

Mr. DURBIN. I thank my colleague from Ohio.

I would like to ask through the Chair, I certainly will be ready to yield whenever he would like to ask me a question because I think this is an important part of the debate, but I ask my colleague if he is aware of two things. First, the amendment I am going to offer will take the $13 million out of the school voucher program and divide it equally among the public and charter schools. The money goes back into public and charter schools, so they will end up with about $20 million each, instead of $13 million.

Mr. DEWINE. In response, I have not seen the amendment of my colleague.

Mr. DURBIN. I thank him for acknowledging that.

Second, I ask my friend and colleague from Ohio if he is aware the Executive Office of the President released a Statement of Administration Policy on September 24. In reference to this particular program it said as follows:

> The administration is pleased the committee bill puts $13 million for the President's School Choice Incentive Fund Initiative. . . .

It doesn't refer to Mayor Williams' School Choice Incentive Fund Initiative.

Mr. DEWINE. In response to my colleague, we all like to take credit for many things. I am sure the President is taking credit for this. I am sure I will probably take credit for it, too, if it passes. There will be many fathers and mothers of this program.

All I know is what the Mayor will tell us. The Mayor will say this is a program he put together.

What I would emphasize to my colleague is that this is a program that the Mayor says is a balanced program.

I will quote from a letter the Mayor has sent to me. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, September 11, 2003

Hon. MIKE DEWINE,
Chairman, Senate Committee on Appropriations, Subcommittee on the District of Columbia, Washington, DC.

DEAR CHAIRMAN DEWINE: Thank you for your leadership on the District of Columbia's FY 2004 Appropriations bill. By any measure, it is a great bill for the city. In particular, I am grateful for your support for the District of Columbia School Improvement Initiative, which will help us advance the important school reform efforts underway. Certainly, the private school scholarship element has generated significant debate, and I hope that I have made the case to your colleagues that its passage is consonant with home rule and will strengthen our public education system.

I, along with the Chair of the District Council's Education Committee, Kevin Chavous, and the School Board President, Peggy Cooper Cafritz, believe that we must continue to do everything possible to strengthen our nation's public schools. This is why, in addition to a private school scholarship program, we have insisted on strong federal financial support for both the District of Columbia Public Schools (DCPS) and the public charter schools.

Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools, which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Since our city began to debate the issue of expanded school choice, there has been speculation that this initiative will have an impact far beyond the borders of Washington, DC. Some say that what we do in the District will affect national education policy and the likelihood of pilot programs in other cities. For me, however, the issue of vouchers is more localized.

This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city, and without a state government to which, under normal circumstances, I would make this request. In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

You have been a strong supporter of the District of Columbia and of our aspirations

> for self-government. Our city continues to improve in many ways. I hope we can count on affirmative action from the Senate in support of the School Choice Improvement Initiative and the entire FY 2004 District of Columbia Appropriations bill.
>
> Again, I thank you for the extraordinary leadership and commitment you have shown toward the District. I look forward to continuing to work closely with you in taking the necessary actions to support the District of Columbia.
>
> Sincerely,
>
> ANTHONY A. WILLIAMS,
> *Mayor.*

Mr. DEWINE. This is a letter dated September 11, 2003, to me as chairman of the Subcommittee on the District of Columbia, a two-page letter from Mayor Williams to me.

I would like to quote a part of this letter to my colleagues. This is the third paragraph:

> Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools, which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

What the Mayor clearly is saying is that as we improve our public schools, as we have the charter schools, we need another alternative for some of our students.

Let me quote again, if I could, from the letter:

> The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Let me quote another part of the letter:

> This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city. . . . In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

At this point, before I yield to my colleague, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CARPER. Will the Senator make the request again?

The PRESIDING OFFICER. The Senator has requested the yeas and nays.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will withhold.

The question is on the call for the yeas and nays. Is there a sufficient second?

At the moment there is not a sufficient second.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I very much disagree with the position of the Senator from Illinois. I understand this is something that is new. I understand it is something being tried. I understand it turns counter to a lot of what has been done in the educational establishment today. But that doesn't mean it shouldn't be tried.

I wish to correct one point. I asked the Mayor if he believed he got a Faustian bargain. He said no, he didn't. He said: As a matter of fact, I proposed the three-pronged asset portion of this. In other words, one-third of the money would be new money to the schools, one-third of the money would be new money to charter schools, and one-third of the money would be new money to try this special scholarship program for poor children.

I would like the RECORD to reflect the rationale for the language in my amendment on the testing. In order to guarantee a valid and statistically reliable evaluation, we are told it is vital that we have the scholarship student and those students who applied for the scholarship but didn't get it take the same test for all 5 years. If the District should switch tests at some point in the 5-year duration of the program, we need to continue giving the test to start with, which today in the District is the Stanford 9 test. That is a norm-referenced test which is given all over the country, and it would preserve the evaluation. The use of the same exact test for all 5 years is critical to be able to compare apples to apples. If the District changes tests during these 5 years, you have a false comparison; you have apples to oranges. That is the reason the language is as it is.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. May I finish?

Any parent applying for this scholarship must agree that their child will take the Stanford 9 test for all 5 years regardless of whether they receive a scholarship or not.

Let me tell you what this is all about. I recognize the Senator doesn't like it. That is fine. He doesn't have to vote for it. But what this is all about is that 76 percent of DC fourth graders performed below basic in math, and only 10 percent read proficiently. Only 12 percent of eighth graders read proficiently.

That is what this is all about—to see if, by learning some of the basics, these children have a better start in education in a different model, in a different setting, with a different structure than currently exists in public education. It may work. It may not work. But these are all poor children. They are all in failing schools. Why not give them a chance?

I suppose you could fault it by saying, well, everyone who instructs one of these children in these schools should have more than a college degree. Sure. I would like to do it. I don't know that we can condition the requirement in every private secular school or every private parochial school that may accept one of these children.

I took high school classes from nuns who didn't have college degrees. And guess what. I got into Stanford based on what I learned in high school. So I came to realize that these absolute requirements may be right if we are going into this on a permanent basis, but we are not; we are going into it on a temporary basis. This pilot gives us an opportunity to see whether these children progress better in different settings. What is the difference if those different settings happen to be private parochial, or they happen to be private secular school settings?

I cannot tell you how many parents write to me and ask: Can you help me get my child into a private school? Please help me. These are parents who have funds. What about the parents who do not have funds? They don't have a chance at this. All this does is give them that opportunity.

If you do not like it, don't vote for it. That is easy. But some of us want to see what works and what doesn't work.

They said the same thing to Oakland Mayor Jerry Brown about his idea to start a military school in Oakland. A public military school? Horrors. The school board voted it down. Fortunately, the Mayor of Oakland is a persistent personality. He went to the State and got a special charter to open a military school so that youngsters from the deeply troubled socioeconomic areas in the city of Oakland would have a shot of going to college. Now they have 350 kids who are 3 years into the program, and they are testing as the second best middle school in Oakland. That is discipline. It is amazing. Different models work for different youngsters.

That is why I am supporting this approach.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. You might not find the "i" dotted or the "t" crossed exactly the way you would like to have the "i" dotted or the "t" crossed.

This isn't a program that is national. It is not a program that is going to exist for 50 years. It is a program that is going to be tried for 5 years. Either poor children will do better or they won't. And the test is going to be——

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I don't know whether I want to yield to the Senator or not.

Mr. DURBIN. Just say no. No is also an answer.

Mrs. FEINSTEIN. I beg your pardon?

Mr. DURBIN. No is an answer, if you don't want to answer.

Mrs. FEINSTEIN. I am thinking about it.

Mr. DURBIN. It is your prerogative.

Mrs. FEINSTEIN. Yes. I yield.

Mr. DURBIN. I thank my friend and colleague from California.

I have no doubt that she offered this amendment—I say through the Chair—to address some of the concerns raised in the committee.

I ask my friend from California to turn to page 2 of her amendment and consider paragraph B on page 2. I will read it. It says:

> Use the same assessment every school year used for school year 2003–2004 by the District of Columbia public schools to assess the achievement of DC public school students.

I will ask the question, and then I will sit down.

Mrs. FEINSTEIN. Fair enough.

Mr. DURBIN. Currently, the DC Public School System, like many public school systems, is in transition under the No Child Left Behind Act and the 2005 requirement that students be tested every year. Currently, their public school students are only tested every other year.

By establishing as a standard for the next 5 years for the District of Columbia voucher program using the 2003–2004 assessments, the Senator is saying they will only be tested every other year, while students in public schools by the year 2005 have to be tested every year.

If the Senator had said here that you will comply with the No Child Left Behind Act testing requirement, it would have been easy. But instead, you picked one particular year, and I don't think you reach the standard which you have described to our colleagues.

Is that true or not?

Mrs. FEINSTEIN. What you have just stated and what I have been told is that in order to have a fair test evaluation and compare apples to apples, the same test has to be used, which in the District is the Stanford 9, for the 5-year period. So that is the test now being given. If the District changes—I think it is called a criterion-based test—and I gather the District is considering changing them, this control group would still have to take the Stanford 9 to see if they have progressed.

Now I am told if somebody says, I am happy to change it, I am told you cannot get a fair test if we change it.

Mr. DURBIN. If the Senator will yield the floor, I would like to ask this question.

Does the Senator understand that by the year 2005 under No Child Left Behind, every public school in America, including the District of Columbia, will have to test every grade every year; but in the current school year, schools are moving toward that goal. In the District of Columbia they are only testing every other year.

It is not a question of changing the test. I am asking the Senator from California, does she understand if we stick to the 2003–2004 standard, she will only be testing every other grade while every public school in the District of Columbia and across the Nation will be moving to every grade, every year by 2005? Her bill, her standards, will not be following that same assessment.

Mrs. FEINSTEIN. As I understand it, the Stanford 9 is a nationally norm-referenced test. It can certainly be given every year, and I believe the Mayor will agree to that.

If your question is, Are you saying the students will be tested every other year instead of every year, what I am saying is we can use it every year. If you are saying we want the test to change in the middle of the test period, I am being told that will mess up any fair evaluation.

Mr. DURBIN. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

Mr. DURBIN. I am not suggesting changing the test. The same test should be administered in a private school as administered in a public school.

I am suggesting to the Senator, as she has written this amendment, the 2003–2004 testing in the D.C. public schools, her standard for 5 years only tests every other grade. By 2005 every grade will be tested. It is not the substantive test that is the issue. It is a question of whether every grade will be tested every year.

The reason I raise this, and I hope the Senator agrees, should have been worked out in the education committee after hearings and markup in the amendment process. We are doing it on the fly, on the floor, creating the first private school voucher program in America and discussing as we go.

That is my concern.

Mrs. FEINSTEIN. I appreciate the Senator's concern.

If the Senator from Ohio agrees, I am very happy to have my amendment modified to provide that the voucher recipients and the students in the control group be given the same test that all District public schools students are given.

With respect to this being done in the education committee, I probably agree, except it would probably get bogged down one way. The reason it is in the appropriations bill is because the Mayor has come to us and asked us for the additional money. The additional money is what brought this on. Once the additional money was in the bill, then the terms of the money came to bear and the bill had to be written.

It is not easy. There are powerful forces against it. People do not want to try it. I do. I hope a majority want to try it. We have tried to do the best we can.

Even more importantly, what has been developed here is a relationship between the city and Members of this Senate with this Mayor. I happen to respect this Mayor. I am a taxpaying citizen of this District. I have been so for 10 years. I used to go down the street where there was a pothole so big somebody plugged it up with a mattress. I am very pleased to say, Mr. Mayor, that pothole is gone now. The District is in much better shape. People are coming back to the District. He wants this.

The question was also raised, it is easy to do it here. I am not in my own jurisdiction. I tried to point out, the mayor of Oakland came to me in my own jurisdiction to do something that was a new model; I agreed to it. I am going to look at new models and try to support them where I can, also support teachers, also support Title I, and also support public education.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783, AS MODIFIED

I ask the Member from Ohio if he would be in agreement that we submit a modification and ask our amendment be modified to reflect that the test be given annually?

Mr. DEWINE. I would certainly have no objection to that. It at best is ambiguous. It is always good to clarify.

Mr. REID. Mr. President, may I direct a question to the Senator from Ohio?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California has the right to modify her amendment. However, to do so, she would have to send it to the desk.

Mrs. FEINSTEIN. I modify the amendment on page 2, line 3, strike "that are used for school year 2003–2004."

I send that modification to the desk.

The PRESIDING OFFICER. The Senator has the right to make that modification to her amendment. However, she needs to send a modification to the desk.

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 1787), as modified, is as follows:

> On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:
>
> (c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—
>
> (1) ensures that the eligible entity will—
>
> (A) assess the academic achievement of all participating eligible students;
>
> (B) use the same assessments every school year that are used by the District of Columbia Public Schools to assess the achievement

of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

Mrs. FEINSTEIN. I yield the floor.

Mr. DEWINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona.

DO-NOT-CALL REGISTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3161, the FTC's ratification of authority for the Do Not Call Registry, under the following conditions: 45 minutes under the control of the chairman of the Commerce Committee or his designee, and 45 minutes under the control of the ranking member or his designee; of the time under the control of the ranking member, the following Senators be recognized to speak for up to 5 minutes each: Senators HOLLINGS, DORGAN, CONRAD, KOHL, PRYOR, SCHUMER, and FEINSTEIN, with the remaining time under the control of the Democratic leader or his designee; further, that no amendments be in order to the bill; and that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I only ask that the ranking member, Senator HOLLINGS, be given up to 10 minutes out of the 45 minutes under his control.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think everyone should be advised that if all the time is used, we will vote at about 5:35 on final passage of this most important legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be glad for the time to be 10 minutes for Senator HOLLINGS, but I remind my friend from Nevada, Senator HOLLINGS will be controlling the time. So he will be granting himself as much time as he may use because the unanimous consent request is that the time will be under the control of the ranking member or his designee.

Mr. REID. Mr. President, I say to my friend from Arizona, Senator HOLLINGS is the ranking member, and the unanimous consent request does say that. However, he is going to speak and then turn the time over to the ranking member of the subcommittee, Senator DORGAN of North Dakota.

Mr. MCCAIN. Good. But I have always proceeded under the assumption that Senator HOLLINGS can speak whenever he wants to, for however long he wants to. I have found that it has improved our relationship.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, does the Senator from South Carolina care to speak at this time?

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, marketers assault Americans' privacy every day. Businesses track everything we buy and everything we do. It seems the marketers know more about our lives than we do ourselves. It is intrusive, and Americans want the tools to fight back.

But those of us who work to protect Americans' privacy are thwarted every step of the way. The marketers oppose antispam legislation. The marketers oppose decency limits on advertising to children. And the marketers oppose legislation that would allow Americans to "opt-out" of the sharing of their personal information, including financial records.

The one success we have had is the Do Not Call list. The public's vociferous reaction to the court decision yesterday shows the country's desire to win refuge from the marketing onslaught. The public wants the Do Not Call registry. And the public wants the registry to become active next week. We will make sure that happens.

But we have several Johnny-Come-Latelys to our cause. When I was chairman of the Commerce Committee last Congress, we worked with the FTC to create the Do Not Call Registry. But we didn't get much help from the other side. Instead we were unfairly criticized by interest groups for jeopardizing their funding.

We fought to win $18 million for the registry in the omnibus appropriations bill last year. But the House wanted language that would prohibit using that funding absent explicit Congressional authorization. The House language could have stopped the registry. Again, it was an uphill battle, and we had few allies. But we eventually got the bad language removed, giving the FTC the funds to implement the Do Not Call Registry.

Once the FTC opened the list to registration, the response from the American public was overwhelming. By yesterday, Americans had registered more than 50 million phone numbers. South Carolinians have registered 685,393 phone numbers—486,533 through the FTC Web site, 198,855 via phone, and 5 through hearing-impaired devices. The marketers argued that Americans did not want the Do Not Call list, but the American public proved them wrong. Americans want this tool. They want the assault on their privacy to stop. Once news reports showed the Do Not Call Registry was popular, many converted to the cause. And some of them are leading the charge today. We appreciate their support now as we try to overturn a clearly flawed court decision.

To prepare for compliance on October 1, 2003, nearly 5,000 telemarketers have purchased all or parts of the list. Therefore, telemarketers acting in good faith are ready to comply next week.

A telemarketer that ignores the Do Not Call list is subject to an $11,000 fine for each call to a phone number on the Do Not Call Registry. The law requires telemarketers to search the registry every 3 months and synchronize their call lists.

Once consumers register a number on the Do Not Call list, telemarketers are prohibited from calling the number for the purpose of selling goods and services. Consumers who receive sales calls after their number has been in the registry for three months can file a complaint on the FTC web site or call 1-888-382-1222.

The Do Not Call list will not hurt charities seeking to raise money for worthy causes. Charities may still hire professional telemarketers to seek donations. But calls during which a charity or telemarketer seeks to sell something are prohibited to phone numbers on the Do Not Call Registry.

This Do Not Call Registry has been a long time in coming. We are going to take the final step today. The court decision yesterday may even have given the Do Not Call Registry more publicity, encouraging even more people to register their phone numbers.

Opponents of Americans' privacy should take notice: Americans want tools and choices, such as the Do Not Call Registry, to protect their precious time with their families. They also want to protect their private medical and financial information and protect their children from indecent advertising. We will keep fighting.

Mr. President, let's thank Chairman Tim Muris of the Federal Trade Commission, who came to the Commerce Committee last year. And we put in S. 2946, the Do Not Call bill, with some $5 million that was requested. Later on, we found there were well organized holds, whereby we could not even get this bill up for consideration. Yes, we reported it favorably from the Commerce Committee, but we could not get it on the floor to pass it. And it was needed.

Chairman Muris came to me and said he needed $15 million. I talked with Chairman GREGG earlier this year, and in the omnibus bill, with the Federal Trade Commission appropriations, we increased it to $18 million. We could see the demand and see the interest and see the need. So we did just that.

It is good that my distinguished chairman, the Senator from Arizona, is on the Senate floor because the opposition was that it was not authorized. I go right to my experience for over 30 some years on the State-Justice-Commerce Committee, where we have had difficulty over the years passing, for example, an FBI authorization bill.

I remember for a period of almost 20 years we had no authorization. We worked with the chairman of the Judiciary Committee to make sure their wants were taken care of. But we provided the bill; the same with respect to State Department authorization.

So I would only admonish the distinguished jurist who made this ruling about authorization that, yes, the Senator from Arizona is jointly correct with respect to the rules of the Senate but not with respect to the Constitution.

Once you receive three readings in the House and three readings in the Senate, and it is signed by the President of the United States, we have no doubt that law would take effect and this order of the court would be set aside.

However, the triggering date is the first of October, next week, and so I commend my House colleagues and those on the Senate side, and my chairman, Senator McCAIN, in taking this up at this particular time so we can go ahead and take the House bill.

There are many interested in separate bills, and what have you. But right to the point, time is of the essence. Fifty million Americans cannot be wrong, they are all interested in stopping the calls.

With that, let me yield, then, to the distinguished chairman, and then to Senator DORGAN, who will control the time on the floor.

I thank the chairman.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

First of all, I thank Senator HOLLINGS for all his efforts on this legislation. I think he was not a Member of the Senate when the Federal Trade Commission was created, but very close to it, and he has been heavily involved with all the issues surrounding the FTC and the good works they do.

I will speak very briefly. I would like to thank Senator ENSIGN and Senator FEINSTEIN, Senator DORGAN, Senator DEWINE, and many other Senators, but particularly those including the distinguished ranking member, Senator HOLLINGS, for all their efforts regarding this legislation and, more importantly, this issue.

Two days ago, a Federal district court in Oklahoma issued an opinion that could stall the FTC's implementation of a National Do Not Call Registry scheduled to go into effect next Wednesday. The court opined that the FTC was not authorized to create a Do Not Call Registry. I must say that opinion came as an amazing surprise to those of us who have been involved in this issue, and served as a rallying cry for tens of millions of American households that have signed up for the registry.

I understand the judge received so many calls from irate Americans that the FTC could not get through to the court regarding the Commission's appeal. Clearly, the court's decision was misguided.

The measure before us makes crystal clear that the Commission can and should proceed as planned with the Do Not Call list. Earlier this year, in two separate measures, Congress ratified the FTC's Do Not Call Registry by explicitly providing for the Commission to collect fees to pay for it. Today Congress is once again saying, dispositively and unambiguously, that the FTC has the authority it needs to create a National Do Not Call list.

When the FTC proposed to create this registry, I don't think they or even Members of this body had any idea how strongly it would be embraced by a public tired of having their precious leisure time filled with a seemingly incessant string of telephone solicitations.

I understand the FTC's Web site for registering on the Do Not Call list became the fastest growing Web site in history.

One of my favorite programs is "Seinfeld." In one of the episodes that has become famous in reruns, Jerry Seinfeld answers the phone and it is a telemarketer. He says: I am busy right now. Can I call you back at home?

And of course the telemarketer says: No, you are not allowed to do that. You wouldn't like that. Well, neither do I. And he hung up the phone.

Obviously, the issue of telemarketing involves the free enterprise system. Nothing in this legislation would inhibit their ability from practicing that, but it also balances the right of private citizens not to be disturbed if they choose not to be.

During a peak period, the FTC's Web site received approximately 1,000 hits per second. On the first day alone, 3.4 million consumers visited the Web site. In the first 10 days, 10 million phone numbers had been registered. Within the first month, the number had risen to 28 million—quite a remarkable evolution. To date, over 50 million phone numbers have been registered, including nearly 1.2 million in my State of Arizona.

Congress is often accused of being slow to respond. Thankfully, that charge can't be leveled here. Just a few hours ago the House passed this legislation by a vote of 412 to 8. Whenever you see a number like that, you are always curious who the eight are, but the curious decision of one court should not be allowed to frustrate the clear will of Congress and the even clearer will of tens of millions of Americans.

Obviously, we urge our colleagues to support the measure, give consumers what they want by empowering them to say no to what they clearly do not want.

I thank all of my colleagues who have responded to the predictable but certainly overwhelming response to the court's decision in the State of Oklahoma. That judge in the district court will become well known to many Americans as well.

I thank all my colleagues for coming and speaking on this issue. I thank them for their support. Although there is not a need for the yeas and nays, some of our colleagues may want to be on record. So we may want to do so depending on the desires of my friend from North Dakota, a man who understands the will of the populace especially where telecommunications issues are concerned.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I compliment my colleagues, Senator McCAIN and Senator HOLLINGS. This is an important issue, one we believed we had previously resolved only to learn that a court ruled that the Do Not Call list developed by the Federal Trade Commission was "not authorized."

Most of us in Congress and the Senate are surprised by that. Clearly, we authorized that. But if a court needs another authorization, it is something we can certainly do on a Thursday afternoon at 4:15. So this will be done with the support of many colleagues, and I am pleased to say that this is good public policy.

Let me make a couple of comments about the substance. There may be some people who are terribly lonely and whose phone seldom rings except to have an advertiser of a credit card or a long-distance service call during meal time just wanting to visit about their product. There may be some people who welcome those calls, just talk the ear off these telemarketers. I can't say that for sure, but this country is full of very interesting people. As for me and for most of the American people, getting a telephone call in the middle of a meal or getting a telephone call at all hours of the day and night to have someone tell us that we really need a new long-distance service or a preapproved credit card gets a little annoying. Unsolicited phone calls are an intrusion on the phone line that most American people pay every month to have in their home.

I come from a sparsely populated State, a wonderful place. It is 10 times the size of the Massachusetts landmass, with 642,000 people. It is spread out. We understand the importance of communications. We understand the importance of telephones. It took a long while to get telephones to the outer reaches of our country, including rural areas. Now with modern communications, we also understand that we are not alone in our homes.

There are those who are working in large banks of employees who are randomly, with computers, calling telephone numbers from banks of telephone books, getting people on the line. And by the way, because these computers dial multiple numbers at once, when one person answers, perhaps a second person is answering a nanosecond later, no one will be on the line when they answer. That happens often. People should understand that comes from unsolicited phone calls with computer banks making calls. One person answers; the other doesn't get an answer. That is what is happening. It is enormously annoying.

Do people have an inherent right to make solicitation calls? Yes. But the other question is, Do people who pay for their telephone service each month have a right to put their name on a registry saying: I really don't want these calls; don't have them come into my telephone instrument; I pay for the instrument and I don't want to be annoyed and I don't want to be interrupted by them? Do people have that right? Of course, they do. That is what this issue is about.

As chairman of the Subcommittee on Consumer Affairs in the Commerce Committee last year, I held hearings on this. At one of the reauthorization hearings for the FTC, we had an entire panel devoted to the discussion of a do not call registry. We had a hearing in which the Federal Trade Commission came up, the Commissioners themselves, and talked to us about this issue. I had a member of the Federal Trade Commission come to Fargo, ND. We held a public hearing there on this subject. This is not a foreign or strange subject to me nor to most of my colleagues. As a result of that, we took action in reauthorizing the Federal Trade Commission to include funding to allow them to put together a Do Not Call Registry.

If you wonder whether the American people care about this, just remember these numbers. They put together a Do Not Call Registry and said to the people: If you think these unsolicited telephone calls are bothersome to you, if it is an intrusion on your family and an interruption to your life and annoying to you and you want to stop them, call and put your telephone number and your name on this registry.

Guess what. In virtually a nanosecond, 50 million Americans have said: Count me out. I don't want to be a part of this unsolicited phone call mess going on. Put my name on the list and get rid of these phone calls. In the State of North Dakota, 131,000 people said: We don't want these calls. We don't want the interruptions. We don't want the annoyance. Stop it.

Now one court has said somehow this is not operative, effective, because it is not authorized. So this afternoon the House will authorize it, the Senate will authorize it, and the bill will go to the President and be signed.

I hope this court will understand that not only was it authorized, but we were pleased this afternoon to authorize it a second time just to reinforce our determination with the American people that we believe they have the power and they ought to have the ability to stop these calls.

Let me make just a couple of additional points. Some say this is an important industry making these telephone calls, doing marketing. The answer is, sure, it is. It employs people. We are not saying with this legislation that you cannot make unsolicited phone calls. We are saying the American people, however, have a right to decide they don't want to be part of it; I don't want to receive them. This is empowering the American people.

If there are people, as I said, who are lonely, have no one to talk to, who sit around all day with a desire to visit with somebody, if they want to get these phone calls, God bless them. Let them get the phone calls, let them get the credit cards and sign up for multiple long-distance services, and let them visit until they are visited out. I assume there are a few of those people. But in most cases the American people are saying: Put my name on the list. I don't want to be interrupted. I don't want unsolicited phone calls, especially during mealtime.

There is this peculiar quality of this industry to call only when dinner or supper is ready. Lord only knows how that occurs, but it does. So today we have said we are going to authorize this explicitly once again, so that this Do Not Call list will not be interrupted. People whose names are on that list will be assured they will not receive unsolicited calls.

I say to my colleague, Senator ENSIGN, I know he is working on this issue and has introduced legislation, and my colleague, Senator FEINSTEIN, and others—again, we have worked hard on this in the Commerce Committee, going back to last July—July 17, at the reauthorization hearing I chaired. I will not go through all the negotiations that went on with appropriations and the reauthorization, but suffice it to say we believed very strongly the FTC should have taken the action they did. We provided the funding. We implicitly provided authorization for it, and today we are once again reauthorizing that which we have previously done just to satisfy some court in some corner of America, and in order to give comfort to those 50 million Americans and the at least 130,000 North Dakotans who have said: Take my name off this list. The American people have that right. This legislation allows them to keep that right. It is very important.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank the cosponsors of our legislation, especially my chief cosponsors, Senator FEINSTEIN from California, Senator DORGAN, Senator McCAIN, and Senator DeWINE, as well as the 47 original cosponsors. I thank them all for being original cosponsors.

The legislation, however, we are dealing with now is identical legislation sent over by the House because of a procedural matter. I am very excited that this legislation is going to be passed in just a little over an hour from now, because I think this is very important legislation just for the peace of mind of a lot of the people at home.

People say, "Have you heard about this from your constituents?" A lot of people who don't follow politics are talking about this issue in the last couple of days. They have talked about it for years, but they have heard about it in the news. They are talking about it around the water cooler and they are talking about it wherever there is a coffee shop, wherever they are, because they want to make sure that on October 1, when the Do Not Call list is supposed to be starting to be enforced, that it actually happens.

There are over 50 million Americans, as was said, who have signed up for this service. I am hazarding a guess, but I would say in the coming months there are going to be tens of millions more who will sign up for this because so many people don't want to be bothered. As Senator DORGAN talked about, the people who don't mind being bothered—for them, they don't have to sign up for the Do Not Call list. If they want to continue to receive all those offers at home from telemarketers who are trying to sell a product—if people want to receive those calls at home—I don't, but a lot of people probably want them—it is their right to have that coming into their household. I know in our household we get bothered by this a lot, and you hate being rude to people when they call up on the telephone. Nobody likes to get a call during dinner. You happen to have the phone all the way across the room. You get up and you walk across the room, and all of a sudden you realize it is a telemarketer. You are a little irritated and you don't want to be mean, but at the same time you don't want to be bothered. This Do Not Call list stops that from happening because the penalties in the Do Not Call list legislation are such that these telemarketers are going to stop.

So it is, to me, very exciting that we are actually going to act very quickly after what I believe the judge did was wrong. But that is fine; the Senate and the House have quickly acted on this bill. We are going to make sure there is no question in the court's mind that this bill is authorized.

I will conclude with this, and I will yield 5 minutes to my friend from Montana. It is really summed up in the Jerry Seinfeld episode where a telemarketer calls him and he asks the telemarketer, "Can I have your phone number?" The telemarketer says, "Why?" Jerry says, "Because I want to call you during dinnertime and bother you." Of course, the telemarketer doesn't want to do that. But that is how people feel. They want to call them and bug them to let them know how they feel. That is the way people feel all across America.

It is important that we pass this legislation, and it is great to see the bipartisan support for it.

I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I thank my friend from Nevada. I am wondering if the Senator from California wants to speak, if we are going back and forth here. I don't want to preempt her.

Mrs. FEINSTEIN. There is no problem. I merely wanted to thank everybody. We heard about this through my Judiciary counsel, who follows the courts, and we came to the floor and indicated we were going to put this together and we got a number of cosponsors. It was really Senator DORGAN who worked out all of the protocols involved.

I thank the Commerce Committee, Senator MCCAIN, and Senator HOLLINGS, for their work on this issue. I didn't realize the depth of involvement that had existed. I find the court's decision so out of whack with what has happened. So I am very pleased and I thank the Senator from Montana for his courtesy.

I am glad to see that so many of our fellow colleagues, from both sides of the aisle, have joined us in this important and urgent effort, and that we were able to take up this legislation so quickly, in record time. It was only about 24 hours ago that I first raised this issue on the Senate floor.

Our bill is identical in language to the bill introduced in the House of Representatives, and we expect one or both of the bills to pass today.

The bill simply confirms what we all already thought was true, that the Federal Trade Commission has the authority to implement a "Do-Not-Call" Registry.

We in Congress must act quickly, because this registry is due to go into effect in just 1 week on October 1. Literally tens of millions of Americans have registered their phone numbers not to be called by telemarketers.

I have rarely seen an issue where so many millions of Americans have made their strong preferences known.

Are we going to simply tell them that this was all a myth? Or is Congress going to act to honor our earlier commitments and to protect this important right to privacy? These citizens expect us to act—and I believe that the momentum is clearly on our side.

If allowed to stand, the decision made by an Oklahoma district court judge that the National Do-Not-Call-Registry would strike a powerful blow against the basic private interests of millions of Americans.

Right now, these people are subjected to unwanted and annoying marketing calls to their homes at all times of the day, including the dinner hour.

According to industry estimates, about 60 million telemarketing calls are made daily. With advances in technology and declining telephone costs, consumers would face the prospect of an unprecedented barrage of calls. And this is why the registry is so important.

The FTC's registry will give Americans who want to avoid these unsolicited sales pitches a chance to stop annoying intrusions into their home.

As we know, tens of millions of Americans have registered more than 50 million phone numbers for this program. In the end, the Federal Trade Commission expects 60 percent of the Nation's households with approximately 60 million home phone lines to sign on to the registry.

This registry is crucial because it puts consumers in charge of the number of telemarketing calls they receive. Telemarketers who disregard the registry could be fined up to $11,000 per call.

The Oklahoma district court yesterday ruled that the Do Not Call Registry is "invalid"—that is the word the judge used in his decision—because it was created without congressional authority.

I find this conclusion surprising since Congress passed H.R. 395, the Do-Not-Call Implementation Act on February 13 of this year. The legislation clearly authorizes the Federal Trade Commission and the Federal Communications Commission to collect fees sufficient to implement the registry. And the Appropriations Committee granted $18 million for the program.

I also note that the FTC's rule came after an exhaustive comment period. The FTC announced its plan to proceed with the registry on December 18, 2002, after receiving 64,000 comments. The overwhelming majority of these comments favored the creation of the registry.

Millions of Americans were promised protection from annoying, unwanted telemarketing calls starting October 1. They are outraged—and so are we—by this setback.

Congress must move now and unanimously adopt and pass legislation which grants the authority to the FTC, clearly and unequivocally—so that no Federal judge can misunderstand it.

Many of us were taken by surprise yesterday, but by putting this legislation to a vote now, we are doing the right thing. On October 1, let's make sure that the millions of Americans who want their privacy protected from these telemarketers are not disappointed.

I urge my colleagues to vote in favor of this legislation.

Mr. BURNS. Mr. President, I thank the chairman of the Commerce Committee and everybody on the committee. You are probably hearing from the core of that committee today, reacting to the disappointment that we have gotten from the Oklahoma Federal District Court preventing the Federal Trade Commission from going forward and implementing the Do Not Call list.

The Do Not Call legislation turned out to be the most popular and probably the most necessary consumer initiative we have ever passed in the history of this body. From day one, people started to sign up; that was June 26. Up until now—you have heard the figures—over 50 million people have registered, and 138,000 of those are in Montana.

So urgent was the public's need to stop intrusive telemarketers that in the first 14 hours of enrollment on June 16, 650,000 people called up. That gives us some idea of how consumers think of these telemarketers.

The ill-considered decision yesterday by the Federal District Court in Oklahoma would prevent the Do Not Call list from going into effect next Wednesday. The decision is dead wrong and its core assumption is that the FTC acted without statutory authority in creating and administering the Do Not Call list.

Let us make it very clear, Congress clearly granted the FTC the authority to set up the Do Not Call list by passing the Do Not Call Implementation Act in February of this year. The act gave the agency authority to collect fees from telemarketers and to establish and enforce the list. In fact, the Omnibus Appropriations Act in February also authorized the FTC to enforce the Do Not Call list.

Rather than waiting around for an appeals court to overturn this wrongheaded decision, I am certainly glad the Congress has taken action very swiftly. It did not take long. In fact, one of my good friends who does not serve in this body anymore, who served from North Carolina, said this is almost a june bug issue, and it really is. We do not have to put Americans through unwarranted intrusions into their lives by telemarketing, and so we will pass this today.

I tell my good friend from North Dakota, my wife has it all figured out about telemarketers. We both may be home; the call comes in: Is Mr. BURNS there? She says: I will call him—whether I am there or not. She lays the phone down and goes off and leaves it until we hear the little disconnect: "If you are trying to place a call, please hang up and try again." So that is our attitude towards that.

By any estimate, telemarketers attempt almost 105 million calls daily. The implementation of the Do Not Call list would reduce these calls by almost 80 percent, and those are figures that are out now. So if they do not get the message by talking to a telephone that does not have an ear on the other end of it, then we will take care of it this way.

People are rightly sick and tired of this endless interruption into their private lives. So I urge my colleagues to support this bill.

I thank my good friend from Nevada for allowing me this time, and Senator DORGAN and the chairman of the full committee for acting this swiftly, because this takes care of it.

Let's make no bones about it, they clearly had the authority. They clearly had the funds to implement it. We gave it to them in appropriations and we gave them the authority this year. The telemarketers did not choose to abide by that law. So I heartily commend my good friends for offering this legislation.

By the way, if I am not on the list, you may put me on the list.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to add Senator INOUYE as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I was just recollecting, as the Senator from Montana was speaking, telemarketing is, of course, a legitimate business. It is an important business in many respects. But the point that my colleague, Senator ENSIGN, made is the American people also have their right, and their right is to put their name on a list to say, I do not want unsolicited calls.

They call almost everyone. I received a call some long while ago from a telemarketer. I answered the phone, and the telemarketer said: May I speak to Haley Dorgan please? I could tell immediately it was a telemarketer. I said: You could, but I do not think she is going to buy anything. She is 4 years old.

They get lists and they just blizzard the country with telephone calls to young and old. It is indiscriminate, and that is why this fervor has grown in this country to do something about giving the American people the right to say they do not want these unsolicited calls. That is what this legislation will do.

I yield 5 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Yesterday, a Federal judge in Oklahoma voided the Federal Trade Commission's national Do Not Call list that was set to go into effect next week. This action frustrates the wishes of more than 48 million Americans who have signed up for the list.

I am pleased that we will overturn that judge's questionable decision today. Americans have spoken very clearly on this issue and it is our responsibility to respond. Though a judge ruled that the FTC lacked congressional authority to create this national Do Not Call Registry, I strongly disagree and believe that earlier this year Congress explicitly granted the Commission both the authority and the funding to create the registry.

Indeed, absent congressional action, the FTC's Do Not Call initiative would have failed to become a reality this year. I discussed the matter with FTC Chairman Tim Muris at a hearing before the Antitrust Subcommittee last September. He asked me for help in getting congressional authority in order to raise fees necessary to implement the Do Not Call list. We were able to grant the Commission this authority in the consolidated appropriations resolution which passed in February of this year. We further authorized the FTC's list in the Do Not Call Implementation Act on March 11, 2003.

These actions more than authorized the FTC's rulemaking in my view. That said, this bill will make it crystal clear that Congress endorses, supports, and authorizes the FTC to create a national Do Not Call Registry.

I commend the FTC's hard work to create a national Do Not Call list. Such action was long overdue. The deluge of telemarketing sales calls is the number one consumer complaint in this country. It is a problem that has gotten out of control. The average American receives two to three telemarketing calls per day. Some estimate that the telemarketing industry is able to make 560 calls per second or roughly 24 million calls per day. No wonder people feel like they are under siege in their own home.

Wisconsin recently implemented a similar, statewide Do Not Call list last year. During the first 3-month registration period, more than 2 million residents placed their phone numbers on the list, which is 40 percent of Wisconsin's population. Such a positive response demands further action at the Federal level. That is why we in Congress acted earlier this year to ensure that the FTC's Do Not Call list became a reality. Should we need to do more to overcome a court's objections, we can and shall do it today. Providing consumers the option to stop telemarketing calls is something on which we can all agree.

Given the enormous response of nearly 50 million Americans who have signed up in less than 3 months, the Do Not Call list is clearly needed. Though I am troubled by the court's decision, we can set the record straight and authorize the FTC's action. I urge quick passage of this legislation so that the Do Not Call list can start up as scheduled on October 1, 2003.

Mr. DORGAN. Mr. President, unless the Senator from Nevada has time he wants to consume, I yield 5 minutes to the Senator from Arkansas, Mr. PRYOR.

Mr. PRYOR. Mr. President, I thank my colleagues for their hard work on this issue. It is a very important issue for people all across the country.

Yesterday, I received the news that the Federal court in Oklahoma had decided that we had no authority over the Federal Do Not Call list.

I must tell you that as a United States Senator and as a former attorney general and as a lawyer and just as a citizen, I have all the respect in the world for our Federal courts and our judges and our legal system. I just happen to think they were wrong in this ruling.

At the same time, I am proud to join with my colleagues, both in the Senate and in the House, in efforts to try to make sure the courts understand that very clearly there is authority for the Federal Trade Commission to establish a National Do Not Call list.

I think it is very clear that the people have spoken on this issue. Back in February of this year, the Congress passed what we thought was the authorization and the funding for Do Not Call. Then, just a few weeks later, President Bush signed it into law.

I know a lot of people have been sharing their stories about telemarketers. I can tell you from firsthand experience, from back in 1998 when I traveled the State of Arkansas extensively, running for attorney general—that is what I did before I was elected to this august body—everywhere I went, it seemed as though every community I went into, every group I talked to, it didn't matter who they were, what they had on their mind, they wanted to talk about telemarketing. They would say: Please, is there anything you can do to have these telemarketers stop calling us?

I said: Yes. We in Arkansas had one of the first—not the very first but one of the first—State do not call systems that we passed in 1999. It had very few exceptions to it. It was something we were proud of. We had to charge $5 because, where Congress appropriated some dollars for this Federal system, we did not have a State legislative appropriation for our State system. But regardless of that, even though we charged for it, we had thousands upon thousands of Arkansans sign up for our State do not call system.

I tell you, everywhere I go in Arkansas today, people still thank me for the State's do not call system.

One thing we learned during that process was that for most people, telemarketers' calls are an annoyance. People get tired of being bothered during dinnertime, when they are trying to do the homework with the children, when they are trying to put the kids down—whatever the case may be. But for some Americans, a small percentage, telemarketing also has the element of fraud to it.

Many people in this country—mostly seniors but not all, but many people in this country are taken advantage of via the telephone. If you look at the FBI statistics—I haven't seen the most recent round, but I was familiar with them in my 4 years in the attorney general's office—it is a small percentage of fraud, but let me tell you, it is a lot of dollars every single year. It is millions upon millions of dollars that are swindled away from people by use of the telephone.

I want to touch on something that Senator DORGAN said a few moments ago. The telemarketing industry is not evil. They are just doing their job. We understand that. We appreciate that. It is a legitimate industry. It is an industry that has a lot of hard-working people in it. They do a lot of great things. We are not critical of the industry per se.

We know there are some bad actors out there. I think a National Do Not Call program will help clear up those bad actors, just like we have been able to do on a State-by-State basis, when the States pass these kinds of provisions.

But telemarketing is, for many Americans, an annoyance that they just do not want to have. After all, we are talking about the privacy of people's homes. They should be able to have some control over the types of calls they get.

If they get solicitations, if they don't want those, there should be some mechanism where they can shut those off on the front end. That is what the Federal Do Not Call program will do. That is why I think you have seen so many people in the House and in the Senate come to the respective floors today and argue that we should take this step that we are about to take today.

One last point. In the last few weeks, ever since it was announced with toll-free numbers and Web sites that there would be a Federal Do Not Call program, and how to sign up, et cetera, there have been about 50 million phone numbers added to this list. That is an amazing number. Fifty million Americans can't be wrong.

I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I ask unanimous consent Senator REID of Nevada be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Might I just in less than a minute say we have not mentioned on the Senate floor, and we should, that the Federal Communications Commission took action that was complementary and action that coordinates with the Federal Trade Commission because action was needed by the Federal Communications Commission with respect to common carriers in areas under their jurisdiction to also create a do not call list, which is expansive.

So while I, with some of my colleagues, have been critical of the Federal Communications Commission on other issues on the Senate floor in recent weeks, I did want to say that the Federal Communications Commission deserves our plaudits and deserves credit for moving very quickly to fill in a gap with respect to a do not call list. All of our discussion is about the Federal Trade Commission, but, again, I think the Federal Trade Commission has contributed substantially, and I compliment them for that, with the leadership of Michael Powell and all the Commissioners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask unanimous consent Senator DON NICKLES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I want to spend a couple of minutes talking a little more about this legislation. First of all, this chart that we have in back of us—this graphs the calls and online registering to the Do Not Call center. This started June 27, 2003, which is the far left side of the graph. In blue or purple there is the amount of e-mails that came in, the way the people registered on line.

In the middle is 1-888-382-1222, the telephone number. About 11 million came in there. In the yellow at the bottom which started in July, about 8.5 million people came in. Those were numbers that came in from the States.

There are over 31 million people just since June 27 who have registered online. So we see, for a total of a little over 50 million people, how rapidly people have signed up to say we do not want to receive telemarketing phone calls.

The key is people are saying we don't want to be bothered. Part of freedom, it seems to me, is the freedom from being bothered by people when you are in your own home. Telemarketers contend that, just as if they are sending mail, somebody who is sending mail to somebody's home, they have the right to call somebody in their home.

The American people are saying no; we don't want to receive those phone calls. Mail they can just glance at and throw away. They don't actually have to get on the telephone and speak to somebody. Telemarketers require somebody to pick up the phone. If it is ringing, you have to go because you don't want to miss an important phone call. Maybe your kids are out or something, you don't want to miss an important phone call, and it turns out to be a telemarketer.

Nowadays, because of answering machines, you have a situation where you come home and it says: Hi, this is Fred—or this is Lisa or whoever it is. Please give me a call my number is, and you don't know who it is.

Then you call the number back and you find out it is a telemarketer. So you have just now wasted the time listening to the message, and you have wasted the time making the telephone call.

So we have people stealing valuable time, and time is our most precious commodity. That is why so many people want to sign up for the Do Not Call list.

We want to remind people—and I think this is going to happen a lot—that the telephone number is 1–888–382–1222. That is the number that people will be able to call, and can call today to sign up for when this goes into effect on October 1. They just call up, very simple, add their name, give them their telephone number, add it to the list.

If they want to register on line, it is on the World Wide Web, donotcall.gov. It is all small letters. They go on there, they sign up, put their telephone numbers in, and they are added to the list. It is simple for people to do. I think the simplicity is why it has been so wildly successful up to this point.

On October 1, when it goes into effect, that is when people will start having some peace of mind at home. At a time where families need more time together, they need more time to talk, I think it is important, especially around dinnertime when there are so many distractions—that is a prime time for telemarketers to call, at dinnertime. Families don't have enough time together as it is now. I think to have those distractions around dinnertime is even more disruptive of that important family time.

We need to encourage families to be together. This certainly will result in fewer interruptions around the dinner table. That is why I so strongly support the legislation and why I sponsored this legislation to repeal what the Federal judge did in Oklahoma.

I don't currently see anyone who wishes to speak. I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I come to the floor today to address the judicial action that would temporarily prevent the National Do Not Call Registry from going into effect.

This privacy-oriented program was recently implemented by the Federal Trade Commission and was supposed to go into effect by October 1. That is just about a week away.

I am proud to join my colleague from Nevada, the ranking member of the Commerce Committee, Senator ENSIGN, in cosponsoring this bill. This bill ratifies the authority of the FTC to establish the National Do Not Call Registry and allows the program to go into effect as drafted by the FTC.

As you may or may not know, Alaska is about a 4-hour time difference from Washington, DC. It seems like just about my dinner hour in Alaska when telemarketers throughout the country get kicked into full gear. I know when my family and I are interrupted at the dinner table by these calls, we feel invaded. I can only imagine that my other friends and neighbors are equally upset. Sometimes we are outraged that our right to privacy is invaded every night when we are sitting down to have dinner with our families. Our lives are busy enough throughout the day with work, school, homework, and just catching up with one another and preparing for the next day. The last thing in the world we want when we sit down for the quiet time is to be interrupted by the telemarketing company that believes it is their right to disturb us during our few minutes of family time.

Those who seek to stop the implementation of this program assert that they are protected by the right to free speech. I say it is the people who have the right to decide that they do not want to be hounded by telemarketers and those who would interrupt the sanctity of their homes.

The entire purpose of the FTC's National Do Not Call Registry program is to allow Americans to opt out of receiving these annoying phone calls. In my judgment, the court's decision to stop this program tilts the privacy rights out of balance in favor of those telemarketing companies.

In June, the Anchorage Daily News—which is my hometown newspaper—published an editorial supporting the National Do Not Call Registry. They wrote about an Alaskan by the name of Ron Hammett who says he sometimes gets two or three calls a day. Mr. Hammett is a 76-year-old retiree who spent more than 2 hours waiting to get through the registration process once the FTC rule came out. Now he is going to wake up today—or he woke up this morning—to find out that his time and the time of many other Alaskans was wasted.

In just a few short months since the FTC adopted these rules, nearly 50 million people have registered to stop these phone calls.

My State of Alaska has its own do not call program that was created in 1996—it is called the Black Dot Program—which allows telephone subscribers to elect to have a black dot placed next to their name in the Alaska phone books.

A computerized version of the list is made available to the telemarketers, but the problem is they are not required to use it. If they call any telephone customer with a black dot next to his or her name, they are subject to a fine of up to $5,000, whether the telemarketer uses the list or not.

The problem with Alaska's statute is that there has been only one complaint filed since it was implemented. Most of the telemarketers are located outside the State of Alaska, and the State law doesn't have the teeth that the FTC rule contains to go after these outside groups. Alaskans, quite honestly, are looking forward to the implementation of this FTC rule to give them the peace and the quiet they have sought for so long. We need this FTC rule to protect our citizens and their privacy.

Americans have spoken. They don't like to be disturbed by unwanted and harassing phone calls from people selling products over the phone. Through this legislation we can have that peace and privacy within our own homes.

I am proud to cosponsor this legislation. I hope the body will act quickly on this measure. I am very pleased to see us moving so rapidly at this point.

Thank you, Mr. President.

Mr. ENSIGN. Mr. President, I ask unanimous consent that Senator PRYOR be added as a cosponsor to S. 1655.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I believe I have 5 minutes.

Mr. PRYOR. Yes. I yield 5 minutes of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President.

I rise in strong support of this legislation. In my time in the Senate, I have never seen legislation move so quickly through the House and Senate for any issue.

Why? There are three reasons. The first is, of course, the need for this legislation. Fifty million people have signed up on a registry and are expecting it to work October 1. We should fulfill those expectations. None of us, me included, because this has happened to my family when we sit down to dinner all the time, hopping up and down like jackrabbits to answer the phone and then hear someone on the phone trying to sell you something. It drives you crazy. No. 1 is the need.

No. 2 is the fact the court decision was so goofy. The bottom line is, if you read the legislative language, if you read the statutes, in my judgment, there is no question we granted authority. I think the judge went out of his way to try to throw out this list. This may be an example of judges making law rather than interpreting law that we have talked about for so long. On this, we all agree that we do not want the judge making law, particularly making law that so goes against the will of this Congress and the American people.

The bottom line is, our intent was clear from the language of the February 13, 2003, statute called the Do Not Call Implementation Act. I cannot understand how a court would conclude Congress would have directed the FTC to implement the registry if it had not assumed that it had authorized the FTC to make the registry, either in previous law or through the implementation act itself.

If this were not enough to demonstrate Congress's intent on this issue, on February 20, 2003, the Omnibus Appropriations Act was signed into law which authorized the FTC to "implement and enforce the do not call provisions of the Telemarketing Sales Act."

That is as clear as the nose on your face. The court's decision is based on an overly technical view that ignores the clear intent of Congress. So the second reason we are moving so quickly is this law was so poorly interpreted by the judge.

The third is this has a consensus behind it. It is needed. There are a lot of laws that are needed but do not have a consensus. It was thrown out by a court in a strange decision. There is almost a universal consensus that this is the right thing to do.

The telemarketing industry feels badly about this. I understand there are many people who work in this industry. They are going to have to find a way to telemarket—which is a good thing when people want telemarketing—they will have to refine their processes. I would not mind refining this list and allowing people to file, if we could technically, to say I only want to get calls about mortgages or I only want to get calls about garden tools, but not to subject everyone to answer the phone, particularly at dinner time and evening time when the family is home alone and relaxing. This has happened in my family. It does not make any sense.

It is a good law. I wish there were more days in Congress that we do important things in a bipartisan way without tarrying. Let's savor it while we can.

I make one additional point. This approach can also work for another problem facing American consumers very similar to the annoying telemarketing call: e-mail spam. As in telemarketing calls, spam traffic is also growing at a geometric rate. It has become more than an annoyance. It is now a real danger to the future of the e-mail part of the Internet. Fifty percent of all e-mail is spam. What was a simple annoyance last year has become a major concern this year and could cripple one of the greatest inventions of the 20th century next year if nothing is done. We should be doing the same thing against spam.

Admittedly, it is easier to cut off a telemarketer than a spammer, but the same basic concept applies and the telemarketing provisions worked. The anti-e-mail spam provisions are the best we have to deal with spam right now.

This morning the Judiciary Committee passed the Criminal Spam Act of 2003. I was proud to cosponsor that along with my colleagues, Senator HATCH and Senator LEAHY. For the first time that will criminalize some of the spammer's favorite tricks. Those that repeatedly use predatory practices to evade filtering software will face stiff punishment, including the potential of jail time, but we should add the registry to those provisions. I did not do that in committee today, but I hope we can do it on the floor when it comes forward.

A spam registry such as the Do Not Call Registry has broad consumer support. It has bipartisan support. Senator GRAHAM of South Carolina and I are the lead sponsors. The registry provides parents with the unique opportunity to register their children's e-mail addresses to prevent unwanted advertisements that go to our children for pornography and lots of things the kids should not see.

I commend my colleagues for moving so quickly to defend consumers against unwanted telemarketing calls. Fifty million people cannot be wrong. I hope we will do the same and move with the same speed and urgency when we deal with e-mail spam and create an anti-e-mail spam registry as well.

I yield the floor.

Mr. PRYOR. Mr. President, we all know that fraud can be very much a problem when it comes to telemarketing, but we also know a Do Not Call registry is a very positive consumer tool against fraud. By that I mean if you signed up for the National Do Not Call plan and you still get a call, you know something is up. That ought to be your first tip that something may be amiss with this call. This is another reason I thank my friend from New York for his very wise comments.

I yield the remainder of my time to the Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the Senator yielding to me. We are in the position of being able to yield back all of our time except 6 minutes for the Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that following the next vote on passage of the Do Not Call legislation, the Senate immediately proceed to executive session and two consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 359 and 360.

I further ask unanimous consent that there be 4 minutes equally divided between the two leaders or their designees prior to the second and third vote; further, that following the votes, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. I yield back all time on our side.

Mr. REID. As soon as Senator DODD arrives, we will use the remainder of our time. We have been told he is on his way—from where, we do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield the remaining time on our side to Senator DODD from Connecticut.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut has 6 minutes.

Mr. DODD. Mr. President, I am confident my colleague from North Dakota will probably want to use 5 minutes of that 6 minutes. He probably has not exhausted every thought on the subject matter. I will be happy to yield back some of my time to him.

I wish to add my voice and thanks to the managers of this proposal and to commend the other body for their efforts in acting as quickly as they have on the subject matter. I am familiar enough with it because I introduced legislation about 2 years ago in this area. Connecticut was one of the early States—I know there have been a number of States that have adopted a do not call list—to adopt a do not call list in the year 2000. In December 2001, I introduced a bill very similar to the one Connecticut has produced. Either since then or before then, other States—including Alabama, Alaska, the home of the distinguished Senator MURKOWSKI, Arkansas, Florida, Georgia, Idaho, Kentucky, and others—have also enacted legislation.

This is a very positive outcome. Clearly, what has happened is, as we are talking about the use of the telephone, the telemarketing idea, America has phoned in and said to please give them some relief. We just would like a few minutes of privacy and quiet. It is hard enough to get a family together with all the pressures on them today. When you might just be able to get them to sit down for a meal, that phone starts ringing. What they are saying is: Give me the choice of saying I don't want to be bothered and buy this. They ought to have that right.

The obvious problem with this bill—I say it is a problem, but I am confident we can correct it; it is the difference between the bill I introduced several years ago and the one before us today—is the loophole that allows any prior business relationship to be an exception to the otherwise clear prohibition supported by this legislation.

As was pointed out in one news account in the last day or so, there has been a tremendous surge of telemarketing in the last number of weeks by businesses trying to establish a "prior business relationship" with a customer base in this country which would then allow them to become part of the exception even under this legislation.

The point I am making is, even though we will pass this bill—and I am very glad we are doing so; again, I commend the authors for moving as rapidly as they are on this legislation—we have not heard the end of this issue. There are going to be people coming back, once they discover that any prior business relationship pretty much will allow the exception to occur, which means you will have that phone continue to ring. And I presume they are going to be asking us to come back and even close the loophole down further.

Much as we have in Connecticut and as other States are doing this. As I've said, Connecticut has enacted legislation and the bill I introduced mirrors my State's efforts in that regard.

Justice Brandeis said it so eloquently years and years ago, as he always could, this wonderful, brilliant mind of a Supreme Court Justice. He always had the ability of taking a difficult concept and simplifying it in terms that were so understandable by everyone. He said: Privacy is nothing more than the simple right to be left alone. That is what we are really talking about. He couldn't have imagined, when he said that, the technology that would make it possible for telemarketing to occur. But the right to be left alone is really at the heart of what we are talking about—the right to say to someone: You don't have the right to call me anytime you want. I should have some ability to control that intrusive invasion in the privacy of my family's life.

I am glad the Federal Trade Commission acted. It certainly made a difference. But clearly we need to respond to the court's decision in this matter, and we are doing that by adopting this legislation.

I am pleased to add my name as a cosponsor. I implore my colleagues in their respective committees to take a look at the bill I have introduced. I know others have introduced legislation, but take a look at this bill. Let's monitor what happens over the coming months to see if we are achieving the desired results that this legislation is designed to achieve. If not, we may have to go a bit further along the lines I have suggested. I am sure others have as well.

With that, I am pleased to be a part of this effort and congratulate the authors of it.

I yield back the remainder of the time.

Ms. SNOWE. Mr. President, yesterday, the United States District Court for the Western District of Oklahoma declared the Federal Trade Commission's national Do-Not-Call registry invalid after concluding that the Commission lacked the authority to implement the rule. Today, I stand here with my colleagues to set the record straight—H.R. 3161, which the House passed earlier this morning by a vote of 412–8, provides congressional authorization for the creation and implementation of the Do-Not-Call registry.

The Do-Not-Call registry provides a very important service—preventing undue intrusions from marketers. Citizens should have the right not to be disturbed by unsolicited calls in their own homes and the Do-Not-Call registry empowers citizens to stop these calls.

Support for the registry is unprecedented. To date, after only four months, the registry contains over 50 million phone numbers. In Maine alone, over 241,000 phone numbers have been registered and this number is growing everyday. Ultimately, the Federal Trade Commission expects 60 percent of the Nation's households to sign onto the registry potentially blocking eighty percent of telemarketing calls.

Specifically, the Federal registry will supplement State Do-Not-Call lists. It works by requiring telemarketers to search the registry every 3 months and synchronize their call lists with the phone numbers on the registry. If you don't want to be disturbed by marketing calls, you simply register online with the FTC or call a toll free number and request that your telephone number be added to the registry. More importantly, this law has enforcement power—a telemarketer who disregards the national Do-Not-Call registry could potentially be fined up to $11,000 for each call.

I urge my colleagues to support this measure.

Mr. BURNS. Mr. President, I rise today to express my disappointment at the Oklahoma Federal district court decision preventing the Federal Trade Commission from going forward on implementing the Do Not Call list.

The Do Not Call list has proven to be one of the most popular and necessary consumer initiatives in history. From the day consumers have been able to sign up for the Do Not Call list on June 26, over 50 million Americans have registered, including 138,841 in Montana. So urgent was the public's need to stop intrusive telemarketers that in the first 14 hours of enrollment on June 26, over 650,000 citizens added their numbers to the list.

Yesterday's ill-considered decision by the Federal district court in Oklahoma would prevent the Do Not Call list from going into effect next Wednesday. The decision is dead wrong in its core assumption that the FTC acted without statutory authority in creating and administering the Do Not Call list. In fact, Congress clearly granted the FTC the authority to set up the Do Not Call list by passing the Do Not Call Implementation Act in February of this year. This act gave the agency authority to collect fees from telemarketers to establish and enforce the list. The Omnibus Appropriations Act in February also authorized the FTC to enforce the do not call provisions.

Rather than waiting for an appeals court to overturn this wrongheaded decision, we must act quickly so that Americans do not have to suffer the needless and unwarranted intrusions into their lives by aggressive telemarketing. Unwanted telemarketing calls have reached unacceptable levels in our country. By one estimate, telemarketers attempt almost 105 million calls daily; implementation of the Do Not Call list would reduce these calls by almost 80 percent.

Americans are rightly sick and tired of these endless interruptions in their private lives, which often take place during the dinner hour, or at times when parents wish to spend uninterrupted quality time with their children. By responding rapidly to overturn this reckless and sloppy decision by the Oklahoma district court, Congress sends a clear message that this destructive hyper-marketing will no longer be tolerated. I urge my colleagues to support this legislation that would leave no doubt in anyone's mind as to the FTC's authority to maintain and implement the Do Not Call Registry.

Mr. LAUTENBERG. Mr. President, I was disappointed to learn that early this week a Federal district judge issued a ruling to delay the October 1 implementation of the national Do Not Call Registry.

Sign-up for the national Do Not Call list began June 27. To date, the registry has grown to 50 million Americans who submitted their telephone numbers and unequivocally said they do not want to receive business solicitation calls.

There has been near unanimity that the Oklahoma Federal judge simply got it wrong when he found that Congress did not give the Federal Trade Commission the requisite statutory authority to create and implement a nationwide Do Not Call Registry.

To clarify the matter once and for all, the pending bill explicitly authorizes the Federal Trade Commission to compile and implement a Do Not Call Registry, pursuant to the Telemarketing and Consumer Fraud and Abuse Prevention Act.

The bill also ratifies the relevant provisions of the Telemarketing Sales Rules promulgated by the Commission early this year.

A nationwide Do Not Call Registry is particularly important to the citizens of New Jersey. Although 27 States already have local do not call lists, some States, such as my home State of New Jersey, have not yet enacted do not call legislation.

A New Jersey State law is expected to go into effect next spring, but the residents of New Jersey and the other 23 States deserve the protection that the FTC rule provides.

The FTC's rules are reasonable. They require telemarketers to check the Do Not Call list every 3 months to see who does not want to be called. Those who call listed people face fines up to $11,000 for a violation. Consumers would be allowed to file complaints to an automated phone or online system.

There are about 166 million residential phone numbers in the United States and an additional 150 million cell-phone numbers. The FTC expects 60 percent of the Nation's households to sign onto the registry.

I urge my colleagues to support this bill which ratifies the FTC's Do Not Call Registry, permitting implementation of the registry on October 1.

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of this important measure, which will likely pass the House and Senate by an overwhelming margin and in record speed. This bill makes it perfectly clear that the Federal Trade Commission, FTC, has the authority to implement and enforce the Do Not Call program that until yesterday's court ruling was scheduled to go into effect on October 1. I am usually not in favor of quick legislative reaction to lower court decisions. We have an appellate process to determine if a lower court is mistaken, as this one surely was, and that process serves us well. However, this case is different, and I am pleased that this Congress is prepared to react so quickly and so decisively.

There is no doubt in my mind that the FTC has the authority to create the Do Not Call program. It is true that the Telephone Consumer Protection Act, TCPA, passed in 1991, allowed the Federal Communications Commission, FCC, not the FTC, to create a national database of telephone numbers from Americans who wanted to avoid telephone solicitation. But in 1995, in the Telemarketing and Consumer Fraud and Abuse Prevention Act, TCFAPA, Congress also directed the FTC to establish rules on telemarketing activities. The FCC and the FTC have jurisdiction over different telemarketers, so it makes sense that there is some overlapping authority.

The FTC initially promulgated the Telemarketing Sales Rule, TSR, which contained a variety of restrictions on telemarketing, such as prohibiting such calls between the hours of 9 pm and 8 am and requiring telemarketers to cease making calls to consumers who specifically request not to be contacted again. Complaints about telemarketing continued and in 2000, the FTC began a proceeding to consider revisions to the TSR. That led to the adoption of the national Do Not Call Registry. The FTC announced the final rule on December 18, 2002.

Just a few months ago, in March 2003, Congress passed and the President signed Do Not Call Implementation Act, DNCIA. That statute authorized the FTC to collect fees sufficient to create and administer the database. The Consolidated Appropriations Act passed a month earlier also authorized the FTC to collect fees for the enforcement and implementation of the program, estimated at $18.1 million for fiscal year 2003. With this history, it is as clear as day that Congress has at least ratified the FTC's view of its statutory authority to create the Do Not Call list. Simply put, the district court decision yesterday was wrong.

Mr. President, the public response and support for the Do Not Call program have been tremendous. Americans have voluntarily registered over 50 million phone numbers on the database. They have waited a long time for this measure to finally be implemented. Months ago, they began adding their phone numbers to the list with the expectation that on October 1, finally, the calls would stop. That is why we must act decisively to reverse the court decision. It adversely affects millions of people. It thwarts a good program that has received overwhelming public support and participation. And it ignores clear evidence of congressional authorization. Even the few months that it would take to reverse the decision, and I am convinced it ultimately would be reversed, would be too long. The time has come for the national Do Not Call program to go into effect, and for Americans to be able to eat dinner or watch TV with their families free of interruptions by telephone solicitors. I am proud to support this bill.

Mr. LEAHY. Mr. President, I support the FTC's authority to establish a Do Not Call Registry, I find myself in good and widespread company. Many in the Senate, like many of my constituents in Vermont, share the frustration that I have with the recent district court decision striking down the Do Not Call Registry established at the Federal Trade Commission. Apparently we in Congress need to make things a little more clear, and this is what we are doing with this legislation: We authorize the FTC to set up and operate such a registry.

Vermont has been a leader in protecting the privacy and peace of its households from unwanted telemarketing calls. Federal law currently requires individual companies to remove consumers from their calling lists if the consumers ask them to do so. There is also a national "telephone preference service" registry to which consumers can submit their names and which telemarketers can consult to avoid calling those who do not wish to hear from them—but industry compliance is entirely voluntary. Two years ago, Vermont enacted a law which gives consumers a private right of action against companies that continue to call after being requested to cease. Vermonters can also sue if they are called by a telemarketer after they have put their name on the national "telephone preference service" registry. The FTC has expressed no intention of attempting to pre-empt such state systems, and I hope that federal agencies continue to respect the efforts and institutions established at the state level. Federal agencies should not be in the business of undercutting state efforts that are pursuing these same goals.

Those goals are simple and laudable. People should be able to enjoy the peace and quiet of their own homes, undisturbed by unsolicited sales calls. Of course, some consumers welcome such calls, and they certainly should be able to receive them. But for the thousands of Vermonters, and the millions of other Americans, who do not want to receive such calls, the FTC's Do Not Call Registry is a long-awaited relief. I understand that more than 50 million households have signed up, many of them, on-line, to be included in the Do Not Call Registry, which is set to begin its operations next week. This is an astonishing number of people, and this overwhelming response to the FTC's announcement is the best possible affirmation of the need for and of the good sense of the plan.

The Do Not Call Registry should also appeal to enlightened telemarketers. They do not, of course, want to waste time and effort talking to people who do not wish to hear from them, for whatever reason. Once the registry is operational—and I hope that this bill will meet with speedy approval and make that so—telemarketers will be able to focus their resources, their time and personnel, on the households for which they provide a useful service. Consumers will be better served, the companies seeking to make sales will be better off, and telemarketers will be more effective for both their corporate clients and the potential customers they contact.

So I urge all of my colleagues to vote in favor of this bill, H.R. 3161. The national Do Not Call Registry is a sensible way to protect the privacy of the American people. It deserves our support, and it deserves this effort to allow the registry to begin serving the public.

The PRESIDING OFFICER. All time has expired.

The question is on the third reading of the bill.

The bill (H.R. 3161) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Edwards
Graham (FL)
Gregg
Kerry
Lieberman

The bill (H.R. 3161) was passed.

EXECUTIVE SESSION

NOMINATION OF DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE A UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider calendar No. 359, which the clerk will report.

The assistant legislative clerk read the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California.

The PRESIDING OFFICER. Under the previous order, there will now be a period of 4 minutes for debate equally divided between the leaders or their designees.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent the next two votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Southern District Court of California, Dana Makoto Sabraw.

I want to emphasize the excellent process that we have in place to select District Court nominees in California. In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals: three appointed by the White House, and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

The nominee before the Senate this evening was reviewed by the Southern District Committee and strongly recommended. I continue to support this excellent bipartisan process and the high quality nominees it has produced.

Judge Sabraw has roots in my area of California, Marin County. From there, he has embarked on a very impressive legal career and served the people of my State with distinction. He currently is a judge on the San Diego Superior Court.

He is a graduate of San Diego State University and the McGeorge School of Law at the University of the Pacific.

Beyond his service on the bench, he is very involved with the community, receiving commendation from the Pan Asian Lawyers of San Diego for his community outreach efforts.

The Southern District will benefit greatly from the exemplary services of Judge Sabraw, and I fully support confirmation of this nominee.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, we yield back the remainder of our time.

Mr. SANTORUM. We yield back our time.

Mr. HATCH. Mr. President, I rise today to voice my support for the nomination of Dana Makoto Sabraw for the United States District Court for the Southern District of California.

Judge Sabraw has nearly two decades of experience as a litigator and as a jurist. He began his legal career as an associate with the firm of Postel & Parma in 1985, then joined the nationally recognized firm of Baker & McKenzie in 1989.

In 1995, he was appointed to the North County Municipal Court of San Diego County, where he was named Presiding Judge in 1998. That same year, he was appointed to the San Diego Superior Court, and in 2000 was named Criminal Presiding Judge.

Judge Sabraw is a proven scholar, a disciplined judge, and a noted humanitarian. He will make an outstanding addition to the Federal bench of the Southern District of California. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, I am pleased that we are now turning to the nomination of Dana Makoto Sabraw for the Southern District of California. This well-qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's Federal courts.

Judge Sabraw has served for 8 years on the State trial bench. Prior to his appointment to the bench, Judge Sabraw was a partner and associate at Baker & McKenzie in San Diego. In addition to Judge Sabraw's public service as a judge, he has also been active in his community.

As an attorney, he received Certificates of Appreciation from the Pan Asian Lawyers of San Diego for his service to the association and its community outreach programs and recognition New Entra Casa for his pro bono work. Also as a private attorney, Mr. Sabraw provided pro bono services to the Legal Aid Society of Santa Barbara Project Outreach for several years. He also founded Positive Impact Program in 1998, a program in which the court, its staff, the Bar Association of North San Diego County, the local DAs office and others partnered with the local school districts to educate fifth graders about the justice system. The program involved a class curriculum, school assembly, mock trial, tour of the courthouse, and essay contest and reached approximately 6,000 students in lower socioeconomic neighborhoods.

The Southern District of California is the busiest Federal district in the Nation. In light of their demanding caseload, the Judiciary Committee expedited consideration of nominations to the Southern District. The Judiciary Committee held hearings for Dana Makoto Sabraw and Judge Burns, also nominated to this Southern District, just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was 3 weeks ago. It is unfortunate that Judge Sabraw has been pending on the floor all month but I am pleased that we are voting on him today. Two more nominees to two additional vacancies recently created for the Southern District of California were voted out of the Judiciary Committee today.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more Federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15. The expedited path of Judge Sabraw's nomination demonstrates the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges. I regret that the nomination has languished on the Senate calendar for most of the month for no reason. This nomination will undoubtedly be confirmed without a single dissenting vote in the Senate. Democratic Senators have been ready and willing to vote at any time. The Republican leadership will have to explain to the Chief Judge in the Southern District of California and the people of southern California what took so long.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California?

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARD), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 366 Ex.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Edwards
Graham (FL)
Gregg
Kerry
Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, after the next vote we will resume the DC appropriations bill and expect to be on the DC appropriations bill tonight and tomorrow. There will be further debate tonight. I encourage Members with amendments to come forward so we can continue to make progress on the DC appropriations bill.

I understand the two managers will not require any more rollcall votes on any action on the bill tonight or tomorrow. Thus, the next rollcall vote will be the last rollcall vote for tonight and for tomorrow. Again, we will be in session tomorrow for further debate on the DC appropriations bill.

With regard to Monday's schedule, we will be announcing what Monday's schedule will be in terms of voting. We will have votes on Monday in the late afternoon. We will have further announcements on that tomorrow. The Democratic leader and I have had discussions over the course of the day, and from where we started early this morning they have settled a lot in terms of looking forward to the next week and a half. I can tell all Members no more rollcall votes after this vote tonight, no rollcall votes tomorrow; DC appropriations.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. FRIST. Yes, sir.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I would rather my leader propounded this question but inasmuch as I am the ranking member of the Appropriations Committee, the reason I hoped all Members would sit—although there is no requirement they have to in the rules, unless the Chair insists on it—we have a problem. I think the full Senate ought to know about it. That is why I have urged Senators sit if they will; then they will be more comfortable. I don't know how long it will last. I hope it will not last long.

We have a problem in that we have the Iraq appropriations measure before the Senate Appropriations Committee. We have had hearings Monday, Tuesday, Wednesday, and Thursday in that committee. There have been other committees that have been having hearings, too; I believe the Foreign Relations Committee, and I know the Armed Services Committee has had hearings.

Here is my problem as ranking member of the Appropriations Committee. We had hearings this past Monday on the Iraq bill. Our members were not fully informed that there would be hearings on Monday but we proceeded with hearings, in any event. Several of the members could not get there until very late. I have protested pretty consistently in that committee, saying we need more hearings, that we do not need to rush that bill through. It would be well to have the House act, let us see that bill so we would better know what amendments we should try to offer.

I have urged that outside witnesses be called. Why should we just hear one side of the question, that being, of course, the administration's position? But we could be wiser, I think, if we had outside witnesses. That has been rejected. That proposal has been rejected. So we have pressed on, against my wishes. I believe we ought to have more hearings.

Now we come down to this point. We have completed what hearings we are going to have, as I understand it, in the Appropriations Committee.

Now the pressure is on to have the bill marked up. When? Monday. We all know that Senators, in recent years especially, are more likely to be late getting in on Monday. They have faraway points of the compass to come from, and some of them have made appointments that will cause them not to get in until Tuesday morning perhaps. And yet we are being forced to have a markup on this coming Monday. This greatly creates a disadvantage to many of our Appropriations members.

So I have expressed the hope we would not have that markup on Monday. There is no great reason to begin to have this markup. But we have been pressed hard to get through these hearings, and now we are being pressed to mark up the bill on Monday.

Many of our Members cannot be here Monday. So I have acquainted my leader and my side of the aisle with this problem. And I have said we could have a markup on Tuesday. But my wife—and I hesitate to continue to inject my own personal problems into this matter—I said my wife has to have an operation on Tuesday morning. Not a major operation, but any operation at our age—if I were 40 or 50 or 60 again, I would say: You go on and have your operation and I'll see you at suppertime; see you tonight. That is not the way she wants it. That is not the way I want it.

I have said this afternoon, speaking to Mr. REID, and to Mr. STEVENS: If you want to have this on Tuesday, go ahead. If I am 2 hours there or 3 hours or 5, I will come when I can. But go ahead and have the markup Tuesday. The word comes back that the Republicans say: OK, but there is a little catch to that: We will wait till Tuesday, but you have to give consent to take up the bill on the next day. That consent could be objected to, of course, causing a little longer wait.

So now we are faced with: OK, you can take it up Tuesday—I hope I am not misrepresenting anyone here; at least this is the way I understand it—so you can have it on Tuesday, but you have to give consent to go to it Wednesday on the floor.

I don't want to enter into that deal. In the first place, I don't think there is a necessity for our having that markup on Monday or on Tuesday. I think we ought to have more hearings. I think we are entitled to more hearings. I see this bill as being ramrodded through the Senate, when there is no necessity for that.

I will not go into that further except to say, I am willing to proceed on Tuesday, but I am not willing for it to be in accordance with a deal. Call it a deal. Call it whatever you want—an agreement, whatever—"yes, we'll do that if." There are times when we do that around here, but on this occasion I don't think we ought to take it up on the floor that fast. We need more time on the floor. So I am unwilling to say: OK on Tuesday, but we will agree to taking it up on the floor on Wednesday.

So here we are, Thursday afternoon, with no votes tomorrow, I guess, and many Members going home, and a Jewish holiday tomorrow. Here we are under this kind of pressure: You can have it on Tuesday, but you have to give us consent to take it up on Wednesday.

I understand now the—this is just my understanding—the other side is not willing to go on Tuesday without such an agreement. As I further understand it, they are saying—I may be wrong about this, but that is what I understand—that the majority is saying: OK, you don't want any deal; we will do it on Monday. So there is where it creates a great hardship on the part of a lot of our Senators and, I suppose, on Senators on the other side.

I think we are in a quandary, and we just ought to open it up here and have a full discussion of it rather than have the onus on me as the old plebeian soldier around here. OK. I don't want to cause my comrades on either side to have to come here on Monday and mark this up.

There is some reason it has to be Monday or else. This bill is being pushed through, rammed through, and I think we ought to take more time on it. I think the American people are entitled to more time on it.

Why don't we have more hearings? Is it that the majority is afraid to have questions asked? Do the questions hurt? What is the problem? Why do we have to have this—we are just not up against it. We passed the Defense appropriations conference report today.

I would like to know, I say to the leader, why we have to mark up this bill in the Appropriations Committee Monday or Tuesday, and why, if we push it—if the majority is willing to go over to Tuesday—why they are going to exact that pound of flesh: OK, we will go over, but let us take it up on the following day.

I am not willing to do that. If it were absolutely necessary to do that, I would be willing to do it. But that is not necessary. And in all my years here, I have never—I have never—seen the Appropriations Committee of the Senate, and especially the minority—this place is for the protection of the minority, a minority of Senators. I have said that many times.

But to jam us up here against a Sunday and a Jewish holiday just preceding it, and then to come in here and say, you have to have this markup on Monday or you have to let us take it up on the floor on Wednesday, I have to say, I think that is very unfair. I have argued this out in the committee under the public eye, and I have talked with my colleague, Senator STEVENS. I know he is under great pressure.

I would hope to have a response to that. More than that, I would hope we would not have to mark it up Monday or Tuesday.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the question is really centered on the debate, which we want to do in a thorough way. And the distinguished Senator from West Virginia, from day 1, has encouraged me to allow for adequate time for debate and amendment.

Starting about 2½ weeks ago, I made it very clear that the President of the United States would shortly deliver a supplemental—which was now about a week ago—that I wanted to take 2 weeks—and it could be longer or it could be shorter—that we can focus on it in an organized way, and an organized way is to spend time in hearings.

Indeed, after a lot of discussion, we organized hearings in such a way, as you pointed out, that the Armed Services Committee has had hearings on it, the Foreign Relations Committee has had hearings on it, the Appropriations Committee has had hearings on it. And, indeed, we have had at least seven committee hearings in the Senate. The House is having hearings at the same time.

We have had interested parties engaged in formal discussions coming by your party lunch, coming by our party lunch to have the discussion with the goal that we would focus on this issue. Indeed, we have done a good job this week. My goal was expressed 9 days ago. I didn't know about the surgery of your wife. Although the Jewish holiday begins tonight, we are not voting tomorrow because of a request from your side of the aisle. The Jewish holiday begins late tomorrow afternoon. But because of very specific requests from two of your Members through the assistant leader, we are bowing down once again to you for scheduling, which is fine, and I agree. If they need to travel back and there is no other way to get back, I am going to pay respect to their religion, just as I want to pay respect to you in every regard we can.

So there goes your Friday. So don't blame us on that. I don't think that is fair. It is not fair as we go forward, if you are looking at equity or fairness.

On this floor about 2 months ago—it was a little bit later at night—you came to me and said: We can't operate this place working 2 days a week or 3 days a week. And I agree. You have been in this particular situation in terms of scheduling. You know it is challenging, just like votes for tomorrow. That is why 9 days ago I said, we are going to spend all next week on the floor, if possible, debating and amending freely. And the Democratic leader and I talked earlier today. We want to stay on the bill. We don't want any trips or punches thrown that are not fair, but we will have a good discussion through next week. My objective is to bring it to the floor.

The question as to why? Because we are in a war. We are in a war against terrorism that our President has done, I think, an excellent job of spelling out. He has delivered to us, on behalf of the 150,000 military men and women there, a call for emergency funding through a supplemental that, although there is disagreement, the administration has said it is urgent we address.

Thus, when we can work on Monday, we should work on Monday. And I would argue Tuesday, Tuesday morning, Tuesday night, Wednesday morning, Wednesday night, Thursday morning, Thursday night, Friday morning and Friday night, in response to that emergency request for funding that the experts have told us is an emergency.

To say, well, people aren't going to be back Monday and therefore let's do Tuesday, but, no, we can't do it Tuesday because of other scheduling reasons, therefore, let's put this off later. I can tell you—you know this; again, I should be speaking to the Chair—if we say Monday it is just too difficult for people to come back, when there are people at war and there are people dying every day when we turn on the news, because of a lack of security, and we know this funding supports security, how can we say, it is inconvenient Monday and Tuesday? Although, again, I say this with deep respect for your personal situation and your wife's surgery in the morning, but we need to respond.

I think you know, if we wait until Wednesday to mark it up, or Thursday, the same thing, maybe a little bit different, Thursday, and you know this, Thursday people will say, we are getting out of here. We don't have time to debate this. Let's do it 2 weeks from now.

Once again, we are on recess during that period of time. I am going to have a hard time leaving here on recess with the American people saying: The President of the United States delivered this urgent request to you for funding, and have the news every day of people dying, with people having told us that it does have to do with security and the war on terrorism. That is the why and the reason.

I think we just need to be addressing this up front. The dialog between our leadership has been good. I know it is challenging our committee members with all of the hearings we have had day in and day out. I know people are worn out. But it is a war, and it is a war on terrorism. I think the American people deserve that debate on the floor of this body—freely debating, freely amending, starting as soon as we can that is reasonable. That is why I continue to request that the Appropriations Committee mark up the bill Monday, if it can—if it can't, it is just convenience. I think that is hard to answer—or Tuesday. And then there is no quid pro quo. I would like to get it to the floor so people can debate it before we go on recess in the next few weeks. But if there is objection to bringing it to the floor, that is your right as we go forward. But I do want the American people to know we are ready to address this bill and debate it fully, looking at everybody's schedule in a very personal way. The reason is, we are at war. That is it.

Mr. BYRD. Mr. President, will the distinguished leader yield further?

Mr. FRIST. Yes.

Mr. BYRD. Let me emphasize I am not asking that it be put off until Tuesday because of my wife's little problem. I said, go ahead, if I am 2 hours or 3 hours or 5 hours, I will get there when I can. I would rather you didn't, but in any event, if you do, I am going to be with her. That is an easy choice for me. But I didn't intend to get into the debate about the so-called war on terrorism as being the war in Iraq. I won't do that now. But the distinguished majority leader has opened an avenue for a great deal of debate in which I will partake, if the good Lord lets me live. I am not going to lie down and roll over for that argument that, oh, we are in a war and we have to press ahead here; we have people dying and so on, and we have to do this on Monday or Tuesday. I am as concerned about the people dying as is the distinguished majority leader. I was not for sending our people over there to die. But we won't get into that here. The distinguished Republican leader brought that up.

I am only saying I would hope that we would stage the markup at a time when we could have full attendance on both sides.

Mr. NICKLES. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. NICKLES. There is a nomination of Judge Mosman. I wonder if it would be possible to vote on that nomination by voice vote or begin that vote momentarily for the convenience of all Members?

Mr. FRIST. Mr. President, I am happy to propound that unanimous consent request for a voice vote on the judge under consideration.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the ranking member is not here. I am sure if he was, he would ask that we have a rollcall vote. We ought to.

Let me just say, I don't think there is any question that we have to move forward and have an opportunity to debate this in a much more meaningful and thorough way. The way we will do that is through a markup in the Appropriations Committee and through votes on the Senate floor. Throughout the day the majority leader and I have been trying to figure out a way to work through the schedule, and it is obvious there are differences of opinion about what the schedule should entail. Yes, there should be more hearings. Yes, there ought to be more accountability as to how we make these decisions. If we had our choice, we would bifurcate this request, send the money to the troops to make sure they get all they need to conduct their responsibilities, but then have a more deliberate and thoughtful debate about this aid for reconstruction. That would be our desire. We will have amendments in that regard whenever the bill comes to the floor.

We need to get on with the vote on the judge, and then we will talk further about schedule as the schedule presents itself.

NOMINATION OF MICHAEL W. MOSMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Michael Mosman for the United States District Court for the District of Oregon and to urge my colleagues to confirm this fine nominee.

Mr. Mosman has excellent academic and professional qualifications for the federal bench. After graduating magna cum laude from the J. Reuben Clark Law School at Brigham Young University, he clerked first for D.C. Circuit Judge Malcolm Wilkey and then for Supreme Court Justice Lewis Powell.

Mr. Mosman also has impressive courtroom experience. As an Assistant U.S. Attorney and U.S. Attorney for the District of Oregon, Mr. Mosman has worked on cases in all four prosecuting units in his office: narcotics, violent crimes, organized crime, and fraud. He has tried about 50 cases, including large multidefendant drug conspiracies, international money laundering, multimillion dollar counterfeiting cases, and multidistrict immigration fraud.

Mr. Mosman also displayed stellar leadership and integrity in the wake of the September 11 tragedy. He deftly guided his office in the apprehension and prosecution of several would-be terrorists, all the while taking steps to ensure that those individuals' civil liberties were not violated.

Mr. Mosman is an exceptional nominee. He merited an ABA rating of unanimously well-qualified, and I fully expect him to serve with distinction on the federal bench in Oregon.

Mr. SMITH. Mr. President, I rise today to speak about my good friend and fellow Oregonian Michael Mosman.

Recently, the ABA rated Mr. Mosman as well qualified for the position of District Court Judge. Those of us from Oregon, however, have long been aware of

Mr. Mosman's stellar legal credentials and talents. It would be an honor to have Mr. Mosman serve our state as the next U.S. District Judge in Oregon. He has distinguished himself as a leader in our state and in the legal community. Since 1988, Mr. Mosman has worked for the United States Attorney's office in Oregon. First joining the Department of Justice as an Assistant U.S. Attorney, he was subsequently promoted to the position of U.S. Attorney for the District of Oregon in 2001.

In addition to his public service, Mr. Mosman has worked in private practice with the Portland law firm of Miller Nash LLP. He clerked for Judge Malcolm Wilkey of the U.S. Court of Appeals for the DC Circuit—and for U.S. Supreme Court Justice Lewis Powell. Graduating with highest honors, he received his undergraduate degree from Utah State University and his law degree from BYU's J. Reuben Clark Law School.

With his academic and legal background—both in private and public practice—Mr. Mosman will bring a wealth of knowledge and, most importantly, compassion to the bench. In 2001, Senator WYDEN and I convened a bipartisan blue ribbon panel to interview applicants for the position of U.S. attorney—our unanimous No. 1 recommendation was Mike Mosman. Earlier this year, we convened another bipartisan blue ribbon panel to interview applicants for the U.S. District Court. Once again, our unanimous No. 1 recommendation was Mike Mosman.

It is, therefore, with great pleasure that I highly recommend to you my friend, Mr. Mosman, and urge my colleagues to vote in favor of his confirmation as United States District Judge for the District of Oregon.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 367 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Bond
Bunning
Edwards
Graham (FL)
Gregg
Kerry
Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider has been laid upon the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Ohio.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

AMENDMENT NO. 1787, AS MODIFIED

Mr. DEWINE. Mr. President, in regard to the Feinstein amendment, the yeas and nays have been ordered.

I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1787), as modified, was agreed to.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 69, the continuing resolution, which is at the desk; provided further that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 69) was read the third time and passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Ms. LANDRIEU. Mr. President, I thank the leadership on both sides for allowing us the opportunity to get back to the DC appropriations bill, a bill Senator DEWINE and I have worked very hard on over the last, actually, several months. We are very proud of so many portions of this bill that do such good work for the District, and do so in conjunction with the leadership of the District and the residents of the District. So we are thankful that as it has worked out today, we can actually get back on this bill.

It is my hope, and I think the chairman of this committee shares this goal, since there are a couple of points in this bill that warrant further debate, the most obvious one being the issue of education improvement in the District of Columbia, it would be my idea, and I hope it is shared by my colleagues and even on the other side, that we give as much time to this debate as possible because it is a very important issue, not just for the District but for the whole Nation. As a public policy, we would be hard pressed to find a public policy that is more important right now, other than, of course, national defense and homeland security. I think we all agree the challenge to our public education system is one that continues to warrant our attention.

Tonight it is my intention, and Senator DEWINE understands, to speak for a minute about an amendment Senator CARPER and I want to lay down at some time, and to talk in detail about what that amendment is. He and I are prepared to talk for maybe an hour about the details of it.

I understand there are other Members who might want to speak tonight. We have no intention, obviously, of having the vote tonight or tomorrow, but we hope next week to proceed with some voting on this very important bill.

The way I would like to start, just for a few moments, though, is to say the reason our amendment would be necessary and other amendments would be warranted is because the debate will show the publicly stated goals, however laudable—and we have read those goals in the newspaper, we have read them in press releases, we have heard the goals stated by the voucher proponents, that the aim of this is to help children in failing schools, poor children in failing schools have options—this debate will show the bill itself does not actually do that. Even with the Feinstein amendment, the bill does not do that.

There is another really puzzling aspect to this. I want to submit something for the record to show why I will say it is puzzling. We received today the Statement of Administration Policy. I would like to read it for the record and then explain why it is confusing. This is the Statement of Administration Policy that was issued today on the DC bill. This policy, not from the House but from the White House, says this: We like the DC bill, basically. I am paraphrasing the first part. The administration looks forward to working with Congress to ensure its priorities and amounts of money are within the overall budget goal.

> Additional Administration views regarding the Committee's version of the bill are, [No. 1], School Choice Incentive Fund.
>
> The Administration is pleased the Committee bill included $13 million for the President's School Choice Incentive Fund. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

The puzzling thing about this is the White House has said they support the Mayor's position. The Mayor was on the floor today. Mayor Williams is one of the most honorable people I know. He is a reformer for public education. But I don't know if the White House realizes that is not the Mayor's position.

The Mayor's position is a three-pronged approach: A third for vouchers, a third for charter schools, and a third for improvements to public schools. That is because the Mayor has suggested that vouchers-only is insufficient, and the Mayor has also said some other things about the voucher-only proposal. So I just lay this down.

I ask the chairman if perhaps he could get to the bottom of this. I don't know why the White House wouldn't say we understand the Senate bill has three clear sections on this issue. We like all those sections. We ask you to keep them all in the bill. But it doesn't say that.

I am going to have this printed in the RECORD. That is why we are going to have a lot of debate on this, because we have to get clear what the administration is really asking for or advocating.

I ask unanimous consent to print the Statement of Administration Policy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 24, 2003.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 1583—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 2004

(Sponsors: Stevens (R), Alaska; Byrd (D), West Virginia)

The Administration supports Senate passage of the FY 2004 District of Columbia Appropriations Bill, as reported by the Appropriations Committee.

While this bill exceeds the President's request by $145 million, the Administration looks forward to working with the Congress to ensure that the FY 2004 appropriations bills ultimately fit within the top line funding level agreed to by both the Administration and the Congress. The President supports a discretionary spending total of $785.6 billion, along with advance appropriations for FY 2005—consistent with his Budget and the FY 2004 Congressional Budget Resolution. Only within such a fiscal environment can we encourage increased economic growth and a return to a balanced budget. The Administration looks forward to working with the Congress to ensure that its priorities are met within that overall total.

Additional Administration views regarding the Committee's version of the bill are:

SCHOOL CHOICE INCENTIVE FUND

The Administration is pleased the Committee bill includes $13 million for the President's School Choice Incentive Fund initiative. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

FEDERAL FUNDING FOR DC

The Administration applauds the Committee for fully funding the President's request for $17 million for District resident tuition support, as well as $15 million for emergency planning and security costs in the District.

ATTORNEY'S FEES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The Administration is pleased that the Committee has retained the provision that caps the award of plaintiff's fees in cases brought against the District of Columbia Public Schools (DCPS) under IDEA. The Administration strongly supports the education of children with disabilities according to the principles embodied in IDEA, and it is in the best interest of the District's children if DCPS uses its limited resources to improve its special education programs rather than pay excessive attorneys' fees.

LOCAL BUDGET AUTONOMY

The Administration continues to support local budget autonomy, which would free the District's local funds from any delay in the appropriations process past the beginning of the fiscal year. We appreciate Congress' consideration of this proposal and recognize Congress would continue to ensure responsible use of Federal and local funds through the enactment of the District's annual appropriations bill.

OTHER ISSUES

The Administration is disappointed that the Senate version of the bill modifies current law with respect to allowing local funds to be used for needle exchange.

The Administration is concerned with the number of unrequested earmarks contained in the Committee bill, including $20 million provided to the District of Columbia Chief Financial Officer for a variety of unspecified projects.

Ms. LANDRIEU. I would like to start with the Landrieu-Carper amendment that we will offer at some time, and describe again why it is puzzling that we are having difficulty with the administration and the voucher proponents coming to some agreement. I am going to read the simple text, and without any rhetoric or signs or charts or anything, I am going to read the text of it because it is quite simple. I want the people who are listening—and, of course, there is alot of interest in this—to understand what basically has been rejected.

Before I do that, I will give a very brief history of how we got here because it will help to set this debate.

Three years ago we were in what I would call a quandary in public education in the Nation. That quandary was this: Our schools were improving but not fast enough. We had a lot of kids who needed help. We really had to do something.

There were a group of people who wanted to give up on public schools and go to vouchers and say we can't, we tried, nothing is working, let's go to vouchers. There was a group of people who said no, what we need is just more money, the same thing, pump the money in and more resources will do it.

Both proposals were rejected. They were rejected by a broad-based coalition of Democrats and Republicans who rejected both. We said no to vouchers which will undermine public schools; no, vouchers will not work. And, no, just dumping more money in the system, as much needed as the money is, just dumping money is not going to help.

We found a third way called Leave No Child Behind which the President himself led. Many of us were proud to work with him to do that. We crossed party lines. Republicans went to the Democratic side. Democrats went to the Republican side. There were great coalitions forged to get that done.

Here we are not even 2 years into Leave No Child Behind and there are still grumblings on both sides. You can understand why. The money we promised isn't forthcoming. So people have a legitimate argument. They say: We haven't received the money. I understand. I keep saying: Let us go forth.

I know people want vouchers. No matter what we do, they want vouchers. They want them yesterday, today, and tomorrow. That is just what they want.

Here we are with Leave No Child Behind. One would think if the administration wanted to prove something, they would try to prove it anywhere in the country—the District, New Orleans, Louisiana, Ohio—that Leave No Child Behind could work.

There is some confusion. From my point of view, I think what would come out of the President's proposal is something like this: I am sorry. We are short of money. I am sorry. We can't fund everything that we thought we could fund, but let me just give enough money to the District of Columbia, which is a city and a symbol, and let me fully fund Leave No Child Behind. Let me double the amount for charter schools. Let me push contracts for public schools. Let me increase tutorial services. Let me have afterschool and let us implement early childhood education.

As a person who helped write the bill that laid those principles down, that is what I would fully expect. I would have stood shoulder to shoulder with him, and I would have said with the Mayor's help, with the Congresswoman's help, with the Republicans' help and the Democrats' help, let us show the country what we meant when we passed the bill. They don't believe it. Neither side believes it. So let us show them what we meant. Instead, we get the same old, tired, worn out, inadequate vouchers—vouchers, vouchers.

Mr. CARPER, the Senator from Delaware, and I, and others who worked very closely, think we are not hearing correctly. We think this couldn't possibly be. So we tried. The chairman could not have been more gracious. We tried. We think maybe it is something we don't understand. So we tried to talk. The talks aren't going very well.

So we think: Let us just put it down in an amendment form and see maybe if we are missing something. This is our amendment. I will read for the RECORD what the gist of the amendment is because it is very simple. Tomorrow I will have this blown up so when I speak on it next week people can see what it is.

This is what we said. Even though you don't want to fund title I in the District, you don't want to double the amount of charter schools, you don't want to have private contracts which the law allows, you don't want to increase tutorial services, you don't want to have afterschool, you don't want to have early childhood, we will just take what the administration thinks—or what the voucher proponents think—and we will just go back to see if we can make vouchers work.

We say: OK. We will do a couple of things. If you will agree that the same children will take the same test because the administration was very strong on tests—they wanted the same test—that took a little work but we finally got the same test.

Then they said last year that it is very important for teachers in public schools to have a college education. That was a big deal. We said, yes, at a minimum. They can have alternative certifications but you have to have a college education. Let us have a college education for teachers who would be teaching students using public money to go to private schools. That has been agreed to.

Because one of the problems with this debate is that nobody has the research to tell whether it really works or not—we agree with that—we said, let us have a very rigorous evaluation so that after 5 years we would know for sure, I mean for positive.

Let me speak for a minute about this. The Milwaukee program has been going on for 13 years. There are 11,000 children in vouchers and there are 89,000 children who aren't in vouchers. The Senators from that State can talk more about the details than I can. But what I do know about it is many studies have been conducted, and there is still no definitive data that I have been able to find—that anybody has been able to find—about whether those children are doing better academically. There is some evidence to suggest that some parents are happier and more satisfied. I acknowledge that. That is very good.

I remind this body that we did not start down this road to make parents happy. That is not what the President said. We want parents to be satisfied. We want parents to be satisfied, but that is not the goal. It is desirable. But the goal is a quality education with public accountability because public dollars are being spent. We don't know after 13 years.

We said: OK. Let us have an evaluation component. The evaluation component in this bill, to date, is inadequate to, even after 5 years, give us those answers, and we think that is a real problem.

This is the most important. All of these are important, but this is really the telling portion of why I think we are at a real standstill and a crossroads.

We said in our amendment that you say you want to limit this or you want to help children who are in a trap. That is what this says. I want to read it again. This is the administration's policy. This is for children who are trapped in low-performing schools, which would mean trapped in failing schools. That is what we can do in Leave No Child Behind. We said no more of this. You have to be good. If you are not good and you are a failing school, you need improvement or you have to close and be reconstituted. We said let us limit it to children in failing schools. That is part of our amendment.

The word back so far is, no, I am sorry we can't limit this to children in failing schools because we want this to be available to children in all schools.

The sixth provision that we asked is to make sure all the civil rights laws which are required in Leave No Child Behind are adhered to. The other side said that wouldn't be a problem. We assumed that would be fine. But it is not in this bill.

The other part of our amendment says make sure the scholarship itself—whether it is $7,500 or $3,500 or $1,000—is sufficient to actually get a child by lottery from a failing school into another school. The school can't discriminate. The child gets to go. But that language was rejected.

I don't know what the other side is thinking. If a school costs $15,000 and the voucher is only worth $7,500, we can't figure out how that child gets to the school if their voucher is only worth $7,500. We wanted to make sure that the voucher would be received as payment in full so a parent couldn't be told: We would love to take your child into the school but your voucher is only worth $7,500 and we need $15,000. I am sorry. Our private scholarship fund is out of money. We would love to help you, Ms. Jones. We really know that your two sons would do great in our school. We would love to give them vouchers. You can either have a bake sale or raise money from your neighbors or go into your savings account, but we can't put up the other $7,500.

Senator CARPER and I thought it would be reasonable to say the voucher—no matter where you get the money—has to get the kid in the school.

The seventh thing we asked was—because this White House, when we were debating Leave No Child Behind, insisted on yearly progress reports for children in public schools—we would like to craft a way to make sure these 2,000 slots available that we are talking about, where they take the same test that has been agreed to—we would have these yearly progress reports as defined by Leave No Child Behind. The same reports, no difference. No, I am sorry, we can't do that. We cannot have yearly progress reports. So, again, accountability is out the window.

And finally, our amendment said, OK, we do not believe this should be a Federal mandate. We are being told by the voucher opponents, that the city wants this; it is the choice of the city. I said, fine, remove the language that makes the money contingent because in committee I asked the Senator handling the bill if he could just state for the record: Does Mayor Williams have a choice? In other words, in order to get any money, does he have to take the voucher money? To get any money, does he have to take vouchers? The answer was yes.

I and others strongly opposed forcing any city, anywhere, at any time, being held hostage by voucher opponents that would say: We are happy to give you $40 million; we are glad to give you $20 million; we are glad to give you $8 million; but you have to institute a voucher program. And not just vouchers for children in failing schools, but you must have a voucher program for children in all schools.

That proposal will not pass with much Democratic support, let me assure Members.

This has been rejected today. Maybe cooler heads will prevail. The Senator from Delaware and I are still open to discussion. Why? I would stay here all night, all next week, all next month, all next year. My children are home; I would like to get home. His children are home. But that is how important this education reform is for this country. It was a hard fought victory and a wonderful victory and a powerful victory.

The ink is not even dry and we are talking about undoing it, unraveling it, undermining it. I don't understand it.

Senator CARPER will talk, and then I will finish with a few more comments about our amendment. I would like Senator CARPER to explain from his perspective what our amendment hoped or sought to do.

Mr. CARPER. I thank the Senator from Louisiana for yielding. Before I was elected, I served as Governor of Delaware for 8 years, following Mike Castle, who launched near the end of his second term education reform. What we began in his last term and I tried to do in the 8 years I was privileged to serve as Governor was to focus more on raising student achievement than on anything else. We were willing to experiment rather boldly to try to accomplish that. We established rigorous academic standards, not standards in math, science, English, and social studies that the politicians thought were important, but we gathered the best teachers in the State, the best scientists, to develop academic standards of what we expected kids to know at different grade levels in their academic careers.

We wanted to test students objectively, measure whether they were making academic progress to the standards. We wanted to be objective.

And, finally, we wanted to make sure we held everyone accountable—students, schools, school districts, even the educators. Trying to hold parents accountable would be the hardest part of all.

During the course of those reforms, we sought to identify what was working to raise student achievement. Did smaller class sizes work? If so, the idea was to replicate that and do that in other schools. We eventually found that smaller class sizes in kindergarten and classes for age 7 had the most impact.

We learned investment in early childhood paid huge dividends and concluded that in the first 6 years of our life, by the time we are age 6 and in first grade, we have learned about half of what we are going to learn in our lives. If we waste the first 6 years, it is hard to catch up later on.

We learned that if we can harness technology, we can help equalize the playing field for a whole lot of kids. We learned that it is not just enough to hook up classrooms to the Internet. It is not enough to have even decent computers. If you do not have teachers comfortable in using the technology to bring the outside world into the classroom and making the learning come alive and using it effectively as a tool, the money for all the wiring and the computers is money that is not well spent. Teachers have the professional development and the familiarity of using this technology lining up with the curriculum, the lesson plan, and making the learning come alive.

We learned in the course of our experiments in Delaware that all kids can learn. Some learn more quickly than others. Mary might learn faster than Tom, but Tom could learn. He just might need extra time or be taught in different ways. We learned maybe longer school days are helpful for doing that, afterschool programs, and maybe summer schools. We have schools, for example, for kids who are entering ninth grade. We can bring those kids in for a month or so in the summer before they go into ninth grade, put them in a summer academy, and they have a better chance of helping the kids to meet the standards they need in ninth grade.

We did all this in an effort to try to learn what worked to raise student achievement. We did so because we wanted to be able to invest the limited dollars that we had in programs that would raise student achievement. Of all the things we did in my State during the time that I served as its Governor, preparing the workforce for the 21st century was most important. If we are going to be successful as a nation, it will be because we prepare and create a workforce that is able to beat any workforce in the world.

What does that have to do with what we are talking about? The schools in the District of Columbia are not doing the job for many of the kids who live there. The public schools in this District are not doing the job for many of the kids who live there. And a good deal is being done to try to turn that around. This District has begun to experiment rather boldly with charter schools, some of the things I talked about earlier—extra learning time, technology, and professional development—in order to raise student achievement. They have a long way to go.

As we dealt with the issue and tackled the issue of leaving no child behind in a failing school, we did not say that the Federal Government would go out there and establish academic standards. We said, we will let the States establish their own academic standards. Let them figure it out and know what they should be doing. We said the same thing about the District of Columbia. They develop their academic standards in the District of Columbia. We do not do that.

No Child Left Behind also says we expect kids to make progress every year. We expect all kids can learn, and over a period of a decade or so we expect virtually all children to be able to reach the academic standards, whether it is the District of Columbia, Delaware, Ohio, Louisiana, or Alabama. Of the public schools in the District of Columbia, or Minnesota or Delaware, under No Child Left Behind, if a school does not meet adequate yearly progress for 1 year, that school is essentially put on notice that they are deficient.

If they continue to not meet the adequate yearly progress for a second or a third year, there are consequences for the failure to do so. By the fourth year, if a public school—4 years in a row, in any of our States or in the District of Columbia—fails to meet adequate yearly progress, there are consequences that can be rather severe. The school can be closed and restructured, the faculty changed, leadership changed. The school can be transformed into a charter school. Public school choice can be demanded, required, including the funding of transportation to other public schools. But the consequences are severe.

If a charter school in Minnesota, where I think charter schools may have originated, or in any of the other States that are represented here is deficient, and the students there—for 1 year or 2 years or 3 years or 4 years—do not demonstrate adequate yearly progress, or those schools do not show progress year after year, then there are consequences as well. There is also help. We try to provide extra help: extra money, tutorial assistance, that kind of thing. But in the end, if there is not progress, we do not want to continue to throw good money after bad.

I want to talk about an area we got hung up on, and it is a little complicated; but I want to take a minute to talk about it anyway. I said earlier, if you have kids in public schools in this District of Columbia who are not making adequate yearly progress, there are consequences for those schools. There are efforts to help them, but there are also consequences.

For charter schools here, if kids are not making progress, if you continue year after year to fall short, there are consequences for that school, and in the end fairly severe ones. If instead of taking this $13 million and distributing it in vouchers to send the kids to, let's say, 80 different schools—instead of doing that, with maybe 25 kids to a school—instead, we are going to take that $13 million and fund one new school for 2,000 kids, and maybe have 80 classrooms, with 25 kids in a classroom, if we use the $13 million in that way, we would expect that school and those students under No Child Left Behind to make progress and to make adequate yearly progress. And if they did not, under No Child Left Behind, that school would get help. And eventually, if they continue to fail, they would face dire consequences.

Stick with me on this, if you will. What we propose to do with this voucher demonstration is to take $13 million, and instead of creating one school with 80 classrooms, we might take the $13 million and give it to kids who will go to 80 different private schools somewhere here in the District; and it might be roughly 25 kids in each of those schools, but they add up to 2,000.

Some will go to schools, and they are going to be tested, and they will do pretty well. Some will go to schools, and they will be tested, under the District's test, and they are not going to do so well; and they may not do so well next year and the year after that and the year after that.

I wish it were possible somehow to take the results of those 2,000 kids who are going to be spread, in this example, in 80 schools across the District to actually bring back, to aggregate, and to see how well they did in making adequate yearly progress. And as it turns out, we could actually do that. We would not have to impose No Child Left Behind on the individual private schools. I would not want to do that. But we can certainly find out how those kids are doing in those private or parochial schools, and see if they are making, collectively, adequate yearly progress.

Earlier this year—I wish I could find the quotation—President Bush was talking—I think it was maybe in July—about this experiment with vouchers in the District of Columbia.

If you bear with me, I want to see if I can find that quotation. At the very least, I will give you part of it. He said words to this effect: It is the taxpayers' money. We want to know. We want to know in a public school or in a private school whether or not the children are learning.

Bear with me just for one moment. The quote is too good to miss. I will find it, and then I will be able to read it in its entirety. Here is what the President said. And again, this is from July of this year. I am going to read it because I think he has it right. This is absolutely on the money talking about his vision for a DC voucher program. This is what he said:

> The same accountability system applies to the recipient school as it does the public schools in Washington. After all, it's taxpayers' money. We want to know. We want to know in a public school or a private school whether or not the children are learning.

I could not have said it better myself.

The negotiations we have had with our friends on the other side—and I just want to say to Senator DEWINE, I said this privately, and I will say it publicly, I very much admire the way he and Senator LANDRIEU work together as the chairman of the subcommittee and as ranking member. I thank them very much for the good faith that I think they and their staff demonstrated in trying to find a middle ground on some of these complex and admittedly difficult issues.

While I believe it is important that the kids who will use these vouchers in this experimental program come out of schools that are failing—not everyone thinks that; I think so—I think it is important that the voucher actually offsets the cost of the tuition fully. Not everyone agrees with that. I certainly think so.

I think the teachers in those private and parochial schools have to meet certain standards or credentialing qualifications. We could probably work through most of that.

We fell apart in our negotiations on three points. One was this idea of: Is there some way we can fairly reasonably make sure we hold those who are using public dollars, Federal dollars—for the first time, I think, for vouchers—can we hold them accountable under No Child Left Behind, and in a way somewhat as we hold charter schools and other public school kids accountable?

I had a conversation with an administration official this afternoon, and I thought it was a telling conversation. She said to me—words to this effect—we can't agree with doing what you and Senator LANDRIEU want because the kids who are coming from these schools, who will be using these vouchers—falling under certain income limits; 185 percent of poverty—they are going to be some of our toughest kids to help raise student achievement and to demonstrate adequate yearly progress. And there was just a reluctance and a fear they were setting themselves up for failure under this demonstration program.

What the President said is the same accountability system applies to recipient schools as it does to the public schools of Washington, DC.

We have to be smart enough to figure out a way to put that kind of accountability plan in place in a voucher program so that it does not discourage private or parochial schools from joining in this experiment. And if the kids who use those vouchers and go to the public and private schools don't make adequate yearly progress, we should not continue to fund those programs.

One of the great frustrations for me with what we are setting up here, without the kind of provisions Senator LANDRIEU and I are talking about, is we will end up not knowing for sure at the end of the day, and for 5 years, or whatever, whether this actually works to raise student achievement, comparing apples and apples, oranges and oranges, being able to compare those 2,000 kids with another 2,000 kids in charter schools and 2,000 kids in public schools. We will not know absolutely. And we should know.

For people who don't like vouchers, for those who think we should not put a dime in vouchers, they should know after 5 years that it works. And maybe we should consider, as we said, other school districts. By the same token, for those who think vouchers are the best thing since sliced bread, it would be great to have an experiment that demonstrated that at the end of 5 years, maybe it does not work. And other schools around the State, other cities or school districts would say: They tried it in DC. It was a fair experiment, and it didn't work. They could decide to go ahead and have their own experiment and do it themselves. But we need a test and experiment that nobody can question at the end of the day that it wasn't done fairly and squarely on all counts.

I feel disappointed tonight. I really do. I am not angry, but I am disappointed. I have invested some personal time. My staff has. Senator LANDRIEU has invested a whole lot more. I know Senator DEWINE has. I don't feel good about this because we ended up having spent all this time without coming to the kind of consensus I hoped we could. I fear we will pass a bill ultimately that will be flawed, not flawed in the sense of the Senate version, but the House version, because that is a badly flawed voucher proposal. I fear we will pass something that is not what it could be. We will go to conference and what comes out of conference will be a whole lot worse than what is being contemplated here in the Senate.

The last thing I want to say is this: If we had been able to reach agreement that these vouchers would only be used for some of the 9,400 kids who are today in failing schools in the District, we would have eliminated a real stumbling block going forward. If we had been able to work out with smart people in the administration, smart people who work around here, a way to make sure that the same accountability or some comparable accountability system that we used under No Child Left Behind for charter schools and public schools—that we can apply that in the way I described earlier for these 2,000 kids—if we can do that, we have eliminated a major stumbling block.

Senator LANDRIEU and I are reluctant, though, even if we passed a measure that had those provisions in it and the other principle she has talked about already, to go to conference even with a good bill without the assurance that what is going to come out of conference will be consistent with those principles. I would feel pretty foolish if we struck a good agreement, a sound agreement that we felt proud of, and went to conference and ended up with something else that was a horse of a different color.

We are not going to come to agreement, I am afraid, on those two major principles that we talked about here tonight, if our friends on the other side can't give us an assurance that even if we were, those principles would survive the conference. I understand that is a difficult thing to do. Having said that, I must say that that understanding doesn't diminish at all my disappointment that we have fallen short.

I yield back.

Ms. LANDRIEU. Mr. President, I thank the Senator from Delaware who, as usual, has described beautifully his position and the position which several of us on this side, who are cosponsors of the No Child Left Behind Act, believe in strongly. I would like to add to what he said briefly by referring to what President Bush, 2 years ago in August, as we were preparing for this debate, wisely said:

> Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know where and how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real.

This would be part of the Landrieu-Carper amendment that was, in essence, rejected. So it becomes a question, Is it just accountability for taxpayer money when it comes to public schools but not taxpayer money when it goes to private schools? Again, let me say, if we started out on this course with a goal, the only goal being parental satisfaction, we should never have started, because no amount of money in the Treasury will ever make every parent in America happy. It would be a false, foolish journey to that end.

That wasn't why we started. We started to say the public money, if spent and managed correctly, could provide a very good education measured by academic performance. And along the way, if we could increase parental satisfaction and taxpayer confidence, that would be the best we could hope for. Yet proponents want to twist that debate, forget the accountability piece, and just keep saying: If parents are happy, we have accomplished our goal. That is not our goal. We want parents to be satisfied, but that is not our goal.

Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real and the taxpayers get their money's worth. That is what this issue is about.

I will close, because my chairman has been very gracious, with a quote from another President, John Kennedy, on a similar subject.

I thank, again, my chairman, who has been more than gracious in terms of the time on this, and his staff. The two of us can come to a lot of agreements. It is just other Members, other interests. So we will soldier on. But I just want him to know that he continues to have my greatest respect as we work through this very important debate.

Let me close with a quote from a former President on another equally urgent matter to sort of capture my disappointment. I am not angry, but I am disappointed. President Kennedy, many years ago when our Nation was faced with being left behind in the space race, as we are challenged today being left behind in public education, to marshall the forces necessary to achieve the goal at that time, which was to win the race to space and put a man on the Moon, said:

> We possess all the resources and all the talents necessary. But the facts of the matter are that we have never made the national decisions or marshaled the national resources for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to ensure their fulfillment . . .
>
> Let it be clear that I am asking the Congress and the country to accept a firm commitment to a new course of action—a course which will last for many years and carry very heavy costs . . . [but] if we were to only go halfway, or reduce our sights in the face of difficulty, it would be better not to go at all.

He was right. We didn't go halfway; we didn't go part of the way. We didn't go for 2 years and then say I am sorry, we made a mistake, let's go to another proposal. We stayed the course and, because of that, less than 8 years later, we landed a man on the moon. In June in 1969, 8 years and 1 month after the speech, Neil Armstrong and Buzz Aldrin landed on the moon and Neil Armstrong said, "One small step for America, one giant leap for mankind."

Mr. President, I will tell you as firmly—as I represent the people of my State—and as strongly as I can express it, if we would stay the course, we would meet the goal. If we would marshal the resources, we would meet the goal. But this debate, getting us off course, going in a different direction, undermining what we are doing and underfunding what we are doing, will never get us there. That is what this debate is about.

I thank the chairman for allowing us to talk tonight. We will proceed with this debate over the course of the next week until we can come to some agreement as to how to proceed.

I yield back my time, and I thank the Senator from Ohio.

Mr. DEWINE. Mr. President, again, I thank the ranking member, Senator LANDRIEU, for her good comments and, more importantly, I thank her for her good work on this bill.

There is a lot more to this bill, frankly, than just the scholarship portion of the bill. You would not know that by the debate, but there is an awful lot in this bill on which we all agree. Frankly, there is a lot on the education part we agree on as well.

I thank my colleague from Delaware for his good statement. They have both contributed a lot to the debate tonight. I appreciate their good faith and their commitment to the children and their good comments.

I want to take a moment before my friend from Alabama speaks, who has been on the floor for some time, to, at least from my perspective, explain where I think these negotiations are and what happened with them. I am afraid my perspective is a bit different than what my colleague said, but I hope not too different. We negotiated in regard to the topics my colleagues have just discussed for 2 or 3 days. These were negotiations that went on at the staff level, but they also went on at the Member level. All three of us were directly involved. We spent all day yesterday involved in negotiations.

Quite frankly, the issues they have raised on the floor, I felt, and continue to feel, are very legitimate issues. These are not trivial issues; these are important issues. I felt and still feel at this moment—I guess I am an eternal optimist—that these issues could be resolved on a policy basis among the three of us. I still feel they can be resolved. The negotiations, candidly, broke down, as my colleague from Delaware said, when my two colleagues on the other side of the aisle came to me and said there is one condition you have to meet that is not negotiable, and that condition is you have to guarantee these items will come out of conference. That is one thing as chairman of the subcommittee I cannot guarantee. I can guarantee I will fight for them in conference. I can guarantee I will represent the Senate position and that I will do everything I can to get as much of what we agree on through the conference; but what I am not in a position to do is to give any kind of ironclad guarantees to my colleagues—as much as I would like to—that every single thing we would agree to, every single sentence, paragraph, word, comma, will come out of the conference committee with the other body.

That just cannot be done. I am not in a position to do that and to tell them that in good faith. I suppose I can tell them that and it would not happen, but I am not going to do that. So that is when the negotiations broke off.

I want the other Members of the Senate, both on my side of the aisle and the other side of the aisle, to understand that that is when the negotiations broke off. If that is the condition of making an agreement on this amendment we all could agree on, and that we can get this bill passed, then that is not going to happen.

Now if it is trying to work out all the very legitimate issues my colleagues have just raised, then we can continue these negotiations. I am an eternal optimist, and I think we can work these out. I have told both of my colleagues that. I don't think we are that far apart. These are legitimate issues, and we can work them out.

I see my colleague on her feet. I will not yield the floor, but I will yield for a question.

Ms. LANDRIEU. Mr. President, did the Senator know—and I fully appreciate his position and I most certainly understand that even as the powerful chairman he is, he is not able, of course, to make those confirmations. I also know there are powers that can make such arrangements, and the chairman is well aware of that. So we offer this amendment in good faith, recognizing that if there truly is a view or a desire to create a real, accountable pilot for children in failing schools in the District of Columbia that would show definitively whether it works or not in 5 years, that meets the parameters of Leave No Child Behind, that could be something that could be reached. That is what my intention would be. That is not the position of every single member of the Democratic caucus. So as ranking member, I will also represent their position. But at this point, we don't see the possibility of that. I thank the chairman. I understand his position.

We look forward to continuing to lay down amendments that will try to improve and perfect this proposal, or eventually to strike the language and try to move on a bill without any reference to the voucher proposal.

Mr. DEWINE. I appreciate my colleague's comments. Let me take a moment to state where I think this bill is. My colleagues have talked about some of the improvements they would like to make in the bill. I was given a list here. We don't have an amendment before us. At this point we don't have an amendment, but I think they are going to present one at some point. So we don't have all the language to go through, but we have talking points or some power points to look at. I will go through a couple of these points.

The first point is that eligible participating students must take the same tests as kids in public schools. That was met and that is now part of the bill, as amended by Senator FEINSTEIN's amendment. So we appreciate that contribution that now is a part of the bill as amended by Senator FEINSTEIN, which the Senate just adopted about an hour ago.

The second provision talks about eligible participating students are taught by a teacher who holds a college degree. That part of No. 2 is now in there as far as Senator FEINSTEIN had that in the amendment.

No. 3 requires a full and independent evaluation for the scholarship program. The Feinstein amendment that was passed by voice vote by this body about an hour ago does require a full, independent evaluation.

I say to my colleague, the ranking member of the subcommittee, Ms. LANDRIEU, that we are more than happy to incorporate the Senator's specific evaluation concerns that she has outlined and to work with her on additional language as far as incorporating that into the bill.

Her fourth point, scholarships are limited to students attending failing schools, the bill's language provides priority for students who are in failing schools. They are going to be the ones who get the priority. I point out to my colleagues that they are going to be the ones who are going to be first in line. So that is the state of play. That is where we are.

Let me make a couple of other additional points before I turn to my colleague from Alabama. One is, my colleague asked, what is the administration's position? Reference was made to the fact that in their letter the administration did not say they were for this three-pronged approach.

My colleague will be getting a letter from the administration outlining that, yes, they very definitely are for this three-pronged approach. They are for it. They are 100 percent behind it. They back it, and there will be a letter coming to her shortly and to this Senate outlining the administration's support of the three-pronged approach.

Earlier today we talked about the fact—I think it is significant—that it was the Mayor and the Mayor's team who originally decided and came to the Senate and the House and said: This is what we want; we want this three-pronged approach. We want the additional money, this add-on money, for the public schools.

We need to keep in mind that it has been this Mayor who has sought out additional money for the last several years for the public schools in the District of Columbia. So this is consistent with what he has done in the past. He sought this additional $13 million. It is consistent with what he has done when he has asked for additional money for the charter schools. So in this bill we have an additional $13 million for the charter schools, again what the Mayor requested.

The third prong, of course, is the $13 million for the scholarships. So it is the program of the Mayor of the District of Columbia. It is a very balanced approach, new money, not taking any money away from the public schools but, in fact, doing just the opposite, new money for the public schools, new money for the charter schools, and new money for this new scholarship program. I think it is very important for us to keep this in mind.

My colleagues who are concerned about this bill have talked about No Child Left Behind. My esteemed colleague from Louisiana has talked about this and has inferred that this is not really consistent with No Child Left Behind. It strikes me, with all due respect, that this is so consistent with our program of No Child Left Behind, because if there is anyplace in this great country of ours where children have been left behind, it is the District of Columbia. Through no fault of their own, the children of the District of Columbia have truly been left behind.

What a great tragedy it is, when people come to the District of Columbia, they come to our Nation's Capital and they see the great monuments, they see this great building, they see the great White House, they see this body, and yet if they truly understand what is going on here, they understand that there are children who are not getting the education they deserve. They are not getting the education other children across this country are getting.

With this bill and with this very balanced approach, we are taking a step towards giving the parents of these children more choices and giving more opportunity to these children. I truly believe this is consistent with our idea that there should be no child in this country left behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio for his leadership and hard work on this issue and the Senator from Louisiana who, I know, has also worked hard.

Education is a very important thing in this country. The title of the original education program proposed by President Bush, No Child Left Behind, is a powerful phrase. As the Senator from Ohio explained, this nation does not need to allow children to fall behind. We need to know what is going on. We need to find out how they are doing.

President Bush has proposed, and this Congress has passed, larger increases in funding for education in the last three years than we saw in the previous eight. We have had a tremendous increase in education funding from the Federal Government, but the problem was, and the challenge and the important impact of No Child Left Behind is, that we are not just going to put money into systems that are not operating effectively and efficiently; systems that are allowing children to fall behind.

Parents wake up, and their child is in the ninth or tenth grade and cannot do basic reading or basic math. They drop out of school, become a discipline problem, and the child's life is not what it ought to be. They will not reach the full potential that they ought to reach.

My wife taught four years, and I taught one year in public schools. We care about education. Good friends of mine, as well as people we associate with, are full-time teachers and we try to keep up with education. We were active, particularly my wife, in our children's education. We talked about how things were going at the school. We wanted to know.

My two daughters graduated from a large inner-city high school, racially fifty-fifty, in Mobile, Alabama. They have done very well. They loved that high school, and it was very important to them. They are still loyal to Murphy High School.

This is a defining issue. That is why it has received so much attention. The Senator from Ohio is exactly correct, there are a lot of good things in this bill other than just the scholarship portion. However, it is a big deal. What we are saying is that we care about children more than we care about bureaucracies, laws and regulations that do not work. We are saying that what life gives in the form of education to children is important.

Make no mistake about it, this is about power. A middle-income child or a poor-income child in this city is in a certain school district. They cannot do anything with that. Maybe their parents bought a house there 10 years ago. Maybe they can't afford to sell it. Maybe the price has gone down. Or whatever—they are in that district. Then they are assigned to a certain school. If that school does not perform, what happens? They go to the school board, and they say sorry, that is your district.

The parent says: I don't like this school.

It doesn't make any difference. Doesn't make any difference to us. You don't like this school? By law you must go to this school. They are sent there by order of the State or the city or the school system, and they have no choice in the matter.

Some schools in this very District, and some schools all over the country, are not working. Some of them are not safe. Some of them are not effective or efficient. Some of them are not producing the quality of education they could produce. The children who are sent to those schools are sentenced to a situation that makes it far more difficult for them to achieve success in their educational life than they would any other way. It is a big deal.

What happens when Senators and Congressmen are in that situation? They just decide to move out to the Maryland or Virginia suburbs and buy a $300,000 or $500,000 house and they put their kids in a school they like. Vice President Gore sent his kids over to St. Albans. That probably costs as much or more than the University of Alabama for a year. That is what they do because they can do those things.

But what happens to average Americans who cannot do that? They are stuck where the State sends them.

Dr. Paige, our Secretary of Education, himself a teacher of education and a former superintendent of the Houston school system, reformed that school system dramatically. Do you know what he said about it? He said: When I was there and we were losing students to private schools, my view was I cared about the kids. If they could get a better education in a private school, so be it. I hope they can go there. It doesn't hurt me. My job is to make this system work so they can be educated here. He said: With the money we have from the Government and advantages we have, there is no way we ought not to be able to compete with the private school system.

He said we lost kids, but he took firm control of discipline. He took firm control of the mismanagement. He took firm control by testing, and he made sure test scores were going up. He said in 5 years we were gaining kids back from private schools. They were happy to be in our school system. Not that it was a huge number one way or the other, but people did choose in that fashion.

But the average working American does not have those choices. It is just not financially possible for them. The wealthy can do it but not the poor. They are stuck. So this is what it is all about. You have the Mayor of this city, the leader of the school board of this city, and they care about children, too. They love the children; they want to see them succeed. When they have concluded that this program would help the children, why are we so upset about it? Why are we so determined and frustrated about it? Why do we get frustrated about it? I ask that question.

I think there is a resistance to change here. It has been said that they have totally eliminated religion from public schools. But within the establishment of the public schools, I would say that is not true, really. There is at least some religion left. There is one law that goes beyond logic to the point I would say of religion, and that is: Thou shalt not spend one dollar on schools that doesn't go through a system that the American Education Association doesn't have something to do with.

It is our money, they think. It has to be spent on our schools. Not one dime can be allowed to be spent by a child who might want to have an alternative or choice in their education. Frankly, I think we do not need to be that uptight about it.

The way this thing came up, we talked about it in the Senate and there was an effort in the No Child Left Behind bill to allow all the States to have scholarship programs. That did not go into the bill. It just was a fight we were not prepared to make at the time.

There was not agreement or consensus on it. But this is not a State. It is the Federal District of Columbia. It is part of the Federal Government. It is an area that we do not have a separation of Federal and State governments, where there is not a State's rights question about these matters. It is a matter within our jurisdiction, No. 1.

No. 2, the Mayor and the school board president want it. They asked us for it.

The people want it. They have children lined up to get into this program. I love educators, and I love and appreciate education. I believe the public schools do a terrific job for the most part in America. I have been pleased with the public schools my children have attended. But if they were not getting a good education there, one that was sufficient, I would have done what I could to make sure they got a good education. I think most Americans would. But for the poor, they don't have that option. They can't send their children to St. Albans. They can't send their kids to some other school if they are not happy, and I think we need to deal with that.

I salute the chairman, Senator DEWINE. I suggest the Feinstein amendment does many of the things that Senator LANDRIEU wants to do. I could support that, and I am comfortable with the Feinstein amendment. But if we are going to come up with an amendment that makes it so difficult for the schools in this area who have agreed to take children at a discount of 40 percent or more from the cost that is being expended for education in the District, that they will not accept them or it creates a bureaucracy—which is one of the things that makes it more difficult for public schools to perform well—if we are going to do that, I am not for it.

I know Senator DEWINE will be wrestling with that and listening to the Senators and their suggestions. But I would note we have a reality and that is there are two bodies, a House and a Senate. The House of Representatives deserves equal sway in these matters. That shouldn't change just because a few Senators believe something is important—I believe a lot of things are important and I have not been able to have them come out exactly as I want.

I think the Feinstein amendment does what Senator LANDRIEU wants. We have not seen the exact wording of Senator LANDRIEU's amendment, so I guess we will have to look at it to know. This body needs to act in the best interests of the schoolchildren of the District of Columbia. We have a Mayor elected to take care of them. We have a school board president who loves our children and wants them to succeed. They have said this program is the way to do it. This is what we need to improve their chances at a better life. I believe it is, too. I see no danger in going forward with it.

If the program turns out to be a failure, so be it. We will end it. I don't know that it will. Frankly, I think it is more likely to be a success than not.

I am glad the Senator from Ohio is leading this effort, and I look forward to working with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Alabama for his very fine statement. I think he is absolutely right. This is a pilot program. But it is a chance we have to take. These are children who need this opportunity. Their parents need this opportunity.

As we have talked about before on the Senate floor, you have the Mayor of this city coming to this Congress and saying: Give me the tools. Give me the tools to help shape the educational system in the District of Columbia. For us to turn our back on the Mayor, to turn our back on children, and the parents, I think would be a very serious mistake.

We have the opportunity to do something very positive. I think we should take that opportunity.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLING VETERANS FOR HOSPITAL FOOD

Mr. REID. Mr. President, I take a brief few minutes to say a few words about a situation that I think is a slap in the face to a brave Nevadan but also to thousands of others who wear the uniform of our great Republic.

Bill Murwin is a deputy sheriff in Lyon County, one of 17 Nevada counties. It is a rural county, even though it is becoming more urban all the time with the tremendous growth in Fernley and Silver Springs. Still we think of it as a rural county, a little over 60 miles outside of Reno.

In addition to Bill being deputy sheriff, he is also a staff sergeant in the Marine Corps Reserve. When his country called, he left his family and went to fight in Iraq. He was wounded a few months ago when a grenade exploded in a vehicle in which he was riding. He was treated at a military hospital in Germany and then because of the seriousness of his injury he spent 4 weeks at Bethesda. I am sorry to say this, but at Bethesda Naval Hospital he had to have part of his left foot amputated.

Obviously, we owe a debt of gratitude to Sergeant Murwin, just as we owe a debt of gratitude to all those who bravely fought for our freedom over the years, particularly in the sands and cities of Iraq.

Instead of gratitude—it is hard to comprehend—Bill Murwin got a bill from the Government in the amount of $243. Three days later he got a second bill, along with a threat that his account would be turned over to a collection agency if he did not pay up immediately.

For what did he owe this large sum of $243? I say that somewhat facetiously, but to him $243 was a large amount of money. It was for the food he ate when he was having his foot amputated. It seems that military personnel who do not eat in a messhall, including those who have families, receive a monthly allowance for their food. But when our troops are wounded, they eat in a hospital, they are billed by the Government $8.10 a day for their hospital meals.

I found out what happened to Sergeant Murwin when a coworker sent an e-mail to my office. I was disillusioned, disappointed, and somewhat upset to learn we have a policy and it has been in place for 22 years.

Our troops in combat who are eating field chow are already allowed to keep their food allowance. Certainly, the same policy should apply to those who are in a hospital recovering from the injuries they received in the field.

When a soldier is wounded in combat, we should not add insult to injury by making him pay for his hospital food. I am proud of Sergeant Murwin for coming forward to shed light on this mistaken policy.

Today, he told a member of my staff:

> This isn't about me. There are guys in the hospital who are 18 or 19 years old and have been there for three months or longer. . . .Some of them are expecting bills of $1,000 or more. They [are] really fretting those bills.

I think it is a national disgrace that anyone in this country has to worry about decent health care—and 44 million people have to worry about decent health care. But, really, when a soldier who is wounded in combat lies in a hospital bed worrying about a bill from his own Government for the food he is eating in the hospital, that is a little too much.

I also acknowledge my friend, the Congressman from Florida, Representative YOUNG. When he heard about this, he sent a bill to the Government to repay this bill for Sergeant Murwin. So I publicly acknowledge and appreciate what I read in the paper that my friend, Congressman YOUNG, had done.

I am proud to cosponsor Senator GRAHAM's bill that would correct this ridiculous policy. I salute, as I said, Congressman YOUNG for introducing a similar bill in the House and for paying the bill, literally, of my constituent.

I hope every Member of both Chambers will act quickly to correct this outrage. And it is an outrage.

TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to salute a great Nevadan, a great human being and a great athlete, my friend, Greg Maddux.

Mr. Maddux pitches for the Atlanta Braves baseball club. Since he went to Atlanta almost 11 years ago, the Braves have won their division every single season.

This is no coincidence. Greg Maddux has been the heart and soul of the Atlanta Braves, and the key to their remarkable string of success.

From 1992 through 1995, he won the Cy Young award, as the best pitcher in baseball, four years in a row. No other pitcher has ever accomplished that and I doubt anyone else ever will.

He finished the 1990s with a 2.54 earned run average for the decade. Only two pitchers had posted a better ERA over a decade since 1910—Hoyt Wilhelm and Sandy Koufax. That is pretty good company. And in 1995, Maddux became the first pitcher to log back-to-back seasons with an ERA under 1.80.

From 1990 through 2001—12 consecutive years—Greg won the National League Gold Glove as the league's best-fielding pitcher.

He pitched nine scoreless innings in Game One of the 1995 World Series, leading the Braves over the Cleveland Indians.

Greg could have retired years ago, and he would still be assured of entering the Baseball Hall of Fame on the first day he is eligible.

But he keeps pitching, and he keeps setting a new standard of excellence.

Sunday, he broke a record that had been held by the great Cy Young himself, winning at least 15 games for the 16th consecutive season. Young's record of 15 games for 15 seasons had stood for 98 years, since 1905.

For a major league pitcher, winning 15 games in a season is a feat that only the best will ever accomplish. To do it for 16 straight years is almost unthinkable.

They say records are made to be broken. Well, I think this one will stand for a long, long time.

The success of Greg Maddux is even more amazing when you consider that he doesn't have overwhelming speed. In an era of 100 mph fastballs, his clock in the mid-80s. He doesn't try to overpower hitters; he just outsmarts them.

Maddux is an unsurpassed student of the game who relies on his pinpoint control and his unyielding determination. He never gives in to hitters. He makes them swing at his pitches.

After he defeated the Florida Marlins to break Cy Young's record, 72-year-old Florida manager Jack McKeon said, "He doesn't get you out—he makes you get yourself out."

Anybody who is a baseball fan, as I am, would be proud to know Greg Maddux. But he is more than a great athlete. He is a great person.

He is a devoted family man, married to a wonderful wife, Kathy. They have a daughter Amanda Paige, and a son Chase Alan.

Obviously, the Maddux family could live anywhere they want to. I am proud that they have chosen to live in Las Vegas, where Greg grew up and graduated from Valley High School.

Greg doesn't endorse commercial products, and he has no interest in the glamorous life of a celebrity. Instead, he and his family live quietly, giving generously of their time and money for causes that benefit our community.

Kathy and Greg lead the Maddux Foundation, which is involved in several charitable activities in Las Vegas and Atlanta. The Foundation supports children's homes, domestic crisis shelters, and boys and girls clubs. In recent years, the Madduxes have expanded their philanthropic efforts, helping even more kids.

Greg's brother Mike also has a foundation that helps children. And he happens to be a pretty good pitcher in own right.

Mike Maddux began his major league career in 1986 with the Philadelphia Phillies, and played in the big leagues for 15 seasons. He, like his brother Greg, is a role model for Nevadas' and our voting youth.

Both of the Maddux brothers are great baseball players, but even more important, they are great neighbors.

Baseball fans all over America know Greg Maddux as one of the greatest pitchers in the history of the game.

In southern Nevada, we know him as a devoted family man, a positive role model for kids, and a generous contributor to our community.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 22, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $3.092 billion in budget authority and by $3.005 billion in outlays in 2003. Current level for revenues is $1 million below the budget resolution in 2003.

Per section 502 of H. Con. Res. 95, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the following current level report excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003, P.L. 108–69.

Since my last report, dated July 30, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: Family Farmer Bankruptcy Relief Act of 2003, P.L. 108–73; an act to amend title XXI of the Social Security Act, P.L. 108–74; Chile Free Trade Agreement Implementation Act, P.L. 108–77; and, Singapore Free Trade Agreement Implementation Act, P.L. 108–78.

I ask unanimous consent that the letter and tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2003 budget and are current through September 22, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted. Per section 502 of H. Con. Res. 95, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (Public Law 108–69).

Since my last report, dated July 28, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Family Farmer Bankruptcy Relief Act of 2003 (Public Law 108–73);

An Act to amend Title XXI of the Social Security Act (Public Law 108–74);

Chile Free Trade Agreement Implementation Act (Public Law 108–77); and

Singapore Free Trade Agreement Implementation Act (Public Law 108–78).

The effects of these new laws are identified in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF SEPTEMBER 22, 2003

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,874.0	1,877.1	3.1
Outlays	1,826.1	1,829.1	3.0
Revenues	1,310.3	1,310.3	−*
OFF-BUDGET			
Social Security Outlays	366.3	366.3	0
Social Security Revenues	531.6	531.6	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

*= Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF SEPTEMBER 22, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,359,834
Permanents and other spending legislation	1,013,810	977,842	n.a.
Appropriation legislation	1,133,856	1,160,341	n.a.
Offsetting receipts	−369,104	−369,106	n.a.
Total, enacted in previous sessions:	1,778,562	1,769,077	1,359,834
Enacted this session:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	79,190	42,024	2
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	3,479	3,479	0
Gila River Indian Community Judgment Fund Distribution Act of 2003 (P.L. 108–22)	1	1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	3,165	3,165	0
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	11,347	11,347	−49,489
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	*
Welfare Reform Extension Act of 2003 (P.L. 108–40)	64	26	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−1
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	*
An Act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,259	20	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	**

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF SEPTEMBER 22, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	**
	98,505	60,062	−49,488
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	0	0	n.a.
Total Current Level[1], [2] ..	1,877,067	1,829,139	1,310,346
Total Budget Resolution[1], [2]	1,873,975	1,826,134	1,310,347
Current Level Over Budget Resolution ...	3,092	3,005	n.a.
Current Level Under Budget Resolution ...	n.a.	n.a.	1

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes.—n.a. = not applicable; P.L. = Public Law; * = less than $500,000; ** = revenue effects begin in fiscal year 2004.

Source: Congressional Budget Office.

HISPANIC HERITAGE MONTH

Mr. SARBANES. Mr. President, every year since 1968, in the period between September 15 and October 15, our Nation observes Hispanic Heritage Month. This month-long celebration offers us a special opportunity to reflect on and pay tribute to the innumerable ways that Hispanic Americans, and Hispanic culture, enrich both our daily lives and the diverse heritage of the Nation.

According to the Census Bureau, some 38 million Hispanic Americans today live in the United States—and increasingly, in every corner of the United States. While many Hispanic Americans choose to live in parts of the country with proud and long-established Hispanic traditions; others are finding work, raising families and building vigorous Hispanic communities in places where, until recently, they did not exist or were little noticed. In politics, the arts, the media, sports, our colleges and universities, Hispanic Americans are a vital presence—architects of the American spirit. Even our taste in food reflects the degree to which Hispanic traditions are now woven into the fabric of our lives: tortillas are as much a staple of the national diet as pizza and bagels, and salsa has ended the reign of ketchup as the nation's most popular condiment.

Hispanic Americans bring to American life not one culture but many. Their roots reach to Central and South America and the Caribbean, and beyond, to Europe and Africa; every community enriches a great, underlying cultural foundation with its own distinctive variations. My own State of Maryland offers a brilliant example. There are some 228,000 Hispanic Americans in the State, a number that has increased by 82 percent since the 1990 census. Marylanders today are fortunate to have co-workers and neighbors from Europe, Africa, South and Central America and close cultural ties to the Caribbean, Spain and Portugal. From Puerto Ricans in New York to the Mexican communities of California, Hispanic Americans are changing the face of America and teaching us to celebrate the glory of the multi-faith, multi-cultural family that constitutes this great country. In my own State of Maryland, there are 228,000 Hispanic Americans, an increase of more than 82 percent since 1990, and they come from at least a dozen countries. In every county in Maryland, from the Eastern Shore to the western reaches of the State, Hispanic Americans have found a home.

Nonetheless, across the country Hispanic Americans face numerous challenges. Eager to work, too often they can find only low-paying jobs; the income level of Hispanic households is on average $15,000 less than that of white households, and almost one-third of Hispanic Americans live below the official poverty line. While Hispanics make up about 13 percent of the U.S. population, a study by the Hispanic Association on Corporate Responsibility found that Hispanics account for only 4.6 percent of U.S. firms' company officials and managers. Despite a 10 percent increase in population in just the last two years, Hispanic voting participation remains worryingly static.

In the great tradition of newcomers to the United States, Hispanic Americans come in search of better lives, decent jobs, and a chance to raise their families in peace and prosperity. Many of us in the Congress, whose families came here in an earlier time for just those reasons, know full well what that means. As public servants we have an opportunity, and indeed I would say an obligation, to ensure that every generation of Americans has access to the opportunities that were given to us. In doing so we keep our Nation on course to achieving the principles set out in the founding documents of our Nation.

We must not let language or economic or social status stand in the way of the full participation of all our people in our community life, and we must not permit these factors to become a barrier to our public institutions and services. In the history of this country no opportunity has been more important than the chance to go to school—important to the individual, with incalculable benefits to the society as a whole. That is why I have cosponsored S. 1545, the Development, Relief, and Education for Alien Minors (DREAM) Act, which would make it easier for States to provide in-state tuition status to students without regard to immigration status, and allow some immigrant students who have been in this country for five years or more to apply for legal status. It is my hope that for thousands of our newest Americans the DREAM Act will prove to be an important step along the way to living a rewarding and productive life.

As Hispanic Americans move proudly into the mainstream of American life, Hispanic Heritage Month is our time to celebrate all their accomplishments and contributions and to commit us anew to ensuring that all Americans have access to the wondrous opportunities our Nation offers.

MATTHEW J. RYAN VETERINARY HOSPITAL

Mr. SPECTER. Mr. President, I have sought recognition regarding the renaming of the Veterinary Hospital of the University of Pennsylvania in memory of the former Speaker of the Pennsylvania House of Representatives, Matthew J. Ryan.

Matt Ryan, whom I knew for many years, cared deeply for the people of Pennsylvania. He loved the Pennsylvania House of Representatives and made service his calling. Elected in 1962, he was one of its longest serving members and one of its longest serving Speakers, presiding for six terms.

As much as Speaker Ryan loved Pennsylvania, the people of Pennsylvania and his colleagues from both parties loved him. Known on both sides of the aisle for the fair manner in which he presided over the House, Matt was a committed leader, tough debater, parliamentary tactician, and Pennsylvania booster. He spoke with great passion, and often was praised for his statesmanship, compassion, openness, Irish wit, and intelligence.

Upon his death earlier this year, he became the first person whose body lay in state in the Capitol Rotunda in Harrisburg since Abraham Lincoln.

A true friend of animals—especially his black Labrador, Magic—Matt Ryan was very proud of the University of Pennsylvania School of Veterinary Medicine. It is in no small part because of his decades of support that the school today is one of the finest in the world.

Founded in 1884, the University of Pennsylvania School of Veterinary Medicine was established at the urging of Penn's School of Medicine. It was recognized that prevention and control of animal diseases had important implications for human health. This is as true today as it was then—perhaps even more so—as we face a future in which advances in veterinary medicine's ability to understand biological threats will be critical in our ability to fight bioterrorism.

In February 2003, the month before Matt's untimely death, the University decided to honor his support by renaming the Veterinary Hospital after him. Benjamin Franklin is the only other State politician for whom a building on the University's campus has been named.

The renaming ceremony took place on Friday, September 19, 2003, and so I ask my colleagues to join me in reflecting on the legacy of Speaker Matthew J. Ryan, one of the truest Pennsylvanians and a champion of people.

VOTE EXPLANATION

Mr. DODD. Mr. President, I was necessarily absent from the Senate earlier this week and missed rollcall votes Nos. 358 through 363. There were two reasons for my absence. First, I hosted a ceremony at the University of Connecticut honoring Bertie Ahern, Taoiseach of Ireland, and Tony Blair, Prime Minister of Great Britain. Second, I attended memorial services yesterday and today for Jack Bailey, the former Connecticut Chief State's Attorney and a close friend to both me and my family. Had I been present, I would have cast my votes as follows: on rollcall vote 358: aye; on rollcall vote 359: nay; on rollcall vote 360: nay; on rollcall vote 361: aye; on rollcall vote 362: aye; and on rollcall vote 363: aye.

TRIBUTE TO RALPH RAY MITOLA

Mrs. CLINTON. Mr. President, I take time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Ralph Ray Mitola.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Ralph Mitola, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. Mr. President, July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Ralph Mitola left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Corporal Mitola was a member of Company C, 1st Battalion, 23d Infantry Regiment, 2d Infantry Division. On August 1, 1952, during a night attack on "Old Baldy" in North Korea, he was killed by small arms fire. Corporal Mitola was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Ralph Mitola, born April 10, 1931, killed in action, August 1, 1952.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO WALTER FRANCIS GROSS

Mrs. CLINTON. Mr. President, I take time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Walter Francis Gross.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Walter Gross, and four other young men from Broad Channel who died in the Korean War. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. Mr. President, July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Walter Gross left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private First Class Gross was a member of Company C, 1st Battalion, 19th Infantry Regiment, 24th Infantry Division. He was taken Prisoner of War while fighting the enemy in South Korea on January 1, 1951 and died while a prisoner on July 31, 1951 at POW Camp 12 near Pyektong, North Korea. Private First Class Gross was awarded the Prisoner of War Medal, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Walter Gross, born May 13, 1928, died while a prisoner of war, July 31, 1951.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO THOMAS W. AUGUST

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Thomas W. August.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Thomas August, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologists of the 20th century. Thomas August left his home and traveled half a world away to the Korean peninsula to defend freedom.

Private First Class August was a member of the 224th Infantry Regiment, 40th Infantry Division. He was killed in action while fighting the enemy near Satae-ri, North Korea on November 17, 1952. Private First Class August was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean peninsula a half century ago.

Thomas August born February 13, 1932, killed in action November 17, 1952.

His loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO JOSEPH DE PIETRO

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Joseph De Pietro.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Joseph De Pietro, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Joseph De Pietro left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private De Pietro was a member of Company H, 2nd Battalion, 38th Infantry Regiment, 2nd Infantry Division. He was killed in action during an attack on Hill 905 along "Heartbreak Ridge" near Sanggonbae, North Korea on October 10, 1951, while assisting a wounded comrade. Private De Pietro was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Joseph De Pietro, born August 3, 1932, killed in action October 10, 1951.

His loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO JAMES F. FARRELL

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is James F. Farrell.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of James Farrell, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. July 27, 1953, is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. James Farrell left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private First Class Farrell was a member of Company K, 3rd Battalion, 9th Infantry Regiment, 2nd Infantry Division. On November 10, 1952, he was defending "Old Baldy" in North Korea when he was struck by enemy artillery fire. Private First Class Farrell was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

James Farrell, born August 7, 1933; killed in action November 10, 1952.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

INTERNET DOMAIN NAME ADDRESSING SYSTEM

Mr. BURNS. Mr. President, last week the Department of Commerce signed the sixth amendment to a memorandum of understanding between the Internet Corporation of Assigned Names and Numbers, ICANN, and the Commerce Department. The first agreement was signed in 1998 to establish an organizational body to manage the technical coordination of the Internet Domain Name Addressing System. In the subsequent years the agreement has been amended to reflect the needs of the organization to accommodate the industry and constituency it was created to support.

The Department of Commerce is hopeful this will be the last agreement they have to sign with ICANN. The hope is for ICANN to show they have become a responsible organization and there can be a transition of the Domain Name System, DNS, management to private sector control, out of the hands of the department permanently.

Several items of interest have been brought to my attention during our oversight hearing on ICANN that I would like the Department of Commerce to consider before ICANN receives the freedom they want as an independent organization. They must first prove they are doing their job. I would encourage the Department of Commerce to establish dates of accomplishment to the milestones they have set out in their most recent memorandum of understanding with ICANN.

Specific, quantifiable goals will help ascertain if ICANN has created a stable environment where innovation and competition can flow freely for the area surrounding the DNS.

It was noted before Congress in the July 31, 2003, hearing that ICANN should be the organization to provide a forum for best practices for the naming and numbering system. The recent amendment to the memorandum of understanding notes the need to continue to develop and test accountability mechanisms. I would ask the department to set a date to determine if these best practices guidelines focusing on stability, security and interoperability have been determined and a set time for their implementation. The initial best practices could be established by a working group by the beginning of 2004 with a follow-up strategic plan for implementation of the first best practice guideline for the industry with in the first 6 months of 2004.

The memorandum of understanding recommends the continued development and implementation of transparent procedures. I would again call for a date certain to ensure the decisionmaking process set by ICANN is transparent, predictable and timely for all parties involved in the decisions ICANN influences. Established procedures for a transparent decisionmaking process should be established by the end of this year to ensure ICANN has this as a top priority and as a signal to ensure the industry and constituents involved in ICANN can begin to plan for a process that will be applied equally across all parties and in a predictable fashion.

One concern that has been noted through our congressional oversight hearing is that parties with contractual obligations to ICANN are disadvantaged in providing services that non-ICANN contracted parties are free to offer. There is reason for this discrepancy to exist in an open market. ICANN should take into consideration the entire global Internet industry when making decisions. Disadvantaging contracted parties should be a thing of ICANN's past and new service level agreements should be negotiated with all ICANN participants that allow the rights of a registry and root zone operator to independently determine functionality, pricing and operations of existing services and sue services as part of their new agreement with the Department of Commerce.

The decisionmaking process needs visible criteria and independent arbitration procedures to ensure no party is being unjustly prosecuted by decisions made at the hands of the ICANN board. Ensuring that ICANN is considered a decisionmaker in global economic commerce hinges on their ability to reach agreements with the other international bodies. They have been required in previous memorandums of understanding to reach agreements with the other country code operators. I would call on the Department of Commerce to put a target date in place for ICANN to reach an agreement with a majority of the other country code operators.

The new leadership of both ICANN and at the National Telecommunications Information Administration should be able to take a fresh look at the challenges that lie before ICANN and its partners and bring a more orderly and professionally accountable way of doing business that encourages competition, innovation and stability for the global internet structure.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Boston, MA. On November 16, 2002, a 31-year-old Pakistani man was physically assaulted at a convenience store where he was working. Three men, believing the store clerk was from Afghanistan and associated with the September 11, 2001 terrorist attacks on America, shouted racial slurs at the man and then proceeded to kick, punch and throw things at him. The trio were later charged with a hate crime violation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

IRAQ SECURITY AND STABILIZATION FUND ACT

Mrs. FEINSTEIN. Mr. President, I have joined with Senators BIDEN, KERRY and CORZINE to introduce legislation that will provide us with the necessary financial footing to appropriately execute our obligations in Iraq and Afghanistan.

In 1998, following nearly 30 years of deficits and a 17-fold increase in Federal debt from $365.8 billion to $6.4 trillion, bipartisan cooperation brought the budget back into balance once again. For the first time in more than a generation, some of the funds which would have gone to pay interest on the debt were instead spent actually paying down the debt.

Now, deficits and interest costs are growing once again. Net interest payments on the Federal debt will increase sharply, from approximately $170 billion in 2003 to more than $300 billion by 2012.

We face a host of new challenges, particularly the war on terror, the war in Iraq, and the threat of North Korea. This has necessarily led to a shift in government spending toward improving our defense and homeland security capabilities. Yet many of the challenges predating September 11 are still with us: improving education, updating infrastructure, and preparing for the retirement of the baby-boom generation, which will severely strain the Social Security and Medicare trust funds.

The Congressional Budget Office predicts that the Federal deficit for fiscal year 2004 will top $500 billion. A portion of every dollar we spend from this day forward until the end of September 2004 will be borrowed money—money that our children and grandchildren will have to repay.

It is no secret that if citizens wish to receive services or undertake activities as a Nation, they have the right to levy a tax upon themselves to achieve those ends. We have somehow lost this sense of obligation and have concluded that providing for our national defense or for the education of children requires no more than charging the costs to a government credit card. This must stop.

We are spending our way into economic oblivion. The President has decided that the best way to reelection is to cut taxes and leave spending alone. He refuses to make the tough decisions. So, with my colleagues in the Senate, I will help him. If the President wishes to engage our troops in Iraq, a decision that I agreed with and continue to support, then he must agree to pay for it.

By seeking a modest increase in the tax rate that affects those making more than $310,000 in taxable income we can pay for the President's most recent supplemental request. This bill generates precisely $87 billion—enough to cover a portion of the cost of the war in Iraq and an even smaller part of our obligation in Afghanistan.

This bill is a first step toward putting our fiscal house in order. It would pay for the President's supplemental spending request and it does not revoke the 2001 reduction in the top income tax rate. Nor would it affect any other element of the 2001 tax package. It would merely temporarily raise the marginal income tax rate on the richest in our society. These individuals would continue to benefit from the other aspects of the 2001 and 2003 tax cuts, many of which predominantly accrued to them.

Nearly a decade ago, thanks to the commitment of Senators from both parties and all ideological persuasions, we were able to put in motion a successful plan to balance the Federal budget, and laid the groundwork for an unprecedented period of economic growth and prosperity.

I believe this bill moves us back to this path and represents our understanding that we have an obligation as a society to raise money from time to time to pay for those activities we deem important to our national well-being.

ADDITIONAL STATEMENTS

HONORING THE 55th ANNIVERSARY OF BLACK HILLS NATIONAL CEMETERY

• Mr. JOHNSON. Mr. President, today I wish to express our Nation's gratitude for the respectful services provided by Black Hills National Cemetery near Sturgis, SD. This year marks the 55th anniversary of the cemetery, and comes at a time when all Americans have been painfully reminded that our freedom is preserved by brave men and women in uniform who are willing to risk their lives in service to our Nation.

In the summer of 1862, thousands of soldiers had already died in a terrible war that few believed would last more than a matter of months. On July 17 of that same year, Congress enacted legislation that would authorize the President to purchase cemetery grounds to be used as national cemeteries for soldiers who died while in service to the country. It was not long after that, in 1873, that all honorably discharged veterans became eligible for burial in national cemeteries. According to local legend, the hoofbeats of Custer's Cavalry may still be faintly heard today in the shadows of the Black Hills, where the Black Hills National Cemetery has provided a dedicated area for the honored burial of past and present South Dakota members of our Nation's armed forces and their eligible dependents for the past 55 years.

Too often, it seems that Congress forgets those men and women who sacrificed a part of their lives to serve their country. In a Nation as wealthy as ours, the very least we can do to repay veterans for their service is to provide them with the final resting place they deserve. Today, the National Cemetery Association ensures our veterans have a proper burial, while also maintaining the national cemeteries as shrines to their memory. In the words of Abraham Lincoln, the "nation must care for him who shall have borne the battle, and for his widow and his orphan."

The Black Hills National Cemetery has long been part of that respected tradition since World War II, when the first four burials were conducted on September 27, 1948. Three additional burials were done before the official dedication of the Black Hills National Cemetery on October 3, 1948. Since those initial entombments, the remains of more than 17,000 courageous soldiers who have served their country have been laid to rest there, including South Dakota's only casualty from Operation Iraqi Freedom, Hans Gukheisen.

The Black Hills National Cemetery is also the final resting place to such notable men as United States Senator Francis H. Case, who also gave the dedication address in 1948, suggesting that the Black Hills National Cemetery be the "Arlington of the West," and Brigadier General Richard E. Ellsworth, Commander of the Rapid City Air Force Base, which was later renamed Ellsworth Air Force Base in his honor, was also laid to rest there.

As the father of a soldier who has recently returned from Iraq, I have made it a priority to give veterans the recognition and treatment they deserve for their outstanding service to our country. I am proud to have the Black Hills National Cemetery located in my home State of South Dakota, and I am honored today to congratulate the Black Hills National Cemetery on their first 55 years of service. I know that our entire Nation shares in this expression of gratitude.●

MILLIE MAIRS AWARDED 2003 "ANGELS IN ADOPTION" AWARD

● Mr. ROCKEFELLER. Mr. President, I rise today in honor of Mrs. Millie Mairs, a woman who has demonstrated her enormous capacity for love by serving some of West Virginia's most vulnerable children. Through her work with the West Virginia Children's Home Society Adoption Program, Millie has touched the lives of many new families in my home state and is a cornerstone of adoption services there. Later this month, Millie will be honored alongside other "Angels in Adoption." This is a special award created by the Congressional Adoption Caucus. I would like to take a moment to tell you more about the work and accomplishments of this quiet, gentle lady who has worked on behalf of children for more than twenty years at the West Virginia Children's Home Society.

The West Virginia Children's Home Society was created in 1896 and has long provided care for children in need. Today, the Society offers adoptive, child protective, and emergency services through an expanded mission. Twenty-eight years ago, Millie Mairs came to the Children's Home Society Adoption Program as an adoption secretary in order to assist West Virginia families who hoped to adopt a child. Since then, Millie has served those families in a variety of roles and has maintained a strong relationship with many of them, including some of her very first clients. From administering support services to meeting with perspective parents to guiding birth mothers through appropriate after care, Millie's name has become synonymous with adoption advocacy in West Virginia.

Those who know Millie best say that no one is better suited to serve as an adoption advocate than she. Her colleagues use words such as "rare," "special," "kind," and "considerate" in order to describe her. Her clients depend on her as they complete necessary paperwork and interviews, and as they work through the many emotions that adoption brings. And while Millie serves as a valuable resource for those entering into the adoption system today, her knowledge of previous adoptions is priceless to those who seek even the smallest amount of information about their past. Millie has provided a comforting ear and soothing words to these individuals since her first days at the Children's Home Society and has also reunited birth mothers and their children from that time. She has always understood and has tried to convey to others that adoption is a selfless act of love from the perspective of both birth mothers and adoptive parents. As you can imagine, this has brought great comfort to children, birth mothers, and adoptive parents alike.

The Angels in Adoption Award recognizes individuals like Millie who work every day to better the lives of others through the field of adoption. On September 30, Millie and other Angels will come to Washington in order to be recognized for their good works. While they will look just as any other visitors to the Capitol complex that day, I have been assured by Millie's colleagues and by others that they truly are angels in our midst. I hope that you will help me in welcoming them and honoring them. Further, I hope that you will carry their message with you: that all children deserve a safe, healthy, and permanent home and that, for some children, this is only possible through adoption.

I have worked for many years in bipartisan coalitions to promote adoption and improved services for abused and neglected children. While these issues rarely command headlines, they change the lives of children and families across our country. People like Millie Mairs and programs like Angels in Adoption remind us of the importance of our adoption and child welfare programs. In 1997, Congress passed the Adoption and Safe Families Act to ensure that a child's health and safety are paramount, and to express the belief that every child deserves a permanent home. Since then, adoptions from foster care have nearly doubled. While this is wonderful news, more than 100,000 children remain in foster care. As Millie and her peers would tell us, we clearly have more work to do.

I am delighted to have had this opportunity to tell you more about Millie Mairs and her work with the West Virginia Children's Home Society. I have long believed that the people of West Virginia are its greatest resource; individuals such as Millie prove this point again and again.●

HONORING JUDY HADLEY OF LINCOLN, RHODE ISLAND

● Mr. CHAFEE. Mr. President, I wish to share with my colleagues a story demonstrating one person's ability to protect the environment from the threat of pollution, for the benefit of wildlife and human enjoyment alike.

Thirty years after the passage of the Clean Water Act, the Blackstone River has shaken off a legacy of neglect and re-emerged as a vital community asset. The water quality has improved, a bikeway is under construction, and mill buildings are being restored as apartments and condominiums. The National Park Service is promoting a new appreciation for the work and culture of the families who have made the Blackstone Valley their home. And just last week, I joined the Army Corps of Engineers in celebrating the restoration of wetlands in a floodplain that had been paved over for 50 years. So there is a great deal of activity on the banks of the Blackstone.

While the Federal Government has been a major player in the river's rebirth, none of these exciting developments would have been possible without the personal commitment of Blackstone Valley residents. It is their hard work and, more importantly, their heightened vigilance and renewed sense of ownership of the river that have helped it to thrive.

One such resident is Judy Hadley of Lincoln, RI a town of about 21,000 people, located on the Blackstone River. As the chair of the Lincoln Land Trust, Judy is a staunch defender of her town's remaining open spaces and a passionate advocate on behalf of the Blackstone. She is active in a number of other local organizations, including the Friends of the Blackstone River, the Blackstone River Watershed Council, and the Lincoln Tree and Trail Commission. She has organized river cleanups and educated her fellow residents about the impact that stormwater has on the Blackstone and its wildlife population.

For many years, a 60-ton excavator sat abandoned on a man-made island in the river a relic of an old gravel mining operation. It was an eyesore and a potential environmental hazard. Two years ago, Judy Hadley went to work: canvassing State and Federal authorities, trying to find the best solution for this problem. No agency seemed to have the right equipment or the resources to handle such an unusual request, but Judy persisted. If she could have dismantled it herself and taken it away piece by piece, I think she would have.

Fortunately, it did not come to that. Last year, the Rhode Island Department of Environmental Management removed more than 300 gallons of diesel fuel and other fluids from the machinery. The excavator itself was finally taken away this summer by the Army Corps via a temporary land bridge, as part of the wetland restoration project I mentioned earlier.

This was a great triumph, and Judy Hadley's dedication has been cheered by many local residents. Without her persistence, the excavator would still be slowly degrading, leaving open the possibility that oil and fuel would seep out, fouling valuable marsh habitat downstream. Walkers and canoeists would still be shaking their heads at the sight of a rusting hulk across the river. But Judy refused to accept the excavator as just another part of the landscape, insisting that it be removed. In so doing, she has reminded us of the Blackstone River's great worth, as well as its vulnerability, and inspired us to be better stewards of a rediscovered resource.

I know my colleagues join me in saluting Judy Hadley on this achievement.•

HONORING DONALD P. OULTON

• Mr. KENNEDY. Mr. President, I bring to your attention today the exemplary work and most commendable service to one of our country's outstanding public servants. Mr. Donald P. Oulton, Chief of the International Law Branch, Office of the Staff Judge Advocate, U.S. Air Force Electronic Systems Center, Hanscom Air Force Base, MA. Mr. Oulton retired on September 1, 2003, following an extraordinary career of more than 30 years of service to the Nation.

Born in upstate New York at the beginning of the Great Depression, Mr. Oulton was one of 10 children. Part of a close and loving family, at an early age he and his siblings became accomplished singers and dancers, helping support their large family performing "minstrel shows" through those challenging years. Mr. Oulton became a one-handicap golfer in his teenage years while working as a caddy at a local country club. He had aspirations to become a professional golfer, but his plans were cut short by the call to service in the Korean war.

An outstanding marksman, Mr. Oulton served as an intelligence and reconnaissance scout with the Seventh Infantry Division in the Chorwon Valley. There, he spend much of his time in outposts far in front of the main line of resistance, scouting out enemy positions and coordinating artillery and mortar fire by American and United Nations forces. He performed these duties repeatedly under hostile fire and in extremely harsh and primitive conditions. Of his great physical courage and devotion to duty there can be no doubt.

After more than 9 months of combat at or in front of the main line of resistance, Mr. Oulton returned to the United States and was assigned to the United States National Honor Guard in Arlington, VA. Upon his honorable discharge from the Army he relocated to the greater Boston area, married his lovely wife Carol, and started his devoted family of four children David, Nancy, Sarah and Carol. After more than a decade, he also began to pursue his boyhood dream of becoming an attorney. In 1970, he achieved that goal, and after three years servicing as an Assistant District Attorney in Middlesex County, MA, he began his long association with the United States Air Force, and the Electronic Systems Center at Hanscom Air Force base.

Mr. Oulton's contributions have been monumental. He was on the ground floor of many novel, complex issues arising from the passage of the Arms Control Act of 1976. He quickly became, and remains, one of the Department of Defense's leading experts on the act, security assistance, and foreign military sales. His contributions over three decades are too numerous to recount, but among the most significant have been as the lead attorney for the sale of the Airborne Warning and Control System, AWACS, to a variety of U.S. allies, including the United Kingdom, France, Turkey, Australia, Japan, and most notably NATO. In the build up to, and in the wake of, Operation Desert Storm, Mr. Oulton provided the expert legal advice that served as the foundation for the early deployment of the Joint STARS aircraft before the Air Force formally accepted it. His efforts have been instrumental in promoting the common defense and freedom throughout the world.

A well-recognized legal expert, Mr. Oulton was the 1980 recipient of the James O. Wrightson Award, as the outstanding Air Force civilian attorney. In 1983, he was selected as the outstanding senior civilian in the electronic systems division of Air Force Systems Command, and presented the Harold M. Wright award. He is widely published and cited in the field of security assistance and foreign military sales, has been an adjunct faculty member at Western New England College, and has been a guest lecturer on International Law at Harvard University.

I ask that my colleagues join me and Mr. Oulton's many friends and family in saluting his many distinguished years of selfless service to the United States of America. I know our Nation, his wife Carol, and his family are extremely proud of his accomplishments. It is fitting that the Senate honors this true patriot today.•

LIEUTENANT GENERAL EMIL R. "BUCK" BEDARD, UNITED STATES MARINE CORPS

• Mr. DAYTON. Mr. President, I would like to pay tribute to LTG Emil R. "Buck" Bedard, who will retire Monday and return to private life after more than 36 years of selfless service to our Nation as a United States Marine. I have had the pleasure to work with Lieutenant General Bedard on matters of importance to the U.S. Marine Corps and to our Nation's defense. His experience and expertise will be missed by many of us in the Senate, as will his integrity, keen insight, and good judgment.

Buck Bedard was born in Argyle, MN, where he graduated from Argyle High School. He then slipped away from Minnesota's grasp and attended the University of North Dakota. Following his graduation, he was commissioned a second lieutenant in the Marine Corps in December 1967. General Bedard also holds a master of science degree, and his formal military education includes the U.S. Army Advanced Infantry Course, the Armed Forces Staff College, and the Army War College.

While he was a lieutenant, Buck Bedard served as a rifle platoon commander and company executive officer with 2d Battalion, 27th Marines, and 3d

Battalion, 3d Marines, in the Republic of Vietnam. Subsequently, he was ordered to Quantico, VA, where he served as a staff officer and then as the commander with Schools Demonstrations Troops.

Then-Captain Bedard was assigned to the U.S. Army Intelligence School as an instructor, and he later served as a company commander in the 3d Marine Division in Okinawa, Japan. Following that tour of duty, Captain Bedard became the Marine officer instructor at the Naval Reserve Officer Training Unit at Vanderbilt University and was a Platoon and Company Commander at the Marine Corps Officer Candidate School in Quantico, VA. Following his promotion to major, he served as the Logistics Officer, 7th Marines, and then as the executive officer, 3d Battalion, 7th Marines.

Then-Lieutenant Colonel Bedard served as the assistant operations officer, 1st Marine Amphibious Force, G–3, Pacific Plans Officer, and finally as the G–5. Assigned to NATO and stationed in Holland, LTC Bedard served in the Central Region Operations Division in charge of reinforcement operations of Allied Forces to Central Europe.

Then-Colonel Bedard was reassigned to Twenty-Nine Palms, California, where he directed the Combined Arms Exercise Program at the Marine Corps Air Ground Combat Center. He became the Assistant G–3 for Operations for the 7th Marine Expeditionary Brigade and the 1st Marine Expeditionary Force during Operations Desert Shield and Desert Storm. From May 1991, through June 1993, Colonel Bedard commanded the 7th Marine Regiment, which deployed to Somalia in December, 1992. In July, 1993, he was assigned as the Assistant Division Commander for the 1st Marine Division, Camp Pendleton, California, and in October 1993, he was reassigned as J–3 Operations Officer, Joint Task Force, Somalia.

In June, 1994, Colonel Bedard was advanced to Brigadier General and was assigned as the President, Marine Corps University and Commanding General Marine Corps Schools, Marine Corps Combat Development Command, Quantico, Virginia. His next assignment in June, 1995, was as the Deputy Commander, Marine Forces Pacific, Camp H.M. Smith, Hawaii. General Bedard assumed command of 2d Marine Division in July 1997, and was promoted to Major General on September 1, 1997. He assumed command of 2d Marine Expeditionary Force in July 1999. On June 29, 2000, General Bedard relinquished command of Second Marine Expeditionary Force and was advanced to his current rank. Lieutenant General Bedard has been the Deputy Commandant of Plans, Policies and Operations at Headquarters, U.S. Marine Corps, since July 2000, where he has skillfully guided Marine Corps operations following September 11th, 2001, and during Operations Enduring Freedom and Iraqi Freedom.

Throughout his career as a U.S. Marine, Lieutenant General Bedard has demonstrated his outstanding character, discerning wisdom, and deep sense of duty to his Country, his Corps, his Marines, and their families. On behalf of the U.S. Senate I thank Lieutenant General Bedard for his exemplary career, his many accomplishments, and his devoted service to our Nation. We also thank his wife, Linda, and their three children for sharing him with his country. Congratulations, Lieutenant General Bedard; your mission has been very well accomplished.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Mr. BERRY, and Mr. OBEY.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion: Mr. CHABOT, and Ms. LOFGREN.

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

At 12:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1657. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 25, 2003, she had presented to the President of the United States the following enrolled bills:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4397. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rate" (Rev. Rul. 2003-104) received on September 22, 2003; to the Committee on Finance.

EC-4398. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "The Jobs and Growth Act of 2003—Information Reporting for Payments in Lieu of Dividends" (Notice 2003-67) received on September 22, 2003; to the Committee on Finance.

EC-4399. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Built-in Gains or Losses Under Section 382(h)" (Notice 2003-65) received on September 22, 2003; to the Committee on Finance.

EC-4400. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Archaeological Materials from Cambodia" (RIN1515-AD34) received on September 22, 2003; to the Committee on Finance.

EC-4401. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the audit of the Telecommunications Development Fund; to the Committee on Finance.

EC-4402. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled "Steel: Monitoring Developments in the Domestic Industry"; to the Committee on Finance.

EC-4403. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4404. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended: Automatic Visa Revalidation; Final Rule" (22 CFR Part 21) received on September 22, 2003; to the Committee on Foreign Relations.

EC-4405. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, the Department's annual report relative to grants streamlining and standardization; to the Committee on Governmental Affairs.

EC-4406. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, a report relative to the effects of regulation and paperwork on the economy and Federal agency consultations that take place with State, local, and Tribal governments; to the Committee on Governmental Affairs.

EC-4407. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Emergency Evacuations" (RIN1219-AB33) received on September 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4408. A communication from the Directorate, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for Signs, Signals, and Barricades" (RIN1218-AB88) received on September 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4409. A communication from the Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Race, Color, or National Origin in Programs Receiving Federal Assistance; Nondiscrimination on the Basis of Handicap in Programs Receiving Federal Assistance; Nondiscrimination on the Basis of Age in Programs Receiving Federal Assistance" (RIN1190-AA49) received on September 22, 2003; to the Committee on the Judiciary.

EC-4410. A communication from the Director, Regulations Management, Veterans Health Administration, transmitting, pursuant to law, the report of a rule entitled "VA Homeless Providers Grant and Per Diem Program" (RIN2900-AL30) received on September 22, 2003; to the Committee on Veterans' Affairs.

EC-4411. A communication from the Director, Regulations Management, Veterans Health Administration, transmitting, pursuant to law, the report of a rule entitled "Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense" (RIN2900-AL40) received on September 22, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and with a preamble:

S. Res. 98. A resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 209. A resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. Res. 222. A resolution designating October 17, 2003 as "National Mammography Day".

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1293. A bill to criminalize the sending of predatory and abusive e-mail.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Gordon England, of Texas, to be Secretary of the Navy.

Air Force nomination of Lt. Gen. Lance L. Smith.

Air Force nomination of Lt. Gen. William R. Looney III.

Army nomination of Colonel Dennis P. Geoghan.

Army nomination of Maj. Gen. Claude V. Christianson.

Army nomination of Lt. Gen. William E. Ward.

Navy nomination of Rear Adm. (lh) Peter L. Andrus.

Navy nomination of Rear Adm. (lh) James M. McGarrah.

Navy nomination of Capt. Richard E. Cellon.

Navy nomination of Capt. Ben F. Gaumer.

Navy nomination of Rear Adm. Henry G. Ulrich III.

Navy nomination of Rear Adm. John G. Cotton.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Capt. Robert F. Burt.

Marine Corps nomination of Maj. Gen. Jan C. Huly.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Mark T. Allison and ending Frederick M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nominations beginning Geoffrey H. Hills and ending John B. Steele, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Craig H. Morris and ending Sherice D. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nomination of Brian P. Olson.

Air Force nominations beginning Teri L. Poulton-Consoldane and ending Sheldon G. White, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Scott G. Book and ending Sara K. Slavens, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Stephen W. Humphrey and ending Randy J. Yovanovich, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2003.

Air Force nomination of Gerilyn A. Posner.

Army nominations beginning William T. Barbee, Jr. and ending Kenneth W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2003.

Army nominations beginning Stephen W. Austin and ending Nathan L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Army nominations beginning Michael J. Bullock and ending Paul A. Trapani, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Army nominations beginning Madelfia A. Abb and ending X0007, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nominations beginning Richard K. Addo and ending Veronica S. Zsido, which nominations were received by the Senate and appeared in the Congressional Record August 1, 2003.

Army nominations beginning Bryan K. Adams and ending Joseph M. Yoswa, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nominations beginning Scott E. Alexander and ending William H. Woods, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nomination of Kevin J. Chapman.

Navy nominations beginning Michael S Agabegi and ending Reid J Winkler, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning John R Anderson and ending Nicolas D I Yamodis, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Alan L Adams and ending Georges E Younes, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning James D Abbott and ending Robert W Zurschmit, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Tim K Adams and ending Timothy P Zinkus, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

By Mr. HATCH for the Committee on the Judiciary.

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2006.

Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

John A. Houston, of California, to be United States District Judge for the Southern District of California.

Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

Robert Clive Jones, of Nevada, to be United States District Judge for the District of Nevada.

Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado.

John Francis Bardelli, of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

Army nomination of Mary M. McCord.

Army nomination of Charles A. Jarnot.

Army nomination of Joseph T. Ramsey.

Army nomination of John B. Munozatkinson.

Army nomination of Andrew D. Stewart.

Army nominations beginning Tyrone C. * Abero and ending X3713, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2003.

Army nomination of Gregory S. Johnson.

Army nomination of Timothy C. Kelly.

Army nominations beginning Paul D. Harrell and ending William S. Lee, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Marine Corps nomination of Bryan D. McKinney.

Marine Corps nomination of Jon C. Rhodes.

Marine Corps nomination of Colin D. Smith.

Navy nominations beginning Stephen M. Saia and ending David A. Tubley, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Roland E. Arellano and ending Marva L. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Vida M. Antolinjenkins and ending Dominick G. Yacono, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning James J. Anderson and ending John F. Zollo, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Michael T. Akin and ending Peter G. Woodson, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Richard E. Aguila and ending Scott D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Linda M. Acosta and ending Joan L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Leanne K. Aaby and ending Michael J. Zucchero, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Lee A. Axtell and ending Dennis W. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Emma J.M. Brown and ending Marcia L. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Navy nominations beginning Brent T. Channell and ending Matthew W. Edwards, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Navy nominations beginning Marc E Boyd and ending Wendy L Snyder, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Olivia L Bethea and ending Theresa A Talbert, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Jason B Babcock and ending Timothy J Zinck, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Reid B Applequist and ending Bret A Washburn, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Tracie L Andrusiak and ending Robert A Wolf, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Timothy A Anderson and ending Douglas T Wahl, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Sowon S Ahn and ending Scott D Young, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Leon S Abrams and ending Carl Zeigler, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Rafael A Acevedo and ending Todd A Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nomination of Paul C. Brown.

Navy nomination of Paul H. Evers.

Navy nomination of Robert E. Stone.

Navy nominations beginning William K. Bane and ending Andy J. Lancaster, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Bradley A Appleman and ending Florencio J Yuzon, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Erskine L Alvis and ending Randy E Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Mrs. Feinstein, Mr. Dorgan, Mr. DeWine, Mr. McCain, Mr. Stevens, Mr. Leahy, Mr. Kohl, Mr. Schumer, Mr. Feingold, Mr. Harkin, Mr. Levin, Mr. Lautenberg, Mr. Pryor, Mr. Voinovich, Mr. Biden, Mr. Grassley, Mr. Durbin, Mr. Kennedy, Mr. Jeffords, Mr. Corzine, Mr. Lieberman, Mr. Edwards, Mr. Kerry, Mr. Graham of South Carolina, Mr. Alexander, Ms. Landrieu, Mr. Allen, Mr.

CORNYN, Ms. CANTWELL, Mr. SMITH, Mr. SARBANES, Mr. GRAHAM of Florida, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. DOMENICI, Mr. REED, Mr. WARNER, Mr. FRIST, Mr. BURNS, Mr. LUGAR, Ms. MIKULSKI, Mr. FITZGERALD, Mr. COLEMAN, Mr. DASCHLE, Mr. AKAKA, Ms. COLLINS, Mr. ENZI, Mr. CHAFEE, Ms. SNOWE, Mr. JOHNSON, Mrs. MURRAY, Mr. BAYH, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. INOUYE, Mr. REID, Mr. DODD, Mr. NICKLES, Mr. CAMPBELL, Mr. WYDEN, Ms. STABENOW, and Mr. SPECTER):

S. 1655. A bill to ratify the authority of the Federal Trade Commission to establish the do-not-call registry; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE:

S. 1656. A bill to address regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mrs. BOXER):

S. 1657. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism; read the first time.

By Mr. DASCHLE (for Mr. GRAHAM of Florida):

S. 1658. A bill to make residents of Puerto Rico eligible for the earned income tax credit, the refundable portion of the child tax credit, and supplemental security income benefits; to the Committee on Finance.

By Mr. SCHUMER:

S. 1659. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building"; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. ALLARD, and Mr. REID):

S. 1660. A bill to improve water quality on abandoned and inactive mine land, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 1661. A bill to require the Federal Trade Commission to establish a list of consumers who request not to receive telephone sales calls; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1662. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include trade adjustment assistance as a targeted group; to the Committee on Finance.

By Mrs. DOLE:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. CRAIG, Mr. CRAPO, Mr. CHAMBLISS, Mr. MILLER, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. KOHL, Mr. TALENT, Mr. LUGAR, Mr. CONRAD, Ms. LANDRIEU, and Mr. BREAUX):

S. 1664. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 234. A resolution honoring the Detroit Shock on winning the Women's National Basketball Association Championship; considered and agreed to.

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 235. A resolution honoring the life of the late Herb Brooks and expressing the deepest condolences of the Senate to his family on his death; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 573

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 573, a bill to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 659

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 659, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 695

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 695, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 853

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 854

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 854, a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 859

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1032

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1032, a bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1234

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1234, a bill to reauthorize the Federal Trade Commission, and for other purposes.

S. 1261

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1261, a bill to reauthorize the Consumer Product Safety Commission, and for other purposes.

S. 1297

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1431

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1494

At the request of Mr. BUNNING, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1494, a bill to amend the Internal Revenue Code of 1986 to extend the special 5-year carryback of certain net operating losses to losses for 2003, 2004, and 2005.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1642

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1642, a bill to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1654, a bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 222, a resolution designating October 17, 2003 as "National Mammography Day".

AMENDMENT NO. 1786

At the request of Mr. PRYOR, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Minnesota (Mr. DAYTON), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1786 intended to be proposed to H.R. 2765, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 1656. A bill to address regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I rise to introduce The Federal Housing Enterprise Oversight Modernization Act of 2003, legislation to establish a new, world-class regulator for our housing Government Sponsored Enterprises (GSEs)—Fannie Mae and Freddie Mac—as an agency within the Department of Treasury.

There is no doubt that housing finance is essential to our economy and has been one of our Nation's few economic bright spots in recent years. Given its critical role, and the size and complex financial structures of the GSE's, which account for billions of mortgage-finance dollars, we need a credible, world-class regulator that can provide effective oversight.

Regrettably, the current system of GSE supervision fails to meet that standard.

This legislation has four primary objectives: establishing a new, independent regulator that is credible and capable; ensuring safe and sound capital; promoting market discipline and transparency through enhanced disclosures; and providing an incremental approach to ultimately consolidating supervision of the Federal Home Loan Banks under the regulatory framework contained in this legislation.

The proposal also recognizes the importance of the GSEs' underlying housing mission and leaves responsibility for establishing the GSEs annual housing goals and overseeing their compliance with fair housing laws with the Department of Housing and Urban Development (HUD).

The legislation would create a new agency, the Office of Federal Housing Enterprise Supervision (OFHES), as a bureau within the Department of the Treasury, with a structure similar to that of the Office of the Comptroller of the Currency (OCC) and the Office of Thrift Supervision (OTS).

The agency would have general regulatory, supervisory and enforcement authority with respect to the enterprises, be independent of Treasury with regard to its comments and congressional testimony, and have a director, appointed for a five-year term, who would be given a seat on the Federal Financial Institutions Examination Council (FFIEC). To ensure that the enterprises' activities remain consistent with the scope of their charter, the agency would be authorized to approve all new enterprise programs, but in close consultation with HUD.

Additionally, the agency would be given broad new authority to hire experienced personnel, a significant portion of whom will be designated specifically to carry out examinations and supervisory activities, to make certain that the agency can fulfill its safety and soundness responsibilities.

Central to that oversight function is ensuring that the enterprises maintain safe and sound capital through vigorous, continuous monitoring. The legislation therefore requires the new agency to ensure that the enterprises remain in continuous compliance with their statutorily prescribed minimum capital holding requirements.

By ensuring that the GSEs maintain adequate capital, we will mitigate the risks to the enterprises, and our financial markets, from unforeseen shocks that can, and do, occasionally occur in our financial markets. To accomplish this, the legislation takes a multi-pronged approach to the issue of risk-based capital.

First, the legislation requires the new agency to continually monitor the risk-based capital held by the enterprises, but it also provides the new agency's director with the flexibility to adjust the risk-based capital level of the enterprises in order to ensure their safe and sound financial operation.

The legislation also authorizes the new agency to conduct a comprehensive review of the enterprises' risk-based capital rule every five years. Part of the review would include a report to Congress entailing what, if any, proposed changes the new agency believes are needed to the risk-based capital rule to better align the capital held by the enterprises with risk, and reflect evolving best practices for risk-based capital standards for large, complex financial institutions. However, on a continual basis the Director would have the authority to adjust elements to the enterprises' stress test other than those specifically prescribed in the risk-based rule.

With regard to the GSE non-mortgage related investments, this legislation affirms the notion that those investments should be of the highest quality and within the scope of the enterprises' respective charters. It does so by requiring the new agency to continuously monitor the appropriateness of the investments in the liquid and non-liquid portfolios of the GSEs and by certifying that the liquidity management practices of the enterprises coinform with recommendations contained in the "Sound Practices for Managing Liquidity in Banking Organizations" established by the Basel Committee.

The capital and liquidity management provisions of this legislation are balanced. They ensure that the enterprises maintain appropriate minimum capital and are adequately capitalized relative to their risks. They also empower the new agency to take appropriate action if enterprises become undercapitalized, and promote sound liquidity management practices. At the same time, the bill is not so overly prescriptive that it would undermine the essential liquidity the enterprises' provide, which has enabled America's housing markets to become the envy of the world.

The third element of this bill that should dramatically improve the GSE's regulatory framework promotes transparency through enhanced disclosures requirements.

This legislation statutorily requires Fannie Mae, Freddie Mac and the Federal Home Loan Banks to disclose a variety of information that will provide the public, investors, and Congress with a better understanding of the underlying financial health of our housing enterprises.

First, the legislation requires the GSEs to register their equities under the Securities Exchange Act of 1934, and to comply with SEC disclosure and reporting requirements contained under sections 12 (Registration Requirements for Securities), 14 (Proxy Voting Information) and 16 (Insider Sales) of the 1934 Act.

These disclosures are consistent with the highest standards of corporate governance and disclosure required of other public companies and in my mind there is no reason why the GSEs should not be required to do so as well.

Second, this legislation would require Fannie Mae and Freddie Mac to disclose information regarding their interest rate and credit risks. Specifically, each enterprise would regularly report the impact on their mortgage portfolios of a 50 basis point change in interest rates and a 25 basis point change in the slope of the yield curve. They would also be required to disclose, on a quarterly basis, the financial impact on each enterprise of an immediate 5 percent decline in U.S. home prices.

Additionally, the bill requires the GSEs to acquire credit ratings from an SEC-recognized credit rating agency to provide an assessment of the risk to the government and independent financial health of each enterprise. This "stand-along" rating would be derived from the underlying credit quality of each enterprise and assume no direct support from the Federal Government.

These disclosures will ensure that the standards of financial disclosure of the GSEs are in line with the rest of corporate America, making the enterprises subject to public scrutiny and market disciplinary forces.

Finally, the bill takes an incremental approach towards incorporating oversight of the Federal Home Loan Banks into the new regulatory framework created under this bill.

The bill requires Treasury, in consultation with HUD, to issue a report to Congress no later than six months after the date of the bill's enactment on the appropriate manner upon which to consolidate the responsibilities of the Federal Housing Finance Board, and oversight of the Federal Home Loan Banks (FHLBs), into the regulatory framework contained under this bill.

And as I mentioned earlier, the FHLBs would be required to immediately comply with financial disclosure and reporting requirements under the 1934 act in a manner similar to those required of Fannie Mae and Freddie Mac under this bill.

Lastly, the legislation would authorize the Secretary of the Treasury to designate an individual to serve as one of the five Federal Housing Finance Board members. This authority, transferred from HUD, would immediately involve Treasury in the regulatory rubric of the FHFB and ease the transition of the consolidation of the FHFBs regulatory responsibilities into this new agency.

In conclusion, the reforms contained in this proposal are very important. They would establish a new regulatory framework that promotes sound and safe financial operations at the GSEs. They would promote stability in our capital markets by providing investors with better information about the financial health of the enterprises. They would affirm the GSEs' critical role in our nation's housing market. And they would protect investors and taxpayers, while preserving the opportunity of millions of families to pursue the American dream of homeownership.

I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Housing Enterprise Oversight Modernization Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF REGULATION OF FANNIE MAE AND FREDDIE MAC

Subtitle A—Improvement of Supervision

Sec. 101. Establishment of Office of Federal Housing Enterprise Supervision in the Department of the Treasury.
Sec. 102. Duties and authorities of Director and HUD.
Sec. 103. Examiners and accountants.
Sec. 104. Regulations.
Sec. 105. Assessments.
Sec. 106. Independence of Director in congressional testimony and recommendations.
Sec. 107. Nonmortgage-related investments.
Sec. 108. Reports.
Sec. 109. Review of enterprises.
Sec. 110. Risk-based capital test for enterprises.
Sec. 111. Minimum and critical capital levels.
Sec. 112. Required disclosures.
Sec. 113. Federal Housing Finance Board.
Sec. 114. Definitions.

Subtitle B—Prompt Corrective Action

Sec. 131. Capital classifications.
Sec. 132. Supervisory actions applicable to undercapitalized enterprises.
Sec. 133. Supervisory actions applicable to significantly undercapitalized enterprises.

Subtitle C—Enforcement Actions

Sec. 151. Cease-and-desist proceedings.
Sec. 152. Temporary cease-and-desist proceedings.
Sec. 153. Removal and prohibition authority.

Sec. 154. Enforcement and jurisdiction.
Sec. 155. Civil money penalties.
Sec. 156. Criminal penalty.

Subtitle D—General Provisions

Sec. 161. Conforming and technical amendments.
Sec. 162. Effective date.

TITLE II—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY

Sec. 201. Abolishment of OFHEO.
Sec. 202. Continuation and coordination of certain regulations.
Sec. 203. Transfer and rights of employees of OFHEO.
Sec. 204. Transfer of property and facilities.

TITLE I—REFORM OF REGULATION OF FANNIE MAE AND FREDDIE MAC

Subtitle A—Improvement of Supervision

SEC. 101. ESTABLISHMENT OF OFFICE OF FEDERAL HOUSING ENTERPRISE SUPERVISION IN THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF OFFICE OF FEDERAL HOUSING ENTERPRISE SUPERVISION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Office of Federal Housing Enterprise Supervision, which shall be an office in the Department of the Treasury.

"(2) AUTHORITY.—The Office shall succeed to the authority of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the general regulatory and any other authority of the Secretary of Housing and Urban Development with respect to the enterprises (except as specifically provided otherwise in this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any other provision of Federal law).

"(b) PROHIBITION OF MERGER OF OFFICE.—Notwithstanding any other provision of law, the Secretary of the Treasury may not merge or consolidate the Office, or any of the functions or responsibilities of the Office, with any function or program administered by the Secretary.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C does not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (a).

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Office of Federal Housing Enterprise Supervision, who shall be the head of the Office.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States.

"(2) TERM.—The Director shall be appointed for a term of 5 years.

"(3) VACANCY.—

"(A) IN GENERAL.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1).

"(B) TERM.—The Director appointed to fill a vacancy under subparagraph (A) shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as Director after the expiration of the term for which the individual was appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, shall serve as the Director until not later than 1 year after the date of enactment of that Act.

"(c) PROHIBITION ON FINANCIAL INTERESTS.—The Director shall not have a direct or indirect financial interest in any enterprise, nor hold any office, position, or employment in any enterprise.".

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding the effective date under section 162, or any other provision of law, the President may, at any time after the date of enactment of this Act, appoint an individual to serve as the Director of the Office of Federal Housing Enterprise Supervision, as established under this Act, in accordance with section 1312 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by subsection (a) of this section.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR AND HUD.

(a) IN GENERAL.—Section 1313 of the Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be to ensure that the enterprises—

"(A) operate in a financially safe and sound manner;

"(B) carry out their missions in a financially safe and sound manner, and only through activities that have been authorized under, and are consistent with the purposes of, the provisions of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), and the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), as applicable; and

"(C) remain adequately capitalized.

"(2) OTHER DUTIES.—To the extent consistent with paragraph (1), the Director shall be exercise general supervisory and regulatory authority over the enterprises, in accordance with this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), and any other applicable provision of law.

"(b) AUTHORITY EXCLUSIVE OF SECRETARY.—Except as specifically provided under this title, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of Federal law, the authority of the Director with respect to the enterprises shall not be subject to the review, approval, or intervention of the Secretary of the Treasury.

"(c) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Office any of the functions, powers, and duties of the Director, with respect to supervision and regulation of the enterprises, as the Director considers appropriate.".

(b) PRIOR APPROVAL AUTHORITY FOR NEW PROGRAMS.—Part 1 of Subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by adding at the end the following:

"SEC. 1319H. PRIOR APPROVAL AUTHORITY FOR NEW PROGRAMS.

"(a) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall require each enterprise to obtain the approval of the Director, in the manner prescribed by regulation of the Director, for any new program of the enterprise before implementing the program.

"(b) STANDARD FOR APPROVAL.—The Director shall approve any new program of an enterprise for purposes of subsection (a), unless—

"(1) in the case of a new program of the Federal National Mortgage Association, the Director determines that the program is not authorized under section 304 or paragraph (2), (3), (4), or (5) of section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b));

"(2) in the case of a new program of the Federal Home Loan Mortgage Corporation, the Director determines that the program is not authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.); or

"(3) the Director determines that the new program is inconsistent with or undermines the safe and sound operation of the enterprise, consistent with section 1313(a)(1).

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a new program under this section that describes the program in such form as prescribed by regulation of the Director.

"(2) RESPONSE.—

"(A) IN GENERAL.—Not later than 45 days after the date of submission of a request for approval under paragraph (1), the Director shall—

"(i) approve the request; or

"(ii) deny the request and submit a report explaining the reasons for the denial to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(B) EXTENSION.—The Director may extend the time period under subparagraph (A) for a single additional 15-day period only if the Director requests additional information from the enterprise.

"(3) FAILURE TO RESPOND.—If the Director fails to approve a request for approval under this section, or fails to submit a report under paragraph (2)(A)(ii) during the period provided, the request shall be considered to have been approved by the Director.

"(4) REVIEW OF DISAPPROVAL.—

"(A) SUBMISSION OF NEW INFORMATION.—If the Director submits a report under paragraph (2)(A)(ii) denying a request for reasons listed under paragraph (1) or (2) of subsection (b), the Director shall provide the enterprise submitting the request with a timely opportunity to review and supplement the administrative record.

"(B) NEW PROGRAMS NOT IN THE PUBLIC INTEREST.—If the Director submits a report under paragraph (2)(A)(ii) denying a request after finding that the program is inconsistent with or undermines the safe and sound operation of the enterprise, as described in subsection (b)(3), the Director shall provide the enterprise with notice and opportunity for a hearing on the record regarding such denial.".

(c) REPEAL OF HUD AUTHORITY.—Part 2 of subtitle A of title XIII of the Housing and

Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1321 and 1322.

(d) AUTHORITY OF HUD FOR HOUSING GOALS.—

(1) IN GENERAL.—Section 1331 of the Housing and Community Development Act of 1992 (12 U.S.C. 4561) is amended—

(A) in the first sentence of subsection (a), by inserting "of Housing and Urban Development" after "The Secretary"; and

(B) by adding at the end the following:

"(d) DEFINITION.—For purposes of this part, the term 'Secretary' means the Secretary of Housing and Urban Development.".

(2) ANNUAL REPORT ON HOUSING GOALS.—Section 1324 of the Housing and Community Development Act of 1992 (12 U.S.C. 4544) is amended by inserting "of Housing and Urban Development" after "Secretary" each place such term appears.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended by striking "Secretary under section 1322" and inserting "Director under section 1319H".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended by striking "Secretary under section 1322" and inserting "Director under section 1319H".

(3) FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.—Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended—

(A) in paragraph (5), by striking the period at the end and inserting "; and"; and

(B) by adding at the end the following:

"(6) the Director of the Office of Federal Housing Enterprise Supervision.".

SEC. 103. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in the second sentence of subsection (c), by striking "The" and inserting "During the 3-year period beginning on the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, the"; and

(2) in subsection (d), by striking "Federal Reserve banks" and inserting "Director of the Office of Thrift Supervision".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, and economist at the Office, with respect to supervision and regulation of the enterprises, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—

"(A) IN GENERAL.—The Director may appoint candidates to any position described in paragraph (1)—

"(i) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(ii) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

"(B) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under this paragraph shall not be considered to cause such position to be converted from the competitive service to the excepted service.

"(3) REPORTS.—

"(A) IN GENERAL.—Not later than 90 days after the end of fiscal year 2003 (for fiscal year 2003) and 90 days after the end of fiscal year 2005 (for fiscal years 2004 and 2005), the Director shall submit a report with respect to the exercise of the authority granted to the Director by paragraph (2) during such fiscal years to the—

"(i) Committee on Government Reform and the Committee on Financial Services of the House of Representatives; and

"(ii) Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(B) CONTENTS.—The reports submitted under subparagraph (A) shall describe the changes in the hiring process authorized by paragraph (2), including relevant information related to—

"(i) the quality of candidates;

"(ii) the procedures used by the Director to select candidates through the streamlined hiring process;

"(iii) the numbers, types, and grades of employees hired under the authority;

"(iv) any benefits or shortcomings associated with the use of the authority;

"(v) the effect of the exercise of the authority on the hiring of veterans and other demographic groups;

"(vi) the way in which managers were trained in the administration of the streamlined hiring system; and

"(vii) a list of the specific functional responsibilities of Office personnel (such as examinations, supervision, regulatory oversight, and risk analysis) and the percentage of the total personnel employed within the Office that are engaged in each such activity.".

(c) ALLOCATION OF PERSONNEL RESOURCES.—Section 1315 of the Housing and Community Development Act of 1992 (12 U.S.C. 4515), as amended by this Act, is amended by adding at the end the following:

"(f) MAINTENANCE OF ADEQUATE EXAMINATION AND SUPERVISORY PERSONNEL.—In carrying out this Act, the Director shall ensure that a significant amount of the Office resources allocated for the hiring and support of personnel are applied to personnel engaged in the examination and supervision of the enterprises.".

SEC. 104. REGULATIONS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended in subsection (c), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services".

SEC. 105. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the enterprises annual assessments in an amount not exceeding the amount sufficient to provide for all reasonable costs and expenses of the Office, including—

"(1) the expenses of any examination under section 1317; and

"(2) the expenses of obtaining any review or credit assessment under section 1319.";

(2) in subsection (b), in paragraph (2), by moving the margin 2 ems to the right;

(3) in subsection (c), by adding at the end the following: "The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by an enterprise, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under subtitles B and C for an enterprise are borne only by that enterprise.";

(4) in subsection (f), by striking "Any assessments collected" and all that follows through the end of the subsection and inserting the following: "Notwithstanding any other provision of law, any assessments collected by the Director pursuant to this section shall be deposited in the Fund in an account for the Director. Any amounts in the Fund are hereby made available, without fiscal year limitation, to the Director (to the extent of amounts in the Director's account) for carrying out the supervisory and regulatory responsibilities of the Director with respect to the enterprises, including any necessary administrative and nonadministrative expenses of the Director in carrying out the purposes of this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), and the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.)."; and

(5) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—Before the beginning of each fiscal year, the Director shall submit a copy of the financial operating plans and forecasts for the Office to the Director of the Office of Management and Budget.

"(2) REPORTS OF OPERATIONS.—As soon as practicable after the end of each fiscal year and each quarter thereof, the Director shall submit a copy of the report of the results of the operations of the Office during such period to the Director of the Office of Management and Budget.".

SEC. 106. INDEPENDENCE OF DIRECTOR IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.

Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by inserting "the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury," after "the Federal Housing Finance Board,".

SEC. 107. NONMORTGAGE-RELATED INVESTMENTS.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, and Nonmortgage-Related Assets";

and

(2) by adding at the end the following:

"SEC. 1369E. NONMORTGAGE-RELATED ASSETS.

"(a) IN GENERAL.—

"(1) LIQUIDITY PORTFOLIO.—On a quarterly basis, the Director shall review and provide written comment to each enterprise on the nonmortgage-related assets held by each enterprise in the liquidity portfolio of such enterprise. The Director shall define the term 'nonmortgage-related asset' for purposes of this section.

"(2) ASSETS OUTSIDE OF LIQUIDITY PORTFOLIO.—The Director may review and provide written comment to each enterprise on the quality and appropriateness of nonmortgage-related assets held by an enterprise outside of the liquid portfolio of such enterprise.

"(b) REPORT.—On a biennial basis, the Director shall submit a report to Congress containing information on—

"(1) any written comments provided to the enterprises under subsection (a)(1) or (2); and

"(2) whether or not each enterprise is in compliance with the Sound Practices for Managing Liquidity in Banking Organisations established by the Basel Committee, or any successor thereto.".

SEC. 108. REPORTS.

Sections 1327 and 1328 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547, 4548) are amended by striking "Secretary" each place it appears and inserting "Director".

SEC. 109. REVIEWS OF ENTERPRISES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the heading and inserting the following:

"SEC. 1319. REVIEW OF ENTERPRISES.";

(2) by inserting after "any entity" the following: "that the Director considers appropriate, including an entity";

(3) by inserting "(a) Authority To Provide for Reviews.—" before "The"; and

(4) by adding at the end the following new subsection:

"(b) Biennial Determination of Credit Rating.—

"(1) In general.—On a biennial basis, the Director shall provide for 2 entities recognized by the Division of Market Regulation of the Securities and Exchange Commission as nationally recognized statistical rating organizations, each to conduct an assessment of the financial condition of each enterprise for the purpose of determining the level of risk that the enterprise will be unable to meet its obligations, taking into consideration the legal status evidenced by the statements required under—

"(A) the penultimate sentence of section 304(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(b));

"(B) the last sentence of section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d));

"(C) the penultimate sentence of section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)); and

"(D) section 306(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(h)(2)).

"(2) Credit rating.—The assessment under paragraph (1) shall include—

"(A) assigning a credit rating for each enterprise, using a scale similar to that used by such organization with respect to obligations of other financial institutions; and

"(B) the report regarding such assessment and the rating in the report of the Director under section 1319B(a).".

SEC. 110. RISK-BASED CAPITAL TEST FOR ENTERPRISES.

Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following:

"(d) Periodic Review of Risk-Based Capital Test.—

"(1) In general.—Not later than 5 years after the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, and once every 5 years thereafter, the Director shall conduct a review of the risk-based capital test adopted in accordance with this subtitle and submit a report to Congress on the findings of such review, the appropriateness of the risk-based capital test, and any legislative recommendations that would, as necessary—

"(A) better align capital with risk; and

"(B) reflect evolving best practices for risk-based capital standards for large, complex financial institutions."

"(2) Savings provision.—Notwithstanding paragraph (1), the Director shall retain all authority under this section to modify the current risk-based capital rule as the Director determines.

"(e) Review of Risk-Based Capital Level.—Notwithstanding any other provision of law, if the Director determines that the risk-based capital level of an enterprise is inadequate, the Director may make such adjustments to the risk-based capital level of that enterprise as the Director determines necessary to ensure the safe and sound financial operation of that enterprise.".

SEC. 111. MINIMUM AND CRITICAL CAPITAL LEVELS.

Section 1362(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended to read as follows:

"(b) Authority To Issue Regulations.—The Director shall issue such regulations as the Director determines necessary to ensure that the enterprises comply with the requirements of subsection (a).".

SEC. 112. REQUIRED DISCLOSURES.

(a) Fannie Mae and Freddie Mac.—Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 1319I. REGISTRATION OF STOCK AND PUBLIC DISCLOSURES.

"(a) Registration of Stock Under the Securities Exchange Act.—

"(1) In general.—Notwithstanding its status as an exempted security for purposes of the Securities Exchange Act of 1934 pursuant to section 311 of the Federal National Mortgage Association Charter Act and section 306 of the Federal Home Loan Mortgage Corporation Act, as applicable, the common stock of each enterprise shall be subject to—

"(A) section 12(g) of the Securities Exchange Act of 1934; and

"(B) sections 14 and 16 of that Act.

"(2) Review.—All reports, statements, and forms filed with the Securities and Exchange Commission under this subsection shall be reviewed and commented upon by the Commission to the same extent and with the same frequency as comparable reports and materials filed by other issuers.

"(b) Credit Rating.—An enterprise shall annually disclose to the public the credit rating of such enterprise.

"(c) Mortgage Portfolio.—An enterprise shall disclose to the public, on a monthly basis, the effect on its mortgage portfolio of—

"(1) a 50 basis point change in interest rates; and

(2) a 25 basis point change in the slope of the yield curve.

"(d) Credit Risk Disclosures.—An enterprise shall disclose to the public, on a quarterly basis, the financial impact on the enterprise of an immediate 5 percent decline in the average price of single-family housing within the United States.".

(b) Federal Home Loan Banks.—Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended by adding at the end the following:

"(i) Registration and Reporting Requirements.—

"(1) In general.—Notwithstanding any other provision of law, the Class A stock and Class B stock issued by each Federal home loan bank shall be subject to—

"(A) section 12(g) of the Securities Exchange Act of 1934; and

"(B) sections 14 and 16 of that Act.

"(2) Review.—All reports, statements, and forms filed with the Securities and Exchange Commission under this subsection shall be reviewed and commented upon by the Commission to the same extent and with the same frequency as comparable reports and materials filed by other issuers.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act, or such later date as determined by the Securities and Exchange Commission.

SEC. 113. FEDERAL HOUSING FINANCE BOARD.

(a) Appointment of Secretary of the Treasury to FHFB.—Section 2(11) of the Federal Home Loan Bank Act (12 U.S.C. 1422(11)) is amended by striking "Secretary of Housing and Urban Development" and inserting "Secretary of the Treasury".

(b) Study of Merger of FHFB With OFHES.—

(1) In general.—The Secretary of the Treasury, after consultation with the Secretary of Housing and Urban Development, shall study and report on any recommendations regarding the consolidation of the responsibilities of the Federal Housing Finance Board, including oversight of the Federal home loan banks, and the Office of Federal Housing Enterprise Supervision of the Department of the Treasury.

(2) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress on—

(A) the results of the study conducted under subsection (a); and

(B) any recommendations regarding legislative or administrative changes.

SEC. 114. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (5) and (14), by striking "Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears and inserting "Federal Housing Enterprise Supervision of the Department of the Treasury";

(2) in paragraphs (8), (9), (10), and (19), by inserting "of Housing and Urban Development" after "Secretary" each place that term appears;

(3) by striking paragraph (15);

(4) by redesignating paragraphs (7) through (14) (as amended by this Act) as paragraphs (8) through (15), respectively; and

(5) by inserting after paragraph (6) the following:

"(7) Enterprise-affiliated party.—The term 'enterprise-affiliated party' means—

"(A) any director, officer, employee, or controlling stockholder of, or agent for, an enterprise;

"(B) any shareholder, consultant, joint venture partner, and any other person, as determined by the Director (by regulation or case-by-case), who participates in the conduct of the affairs of an enterprise; and

"(C) any independent contractor (including any attorney, appraiser, or accountant), to the extent that such person knowingly or recklessly participates in—

"(i) any violation of any law or regulation;

"(ii) any breach of fiduciary duty; or

"(iii) any unsafe or unsound practice,

which caused or is likely to cause more than a minimal financial loss to, or a significant adverse effect on, the enterprise.".

Subtitle B—Prompt Corrective Action

SEC. 131. CAPITAL CLASSIFICATIONS.

Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Discretionary Classification.—

"(1) Grounds for reclassification.—The Director may reclassify an enterprise under paragraph (2), if—

"(A) at any time, the Director determines in writing that an enterprise is engaging in conduct that could result in a rapid depletion of core capital or that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that an enterprise is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems an enterprise to be engaging in an unsafe or unsound practice.

"(2) Reclassification.—In addition to any other action authorized under this title, including the reclassification of an enterprise for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify an enterprise—

"(A) as undercapitalized, if the enterprise is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the enterprise is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the enterprise is otherwise classified as significantly undercapitalized.";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) Restriction on Capital Distributions.—

"(1) In general.—An enterprise shall make no capital distribution if, after making the distribution, the enterprise would be undercapitalized.

"(2) Exception.—Notwithstanding paragraph (1), the Director may permit an enterprise to repurchase, redeem, retire, or otherwise acquire shares or ownership interests, if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the enterprise in at least an equivalent amount; and

"(B) will reduce the financial obligations of the enterprise or otherwise improve the financial condition of the enterprise.".

SEC. 132. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED ENTERPRISES.

(a) Effective Date for Supervisory Actions.—Regulations issued by the Director of the Office of Federal Housing Enterprise Supervision under section 1361(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by section 161(a)(5)(A) of this Act, shall become effective not earlier than 6 months after the date of enactment of this Act.

(b) Supervisory Actions.—Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) the following:

"(1) Required monitoring.—The Director shall—

"(A) closely monitor the condition of any undercapitalized enterprise;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized enterprise to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by adding at the end the following:

"(4) Restriction of asset growth.—An undercapitalized enterprise shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

"(A) the Board has accepted the capital restoration plan of the enterprise;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of tangible equity to assets of the enterprise increases during the calendar quarter at a rate sufficient to enable the enterprise to become adequately capitalized within a reasonable time.

"(5) Prior approval of acquisitions and issuance of new products.—An undercapitalized enterprise shall not, directly or indirectly, acquire any interest in any entity or issue a new product, unless—

"(A) the Director has accepted the capital restoration plan of the enterprise, the enterprise is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(2) in the subsection heading for subsection (b), by striking "From Undercapitalized to Significantly Undercapitalized";

(3) by redesignating subsection (c) (as amended by subsection (a) of this section) as subsection (d); and

(4) by inserting after subsection (b) the following:

"(c) Other Discretionary Safeguards.—The Director may take, with respect to an undercapitalized enterprise, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized enterprise, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 133. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED ENTERPRISES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "Discretionary Supervisory Actions" and inserting "Specific Actions";

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, 1 or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following:

"(5) Improvement of management.—

"(A) New election of board.—Order a new election for the board of directors of the enterprise.

"(B) Dismissal of directors or executive officers.—Require the enterprise to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the enterprise became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers under section 1377.

"(C) Employ qualified executive officers.—Require the enterprise to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by adding at the end the following:

"(8) Other action.—Require the enterprise to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this paragraph.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Restriction on Compensation of Executive Officers.—An enterprise that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(A) pay any bonus to any executive officer; or

"(B) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the enterprise became classified as significantly undercapitalized.".

Subtitle C—Enforcement Actions

SEC. 151. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Issuance for Unsafe or Unsound Practices and Violations of Rules or Laws.—

"(1) In general.—The Director may issue and serve upon the enterprise or an enterprise-affiliated party a notice of charges under this section if—

"(A) in the opinion of the Director, an enterprise or any enterprise-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the enterprise or any enterprise-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the enterprise or is violating or has violated; or

"(B) the Director has reasonable cause to believe that the enterprise or any enterprise-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the enterprise or any written agreement entered into with the Director.

"(2) Limitations.—The Director may not enforce compliance with—

"(A) any housing goal established under subpart B of part 2 of subtitle A;

"(B) section 1336 or 1337;

"(C) subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)); or

"(D) subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)).

"(b) Issuance for Unsatisfactory Rating.—If an enterprise receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the enterprise to be engaging in an unsafe or unsound practice for purposes of this subsection.”; and

(2) in subsection (c)(2), by striking “or director” and inserting “director, or enterprise-affiliated party”.

SEC. 152. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) Grounds for Issuance.—

“(1) In general.—The Director may issue a temporary order under paragraph (2) if the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the enterprise or any enterprise-affiliated party under section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the enterprise, or is likely to weaken the condition of the enterprise prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373.

“(2) Contents of order.—Upon making a determination under paragraph (1), the Director may issue a temporary order requiring the enterprise or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).”;

(2) in subsection (b), by striking “or director” and inserting “director, or enterprise-affiliated party”;

(3) in subsection (d), striking “or director” and inserting “director, or enterprise-affiliated party”; and

(4) by striking subsection (e) and inserting the following:

“(e) Enforcement.—

“(1) In general.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued under this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for an injunction to enforce such order.

“(2) Issuance of injunction.—If the court determines that there has been a violation or threatened violation or failure to obey a temporary cease-and-desist order under paragraph (1), the court shall issue an injunction against the enterprise to enforce such order.”.

SEC. 153. REMOVAL AND PROHIBITION AUTHORITY.

(a) In General.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act (12 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–41) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

“SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

“(a) Authority To Issue Order.—

“(1) In general.—The Director may serve upon an enterprise-affiliated party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any enterprise in any case to which paragraph (2) applies.

“(2) Criteria.—The Director may serve written notice under paragraph (1) whenever the Director determines that—

“(A) any enterprise-affiliated party has, directly or indirectly—

“(i) violated—

“(I) any law or regulation;

“(II) any cease-and-desist order which has become final;

“(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise; or

“(IV) any written agreement between such enterprise and the Director;

“(ii) engaged or participated in any unsafe or unsound practice in connection with any enterprise; or

“(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

“(B) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

“(i) such enterprise has suffered or will probably suffer financial loss or other damage; or

“(ii) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

“(C) such violation, practice, or breach—

“(i) involves personal dishonesty on the part of such party; or

“(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such enterprise.

“(b) Suspension Order.—

“(1) Suspension or prohibition authority.—If the Director serves written notice under subsection (a) to any enterprise-affiliated party of the Director's intention to issue an order, the Director may suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the enterprise, if the Director—

“(A) determines that such action is necessary for the protection of the enterprise; and

“(B) serves such party with written notice of the suspension order.

“(2) Effective period.—Any suspension order issued under this section—

“(A) shall become effective upon service; and

“(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

“(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

“(ii) the effective date of an order issued by the Director to such party under subsection (a).

“(3) Copy of order.—If the Director issues a suspension order under this section to any enterprise-affiliated party, the Director shall serve a copy of such order on any enterprise with which such party is affiliated at the time such order is issued.

“(c) Notice, Hearing, and Order.—

“(1) In general.—A notice of intention to remove an enterprise-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of an enterprise shall—

“(A) contain a statement of the facts constituting grounds for such action; and

“(B) fix a time and place at which a hearing will be held on such action.

“(2) Hearing.—The Director shall hold the hearing not earlier than 30 days nor later than 60 days after the date of service of notice under paragraph (1), unless an earlier or a later date is set by the Director at the request of—

“(A) the enterprise-affiliated party, and for good cause shown; or

“(B) the Attorney General of the United States.

“(3) Removal or prohibition.—

“(A) In general.—The Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the enterprise, if—

“(i) the enterprise-affiliated party named in the notice issued under paragraph (1) fails to appear at the hearing in person, or by a duly authorized representative; or

“(ii) the Director determines, based upon the record of the hearing, that any of the grounds for removal or prohibition specified in the notice issued under paragraph (1) have been established.

“(B) Effective date of order.—Any order issued under subparagraph (A) shall become effective at 30 days after service of the order to the enterprise-affiliated party and the relevant enterprise, except in the case of an order issued upon consent, which shall become effective at the time specified therein.

“(C) Term.—Any order issued under subparagraph (A) shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

“(d) Prohibition of Certain Specific Activities.—Any person subject to an order issued under this section shall not—

“(1) participate in any manner in the conduct of the affairs of any enterprise;

“(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any enterprise;

“(3) violate any voting agreement previously approved by the Director; or

“(4) vote for a director, or serve or act as an enterprise-affiliated party.

“(e) Industry-Wide Prohibition.—

“(1) In general.—Except as provided in subparagraph (2), any person who, pursuant to an order issued under subsection (h), has been removed or suspended from office in an enterprise or prohibited from participating in the conduct of the affairs of an enterprise may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of any enterprise.

“(2) Exception if director provides written consent.—If, on or after the date an order is issued under this section which removes or suspends from office any enterprise-affiliated party or prohibits such party from participating in the conduct of the affairs of an enterprise, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the enterprise described in the written consent. If the Director grants such a written consent, the Director shall publicly disclose such consent.

“(3) Violation of paragraph (1) treated as violation of order.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

“(f) Applicability.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

“(g) Stay of Suspension and Prohibition of Enterprise-Affiliated Party.—Not later than 10 days after any enterprise-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of an enterprise under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the enterprise is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension or prohibition.

"(h) Suspension or Removal of Enterprise-Affiliated Party Charged With Felony.—

"(1) Suspension or prohibition.—

"(A) In general.—Whenever any enterprise-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any enterprise.

"(B) Provisions applicable to notice.—

"(i) Copy.—A copy of any notice under subparagraph (A) shall also be served upon the relevant enterprise.

"(ii) Effective period.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

"(2) Removal or prohibition.—

"(A) In general.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an enterprise-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise without the prior written consent of the Director.

"(B) Provisions applicable to order.—

"(i) Copy.—A copy of any order under paragraph (2)(A) shall also be served upon the relevant enterprise, whereupon the enterprise-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such enterprise.

"(ii) Effect of acquittal.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in enterprise affairs under subsection (a), (d), or (e).

"(iii) Effective period.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

"(3) Authority of remaining board members.—

"(A) In general.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of an enterprise less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

"(B) Suspension of all directors.—In the event all of the directors of an enterprise are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended, cease to be directors of the enterprise and their respective successors take office.

"(4) Hearing regarding continued participation.—

"(A) In general.—Not later than 30 days after receipt of service of any notice of suspension or order of removal issued under paragraph (1) or (2), the enterprise-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the enterprise by such party does not, or is not likely to, pose a threat to the interests of the enterprise or threaten to impair public confidence in the enterprise.

"(B) Timing.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director, to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

"(C) Notification of determination.—Not later than 60 days after the hearing under this paragraph, the Director shall notify the enterprise-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the enterprise will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party.

"(D) Rules.—The Director is authorized to prescribe such rules as may be necessary to carry out the purposes of this subsection.

"(i) Hearings and Judicial Review.—

"(1) Venue and procedure.—

"(A) In general.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the enterprise is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

"(B) Issuance of decision.—After a hearing under subparagraph (A), and within 90 days after the Director has notified the parties that the case has been submitted to the court for final decision, the court shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection.

"(C) Modification.—Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

"(2) Review of order.—

"(A) In general.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the enterprise or the enterprise-affiliated party concerned, or an order issued under subsection (h) of this section) by filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the enterprise is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside.

"(B) Filing of record.—A copy of a petition filed under subparagraph (A) shall be transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

"(C) Jurisdiction.—Upon the filing of a petition under subparagraph (A), the court in which it is filed shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director.

"(D) Review.—Review of the petition by the court shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) Proceedings not treated as stay.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.".

(b) Conforming Amendments.—

(1) 1992 act.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking "section 1379B" and inserting "section 1379D".

(2) Fannie mae charter act.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

(3) Freddie mac act.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking "The" and inserting "Except to the extent action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

SEC. 154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1376, or 1377".

SEC. 155. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "or any executive officer or" and inserting "any executive officer of an enterprise, any enterprise-affiliated party, or any";

(2) by striking subsection (b) and inserting the following:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—Any enterprise which, or any enterprise-affiliated party who—

"(A) violates any provision of this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any order, condition, rule, or regulation under any such title or Act, except that the Director may not enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), or with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f));

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise;

"(D) violates any written agreement between the enterprise and the Director; or

"(E) engages in any conduct the Director determines to be an unsafe or unsound practice,

shall forfeit and pay a civil penalty of not more than $10,000 for each day during which such violation continues.

"(2) SECOND TIER.—Notwithstanding paragraph (1)—

"(A) if an enterprise, or an enterprise-affiliated party—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such enterprise; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to such enterprise; or

"(iii) results in pecuniary gain or other benefit to such party,

the enterprise or enterprise-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any enterprise which, or any enterprise-affiliated party who—

"(A) knowingly—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of such enterprise; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to such enterprise or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

"(A) in the case of any person other than an enterprise, an amount not to exceed $2,000,000; and

"(B) in the case of any enterprise, $2,000,000."; and

(3) in subsection (d)—

(A) by striking "or director" each place such term appears and inserting "director, or enterprise-affiliated party";

(B) by striking "request the Attorney General of the United States to";

(C) by inserting ", or the United States district court within the jurisdiction of which the headquarters of the enterprise is located," after "District of Columbia"; and

(D) by striking ", or may, under the direction and control of the Attorney General, bring such an action".

SEC. 156. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by this Act) the following:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any enterprise shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

Subtitle D—General Provisions

SEC. 161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), as amended this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "OFFICE PERSONNEL" and inserting "IN GENERAL"; and

(ii) by striking "The" and inserting "Subject to title II of the Federal Housing Enterprise Oversight Modernization Act of 2003, the";

(B) in subsection (d)—

(i) in the subsection heading, by striking "HUD" and inserting "DEPARTMENT OF THE TREASURY"; and

(ii) by striking "Housing and Urban Development" and inserting "the Department of the Treasury"; and

(C) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b);

(3) in section 1319F (12 U.S.C. 4525), by striking paragraph (2);

(4) in the section heading for section 1328, by striking "secretary" and inserting "director";

(5) in section 1361 (12 U.S.C. 4611)—

(A) in subsection (e)(1), by striking the first sentence and inserting the following: "The Director shall establish the risk-based capital test under this section by regulation."; and

(B) in subsection (f), by striking "the Secretary,";

(6) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(7) in section 1367(a)(2) (12 U.S.C. 4617(a)(2)), by striking "with the written concurrence of the Secretary of the Treasury,";

(8) by striking section 1383;

(9) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services" each place such term appears in sections 1319B, 1319G(c), 1328(a), 1336(b)(3)(C), 1337, and 1369(a)(3); and

(10) by striking "Secretary" and inserting "Director" each place such term appears in—

(A) subpart A of part 2 of subtitle A (except in sections 1322, 1324, and 1325); and

(B) subtitle B (except in section 1361(d)(1) and 1369E).

(b) AMENDMENTS TO TABLE OF CONTENTS OF 1992 ACT.—Section 1(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 81 note) is amended—

(1) by striking the matter relating to section 1311 and inserting the following:

"Sec. 1311. Establishment of Office of Federal Housing Enterprise Supervision.";

(2) by striking the matter relating to section 1313 and inserting the following:

"Sec. 1313. Duties and authorities of director.";

(3) by inserting after the matter relating to section 1319G the following:

"Sec. 1319H. Prior approval authority for new programs.
"Sec. 1319I. Registration of stock and public disclosures.";

(4) by striking the matter relating to section 1319 and inserting the following:

"Sec. 1319. Review of enterprises.";

(5) by striking the matter relating to section 1328 and inserting the following:

"Sec. 1328. Reports by Director.";

(6) by striking the heading relating to subtitle B of title XIII and inserting the following:

Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, and Nonmortgage-Related Assets";

(7) by inserting after the matter relating to section 1369D the following:

"Sec. 1369E. Nonmortgage-related assets.";

(8) by redesignating the matter relating to sections 1377 through 1379B as sections 1379 through 1379D, respectively; and

(9) by inserting after the matter relating to section 1376 the following:

"Sec. 1377. Removal and prohibition authority.
"Sec. 1378. Criminal penalty.".

(c) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the

Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309(n)—

(A) in paragraph (1), by inserting "the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury," after "Senate,"; and

(B) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury".

(e) Amendments to Freddie Mac Act.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "section 1316(c)" and inserting "section 306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (f)—

(i) in paragraph (1), by inserting "the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury," after "Senate,"; and

(ii) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury".

(f) Amendment to Title 18, United States Code.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Office of Federal Housing Enterprise Supervision of the Department of the Treasury".

(g) Amendments to Flood Disaster Protection Act of 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury".

(h) Amendment to Department of Housing and Urban Development Act.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(i) Amendment to Title 5, United States Code.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Office of Federal Housing Enterprise Supervision, Department of the Treasury.".

SEC. 162. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 1-year period beginning on the date of enactment of this Act.

TITLE II—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY

SEC. 201. ABOLISHMENT OF OFHEO.

(a) In General.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) Disposition of Affairs.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of any transfer of such employee pursuant to section 203; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) Status of Employees as Federal Agency Employees.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law during any time such employee is so employed.

(d) Use of Property and Services.—

(1) Property.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may use the property of the Office of Federal Housing Enterprise Oversight to perform functions that have been transferred to the Director of the Office of Federal Housing Enterprise Supervision for such time as is reasonable to facilitate the orderly transfer of functions under any other provision of this Act, or any amendment made by this Act to any other provision of law.

(2) Agency services.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) Savings Provisions.—

(1) Existing rights, duties, and obligations not affected.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) Continuation of suits.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight shall abate by reason of the enactment of this Act, except that the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 202. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development and that relate to the Secretary's authority under—

(i) title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.);

(ii) the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.); or

(C) a court of competent jurisdiction and that relate to functions transferred by this Act; and

(2) are in effect on the date of the abolishment under section 201(a) of this Act,

shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury until modified, terminated, set aside, or superseded in accordance with applicable law by such Board, any court of competent jurisdiction, or operation of law.

SEC. 203. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) Authority To Transfer.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may transfer employees of the Office of Federal Housing Enterprise Oversight to the Office of Federal Housing Enterprise Supervision for employment no later than the date of the abolishment under section 201(a) of this Act, as the Director considers appropriate. This Act and the amendments made by this Act shall not be considered to result in the transfer of any function from one agency to another or the replacement of 1 agency by another, for purposes of section 3505 of title 5, United States Code, except to the extent that the Director of the Office of Federal Housing Enterprise Supervision specifically provides so.

(b) Appointment Authority for Excepted and Senior Executive Service Employees.—

(1) In general.—Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) Decline of transfer.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from

the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(c) REORGANIZATION.—If the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury determines, after the end of the 1-year period beginning on the date of the abolishment under section 201(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(d) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury as a result of a transfer under subsection (a) may retain for 18 months after the date such transfer occurs membership in any employee benefit program of the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 201(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Office of Federal Housing Enterprise Supervision.

(2) PAYMENT OF DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Office of Federal Housing Enterprise Supervision. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 204. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 201(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury.

By Mr. DASCHLE (for Mr. GRAHAM of Florida):

S. 1658. A bill to make residents of Puerto Rico eligible for the earned income tax credit, the refundable portion of the child tax credit, and supplemental security income benefits; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. GRAHAM. Mr. President, the Commonwealth of Puerto Rico has been a territory of the United States since 1898. Since 1917, people born in Puerto Rico have been citizens of the United States under Federal laws applicable in the territory.

One of the interesting, and most misunderstood, aspects of Puerto Rico's unique relationship with the United States, is that the U.S. citizens who reside there are not required to file tax returns and pay income tax on the money they earn on the island. That might lead one to conclude that this is a huge benefit to the majority of people who live on the island. The reality, however, is that well over half—and perhaps as much as three-quarters—of Puerto Rican families would likely owe no U.S. income tax if they were taxed in the same manner as other citizens.

Why? Because Puerto Rico struggles with a high rate of poverty. Fifty-eight percent of Puerto Rican children live below the national poverty level—which is an improvement from 67 percent in the early 1990s. That means that today more than one-half of Puerto Rican children live in a family that earns less than $17,000 a year. In contrast, the State with the highest child poverty rate, Mississippi, has a child poverty rate of 27 percent.

For over 30 years, U.S. policy toward improving the economic situation on the island has focused on corporate tax incentives. Today, I am introducing legislation that focuses on providing direct stimulus to the part of economy in Puerto Rico that has been neglected—Puerto Rican families and children. Putting money into the hands of the people who will spend it will provide the most direct stimulus for the economy of the island.

This bill puts Puerto Rican families on par with other families in America by extending to them the benefits of our social safety net. Specifically, the bill makes residents of Puerto Rico eligible for the earned income tax credit, the refundable per child tax credit, and the Supplemental Security Income program.

Although Puerto Rican families are not subject to the Federal income tax, they do pay Federal payroll taxes. Just like other working families in America that work hard and play by the rules, low-income employees in Puerto Rico deserve relief from those payroll taxes. The earned income tax credit and the refundable portion of the child tax credit have long been recognized as an effective way to provide such relief. The Puerto Rico Economic Stimulus Act says that families in Puerto Rico should also be able to claim these credits, in the same way, and subject to the same limitations, as families in Florida, Tennessee, Texas, or New York.

Workers in Puerto Rico pay payroll taxes like all other Americans. While some may disagree with the notion of providing refundable credits to offset payroll taxes that is a different debate than whether low-income families in Puerto Rico should be treated the same as low-income families in the 50 States. This is a matter of equity, not tax policy.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Puerto Rico Economic Stimulus Act of 2003''.

SEC. 2. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income) is amended by inserting at the end the following new subsection:

"(n) RESIDENTS OF PUERTO RICO.—

"(1) IN GENERAL.—In the case of residents of Puerto Rico, this section shall be applied—

"(A) by substituting 'United States or Puerto Rico' for 'United States' in subsections (c)(1)(A)(ii)(I) and (c)(3)(E),

"(B) by substituting 'nonresident alien individual (other than a resident of Puerto Rico)' for 'nonresident alien individual' in subsection (c)(1)(E), and

"(C) by substituting 'gross income (computed without regard to section 933)' for 'gross income' in subsections (a)(2)(B) and (c)(2)(A)(i).

"(2) PHASE-IN OF CREDIT.—

"(A) IN GENERAL.—The credit allowable under this section by reason of this subsection shall not exceed the applicable percentage of the amount of credit which would otherwise be allowable under this section (without regard to this paragraph).

"(B) APPLICABLE PERCENTAGE.—The applicable percentage shall be determined as follows:

"In the case of any taxable year beginning in—	The applicable percentage is—
2004	10
2005	20
2006	30
2007	40
2008	50
2009	60
2010	70
2011	80
2012	90
2013 and thereafter	100.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 3. REFUNDABLE CHILD TAX CREDIT ALLOWABLE TO RESIDENTS OF PUERTO RICO WITH LESS THAN 3 CHILDREN.

(a) IN GENERAL.—Paragraph (1) of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by inserting at the end the following new sentence: "For purposes of this paragraph, taxable income shall be computed without regard to section 933.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

(c) APPLICABILITY.—

(1) IN GENERAL.—Any credit allowable by reason of the amendment made by subsection (a) shall not exceed the applicable percentage of the amount of credit which would otherwise be allowable under section 24(d)(1) (without regard to this subsection).

(2) APPLICABLE PERCENTAGE.—The applicable percentage shall be determined as follows:

In the case of any taxable year beginning in—	The applicable percentage is—
2004	10

In the case of any taxable year beginning in—	The applicable percentage is—
2005	20
2006	30
2007	40
2008	50
2009	60
2010	70
2011	80
2012	90
2013 and thereafter	100.

SEC. 4. SSI TO APPLY TO RESIDENTS OF PUERTO RICO.

(a) IN GENERAL.—Section 1614(e) of the Social Security Act is amended by striking "and the District of Columbia" and inserting ", the District of Columbia, and the Commonwealth of Puerto Rico".

(b) APPLICATION.—Section 1611 of the Social Security Act is amended by adding at the end the following:

"Limitation on Benefits for Residents of the Commonwealth of Puerto Rico

"(j) Notwithstanding any other provision of this title, in the case of an individual who is a resident of the Commonwealth of Puerto Rico who is eligible to receive a monthly benefit under this title, the monthly benefits payable under this title shall not exceed—

"(1) for each month occurring in 2004, 10 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(2) for each month occurring in 2005, 20 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(3) for each month occurring in 2006, 30 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(4) for each month occurring in 2007, 40 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(5) for each month occurring in 2008, 50 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(6) for each month occurring in 2009, 60 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(7) for each month occurring in 2010, 70 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

"(8) for each month occurring in 2011, 80 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title; and

"(9) for each month occurring in 2012, 90 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title.".

(c) TERMINATION OF OTHER PROGRAMS FOR RESIDENTS OF PUERTO RICO.—

(1) TITLE I.—Title I of the Social Security Act is amended by inserting at the end the following:

"TERMINATION FOR RESIDENTS OF PUERTO RICO

"SEC. 7. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.".

(2) TITLE X.—Title X of the Social Security Act is amended by inserting at the end the following:

"TERMINATION FOR RESIDENTS OF PUERTO RICO

"SEC. 1007. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.".

(3) TITLE XIV.—Title XIV of the Social Security Act is amended by inserting at the end the following:

"TERMINATION FOR RESIDENTS OF PUERTO RICO

"SEC. 1406. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.".

(4) TITLE XVI.—Title XVI of the Social Security Act, as applicable with respect to the Commonwealth of Puerto Rico before the date of the enactment of this Act, shall not apply after 2012.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to benefits payable in months beginning on or after January 1, 2004.

By Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. ALLARD, and Mr. REID):

S. 1660. A bill to improve water quality on abandoned and inactive mine land, and for other purposes; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, I rise today to introduce the Good Samaritan Abandoned and Inactive Mine Reclamation Act of 2003.

I have been involved with efforts to clean up abandoned hardrock mines for a long time. In fact, I was an original cosponsor of a bill in the 106th Congress. The Western Governors Association regarded that the bill as a first step in the right direction, and I am proud to build and improve upon that experience in crafting my own legislation.

Abandoned hardrock mines pose significant environmental and safety hazards to communities across the Western United States. In fact, the Western Governor's Association concluded that there are at least 400,000 such sites across the West, many of which cover our public lands.

The history of abandoned hardrock mines is linked to government policies promoting the westward expansion of our Nation, and Federal policies during times of war. Due to the historic nature of these sites, the party responsible for the environmental problem is not always identifiable or not economically viable to be compelled to clean up the site.

Abandoned mine lands (AMLs) are areas adjacent to or affected by abandoned mines. They often contain unmined mineral deposits, mine dumps, and tailings that contaminate the surrounding watershed and ecosystem. Streams near AML sites—including many in Colorado—may contain metals or be so acidic that fish and aquatic insects cannot live in them. Water too polluted for fish and insects is also water too polluted for people. Further, abandoned mine sites pose very real safety hazards for folks enjoying the West's wild lands.

Although abandoned hardrock mining in the West goes back a hundred years, the Clean Water Act has only been in existence for thirty. The Clean Water Act was an important and historic piece of legislation that did a lot of good, but it failed to promote the reclamation of abandoned hardrock mine sites. In fact, if an environmental group or county or interested party wanted to clean an abandoned mine site, they would incur liability under the Act.

The Western Governors Association has repeatedly called on Congress to amend the Clean Water Act's National Pollutant Discharge Elimination System permit program. The WGA stated that the NPDES program "has become an overwhelming disincentive for any voluntary cleanup efforts of AMLs because of the liability that can be inherited for any discharges from an abandoned mine site remaining after cleanup, even though the volunteering remediating party had no previous responsibility or liability for the site, and has reduced the water quality impacts from the site by completing a cleanup project."

My bill recognizes that there are a lot of good, responsible folks across our Western communities who recognize the environmental harm that AMLs pose and finally gives them the tools to do something about it. My bill establishes a "Good Samaritan" permit program under the Clean Water Act, administered by the EPA or a State-approved agency allowing an applicant to develop a strategy to remediate an affected area, and be granted a permit to do the work without penalizing them for their good deed.

In order to be granted a Good Samaritan permit, my bill requires an applicant to meet comprehensive standards ensuring that they have the financial and technical resources to get the job done. An applicant must establish remediation and monitoring schedules for the clean up project and identify funding sources to carry out the plan.

My bill's goal is to promote the clean-up of abandoned hardrock mines. Therefore, it allows communities, interest stakeholder groups, and corporations, as coalitions or individually to be "Good Samaritans." The transparent and publicly open permit application process helps to ensure that permit holders are acting in good faith and have the technical and financial wherewithal to get the job done.

Further, if a permit holder is found to have violated the terms of the permit, he or she could lose their liability protection and subject to an enforcement action.

The West's States, communities, and interested parties have been prevented from cleaning up their own communities for far too long. My bill provides a transparent, flexible, and enforceable permit system that removes the unintentional liability associated with abandoned hardrock mine cleanup.

I look forward to working with my colleagues on speedy passage of this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Abandoned and Inactive Mine Remediation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government has encouraged, through various laws and policies, the development of gold, silver, and other minerals, especially in the West;

(2) development of the resources referred to in paragraph (1) has—

(A) helped create a strong economy; and

(B) provided strategic materials to achieve maximum production of the metals that were essential to victory in World War I and World War II;

(3) during World War I and World War II, the Federal Government actively encouraged mining and milling operations, including the design and placement of mine tailings and waste rock piles, practices—

(A) that were not governed by any Federal or State environmental laws during that period;

(B) the impact of which on the environment and public health were unknown; and

(C) that since that period, have been—

(i) found to be harmful to the environment; and

(ii) made illegal;

(4) the result of the practices is a legacy of abandoned and inactive mine sites, many of which are on Federal land, that—

(A) have been unreclaimed or, based on existing environmental standards, inadequately reclaimed; and

(B) continue to pose environmental and safety hazards;

(5) the cleanup of the abandoned and inactive mine sites is hampered primarily by concerns about the potential liability associated with the cleanup.

(b) PURPOSE.—The purpose of this Act is to facilitate the cleanup of abandoned and inactive mine sites by limiting the potential liability of persons cleaning up the sites.

SEC. 3. ABANDONED AND INACTIVE MINE REMEDIATION PERMITS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(r) ABANDONED AND INACTIVE MINE REMEDIATION PERMITS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ABANDONED OR INACTIVE MINE LAND.—

"(i) IN GENERAL.—The term 'abandoned or inactive mine land' means land—

"(I) that was actively mined for noncoal resources;

"(II) that is not—

"(aa) being actively mined for noncoal resources; or

"(bb) subject to a temporary shutdown; and

"(III) with respect to which there is no identifiable or economically viable owner or operator of record for the mine or mine facilities.

"(ii) EXCLUSIONS.—The term 'abandoned or inactive mine land' does not include—

"(I) a site listed on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

"(II) a brownfield site (as defined in section 101 of that Act (42 U.S.C. 9601).

"(B) PERMIT.—The term 'permit' means an abandoned or inactive mine remediation permit described in paragraph (2).

"(C) PERMITTING AGENT.—The term 'permitting agent' means—

"(i) the Administrator; or

"(ii) the head of a State program that is authorized by the Administrator to issue and administer permits under this subsection.

"(D) REMEDIATING PARTY.—

"(i) IN GENERAL.—The term 'remediating party' means any of the following persons or entities that carries out the remediation of an abandoned or inactive mine land:

"(I)(aa) The United States, a State, a political subdivision of a State, or an Indian tribe; or

"(bb) any officer, employee, or contractor of the United States, a State, a political subdivision of a State, or an Indian tribe.

"(II) A corporation.

"(III) Any person or entity acting in cooperation with the permittee with respect to the abandoned or inactive mine land.

"(ii) EXCLUSIONS.—The term 'remediating party' does not include a person or entity described in clause (i) that, with respect to the abandoned or inactive mine land that is being remediated, has been determined to be legally responsible or in material noncompliance with section 301(a).

"(E) UNANTICIPATED EVENT OR CONDITION.—The term 'unanticipated event or condition' means an event or condition that was not contemplated by the permit.

"(2) IN GENERAL.—The permitting agent may issue an abandoned or inactive mine remediation permit for the conduct of remediation activities on abandoned or inactive mine land from which there is or may be a discharge of pollutants to bodies of water of the United States.

"(3) APPLICATION FOR PERMIT.—

"(A) COMPONENTS.—

"(i) IN GENERAL.—To be eligible to receive a permit under this subsection, the remediating party shall submit to the permitting agent an application that includes a remediation plan that—

"(I) identifies—

"(aa) the remediating party;

"(bb) any agents or contractors of the remediating party; and

"(cc) any persons cooperating with the remediating party with respect to the remediation plan;

"(II) describes the reasonable efforts of the remediating party to identify current owners, lessees, and claimants of the abandoned or inactive mine land addressed by the remediation plan;

"(III) certifies that the remediating party qualifies as a remediating party under paragraph (1)(D);

"(IV) identifies that the site addressed by the plan is—

"(aa) abandoned or inactive mine land; and

"(bb) eligible for a permit under this Act;

"(V) identifies the bodies of water of the United States affected by the abandoned or inactive mine land;

"(VI) describes the baseline condition of the bodies of water identified under subclause (V), in accordance with requirements established by the permitting authority, as of the date of the permit application (including any conditions that make numeric monitoring of a baseline preexisting discharge physically or economically infeasible);

"(VII) describes the physical conditions at the site that are causing or believed to be causing adverse water quality impacts;

"(VIII) describes the goals and objectives of remediation, including the pollutant or pollutants to be addressed by the remediation plan;

"(IX)(aa) describes the practices that are proposed to reduce, control, mitigate, or eliminate the impacts of adverse water quality, including the preliminary system design and construction, operation, and maintenance plans; and

"(bb) includes a schedule and estimated completion date of the practices;

"(X) applies site-specific best available technology, using best professional judgment, to explain how the practices described in subclause (IX) are expected to improve the quality of the bodies of water identified under subclause (V);

"(XI) describes—

"(aa) site-specific monitoring or other forms of assessment to be used to evaluate the success of the practices during and after implementation of the remediation plan in improving the quality of the water identified under subclause (V); and

"(bb) the duration of the monitoring or assessment;

"(XII)(aa) describes any extraction, processing, or removal of minerals for remediation or commercial sale; and

"(bb) states that 100 percent of the net profits generated through the use or commercial sale of minerals under item (aa) that will be—

"(AA) used for future remediation; or

"(BB) deposited in a designated remediation fund;

"(XIII) provides a schedule for periodic reporting on progress in implementing the remediation plan; and

"(XIV)(aa) provides a budget for the remediation plan; and

"(bb) identifies any potential funding sources for carrying out the remediation plan.

"(ii) CERTIFICATION BY CORPORATION.—

"(I) IN GENERAL.—In addition to the requirements under clause (i), an application submitted by a corporation shall include a certification in accordance with paragraph (1)(D)(ii) that, based on the knowledge and belief of the officers and directors of the corporation, neither the corporation nor any wholly owned subsidiary of the corporation is legally responsible for or in material noncompliance with section 301(a) or an equivalent State law for the site proposed to be remediated.

"(II) LIMITATION.—If at any time the permitting agent determines that the certification under subclause (I) is incorrect, the corporation—

"(aa) shall not be entitled to the protection under this subsection; and

"(bb) shall be subject to liability under this section or section 301, 302, or 402.

"(B) APPROVAL OR DISAPPROVAL OF APPLICATION.—

"(i) IN GENERAL.—Not later than 120 days after the date of receipt of an application under subparagraph (A), the permitting agent shall approve or disapprove the application.

"(ii) PUBLIC PARTICIPATION.—Before approving or disapproving an application under clause (i), the permitting agent shall provide to the public—

"(I) notice of the application; and

"(II) an opportunity for public comment on the application.

"(iii) APPROVAL.—The permitting agent shall approve an application under clause (i) and issue a permit to the remediating party if the permitting agent determines that—

"(I) the remediating party has made a reasonable effort (relative to the resources available to the remediating party for the proposed remediation activity) to identify persons under subparagraph (A)(i)(II);

“(II) the implementation of the remediation plan would improve the quality of the water identified under subparagraph (A)(i)(V); and

“(III) any Indian tribe with jurisdiction over the abandoned or inactive mine land subject to the permit consents to the issuance of the permit.

“(iv) ACTION FOLLOWING DISAPPROVAL.—

“(I) REVISION.—If the permitting agent disapproves an application under clause (i), the permitting agent shall—

“(aa) notify the applicant of the reasons for disapproval; and

“(bb) allow the applicant 30 days in which to submit a revised application.

“(II) DEADLINE FOR REVISION.—Not later than 30 days after the date on which a revision is submitted under subclause (I)(bb), the permitting agent shall approve or disapprove the revision.

“(4) CONTENTS OF PERMIT.—

“(A) IN GENERAL.—A permit shall—

“(i) provide for compliance with and implementation of the remediation plan; and

“(ii) establish a schedule for review by the permitting agent of compliance with and implementation of the remediation plan.

“(B) LIMITATION.—A permit shall not—

“(i) require the remediating party to comply with any other subsection or section 301, 302, or 402; or

“(ii) except in a case in which the net profits (as stated under paragraph (3)(A)(i)(XII)(bb)) generated through such use or sale of minerals are used for present or future remediation activities, authorize any discharge associated with the extraction, processing, or removal of minerals for commercial use or sale.

“(5) MODIFICATION OF PERMIT.—

“(A) IN GENERAL.—Not later than 90 days after the date of receipt of a written request by a permittee to modify a permit, the permitting agent shall approve or disapprove a modification to the permit.

“(B) APPROVAL.—A modification to a permit approved by the permitting agent under this subsection shall—

“(i) be made by agreement of the permittee and the permitting agent and with the concurrence of any applicable State or Indian tribe with jurisdiction over the abandoned or inactive mine land subject to the permit;

“(ii) be made in accordance with subparagraphs (2)(B) and (3); and

“(iii) take effect on approval.

“(6) FAILURE TO COMPLY.—If a remediating party fails to comply with any term or condition of a permit under this subsection, the failure shall be considered to be a violation subject to enforcement under sections 309 and 505, except in a case in which—

“(A)(i) based on information submitted to the permitting agent by the permittee, the permitting agent determines that the noncompliance was the result of an unanticipated event or condition; and

“(ii) not later than 30 days after the date on which a determination is made under clause (i), the permittee establishes, to the satisfaction of the permitting agent, that the permittee is in compliance with the permit; or

“(B)(i) the permitting agent determines that compliance with the permit is infeasible because of reasons not contemplated at the time at which the permit was issued; and

“(ii) the permitting agent and the permittee modify the permit in accordance with paragraph (5).

“(7) TERMINATION OF PERMIT.—

“(A) IN GENERAL.—The permitting agent shall terminate a permit if—

“(i) the remediating party completes the implementation of the remediation plan;

“(ii) the discharges covered by the permit become subject to a permit that is issued—

“(I) under another subsection; and

“(II) for the extraction, processing, or removal of minerals for commercial sale, the net profits of which shall be used for purposes other than the purposes described in paragraph (3)(A)(i)(XII)(bb)—

“(aa) that is not part of the implementation of the remediation plan; and

“(bb) with respect to which the remediating party is not a participant;

“(iii) an unanticipated event or condition is encountered that is beyond the control of the remediating party; or

“(iv) the permitting agent determines that remediation activities conducted under the permit have resulted in surface water quality conditions that are equal to or better than the baseline condition of the water as of the date of the permit application.

“(B) NO ENFORCEMENT LIABILITY.—If a permit is terminated under subparagraph (A), the remediating party shall not be subject to enforcement under section 309 or 505 for any subsequent discharges from the abandoned or inactive mine land subject to the permit.

“(8) LIMITATIONS.—

“(A) IN GENERAL.—A remediating party issued a permit under this subsection and, for purposes of conducting a preliminary investigation of a site to determine whether to pursue a permit application, a potential applicant for a permit, for a period of not more than 120 days unless otherwise stated by the permitting authority, shall not be considered to be an owner or operator for purposes of—

“(i) this Act;

“(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

“(iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

“(B) PRIOR VIOLATIONS.—With respect to violations of this section, or sections 301, 302, and 402 that occur before the date on which a permit is issued under this subsection, nothing in this subsection—

“(i) precludes an action under section 309 or 505 for such violations; or

“(ii) affects the relief available under section 309 or 505.

“(9) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with State, tribal, and local officials and after notice and opportunity for public comment, shall promulgate regulations that—

“(A) establish requirements for remediation plans under this subsection; and

“(B) provide guidance for the development of State programs for the issuance and administration of permits under this subsection.

“(10) FUNDING.—A remediating party that implements a remediation plan under a permit issued under this subsection shall be eligible for grants under section 319(h).

“(11) EFFECT.—Nothing in this subsection—

“(A) limits the liability associated with any mining or processing activities in existence before, on, or after the date of enactment of this subsection; or

“(B) affects any obligation of a State or Indian tribe under section 303.”.

By Mrs. DOLE:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps; to the Committee on Environment and Public Works.

Mrs. DOLE. Mr. President, I ask unanimous consent that the text of the legislation, “To replace certain Coastal Barrier Resources System maps” be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF CERTAIN COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 2 maps subtitled “NC–07P”, relating to the Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Cape Fear Unit NC–07P, that are included in the set of maps entitled “Coastal Barrier Resources System” and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), are hereby replaced by 2 other maps relating to those units entitled “Coastal Barrier Resources System Cape Fear Unit, NC–07P” and dated February 18, 2003.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—HONORING THE DETROIT SHOCK ON WINNING THE WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas on September 16, 2003, the Detroit Shock won the Women's National Basketball Association Championship by defeating the 2-time defending champion Los Angeles Sparks, 83 to 78;

Whereas the Shock won a league-best 25 games, a year after losing a league-worst 23, becoming the first team in any major sport since 1890 to finish first in the entire league after finishing last the previous season;

Whereas the enthusiasm and support for the Shock by the people of Detroit and of Michigan was clearly demonstrated by the fact that the final game was attended by a Women's National Basketball Association (WNBA) record crowd of over 22,000 people;

Whereas the Shock completed an incredible season with the strong performances of Finals Most Valuable Player Ruth Riley's career-high 27 points, Swin Cash's 13 points, 12 rebounds and 9 assists, and Deanna Nolan's 17 points;

Whereas Cheryl Ford, the 2003 WNBA Rookie of the Year, became the first rookie in league history to average more than 10 points and 10 rebounds per game;

Whereas Detroit Shock Head Coach Bill Laimbeer was named 2003 WNBA Coach of the Year after transforming the Shock into the best team in the league in his first year as head coach;

Whereas in honor of the Shock's championship, the Palace of Auburn Hills is officially changing its address to Three Championship Drive; and

Whereas the Shock have demonstrated great strength, skill, and perseverance during the 2003 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2003 Women's National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

SENATE RESOLUTION 235—HONORING THE LIFE OF THE LATE HERB BROOKS AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 235

Whereas the Senate has learned with great sadness of the death of Herb Brooks;

Whereas Herb Brooks, born in Saint Paul, Minnesota, greatly distinguished himself by his long commitment to the game of hockey, the players whom he coached, the State of Minnesota, and the United States of America;

Whereas Herb Brooks was a member of the 1964 and 1968 United States Olympic Hockey Teams;

Whereas Herb Brooks coached the 1980 United States Olympic Hockey Team, also known as the "Miracle on Ice", to a sensational victory against the favored Soviet Union team, providing the United States with an unforgettable moment that highlighted American determination, resilience, and spirit;

Whereas the United States Olympic Team continued victoriously on and won the Gold Medal at the 1980 Olympic Games;

Whereas Herb Brooks coached 3 University of Minnesota hockey teams to NCAA National Championships in 1974, 1976, and 1979;

Whereas Herb Brooks subsequently coached the Minnesota North Stars, the New York Rangers, the New Jersey Devils, and the Pittsburgh Penguins;

Whereas Herb Brooks spearheaded the development of the Division I hockey program at Saint Cloud State University by serving as the first coach of the team, obtaining the funding for a world-class ice arena, and recruiting top-level players to the new program;

Whereas in 1990, Herb Brooks was inducted into the United States Hockey Hall of Fame and in 1999 was inducted into the International Hockey Hall of Fame;

Whereas Herb Brooks was a devoted husband to his wife, Patti, and a loving father to his 2 children, Dan and Kelly; and

Whereas his life was remarkable for its constant pursuit of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career, character, and dedicated work of the great American Herb Brooks;

(2) expresses its deepest condolences to the family of Herb Brooks; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Herb Brooks.

AMENDMENTS SUBMITTED & PROPOSED

SA 1787. Mrs. FEINSTEIN proposed an amendment to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

TEXT OF AMENDMENTS

SA 1787. Mrs. FEINSTEIN proposed an amendment to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used for school year 2003-2004 by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 6 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 25, 2003, at 9:30 a.m., in open session, to receive testimony on ongoing military operations and reconstruction efforts in Iraq.

Witnesses

Ambassador L. Paul Bremer III, Presidential Envoy to Iraq;

General John P. Abizaid, USA, Commander, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 25, 2003, at 10 a.m. to conduct a hearing on "Counterterror Initiatives in the Terror Finance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 2003 at 2:30 p.m. to hold a hearing on European Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 25, 2003, at 10 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a hearing on the reauthorization of the Head Start program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 25, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations

Henry W. Saad to be United States Circuit Judge, for the Sixth Circuit; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States; Carlos T. Bea to be United States Circuit Judge for the Ninth Circuit; Charles H. Pickering, Sr. to be United States Circuit Judge for the Fifth Circuit; Marcia A. Crone to be United States District Judge for the Eastern District of Texas; Philip S. Figa to be United States District Judge for the District of Colorado; William Q. Hayes to be United States District Judge for the Southern District of California; John A. Houston to be United States District Judge for the Southern District of California; Robert Clive Jones to be United States District Judge for the District of Nevada; Ronald A. White to be United States District Judge for the Eastern District of Oklahoma; John F. Bardelli to be United States Marshal for the District of Connecticut.

II. Bills

S. 1451, Runaway, Homeless, and Missing Children Protection Act [Hatch, Leahy];

S. 1293, A bill to criminalize the sending of predatory and abusive e-mail [Leahy, Hatch, DeWine, Edwards, Feinstein, Grassley, Schumer];

S. 1580, Religious Workers of Act of 2003 [Hatch, Kennedy, DeWine];

S. Res. 209, Recognizing and honoring Woodstock, Vermont native Hiram Powers for his extraordinary and enduring contributions to American sculpture [Jeffords, Leahy, DeWine, Feinstein, Grassley, Hatch, Schumer, Specter];

S. Res. 222, Designating October 17, 2003, as National Mammography Day [Biden, Chambliss, DeWine, Edwards, Feinstein, Grassley, Hatch, Kennedy, Leahy, Schumer, Specter];

S. Res. 98, Expressing the Sense of the Senate that the President should designate the week of October 12, 2003, as National Cystic Fibrosis Awareness Week [Campbell, Biden, DeWine, Grassley, Specter].

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the subcommittee on Science, Technology, and Space be authorized to meet on Thursday, September 25, 2003, at 2:30 pm on scientific and medical advances in the field of in utero surgery.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

On Tuesday, September 23, 2003, the Senate passed H.R. 2691, as follows:

H.R. 2691

Resolved, That the bill from the House of Representatives (H.R. 2691) entitled "An Act to making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $847,091,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $847,091,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $25,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $942,244,000, to remain available until September 30, 2005, of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi: Provided, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment of this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,285,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,689,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and *groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.*

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,982,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $6,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to 10 percent of the funds received by any State under this heading may be used for wildlife conservation education and outreach efforts that contribute significantly to the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,299,000, of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 may be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 may be available to the Oklahoma City National Memorial Trust, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided further, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,349,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $60,154,000, of which $175,000 may be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: Provided, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $32,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on

Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $342,131,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a and of which $600,000 shall be available for the planning and design of the Mesa Verde Cultural Center in the State of Colorado, and of which $50,000 shall be available for the construction of a statue of Harry S Truman in Union Station in Kansas City, Missouri, and of which $4,289,000 shall be available for the construction of a security fence for the Jefferson National Expansion Memorial in the State of Missouri: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $158,473,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $104,000,000 is for the State assistance program including not to exceed $4,000,000 for the administration of this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,864,000, of which $64,630,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,230,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; of which $169,580,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,016,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum

Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,893,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2006: Provided further, That $48,115,000 shall be for operating grants for Tribally Controlled Community Colleges, and $34,710,000 shall be for Information Resources Technology.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $50,583,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $71,343,000, of which: (1) $65,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,125,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau, section 103(h)(2) of the Compact of Free Association Act of 1985, and section 221(a)(2) of the Amended Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, to remain available until expended.

For grants and necessary expenses as provided for in sections 211, 212, 213, and 218 of the Amended Compact of Free Association for the Republic of the Marshall Islands and as provided for in sections 211, 212, and 217 of the Amended Compact of Free Association for the Federated States of Micronesia, all sums that are or may be required in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget.

For grants and necessary expenses, $15,000,000, for impact of the Compacts on certain U.S. areas in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget: Provided, That for purposes of assistance as provided pursuant to this appropriation, the effective dates of the amended Compacts of Free Association shall be October 1, 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,433,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.

Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, $11,700,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,179,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,474,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian

Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $22,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog *of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.*

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for the Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Section 134 of Public Law 107–63 (115 Stat. 442–443) is amended by striking the proviso thereto and inserting the following: "Provided, That nothing in this section affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001): Provided further, That nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of Public Law 106–291 (114 Stat. 944–945), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.".

SEC. 128. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 129. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 130. None of the funds in this Act may be used to fund Cooperative Ecosystem Studies Units in the State of Alaska.

SEC. 131. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access.

SEC. 132. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 133. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the.Congress.

SEC. 134. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation and the Bureau of Indian Affairs Regional offices that serve them, on the same basis as funds were distributed in fiscal year 2003. The Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the California Trust Reform Consortium and any other participating tribe having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh.

SEC. 135. Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied under completed competitions;

(4) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under

paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

SEC. 136. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 137. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

SEC. 138. INTERIM COMPENSATION PAYMENTS. Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: ", unless the amount of the interim compensation exceeds the amount of the final compensation".

SEC. 139. APPLICATIONS FOR WAIVERS OF MAINTENANCE FEES. Section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by inserting after "reason" the following: "(including, with respect to any application filed on or after January 1, 1999, the filing of the application after the statutory deadline)".

SEC. 140. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $266,180,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants, and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $295,349,000, to remain available until expended, of which $84,716,000 is to be derived from the Land and Water Conservation Fund: Provided, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That up to $2,000,000 may be used by the Secretary solely for: (1) rapid response to new introductions of non-native or invasive pests or pathogens in which no previous federal funding has been identified to address, or (2) for a limited number of instances in which any pest populations increase at over 150 percent of levels monitored for that species in the immediately preceding fiscal year and failure to suppress those popultions would lead to a 10-percent increase of annual forest or stand mortality over ambient mortality levels.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,731,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)), of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest: Provided, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros, and for the performance of cadastral surveys to designate the boundaries of such lands from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,543,072,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds may be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $231,392,000 is for hazardous fuels reduction activities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $47,752,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, and $11,934,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation *and watershed management, heritage site rehabilitation, wildlife and fish habitat management, and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.*

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $532,406,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $76,440,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $5,400,000 shall be available for the Beaver Brook Watershed in the State of Colorado: Provided, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended, of which not to exceed $100,000 per annum may be used to reimburse the Office of General Counsel, Department of Agriculture, for salaries and related expenses incurred in providing legal services in relation to subsistence management.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

None of the funds made available in this or any other Act may be used by the Forest Service to initiate or continue competitive sourcing studies until such time as the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal (including the number of positions to be studied, the amount of funding needed, and the accounts and activities from which the funding will be reprogrammed), and have approved in writing such proposal.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which may be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That within 30 days of enactment of this Act, the Secretary is directed to provide the House Committee on Appropriations and the Senate Committee on Appropriations with a plan detailing the proposed expenditure of un-obligated or de-obligated funds from terminated Clean Coal Technology projects in support of the FutureGen project: Provided further, That notwithstanding any other provision of law, within fiscal year 2004 up to $9,000,000 of the funds made available under this heading for obligation in prior years, of funds not obligated or committed to existing Clean Coal Technology projects, and funds committed or obligated to a project that is or may be terminated, may be used for the development of technologies and research facilities that support the production of electricity and hydrogen from coal including sequestration of associated carbon dioxide: Provided further, That the Secretary may enter into a lease or other agreement, not subject to the conditions or requirements established for Clean Coal Technology projects under any prior law, for a cost-shared public-private partnership with a non-Federal entity representing the coal industry and coal-fueled utilities: Provided further, That the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $593,514,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil *and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.*

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,947,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $861,645,000, to remain available until expended, of which $1,500,000 is for DES applications integration: Provided, That $274,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended: Provided, That the Department of Energy shall develop, with an opportunity for public comment, procedures to obtain oil for the Strategic Petroleum Reserve in a manner that maximizes the overall domestic supply of crude oil (including amounts stored in private sector inventories) and minimizes the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the Royalty-in-Kind program), consistent with national security. Such procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries. No later than 120 days following the enactment of this Act the Department shall propose and no later than 180 days following the enactment of this Act the Department shall publish and follow such procedures when acquiring oil for the Reserve.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,546,524,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $472,022,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,974,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $10,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse treatment including residential treatment, (2) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (3) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $1,000,000 to the State of Alaska for a school peer counseling and education program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That the State of Alaska, Alaska Native non-profit corporations, and the Alaska Native Tribal Health Consortium must each maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,188,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,043,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund and remain available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any Department of Health and Human Services-wide consolidation, restructuring, or realignment of functions or for any assessments or charges associated with any such consolidation, restructuring or realignment, except for purposes for which funds are specifically provided in this Act.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $487,989,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are *housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.*

FACILITIES CAPITAL

For necessary expenses of maintenance, repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $89,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $85,650,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,030,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available *to the Presidio Trust, to remain available until expended.*

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63, for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach *promptly an individual on-duty with the agency being contacted.*

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: Provided further, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: Provided further, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation

Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

"(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.".

SEC. 330. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105–267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) "Special Account" means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) "Eastside National Forests" has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the "Sisk Act", 16 U.S.C. § 484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. § 500, as amended), or the Act of March 4, 1913 (16 U.S.C. § 501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 331. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

"(3) TRANSFER OF FOREST LEGACY PROGRAM LAND.—

"(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

"(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

"(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

"(I) conserves the land or interest in land; and

"(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

"(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

"(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

"(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

"(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph

(B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.''.

SEC. 332. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 333. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may cancel, with the consent of the timber purchaser, any contract for the sale of timber in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale is uneconomical to perform; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

SEC. 335. Funds appropriated for the Green Mountain National Forest previously or in this Act may be used for the acquisition of lands in the Blueberry Lake area.

SEC. 336. ELECTRIC THERMAL STORAGE TECHNOLOGY. Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

''(J) electric thermal storage technology; and''.

SEC. 337. ZORTMAN/LANDUSKY MINE RECLAMATION TRUST FUND. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Zortman/Landusky Mine Reclamation Trust Fund'' (referred to in this section as the ''Fund'').

(b) DEPOSIT.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $22,500,000, the Secretary of the Treasury shall deposit $2,250,000 in the Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) may be available, without fiscal year limitation, to the State of Montana for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of Montana for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—The State of Montana shall use the amounts transferred under paragraph (2) only to supplement funding available from the State Administered ''Zortman/Landusky Long-Term Water Treatment Trust Fund'' to fund annual operation and maintenance costs for water treatment related to the Zortman/Landusky mine site and reclamation areas.

(e) TRANSFERS AND WITHDRAWALS.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 338. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and''.

SEC. 339. ACQUISITION OF LAND IN NYE COUNTY, NEVADA. (a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior (referred to in this section as the ''Secretary'') may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not accept for donation under subsection (a) any land or structure if the Secretary determines that the land or structure, or a portion of the land or structure, has or or may be contaminated with—

(A) hazardous substances, pollutants, or contaminants, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); or

(B) any petroleum substance, fraction, or derivative.

(2) CERTIFICATION.—Before accepting a donation of land under subsection (a), the Secretary shall certify that any structures on the land to be donated—

(A) meet all applicable building code requirements, as determined by an independent contractor; and

(B) are in good condition, as determined by the Director of the National Park Service.

(d) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

SEC. 340. Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking ''or a dual fueled vehicle'' at the end of subparagraph (3) and inserting '', a dual fueled vehicle, or a neighborhood electric vehicle'';

(2) by striking ''and'' at the end of subparagraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting ''; and''; and

(4) by adding at the end the following:

''(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

''(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

''(B) a zero-emission vehicle, as such term is defined in section 86.1702–99 of title 40, Code of Federal Regulations.''.

SEC. 341. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA. Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.'':

SEC. 342. NORTHEAST HOME HEATING OIL RESERVE REPORT. Not later than December 1, 2003, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes—

(A) the various scenarios under which the Northeast Home Heating Oil Reserve may be used; and

(B) the underlying assumptions for each of the scenarios; and

(2) includes recommendations for alternative formulas to determine supply disruption.

SEC. 343. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ACQUISITION OF ADDITIONAL LAND.—

''(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 *acres of land adjacent to the Monument, as depicted on the map entitled "Congaree National Park Boundary Map", numbered 178/80015, and dated August 2003.*

"(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.".

SEC. 344. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

SEC. 345. The business size restrictions for the rural business enterprise grants for Oakridge, Oregon do not apply.

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $75,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for $75,000,000, that includes designation of the entire amount of $75,000,000 as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for wildfire suppression and emergency rehabilitation activities of the Forest Service, $325,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004: Provided further, That the entire amount shall be available only to the extent that an official budget request for $325,000,000, that includes designation of the entire amount of $325,000,000 as an emergency requirement as defined in House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

TITLE V—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 501. SHORT TITLE. This title may be cited as the "Flathead and Kootenai National Forest Rehabilitation Act of 2003".

SEC. 502. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

(4) the rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 503. REHABILITATION PROJECTS. (a) IN GENERAL.—The Secretary of Agriculture (in this title referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this title, the Secretary shall conduct projects under this title in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency-action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this title, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Code of Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this title is necessary for relief from—

(i) adverse affects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

SEC. 504. CONTRACTING AND COOPERATIVE AGREEMENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 505. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 506. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 507. IMPLEMENTATION OF RECORDS OF DECISION. The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to us the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth in the project area.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

MEASURE READ THE FIRST TIME—S. 1657

Mr. DEWINE. Mr. President, I understand that S. 1657, which was introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1657) to amend section 44921 of title 49, United States Code, to provide for arming of cargo pilots against terrorism.

Mr. DEWINE. I now ask for its second reading and object to its second reading on this matter.

The PRESIDING OFFICER. Objection is heard.

The bill will have its second reading on the next legislative day.

TO REDESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 48 SOUTH BROADWAY, NYACK, NEW YORK, AS THE "EDWARD O'GRADY, WAVERLY BROWN, PETER PAIGE POST OFFICE BUILDING"

Mr. DEWINE. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1591, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1591) to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1591) was read the third time and passed, as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, and known as the "Nyack Post Office" shall be known as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to shall be deemed to be a reference to the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 228, S. 1301.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[**SECTION 1. SHORT TITLE.**

[This Act may be cited as the "Video Voyeurism Prevention Act of 2003".

[**SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

[(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

[**"CHAPTER 88—PRIVACY**

["Sec.

["1801. Video voyeurism.

[**"§ 1801. Video voyeurism**

["(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so under circumstances violating the privacy of that individual, shall be fined under this title or imprisoned not more than one year, or both.

["(b) In this section—

["(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any electronic means;

["(2) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

["(3) the term 'under circumstances violating the privacy of that individual' means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation.".

[(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

[**"88. Privacy .... 1801".]**

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2003".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—VIDEO VOYEURISM

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so and that individual's naked or undergarment clad genitals, pubic area, buttocks, or female breast is depicted in the improper image under circumstances in which that individual has a reasonable expectation of privacy regarding such body part or parts, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any means or broadcasts;

"(2) the term 'female breast' means any portion of the female breast below the top of the areola;

"(3) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

"(4) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her image was being videotaped, photographed, filmed, broadcast, or otherwise recorded by any means; or

"(B) circumstances in which a reasonable person would believe that his or her naked or undergarment-clad pubic area, buttocks, genitals, or female breast would not be visible to the public, regardless of whether that person is in a public or private area.

"(c) This section shall not apply to any person engaged in lawful law enforcement or intelligence activities.".

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Video Voyeurism .... 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2003. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to one year, or both.

In recent years, the explosion of micro-camera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee, and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the Committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill we pass today covers the simultaneous Web casting of images or any other transmissions that may not be recorded, so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1301), as amended, was read the third time and passed.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 2003

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 245, S. 1244.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1244) to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000; [and]

(2) for fiscal year 2005, [$19,500,000. *$19,500,000;*

(3) for fiscal year 2006, $20,750,000;

(4) for fiscal year 2007, $21,500,000; and

(5) for fiscal year 2008, $22,575,000.".

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 102(b) of the Reorganization Plan No. 7 of 1961 (5 U.S.C. 903 nt) is amended by striking "President" and inserting "President, by and with the advice and consent of the Senate,".

SEC. 4. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

Amend the title so as to read "A bill To authorize appropriations for hte Federal Maritime Commission for fiscal years 2004 through 2008.".

Mr. DEWINE. I ask unanimous consent that the committee reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1244), as amended, was considered read the third time and passed, as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000;

(2) for fiscal year 2005, $19,500,000;

(3) for fiscal year 2006, $20,750,000;

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(5) for fiscal year 2008, $22,575,000.".

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The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

The title amendment was agreed to.

NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 290, S. Res. 98.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

There being no objection, the Senate proceeded to consider the resolution which was reported from the Committee on the Judiciary, with an amendment, as follows:

[Omit the part in black brackets].

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as "National Cystic Fibrosis Awareness Week"; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

[(c) ADDITIONAL ACTION.—The Senate commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund-raising efforts for research, and increased levels of support for those with cystic fibrosis and their families.]

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 98), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as "National Cystic Fibrosis Awareness Week"; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

HONORING WOODSTOCK, VERMONT NATIVE HIRAM POWERS

NATIONAL MAMMOGRAPHY DAY

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar Nos. 291 and 292, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc; further that any statements relating to these resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 209 and S. Res. 222) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 209

Whereas Hiram Powers is one of the preeminent artists in American sculpture;

Whereas Hiram Powers, in the words of the director and curator of the Houston Museum of Fine Arts, was the artist who "put American sculpture on the map," gaining international fame and providing unprecedented support for the notion of the United States as a country capable of producing artists equal to or better than their international counterparts;

Whereas Powers' 1844 sculpture "Greek Slave" became, in the words of Powers biographer Richard Wunder, "a telling symbol" of freedom for Americans in the pre-Civil War years and remains unequaled in popularity among American sculptures;

Whereas Powers' bust of President Andrew Jackson is widely considered the finest portrait ever sculpted of the president, as well as one of the noblest examples of portraiture ever created by an American sculptor;

Whereas the Congress of the United States, in recognition of Powers' extraordinary talents, awarded him commissions to execute the statues of John Marshall, Benjamin Franklin, and Thomas Jefferson that stand today in the United States Capitol;

Whereas Powers preserved through his sculpture the memory of numerous other great Americans, including George Washington, John Quincy Adams, Daniel Webster, John C. Calhoun, Martin Van Buren, and Henry Wadsworth Longfellow;

Whereas Powers was born in 1805 in Woodstock, Vermont, and happily spent his early years in that town;

Whereas throughout his life, Powers held sacred the memories of his childhood in Woodstock and drew upon these memories as inspiration for his work, saying, "dreams often take me back to Woodstock and set me down upon the green hills"; and

Whereas the citizens of Woodstock, Vermont, are preparing to celebrate the bicentennial of Hiram Powers' birth with exhibits, symposiums, and other commemorative activities: Now, therefore, be it

Resolved, That the Senate recognizes and honors Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

Whereas according to the American Cancer Society, in 2003, 211,300 women will be diagnosed with breast cancer and 39,800 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality from breast cancer than White women and more than a 100 percent greater mortality from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer., which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2003, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

HONORING DETROIT SHOCK ON WINNING WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 submitted earlier today by Senators STABENOW and LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) honoring the Detroit Shock on winning the Women's National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I offer a resolution congratulating the Detroit Shock for winning the Women's National Basketball Association Championship.

In a remarkable display of talent, hard work and tenacity, the Shock captured the championship in the very next year after placing last in their league. Over the last 100 years, not a single other team in any major sport has been able to accomplish this feat.

Last Tuesday, in front of a WNBA record crowd of 22,000 people at the Palace in Auburn Hills, the Detroit Shock defeated the two-time defending champion Los Angeles Sparks to win Detroit's first WNBA title. Ruth Riley, the game's Most Valuable Player, led the Shock by playing the best game of her career. She scored 27 points and guarded another all-star center. This season's Rookie of the Year, Cheryl Ford, also played a great game. Ms. Ford is the only WNBA rookie ever to average more than 10 points and 10 rebounds a game.

Bill Laimbeer, in his first season as a coach, led the Shock during this remarkable season. Mr. Laimbeer has also brought two back-to-back championship titles to Detroit with the NBA's Detroit Pistons. Soon, the address of the Palace at Auburn Hills will be renamed "Three Championship Drive" to honor these accomplishments.

I would like to congratulate all of the players, coaches and support staff that have made this championship possible. This was truly a great victory for fans in Detroit and across the state of Michigan. And next year, we are hoping for a repeat.

Mr. LEVIN. Mr. President, it is my great pleasure to congratulate the Detroit Shock on their victory of the Women's National Basketball Association, WNBA, Championship. Last week, the Detroit Shock defeated the two-time defending WNBA champion Los Angeles Sparks, 83–78. The Detroit Shock victory is the first professional basketball championship for the city of Detroit since the Detroit Pistons won back-to-back championships in 1988 and 1989.

The Detroit Shock's exceptional season broke several WNBA records. I am proud to say that the Shock is the first team in American professional sports since 1890 to go from the worst in their league to the best the following year. The Detroit Shock finished the year with the best record in the league at 25–9. Also, Game 3 of the finals was the highest scoring WNBA finals game in the history of the league, as well as the highest attended game in the league's 7-year history. The Palace of Auburn Hills hosted the sellout crowd of 22,076 fans.

In the final game of the best of three series, Ruth Riley, the 6-foot 5-inch center for the Shock, dominated the court. She scored a career-high 27 points and was named the final's Most Valuable Player. Deanna Nolan from Flint, MI scored 17 points, including a three-point shot with less than a minute left, giving the Shock a 75–73 lead. Swin Cash, the Shock's starting forward, added 13 points, 12 rebounds, and nine assists. The league's rebounds leader and Rookie of the Year, Cheryl Ford, contributed 10 points and 12 rebounds for the Shock. The WNBA Champions were led by their head coach, Bill Laimbeer, himself an instrumental player in the Detroit Pistons' Championship. The finishing touch was added to the season when Coach Laimbeer was named the Coach of the Year.

Detroit Mayor Kwame Kilpatrick declared September 18, 2003 as Detroit Shock Day and the Palace of Auburn Hills has officially changed its address to Three Championship Drive. I am pleased to join Senator STABENOW and my colleagues in the Senate in offering my heartiest congratulations to the Detroit Shock as the players, coaches, staff, and fans celebrate their first Women's National Basketball Association Championship. I look forward to another successful season next year. And, we in Detroit hope that the Shock's worst-to-first season will serve as an inspiration to the Detroit Tigers next year.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 234), with its preamble, reads as follows:

S. RES. 234

Whereas on September 16, 2003, the Detroit Shock won the Women's National Basketball Association Championship by defeating the 2-time defending champion Los Angeles Sparks, 83 to 78;

Whereas the Shock won a league-best 25 games, a year after losing a league-worst 23, becoming the first team in any major sport since 1890 to finish first in the entire league after finishing last the previous season;

Whereas the enthusiasm and support for the Shock by the people of Detroit and of Michigan was clearly demonstrated by the fact that the final game was attended by a Women's National Basketball Association (WNBA) record crowd of over 22,000 people;

Whereas the Shock completed an incredible season with the strong performances of Finals Most Valuable Player Ruth Riley's career-high 27 points, Swin Cash's 13 points, 12 rebounds and 9 assists, and Deanna Nolan's 17 points;

Whereas Cheryl Ford, the 2003 WNBA Rookie of the Year, became the first rookie in league history to average more than 10 points and 10 rebounds per game;

Whereas Detroit Shock Head Coach Bill Laimbeer was named 2003 WNBA Coach of the Year after transforming the Shock into the best team in the league in his first year as head coach;

Whereas in honor of the Shock's championship, the Palace of Auburn Hills is officially changing its address to Three Championship Drive; and

Whereas the Shock have demonstrated great strength, skill, and perseverance during the 2003 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2003 Women's National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

ORDERS FOR FRIDAY, SEPTEMBER 26, 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, September 26. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2765, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the District of Columbia appropriations bill. The two managers will be here tomorrow, and Senators are encouraged to come to the floor to offer and debate their amendments. There will be no rollcall votes tomorrow. Any votes ordered during tomorrow's session will be stacked to occur on Monday at approximately 5:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Friday, September 26, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 2003:

THE JUDICIARY

GREGORY E. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MILDRED M. EDWARDS, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. YAKOVAC JR., 1273

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL A. MANSUETO, 1824

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203, 12212 AND 1552:

To be colonel

RONALD C. DANIELSON, 5998

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 2003:

THE JUDICIARY

DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

EXTENSIONS OF REMARKS

IN HONOR OF CARMEL GALASSO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Carmel Galasso for her outstanding commitment to serving her community. She was presented the Mary T. Norton Memorial Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

Ms. Galasso has demonstrated a remarkable passion for helping those in need and has provided, and continues to provide, valuable services that have touched many lives throughout Hudson County. As a member of the Saint Peter's College Alumni Board, she currently works on special projects for the college, as well as the community as a whole. Since 1996, she has served as the program coordinator of Catholic Community Services for the Hudson County Parish Access Center in Jersey City.

Over the years, Ms. Galasso has worked tirelessly to improve her community. She began as a grammar school teacher and guidance counselor at Saint Aedan's School in Jersey City, where she taught for 8 years. She then became assistant director of Campus Ministry at Saint Peter's College for 10 years, where she spearheaded food and toy drives and walks against hunger. As program coordinator for the Parish Access Center, Ms. Galasso was instrumental in establishing a registration site for families to apply for New Jersey Kid Care and creating satellite offices that provide critical services for families in need. These offices have provided countless family baskets, Christmas gifts, toiletry items, and food gift certificates.

Ms. Galasso's dedication is also evident in her immediate response to the tragedy of September 11. In the days following the tragedy, Ms. Galasso led efforts to provide sandwiches, water, and other supplies needed to help support those impacted by the World Trade Center disaster. With the help of the United Way of Hudson County, Ms. Galasso was able to process 186 cases for families who were impacted by the attack.

Ms. Galasso continues to be involved with the Resurrection Parish and the Bon Secours Health System. She helps coordinate the Parish Nurse Program, which offers medical care to parishioners at local churches through a holistic approach to physical, emotional, and spiritual needs.

Ms. Galasso was born and raised in Jersey City, New Jersey. She received her bachelor's degree in Education from Saint Peter's College and her master's degree in Adult Christian Community Development from Regis University in Colorado.

Today, I ask my colleagues to join me in honoring Carmel Galasso for her outstanding contributions to the success of community programs that have served countless individuals throughout New Jersey.

TRIBUTE TO DOUGLAS BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is an honor to stand before you today and pay tribute to the career of a dedicated servant from the state of Colorado, Douglas Brown. At the end of this month, Doug will retire from his position as the Director of the Colorado Office of Legislative Legal Services, ending thirty-one years of dedicated service to our state. Doug's hard work and dedication have been instrumental in defining the shape of Colorado's state government, and I am honored to pay tribute to him here today.

Doug began his career as a staff attorney with the Office of Legislative Legal Services in 1972 and was appointed Director of that office eight years later. During his tenure as Director, Doug helped represent the Colorado General Assembly in thirteen cases before the Colorado Supreme Court.

In addition to his duties at the Office of Legislative Legal Services, Doug was also very involved with the National Conference of State Legislatures, serving as a member of the organization's executive committee. Doug also spent a year as an adjunct political science professor at the University of Denver and was a lecturer in law at the University's law school for two summers.

Mr. Speaker, it is truly a privilege to stand here today and honor the career of such a remarkable citizen. Doug Brown's knowledge and expertise will be hard to replace, and I know that his fellow attorneys and the staff at the Office of Legislative Legal Affairs will miss him a great deal. I wish him all the best in his future endeavors.

"PROJECT 90" CONTRIBUTES TO OUR COMMUNITY"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LANTOS. Mr. Speaker, too often the sourge of drug and alcohol addiction permanently destroys lives. For this reason, I invite my colleagues to join with me today in commending Project 90, Inc., for its success in helping to rebuild and reclaim lives which have been shattered by addiction. Project 90, which is located in San Mateo, California, has benefited our community for over 30 years, and it is most appropriate to acknowledge that contribution.

Since 1972, this alcohol and drug rehabilitation program has helped over 6,500 men overcome their addictions. I am proud to note that the success of this program is remarkable, in that, virtually all the men who graduate from Project 90 have successfully eliminated addiction and do not return to drug or alcohol usage. I am also proud to note this program began in my congressional district in San Mateo, California with five men who were determined to overcome the disease of addiction and who were determined to form a recovery process that worked.

Mr. Speaker, Project 90's recovery process is based on "Project Ninety's Social Model Residential Treatment Program," Which is based on the philosophy that an individual must take responsibility for his recovery. The treatment is unique in that it helps addicts learns about the process of recovery, the disease of addiction, and how this has affected their lives. Additionally, the addict learns about the path of self-destruction created by addiction, how circumstances drive him to addiction, and how his behavior perpetuates it.

Treatment services are carried out through written assignments, group and individual counseling, as well as personal work following the twelve-step program of Alcoholics Anonymous. The Substance Abuse and Mental Health Services Administration (SAMHSA) also recently recognized Project 90 for its exemplary data collecting methods, and participants in Project 90 have spoken with other SAMHSA grantees to share record keeping methods developed by Project 90.

Mr. Speaker, Project 90 has expanded its facilities so that it now has the space to handle 223 men and 12 adolescent males. The program can accommodate young men struggling with addiction who face incarceration by providing the alternative of treatment in group homes. The remarkable services that Project 90 provides include a work-training program, transitional housing, clean and sober environments, a strong alumni program, and services for men with mental illness and addiction.

As you know, Mr. Speaker, the benefits of this program include not only the men who have received help, but also their spouses, children, employers and communities. Children have fathers again, domestic violence is reduced, and homes are strengthened. Communities are strengthened as these men become productive members of society and increase work place productivity.

Mr. Speaker, I invite my colleagues to join with me in congratulating Project 90 on its success and wish it continued achievement in helping substance abusers win against their fight with addiction. The organization has shown extraordinary vision and innovation in drug rehabilitation, and it has strengthened our community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

25TH ANNIVERSARY OF LIFEFLIGHT IN PENNSYLVANIA'S FOURTH CONGRESSIONAL DISTRICT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. HART. Mr. Speaker, I am honored to have the opportunity to pay tribute to a pioneer in the emergency medical services field which serves Pennsylvania's Fourth Congressional District. September 26, 2003 marks the 25th anniversary of Lifeflight, a service providing emergency helicopter and critical care ground transportation services for critically ill and injured patients.

Lifeflight has been awarded some of its industry's most sought-after awards. This year it was named EMS Provider of the Year by the Pennsylvania Emergency Health Services Council. Over the past two years, members of Lifeflight's flight crew have received Pennsylvania Pre-Hospital RN of the Year Awards. Furthermore, in 1999, Lifeflight's medical director was named Pennsylvania Medical Director of the Year.

The times we live in pose never-before-conceived-of threats to our citizens. It is reassuring to know that my constituents are served by this award-winning team of first-responders who are committed to their patients and their community.

I ask all of my colleagues in the House of Representatives to join me in thanking the brave men and women of Lifeflight for their dedication, their ability to work under pressure, and their effectiveness in carrying out their critical mission.

RECOGNIZING THE UNION CITY POLICE DEPARTMENT CARE PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the Union City Police Department's CARE Program. CARE is the acronym for Citizens Aiding Residents and Elderly and is a division of the Union City Police Volunteer Program.

Established in January 2003, CARE is a non-medical, volunteer, in-home visitation program for seniors, shut-ins and dependent adults living in Union City. CARE's four goals are to provide community resources that foster autonomy, independence and individuality, enhance quality of life, provide social and emotional support and provide security and confidence.

CARE volunteers visit the most needy within the Union City community and are trained to recognize signs of elder abuse, malnutrition and other safety and sanitary issues that affect the well being of the CARE clients.

The Union City Police Department has developed collaborative relationships with many organizations that provide CARE clients with necessary services, such as Meals-on-Wheels, Union City Fire Department, Transit Department, Leisure Services and the Senior Commission, Alameda County Injury Prevention Project, local hospitals, and the Alameda County Department on Aging.

CARE is a unique program and is a first in the Bay Area initiated by law enforcement. I applaud the Union City Police Department for spearheading this valuable resource for its residents. I also pay tribute to the CARE volunteers whose commitment and devotion make a difference in Union City.

CONGRESSMAN KILDEE HONORS SUPERINTENDENT REVEREND A.C. LEE, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to pay special tribute to Superintendent Reverend A. C. Lee of the Greater Bible Way Church of God in Christ in Flint, Michigan for providing continuous leadership and support to the church and community. On September 26, 2003 the Greater Bible Way Church family will salute and honor their pastor during a special celebration.

Superintendent Lee was born in Houston, Texas to John and Minnie Lee. He graduated in 1951 from Charlton Pollard High School in Beaumont, Texas. In 1952 he enlisted in the U.S. Military and was stationed in Germany as an instructor and recreation specialist. After serving in the military, Superintendent Lee returned to the Flint area in 1955 to study Business Administration at Mott Community College. He was employed as a welder at the Chevrolet Frame and Stamping Plant from 1957 to 1964, after which he returned to Houston, Texas for a period of two years. Upon returning to Flint, Michigan he was hired by Buick, where he remained until retiring in November of 1981.

In 1966, Superintendent Lee re-established his membership with the Macedonia Church of God in Christ. He also, during that same year received his ordination from the Holy Convocation of Northeast Michigan Jurisdiction, where the Bishop C.J. Johnson was the presiding prelate. On the first Sunday in June of 1970, Superintendent Lee stepped out on faith and founded the Bible Way Church of God in Christ, located at 801 E. Pasadena Ave., in Flint. The Church blossomed and the vision of the Lord became clear to Superintendent Lee that was time to expand, thus the church relocated to its present place of worship at 1602 Montana Avenue on the East Side of Flint. Superintendent Lee serves on numerous boards and community-based organizations, i.e. Job Central Advisory Board, Metro Housing, Salem Housing and the Genesee County Health Department. His service has not gone unnoticed; Superintendent Lee has attained many accolades for his dedication. These awards include the 2001 Faith Community, Business and Education Leadership Award, 2002 Senator Robert Emerson Award for Volunteer Leadership in Health Care Greater Flint (Michigan) Health Coalition; and the 2003 Certificate of Emeritus in recognition of honorable and distinguished service to the north central jurisdiction as Executive Secretary. In 2000 Superintendent Lee established the Reverend A.C. Lee & Dorothy M. Lee Scholarship fund—Mott Community College.

In addition to being an outstanding leader and role model Superintendent Lee is also a devoted husband to his wife Dorothy M. Lee, affectionately known as "Lady Lee" and a supportive father/grandfather to his five children and five grandchildren.

Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in saluting Superintendent Reverend A.C. Lee for his undying support and leadership to the populace of Flint, Michigan.

HONORING LT. COL. BRYCE W. McINTYRE, USAF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, I proudly pay tribute today to a distinguished officer and an outstanding citizen, the late Bryce W. McIntyre of Bonham, TX, who passed away last year at the age of 85.

Bryce McIntyre, the son of John and Lois Whitney McIntyre, was born on September 15, 1917, in San Diego, California. In 1938 he joined the U.S. Army Air Corps, where he served as a fighter pilot during World War II. Shot down over Germany, he was a Prisoner of War from September 1944 to May 1945. He served again as a pilot in the Berlin Airlift and Korean War, and later with the Military Assistance Advisory Group in Japan. During his distinguished 23-year military career, he was awarded the Purple Heart and four Oak Leaf Clusters. Upon his retirement as a Lieutenant Colonel in the U.S. Air Force in 1960, Mr. McIntyre and his family made their home in Bonham, where he was an active member of the community.

He served as manager of the Bonham Area Chamber of Commerce, followed by a career with the Bonham State Bank. He served with the Fannin County Fair Board, the Boy Scouts of America and Bonham Boys Baseball. He was an active member of the Bonham Kiwanis Club and the Bonham Golden K Kiwanis Club and established the fireworks display for the Fourth of July celebration at Lake Bonham as well as the popular Fannin County Trade Days. He also served as a leader of the Friends of Willow Wild, Inc.

Mr. McIntyre is survived by his loving wife of 56 years, Dorothy Castle McIntyre; his children Dr. Lorraine Mitchell and husband Raymond of Cumby, Bryce McIntyre, Jr. and wife Jenny of Bonham, Alice Truitt and husband Dale of Commerce, and Dr. Mike McIntyre of Santa Cruz, CA; his twin brother Bruce McIntyre of Bonham; sister Beryl Riley of Descanso, CA; twelve grandchildren; five great-grandchildren and other family members.

Bryce McIntyre was a beloved and respected member of the Bonham community. His integrity, compassion and sense of service were evident in his love for his family and fellow citizens—and he served as a wonderful role model for all who knew him. Mr. Speaker, it is my privilege to recognize such an outstanding American and to extend my sympathies to his family and many friends.

TRIBUTE TO WALTER T. McDONALD, PRESIDENT-ELECT, NATIONAL ASSOCIATION OF REALTORS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and congratulate Walter McDonald, President-Elect of the National Association of Realtors (NAR). NAR is America's largest trade association, representing more than 840,000 members involved in all aspects of the residential and commercial real estate industries. Walter has demonstrated his commitment to Realtor issues and willingness to devote his time and expertise towards furthering the priorities of Realtors nationwide.

Walter has been a Realtor since 1964 and is the broker-owner of Walt McDonald Real Estate, a single-office, independent firm specializing in property sales, leasing and lending. He holds the professional designations of Certified Residential Specialist and Graduate, Realtor Institute.

Currently, Walter serves as a NAR director and has been particularly active in legislative, finance and housing issues. From 1996 through 1998, he served on NAR's Executive Committee. In 1998, he took over as Regional Vice President for NAR, representing the states of California, Hawaii and Guam. He also serves on the association's Leadership Team and Executive Committee. He served as NAR's First Vice President in 2002.

Walter has also been active at the state and local levels of the Realtor Organization. In 1993, he served as President of the California Association of Realtors (CAR), one of the nation's largest state trade organizations with more than 95,000 members. He has served on CAR's board of directors since 1971 and also served as Chairman of the board of Real Estate Business Services, Inc., a subsidiary of CAR. Walter also has been President of the Riverside/Moreno Valley Association of Realtors and President of the Riverside County Real Estate Council.

In addition to his numerous professional involvements, Walter is also dedicated to his community as well. Walter has served on the advisory boards of the local Habitat for Humanity chapter, the Riverside National Bank and he is currently serving a 2-year term on the advisory board for Fannie Mae. He also served on the California Department of Real Estate Advisory Commission through 1998, under an appointment by the state's governor.

Walter's long list of accomplishments demonstrates why he is ideal for the position of President of the National Association of Realtors. His tireless passion for the real estate industry and his community has contributed immensely to the betterment of Riverside County, California, and our Nation. I congratulate him and wish him the best of luck on his future endeavors as President.

TRIBUTE TO MARGARET MORGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is with solemn heart that I stand before you here today and honor the memory of an outstanding citizen of my district. Margaret Morgan of Glenwood Springs, Colorado recently passed away at the age of 106. She was the region's oldest citizen and will be sorely missed. As her family and friends mourn her passing, I would like to take this opportunity to remember the remarkable aspects of Margaret's life.

Margaret was a lifelong resident of Glenwood Springs, having been born there in 1896. Margaret's was the first class to graduate from the county high school in 1916. After graduation Margaret pursued a career centered around her lifelong passion for horses. Margaret got her first horse at the age of four, immediately sparking her interest in riding and grooming the large animals. Over her lifetime, she worked as a wrangler and an outfitter for over thirty years.

Margaret's home was always open to friends and family and was frequently filled with guests from all across the country. Her hospitable nature attracted many friends throughout the years, all of whom are saddened by the news of her passing. She attributed her longevity to a life spent free of any unhealthy vices. Her diet consisted of natural foods eaten regularly, and she refrained from smoking and drinking.

Despite our society's numerous advances in science and medicine, centenarians remain rare in this day and age. Margaret was so much more than Glenwood's oldest resident to her fellow citizens; she was a tremendous asset to the community and, above all, she was a friend to many. I extend my deepest sympathies to her family and friends as they mourn her loss.

IN HONOR OF THE CHRISTIAN CHILDREN'S PARADE AND MULTICULTURAL FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Christian Children's Parade and Multicultural Festival, which celebrated its 25th annual parade on Saturday, September 13, 2003, in Jersey City, New Jersey.

For 25 years, the Christian Children's Parade and Multicultural Festival has been providing a wonderful celebration for children and parents, and has enriched the spiritual development of young people throughout Jersey City.

By dedicating the Christian Children's Parade and Multicultural Festival's annual parade to the second anniversary of the September 11th attacks, this event will provide an opportunity for us to remember those who were lost, and to recognize the strength and unity of families and friends who lost loved ones on that horrible day.

Led by the Reverend Jose C. Lopez, president of the Christian Children's Parade and Multicultural Festival, the parade will end with a ceremony in Hamilton Park. I extend my gratitude to Reverend Lopez and his staff for making this important event possible for the children and residents of Jersey City.

Today, I ask my colleagues to join me in honoring the Christian Children's Parade and Multicultural Festival for its years of dedicated service to the children of Jersey City, New Jersey.

THE STERLING HEIGHTS FIREFIGHTERS ANNUAL DINNER-DANCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LEVIN. Mr. Speaker, on Friday, September 26, 2003 the Sterling Heights Fire Fighters Union will host their Annual Dinner-Dance honoring their 2003 retirees. This is a wonderful event that I have been honored to attend in the past where hundreds of firefighters, their families, and appreciative members of the community come together to recognize the Sterling Heights firefighting family.

I am proud to rise today to pay tribute to the careers of three distinguished firefighters.

Captain Pat Silver began his firefighting career in 1978. He received the Meritorious Unit Citation for conducting a search and removal of a woman from a well-involved trailer fire. He also received the Fire Chief's Award for assisting the Training Division in developing a performance standard for pumper operations and developing and producing the "FEO" and "Dinosaur" newsletter.

Battalion Chief Bob Moore was appointed a Firefighter in 1973. He received the Fire Chief's Award for work on the Radio Committee, for using his Graphic Commercial Arts degree to mark the fleet of the Sterling Heights Fire Department with the new city logo and for his heroic participation in a house fire.

Fire Marshal Thad Balmas was appointed Firefighter in 1979. He received the Veteran's Recognition Award for serving in the Air Force and the Meritorious Unit Citation for his involvement at a major gas line explosion.

These gentlemen have demonstrated acts of heroism and actions above and beyond the call of duty. Indeed, the people of Sterling Heights have been well-served by the untiring care and concern each has given without limitations to their community.

Mr. Speaker, I ask my colleagues to join me in recognizing these gentlemen for their dedication, accomplishments and years of service. I wish them good health and happiness as they embark on a new phase of their lives.

HONORING GREATER HOLY TEMPLE MINISTRIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the Greater Holy Ministries Church of God in Christ as they celebrate 40 years guiding the people of Flint in the worship of the Lord.

In 1963, now Bishop Roger Lee Jones came to my hometown of Flint at the invitation of the late Bishop John Seth Bailey and organized an additional congregation for the members of the Church of God in Christ living in the area. The first service was held in a building on Genesee Road. The congregation settled on the name of Greater Holy Temple and shortly after, Elder Jones moved the congregation to a location on Mildred Street. Under his spiritual and apostolic direction, the congregation grew. Through their baptism in the Holy Spirit the members were inspired to spread the Word of God as revealed in the Bible throughout the area. The expanding membership required a larger home. In September 1978 the grand opening of the permanent sanctuary was consecrated.

Taking encouragement from the words in Zechariah 4:6 "Not by might, nor by power, but by my spirit, saith the Lord of Hosts," the members of the Greater Holy Temple Ministries have worked tirelessly to help those with physical and spiritual wants. Their belief in the sanctifying power of the Holy Spirit sustains them through the task of providing for the less fortunate. Through their efforts they reflect the redemptive work of Jesus Christ.

Bishop Jones has provided guidance to his flock and he has been called upon to lead at the national and state levels. In 1968 he was elected to serve as Chairman of the national board of Trustees. He was appointed Bishop of the Third Ecclesiastical Jurisdiction of Southwestern Michigan in 1985.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the work of the Greater Holy Temple Ministries Church of God in Christ as they celebrate 40 years of enthusiastic and motivating labor on behalf of the Lord.

RECOGNIZING THE 250TH ANNIVERSARY OF HEREFORD TOWNSHIP, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Hereford Township, Pennsylvania on the occasion of the Township's 250th Anniversary. I proudly represent the citizens of Hereford Township in the 108th Congress and would like to highlight the history of the Township as the current residents prepare to celebrate this special occasion on Saturday, October 4, 2003.

Before intrepid settlers from Europe arrived in the area we currently know as Hereford Township, the area was inhabited by Native Americans of the Delaware or Lenni-Lenapi tribe. These first inhabitants of Hereford Township practiced limited agriculture in the fertile soils of eastern Berks County while hunting and gathering in the area.

During the early part of the eighteenth century immigrant settlers began to arrive in Berks County. Their origins primarily German, Swiss and English, these settlers found their way to present day Berks County as they sought refuge from religious persecution in Europe. The very earliest settlers to Hereford Township arrived between 1710 and 1720. At this time, the land was dominated by thick forests that would soon be cleared to provide fields for crops.

While the challenges these first settlers faced were great, in Hereford Township they found a large fertile valley and fields that were very productive, as they remain today. The Perkiomen Creek provide ample water for these crops and was also the base of development for Hereford Township's first industries. The Perkiomen Creek and its tributaries provided power to support grist mills, sawmills, a fulling mill and forges. The early iron industry provided metal for nails, plow blades and other utilitarian devices that made the lives of these early settlers easier. The heavily wooded hillsides also provided the timber for heat, homes and charcoal for the burgeoning iron industry.

During the Fall of 1734, the Schwenkfelders, a religious group from Silesia, arrived in Philadelphia and many quickly made their way to Hereford Township. By 1745, Hereford Township had been settled by not only the Schwenkfelders but also Lutherans, Reformed Menonite and Catholic immigrants. Not long after, on February 1, 1753, Hereford Township was formally established, less than one year after the foundation of Berks County on March 11, 1752.

During the remainder of the eighteenth century agriculture and the iron industry flourished and produced prosperity in Hereford Township. In many ways Hereford Township has remained the same over its 250 years. While we have become more technologically advanced through the years, Hereford Township remains a close rural community, today of about 3200 residents.

Mr. Speaker, again, I rise to recognize Hereford Township and her citizens on the occasion of its 250th Anniversary.

HONORING THE CENTENNIAL ANNIVERSARY OF ALAMEDA COUNTY TEAMSTERS LOCAL 70

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Teamsters Local 70's Centennial celebration on Saturday, September 27, 2003. For 100 years, the Brotherhood of Teamsters, Auto Truck Drivers, Line Drivers, Car Haulers and Helpers Local 70 of Alameda County has championed the rights of workers. Local 70 is headquartered in Oakland, California and has jurisdiction in Alameda County. It was first chartered October 1, 1903.

Local 70 has thrived under the leadership of Chuck Mack. Mack was first elected Business Agent at Local 70 in 1966. He became Secretary-Treasurer in 1972. During his years of leadership, the Local has been recognized for its militancy and defense of its members. It has a reputation with unions and employers alike as one of the strongest, aggressive locals in the country.

Mack, during his career, has chaired Joint Council 7 Freight negotiations. This Supplement is among the finest in the nation. He has also brought to his members in freight, solid waste disposal and UPS, a health and welfare program second to none. Perhaps his proudest accomplishment is obtaining pension benefits for workers. Mack has fought tooth and nail for early retirement. His efforts were instrumental in obtaining the "80 and Out" in the Western states.

For 100 years, Local 70 has championed the rights of workers. Through collective bargaining, the Local continues to deliver to members and their families some of the best health and welfare and pension plans in the nation.

Organizing is also a priority. Mack, the officials, and members of Local 70 have been on the street, at the terminal gates, bringing the benefits of Teamster membership to nonunion workers.

Local 70 has been a force in the political arena with the goal of improving the conditions of all workers through legislation and activism.

Local 70's presence has been felt in the community. Whether it is youth activities, food banks or helping other unions, the Local's rank and file as well as their officers and officials are quick to volunteer. They represent Local 70 with pride.

I extend heartiest congratulations and best wishes to Local 70 for 100 years of service.

TRIBUTE TO JERRY STEELE, JOHN DOOSE AND SCOTT STEELE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress to pay tribute to the brave actions of three outstanding citizens from my district. Jerry Steele, John Doose and Scott Steele selflessly responded to calls for help from a fellow Coloradan and risked life and limb to save the life of a stranger. Their display of courage and willingness to risk their own lives is remarkable. I am honored to pay tribute to their heroic acts today.

While working on a house across the street, the trio witnessed a violent explosion and immediately rushed to the aid of a neighbor in trouble. They would later learn that the spark of a cigarette lighter in a house with a leaking natural gas line had ignited the blast.

Scott ran quickly to shut off the gas valve and prevent any further explosions. Jerry and John pulled the victim, Luke Little, to safety, administering first aid until the paramedics arrived. Their quick thinking ultimately saved

Luke's life. Moments after they pulled him to safety, fire consumed the house.

These three men risked their lives to help save the life of a man they had never met. Had it not been for the heroic actions of Jerry, John and Scott, Luke Little most likely would not have survived the accident. Thanks to their quick thinking and remarkable display of bravery, Luke's family is optimistic about his full recovery. This extraordinary act of selflessness is truly worthy of our recognition, and it is my honor to pay tribute to Jerry Steele, John Doose and Scott Steele for their heroic actions.

TRIBUTE TO DAVE E. DiPAOLO, CORONA-NORCO UNIFIED SCHOOL DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication an contributions to the community of Corona and Norco, CA are exceptional. Our community has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dave DiPaolo is one of these individuals. Dave is being honored as he retires after 36 years of dedicated service to the students, employees, parents, and community members of the Corona-Norco Unified School District.

Dave began his teaching career at Corona High School where he was appointed to Director of Activities/Athletics and initiated the Athletic Hall of Fame; designed the school's athletic handbook; served as a board member on the California Activities Directors' Association; and as a charter member and president of the Citrus Belt Athletic Directors' Association.

After serving 21 years at Corona High, Dave was promoted in 1986 to the position of assistant principal at Norco High School where he served on various athletic organizations as well as membership in management and administrative organizations. In 1997, Dave was selected to serve at Director of Human Relations for the school district, overseeing more than 1,800 employees.

Throughout his career, Dave has shown an unlimited willingness to help students, teachers and employees. He has been a role model and mentor to both students and teachers. His consistent "open-door" policy cultivated an atmosphere of communication and understanding. At all times, he has conducted himself with integrity. His leadership and contributions have touched the lives of many students and teachers.

Dave's tireless passion for education has contributed immensely to the betterment of the communities of Corona and Norco, California. Dave has demonstrated his willingness to work hard for quality education and I am proud to call him a fellow community member, American and friend. I know that many children, parents, fellow teachers and administrators are grateful for his service and salute him as he retires.

CONGRATULATIONS TO ROYAL OAK LIONS CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Royal Oak Lions Club on the occasion of their 75th anniversary.

The Royal Oak Lions Club, founded in 1928, has indeed taken up the challenge that Helen Keller presented to the International Lions Convention in 1925. She asked them to expand their interests and include services to the blind and the visually impaired.

The Royal Oak Lions Club has offered their dedicated service to numerous programs and organizations, including Leader Dogs for the Blind, the Penrickton Center for Multiply Handicapped Children, Lions Visually Impaired Camp, scholarships for hearing-impaired students at Madonna University, and the Beaumont Silent Children's speech program. Not only has this community-minded institution devoted its effort to these programs, it has also provided essential support to a myriad of services for our youth and vital community-based charities.

The Royal Oak Lions Club and its membership are important parts of the fabric of the Royal Oak and Southeast Oakland County community.

Mr. Speaker, I ask my colleagues to join me in recognizing their longstanding commitment to public service and wishing the Royal Oak Lions Club continued success in all of their important endeavors.

TRIBUTE TO MIKE ALLEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, I rise today to pay tribute to a beloved friend, outstanding community leader and longtime Congressional aide, the late E.T. "Mike" Allen of Whitesboro, Texas, who passed away on March 14 of this year at the age of 83. Mike served as District Assistant for my predecessor, the late Congressman Ray Roberts, from 1969 to 1980, and as my district assistant from 1980 to 1995. He also served as a member of my screening board for U.S. Military Academies and was my trusted friend and associate.

Mike was knowledgeable about the legislative process—and was so understanding and helpful with constituents who sought assistance with their concerns and problems. He knew the Congressional District from top to bottom, and in addition to being knowledgeable, was always punctual and available. He was always a gentleman and always kind in everything he did.

Mike truly enjoyed people and lived a life of service—both in the workplace and in his community and church. In all that he did—and with all whom he met—Mike brought an abiding sense of optimism and a smile that was his trademark. His favorite saying was "Always keep a happy heart." He loved people. He loved his family. He had a deep and abiding faith in God. I know of no one who knew Mike who did not consider him a friend. He was a man of honor, integrity and a generous nature.

Mike was distinguished in all walks of life. He was a well-liked and well-respected community leader in Whitesboro and Sherman. He served as mayor of Whitesboro for five terms—the last of which he was elected by write-in votes. Among his many civic activities, he served as president of the Whitesboro Chamber of Commerce, president of the local Rotary Club, president of the Quarterback Club, Master of Masonic Lodge #263 and Post Commander of the American Legion Post #398.

Mike was also president of the Grayson County Development Council, a member of the original committee that secured the site for Grayson County College, chairman of the Parent's Committee for the 125th Anniversary Commission, a Council board member of the Boy Scouts of America and an elder in the Presbyterian Church of Whitesboro. He served on the Wilson N. Jones Foundation Board of Directors and was a board member of the Grayson County Campfire Girls of America, the Old Settlers Park Association in Sherman and the Grayson County Child Welfare.

Mike also was a frequent visitor of the local domino hall and a good player in his own right. Playing dominoes was a cherished tradition that facilitated comradery and friendship and served as an unofficial repository of historic and humorous events in the life of Whitesboro.

It comes as no surprise that Mike was named Outstanding Citizen of Whitesboro twice—in 1970 and 1998.

Mike was born in Whitesboro on December 31, 1919, the son of E.T. Allen Sr. and Mary Anderson Allen. He graduated from Whitesboro High School in 1936 and from North Texas State University in Denton. He entered the U.S. Air Force in 1942, where he became a first lieutenant. On returning to Whitesboro, he entered into private business with his father for 23 years before joining Congressman Roberts' staff.

In 1946 he married his loving wife of 57 years, Mary Ann Roberts Allen, a graduate of Texas Woman's University of Denton. They had a special marriage—and they have a devoted family that includes their son, Michael Allen of Tyler and daughter-in-law Carol and granddaughters Lindsay and Carly; daughter Marcy Allen Brown of Greenville and son-in-law Jon and children Leigh and Ben; sister and brother-in-law Lucille and R.B. Head, Jr., and two nieces.

Mr. Speaker, those of us who knew and loved Mike Allen miss him dearly—but his presence continues to be felt in Whitesboro, in Sherman and in the hearts of his family and many friends. He leaves behind such a remarkable legacy of caring and service. America is blessed to have citizens like my good friend Mike Allen, who answered the call to service for his country and his community throughout his exemplary and noble life. As we adjourn today, let us do so in memory of this great man and great American—E.T. "Mike" Allen.

RECOGNIZING THE WORK OF ROBERT H. DIEFENBACHER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor Robert H. Diefenbacher, retiring President of the Exton Region Chamber of Commerce, and commend him for his life long service to our community.

Robert Diefenbacher began his tenure as President of the Exton Region Chamber of Commerce in August of 2000, following his retirement as a successful local entrepreneur. His 38 years of business and marketing experience has been a tremendous asset to the chamber and has provided unwavering guidance and support to its membership. He spent 10 of those years creating and growing his own advertising, graphic design and printing business, a true testament to the hard work and dedication apparent in all his undertakings.

During his illustrious career Mr. Diefenbacher has worked as a consultant, professor, and journalist, passing his limitless knowledge on to countless others. He has held various management positions in companies such as IBM Corporation and Decision Data Corporation.

As a young man, after receiving his Bachelor and Master of Management Engineering Degree from Rensselaer Polytechnic Institute, Robert served in the U.S. Navy as the Chief Engineer on a destroyer in the Atlantic and Mediterranean fleets. His heroics serving our nation as well as serving those in our community demonstrate Robert's tremendous leadership abilities and have allowed him to hold countless positions of prestige. He is the current Chairman of the West Whiteland Township Concert Series, a past President of the Rotary Club of Central Chester County, past Chair of the Chester County School to Career Partnership. He served as Chair of the Continental Committee of Paoli Presbyterian Church and is Past-Chair of the Advisory Committee of the former Penn State Technology Development Center Business Incubator.

Robert's service has not gone unnoticed by his peers, he has received the Service Award from the Exton Region Chamber of Commerce, was recognized with Thirty Awards for Excellence in the Neographics Competition of Graphics Arts Association, received a Philly Gold Award for a Consumer Magazine Advertising Campaign, a Business of the Year Award from the Exton Region Chamber of Commerce, an Outstanding Service Award from the Chester County Intermediate Unit and a Chamber Service Award from the Chester County Chamber of Business & Industry.

I ask that my colleagues join me today to commend and honor Robert H. Diefenbacher for his many years of service to our community and wish him the best of luck in all his future endeavors.

ON THE OCCASION OF THE PASSING OF KIT GINGRICH

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GINGREY. Mr. Speaker, I rise to express my condolences to the family of Speaker Gingrich. His mother, Kit Gingrich, died Tuesday night in Harrisburg, PA, at the age of 77.

Having lost a parent myself, I know personally the pain that such a passing brings. My heart goes out to the speaker and to his siblings, who lost a loving and devoted mother. Speaker Gingrich's sister, Susan Gingrich, said nothing brought her mother more pleasure than her family. One of her proudest moments was watching her son, Newt, sworn in as speaker of the U.S. House of Representatives in January 1995.

Speaker Gingrich is from Cobb County, which is my home county, and I represent some of the areas that he formerly represented. In Cobb County and throughout Georgia, the speaker remains a beloved and revered figure for his great leadership and his contributions to our state and to our nation.

On behalf of the people of Georgia's 11th District, I want to let the Gingrich family know they're in our thoughts and prayers during their time of loss.

COMMENDING MAJORITY LEADER TOM DeLAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend the House Majority Leader, TOM DELAY, for his insightful speech yesterday at The Heritage Foundation. The Majority Leader clearly reminded us that we are a nation at war, engaged in a historic battle against enemies of freedom and liberty.

Yet, just two years after September 11th, instead of consistently working together to defeat international terrorism, some of my colleagues seem more intent on criticizing our Commander in Chief. Sadly, as Majority Leader DELAY said, "In the face of two of the swiftest, most humane, and most successful military campaigns in human history," they descend to name-calling.

A political party must offer more than anger and name-calling, they must offer a positive agenda. They cannot just criticize, they must offer solutions. The American people, do not want petty partisan politics and constant nitpicking, they want safety and security from terrorism.

The Majority Leader correctly reminded us, "The United States is at war, and we want the nation—and its political parties—united behind our common mission to defeat global terror."

In conclusion, may God bless our troops.

TRIBUTE TO PAYDEN BELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to a young man from my district. Payden Bell of Bayfield, Colorado was the victim of a terrible accident earlier this summer and has shown an amazing level of courage by persevering in the face of difficult odds. As he continues on his path toward recovery, I am honored to recognize Payden before this body of Congress.

Payden was working with the family mule when something apparently spooked the animal and it took off running. In the process, a rope got tangled around Payden's feet, dragging him for over a half-mile. Suffering from life-threatening abrasions and gashes to his body and head, Payden was released from the hospital after 18 days and is expected to make a full recovery.

One can only imagine the pain and suffering Payden experienced. Many adults would not have the will power to overcome the agony of such an injury, yet this young boy has recovered so rapidly that his family believes it is nothing short of a miracle. Payden had skin grafts, stitches and was even placed in an antibiotic jacket to help him heal. Less than three weeks later, his wounds were largely healed.

Mr. Speaker, I want to acknowledge Payden's triumphant recovery and his courageous spirit throughout this ordeal. Payden's accident was tragic, and his determination has been remarkable. I would like to wish this young man a continued recovery and all the best in the future.

TRIBUTE TO THE FORDHAM HILL OWNERS CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Fordham Hill Owners Corporation, which celebrated its 20th anniversary in October of 2002.

High on a hill overlooking the Harlem River in the Bronx, New York, is the Fordham Hill community. Its nine buildings are situated on 12 acres of beautiful landscaped property; lofty trees of many varieties reach skyward and the rare black furred squirrels give Fordham Hill a suburban feel.

The residents of the Fordham Hill complex are among the fortunate few to have discovered this hidden oasis; where residents enjoy the benefits of the community's close proximity to various sites such as Yankee Stadium, the Bronx Zoo, and the Bronx Botanical Garden. In addition, a wide variety of nearby services, recreational activities, dining, shopping, schools, universities, hospitals, and churches add to the quaintness of the community.

Mr. Speaker, this beautiful community was planned, designed and completed by the Equitable Life Assurance Society of the United

States in 1950. Initially created to serve as apartments for rent, this complex was transformed by E. Thomas Williams Jr., a skilled real estate investor and entrepreneur, who in 1980 outlined a plan to convert the financially troubled apartments into co-op dwellings. Williams, determined to buy the complex, raised funds, took out loans and eventually gained ownership of 65 percent of the complex. He and members of the original co-op committee worked diligently to gain support for the conversion by convincing tenants that a major benefit of buying their apartments was an opportunity for them to accrue some equity in their property after years of paying rent. By 1982 the conversion was in place, the Fordham Hill Owners Corporation was established, and Fordham Hill became the largest privately funded cooperative complex in the city of New York.

The Fordham Hill Owners Corporation is a diverse community of people from all backgrounds and professions who take pride in the community and play an active role in preserving the quality of life at the co-op. As a result of the direct involvement of co-op members, the community is thriving and continues to add splendor to the Bronx.

I ask my colleagues to join me today in honoring the Fordham Hill Owners Corporation for maintaining a well-run corporation with a high quality of life for residents for more than twenty years.

IN HONOR OF THE HISPANIC-AMERICAN CHAMBER OF COMMERCE OF ESSEX COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic-American Chamber of Commerce of Essex County for its efforts in developing and advancing the role of Hispanics in small businesses, and in enhancing the interests of Hispanics throughout Essex County and New Jersey. On September 25, 2003, the Hispanic-American Chamber of Commerce of Essex County will hold its 15th Annual Corporate Lunch and Scholarship Awards Presentation at the Newark Club in Newark, New Jersey.

The Hispanic-American Chamber of Commerce of Essex County (HACCEC) has contributed to the increased prosperity and achievement of Hispanics throughout the State by forming new partnerships with Latin America, bringing products and jobs back to New Jersey, and creating further economic development and business opportunities throughout our region. As a member of the United States Hispanic Chamber of Commerce, the HACCEC has successfully brought the issues and concerns of Hispanic-owned businesses to the forefront of the national economic agenda. The Chamber is currently advancing its mission by building the first Hispanic Business Center in Essex County. This will provide the HACCEC with the resources to develop and support economic opportunities for the Hispanic community of Essex County and throughout New Jersey.

I would like to extend my gratitude and congratulations to this year's honorees: Miguel E. Rodriguez; Mario E. Moyano; Joseph N. DiVincenzo, Jr.; Hector M. Corchado; and Anthony F. Ambrose.

Currently president of the HACCEC and former Deputy Mayor of Newark, Miguel E. Rodriguez has led a career proven in leadership and commitment to the Hispanic community. His vast community resources, marketing and management experience, and commitment to diversity have helped make the HACCEC a great resource for small businesses.

The president of American Latin Travel Agents in America, Mario E. Moyano, has been a leader in Newark for over 20 years. Born in Ecuador, he came to the United States in 1969, and by 1975, had established his own business, the Moyano Agency. He is currently the voice of over 160 travel agencies throughout the Newark area.

Essex County Executive Joseph N. DiVincenzo, Jr., has brought quick and impressive change to Essex County. One of his first actions as county executive was establishing the Office of Cultural Diversity and Affirmative Action to ensure adequate minority participation in county affairs. Heavily involved with the Essex County Parks system, Mr. DiVincenzo is the founder of the Newark "Small Fry" basketball program, the Rick Cerone Little League, and other recreational programs.

Newark City Councilman Hector M. Corchado has been an effective and dedicated member of his community. A longtime resident of Newark, Councilman Corchado was elected to the City Council in 2002. Mr. Corchado began his career in the Newark Police Department over 14 years ago, where he served as a detective and sergeant in the Community Affairs Division. A natural leader in the police department, he went on to become deputy mayor of Newark before serving on the City Council.

As the chief of police for Newark, Anthony F. Ambrose, III, has served with the Newark Police Department for 17 years. Chief Ambrose rose quickly through the ranks of the Department, and has been a dedicated officer and a true public servant, always keeping the interests of the community at the forefront.

Today, I ask my colleagues to join me in honoring the Hispanic-American Chamber of Commerce of Essex County and its honorees for playing a critical role in the success of Hispanic businesses throughout Essex County and New Jersey.

40TH ANNIVERSARY OF McGUIRE MEMORIAL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. HART. Mr. Speaker, I am honored to have the opportunity to pay tribute to an outstanding health care facility located in the district I represent in the U.S. House of Representatives. 2003 marks the 40th anniversary of McGuire Memorial, an outstanding provider of care for the multiply handicapped. McGuire was founded in 1962 by the Catholic Diocese of Pittsburgh through a proposal by the Felician Sisters.

I have personally visited McGuire and, as such, am familiar with the level of care and compassion that this remarkable facility offers its patients. I was inspired by my visit to McGuire and am pleased at the growth that the facility has experienced over the years.

I ask my colleagues in the House of Representatives to join me in wishing continued success to McGuire Memorial on the celebration of its 40th Anniversary.

HONORING MAYOR WILMER JONES-HAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I rise today and ask the House of Representatives to join me in congratulating Mayor Wilmer Jones-Ham as she is honored with the Woman of the Year Award by the Dr. Marie Wright Tolliver Cultural and Civic Club of Saginaw, Michigan on Sunday, October 5th.

The Dr. Marie Wright Tolliver Cultural and Civic Club is an associated club of the National Association of Colored Women's Clubs, Incorporated. The Woman of the Year Award is named in honor of Dr. Tolliver and the work she has done over the years to improve life in the Saginaw area.

In keeping with the motto of the National Association of Colored Women's Clubs, "Lifting as we Climb," Mayor Ham has devoted her life to her church, her family and her community. Bom and raised in Saginaw, she graduated from Saginaw Valley State University with a Bachelors Degree in Elementary Education and a Masters Degree in Supervision and Administration. She then returned to her roots in the Saginaw School System and taught 7th and 8th grades for 24½ years.

As a devoted proponent of Saginaw her civic involvement is extensive. As an active member of numerous organizations including the NAACP, Zeta Phi Beta Sorority, SIGMA, MBS International Airport, Downtown Development Board, New Perspectives, League of Women Voters, National Education Association, Habitat for Humanity, Agape Home for Social Change, Saginaw International Mahogany Models, Boys and Girls Club, Saginaw Soul Children, Saginaw Orchestra, the Mayor's Ball and Scholarship Foundation, and Restoration Community, Mayor Ham has contributed insight, leadership, and direction to every organization fortunate to have her as a member.

Through her position as Music Minister with Tabernacle Baptist Church she has expanded the ministry and founded several organizations devoted to praising God. With her personal motto of "I can do all things through Christ which strengthens me" (Philippians 4:13), Mayor Ham has developed the 100 Voice Boys Choir, and Women and Men in Praise. Mayor Ham also serves as a member of the Saginaw Interdenominational Ministries and the board of St. John Trinity.

Mayor Ham was married to the late Howard Leon Ham, is the mother to DeRonnie, DeToya and Darvin and the grandmother to Darvin Jr., Donovan, Dominic, Dominique, DeRhonda, and Alexis. Mr. Speaker, I ask the House of Representatives to rise with me today and join in congratulating Mayor Wilmer Jones-Ham as she is honored by the members of the Dr. Marie Wright Tolliver Cultural and Civic Club of Saginaw.

RECOGNIZING UNDERSHERIFF CURTIS WATSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, we rise today to pay tribute to Undersheriff Curtis L. Watson for his thirty-three years of exemplary service in law enforcement. On October 17, 2003 Undersheriff Watson will be honored at the Hayward South Alameda County NAACP's Community Service Awards Banquet.

Undersheriff Watson is a native of Little Rock, Arkansas, and prior to beginning his career in law enforcement, he served in the United States Air Force from 1966–1970. During the past thirty-three years with the Alameda County Sheriff's Department, he has held a variety of positions. In July of 1980, he was promoted to the rank of Sergeant and was assigned to the Santa Rita Jail and later to the Criminal Investigation Unit. In July of 1986, he was promoted to Lieutenant and assigned to the jail system before returning to the Criminal Division as a watch commander in Patrol.

In January of 1990, Undersheriff Watson was promoted to Captain and became the commanding officer of the North County Jail in Oakland. From January 1993, until his appointment as Undersheriff, he served as the Administrative Captain to the Sheriff. On April 8, 1993, he was appointed to the position of Undersheriff for the Alameda County Sheriff's Office.

Undersheriff Watson received his BA degree in management from Saint Mary's College in Moraga, CA. He is currently a member of the California State Sheriff's Association, the National Organization of Black Law Enforcement Executives and is a member of the Alameda County Women's Hall of Fame Planning Committee.

We join the friends and colleagues of Undersheriff Watson in expressing congratulations as he is honored by the Hayward South Alameda County NAACP. We thank him for continued service to Alameda County.

ON THE BRAVERY OF ARLINGTON CEMETERY SOLDIERS DURING HURRICANE ISABEL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MILLER of Florida. Mr. Speaker, as Hurricane Isabel's winds swept over Arlington National Cemetery, the soldiers who guard the Tomb of the Unknowns were given—for the first time in history—permission to abandon their posts and seek shelter.

But that wasn't what was going to happen, and Sergeant Christopher Holmes knew it. He and other valiant members of the 3rd U.S. Infantry Regiment stood vigil on overnight duty.

"That's never an option for us. It went in one ear and right out the other," Holmes said.

The monument was established in 1921 with the interment of an unknown World War I soldier, and a sentry has been posted there continuously since 1930. Cemetery Superintendent John Metzler didn't want to put the guards in jeopardy unnecessarily with the fierce storm bearing down Thursday night, so cemetery officials decided to let the guards move indoors if they felt they were in danger.

Holmes' group was on duty for 24 hours, from 6 a.m. Thursday until 6 a.m. Friday. They took turns patrolling the tomb in hourly shifts, never leaving their post.

Mr. Speaker, I commend these brave men and women, who do whatever they must to guard the Unknowns. They cherish their post, and consider it the greatest honor to go out and guard this symbol of every man and woman who has fought and died for this great nation. Their patriotism is admired by all Americans.

50TH WEDDING ANNIVERSARY OF W. RONALD COALE AND MARY ELLEN FISKE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. POMBO. Mr. Speaker, I rise tonight to honor the 50th wedding anniversary of my friends, W. Ronald Coale, and his wife Mary Ellen Fiske. It is not often that two people so perfectly compatible find each other. Fifty years of happy marriage is a remarkable achievement, and for this I congratulate them.

It was 50 years ago today that Ron wed Mary, his girl from, appropriately, Angel's Camp. These last 50 years have witnessed many happy times in their lives, including the births of their two sons, W. Ronald Jr. and Michael, and their five grandchildren.

Ron and Mary have been dedicated and distinguished members of the Stockton, California community. Ron has served as a commissioner with the Port of Stockton since 1991. Before that he served on the City Council and as Vice Mayor. Both Ron and Mary have long been active in the California Republican Party.

It gives me great pleasure to commemorate these two fine Americans on this special day.

SUPPORT FOR DISCOVERY COMMUNICATIONS, INC.

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BOEHLERT. Mr. Speaker, as Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation and originality in science. One such program is the Discovery Channel Young Scientist Challenge.

Created in 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge as part of the solution to America's chronic underachievement in science and math. The annual national contest responds to evidence that academic performance and interest in science among American students declines dramatically as students become older. This is particularly evident during the middle school years.

For these reasons, the Discovery Channel Young Scientist Challenge identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork, and scientific problem solving. More than 6,000 middle school students have entered the challenge since its inception in order to compete for the title of "America's Top Young Scientist of the Year." Since 1999, scholarship awards for the students have totaled more than $400,000 and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland, and the El Yunque rain forest in Puerto Rico.

On September 17, 2003, Discovery Communications, Inc., announced the 40 middle school students who have advanced to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the "Final Forty" represent an elite group of young Americans who demonstrated exceptional creativity and communications skills in original science research projects. To commemorate the centennial of the Wright Brothers' first flight, this year's finalists will compete in a multitude of experiments involving the science of flight. The winners will be announced at the awards ceremony on October 22, 2003.

The finalists for the 2003 Discovery Channel Young Scientist Challenge are: Jeffrey Luttrell of Tempe, Arizona; Tyler Kirkland of Tucson, Arizona; David Edwards V of Tucson, Arizona; Bobby Fisher of Laguna Niguel, California; Jacob Rucker of Del Mar, California; Dana Feeny of Woodside, California; John Reid of Redlands, California; Samantha Bates of San Carlos, California; Patrick Saris of Newbury Park, California; Justin Koh of Bakersfield, California; Taylor Simpkins of Costa Mesa, California; Scott Presbrey of Fort Myers, Florida; Peter Borden of Fort Myers, Florida; Bran Yancey of Miami, Florida; Sravya Keremane of Gainesville, Florida; Sarah Gerin of West Palm Beach, Florida; Joseph Stunzi of Watkinsville, Georgia; Bryce Melton of Terre Haute, Indiana; Anthony Burnetti of Derwood, Maryland; Ethan Roth of Kansas City, Missouri; Elena Ovaitt of Weston, Missouri; Austin Minor of Lee's Summit, Missouri; Rachel Clements of Albuquerque, New Mexico; Leah Crowder of Albuquerque, New Mexico; Michael Klein of Atlantic Beach, New York; Ryan Lee of Hamilton, Ohio; Bogna Brzezinska of Upper Arlington, Ohio; Lorren Kezmoh of Pittsburgh, Pennsylvania; Katie Sloop of El Paso, Texas; Daniel Steck of San Antonio, Texas; Aron Trevino of San Antonio, Texas; Luis Lafer-Sousa of San Antonio, Texas; Elizabeth Monier of

Boerne, Texas; Ian Cummings of Clearfield, Utah; Spencer Larson of Springville, Utah; Ryker Watts of Alpine, Utah; Zachary Hopkins of Highland, Utah; Jennifer Gutman of Wheeling, West Virginia; and Erica David of Pinedale, Wyoming.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work in the name of science and wish them all good luck during the 2003 Discovery Channel Young Scientist Challenge.

TRIBUTE TO LINDA VROOM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen. Linda Vroom, who lived for many years in Aspen, Colorado, recently passed away. As her family and friends mourn Linda's passing, I would like to pay tribute to her memory here today.

Linda had a noble spirit and was always willing to lend a helping hand to those in need. While in Mexico City during the earthquake of 1985, Linda rescued an infant by jumping out of the third story of an apartment building. She was a talented artist who loved to sing and play the flute. Linda was also an avid biker, though her great passion was for fine wine and good food. Linda was known for helping countless people to educate themselves on these topics at both the Aspen Wine & Spirit and the Cooking School of Aspen. For the past two years, Linda pursued her love of wine by studying to become a sommelier.

Mr. Speaker, Linda Vroom had a great passion for life, and she loved to share that passion with others. While Linda has passed on, her legacy will continue to live. I am honored to join with my colleagues in honoring Linda here today.

IN HONOR OF MICHAEL LEGGIERO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Michael Leggiero for his leadership and dedication to the North Hudson Community Action Corporation. Mr. Leggiero was honored with the Louis T. Scialli Memorial Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

As President and CEO of the North Hudson Community Action Corporation, Mr. Leggiero's vision and leadership has helped make the organization the largest and one of the most highly regarded community organizations in Hudson County. The North Hudson Community Action Corporation is currently the largest provider of health and social services in the county and serves as a model for the quality of services it provides the community.

Mr. Leggiero first came to the North Hudson Community Action Corporation in 1971. Through his hard work and communal spirit, Mr. Leggiero assumed directorship in 1978. At that time, the North Hudson Community Action Corporation administered seven programs, which served 5,000 residents per year. After 25 years under Mr. Leggiero's leadership, the North Hudson Community Action Corporation now runs 20 programs that serve over 55,000 Hudson County residents each year.

Mr. Leggiero's foresight and understanding of community issues has been a great asset to the North Hudson Community Action Corporation. Mr. Leggiero helped create a state-of-the-art community health center, which now provides care and assistance to over 2,000 patients each week. In 1996, Mr. Leggiero spearheaded the production of 49 new affordable housing units and just recently completed a similar venture, which provided the North Hudson community with 37 new housing units.

Michael Leggiero is a lifetime resident of Union City, where he lives with his wife Lois. An active member of his church, Mr. Leggiero is known for his love and dedication to his congregation, with whom he shares a commitment to giving back to the community.

Today, I ask my colleagues to join me in honoring Michael Leggiero for his outstanding leadership and service to the people of Hudson County.

TRIBUTE TO THE INSTITUTE FOR THE PUERTO RICAN/HISPANIC ELDERLY, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to The Institute for the Puerto Rican/Hispanic Elderly, Inc., an organization dedicated to improving the lives of low income minority seniors and their families in the city of New York. This invaluable organization will celebrate its 25th anniversary on Friday, October 3, 2003.

The Institute for the Puerto Rican/Hispanic Elderly, Inc., was founded in 1978 to remove communication and other service barriers that separated Puerto Rican and Hispanic seniors from their rights and entitlements under the law. Today, the Institute is the premier Hispanic non-profit organization serving New York City's ethnic minority seniors and their families, with the mission to improve their quality of life.

Serving more than 140,000 seniors annually, the institute's services are delivered in a citywide complex of offices, facilities, programs and senior centers. In addition, the Institute has four subsidiaries: El Cemi Houses, which provides affordable housing for homeless seniors; the Institute Home Care Services; the licensed Innovative Home Health Care Systems; and Clinica Nueva Esperanza, a mental health clinic for seniors.

The Institute also serves as an important resource for non-profits, government agencies and businesses, providing technical assistance and consultation in areas such as management training, culturally responsive service delivery, and access to minority communities.

Mr. Speaker, under the leadership of Suleika Cabrera Drinane, this fine institution has helped to provide essential and quality services to the low income minority seniors of New York City for a quarter of a century. Because of its pioneering and outstanding work, the Institute has received awards and recognitions from city, state, and federal agencies, as well as by other organizations in the community.

For their long standing commitment to the disadvantaged seniors of New York City, I ask that my colleagues join me in honoring the Institute for the Puerto Rican/Hispanic Elderly, Inc., on their 25th Anniversary.

IN MEMORY OF BILLIE LOU "PEACHES" PARKER BROOKSHIRE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, earlier this year the citizens of Tyler, Texas, lost one of their dearest and most influential members, Billie Lou "Peaches" Parker Brookshire, who passed away at the age of 72 following a lengthy illness.

The Brookshire family has long been known in the Tyler area for their many contributions to East Texas—with Peaches being a central figure in their philanthropy. Peaches was actively involved in numerous worthy causes, including the Salvation Army Center of Hope, Junior League of Tyler, Tyler Junior Garden Club, American Cancer Society, Susan G. Komen Breast Cancer Foundation, Trinity Mother Frances Hospital, Green Acres Baptist Church, All Saints Episcopal School, Grace Community School and Hospice of East Texas. In all that she did and with all whom she met, she brought enthusiasm, compassion, a positive attitude and a legendary sense of humor. Peaches also was an accomplished artist. Several of her paintings were recently donated to the Tyler Cancer Center to encourage patients receiving treatment there.

Above all Peaches was a devoted wife to her husband and partner of 53 years, Bruce, whom she met while attending the University of Texas at Austin, and a loving and loyal mother and mother-in-law to Tim and Michelle and to Britt and Sunni. She was known endearingly as "honey" to her nine grandhildren: Amy, Clint, Garnett, Blake, Chad, Ross, Caroline, Emma and Bruce, Jr. Clint Brookshire ably served as my Congressional Assistant in Washington, D.C., and later as District Assistant in my Rockwall, TX, office, before pursuing another career in Dallas. He was a valued and well-liked member of my staff and remains my good friend. Peaches maintained a close relationship with Decie Brookshire, mother of Clint and the two other eldest grandchildren. She also leaves behind her two dear sisters and their husbands, Kay and Darrold Cannon Jr.

and Judy and Ray Clymer Jr. of Wichita Falls; her mother-in-law and lifelong friend, Mrs. Louise Brookshire of Tyler; numerous nieces and nephews; and caregivers Jeanell and Jesse Richardson of Tyler.

Peaches was the daughter of William Garnett Parker and Opal Louise Parker of Wichita Falls. She attended Midwestern State University and the University of Texas at Austin, where she was a member of Kappa Kappa Gamma sorority. Her grandfather, C.H. Parker, opened Parker Food Stores in Wichita Falls in the 1920s, the same time that her father-in-law, W.T. Brookshire, was opening his first Brookshire's Grocery Store in Tyler.

I have known Peaches and Bruce and their family for many years and have loved and admired them for their ability to so ably balance work, family and community commitments. They are one of the outstanding families in the Fourth Congressional District—and their efforts have helped so many in their community. In recognition of their many significant contributions, Peaches and Bruce were named the recipients of the 2002 Isadore Roosth Outstanding Philanthropist Award in Tyler.

Peaches was devoted to her family, her faith, and her community—and was a model of grace, goodness, and good humor. She was a friend and an inspiration to so many—and she will be fondly remembered by all those who knew her and loved her. Mr. Speaker, it is a privilege today for me to pay tribute to an exemplary woman and outstanding citizen of East Texas who made an indelible impression on all those who met her—Peaches Parker Brookshire. She will be dearly missed.

HONORING REV. PAUL D. KENNEDY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McGOVERN. Mr. Speaker, I rise to honor Reverend Paul D. Kennedy, pastor at the All Saints Episcopal Church in Worcester, Massachusetts and to recognize his achievement as the first ever recipient of the Children's Friends Inc. Ambassadors Award. I am proud of Rev. Kennedy's services.

The Children's Friend Inc. was established in 1849 by a group of concerned Worcester citizens to provide a "safe home" for the city's most vulnerable children: the orphaned, the abandoned, and the neglected children. The central mission of Children's Friend's is "to promote the emotional, social and physical health of a needy and diverse population of children and to advocate of their rights."

The Children's Friend Inc. Ambassadors Award was established to honor a diplomatic official of the highest rank appointed and accredited to represent an organization's permanent mission to the community. Rev. Kennedy first became involved with the Children's Friend Inc. in 1993 and served on the organization's Board of Directors from 1994 to 2002. He was presented with this award because of his tireless and continued effort to advocate for the well being and welfare of children. This is a testimony to the power that one individual can utilize to benefit the lives of many.

In addition to this achievement, Rev. Kennedy has served the Massachusetts Lutheran and Episcopalian community in a distinguished manner for well over 20 years. After graduating from Harvard Divinity school and the Hamma School of Theology at Wittenberg College, Rev. Kennedy began his career as a pastor at the St. Paul Lutheran Church in Gloucester, Massachusetts. Since then, he has actively and impressively represented his own congregations and the greater church community through the numerous positions. Some of his many outstanding contributions include serving as delegate to the Lutheran Church in America Convention four times and holding a variety of positions for the Lutheran Service Association, and the Lutheran Social Service of New England.

Rev. Kennedy's commitment to social service and human welfare is extensive. He sat on the American Red Cross Board of Directors, and served as President of the Worcester Chapter of the American Cancer Society. He was a member of the Board of Trustees at Upsula College and currently sits on the Board of Trustees at Endicott College.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Rev. Kennedy for this high honor.

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100 YEARS OF UNITED STATES-BULGARIAN DIPLOMATIC RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BEREUTER. Mr. Speaker, last Thursday while Washington was consumed with the arrival of hurricane Isabel, a significant celebration was taking place in Sofia, Bulgaria.

On September 18, the United States and Bulgaria marked the 100th anniversary of diplomatic relations between our two countries.

Since the fall of the Berlin Wall, Bulgaria has worked hard to build a stable democracy and to provide its people the very freedoms we have for so long taken for granted in this country. The people of Bulgaria should be proud of what they have accomplished over this past 13 years.

Bulgaria has also worked to reaffirm and strengthen its friendship with the United States. Bulgaria has worked with us to promoted stability and peace in the Balkans by providing peacekeeping forces in Bosnia and Kosovo.

After the tragedy of September 11, 2001, Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against global terrorism. Bulgaria supported Operation Enduring Freedom and the International Security Assistance Force (ISAF) in Afghanistan and is presently providing 500 infantry soldiers to the Iraq stabilization force.

Mr. Speaker, in closing, on the occasion of this 100th anniversary of United States-Bulgarian diplomatic relations, it is appropriate to reflect on this important relationship and to dedicate ourselves to promoting good relations for the next 100 years.

HONORING ST. JOSEPH PARISH ON THE OCCASION OF THEIR 150TH ANNIVERSARY

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate Rev. Michael Couhig, CSC, and the congregation of Holy Cross on the 150th anniversary of the founding of St. Joseph Parish by the congregation.

St. Joseph is South Bend, Indiana's oldest Catholic worshipping community. Initially called St. Alexis Chapel, it was established by Rev. Edward F. Sorin, CSC, as a mission chapel of Notre Dame.

Since that time, the congregation has treasured history.

The first building, which was both a chapel and a school, was erected in 1853 in the community of Lowell, at what is now the intersection of Hill and LaSalle streets.

By the next year, the Sisters of the Holy Cross were teaching children in the tiny building. In 1866, that first structure was replaced with a larger building named the Church of the Assumption.

The second church building burned to the ground in 1872. A third church was built nearby on the present site of St. Joseph Medical Center. By 1881, when the cornerstone for the fourth church was laid on the current site, the parish was known as Saint Joseph, and Lowell had been absorbed by the city of South Bend. The parish thrived, welcoming French, English, Irish, Italians, Southeast Asians, and all others as they came. Because of structural weaknesses, the handsome old Gothic church had to be demolished, and the current church was erected in 1965. St. Joe's current parish registration numbers over 720 families.

As the parish grew, so did their school. The school expanded into Assumption Academy, a boarding and day school, which in 1886 was replaced by a larger two-story building. By 1926, that structure was overflowing, and the present school was built. Since that time, the school's high standards have remained unchanged. St. Joseph School is the oldest continuously operating school in the city of South Bend, Indiana, and their building was placed on the National Register of Historic Places in 1999.

Mr. Speaker, I commend Rev. Couhig and his parishioners for contributing to the spiritual, educational, and economic development of the Michiana community for the past 150 years.

TRIBUTE TO RALPH SAMPLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the life and memory of Ralph Sample who recently passed away at the age of 85. A lifelong resident of New Castle, Colorado, Ralph was an enterprising and hard working man who was extensively involved in his community. I am honored to pay tribute to his memory here today.

Ralph was born in Glenwood Springs in 1917. Later in life, Ralph settled with his wife Edna in his native Glenwood Springs, where they farmed, raised cattle and sheep, and Ralph operated Sample's Jersey Dairy. In addition to farming and ranching, Ralph was an entrepreneur. He helped to establish both the Glenwood Insurance Agency & Realty and Valley Realty.

Many community groups benefited from Ralph's participation. He was extensively involved with the Glenwood Springs Masonic Lodge as a member of both the York Rite and the Scottish Rite. Ralph was also an active community leader with the Glenwood Springs Rotary Club and the Elk Creek Grange No. 415. He devoted countless hours to their many philanthropic pursuits.

Mr. Speaker, I join with my colleagues in extending my deepest sympathies to the family of Ralph Sample. His hard work and civic-mindedness stand as a shining example of the spirit of Colorado. While Ralph has passed on, his legacy will live on with all those who knew him. I am honored to recognize his life and passing here today.

HONORING MAESTRO ENRIQUE DIEMECKE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Maestro Enrique Diemecke as he begins his fifteenth year as the Music Director and Principal Conductor of the Flint Symphony Orchestra. Maestro Diemecke will be honored for his service at a dinner on October 4th.

Enrique Diemecke became an integral part of the Flint musical community in 1988. An internationally recognized musician and maestro, he is considered to be one of the best young maestros working in the world today. His list of accomplishments is extensive. After studying at Catholic University in Washington, DC. and the Pierre Monteux School for Advanced Conductors he embarked upon a musical career that spans several continents. He has served to the delight of audiences as the conductor for orchestras in North America, Europe, New Zealand and South America. His sublime interpretation of both classical composers and emerging talents have won rave reviews everywhere he performs.

His musical endeavors have not been limited to live performance. Maestro Diemecke has recorded several pieces of music. He won the Bruno Walter Orpheus d'Or Prized for Best Opera Conductor by the Academy of Lyric Recordings for his live recording of Mascagni's Parisina. His 1993 recordings of the music by Revueltas, Chavez, and Moncayo was honored with the Golden Record Award and was a top ten seller in Mexico for over a year.

As a composer, Enrique Diemecke's work commands international respect. During the 1998 World Cup, he was commissioned by Radio France Festival to compose a work in honor of the soccer spectacular. His composition, Die-Sir-E, was heard around the world and has been performed at other venues since the World Cup. His compositions are increasingly presented to the public by orchestras in several countries.

It is an honor to ask my fellow members of the House of Representatives to join me in congratulating Maestro Enrique Diemecke for his collaboration with the Flint Symphony Orchestra. During the past fifteen years, Maestro Deimecke has inspired a spirit of joy and enthusiasm with each performance, enriching the life of the greater Flint area with his talent and blessing our community through his continued association with the Flint Symphony Orchestra.

IN REMEMBERANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of the victims of the Katyn Forest Massacre of 1940. A Memorial Service sponsored by the Katyn Forest Massacre Memorial Committee of the New Jersey Division of the Polish American Congress was held on Sunday, September 21, 2003, at the Katyn Monument in Jersey City, New Jersey.

The Katyn Forest Massacre Memorial Service is a tribute to the bravery of the Polish people who fought valiantly during World War II. Over sixty-three years ago, during the Soviet invasion of Poland, over 15,000 Polish military officers, intelligentsia, prisoners of war, clergy, and Polish civilians were attacked and killed by Soviet military and secret police. Over 4,500 bodies were discovered in the Katyn Forest in a single mass grave.

This year, the Katyn Massacre Memorial Service will also pay special tribute to the brave men and women who perished in the horrific terrorist attacks on the World Trade Center, the Pentagon, and Flight 93 in Somerset County, Pennsylvania, on September 11, 2001. Although more than 60 years apart, the loss of innocent lives in both tragic events have had a profound effect on our society. To lay wreaths and flowers in memory of all of the victims is a fitting tribute, as the site of the Katyn Monument in Exchange Place in Jersey City once looked upon the towers of the World Trade Center just across the Hudson River.

Today, I ask that my colleagues join me in remembering the victims of the Katyn Massacre and the September 11th attacks, and honor their sacrifice and courage. May we continue to honor the memories of those who were lost, so we will not be destined to repeat the horrors of the injustices suffered by these innocent victims.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588. NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to commend the brave men and women of our armed services who are carrying out the mission to provide hope and freedom to the Iraqi people. I would also like to commend Representative CROWLEY for his leadership and advocacy for our men and women in uniform.

Like many of my colleagues, I am concerned with the increasing frequency and duration of Reserve component deployments. During the Cold War era, the Reserve components were a manpower pool that was rarely tapped. However, this resource has become increasingly important to our peacekeeping and counterterrorism missions. As a result, the demands placed on Guard and Reserve families are quickly growing. Not only do these families often have to adjust to life on much smaller salaries, they may have to worry about maintaining their health coverage. This situation is unacceptable, and we need to provide our Guard and Reserve with this coverage from the start so that the stresses of deployment are not compounded by worries about healthcare. I believe offering the guarantee of long-term health coverage would not only help the families of activated Guard and Reservists, but also increase recruitment and retention of some of our most valuable personnel.

As a member of the House Armed Services Committee, I firmly believe that members of our National Guard and Reserve should have benefits commensurate with those of active duty forces. With the announcement that the Reserves' total commitments could now be in excess of a year in some circumstances, this problem must be remedied immediately, and if not by the Pentagon then by Congress. We place enough burdens on these families as it is, I want us to make every effort to remove at least this one. I urge my colleagues to support the Crowley motion to instruct.

HONORING PAUL DEVAUL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in honor of Paul DeVaul, a decorated veteran and past County Commander for the Suffolk County American Legion. On October 5 2003, the American Legion will be honoring Mr. DeVaul for his service to veterans on Long Island.

After entering the United States Army in December of 1961, Paul was assigned to the United States Army Special Warfare School at Fort Monmouth, New Jersey. During this time Paul was awarded numerous awards, including the Army Commendation Medal and the Good Conduct Medal upon his discharge on December 16, 1984.

Paul has been an active member of the Bay Shore Post, #365, of the American Legion since 1990 including serving as County Commissioner in 2001. Paul is one of the few Legionnaires who has served as County Commissioner for two years. One of his more notable accomplishments was when he took it upon himself to gather the names of all Korean and Vietnam War veterans from Bay Shore to create an Honor Roll to recognize their sacrifices for this country.

Paul also developed recognition programs for community groups, individuals, and students who support Veterans and American Legion programs; such as the Spirit Of American Award, which honors individuals for their efforts on behalf of veterans or for their community work. On September 11, 2001 Paul coordinated seven local American Legion posts to serve as shelters for the emergency workers at Ground Zero.

Paul continues to play an active role in the American Legion community and he serves as a role model for all Legionnaires. I commend Paul DeVaul for his dedicated service to our country during his time in the Army and in the aftermath of the attacks on the World Trade Center, and for his hard work on behalf of veterans on Long Island.

TAIWAN'S BID FOR MEMBERSHIP IN THE UNITED NATIONS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KING of New York. Mr. Speaker, today I rise in support of Taiwan's bid for membership in the United Nations (U.N.).

For the 32nd consecutive year, the U.N. convenes its annual General Assembly without the membership of Taiwan and once again its 23 million citizens will be denied a voice in vitally important global matters. Although Taiwan has long been a significant player in world affairs with a GNP and population larger than three quarters of U.N. member countries, it has repeatedly been denied membership.

The transformation of Taiwan from an impoverished State into an industrial powerhouse, and from a one-party dictatorship into a multi-party democracy, is among the most impressive economic and political marvels of our time. Free and fair elections are held at all levels of government. Taiwan's constitution guarantees its citizens freedom of assembly, freedom of expression, freedom of religion, freedom of the press and it is a strong supporter of human rights.

Already, Taiwan is an active participant in international organizations as exemplified by its membership in the Asian Development Bank, its admission as a full member to the Asia-Pacific Economic Cooperation (APEC) group, and its membership in the World Trade Organization (WTO).

Taiwan has also used its successes to become an active contributor to international humanitarian efforts. It has made significant donations to countries devastated by natural disasters and war including relief efforts in Kosovo, Afghanistan, Turkey, and Iraq, to name a few. Taiwan is well prepared and quite willing to actively support U.N. endeavors.

Furthermore, it is not uncommon to have parallel representation of divided countries in the U.N. such as the case of East and West Germany before German reunification in 1990. This type of representation currently exists with respect to the membership of both the Democratic People's Republic of Korea and the Republic of Korea.

By large margins, both Houses of Congress have endorsed Taiwan's desire for participation in the United Nations. Taiwan, a country seeking peace and stability in its region, deserves the right to membership in the United Nations.

TRIBUTE TO LARRY REED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. PAUL. Mr. Speaker, I am pleased to pay tribute to one of America's leading advocates for liberty, my friend Larry Reed, who celebrates his 50th birthday on September 29th. In 1993 Larry founded the Mackinac Center for Public Policy in Midland, Michigan. Under his leadership, Mackinac has emerged as one of the largest, most prolific, and effective think tanks in America. Mackinac focuses on issues affecting Michigan; however, much of their work is useful to policymakers at the State and national level.

Prior to founding Mackinac, Larry served as Chair of the Department of Economics at Northwood University in Midland, Michigan. While at Northwood, Larry developed the university dual major in Economic and Business management and founded the University's "Freedom Seminar." Larry has also been a candidate for Congress.

In addition to running Mackinac, Larry is a prolific author. He has written over 800 newspaper columns and articles, 200 radio commentaries, dozens of articles in magazines and journals in the United States and abroad. Larry is also the author of five books including Lessons From the Past: The Silver Panic of 1893 and Private Cures for Public Ills: The Promise of Privatization. All of Larry's writings reflect his unswerving commitment to limited government and the free market as the best way to promote human happiness.

Larry has also found time to deliver more than 700 speeches, traveling to 40 states and 10 foreign countries to spread the freedom philosophy. Larry also promotes liberty as a member and past chairman of the Board of Trustees of the Foundation for Economic Education (FEE), the nation's oldest free-market educational institution.

In 1993, Larry was appointed by then-Governor John Engler to head the Headlee Amendment Blue Ribbon Commission. Governor Engler also appointed Larry to the task force of the Secchia Commission on Total Quality Government, where Larry helped develop policies aimed at streamlining Michigan's state government. I am sure the taxpayers of Michigan are grateful to Larry for his efforts to reduce unnecessary spending.

Mr. Speaker, the great economist Ludwig Von Mises once said that "everyone. . . . must thrust himself vigorously into the intellectual battle. None can stand aside with unconcern; the interests of everyone hang on the result. Whether he chooses or not, every man is drawn into the great historic struggle, the decisive battle into which our epoch has plunged." Few have so vigorously thrust themselves into the intellectual and policy battle on the side of freedom as Larry Reed. It is therefore my privilege to pay tribute to this champion of liberty on his 50th birthday.

TRIBUTE TO JOSEPH MURPHY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. Joseph Murphy of Durango, Colorado was a dedicated teacher, enthusiastic coach, and devoted public servant. As his family and community mourn Joseph's passing, I would like to pay tribute to his memory here today.

Joseph was born in Pueblo, Colorado in 1922. Like many of his generation, Joseph served his country in the Army during World War II. Later, he and his wife Marie settled in Durango, where they became fixtures of the community by getting involved in local politics.

Joseph taught Journalism and English at Durango High School and at Fort Lewis College. As an athlete, baseball was dear to Joseph's heart and he shared his love of the game with others in many ways. Joseph was seemingly always involved with baseball, playing semiprofessional ball, coaching a team, officiating for years, and announcing sports news on the radio. In addition, Joseph was a dedicated public servant. He served on the Durango City Counsel for four years and served one term as Durango's Mayor.

Mr. Speaker, Joseph Murphy embodied the spirit of America. When his country needed him, Joseph bravely fought in World War II. When his community needed him, Joseph faithfully served as its Mayor. When his students needed him, Joseph worked to enrich their lives. When his teammates and players needed him, Joseph inspired and supported them. While Joseph has passed on, his legacy will live on. For these many reasons, I am honored to join with my colleagues in recognizing Joseph here today.

IN HONOR OF LA CASA DE DON PEDRO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor La Casa de Don Pedro for providing invaluable community programs and services for residents of New Jersey. La Casa celebrated its 30th anniversary on Friday, September 12, 2003.

Since 1973, La Casa de Don Pedro has been providing a wealth of services to the residents of Newark, New Jersey and surrounding communities. La Casa currently provides over 20 programs and services that have made a profound difference in many lives. A true community-based organization, La Casa was founded and continues to be driven by members committed to changing and improving their community.

La Casa de Don Pedro has been tremendously successful in providing critical services for children, young people, adults, and families ranging from education and job training to emergency assistance. In 2002, La Casa provided after-school programs to more than 300 children, ages 6 to 18, and Early Childhood Education programs for parents of 130 families, 80 percent of whom maintained employment or remained with the program. La Casa's Weatherization Assistance Program helped 294 homes become more energy efficient, which will help families save thousands of dollars in energy costs.

More than 410 adults received English language education or citizenship assistance from La Casa, and over 130 adults received immigration assistance. La Casa's Welfare to Work initiative had one of the highest job placement rates in Essex County in 2002, and its Telecommunications Learning Center served as a model for New Jersey's new Workplace Literacy Program. From its inception, La Casa has been a leader for the quality and wealth of services that it provides to members of the community, and its success proves that it will continue to be a model for similar organizations.

La Casa de Don Pedro received the 2002 Excellence in Hispanic Leadership Award from the New Jersey Department of Community Affairs' Center for Hispanic Policy Research and Development and was listed as one of the top 25 Hispanic Nonprofit Organizations of 2002 by Hispanic Business Magazine.

Today, I ask my colleagues to join me in honoring La Casa de Don Pedro for thirty years of outstanding and dedicated work, and for making critical differences in the lives of many New Jersey residents.

REAUTHORIZATION OF THE FEDERAL HIGHWAY AND TRANSIT PROGRAMS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. OBERSTAR. Mr. Speaker, we must quickly enact a multiyear surface transportation bill to provide the assured and continuing funding of transportation programs that is so vital to the Nation, to the States, and to our local communities. But, we must also ensure that the bill that we pass adequately addresses the Nation's transportation needs.

The Transportation and Infrastructure Committee is crafting a bipartisan bill to do just that: to provide the necessary infrastructure investment ($375 billion over six years) to begin to improve our Nation's highway and transit infrastructure. Our country's economic strength, out ability to create jobs and improve business productivity, and out desire to create a safe, efficient, and secure transportation system are all dependent upon increasing investment in our Nation's infrastructure.

We are fortunate to have a strong surface transportation system today. But that system is being challenged by a continuing growth in passenger travel and an ever-increasing demand for fast, efficient movement of freight. As a result, highway travel is growing at 2.3 percent per year and is now 2.8 trillion vehicle miles traveled per year. Commercial trucks alone move 14,000 ton-miles of freight each year for each person in the country. The demand for transit has increased exponentially. In recent years, transit ridership has increased by almost one million trips per day.

Congestion in our surface transportation system, especially urban congestion, is worsening as demand continues to outstrip the ability to add capacity. In the Nation's largest 75 large urban areas, an average commuter encountered 62 hours of delay in the year 2000. In that same year, congestion costs for these 75 urban areas totaled a whopping $67.5 billion—3.6 billion hours of delay and 5.7 billion gallons of excess fuel consumption.

The challenges of travel growth are compounded by the overwhelming investment needs of our transportation systems. Just a few months ago, the Department of Transportation (DOT) submitted its report on the conditions and performance of our Nation's highways, bridges, and transit systems. DOT's Conditions and Performance Report estimates that all levels of government should be spending a combined average of $127 billion per year to maintain and improve these transportation systems. Based on the historic Federal cost share, the needs assessment suggests a Federal highway and transit program of $51 to $76 billion per year. This level of funding is in marked contrast to the Administration's proposal to spend just $37 billion on highways and transit in 2004 and only slightly higher levels in subsequent years.

Regrettably, this Administration has thrown up roadblocks to increased infrastructure investment at every turn. The Administration's proposed $247 billion six-year reauthorization bill (SAFETEA), has a great name, but little else—it dose not even begin to provide the level of funding necessary to address our infrastructure needs. Moreover the Administration, which has presided over the loss of an astonishing 3.3 million jobs, has sent repeated signals that it opposes any effort to increase infrastructure investment.

We cannot afford to shortchange our Nation's transportation systems. To effectively reduce congestion, to increase mobility, to truly improve highway safety, and to achieve continuing long-term increases in productivity and economic growth, we must invest in our Nation's transportation future. And we must do it now.

That is why the Committee on Transportation and Infrastructure has proposed a highway and transit program to invest $375 billion in our Nation's highways and transit systems over the next six years.

There are stark contrasts between our Committee's proposal and the Administration's proposal.

First, the Committee's proposal meets the investment needs identified in DOT's Conditions and Performance Report to maintain and improve our highways, bridges and transit. The Administration's proposal does not meet those needs.

Second, the Committee's proposal will provide badly needed economic stimulus and do so much more extensively than the Administration's proposal. According to the Administration's own statistical models, the Committee's proposal will create millions of new, family-wage construction jobs. The Federal Highway Administration reports that every $1 billion of federal funds invested in highway infrastructure creates 47,500 jobs and $6.2 billion in economic activity. Moreover, a recent study found that the Committee's bipartisan proposal to invest $375 billion in surface transportation over the next six years would add $290 billion more to the Nation's Gross Domestic Product than the Administration's proposal. The Committee's proposal would also lead to an additional $129 billion of household disposable income and an additional $98 billion in consumer spending—millions of new, good-paying jobs, billions of dollars of new consumer spending; now that's the way to get the economy growing again!

Third, the across-the-board increased investment of the Committee's proposal will help us stem the highway death toll that grows ever higher. Last year, 42,850 people died and almost three million more were injured on our highways, the highest number of highway deaths since 1990. In addition to the enormous personal toll of these accidents, the economic cost is a staggering $230 billion a year! To stem this tide, our Committee's bipartisan TEA 21 reauthorization bill significantly increases, and provides more overall funding, for National Highway Traffic Safety Administration (NHTSA), motor carrier safety, and highway safety construction programs than does the Administration's proposal.

Mr. Speaker, Congress must act on a full, six-year reauthorization as quickly as possible. Doing so will create jobs and stimulate economic growth, both badly needed in today's economy. We can effectively reduce congestion, increase safety, and improve mobility throughout the Nation if we invest in our Nation's highways and transit systems in an amount that is sufficient to meet our Nation's growing needs.

I look forward to working with Chairman YOUNG, Subcommittee Chairman PETRI, Subcommittee Ranking Member LIPINSKI, and all of the Members of our Committee and of this House, to invest in our Nation's transportation future.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mrs. MYRICK. Mr. Speaker, I mistakenly voted no on rollcall vote 498, the Ney of Ohio amendment to H.R. 2622. I should have voted "yes."

WHAT EXCUSE WILL THEY USE THIS YEAR?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HOYER. Mr. Speaker, the Members on our side of the aisle can hardly wait to hear what half-baked excuse our Republican colleagues will use this year for failing to complete our appropriations work on time.

Remember last fall's favorite punching bag? TOM DASCHLE and Senate Democrats.

As if the other body had anything to do with the Republican majority's refusal to even bring up eight of the 13 annual spending bills on this floor for a vote.

We all know last year's little secret: The House GOP—so famously derided as the "perfectionist caucus" by Former Speaker Newt Gingrich—didn't have the votes on its side of the aisle to pass those bills.

So, you pointed the finger of blame at the Senate.

When we considered the first continuing resolution last year, the majority leader (Mr. DELAY) said:

"The Democrat House leadership embraced the decision by the other body [the Senate] to proceed with no governing fiscal oversight called a budget. For any theoretical elective body, the decision to proceed forward without a governing budget would be foolhardy and grossly irresponsible."

The chairman of the Transportation-Treasury Appropriations Subcommittee, Mr. ISTOOK, passed the buck with even more gusto:

"The law requires both houses to enact a budget. This body has done so. The other body still has not done it. No wonder we have gridlock and deadlock."

But few could match the bluntness of my friend from Georgia (Mr. KINGSTON):

"There is a sinkhole on the Capitol, not over here, but over there [the Senate]," said Mr. KINGSTON.

"Now, this sinkhole ate up the budget this year. So here we are forced to pass a continuing resolution because we cannot deal with some group that does not have a budget."

Well, the last time I checked, my Republican friends, there was a Republican majority in this body, a Republican majority in the other body, and a Republican chief executive at the other end of Pennsylvania Avenue.

And while this house has passed all 13 spending bills, we have only adopted three conference reports.

So what is your excuse this year?

We all know the answer to that. It's your inability to compromise even with members of your own party.

And it's an affliction that is not just holding up the appropriations process.

It's also preventing us from passing an energy bill, from extending the child tax credit to 6.5 million working American families, and giving our seniors a real prescription drug benefit that is not designed to destroy Medicare.

The GOP has no one to blame this year for this legislative failure but itself.

HONORING THE LIFE OF PETER STROH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a remarkable businessman, a dedicated philanthropist, a civic activist, a committed conservationist, and a splendid humanitarian: Peter Stroh. He was one of the finest men I have known, and as we celebrate the centennial year of the National Wildlife Refuge system, I want to convey the thanks and gratitude of the people of Michigan to Mr. Stroh and his family.

Peter Stroh was a lifelong Michigander. Born in Detroit in 1927, he returned to the city in 1951 after completing his education at Princeton. He had hoped to join the United States Foreign Service, but circumstances forced him to take over the family's brewery. While our diplomatic corps will never know its loss, the people of Detroit and Michigan will never forget his contributions.

The Stroh's Brewery was founded in Detroit in 1850. Peter Stroh was able to turn his family's brewery into the third largest beer maker in the nation. But business success was not the focus of Peter's life. He understood that the true measure of a successful life was not the bottom line of a balance sheet, but rather the legacy of one's contribution to their community.

Standing on the roof of the Detroit brew house in 1967, he mournfully watched as riots burned the city that he loved. At his retirement he recalled, "I felt that we, as Detroit stakeholders, had to take some responsibility for what happened in Detroit, and our company would have to take some responsibility for helping to prevent it from happening again." He dedicated the final thirty-five years of his life to that proposition.

He served on the board of almost every organization that was working to solve Detroit's problems and build a new future for the city. He was on the Board of the Urban League of Detroit, Detroit Renaissance, and chaired the NAACP Freedom Fund Dinner. He helped create the Detroit Medical Center and later served as its chair. He spearheaded the development of River Place. That project has grown to 600,000 square feet of office space, 350 residential units and the OMNI/River Place Hotel.

Mr. Speaker, it was Peter's love of the natural world that brought us to work closely and collaborate on the creation of the Detroit River International Wildlife Refuge. He was an avid fisherman, he loved the water and would spend much of his free time either fishing the waters of Michigan or going to the best fishing spots around the world. He recognized that as Detroit and southeastern Michigan developed, it had the unintended effect of cutting people off from the natural beauty of the river and the surrounding lakes.

The Detroit River Refuge will be at the center of the national celebration for the 100th birthday of the National Wildlife Refuge System. Secretary Norton will be there, as well as hundreds of dignitaries, community and business leaders, and many more people from the area who fish, hike, and boat along the Detroit River every day. The Wildlife Refuge is Peter's living legacy. Without his steadfast commitment this natural jewel might have been lost to development, pollution, and neglect.

Mr. Speaker, Peter left us a year ago. His life was a testament to the positive influence that one person can make, not only in the lives of those who knew him, but to future generations who will enjoy his legacy. Years from now, people will find homes in the communities he built, jobs in the institutions he founded, and enjoy nature in an ecosystem he preserved. I ask my colleagues to join me in commemorating the life of a remarkable man, Peter Stroh.

TRIBUTE TO BEN PEREA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Ben Perea of Pueblo West, Colorado selflessly dedicates his time and services to helping the children of a Mexican orphanage. His hard work and dedication are an inspiration, and I am honored to recognize him here today.

Once a month for the past two years, Ben has made the long trip from Pueblo West to Chihuahua, Mexico to deliver clothing, food, and supplies to the 120 children of the Casa Hogar Misericordia (House of Mercy) orphanage. His devotion and selflessness have improved the lives of countless children.

Ben collects all of the supplies that he can and then takes them himself to the children of Chihuahua. Though Ben helps the children obtain more than just food and clothing, in November of 2002, he was able to secure a 72-seat school bus for the orphanage to help these children attend school.

Mr. Speaker, I am honored to stand and recognize the selfless actions of Ben Perea. His dedication and service have improved the lives of hundreds of children. I join with my colleagues in commending Ben for his endless work and wish him the best of luck in all of his future endeavors.

IN HONOR OF MAUREEN WALLISER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Maureen Walliser for her tireless commitment to community service. She was presented the Memorial Mary T. Norton Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

For over 30 years, Ms. Walliser has been working to improve the lives of individuals living with disabilities. She has been a leader in her field, and continues to promote employment for individuals with disabilities.

Currently, Ms. Walliser serves as the governmental affairs chairperson of Access New Jersey, a statewide community-based employment service organization that serves individuals with severe disabilities. Previously, Ms. Walliser served as vice president and two terms as president of Access New Jersey. Ms. Walliser was also a co-founder of one of the first thirteen charter schools in New Jersey.

Ms. Walliser began her career as a rehabilitation counselor for the New Jersey Division of Vocational Rehabilitation Services. She then began working at the Occupational Center of Hudson County, where she has served as president for the last 15 years. Under her direction, the Center has flourished into an organization that provides a wealth of services beyond rehabilitation. Now known as Hudson Community Enterprises, the organization provides school-to-work programs, job training and placement, and is creating social enterprises that will open up further opportunities for individuals with disabilities seeking to gain employment.

Committed to expanding the field of vocational rehabilitation, Ms. Walliser has been an adjunct professor at Saint Peter's College and New Jersey City University, and was a vocational expert for 5 years at the Social Security Administration. She continues to be an active member in her church in Woodbridge, where she provides support and services for individuals with disabilities. She also works with many professional groups in Hudson County, including the Private Industry Council and the Hudson County Human Services Advisory Council.

A native of Jersey City, Ms. Walliser received her bachelor's degree from the College of Saint Elizabeth, and her master's degree in Special Education from New Jersey City University.

Today, I ask my colleagues to join me in honoring Maureen Walliser for her commitment to community service and for her advocacy and support of people with disabilities.

HONORING SUGAR SHANE MOSLEY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with tremendous pride that I rise today to honor Sugar Shane Mosley, for his impressive win against Oscar de la Hoya on September 13, 2003 in Las Vegas. This hard-fought victory made Mosley the super welterweight world champion for the third time in his spectacular professional career. This was his second world championship win against Oscar de la Hoya; the first was in 2000. Mosley entered this year's contest as a 2–to–1 underdog, but his hard work and determination led to his 12-round victory by unanimous decision.

Mosley hails from Pomona, California, the largest city in my 38th Congressional District, and I am honored to count him among my constituents. He started boxing at the age of eight under the guidance of his father, who continues to coach him to this day. He had an outstanding amateur career with 250 wins out of 260 fights. He had an amateur win against Oscar de la Hoya in Pasadena when he was 12 years old. Mosley also traveled with De La Hoya as part of the U.S. national team.

Sugar Shane Mosley has been in 42 professional fights, winning an impressive 39. A three-time world champion and veteran of 16 world championship fights, he is a true boxing superstar and recognized as one of the best fighters in the world. Mosley's extraordinary offensive and defensive skills, quick reflexes, superb mobility, excellent physical conditioning and will to succeed contribute to his remarkable career and winning record.

Outside of the ring, Mosley is a devoted son, husband and father. He is married to Jin Mosley, a native New Yorker. Together, the couple has two sons—two-year-old Najee and one-year-old Taiseki. Sugar Shane Mosley also has a 13-year-old son, Shane Mosely, Jr., who is affectionately known as "Little Shane".

I ask my colleagues to join me in honoring a role model, husband, father and super welterweight world champion Sugar Shane Mosley. I wish him all the best for his future.

SET ASIDE RELIGION IN PUBLIC DEBATE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MOORE. Mr. Speaker, last month the Kansas City Star carried an insightful guest column by Rabbi Mark Levin of Congregation Beth Torah of Overland Park, Kansas, which is located in my congressional district.

Rabbi Levin's column addresses the increasingly corrosive blending of religious doctrines with policy discourse in our Nation's public life. I commend his views to you and to the membership of the House and I hope we all can follow the guidelines he suggests.

[From the Kansas City Star]

SET ASIDE RELIGION IN PUBLIC DEBATE

(By Mark H. Levin)

As a member of a minority religion, I know that in order to enter the public square with my deeply held religious beliefs, I must frame arguments in ways that address a commonly held language of all members of this society, no matter what their religion might be.

If I engage in a public debate I cannot quote Jewish literature and expect my fellow citizens of different religions to feel commanded to act, or even persuaded for that matter, because they do not accept the authority of the argument.

I may argue out of the American legal tradition or on philosophical grounds, but I cannot expect to have others respond to my arguments simply because I say that God commanded such and such, or because the Jewish traditions say so.

A terrible confusion occurred last week with the insulting debate in the Senate regarding the nomination of Alabama Attorney General William Pryor to a federal appeals court. Some felt that he was being excluded by his Catholic religious values. Or, as one advertisement put it, "Catholics need not apply."

Pryor's religious affiliations should be inconsequential to his possible role as a judge. Even if Pryor came to his conclusions because he is a Catholic, he, as well as those who support him and those who oppose him, must publicly debate those values as part of their nonsectarian, American philosophy, not based upon their religious beliefs, no matter how fervent.

Thus in a multicultural, religiously diverse society, religious values must be translated into general philosophical principles. All those who argue in the public square are obligated to state their principles and values in terms of our common philosophical heritage.

To oppose a person's personal religious conclusions is not to oppose his religion. The issue is not how a person arrives at his or her conclusions, but how she or he defends those conclusions in the nonsectarian language that forms the core of public debate in this democracy.

Arguing on religious grounds, we do not share philosophical assumptions and therefore the debate will never be truly joined. We will be speaking only to our co-religionists, while feigning a public debate.

Our politicians should know and understand that their personal lives and values remain their own, but their public debates must be based on the nonsectarian assumptions of philosophical argument that all citizens can accept.

RECOGNIZING JOHN M. CONNOLLY'S TWENTY YEARS OF SERVICE TO THE CITY OF SOMERVILLE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the twenty years of service that Ward 6 Alderman, John M. "Jack" Connolly, has selflessly given to the city of Somerville, Massachusetts.

Alderman Connolly was born and raised in Somerville and has become a pillar of the community and a champion of the people. Dedicated and hardworking, he has always had the best interests of Somerville at heart.

As a true public servant, Alderman Connolly has been a consistent supporter of affordable housing and was instrumental in bringing subway service to Somerville's Davis Square, which aided in revitalizing the city in the 1980s.

As a member of the Somerville community, Alderman Connolly is better known as "Jack." In addition to his position on the Board of Alderman, he has been a referee for youth soccer and basketball leagues and is also active in the local chapter of the Kiwanis Club. It should not be a surprise that the proceeds from a celebration of his service to the city are being donated to benefit a free performance series for Somerville's children.

Alderman Connolly is currently the Chair of the Board of Aldermen's Licenses & Permits Committee, and he has served twice as the Board's President and Vice President.

Mr. Speaker, it is with pleasure that I recognize and honor Alderman Jack Connolly's efforts and achievements.

A TRIBUTE TO RODNEY C. GILLIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. TOWNS. Mr. Speaker, I rise in memory of Rodney C. Gillis, in recognition of his dedication, his heroism, and his ultimate sacrifice for his city and Nation.

Rodney was a man of purpose, integrity, intelligence, and compassion in both his professional and personal life. He was born on September 26, 1967 at St. Mary's Hospital in Brooklyn, New York and along with his beloved family, he grew up in the Crown Heights, Williamsburg, and Brownsville sections of Brooklyn.

Rodney had a distinguished academic career, graduating from the Park West High School in Manhattan and later, earning a Sports Management Certificate from St. John's University. Afterward, he studied at the Island Drafting and Technical College and received a diploma for studies in mechanical and electrical drafting and an Associate Degree in Computer Aided Drafting and Design. He also graduated with a diploma in Law, Police Science and Social Science from the New York City Police Department Police Academy.

In 1983, he began his professional career working as a manager at the Cooper Lantern Restaurant and then at Gibbs and Cox Naval Architects and Marine Engineers Inc., as a C.A.D.D. Supervisor. Later, Rodney joined the New York City Police Department and was assigned to the 71st precinct. He later served as a Patrol Officer in the 79th precinct and in the Emergency Service Squad 8. Additionally, he served at the 77th precinct as the FTU Supervisor. He eventually returned to Emergency Service as a Sergeant, initially in squad 4, and finally in squad 8.

His life long dream became a reality the day he got assigned to the New York City Emergency Service Unit. He quickly excelled, becoming proficient in every aspect of his new job. From taking down a jumper from the Brooklyn Bridge to extricating a victim from a vehicle, Sergeant Gillis always exuded passion and dedication in his job.

He was certified as an Emergency Medical Technician, Hazardous Materials Technician, Emergency Psychological Technician, P.A.D.I. Certified Diver, Rescue Level I Repelling, Jaws of Life Rescue System Operator, and a New York City Special Weapons and Tactics Member and Supervisor. He was also a member of the Guardians Association, the Police Benevolent Association, the Honor Legion of the Police Department of the City of New York, and the Fraternal Order of Police and Sergeants Benevolent Association.

Rodney's hard work earned him numerous medals and honors including the Excellent Police Duty award seven times, a Meritorious Police Duty award twice, and a Commendation. He was also awarded, posthumously, the prestigious Medal of Honor.

Mr. Speaker, Sergeant Rodney C. Gillis served his city in exemplary fashion as a member of the New York City Police Department, and on September 11, 2001, he gave the ultimate sacrifice to New York and the Nation. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING THE 25TH ANNIVERSARY OF THE CITY OF NAPA'S PARAMEDIC PROGRAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Napa City Paramedic Program as it celebrates its 25th anniversary of service to the community.

In 1973 the standard level of care for emergency responders in Napa as in many communities throughout the nation, mirrored the advanced first aid training taught by the American Red Cross. Acknowledging a need for a higher standard of care, all Napa City Fire Department personnel were provided with EMT–1 training beginning in 1974. While this was seen as a positive first step, there was a recognized need for a full EMT/Paramedic Unit.

In 1976 the Napa City Council submitted Ballot Measure C to voters to authorize a tax levy for paramedic services. Measure C was approved by a 2 to 1 margin in November 1976.

The first four firefighters, Don Barstad, Steve Butter, Bob Putney and Kim Suenram received their paramedic training through Stanford University and graduated in 1978. The five other firefighters to receive their training in that inaugural season were Dave Mellow, Skip Rains, Jon Treebotich, Joe Baez and Tony Balsa, who were schooled in Southern California.

As the call volume increased, so did the need for another paramedic unit. In 1992, the department decided that the most effective way to deliver paramedic services was by attaching them to engine companies rather than as a stand-alone unit. In 1994 three paramedic engine companies where put into service. In July 2003, the city's paramedic capability increased with the addition of a fourth paramedic engine. The new fire station for Engine Company 4 will open in January 2004.

Mr. Speaker, in a city of 74,000 people where more than 60 percent of the emergency calls require paramedic intervention, the Napa City Paramedic Program provides an invaluable service to our community. It is therefore appropriate that these men and women be honored and acknowledged for their commitment to the well being of the citizens of Napa, California.

TRIBUTE TO SALLIE WATKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen and educator from my district. Sallie Watkins, a physics teacher from Pueblo, Colorado, has worked tirelessly to teach and inspire her many students. I am honored to share her story here today.

In 1946, Sallie began teaching at Notre Dame Academy in Cleveland, Ohio. Her dedication and commitment toward the betterment of humanity came through in her work within the church. Leaving the convent, Sallie came to Pueblo in 1966 to continue her work. She took a position at Southern Colorado State College. Through the years, she has continued to teach and inspire countless students.

In addition to teaching, Sallie has been very involved with the local community. She helped found the Girls Club, which became part of the Boys and Girls Club of Pueblo. She also oversaw the creation of the Pueblo Program, a program to improve science teaching and curriculum in the local schools. Many community organizations, such as the American Cancer Society, the YMCA, and the Colorado Association of Mental Health, have benefited from Sallie's involvement.

Mr. Speaker, Sallie Watkins has dedicated her life to serving others. She is an inspirational teacher and a loving volunteer. Sallie's students hold her in such high regard that they are currently creating a physics scholarship in her name. Sallie is an inspiration and a person of the compassion. I am honored to join with my colleague in thanking Sallie for all her hard work and wishing her the best of luck in the future.

IN HONOR OF ESTUARY DAY 2003

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the city of Elizabeth's Estuary Day 2003. Estuary Day was held on Saturday, September 20, 2003, at the Marina in Elizabeth, New Jersey.

Estuary Day 2003 provides families from the city of Elizabeth and surrounding areas the opportunity to learn about and celebrate the importance of the Elizabeth River and the Arthur Kill. In addition to providing recreational uses for residents, these two estuaries have a unique historical significance to the city of Elizabeth.

Elizabeth's Estuary Day is part of National Estuaries Day, which seeks to promote awareness about the importance of estuaries. The National Estuary Program has been critical to administrating the goals of the Clean Water Act, and to improve the quality of estuaries nationwide. This program mandates the protection of public water supplies and the protection and propagation of indigenous population of shellfish, fish, and wildlife.

Estuary Day provides an opportunity for many residents to become aware of the natural wonders present in their backyard. As estuaries are some of the most important ecosystems on the planet, it is important for residents to view our waterways as part of the community, and to maximize their recreational and environmental uses.

Estuary Day presents the importance of protecting and appreciating our natural resources to the people of Elizabeth, by providing fun and educational activities. Such interactive environmental educational opportunities, presentations and environmental boat rides, allow for an in-depth and hands-on approach to learning about life within and around estuaries.

Today, I ask my colleagues to join me in honoring Future City Inc., in conjunction with the city of Elizabeth's staff and Mayor J. Christian Bollwage, a committed member of the New York/New Jersey Harbor Estuary Management Committee, for planning Estuary Day 2003 in Elizabeth.

HONORING ALEX KAZMIERCZAK, JR. ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a remarkable craftsman and community leader from my District on the southwest side of Chicago, Illinois. I would like to honor Alex Kazmierczak, Jr., on achieving two milestones in his life, celebrating his 65th birthday and retiring after forty-one years in the plumbing service.

Mr. Kazmierczak has been employed by C.J. Erickson Plumbing Company since 1959. He is a man dedicated to his field. Alex has spent his career involved with such prominent organizations as the Plumbers Union Local 130 and the National Underground Contractors Association, as well as affiliated with the Ground Hog Club and the South Side Master Plumbers Social Club.

The strength of this man is measured by his love for his wife, family, faith, friends and community. Alex and his wife, Rosemary, have been married for 41 years and they have been blessed with a wonderful family of four children and seven grandchildren. The family has been a part of the St. Gerald Parish for over 36 years.

The commitment, dedication and energy given by Alex Kazmierczak to his community have been an inspiration to many individuals. For 12 years, Alex served as Commissioner for the Oak Lawn Park District. He has coached youth hockey and baseball teams in Oak Lawn and even initiated the District's T-ball program.

His civic duties are still called upon him today as he sits as a member on the Oak Lawn Board of Appeals, Service Commission, and as chairman for Oak Lawn Parks Foundation.

Mr. Speaker, I ask that my colleagues join me in honoring Alex Kazmierczak, Jr., on his achievements and wish Alex many years of future success.

IN RECOGNITION OF SHARON K. VALASEK, THE FIRST HONORARY CONSUL FOR THE CZECH REPUBLIC TO REPRESENT KANSAS, MISSOURI, AND NEBRASKA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. MCCARTHY of Missouri. Mr. Speaker, I proudly rise to recognize the historic appointment of Sharon K. Valasek as the first Honorary Consul for the Czech Republic to represent Kansas, Missouri and Nebraska. Czech Republic Ambassador to the United States, His Excellency Martin Palous, who officially announced her appointment, will take part in the installation ceremonies September 24–26, 2003, in the Greater Kansas City Metropolitan area. Sharon K. Valasek holds a Masters of Business Administration Degree from Avila College. As Honorary Consul, she will incorporate her education and her expertise in business and trade to facilitate United States commerce with the Czech Republic. She has valuable telecommunications and marketing experience from working for a global provider of broadband and wireless services. Her marketing and developmental skills will be of great value to the business partnership between the United States and the Czech Republic.

Honorary Consul Valasek is committed to supporting local relationship building initiatives. She has a strong base for fostering new partnerships in the Czech Republic since her relatives live in Moravia. She serves as a board Member for the People to People International, Club President of the Czech and Slovak Club of Greater Kansas City, member of the Czechoslovak Society of Arts and Sciences, and Czechoslovak Genealogical Society International.

Ms. Valasek will serve as an advocate of educational and cultural initiatives while preserving customs and traditions.

The importance of an Honorary Consul in our region stems from shared heritage and our combined histories that provide a foundation for exchange. Immigrants from the region of Czechoslovakia migrated to the United States since the 1800s, many finding their way to Missouri and a home in the Kansas City area. In the Fifth District, Sugar Creek has a rich heritage fostered from their Czechoslovakian immigrants, many who found work at the oil refinery.

In 1989, we witnessed the overthrow of communist totalitarian rule in Czechoslovakia with the Velvet Revolution, a modern day revolution for independence, which brought a new beginning for the people of Czechoslovakia.

In 1993, Czechoslovakia evolved into two independent states: the Czech Republic and Slovakia. On March 12, 1999, the Czech Republic became an international member of NATO. Today, Prague is the capital of the Czech Republic, a tourist destination with its rich architectural treasures, educational opportunities and the center of activities and events.

Mr. Speaker, please join me in proudly recognizing Honorary Consul Valasek's appointment as an opportunity for cultural exchange and economic advancement to further our shared goals for both of our nations.

TRIBUTE TO CHARLES B. FORBES

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to acknowledge the sad passing of Charles B. Forbes, who leaves a lasting impact on the district I represent. Charlie is survived by his wife Barbara Cameron Forbes, known to all as Cam. While the passing of this fine man saddens me, I am grateful for the 80 years he lived, many of them publishing local newspapers and serving community organizations. This morning, the Times-Review papers on Long Island published an obituary on Charlie's life. I'd like to submit this piece for the RECORD.

CHARLES BOWMAN FORBES

Charles B. Forbes, former publisher of Long Island's first Sunday newspaper, The Sunday Review, and the state's largest newspaper, The News-Review of Riverhead, died Sept. 22 at his home in Hampton, N.H., at age 80.

The youngest of five sons, he was born in New Rochelle, N.Y., on May 24, 1923, to T. Harold and Carrie Forbes.

Mr. Forbes was a graduate of Manhasset (L.I.) High School and Colgate University, and served with the U.S. Army during World War II. He started his newspaper career at the New York Daily News. After he sold The Sunday Review and The News-Review to Cowles Communications in the 1970s, Mr. Forbes worked for The Traveler-Watchman in Southold and WRIV Radio in Riverhead.

Mr. Forbes was a longtime member of the Riverhead Rotary Club and Riverhead Chamber of Commerce, a former president of the Quogue Board of Education and a member of Quogue Fire Department. He and his wife, Barbara (known to all as "Cam"), were among the early members of the St. Patrick's Day Parade Committee in Westhampton Beach and are the only husband and wife to be honored and named, separately, as grand marshals of the popular parade. He later relocated to New Hampshire and worked with his son, Tom, founder of Forbes Marketing Group, an advertising specialties business.

Mr. Forbes is survived by his wife; his son; five daughters, Susan Lilley, Cameron Howard, Lisa Ryan, Shelley Natalie and Melissa Forbes; and four grandchildren.

TRIBUTE TO FERN DOHERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Fern Doherty of Trinchera, Colorado has worked tirelessly to promote and preserve a Western heritage, the ranching way of life. Fern is an active and devoted member of her community who donates her time to numerous community groups. For her tireless efforts and years of service, I am honored to pay tribute to Fern here today.

For eighty-two years, Fern has been an active member of the Las Animas County community. She has molded the community's youth by serving as a 4-H leader and by remaining active with the local Parent Teacher Association. An active member of the ranching community, Fern has served as President of the Las Animas County CowBelles, an organization devoted to advancing the interests of the beef industry, and was recently named the Las Animas County Cattleman of the Year for 2003. In addition, Fern was the 2000 Silver Queen for the Trinidad Round-up, which honors the courageous outlook on life and youthful spirit of a senior in that community.

Mr. Speaker, Fern Doherty exemplifies the true spirit of the American West. She is devoted to her family, committed to her community, and active in her support for the ranching way of life. Her dedication and hard work keep the tradition and heritage of the West alive, and I am honored to join with my colleagues here today in extending my thanks to Fern and in wishing her the best of luck in the future. Thank you, Fern, for your service to Colorado.

IN HONOR OF MARIA NOLFO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Maria Nolfo for her 32 years of leadership and dedication to the students of Bayonne. Ms. Nolfo will be honored with the Italian-American Educator Award by the Bayonne Columbus Committee at the 2003 Honoree Dinner-Dance on September 27, 2003, at the Chandelier Restaurant in Bayonne, New Jersey.

Since 1972, Ms. Nolfo has been an exceptional educator in Bayonne's public schools. She began her career in the school system teaching English as a Second Language, helping children adapt to a new language and new environment. Her dedication and gift for teaching led Ms. Nolfo to teach courses in conversational Spanish for fellow teachers in the Bayonne school district.

In 1974, Ms. Nolfo became a teacher at Bayonne High School, where she remained until her retirement in 2002. In her final year, she was voted Bayonne High School Teacher of the Year by her students and peers.

Born and raised in Bayonne, Ms. Nolfo attended the Academy of Saint Aloysius and received her bachelor's degree from Duquesne University in Pittsburgh, Pennsylvania. Ms. Nolfo received a master's degree from Rutgers University.

Ms. Nolfo is not only an inspiration in the classroom but a leader in her community. A member of Our Lady of Assumption Parish, she is a mass lector and former director of the Rites of Christian Initiation for Adults program. Ms. Nolfo was also president of the Bayonne Italian American Committee for Culture and Education.

Today, I ask my colleagues to join me in honoring Maria Nolfo for her tireless work in educating the youth of Bayonne and leading them towards a brighter future.

LET TAIWAN BACK IN THE UNITED NATIONS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. ROHRABACHER. Mr. Speaker, I rise today in support of the Republic of China on Taiwan's re-admission to the United Nations. For the last 32 years, Taiwan's people have had no representation in the United Nations. It is incongruous that a world body founded on the principle of universality and self-determination excludes a free, democratic and independent nation of 23 million people—a population larger than three quarters of the U.N.'s current member states.

Let's be clear. Taiwan does not seek the expulsion of the People's Republic of China from the United Nations, but asks only that it be given a voice at the U.N. There are well-established precedents for parallel representation of divided nations at the U.N. East and West Germany, now unified, and the still divided Republic of Korea and Democratic People's Republic of Korea are the outstanding examples.

Taiwan's participation in international bodies is well documented as shown by its membership in the Asian Development Bank, its admission to the Asia-Pacific Economic Cooperation group as a full member, and its membership in the World Trade Organization.

Taiwan possesses ample resources to contribute to the work and funding of the U.N. as shown in its many contributions of humanitarian aid. Such projects by Taiwan include relief supplies for Iraq and Afghanistan, AIDS prevention in Africa, the dispatch of rescue teams following natural disasters in El Salvador, Nicaragua and Turkey and assistance to victims of the 9/11 disaster here in the United States.

Taiwan's accession to the United Nations is long overdue. Its 23 million people deserve this important vehicle to full participation in the global community.

As Taiwan bids to return to the United Nations, I wish to say that 1 totally support Taiwan's aspirations to be a member of this global body. Taiwan has all the qualifications: a sound political system, a much-admired economy and a genuine desire to maintain peace and prosperity in East Asia and the world.

With membership in the United Nations, Taiwan will become a truly useful international player, contributing its finances and ideas to combat nuclear proliferation, environmental abuses, and the spread of infectious diseases such as AIDS and SARS. As of now, Taiwan has not been invited to any of the various U.N.-sponsored conferences and programs on HIV/AIDS. Moreover, no U.N. bodies are willing to accept Taiwan's aid for Afghanistan and Iraq. This is not in the interests of the Afghan and Iraqi people.

Also, with membership in the United Nations, Taiwan will be able to incorporate itself into the international system of human rights protection, abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. It is heartening to know Taiwan's commitment to human rights is very serious. It is establishing a National Human Rights Commission in accordance with the principles outlined by the United Nations.

Being the world's 17th largest economy, Taiwan will most certainly be able to carry out all United Nations Charter obligations. Taiwan's efforts to help other countries would be much more effective if they could be coordinated with international efforts sponsored by the U.N. and its specialized agencies.

Perhaps one of the best reasons for supporting Taiwan's membership in the United Nations is that Taiwan is willing and anxious to be a full contributing member of the United Nations. So, let's speak up for our friend and ally, the Republic of China on Taiwan. Let's tell the world how unfair it has been to deny the 23 million people of Taiwan their voice and representation in the United Nations and especially their willingness to other nations in need.

HONORING RAFAEL PALMEIRO

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. PICKERING. Mr. Speaker, I rise today to express appreciation to my colleagues for passing H. Res. 315 on September 10, 2003. Most will recall this legislation as recognizing the outstanding feat of Rafael Palmeiro, an alumnus of Mississippi State University (MSU), who hit his 500th homerun as a major leaguer at Arlington Park, Texas, on May 11, 2003.

Also, I want to extend a personal thanks to my good friend Representative PETE SESSIONS for introducing and sponsoring this legislation.

As most of you know, MSU is the flagship university in Mississippi's Third Congressional District. Located in Starkville, it is known throughout the country for its great baseball tradition under legendary Coach Ron Polk, who began his 30th season in 2002 with an 1165–558–1 career record. He is ranked 8th among active NCAA Division I baseball coaches.

It is with pride in the University, pride in Coach Polk, and pride in Rafael, better known to the MSU family as "Raffy" that I present these remarks to identify, and further amplify, the many achievements of this great athlete during his college career.

In addition to the achievements specified in H. Res. 315, "Raffy's" college career highlights include:

Three-year starter in left field for MSU.

Set MSU & SEC career record for home runs (67), runs batted in (239) and total bases (530).

Led SEC and ranked second nationally with 29 home runs in 1984.

Led SEC and ranked third nationally with 94 RBI in 1984.

In 1984 became the SEC's first Triple Crown winner, leading the league in batting average (.415), home runs (29) and RBI (94).

Named Baseball America's Freshmen of the Year in 1983.

Became SEC's first three-time All American in Baseball.

Helped lead MSU to its highest national finish in baseball (tied for 3rd in 1985).

Named to 1983 SEC All-Tournament Team.

Named to NCAA regional all-tournament teams in 1984 and 1985.

First round draft pick (22nd overall) of the Chicago Cubs (June 1985).

Named All-American in 1983, 1984, and 1985.

Mr. Speaker, there is no doubt in my mind that one day in the near future Rafael Palmeiro will be inducted into the National Baseball Hall of Fame at Cooperstown, New York. He is a super star par excellence that we all can relate to. He has proved himself as a great athlete, a great and caring American, a great role model among Cuban-Americans, and an inspiration to all those seeking the American Dream. Because of his love for baseball, his MSU family, and his country, it gives me great pleasure to join with the full House in congratulating Rafael Palmeiro for hitting his 500th homerun and his outstanding baseball career.

INTRODUCTION OF THE COLLEGE OPPORTUNITY FOR ALL ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit, with fifty-one of my colleagues in the House, the College Opportunity for a Better America Act.

Higher education has long served as a critical vehicle to move the country forward and provide the opportunity for a better life to millions. But too many low and middle income students and their families are struggling with soaring college costs, taking on mountains of debt and working long hours that hurt their academics and overall college experience. And still many others cannot afford to attend college at all.

The College Opportunity Act for All will establish innovative programs to allow students to earn their degrees quicker, increases opportunities for Latino families to pursue advanced degrees, and encourages the best graduates to pursue public service careers.

Republican tax policy and education budget cuts have weakened American higher education at exactly the time that more people need college training to be competitive in the global marketplace. Instead of meeting that challenge, virtually every state—crippled by federal policies that increased national and state debts—is cutting college funding and raising tuitions at public colleges: a one-two punch that is closing the doors of higher education to millions including disadvantaged and minority students and those who need more education to find new jobs. And the President has frozen the major federal higher education grant program, forcing students to take on more debt or forgo college.

The College Opportunity Act for All goes in a very different direction—it would increase college opportunities for millions of Americans through smart investments and innovations.

The College Opportunity Act for All will: Allow student borrowers burdened with high interest rates to refinance their loans and save money; stop the unfair tax on working students, allowing students who work to save more of their earnings for college costs; double the maximum federal college scholarships (Pell Grant) to $11,600 by 2011, to help restore its buying power; establish a new competitive grant program to expand graduate-level degree programs at Hispanic Serving Institutions; greatly increase the investment in all Minority Serving Institutions, providing the resources necessary to serve the burgeoning population of minority students; provide public service scholarships to students who pursue careers in teaching, nursing, and other national high priority needs which are having difficulty recruiting and retaining trained personnel; and drastically simplify the student aid application.

While we must address the problem of spiraling tuition this year, however we must not take the wrong-headed approach of Republican proposals that would impose price controls and punish innocent students for tuition raises they have no role in determining. Instead we must address the fiscal policies that result in states' cutting aid to colleges and thus forcing students to pay higher tuitions.

The future of our economy hinges on the ability of young people to afford college. Nearly 2 out of the 3 new jobs that will be created over the next 7 years will require some post-high school training. If we can lower the current 32 percent gap between college participation by low and high income young adults, we could add $250 billion in gross domestic product and $85 billion in tax revenue that will help to strengthen the economy.

The Republican tax cuts and budget cuts have devastated states and along with the weak economy pushed higher prices onto college students and their families and now the Republicans propose slashing funding to colleges in retribution for tuition increases. That means even more tuition increases for students, and a weakening of our higher education system. We have to work with the states, who are forcing tuition increases because of education cutbacks, to craft a solution that brings tuition costs down.

I strongly urge my colleagues to join me in honoring this tradition by supporting the College Opportunity for a Better America Act. It is an important step towards making college more affordable and accessible for all Americans.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today in favor of Representative KIND's Motion to Instruct on the Medicare prescription drugs bill.

The Medicare program presently contains payment disparities that are biased against rural areas such as Northern Michigan, which I represent.

This language instructs the Medicare prescription drug bill conferees to address the inequities that cause many of the providers in Northern Michigan to be paid significantly less than our urban counterparts for the same services.

This problem puts our health providers at a severe disadvantage and adversely affects seniors' access to quality health care in our communities.

As a Member of the bipartisan House Rural Health Care Coalition, I insist that the conferees and the President pay close attention to the rural Medicare fix that is outlined in both this motion and the letters sent by our Coalition to the conferees and the President.

As I've mentioned over and over, rural seniors are generally older, sicker, and poorer than those in non-rural areas.

Why we would turn our backs on the seniors who most need our help is beyond me.

The Kind motion instructs the conferees to select the essential rural provisions from the House and Senate Medicare bills and ensures that rural beneficiaries and providers are not left behind.

TRIBUTE TO TYLER MATTHEW PINCHOT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Tyler Matthew Pinchot, a 23-year-veteran of the Buena Park Police Department.

Tyler was raised in my district in the city of Garden Grove and he was a graduate of Golden West College's police program in 1979.

He was the only Buena Park police officer to win the Officer of the Year Award two years in a row in 1991 and 1992.

When not on duty protecting citizens, he volunteered his time for his community. He was a Special Weapons and Tactics team member, station house Santa Claus and a tactical officer at Fullerton College's police reserve academy.

Sadly, on June 13 Tyler was trying to catch up to a traffic violator when a car struck his motorcycle. He later died as a result of his injuries.

Tyler was a great citizen. He was a man who devoted himself to his community. His hard work and dedication will serve as inspiration to others.

DEDICATION OF THE MONTGOMERY COUNTY MEMORIAL TO THE VICTIMS OF THE SEPTEMBER 11 ATTACKS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. VAN HOLLEN. Mr. Speaker, just a short time ago, the sunlight shone from the heavens and brightened and warmed the names of the eleven beloved members of our county who perished in the awful attacks two years ago. That moment reflected how we will remember them: as eleven individuals, men and women who warmed the lives of their family and friends and brightened our entire community.

This beautiful memorial allows us—each in his/her own way—in solitude or in the company of others, to remember the eleven individuals who gave their lives to our country that day.

And as I read the beautiful passages inscribed on the benches, I was filled with great hope and great faith. For the inscriptions make clear that those who took the lives of the eleven souls two years ago utterly failed in their ultimate purpose. For where they sought to divide us, they have only strengthened our bonds. Where they sought to instill fear, they have seen resolve. Where they sought to sow despair, they have been met with faith. Where they sought to poison our hearts with hate, they have seen the strength of love.

And as the sun shining down on those eleven names has shown, where they first brought darkness, remembering them has brought light and warmth. And America will never forget.

RECOGNIZING THE PUBLIC SERVICE OF COLE FINEGAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge Cole Finegan, who for the past sixteen years has made significant contributions to the political, philanthropic, legal and social fabric of Colorado. Cole has recently been selected to serve as the City Attorney for Denver by Mayor John Hickenlooper, where he will serve with distinction.

A native of Oklahoma, Cole graduated from Notre Dame in 1978. He completed his law degree at Georgetown University in 1987, where he worked for the Tax Lawyer Law Review.

No stranger to the House, his public sector experience began with Congressman Jim Jones of Oklahoma, for whom he served as a legislative aide, campaign manager and later as chief of staff.

Cole later served as chief legal counsel and policy director for Colorado Governor Roy Romer, handling all legal matters for the governor and advising on all judicial appointments. As policy director, he supervised the development of policy on economic, environmental, health care, energy, telecommunications, transportation and education. Those close to Governor Romer will confirm that Cole was highly respected and had the affectionate esteem of the Governor and his staff, in large part because he respected dissenting opinions and always found time to mentor those who were less experienced.

As a senior member of the law firm, Brownstein, Hyatt and Farber, Cole worked on land use issues, regulatory and administrative matters and election law. I am proud to say that he also found time to serve as my counsel, and has been a trusted advisor for the time I have served in Congress. Other members of the House will recognize Cole's involvement with the Democratic National Campaign Committee, and his friendship, political advice and steady support for so many of our colleagues.

Cole's service has not been limited to partisan matters, however. His commitment to educational opportunity is demonstrated by his service as Vice Chair of the Denver Public Schools Foundation Board of Directors, a member of the Board of Directors of the I Have a Dream Foundation, a member of the Urban Land Institute, and a member of the Advisory Board of Directors for the Community College of Denver. He has also served on the Colorado State Board of Agriculture governing Colorado State University and the Board of Trustees for the State Colleges of Colorado.

This long list of public accomplishment for such a young man, however, is not what impresses me most about Cole Finegan. I count him as a friend and a role model because Cole has lived the adage in politics that "one can disagree without being disagreeable." He is a man of accomplishment in the public arena to be sure, but he is also a man with a great and good heart.

One story may suffice to demonstrate my point: I learned only recently that Cole has for many years provided legal service to an indigent man whom he befriended during a past political campaign. Many busy and successful lawyers with high-rise offices overlooking Denver's fashionable 17th street would find it more convenient to pass this work on to a subordinate or even quietly ignore a face from the past. Cole made time to treat this man like a valued human being, and in fact, most of those who've worked with Cole, including those who've found him to be a worthy adversary, will insist that Cole's great gift is that he honors the humanity in people.

In short, I believe Cole Finegan deserves to be mentioned here—not because he is a highly successful public servant—but because he has proven that excellence in public service does not have to come at the expense of being a good and kind human being.

With his unique blend of public, private and nonprofit experience, Cole Finegan will bring wisdom and experience to the office of Denver's City Attorney and assume a leadership role that will build innovative ideas and management to city government. I wish him well in this exciting endeavor and thank him for his commitment to public service and the citizens of Denver and Colorado.

CONGRATULATING NORTH HILLS COMMUNITY OUTREACH, MILLVALE TEN-YEAR ANNIVERSARY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. DOYLE. Mr. Speaker, I rise today to congratulate North Hills Community Outreach on their Millvale satellite's ten-year anniversary. Founded in Allison Park, Pennsylvania, in 1987, North Hills Community Outreach is an interfaith nonprofit organization that addresses the basic needs of individuals and families who are in crisis, hardship and poverty. I am proud of their effectiveness and compassion as they help the people of my district in the midst of difficult times.

The Millvale satellite was established in 1993 and was originally housed in the choir loft at Christ Lutheran Church. Having outgrown that space, the offices were moved to a storefront at 223 North Avenue in 1997. Unfortunately, the need for North Hills Community Outreach's services continues to grow and they are planning to move to an even larger facility. To that end, North Hills Community Outreach is collaborating with Millvale Borough on the potential expansion and refurbishment of the Community Center in Millvale.

I applaud North Hills Community Outreach's holistic approach to helping people. The organization's case management program includes such services as employment assistance, utility and rent assistance, an emergency food pantry and the Faith in Action program in which volunteers help the frail elderly and adults with disabilities with transportation, yard work and light chores.

Over the past ten years, thousands of people in need have benefited from North Hills Community Outreach's caring, professional staff and dedicated volunteers. I commend North Hills Community Outreach on their mission of "people helping people" and their belief that no one in northern Allegheny County should ever feel hungry, alone or forgotten.

I wish them the best of luck with their move and hope for much continued success.

SENATE—*Friday, September 26, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, the kingdom, power, glory, and honor belong to You. You have given us the gift of this new day and the opportunity for a fresh start. Thank You for the continuous flow of Your blessings; great is Your faithfulness.

Help us to find contentment in the knowledge that nothing can separate us from Your love. Remind us that You have not only made us for time, but also for eternity. Guide our Senators today, deliver them from weariness and impatience and strengthen them with Your peace. Make each of them resolute to do Your will. We lift to You our world leaders. They face tasks that cannot be accomplished by human efforts alone. Whisper Your wisdom and guide their steps.

We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately resume consideration of the DC appropriations bill. The managers are here and ready to work. Therefore, we do hope Members will come forward with their amendments during today's session. If a rollcall vote is ordered on an amendment, we will stack that vote for Monday's session. As I announced last night, there will be no rollcall votes today.

Yesterday we made progress on the bill, and I thank the managers for their efforts in moving the bill forward. I do hope we can finish this bill on Monday. I understand there may be further amendments from the other side of the aisle, but it is our desire to complete this bill early next week. I do expect the Senate to begin consideration of the urgent supplemental request at the earliest possible time next week. Given that schedule, it is imperative that we expedite the DC appropriations bill.

With regard to next week's schedule, I want to forewarn all Members, it will be a very busy week. I anticipate that we will have late sessions Tuesday night, Wednesday, Thursday, and possibly Friday. We will have votes throughout that session. Our discussion on the floor yesterday reflected in large part the interest in having time to discuss and debate and amend, if necessary, or offer amendments on the supplemental. Thus, it will require the attention and focus of our colleagues throughout the week.

I wanted Senators to begin to plan their schedules with this in mind. I do thank all colleagues. I will outline Monday's schedule a bit later today.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

Mr. REID. Before the majority leader leaves the floor, I indicated to the Senator last week that we should have done something else rather than bringing up the DC bill. I don't see the DC bill moving. I don't see us being able to complete it on Monday. I think we have other appropriations bills we could move through fairly quickly. With the voucher issue involving the DC bill, it makes it very difficult to slog through the bill. I know how we have to put a positive note on everything—especially you—but I think we will have a lot of trouble in completing the DC appropriations bill Monday or any time in the near future.

Mr. FRIST. Mr. President, listening very carefully, I am disappointed. I think we have an opportunity in this body to address a tragedy, and that is that there are impoverished children trapped in today's schools that are not serving them well. We have an opportunity to reach out and help those children. We have today to work on it. We have Monday to work on it. But if the other side of the aisle feels we cannot make progress on it, I will listen, but I am very disappointed in that.

Ms. LANDRIEU. Mr. President, if I may make a suggestion—Senator DEWINE can speak for himself—this bill is so important and this subject is so important to so many people, I am wondering if we could just be flexible and move the discussion of DC in and out of other things, not stopping anything else that is important or would take precedence, but this issue really deserves full debate. As you know, the hours of Senate debate are not always completely and fully taken. I offer for consideration that we have time this morning, we will have time on Monday, and if the leadership wants to move to something else, we could temporarily set this aside and come back to it. There are many Members, at least on our side, who really want some time to speak about this issue. They are most certainly entitled to because it is a very important issue—not just for the District but for the Nation. I lay that out to my friend and colleague as a suggestion.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2765, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2765) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

> DeWine/Landrieu Amendment No. 1783, in the nature of a substitute.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, we made very good progress yesterday on the District of Columbia bill. We were able to approve a very constructive amendment by my colleague and friend from California. Senator FEINSTEIN brought to the floor an amendment that brought about more accountability in regard to the section of the bill having to do with the scholarship provision. We did make very good progress. As the majority leader said, we have the opportunity to keep this bill moving forward. We have the opportunity today for Members to come to the floor and discuss the bill. We will have the opportunity all day Monday for Members to come to the floor to offer amendments. We are certainly going to be open for business Monday for Members to come to the Chamber and offer amendments.

I know my colleague from Illinois was on the floor and talked about offering an amendment to strike the scholarship provision. He certainly has the opportunity to do so, and we can have a very rigorous debate. We started that discussion yesterday, and we can continue it. We hope we can get a vote at some point on that issue.

My friend and colleague, the ranking member on the committee, has had some suggestions. I assume those will become an amendment at some point. We had a good debate last night, along with our colleague from Delaware. They have some ideas that will become a part of an amendment at some point, we assume. We can debate that.

There is good opportunity for good debate. I encourage my colleagues to get those into the form of an amendment, get down here, and let's debate it and move this bill forward.

This is a good bill. This is a bill my colleague from Louisiana and I have worked long and hard on.

As we discussed yesterday, it is a bill that is focused to a large extent on the children of the District of Columbia. It has a provision I take a lot of pride in, and I know my colleague takes a lot of pride in, and it has to do with foster care. We have heard the horror stories, and we have read the excellent series of articles that appeared in the Washington Post—very frightening and troubling articles that the Post has run over a series of months about the horrible situation in the foster care system in the District of Columbia. Children have been neglected and abused; they have not been taken care of.

This bill says, for the first time, that the Federal Government and this Senate intend to try to do something about it. Senator LANDRIEU and I held hearings. We brought in experts from across the country, brought in experts from the District of Columbia. We brought everybody together and said, OK, what is the problem? They told us some of the problems, and we got experts from outside the District who told us of some of the problems as they perceived them. We took that advice and came up with three or four ideas—not our ideas but the experts' ideas—and we put them together in this bill and provided a significant amount of money. That is what is in the bill. So we have the Federal Government taking some responsibility in this area and beginning to move forward.

It is our intention with this bill that this will be the first step. Senator LANDRIEU and I have pledged, as long as we have anything to do with this bill—which I imagine will be for the next several years—that we will move forward to try to help these foster care children. So this is something of which Members of this body can be very proud.

This bill also continues our efforts to deal with the homeland security problems. Since September 11, we have become even more aware of the unique security needs of the District of Columbia. We are a target; we understand that. My colleague in the chair well knows about this, as the chairman of the committee has been very cognizant of this and helped us to deal with these problems in the District of Columbia as we have worked with the Mayor. This bill continues to try to address these problems.

Thirdly, the bill also addressed some of the long-term infrastructure problems of the District of Columbia. These are issues that are not very glitzy or exciting but what we have to deal with in the long-term. So this is a strong bill, a more reasoned bill, a bill within budget, but it is a bill of which we all can be very proud.

Let me turn to the fourth item which is, frankly, the only contentious issue in this bill, the scholarship program. I believe it is a very well-balanced, well-thought-out section of the bill. It is something that Senator FEINSTEIN, as we discussed yesterday, has been so very helpful in crafting. As I said yesterday, she went so far to help improve the language. The bill in front of us today, frankly, is a better bill because of what my colleague from California, Senator FEINSTEIN, has contributed in her suggestions. She came to Senator GREGG and to me and to the chairman and said she had some suggestions that would improve the constitutionality, allow the Mayor to be much more involved, and would make the system much more accountable so we can measure how well the children are doing, and we incorporated those changes.

Then, yesterday, she had an additional amendment that provided for testing being the same for the children who would be in the program as children not in the program. We adopted that by voice vote yesterday. So she has been a great trigger to this bill, and this scholarship program will be a lot better because of what she has done.

As I was saying, it is a very balanced program. It is a program, as we talked about yesterday, that was designed—and I think this is significant and we need to keep it in mind—not by us but by the Mayor of the District of Columbia. If anybody has any doubts about this, they can just go ask the Mayor. The Mayor is the one who designed this program. The Mayor said: Give me more help with public schools. So we said, yes—with $13 million more for the public schools.

The Mayor said: Give me more help with the charter schools. The Mayor has been working to expand the charter schools. My colleague from Louisiana has been very helpful in this regard. She has taken the charter schools on as something in which she has been very much involved. We have done that with this bill with $13 million more to expand the charter schools. It will allow for the creation of three or four or five more charter schools in the District of Columbia.

The third prong the Mayor outlined was this: He said give me some help to create these new scholarships for children, and they and their families will have choice. That is what the bill provides: money for public schools, money for charter schools, and money for the new scholarships for the parents to go out and choose schools—private schools—if that is what they want to do. Again, this is what the bill does: $13 million for public schools, $13 million for charter schools, and $13 million for the choice to go out on these scholarships and choose the private schools. It is a well-balanced approach, designed by the Mayor, by the people of the District of Columbia.

Mr. President, this is a well-developed bill, a well-designed bill. I think it is something of which we can all be very proud. So I encourage my colleagues to come down to the floor today and debate this bill, and then as we begin this process today and continue the process on Monday, come to the floor on Monday and offer these amendments so that we can proceed. We got a great start with the adoption of the Feinstein amendment yesterday. We now need to move forward and continue the process. I thank the Chair. I know my colleague from Louisiana wants to discuss this bill.

At this point, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I want to begin by commending, as I have often, my colleague from Ohio for his leadership on this issue. It has been a joy and a privilege to work with him as we have alternated the chairmanship of this very important committee for this region and this Nation and, obviously, for the residents of the District itself. It has been a real joy to work with him. We have found a tremendous amount of common ground in the course of these few years, and I think we have made a lot of progress in some of the most complex challenges here in the District. He noted this morning the challenge, still, with the foster care system and its weaknesses, and he outlined how this committee and this Congress has worked in partnership, very closely, with all the city leaders to recognize the problems, admit them, and begin to put in the resources and the management changes necessary to make that child welfare system much better and, hopefully, a model for the Nation.

I am proud to have worked with him, along with other Senators. Senator DURBIN is one, along with Senator HUTCHISON from Texas and others, who worked on some initial foundation work on restoring fiscal discipline, if you will, and fiscal health to the District. That is another accomplishment of which we can be very proud, both on the Democratic and Republican sides.

So as my colleague from Ohio has said, there is a lot to be proud of in this bill. There is a tremendous amount of progress that has been made, and we will continue to find common ground where we can. But there is one area of this bill where we are struggling to find common ground, and I am not sure we will be able to because principles are very important in terms of education reform and accountability.

I want to start this discussion this morning on that proposal by sharing an article that I read in the paper this morning on a completely different subject, but I think it makes the point very well.

We woke up this morning to read a headline in the New York Times on the front page. The headline says: "Dogged Engineer Pressed NASA on Shuttle, but Rebuffs Were Constant."

I submit this article for the RECORD because it is lengthy and it is very detailed, but it is excellent. I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 26, 2003]

DOGGED ENGINEER'S EFFORT TO ASSESS SHUTTLE DAMAGE

(By James Glanz and John Schwartz)

HOUSTON.—Over and over, a projector at one end of a long, pale-blue conference room in Building 13 of the Johnson Space Center showed a piece of whitish foam breaking away from the space shuttle Columbia's fuel tank and bursting like fireworks as it struck the left wing.

In twos and threes, engineers at the other end of the cluttered room drifted away from their meeting and watched the repetitive, almost hypnotic images with deep puzzlement: because of the camera angle, no one could tell exactly where the foam had hit.

It was Tuesday, Jan. 21, five days after the foam had broken loose during liftoff, and some 30 engineers from the National Aeronautics and Space Administration and its aerospace contractors were having the first formal meeting to assess potential damage when it struck the wing.

Virtually every one of the participants—those in the room and some linked by teleconference—agreed that the space agency should immediately get images of the impact area, perhaps by requesting them from American spy satellites or powerful telescopes on the ground.

They elected one of their number, a soft-spoken NASA engineer, Rodney Rocha, to convey the idea to the shuttle mission managers.

Mr. Rocha said he tried at least half a dozen times to get the space agency to make the requests. There were two similar efforts by other engineers. All were turned aside, Mr. Rocha (pronounced ROE-cha) said a manager told him that he refused to be a "Chicken Little."

The Columbia's flight director, LeRoy Cain, wrote a curt e-mail message that concluded, "I consider it to be a dead issue."

New interviews and newly revealed e-mail sent during the fatal Columbia mission show that the engineers' desire for outside help in getting a look at the shuttle's wing was more intense and widespread than what was described in the Aug. 26 final report of the board investigating the Feb. 1 accident, which killed all seven astronauts aboard.

The new information makes it clear that the failure to follow up on the request for outside imagery, the first step in discovering the damage and perhaps mounting a rescue effort, did not simply fall through bureaucratic cracks but was actively, even hotly resisted by mission managers.

The report did not seek to lay blame on individual managers but focused on physical causes of the accident and the "broken safety culture" within NASA that allowed risks to be underplayed. But Congress has opened several lines of inquiry into the mission, and holding individuals accountable is part of the agenda.

In interviews with numerous engineers, most of whom have not spoken publicly until now, the discord between NASA's engineers and managers stands out in stark relief.

Mr. Rocha, who has emerged as a central figure in the 16 days of the Columbia's fight, was a natural choice of his fellow engineers as a go-between on the initial picture request. He had already sent an e-mail message to the shuttle engineering office asking if the astronauts could visually inspect the impact area through a small window on the side of the craft. And as Mr. Rocha was chief engineer in Johnson Space Center's structural engineering division and a man with a reputation for precision and integrity, his words were likely to carry great weight.

"I said, 'Yes, I'll give it a try,'" he recalled in mid-September, in the course of five hours of recent interviews at a hotel near the space center.

In its report, the independent Columbia Accident Investigation Board spoke of Mr. Rocha, 52, as a kind of NASA Everyman—a typical engineer who suspected that all was not well with the Columbia but could not save it.

"He's an average guy as far as personality, but as far as his engineering skills, he's a very, very detail-oriented guy," said Dan Diggins, who did many of the interviews for the report's chapter on the space agency's decision-making during the flight and wrote that chapter's first draft before it was reworked and approved by the board. Never in hours of interviews did Mr. Diggins find a contradiction between Mr. Rocha's statements and facts established by other means, he said.

Mr. Rocha's experience provides perhaps the clearest and most harrowing view of a NASA safety culture that, the board says must be fixed if the remaining shuttles are to continue flying.

EARLY LOVE WITH SHUTTLE

Alan Rodney Rocha loved the Columbia long before it was lost. In August 1978, as a young NASA engineer, he took his first business trip for the agency to Palmdale, Calif., where the still unfinished Columbia sat in a hangar among the Joshua trees, awaiting its first mission.

Working from 6 p.m. to 6 a.m. each night, he had the job of climbing into the orbiter's wheel well, through the fuselage and among the labyrinth of tubes, wires, struts and partitions in the right wing, to check that each of 200 strain gauges were just where the plans said they should be. And the Columbia took its place in his heart.

"I felt so privileged to be there," he said. The Columbia took its maiden flight in 1981; five years later its sister vessel the Challenger was lost with its crew of seven when O-ring seals in one of the solid rocket boosters failed in the launching, severing a strut connecting the booster to the shuttle's external fuel tank.

For Mr. Rocha, the Columbia disaster began on the eve of its final liftoff. That afternoon, he and other engineers were stunned to learn of new tests at a NASA laboratory showing that a ring attaching the rocket boosters to the external tank had not met minimum strength requirements. As he watched, managers hastily considered the problem at a prelaunching meeting beginning at 12:10 a.m. on Jan. 16.

Instead of halting the launching on the spot, Mr. Rocha said, the shuttle manager, Linda Ham, granted a temporary waiver that reduced the strength requirements, on the basis of data that the investigation board later found to be flawed. Mr. Rocha would draw on an old rocketry term—"launch fever"—to describe what had happened at the meeting.

The launching went ahead that Thursday morning. The ring held, but an unrelated problem turned up when insulating foam tore away from an attachment to the external tank 81.7 seconds after liftoff and struck the orbiter's left wing.

Mr. Rocha said that when he learned of the foam strike in a phone call on Friday afternoon, he gasped. All weekend he watched the video loop showing the strike, and at 11:24 p.m. on Sunday, he sent an e-mail message to the manager of the shuttle engineering office, Paul Shack, suggesting that the astronauts simply take a look at the impact area.

Mr. Shack never responded. But by Tuesday afternoon, Mr. Rocha was showing the loop to the so-called debris assessment team at the meeting in Building 13, where he had his own office. As arresting as the images were, the team agreed, they were too sketchy to draw conclusions without new images.

To engineers familiar with the situation, the request was an easy call. "We all had an intense interest in getting photos," said Steven Rickman, a NASA engineer whose staff members served on the assessment team. "As engineers they're always going to want more information."

In his second e-mail appeal for satellite imagery, Mr. Rocha wrote in boldface to Mr. Shack and other managers, "Can we petition (beg) for outside agency assistance?"

But Mr. Rocha did not know that the strange politics of the NASA culture had already been set in motion. Calvin Schomburg, a veteran engineer who was regarded as an expert on the shuttle's thermal protection system—though his expertise was in heat-resisting tiles, not the reinforced carbon-carbon that protected the wings' leading edges—had been reassuring shuttle managers, Mr. Diggins said. Mr. Schomburg either "sought them out or the managers sought him out to ask his opinion," Mr. Diggins said.

Whether because of Mr. Schomburg's influence or because managers simply had no intention of taking the extraordinary step of asking another agency to obtain images, Mr. Rocha's request soon found its way into a bureaucratic dead end.

On Wednesday, an official Mr. Schomburg had spoken to—Ms. Ham, the chairwoman of the mission management team—canceled Mr. Rocha's request and two similar requests from other engineers associated with the mission, according to the investigation board. Late that day, Mr. Shack informed Mr. Rocha of management's decision not to seek images.

Astonished, Mr. Rocha sent an e-mail message asking why. Receiving no answer, he phoned Mr. Shack, who said, "I'm not going to be Chicken Little about this," Mr. Rocha recalled.

"Chicken Little?" Mr. Rocha said he shouted back. "The program is acting like an ostrich with its head in the sand."

Mr. Shack, Mr. Schomburg and Ms. Ham declined to comment for this article or did not respond to detailed requests for interviews relayed through the space agency's public affairs office.

On the day he talked with Mr. Shack, Mr. Rocha wrote an anguished e-mail message that began, "In my humble technical opinion, this is the wrong (and bordering on irresponsible) answer." He said his finger hovered over the "send" key, but he did not push the button. Instead, he showed the draft message to a colleague, Carlisle Campbell, an engineer.

"I said, 'Rodney, that's a significant document,'" Mr. Campbell said in an interview. "I probably got more concerned or angry than he did at the time. We could not believe what was going on."

But Mr. Rocha still decided he should push his concerns through official channels. Engineers were often told not to send messages much higher than their own rung in the ladder, he said.

TAKING THE ISSUE HIGHER

The next day, Mr. Rocha spoke with Barbara Conte, a worker in mission operations, about spy telescopes. In a written response to reports' questions, Ms. Conte said her colleague "was more keyed-up and troubled than I had ever previously encountered him."

That day, she and another NASA employee, Gregory Oliver, took the issue to Mr. Cain, the Columbia's flight director for landing, at an unrelated meeting.

"We informed LeRoy of the concern from Rodney" and offered to help arrange an observation by military satellites, Mr. Oliver wrote on March 6—a month after the accident—in a previously unreleased e-mail chronology of shuttle events. The message continued, "LeRoy said he would go talk to Linda Ham and get back to us."

About two hours later, at 12:07 p.m. that day, Mr. Cain sent out his own e-mail message saying he had spoken with management officials, who had no interest in obtaining the images. Therefore, Mr. Cain wrote, "I consider it to be a dead issue."

It was not over for Mr. Rocha, though. On Thursday afternoon, Jan. 23, he encountered Mr. Schomburg, the expert on the heat-resisting tiles, on the sixth floor of Building 1, where most of the managers had offices. They sat down in the anteroom of an office and began arguing about the need for imaging, said Mr. Rocha and the investigative board's report.

Mr. Schomburg insisted that because smaller pieces of foam had broken off and struck shuttles on previous flights without dire consequences, the latest strike would require nothing more than a refurbishment after the Columbia landed. Mr. Rocha maintained that the damage could be severe enough to allow hot gases to burn through the wing on re-entry and threaten the craft.

As their voices rose, Mr. Rocha recalled, Mr. Schomburg thrust out an index finger and said, "Well, if it's that bad, there's not a damn thing we can do about it."

On Jan. 24, eight days into the mission, engineers and managers held a series of meetings in which the debris strike was discussed. At a 7 a.m. meeting, Boeing engineers presented their analysis, which they said showed that the shuttle probably took the hit without experiencing fatal damage.

Those results were hastily carried into the 8 a.m. meeting of the mission management team, led by Ms. Ham. When a NASA engineer presented the results of the Boeing analysis and then began to discuss the lingering areas of uncertainty, Ms. Ham cut him off and the meeting moved along. The wing discussion does not even appear in the official minutes.

Mr. Diggings, the accident board investigator, said it should not be surprising that such a critical issue received short shrift. A mission management meeting, he said, is simply "an official pro forma meeting to get it on the record." The decision to do nothing more, he said, had long been made.

By then, Mr. Rocha said, he decided to go along. "I lost the steam, the power drive to have a fight, because I just wasn't being supported," he said. "And I had faith in the abilities of our team."

He waited through the weekend until the Boeing engineers closed out the last bit of their analysis, and on Sunday, Jan. 26, he wrote a congratulatory e-mail message to colleagues, saying the full analysis showed no "safety of flight" risk. "This very serious case could not be ruled out and it was a very good thing we carried it through to a finish," he wrote.

But his anxiety quickly spiked again. He slept poorly. Mr. Diggins said, "I think that what was gnawing away at him was that he didn't have enough engineering data to settle the question he had in his mind." With days to go in the mission, Mr. Rocha continued to discuss the possibility of damage with Mr. Campbell, the expert in landing gear.

"He started coming by my desk every day," Mr. Campbell recalled. "He was trying to be proper and go through his management," he said, but "he was too nice about it, because he's a gentleman; he didn't get nasty about the problem."

BEING THERE FOR RE-ENTRY

On Feb. 1, the last day of the Columbia's flight, Mr. Rocha rose before dawn. He wanted to be in the mission evaluation room, an engineering monitoring center on the first floor of NASA's Building 30, by 6:45 a.m., well before the shuttle fired its rockets to drop out of orbit. Normally, he would just watch the landing on NASA–TV, the space agency's channel, but he said he wanted to see the data from the wing sensors.

The room was jammed with people and computers. There was a pervasively upbeat mood.

Before long, things began to go wrong—and in the ways that Mr. Rocha had feared. The scrolling numbers giving temperature readings for the left and right wings began to diverge. Then, at 7:54 a.m., four temperature sensors on the left wing's wheel well failed.

In fact, the hole that the foam had punched into the wing 16 days before had been allowing the superheated gases of reentry to torch through the structure for some several minutes, and observers on the ground had already seen bright flashes and pieces shedding from the damaged craft.

As the number of alarming sensor readings quickly mounted, "I started getting the sick feeling," Mr. Rocha said, pointing to his stomach. He looked up from the fog of fear and saw another engineer, Joyce Seriale-Grush, in tears. He approached her and she said, "We've lost communication with the crew."

Mr. Rocha did the only thing he could think of: He called his wife. "I want you to say some prayers for us right now," he said. "Things aren't good." Finally, they got word that observers on the ground had seen the shuttle break up over Texas.

Emergency plans came out of binders; engineers locked their doors to outsiders and began to store data from the flight for the inevitable investigation. Frank Benz, the Johnson Space Center director of engineering, and his assistant, Laurie Hansen, came in. Mr. Rocha recalled that Ms. Hansen, trying to console him, said, "Oh, Rodney, we lost people, and there's probably nothing we could have done."

For the third time in two weeks, Mr. Rocha raised his voice to a colleague. "I've been hearing that all week," he snapped. "We don't know that."

He was instantly ashamed, he said, and thought, "I'm being rude."

TROUBLED SLEEP, LATE THANKS

The next days passed in a blur. Mr. Rocha was assigned to the team to investigate the mission. At the same time, he was working with the team that was looking into the attachment ring problem that nearly scuttled the mission the night before liftoff, while handling his other duties.

At one point he got to ask Ralph Roe, a shuttle manager, why the photo request had been denied. He got no direct answer, he recalled. Instead, Mr. Roe replied: "I'd do anything now to get a photo. I'd take a million photos."

Mr. Rocha's sleep was still troubled—now, by nightmares, he said, describing some: he was in the shuttle as it broke up; his relatives were on the shuttle; "Columbia has miraculously been reassembled, and we're looking at the wiring and it's got rats in there."

Since the accident, Mr. Rocha said, engineers and other colleagues have thanked him enthusiastically for speaking up, saying things like, "I can't imagine what it was like to be in your shoes." His immediate supervisor has been supportive as well, he said. But from management, he said: "Silence. No talk. No reference to it. Nothing."

Except, that is, from the highest-up higher-up. One day Mr. Rocha read an interview with the NASA administrator, Sean O'Keefe, who wondered aloud why engineers had not raised the alarm through the agency's safety reporting system. This time, Mr. Rocha broke the rules: he wrote an e-mail message directly to Mr. O'Keefe, saying he would be happy to explain what really happened.

Within a day, he heard from Mr. O'Keefe, who then dispatched the NASA general counsel, Paul G. Pastorek, to interview him and report back. In a recent interview, Mr. O'Keefe said Mr. Rocha's experience underscored the need to seek the dissenting viewpoint and ask, "Are we talking ourselves into this answer?"

NASA, following the board's recommendation, has reached agreements with outside agencies to take images during every flight. And 11 of the 15 top shuttle managers have been reassigned, including Ms. Ham, or have retired.

Ms. LANDRIEU. Mr. President, my point is, as we seek the truth in what happened with the tragedy of the crash of the shuttle, we will have to explore the tragedy in detail, and if we continue to press and focus on the details, the truth will emerge. If we continue to focus on the details and take the time, the truth will emerge, and when the truth emerges, if the truth is allowed to emerge, then the appropriate actions can be taken.

NASA, of course, says that safety is their highest priority. There is not a person I know who ever worked for NASA or who works for NASA today or who will work for NASA in the future who does not believe that safety is important.

When we explore the details, as this article does beautifully, we will be able to say: They say that, but what do they really mean? They say safety is important, but when this engineer—I believe his name is Mr. Rocha, and they go through in detail about his pleas that went unheard, his sterling reputation that was pushed aside by others who were basically ready to launch. We will find the truth.

The same is going to be true in this debate with the District of Columbia on this scholarship voucher program because the details of it are very important. The details will show us the truth about what happened.

I wish to begin by saying that my colleague from Ohio is correct in the sense that the Mayor does support this three-pronged approach. He is correct. But the way we got to this point I wish to share with my colleagues this morning.

The President offered earlier in the year in his State of the Union Address a choice initiative. The President, in his budget, basically said: Despite the fact I am not going to fully fund Leave No Child Behind, I am not going to fund it at the authorized level as promised and implied, instead, I am going to offer—his budget shows—a $75 million voucher initiative for the country, and it is going to be put—the budget showed and the administration said—in the Health and Human Services appropriations bill. That is how this whole issue began.

The administration said one thing, but I want to focus on what the budget actually showed. The budget that was laid down showed: We are not going to fully fund Leave No Child Behind, but this administration wants to fund a choice program for the Nation and they want to fund that through the Health and Human Services appropriations bill.

The Health and Human Services appropriations bill is chaired by the Senator from Iowa and the Senator from Pennsylvania, Mr. HARKIN and Mr. SPECTER. They together, and their staffs, basically sent word back that we would not have a voucher proposal in their bill. There was bipartisan agreement: We do not want vouchers in this bill. We do not want to support Federal vouchers. And so it was removed from that bill.

It managed to find its way into the DC appropriations bill because this bill, for better or worse, is sometimes the bill that is used to make political points instead of good public policy.

That is what the record will reflect. That is the truth, and I will submit for the RECORD those details as this debate goes forward.

The voucher program finds its way into the DC appropriations bill, of which committee I am the ranking member.

When the proponents of vouchers say this was the Mayor's idea, I have to comment on this for a moment. The Mayor will be able to express publicly, as he has, his position and can respond in any way, but the Mayor said—and I say this as respectfully as I can, and I think he has said this publicly—that he at no time went to the White House to ask for a voucher program. He did not say: I need money for my schools and I am convinced the voucher program will work and I would like vouchers for the District.

What happened was, this money was drifting in the budget, finding its way to DC, being pushed to DC by proponents of vouchers, and the Mayor was given a very difficult choice, which any mayor would be tempted to take, which was: Mr. Mayor, we have some money. Your school system needs help, and we are happy to give you some money, but—but—we need you to agree to a voucher component.

The Mayor, for whom I have the greatest respect for many reasons—one, because he is an out-of-the-box thinker, he is innovative, he is gutsy, he is smart, he is honest—had a very difficult choice. As I have told him, if I were the Mayor, I am not sure I would have made a different choice than he did. But because we are Senators and not mayors, we have a respectfully different perspective.

He said: I will take the money. I will take the $40 million. I have schools that have leaky roofs. I have schools that have no computers. I have children in my schools who haven't had gym classes in 10 years. I have an obesity problem. I have children who can play music but they have no instruments. I have children who will be great in science except they have no microscopes. And I have children who can learn but I have 40 kids in a class and I need more teachers. If I were the Mayor, I would have taken the money, but I am not the Mayor.

The Mayor was forced to make a pretty difficult decision driven by voucher proponents who will not give up on the vouchers. Even though we passed Leave No Child Behind, there is a determined group of people who will not give up on vouchers. The Mayor, as best as he could—and he has my respect and admiration—at least took a really rotten proposal and crafted a three-pronged approach and said: OK, let's present it: a third for charter schools, a third for public schools, and the transitional schools, the great reforms that are underway, and, all right, I will take a third for vouchers. Then it went forth: This is the Mayor's proposal; this is what the Mayor has asked.

I hope the truth has been spoken, and if any of my colleagues want to debate those points or submit for the RECORD a different view or a different story, please do. But that is how we got to this point.

Every time we get on this subject, the proponents want to say this was the Mayor's idea and the Mayor is a Democrat; he is an African-American Democrat; this was his idea. I want to be clear for the record, this was not the Mayor's idea. This was the President's idea, the administration's idea laid down in a budget, rejected by the Republican chairman and a Democratic ranking member of the Health and Human Services Appropriations Subcommittee, that has made its way to the DC Appropriations Subcommittee, and then was modified to become the issue we are discussing today.

The Mayor, from his perspective, I could argue, made the best choice for his city, but that might not be the choice the Senate needs to make, for obvious reasons.

One of those obvious reasons, to anybody with an open mind, is that we should not, as a Senate or Congress, at this critical time in the funding history of education reform, in any way send any signal to any city that they cannot get money from Washington, they cannot get new money from Washington, unless they take a voucher program.

They keep saying this is new money. One could argue that, but let's just take it as new money. The only way someone can get money is if they enter into a voucher proposal. It should be obvious to people who are following this debate that that would be an inappropriate signal, and a dangerous signal, to send out as States, cities, counties, and parishes, as in the State of Louisiana, are struggling with making decisions about how can we get more money for these reforms, where should we allocate them. They have flexibility now.

Let me say on that point that voucher proponents do not want to listen to what the truth is. They do not want to listen, but this is the truth: Under the historic bipartisan bill that, if implemented, funded, and followed, can improve schools in America, under title I dollars, under tutorial services that are in that bill, communities today can craft private school vouchers or choice in their local jurisdictions. It is not done because there are very serious and reasonable people on both sides of the debate, but local jurisdictions can do that now. The question is, Should the Federal Government have basically a mandate for vouchers over, for instance, charter schools, transitional public schools, public contract schools, or other kinds of newly innovative reforms? The answer is obviously no.

So when Senator CARPER and I offered the amendment to the other side saying, look, we just cannot support a

Federal mandate for vouchers—although we as cosponsors of this important and significant legislation understand where the Mayor is coming from—would you please remove the Federal mandate, we were told no.

There is a reason: Because the voucher proponents want a Federal preference for vouchers. But they will not get it in the long run. They may have the power now to get it in the short run, but they will not get it in the long run because the people of the United States do not want a Federal mandate for vouchers. Particularly, the people of the United States—Republicans and Democrats, Independents, Black, White, Hispanic, and Asian—who support the new reforms in education do not think vouchers are a superior method to charter schools, to public school innovation, to accountability, and that was a great victory that, in my opinion, they are not willing to undo.

Another part I wish to speak about this morning is the evaluation component. The reason Senator CARPER and others have argued with the vouchers-always-only-and-forever crowd, basically, is that if a scholarship program is going to be offered, recognizing that there is a tremendous amount of opposition to it on legitimate constitutional grounds—separation of church and state—but if one could manage to get through those very important issues, one of the key reasons for moving in this direction would be to demonstrate definitively whether this works.

Why is this important? Because those of us who are trying to find the ways to bring excellence to education through a public system with as much choice as possible, to every child, regardless of the kind of family or resources to which they are born, we believe strongly that this Nation can and should—and if it stays the path—do what no other nation has ever done in the world, and that is a belief that every child can learn if we provide resources for every child to learn, whether they are blind, deaf, in a wheelchair, have some disease, or they were born with incomplete mental capacity. This Nation believes no child should be left behind.

For 200 years, we have struggled through segregation times, through slavery times, through lots of times to reach that goal. We are making progress on that goal. Are there lots of problems? Yes, there are lots of problems, but we are making progress.

Those of us over the decades, way before we were in this Senate, who fought—and some in some instances died—over this principle continue to work today. So those of us who are committed to keeping our eyes on the prize—and the prize is excellence in education for every child and equity and equality, without pulling the children from the top down but by pushing all the children up—keep our eyes on that prize.

People ask me: Why, Senator, do you feel so strongly about this evaluation component? It is because I think there would be some good reason—actually, I would argue to my colleagues who are opposed to vouchers, and I respect them all for their very strong views, that if they were going to do a scholarship program, one value for the Nation would be to have a demonstration project that could show once and for all, to those who think vouchers are the greatest thing since sliced bread and to those who think it is the worst thing since the Devil himself, to come together and have the data and reason together and say it either worked or it did not work.

So when Senator CARPER submitted our amendment and we said, all right, we are reluctant, but if we could do this, this evaluation has to be tight—Milwaukee has had this for 13 years. I will be submitting for the RECORD constant referrals to that written by almost every objective newspaper in the country. There are some that are not, but most newspapers are objective. Most of the newspapers, whether they are conservative or liberal—I am not talking about very partisan papers—state it is inconclusive because there is no evaluation component. So we put one in our proposal that requires full and independent evaluation for the scholarship program that would include, amongst other things, a comparison of the academic achievements of scholarship students in high-performing schools and nonscholarship students attending high-performing public or charter schools.

Let me repeat that it would require a full and independent evaluation for the scholarship programs that would include, among other things, a comparison of the academic achievement of scholarship recipients in high-performing private schools and nonscholarship students attending high-performing public or charter schools, because that is what we do not know.

Let me explain what we do know. We do know if you take a poor child out of a school that is mismanaged and underresourced and put that child in a private school that is better managed and better resourced, that child will do better. It does not take a genius to know that. Anybody knows that. We don't need a study. We don't need a thing. We know it.

I will tell you what we don't know. What we don't know is, if you take a poor child and put that child in a high-performing or moderately performing private school, and then you take that same poor child and put that child in a high or moderately performing public school or a public charter school or public contract school, does that child do better or worse? That is what we need to know because what we need to know is does the scholarship itself make a difference? Does the scholarship, the act of giving the scholarship to the parent and the choice and the freedom, make a difference when all other things are controlled? Nobody in America or the world knows that.

So Senator CARPER and I said we would like to know that. We would be willing, maybe, to put this debate to rest once and for all if we could commit to a rigorous evaluation by outside experts who are not from the Democratic spin room or the Republican spin room. Then maybe we could be for this. They said no.

Let me go to two more points, briefly. I see my colleague from South Dakota is here and he probably wants to speak on this, or perhaps other subjects, but there are two issues I want to hit before we move to something else.

Last night several of my colleagues came to the floor and argued for vouchers on the basis that we do this for higher education and we have one of the finest higher education systems in the world. And they are right. We are proud of our system of higher education. It has been developed over hundreds of years. People from all over the world want to come to use our higher education system. Even given some of its weaknesses, it is a pretty remarkable institution we have created.

But there is a fundamental difference between higher education and elementary and secondary education that cannot be ignored. It is one of the details that is very important to understand. Higher education is not mandatory in the United States. If you want to go, you can go. If you don't want to go, you do not have to go. But elementary and secondary education is basically mandatory in the United States. Children have to go to school. There are some exceptions for children in home schooling, which I actually support. Some people don't, but I think home schoolers do a beautiful job over time, as long as they are held accountable, and that is true in some States. But education in this country is mandatory; at least we have to offer it. It has to be universally offered.

In America today, even considering how great our higher education system is, only 20 percent of adults have college degrees. In African-American or Hispanic populations, that may be down to 10 or 15 percent. Maybe the national average is about 20 or 25.

We would like 100 percent of children to have a high school degree. They can drop out, but our goal as a Nation is 100 percent to have a high school degree. So the systems in their essence are different.

I will say maybe the word mandatory is a little strong. It is a goal of the United States to have 100 percent of our population to have a high school degree.

So you cannot compare these systems. While choice, as I said, is desirable, with the freedom like we have in the higher education system, because we do not have a policy that says we want to provide 16 years mandatory through college, then the freedoms that can exist in higher education are very different than what the public could support or afford for elementary and secondary education.

I wanted to get that statement on the record.

I see my colleague from South Dakota who wants to speak as in morning business. I will resume the discussion of Leave No Child Behind and the scholarship tuition debate when he has concluded.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. I thank my colleague from Louisiana for her extraordinary leadership on education issues. I do not want to take long on another topic.

(The remarks of Mr. JOHNSON are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, back to the budget of the District of Columbia, earlier this morning it was said by our friends on the other side of the aisle that perhaps we should just have a debate today and Monday and move off of this bill, indicating a permanent move off of this bill.

I argue there is certainly a way, if this body desires—and I hope they would continue this very important debate—to figure out a way to spend some quality time debating this proposal. There are many concerned Members on both sides, I am certain, based on the level of intensity and the discussions at the committee level.

Since I was chair or ranking member of those committees, I was on the front row for those debates. I am confident there are Members on both sides who want some time to talk about this issue and to debate it in full. There is no reason that could not continue for weeks, as we take up other matters and move decisively based on agreements that can be reached.

As the ranking member, I go on record to both Republican and Democratic leadership, it would be my strong suggestion we continue to debate this issue. The details are extremely important for the Nation to grasp so we can move on to education reform.

There was debate earlier regarding the District of Columbia. A lot has been said about the Mayor's position. Yesterday, Mayor Williams was in the Senate. He has been a tireless advocate for school reform in the District. He should be commended.

I will read the Mayor's own words regarding his position. I believe his position has been misconstrued by opponents of vouchers. His words will clarify his position, so I will read into the RECORD this morning the Mayor's comments before the Governmental Affairs Committee in the House of Representatives.

He says:

> Along with city council education committee chair Kevin Chavous [who is another very strong and respected leader in the city for education reform] and board of education president Peggy Cooper Cafritz [who also has done an excellent job of leading reforms in the school district in Washington, DC] I support a 3-sector approach that would focus new Federal resources towards increasing the availability of quality education options for district students and families.

He says, I repeat, "I support a 3-sector approach . . . "

It does not say: "I support a voucher-only approach."

He says:

> I support a three-sector approach that would focus new Federal resources towards increasing the availability of quality education options for District students and families. This strategy would require a significant and ongoing investment toward the following: One, the development of a Federally funded scholarship program for students to attend nonpublic schools; two—

And this a detail that is extremely important that has been overlooked by some and undercut by others—

> a permanent and predictable support for the District of Columbia's public schools—

"permanent and predictable support for the District of Columbia's public schools"—

> targeted at leadership and instructional excellence and student achievement; and, three, a fiscally sound and comprehensive approach to the acquisition and renovation of charter school facilities.

This is the Mayor's position.

He goes on:

> Why a three-sector approach? The most compelling reasons focus on fairness, the legacy of Federal/District relations, and a strong sense that choice means the most when a number of quality educational options is maximized. Specifically, I mean that while DCPS faces considerable administrative and operational challenges that transcend any particular funding level, our public schools are paying the price of a legacy of disinvestment and crumbling school buildings, many constructed originally by the Federal Government. While bearing the cost associated with both the local school districts and a state system, the city has the tax base of neither. As the recent GAO report documented, the city needs ongoing assistance from the Federal Government in addressing the structural imbalance.

So let me take the Mayor's words, the Mayor's position, to make some points.

First of all, this statement should make it clear that the Mayor himself and Councilman Chavous and education President Peggy Cooper Cafritz have soundly rejected the vouchers-only approach. Yet to this day, on the floor of the Senate, at this hour—we have now been debating this issue on and off over the last several months; not publicly in this Chamber, but this debate has been raging in committees, in conference rooms, and meetings all over America—we have not had a definitive statement from this administration that they, too, reject the vouchers-only approach and that they will protect the three-pronged approach through this process.

Let me repeat, the administration has not, to my knowledge—if they have, please, someone, send me a letter or a telegram or an e-mail that would say: Senator, you are wrong. The administration only supports a three-sector approach, we will commit to that and make that possible by using the power of the White House—which is considerable—to ensure that happens.

In fact, one of the reasons I am particularly puzzled is because yesterday the administration released a statement of policy. For every bill, as we all know, when we are debating bills, which is appropriate, the administration says to Congress: These are the things I like about your bill. These are the things I do not like about the bill. And as the system goes, if we do not get a little bit more in line, usually, with what the administration wants—whether they are Republican or Democratic Presidents—sometimes they will veto what we do. That is process. So it is important to hear from the administration about what they are thinking so we can decide if we are willing to risk a veto. So we like to get these statements. It is helpful to this process.

I hold in my hand the President's statement, and I am going to submit it again for the RECORD:

> The administration is pleased the committee bill included $13 million for the President's school choice initiative fund. This innovative reform will increase the capacity of the District to provide parents, particularly low-income parents, with more options for obtaining a quality education for their children who are trapped in low-performing schools. The administration appreciates the committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

Now, unless I missed a paragraph—and I don't think I did, because it is only two pages long, and the others go on to other issues—there is nothing here on the three-sector approach. There is no charter school language. There is no public school initiative language.

So in one hand I have the Mayor's comments, which speak of a three-sector approach, and in the other hand I have the administration's comments. That is why Senator CARPER and I laid down an amendment to try to clarify this issue. To date, it has not been clarified.

In all fairness to my colleague from Ohio, he did say last night—and I believe what he said is true—that a clarifying statement is on its way. Perhaps it is here and it just has not reached me. If it is, I will be happy to submit that for the RECORD at any time anyone can produce it for me. But I do not have it, and neither does my staff. So that is an important point to clarify. Maybe that will be clarified as this debate goes on.

The other part of the Mayor's comments that I think sheds a lot of light on the detail of what this argument is about, and I actually agree with the Mayor—not all Democrats do—but I agree with him when he says: "a strong sense that choice means the most when the number of quality educational options is maximized."

Now, let me put a few things on the record that the proponents of vouchers only want to continue to say that is fundamentally untrue. It is just untrue. What they say is, families in the District of Columbia have no choice. It is my understanding—and I am going to submit it for the RECORD because if I am wrong I would like to be corrected—that recently—I am not sure on what day or year—but in the last few years, under the District's reform initiatives, there is districtwide choice in public schools.

Not every jurisdiction in America has districtwide choice, but it is my understanding—and I think I am correct—that in the District of Columbia—unlike New York City or San Francisco or even New Orleans, which I am more familiar with, or Baton Rouge or Shreveport, which I am more familiar with, those cities being in Louisiana—there is widespread choice. Parents can move from school to school with greater ease. That is a very important component.

Also, it is my understanding that there are more charter schools in the District of Columbia than any other jurisdiction per capita in the Nation, with 14,000 out of the 67,000 children enrolled in public charter schools, and there are waiting lists for charter schools.

But the problem is, there has been limited money in the Federal budget. Basically, there has been limited money for charter schools, so there is a waiting list of children to get into quality charter schools. Because the funding has been short on the Federal level, and perhaps maybe short on the local level, we cannot create more charter schools.

But the answer for the proponents of vouchers is, we are not going to give additional money for charter schools. We are just going to lay down a voucher-only proposal. Clearly, the Mayor said that would not be his position.

And finally, the Mayor says in his statement:

> The city needs ongoing assistance from the Federal Government to address the structural imbalance.

So here is really the big picture that is quite troubling. This administration, instead of coming to the District of Columbia initially and saying, "We want to help you fund your reform efforts that are underway. We want to really encourage you in terms of your charter schools. We recognize your structural deficit, and we want to help with your structural deficit," instead of saying, "We acknowledge that your public schools need some additional resources," the administration and the House—I should say specifically the House Republican leadership—has not offered anything in the budget toward those ends.

They have offered kind words. They have offered comments. But they haven't offered anything in the budget—which is the only thing you can take to the bank, the only thing you can count on—to the District. They have offered a $10 million, now $13 million, voucher only—not just voucher only to go to kids, children in failing schools, they want to have a voucher program for children to go to any school.

Some of us wanted to work with the other side of the aisle and did work with this administration to pass Leave No Child Behind that allowed great flexibility at the local level, that encouraged and pushed for more choice within the constitutional limits, and that suggested front and foremost that quality was not only important for the student and parents but for the taxpayers who are picking up this tab. And it is a big lift for taxpayers all over this Nation, not just to help the District with its funding and the taxpayers here. But taxpayers all over this Nation pay a lot of money in property taxes and in sales taxes and in other fees associated with supporting schools. The taxpayers deserve to know if that money is resulting in a quality product. The mayor acknowledges that.

Unfortunately, the proposal, in its detail—not what is said about it but in its detail—gives no assurance for quality. There is no evaluation component that is rigorous enough. There is a modest evaluation component. But because it lacks rigor, there is no quality control in the current proposal, which is one of the reasons the mayor's position is actually, when read and understood, quite different from the voucher proposal, at least seemingly from the administration, based on their own statement, and definitely from the House Republican leadership.

I would like to read Chairman DAVIS's comments into the RECORD. He said:

> Some are making a mountain out of a molehill over the fact that this legislation authorizes funding for school choice but not enhanced funding for DC public schools or charter schools. The reason for this is simple. This bill deals with authorization for a new and historic program. Authorization for spending on DC public schools and charter schools already exists. The debate will be over how low and how high that spending should be.

That is what Representative DAVIS said. But what the Mayor says is different. What the Mayor says is that this strategy "would require a significant and ongoing investment that is permanent and predictable." These are two very different positions.

Again, the Mayor of the District of Columbia:

> We need a three-sector approach with predictable and permanent support.

This is the House leadership approach: Some people are making a mountain out of a molehill. We don't really have to authorize any new, predictable, permanent funding—I am paraphrasing—for public schools and charter schools because they already exist. This debate will be simply how high or how low that spending should be.

One of the problems Senator CARPER and I have, and it is a significant problem, is in recognizing this disparity. We went to our friends on the other side and said: These are totally different positions. I know what you are saying, but these are different positions. Can you clarify that for us? We would be willing, if you all would admit or agree, to not a $40 million new authorization but a $200 million authorization over 5 years. It is not just $40 million for 1 year. And the only permanent part of that $40 million is the voucher component. We said: If you want to do a 5-year program, we could even agree if you would say we are going to do $200 million over 5 years, $40 million a year for 5 years—a third, a third, and a third—so that we would have for 5 years a predictable source of Federal revenue that, no matter what happened, no matter what the underlying budgets did, no matter how big the deficit got, no matter how tough the war turned out to be, at least this demonstration project would be $200 million—a third for public schools, a third for charter schools, and a third for this new voucher program. But at the end of 5 years, we would have accomplished one great thing, and that would be a definitive answer as to whether or not scholarships work, because for the greatest school system in the world today, our future depends on knowing that.

The rhetoric is so high on both sides, with some people saying, you will never fix public schools if you don't have vouchers, and some people saying, if you go to vouchers, you will wreck the system. Those of us who are interested in school reform and quality and the truth would be interested in funding a predictable $200 million Federal demonstration project in a city such as this, where the Mayor is supportive and several key leaders, but, let me be quick to say, in a city that has voted against vouchers and in a city with equally respectful leaders on the other side.

But our colleagues said no because they are not, to my knowledge or my view, the proponents—again, this is not my colleague from Ohio but the proponents of vouchers only, and there are some—are evidently only interested in this $10 million voucher program for the District, even in a district where the people are on record in the last referendum as voting 81 percent against vouchers. That remains a point of contention.

Let me move now to a discussion about charter schools for a moment. I will submit some more items for the RECORD.

There has been no disagreement between Senator DEWINE and me, as the chairman and ranking member of this committee. Again, without his support, this would not be possible. The Senator from Illinois, Mr. DURBIN, the Senator from Texas, Mrs. HUTCHISON—of course, they speak for themselves—have been leaders for charter schools as well. Without their support, the District would not be in the enviable place it is today; that is, having more students per capita having options for charter schools. So far, this very worthy and worthwhile experiment seems to be working. Most of the charter schools are doing a very good job.

In 2001, because rigorous evaluation components are in place, 99 percent of the students in the Oyster School—this is a very exciting initiative underway in the District, a bilingual, very cutting edge charter school in the Nation—are performing above basic in math and 100 percent are performing above basic in reading. This is just one example of one of the 41 charter schools that are operating in the District. It is a pre-K through sixth grade school; 362 students are attending. The students-for-teacher ratio is 11.7 students for every teacher, which is excellent. They are in the District of Columbia public schools. You can get other information from their Web page, but they have 17 percent African-American, 1 percent American-Indian, 3 percent Asian, 52 percent Hispanic, and 27 percent White students.

The details of this and the reports look excellent. This is happening all over the United States of America. This Congress has come to a point to say let's push the envelope, let's open up choice, let's create new charters, but let's do it in the public realm; and when we are spending public dollars, let's have accountability and have reports like this so the parents know, the students know, and the taxpayers know where we are getting the money we are spending.

I could not be more complimentary or excited about the fact that in our budget Senator DEWINE and I have every year tried to do what we could to support this wonderful effort underway by adding some money. It hasn't been a huge amount because our budget is tight and we have limits. But in each of the budgets, we have tried to put in some money for the charter school effort. So we are not just saying we think charter schools are good; Senator DEWINE and I are saying not only do we think the effort is good, but it is worthy of our support. We put our money where our mouth is, and we will continue to do that. If we can get general agreement from others to do that, perhaps we could make some progress.

Another charter school called the Tree of Life Charter School says the results were quite impressive for a second-year school. Most significant is the fact that 88 percent of the school students improved in reading. This represents the largest percentage of students showing positive gain among all charter schools this year. More than half of the students improved in math. Students showed good progress in performance levels, with 75 percent of the students performing at basic or above in math and 72 percent at basic or above in reading.

It should be noted that the majority, 91 percent of the school's population, is low income. The Tree of Life Charter School is another example of what is working in the District and what we as the Congress should continue to fund in a predictable and dependable way.

Again, that is what is missing in this proposal today. There is, in the underlying bill, money for charter schools, money for public schools, and money for vouchers. But there is no agreement, no commitment, and there are no solid statements that have been made or arrangements that have been made—which can be made—to indicate that the funding for charter schools would even happen next year. I realize that appropriations are annual. I understand that. But I also realize when this Federal Government wants to make a point about making sure that funding could be dependable, there are ways that can be done; it has been done in the past and it can be done now.

So I, for one, would be open to a limited, carefully crafted opportunity for children in failing schools to go to private schools, if there are seats available and if there is a proper evaluation. I find it extremely disconcerting that in this proposal there is not a similar commitment to charter schools and, as a result, at this point it is one of the reasons I am unable to support the proposal. There are many other reasons.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. TALENT. Mr. President, it is a real pleasure for me to rise on the subject of opportunity scholarships for kids in the District of Columbia. Before I make my statement, I am going to ask that a couple of items be printed in the RECORD. My good friend and colleague from Louisiana, I understand, has suggested that the administration does not or may not support those aspects of this bill which provide funds for DC public schools directly or for charter schools.

I have a letter signed by the Secretary of Education. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF EDUCATION,
Washington, DC, September 26, 2003.

Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEWINE: I am writing today to express my strong support for the District of Columbia education improvement initiative that is contained in the DC appropriations bill now pending before the Senate.

Debate in the Senate this week has highlighted the fact that excellence in education is critical to the future of the District's school children and to the economic and social vitality of DC as a whole. Yet the DC public school system has not yet taken the steps needed to reform its operations and raise student achievement to the level required. That is why we need a package of reforms that both improves DC public schools and gives parents and students additional educational options, including the option to attend charter schools and private schools. The appropriations bill now before the Senate would do just that.

The bill includes a three-pronged initiative to: (1) improve DC public schools that serve predominantly children from low-income families; (2) create new charter schools and ensure that DC charter schools have adequate facilities; and (3) provide scholarships to a limited number of DC children so that they can attend private schools in the District. Each of these three elements of the initiative is critical and each must be retained in the final bill.

The debate in the Senate has clarified many facts about the scholarship component of the program, which I know is the most controversial. It has shown that Mayor Williams and other leaders of the District are fully supportive of the entire initiative, including the scholarship program; it is what they want and need. It has shown that the scholarship program would be carefully evaluated, so that we know if a program like this can be successful in raising student achievement. And Senators have reiterated forcefully that the entire, three-pronged initiative represents new money for the District. It is simply untrue to state that any of it would take money from DC public schools, and it would be tragic if any of this assistance were denied to DC residents at this point.

I hope this letter conveys the commitment that the Administration feels, and that I personally feel, toward this very important initiative. If my staff or I can be of any assistance to you in enacting this program, please let me know immediately.

Sincerely,

ROD PAIGE.

Mr. TALENT. In relevant part, it refers to the three funding initiatives in the bill, and then says each of these three elements of the initiative is critical and each must be retained in the final bill. That is on behalf of the administration. I think that makes clear the administration is strongly supportive of all three aspects of this measure and feels they are a package, and I think that is true. That is how all of us who support this measure feel.

I know suggestions have been made with regard to Mayor Williams' support of this measure, that it was somehow foisted upon him by somebody or some group.

I refer the Senate to an op-ed piece in the Washington Post, and I also ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 3, 2003]

WASHINGTON'S CHILDREN DESERVE MORE CHOICES

(By Anthony A. Williams, Kevin P. Chavous and Peggy Cooper Cafritz)

For those of us involved every day in urban education, there are some staggering realities that keep us awake at night. Every child who graduates without basic skills—or who drops out altogether—is on a potential pathway to public assistance, to being alienated from the full benefits of participation in society or, worse, to a life in the criminal justice system. The D.C. appropriations bill before Congress would provide $40 million in new funding for K–12 education in the District to be divided among public schools, public charter schools and scholarships for private and parochial schools. We think that this is an appropriate investment by the federal government in the children of the nation's capital. Without the resources ordinarily provided by a state, the District is more challenged than other cities in its efforts to adequately fund public education and foster innovative reform.

Our children have endured decades of neglect in public education. But there is hope. We have a reconfigured school board and a respected superintendent who have begun needed reforms. Fifteen "transformation schools" have been reconstituted from top to bottom—new principles, new staff and extra resources. In addition, we have the country's most robust charter school movement with 40 schools educating 16 percent cf our children.

But despite these underpinnings, parents still want more choices. At town hall meetings, community picnics, hearings and PTA meetings, we hear the same complaints: "I can't find the right setting for my child" or "My child is not flourishing in this environment."

Despite steady reform, change cannot occur rapidly enough to provide relief to all public schools. As elected leaders, we cannot tell parents who yearn for an opportunity for their children to delay the same fulfillment we can provide our own children. This is especially so when we have extra assets in our midst: openings in non-public schools. Obviously, the issue of whether federal funds should be allocated to private schools is enormously difficult, but it is an issues that has been settled by the Supreme Court.

We are not advocating a national voucher policy. We, as local leaders, are simply imploring Congress to embrace our efforts to help our long-neglected student population with every available tool. We believe the current proposal adequately addresses legitimate concerns about constitutionality, separation of church and state, accountability, selection of students and other issues. We have worked closely with the Bush administration and with congressional leaders in developing our proposal. Students receiving scholarships will be randomly selected and must fall within certain family income parameters. Participating schools will be monitored by local authorities and the U.S. Department of Education. And our public schools will not be penalized financially for the loss of students to private or parochial schools. The notion that this "school improvement imitative" is being imposed on us from on high belies the reality that this three-sector approach was conceived by us—D.C. officials duly elected by local citizens.

No one should argue that private-school scholarships are a panacea. Most students in the District will remain in our public schools, and nothing will deter us from our commitment to improve those schools. But we trust that, given additional options, D.C. parents will exercise sound judgment in selecting the right setting for their children. We are confident that the proposed legislation will allow us to evaluate the effect of school choice on youngsters whose parents opt for it.

Funding for the initiative is correctly placed in the D.C. appropriations bill and is not in competition with other federal education priorities. This is a welcome partnership between the District and Congress. The discussion should not be burdened with agendas and ideologies unrelated to the best interest of the school children in our city.

Mr. TALENT. It is written by the Mayor, along with Councilman Chavous and the President of the District of Columbia Board of Education, in which they go into their reasons for supporting this measure. It is a rather passionate explanation of why they believe this measure is so important; in fact, not just important but absolutely necessary to thousands of kids in the District of Columbia who otherwise would have little hope of getting a good education.

That is the feeling I have noticed in all of us who have encountered this issue over time feel. I encountered the issue of opportunity scholarships for kids when I first started working on community renewal, which is what our little group used to call urban renewal, and as some people call it. I got involved in that in the mid-1990s. As part of that involvement, I toured a lot of places in Missouri and in the country where people were revitalizing their neighborhoods. They were doing it by adopting the kind of measures that brought small business investment in their neighborhoods, working with the police and community policing, working with local organizations on substance abuse programs and on home ownership. It was all tremendously inspiring.

I ended up filing the Community Renewal Act first in 1995 on the House side with then-Congressman J.C. Watts and Congressman Floyd Flake. Subsequently, a Senate bill was filed by then-Senator Abraham and my good friend from Connecticut, Mr. LIEBERMAN. We were all involved in this and believed in it passionately.

I remember I was in Indianapolis talking to some residents about their community renewal efforts. They brought up the whole subject of opportunity scholarships, or school choice, or whatever one wants to call it. This was a depressed urban area like many parts of the District of Columbia, and they said we have to have good local schools because it does not do any good for us to get jobs and safety on the streets and the other things that are vital to community renewal if we do not have good local schools because, what happens is people get jobs and then they leave. They do not stay because they have to have a good education for their kids.

I got involved with this issue at the time, and in the bill we filed we had a little piece of it that was simply directed to opportunity scholarships for the urban poor for kids going to failing schools. I remember we introduced it at a press conference, and the press asked: Is this just something you are doing to try to help the Catholic Schools? That was one of the charges: They said this is something the Catholic Church is doing to help its schools.

Spence Abraham thought about it, and he started to answer it. Then he looked at the five of us standing there and he said: Wait a minute. JIM, what denomination are you?

I said: I am a Presbyterian.

He said: J.C., you are a Baptist youth pastor, are you not?

J.C. Watts said: Yes.

Then he asked former Congressman Floyd Flake: You are a pastor in the AME Church?

Floyd said: Yes.

Then he turned to Senator LIEBERMAN: JOE, of course, you are an Orthodox Jew.

JOE said: Yes.

And he said: I am Greek Orthodox.

We are doing this as part of a conspiracy by the Catholic Church to get money into those schools? Those Catholics play a pretty deep game.

For the next few years, we debated that measure and eventually passed the Community Renewal Act without the opportunity scholarship part of it.

The point I am trying to make is, I have been back and forth for years now with all of the arguments, pro and con, on this. I have heard them all. I have participated in them all, in the House, and then in a race for Governor in Missouri in the year 2000, then in the race for the Senate in the year 2002. It is not that those arguments are not important, because they are. They have usually been argued with great eloquence. They have been on the floor this morning. They were yesterday, and I was listening to some of them on both sides and appreciating the eloquence and vigor with which they argued.

But I am at the point where I have to ask myself, what difference do those arguments really make in the face of the brute reality that every day thousands of kids in the District of Columbia get up and go to school where their parents and they know they are not safe, they will not learn, and it is not going to change? That is the position real people are in every day. They do not have any other options. That is the reality.

I think of this more and more from the standpoint of the parents, because I have talked to a lot of them over the years. I have three kids. They are 13 and 11 and 7. You will not be surprised to find out that my wife and I spend a lot of time talking about the education of these kids, trying to make the same decisions parents all over the country have to make about education: Which first grade teacher would be better for the 7-year-old? We spend a lot of time talking about that one. What kind of electives should the 7th grader take, now that he can finally take electives? Should he be in the public presentation class or Spanish or what? We talk about this, and these decisions are very important to our kids. These kinds of decisions for our kids might make a difference in terms of how far they go in life. It might make a difference in terms of how successful they are in life, so we spend an awful lot of time on it.

But I am going to tell you these parents I talk to about this issue, they are not making those kinds of decisions. Those are not the kinds of things they are debating. When I talk to them, there is a sense of urgency and sometimes a sense of panic in their eyes because they know a lot more is at stake than which teacher their kid is going to get in first grade. They know what is at stake for their kids may be not how successful they are in life or how far they go in life but whether they have a real shot at it at all. This is the difference between a good education and not a good education when you are trying to raise kids on your own in these neighborhoods and you don't have any help from anybody else anyway. That is why they feel this sense of panic, because they are looking at their kids and they know, if something is not done quickly—and it is not going to be done in the traditional system—if something is not done quickly for their kids, they are looking at kids who, if they are trapped in that school for their whole educational career, are a whole lot more likely to end up by the time they are 25 years old in a gang or on drugs or in jail or wounded or maybe dead. That is what these parents are thinking. That is why this bill is important to them.

We ought to give them a chance. That is for all they are asking. They have been looking for this kind of relief for years. The House has voted it for years. The Senate has voted on it. The idea that this is something new this President has presented is just not correct. There are a bunch of us who have been involved in it one way or another for a whole lot of years. Now we actually have a chance to pass it. Now we have a chance to give these parents and their kids some options, and we just ought to do it.

The upside for these families is tremendous. The downside is just not that great. If it doesn't offer them a better education, they will not take advantage of these scholarships and the money will revert—I guess to the District of Columbia. Or does it revert to the Treasury? To the District of Columbia.

OK, the arguments against it. I guess the argument—I had not heard this but I suppose it could happen—the District of Columbia voted against vouchers 20 years ago. It was 20 years ago.

The argument I hear a lot, that opportunity scholarships or school choice will hurt the public schools.

This is kind of ironic and I have discussed this with parents. Of course, everybody else in the country, except these, usually, single moms in these neighborhoods, has school choice. Talk to somebody in the realtor business if you do not believe that. When people buy a house someplace what do they ask about? They ask about the schools, don't they? Because, for the average person in this country, if your school is a school where you think your kid is missing out, it is not a marginal question. If that school is really failing your kid, for whatever reason, you are going to do one of three things. You are going to move, you are going to put your kid in a private school or a different school of some kind, or—and this is an increasing number of people—you are home schooling your kids. You are going to do something.

But these moms can't do that because they don't have the money to move, they don't have the money to put their kids in a private school, and they are working, so they don't have the time to stay home and home school. So they are stuck.

Everybody else in the country has this kind of opportunity and that has not hurt the public schools. This is a country that believes in, and is enriched by, diversity, by people having different opportunities and different choices. Everybody has it except them. They think that argument is quite ironic.

The argument against this, that it will cost the public schools money—Mr. President, do words have meaning? It gives the public schools more money, $13 million more than they would otherwise get. If the scholarships don't work, they will get more. The $13 million will revert to the Treasury and we can give that to them as well.

I have already gone over the argument that it was foisted on the Mayor. It wasn't. Boy, if it is, he is doing a pretty good job dealing with something that was foisted on him. I saw him down here in the Senate the other day.

I don't like to burden the Senate too much with my speeches. It is only when I have dealt with something for a while where I feel strongly about something. I do about this issue. I appreciate the opportunity to talk and I appreciate the passion and the sincerity of those who oppose this.

I would like to reach out and say to folks, let's try this year. I think it is going to work. These parents think it is going to work. We had 10,000 people line up in 1997 for 1,000 part-time scholarships. Let's give these kids a chance. I think we will be glad we did, if we will vote this in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1657

Mr. STEVENS. Mr. President, I understand S. 1657 is at the desk and is due for a second reading.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask we proceed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1657) to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

Mr. STEVENS. Mr. President, on behalf of the leader, I object to further proceeding on this measure so it can go to the calendar.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

SCHEDULED MARKUP OF THE EMERGENCY SUPPLEMENTAL

Mr. STEVENS. Mr. President, I am here this morning to announce that we will have a markup of the supplemental request presented by the President, the emergency supplemental request for Iraq, on Tuesday morning at 10 a.m. I wish to state some of the reasons that I have scheduled this hearing.

Secretary Rumsfeld appeared before our committee and made several statements. I want to repeat a few quotes from his statement to our committee. He said:

> Standing between our people and the gathering dangers is the courage of our men and women in uniform.
>
> The vast majority of the funds the President has requested are going to troops who are risking their lives in this struggle. Of the $87 billion the President requests, $66 billion is to support ongoing military operations, money for military pay, fuel, transportation, maintenance, weapons, equipment, lifesaving body armor, ammunition, and other critical military needs.

Further on he says:

> So $66 billion or 75 percent of this request is for troops. They need it and they need it soon.

Again, continuing on through his statement, he pointed out that:

> In less than 5 months virtually all major Iraqi hospitals and universities have been reopened and hundreds of secondary schools, a few months ago most often used as weapons caches, these have been rebuilt and are ready to start the fall semester: 70,000 Iraqis have been armed and trained in just a few months and have been contributing to the security and defense of their country. A new Army is being trained. More than 40,000 Iraqi troops are conducting joint patrols with coalition forces. By contrast, it took 14 months to establish a police force in post-Germany, and 10 years to begin training a new German Army.

He went on to say:

> As security improves, so does commerce. Some 5,000 Iraqi small businesses opened since the liberation on May 1 and the Iraqi Central Bank was established and a new currency announced just two months ago—accomplishments that would have taken 3 years in postwar Germany.

He mentioned other items. He said that all of this and more has taken place in less than 5 months. The speed and breadth of what Ambassador Bremer, GEN Tom Franks, GEN Rick Sanchez, and GEN Abizaid and the civilian military and civilian teams have accomplished is impressive and it may be without historical parallel, whether compared to postwar Japan, Germany, Bosnia, or Kosovo.

I listened with great interest to the Secretary of Defense, and I am convinced he has made the case for the early consideration of this supplemental.

Before the Armed Services Committee, my distinguished colleague from West Virginia, Senator BYRD, asked Ambassador Bremer:

> I believe you said you didn't need the money until January. I believe you said in the Appropriations Committee or in the Democratic caucus—whichever request it was. Is that a fact?

Ambassador Bremer said:

> No, Senator. We need this money right away. I think there is some confusion. I was asked a specific question which was, When does the Iraqi government run out of money? And I said sometime in January. That's not the same as this. We have got to get these reconstruction programs going right away as quickly as possible. There is nothing more urgent.

Later, in response to a question by Senator WARNER, Ambassador Bremer said:

> Yes, Senator. This is the most important thing that is accelerated by the supplemental. There are the security parts where we can speed up the training of the Iraqi army; instead of taking two years, take one. We can't do that without more money speeding up particularly the training of the Iraqi police force which requires almost $2 billion. Each month that goes by where we don't start those projects is a month longer where those guys potentially leave our troops with some of the duties that I have outlined in my statement. The same is true for the infrastructure. We need to get started letting contracts that we have to open—that we have to open bids. It is going to take time. If we can get started to get those bids started now quickly, we can get the repairs started quickly.

Chairman WARNER asked General Abizaid:

> Is there a correlation, in your professional judgement, General?

The general said:

> Sir, there certainly is. The more the Iraqis are policing and patrolling the security work to defend their own country the sooner we will be able to draw down our forces and the sooner we will be able to turn over the country to the rightful owners, which are the Iraqis.

Chairman WARNER asked:

> It has a correlation to the tragic death, loss of life and limb by our forces and our coalition. Am I correct?

General Abizaid said:

> Sir, there is a correlation. We should all make sure we understand as long as American troops are in Iraq there will be casualties.

I take the position that winning the war on terrorism requires us to finish our job in Iraq. Very clearly, we are in a different situation now than we were in World War II. In World War II, after the defeat of the Nazis, we went to the point of having an occupation force there for over 4 years. That occupation force had a military government. We have determined not to establish a military government in Iraq. We want to move toward having the Iraqis themselves start a new form of government for themselves. In doing so, we are in a position where the lives of our soldiers and our military there in Iraq depend upon the speed with which these people can establish their own government and their own military.

I came across an article this past week in the RAND Review for the summer of 2003. It is a most interesting article about "The Inescapable Responsibility of the World's Only Superpower." It points out that, from Germany to Afghanistan, we had a period of training. In terms of the training for the operations we are facing now in Iraq, each succeeding effort—what this person calls "nation building"—was somewhat better managed than the previous one. This article compares Germany, Japan, Somalia, Haiti, Bosnia, Kosovo, and Afghanistan to Iraq in terms of the problems we face.

I find it very interesting to note, quoting the article:

> Among the recent operations, the United States and its allies have put 25 times more money and 50 times more troops on a per capita basis in post-conflict Kosovo than into post-conflict Afghanistan.

We are already learning how to move forward and establish the new governments in the countries we are involved with. Afghanistan is a good example.

If you follow through on what this person is stating, he is taking the position of the RAND organization:

> We at RAND believe that Iraq will require substantial external funds for humanitarian assistance and budgetary support. It is highly unlikely that taxes on the Iraqi oil sector will be adequate to fund the reconstruction of the Iraqi economy in the near future. Judging by the experience of Bosnia and Kosovo, territories that have higher per capita incomes than Iraq, budgetary support will be necessary for quite some time. To manage immediate operating expenditures, we suggest that post-conflict authorities in Iraq first establish a reasonable level of expenditures, then create a transparent tax system and ask foreign donors to pick up the difference.

We have a donors' conference scheduled later next month.

The article goes on to say:

> Post-conflict stabilization and reconstruction with the objective of promoting a transition to democracy appear to be the inescapable responsibility of the world's only superpower. Therefore, in addition to securing the major resources that will be needed to carry through the current operation in Iraq success, the United States ought to make the smaller long-term investments in its own institutional capacity to conduct such operations.

I find this article very interesting in terms of the problems we face. I ask unanimous consent that it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

See exhibit 1.

Mr. STEVENS. Mr. President, going back to the statements made before our committee, as Ambassador Bremer said to us on September 22:

> There are some things I would like to point out about this $87 billion request. No one part of the supplemental is indispensable and no part is more important than the others. This is a carefully considered request. This is urgent. The urgency of military operations is self-evident. The funds for nonmilitary action in Iraq are equally urgent. Most Iraqis welcome us as liberators and we glow with the pleasure of that welcome. Now the reality of foreign troops on the streets is starting to chafe. Some Iraqis are beginning to regard us as occupiers and not as liberators. Some of this is inevitable, but faster progress in reconstruction will help. Unless this supplemental passes quickly, the Iraqis will face darkness eight hours daily. The safety of our troops is indirect but real. The people who ambush our troops are small in number and do not do so because they have undependable electricity. However, the population of a few is directly related to their cooperation in hunting down those who attack us. Earlier progress gives an edge against terrorists.

As chairman of the Appropriations Committee, I take the position that we should act as quickly as possible on this bill. If we can get it to third reading before we leave here the next week, the House will act on the bill while we are gone. We can marry our version of the bill to the House version of the bill here in the Senate and take it up the first week we are back after the recess. If we do that, we should be able to get this bill to the President and to the Department of Defense and to Ambassador Bremer's operation by mid-October at the latest. It is urgent we do that.

We have the option to demonstrate to the world we are not going there to occupy Iraq. We did not intend to occupy Iraq. As a matter of fact, under the Iraq Liberation Act enacted in 1998, Congress stated the policy:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

Further, it stated:

> It is the sense of the Congress once the Saddam Hussein regime is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing immediate and substantial humanitarian assistance to the Iraqi people, by providing democracy transition to Iraqi parties and movements with democratic goals, and by convening Iraq's foreign creditors to develop a multilateral response to Iraq's foreign debt incurred by Saddam Hussein's regime.

That is what we are trying to do. We are trying to escape the long delay of military occupation and carry out our goal of liberation of the Iraqi people as we decided in 1998.

It is essential we proceed with this markup and get the bill to the Senate as quickly as possible. It is my hope it would be on the floor by Tuesday night. I hope the leader will give us the time during the next week to take this bill, that provides the funds, to third reading so we can act as an Appropriations Committee in conjunction with our colleagues from the House on the bill they will produce when we are on recess.

Nothing is more important than demonstrating to those people in uniform in Iraq that we mean business. We need this money. There is no question they need this money.

Because of the requests made during the debate on the last supplemental, we convinced the administration to submit a 2004 Defense bill. The 2004 Defense bill did not contain any money for Iraq. That was in the separate supplemental submitted to us in response to the request from the Congress to do just that.

For the first time in history the President has requested money in advance to conduct a war. All Presidents in the past have taken money from existing Government funds, spent them, and then came to Congress to replace the funds from which those moneys were taken.

This President submitted a concise request. As a matter of fact, one Member of the other side of the aisle in the budget markup asked for $100 billion for the Iraqi defense activities. This President asked for a total of $66 billion plus $20.3 billion for the activities conducted under Ambassador Bremer's aegis to hasten the ability of the Iraqi people to take over their own government, their own security, and their own future.

If we can act quickly, we can escape a long period of occupation. Compare the two sections of this bill: $66 billion for defense, $20 billion for the humanitarian and governmental activities. The longer we keep our troops in Iraq, the more expensive it will become from a military point of view. The sooner we can help these people establish their own government, provide their own security, their own army, the sooner we can bring our people out of Iraq and release these extraordinary expenses. The President has enabled us to view those expenses.

The bill we just passed, and the President will soon sign for 2004 for Department of Defense, does not contain money for Iraq. The money for Iraq is in a separate bill and demonstrates to everyone how expensive it is to keep an army in Iraq.

Our goal is to get that $20.3 billion as quickly as possible. It is needed as much as the Defense money. I hope the Senate will work with us next week as we try to bring this bill to the floor and get it to third reading before we recess on the 3rd.

EXHIBIT 1

[From the Rand Review, Summer, 2003]

NATION-BUILDING

(By James Dobbins)

We at the RAND Corporation have compiled what we have found to be the most important lessons learned by the United States in its nation-building efforts since World War II. Not all these hard-won lessons have yet been fully applied to America's most recent nation-building efforts in Afghanistan and Iraq.

We define nation-building as "the use of armed force in the aftermath of a conflict to underpin an enduring transition to democracy." We have compared the levels of progress toward this goal among seven historical cases: Germany, Japan, Somalia, Haiti, Bosnia, Kosovo, and Afghanistan. These are the most important instances in which American military power has been used in the aftermath of a conflict to underpin democratization elsewhere around the world since World War II.

From our review of the historical cases, we at RAND have derived a number of overarching conclusions:

Many factors—such as prior democratic experience, level of economic development, and social homogeneity—can influence the ease or difficulty of nation-building, but the single most important controllable determinant seems to be the level of effort, as measured in troops, money, and time. Multilateral nation-building is more complex and time-consuming than a unilateral approach. But the multilateral approach is considerably less expensive for individual participants.

Multilateral nation-building can produce more thorough transformations and greater regional reconciliation than can unilateral efforts.

Unity of command is as essential in peace operations as it is in war. This unity of command can be achieved even in operations with broad multilateral participation when the major participants share a common vision and tailor the response of international institutions accordingly.

There appears to be an inverse correlation between the size of the military stabilization force and the level of casualties. The higher the proportion of troops relative to the resident population, the lower the number of casualties suffered and inflicted. Indeed, most of the post-conflict operations that were generously manned suffered no casualties at all.

Neighboring states can exert significance influence, for good or bad. It is nearly impossible to put together a fragmented nation if its neighbors try to tear it apart. Every effort should be made to secure their support.

Accountability for past injustices can be a powerful component of democratization. Such accountability can be among the most difficult and controversial aspects of any nation-building endeavor, however, and therefore should be attempted only if there is a deep and long-term commitment to the overall operation.

There is no quick fix for nation-building. None of our cases was successfully completed in less than seven years.

These lessons are drawn from the "best practices" of nation-building over the past 60 years. We explain the lessons in greater detail below and then suggest how they might be applied to future operations and, in particular, to Iraq. Although the combat phase of the war against Iraq went very well and the regime collapsed much faster than many had expected, the United States has been left with the unenviable task of seeking to build a democratic, economically vibrant Iraqi nation.

FROM GERMANY TO AFGHANISTAN

The cases of Germany and Japan set a standard for post-conflict nation-building that has not been matched since. Both were comprehensive efforts at social, political, and economic reconstruction. These successes demonstrated that democracy was transferable, that societies could be encouraged to transform themselves, and that major transformations could endure.

For the next 40 years, there were few attempts to replicate these early successes. During the cold war with the Soviet Union, America employed its military power to preserve the status quo, not to alter it; to manage crises, not to resolve the underlying problems; to overthrow unfriendly regimes and reinstall friendly ones, not to bring about fundamental societal change.

After 1989, a policy of global containment of the Soviet Union no longer impelled the United States to preserve the status quo. Washington was now free to overlook regional instability in places like Yugoslavia and Afghanistan as long as the instability did not directly threaten American interests. At the same time, though, the United States had the unprecedented opportunity of using its unrivaled power to resolve, not just to manage or to contain, international problems of strategic importance. In addition, the United States could secure broader international support for such efforts than ever before.

Throughout the 1990s, each successive post-cold war effort became wider in scope and more ambitious in intent than its predecessor had been. In Somalia, the original objective was purely humanitarian but was subsequently expanded to democratization. In Haiti, the objective was to reinstall a president and to conduct elections according to an existing constitution. In Bosnia, the objective was to create a multiethnic state out of a former Yugoslav republic. In Kosovo, the objective was to establish a democratic polity and market economy virtually from scratch.

From Somalia in 1992 to Kosovo in 1999, each nation-building effort was somewhat better managed than the previous one (see table). Somalia was the nadir. Everything that could go wrong did. The operation culminated in the withdrawal of U.S. troops in 1994 after a sharp tactical setback that had resulted in 18 American deaths in October 1993. This reverse, which became memorialized in the book and film "Black Hawk Down," was largely the result of an unnecessarily complicated U.S. and United Nations command structure that had three distinct forces operating with three distinct chains of command. Despite its failure, the Somalia mission taught America crucial lessons for the future. One was the importance of unity of command in peace operations as well as in war. Second was the need to scale mission

AMERICA'S HISTORY OF NATION-BUILDING

Country or territory	Years	Peak U.S. troops	International cooperation	Assessment	Lessons learned
West Germany	1945–1952	1.6 million	Joint project with Britain and France, eventually NATO.	Very successful. Within 10 years an economically stable democracy and NATO member.	Democracy can be transferred. Military forces can underpin democratic transformation.
Japan	1945–1952	350,000	None	Very successful. Economically stable democracy and regional security anchor within a decade.	Democracy can be exported to non-Western societies. Unilateral nation-building can be simpler (but more expensive) than multilateral.
Somalia	1992–1994	28,000	United Nations (U.N.) humanitarian oversight.	Not successful. Little accomplished other than some humanitarian aid delivered in Mogadishu and other cities.	Unity of command can be as essential in peace as in combat operations. Nation-building objectives need to be scaled to available resources. Police may need to be deployed alongside military forces.
Haiti	1994–1996	21,000 (plus 1,000 international police).	U.N. help in policing	Not successful. U.S. forces restored democratically elected president but left before democratic institutions took hold.	Exit deadlines can be counterproductive. Need time to build competent administrations and democratic institutions.
Bosnia	1995-present	20,000	Joint effort by NATO, U.N., and Organization for Security and Cooperation in Europe.	Mixed success. Democratic elections within two years, but government is constitutionally weak.	Unity of command is required on both military and civil sides. Nexus between organized crime and political extremism can be serious challenge to enduring democratic reforms.
Kosovo	1999-present	15,000 (plus 4,600 international police).	NATO military action and U.N. support.	Modest success. Elections within 3 years and strong economic growth. But no final resolution to Kosovo's status.	Broad participation and extensive burden-sharing can be compatible with unity of command and American leadership.
Afghanistan	2001-present	10,000	Modest contribution from U.N. and nongovernmental organizations.	Too early to tell. No longer launch pad for global terrorism. But little democratic structure and no real government authority beyond Kabul.	Low initial input of money and troops yields low output of security, democratization, and economic growth objectives to available resources in troops, money, and staying power. A third lesson was the importance of deploying significant numbers of international police alongside international military forces to places where the local law enforcement institutions had disappeared or become illegitimate.

America applied these lessons to Haiti in the mid-1990s. We had unity of command throughout the operation. We did not have parallel American and allied forces. We had a single force under a single command with a clear hierarchy of decisionmaking. We deployed a large number of police within weeks of the military deployment, and the police were armed with both weapons and arrest authority. Unfortunately, we were obsessed with exit strategies and exit deadlines in the wake of the Somalia debacle. So we pulled out of Haiti with the job at best half done.

The Bosnia experience of the late 1990s, was more successful. We set an exit deadline but wisely ignored it when the time came. On the negative side, there was a lack of coordination between the military stabilization efforts of NATO and those organizations responsible for civilian reconstruction. Consequently, the authority for implementing the civilian reconstruction projects became fragmented among numerous competing institutions. To complicate the situation further, the international police who had been deployed were armed with neither weapons nor arrest authority.

By the time of the Kosovo conflict in 1999, we and our allies had absorbed most of these lessons. We then made smarter choices in Kosovo. We achieved unity of command on both the civil and military sides. As in Bosnia, NATO was responsible for military operations. On the civil side, we established a clear hierarchical structure under a United Nations representative. Leadership was shared effectively between Europe and the United States. Working together, we deployed nearly 5,000 well-armed police alongside military peacekeepers. Although far from perfect, the arrangement was more successful than it had been in Bosnia.

During his presidential campaign in 2000, George W. Bush criticized the Clinton administration for this expansive nation-building agenda. As president, Bush adopted a more modest set of objectives when faced with a comparable challenge in Afghanistan. Nevertheless, the attempt to reverse the trend toward ever larger and more ambitious U.S.-led nation-building operations has proven short-lived. In Iraq, the United States has taken on a task comparable in its vast scope to the transformational efforts still under way in Bosnia and Kosovo and comparable in its enormous scale to the earlier American occupations of Germany and Japan. Nation-building, it appears, is the inescapable responsibility of the world's only superpower.

QUANTITATIVE COMPARISONS OF CASES

For each of the seven historical cases of nation-building, we at RAND compared quantitative data on the "inputs" (troops, money, and time) and "outputs." The outputs included casualties (or lack thereof), democratic elections, and increases in per capita gross domestic product (GDP).

Troop levels varied widely across the cases. The levels ranged from 1.6 million U.S. troops in the American sector in Germany at the end of World War II to 14,000 U.S. and international troops currently in Afghanistan. Gross numbers, however, are not the most useful numbers for comparison, because the size and populations of the nations being built have been so disparate. We chose instead to compare the numbers of U.S. and foreign soldiers per thousand inhabitants in each occupied territory. We then compared the proportional force levels at specified times after the conflict ended (or after the U.S. rebuilding efforts began).

Figure 1 shows the number of international troops (or in the German and Japanese cases, U.S. troops) per thousand inhabitants in each territory at the outset of the intervention and at various intervals thereafter. As the data illustrate, even the proportional force levels vary immensely across the operations. (The levels vary so tremendously that they require a logarithmic, or exponential, scale for manageable illustration.)

Bosnia, Kosovo, and particularly the U.S.-occupied sector of Germany started with substantial proportions of military forces, whereas the initial levels in Japan, Somalia, Haiti, and especially Afghanistan were much more modest. The levels generally decreased over time. In Germany, the level then rose again for reasons having to do with the cold war. Overall, the differences in force levels across the cases had significant implications for other aspects of the operations.

Figure 2 compares the amount of foreign economic aid per capita (in constant 2001 U.S. dollars) provided to six of the territories during the first two years. Although Germany received the most aid in raw dollar terms ($12 billion), the country did not rank high on a per capita basis. Per capita assistance there ran a little over $200. Kosovo, which ranked fourth in terms of total assistance, received over $800 per resident. With the second-highest level of economic assistance per capita, Kosovo enjoyed the most rapid recovery in levels of per capita GDP. In contrast, Haiti, which received much less per capita than Kosovo, has experienced little growth in per capita GDP.

Germany and Japan both stand out as unequaled success stories. One of the most important questions is why both operations fared so well compared with the others. The easiest answer is that Germany and Japan were already highly developed and economically advanced societies. This certainly explains why it was easier to reconstruct their economies than it was to reconstruct those in the other territories. But economics is not a sufficient answer to explain the transition to democracy. The spread of democracy to poor countries in Latin America, Asia, and parts of Africa suggests that this form of government is not unique to advanced industrial economies. Indeed, democracy can take root in countries where neither Western culture nor significant economic development exists. Nation-building is not principally about economic reconstruction, but rather about political transformation.

Because Germany and Japan were also ethnically homogeneous societies, some people might argue that homogeneity is the key to success. We believe that homogeneity helps greatly but that it is not essential, either. It is true that Somalia, Haiti, and Afghanistan are divided ethnically, socioeconomically, or tribally in ways that Germany and Japan were not. However, the kinds of communal hatred that mark Somalia, Haiti, and Afghanistan are even more pronounced in Bosnia and Kosovo, where the process of democratization has nevertheless made some progress.

What principally distinguishes Germany, Japan, Bosnia, and Kosovo from Somalia, Haiti, and Afghanistan is not their levels of Western culture, democratic history, economic development, or ethnic homogeneity. Rather, the principal distinction is the level of effort that the United States and the international community have put into the democratic transformations. Among the recent operations, the United States and its allies have put 25 times more money and 50 times more troops on a per capita basis into post-conflict Kosovo than into post-conflict Afghanistan. These higher levels of input account in significant measure for the higher levels of output in terms of democratic institution-building and economic growth.

Japan, one of the two undoubted successes, fully meets the criterion regarding the duration of time devoted to its transformation. In the first two years, Japan received considerably less external economic assistance per capita than did Germany, Bosnia, or Kosovo, indeed less than Haiti and about the same amount as Afghanistan. Japan's correspondingly low post-conflict economic growth rates reflect this fact. Japan's subsequent growth of the 1950s, spurred by American spending linked to the Korean War, helped to consolidate public support for the democratic reforms that had been put in place in the immediate postwar years. As with the German economic miracle of the 1950s, the experience in Japan suggests that rising economic prosperity is not so much a necessary precursor to political reform as a highly desirable successor and legitimizing factor.

In proportion to its population, Japan also had a smaller military stabilization force (or, as it was then termed, occupation force) than did Germany, Bosnia, or Kosovo, although the force was larger than those in Haiti and Afghanistan. The ability to secure Japan with a comparatively small force relates to both the willing collaboration of the Japanese power structures and the homogeneity of the population. A third important factor was the unprecedented scale of Japan's defeat—the devastation and consequent intimidation wrought by years of total war, culminating in the fire bombing of its cities and finally two nuclear attacks. In situations where the conflict has been terminated less conclusively and destructively (or not terminated at all), such as Somalia, Afghanistan, and most recently Iraq, we have seen more difficult post-conflict security challenges. Indeed, it seems that the more swift and bloodless the military victory, the more difficult can be the task of post-conflict stabilization.

The seven historical cases have differed in terms of duration. The record suggests that although staying long does not guarantee success, leaving early assures failure. To date, no effort at enforced democratization has been brought to a successful conclusion in less than seven years.

UNITY OF COMMAND

Throughout the 1990s, the United States wrestled with the challenge of gaining wider participation in its nation-building endeavors while also preserving adequate unity of command. In Somalia and Haiti, the United States experimented with sequential arrangements in which it initially managed and funded the operations but then quickly turned responsibility over to the United Nations. In Bosnia, the United States succeeded in achieving both broad participation and unity of command on the military side of the operation through NATO. But in Bosnia the United States resisted the logic of achieving a comparable and cohesive arrangement on the civil side. In Kosovo, the United States achieved broad participation and unity of command on both the military and civil sides by working through NATO and the United Nations.

None of these models proved entirely satisfactory. However, the arrangements in Kosovo seem to have provided the best amalgam to date of American leadership, European and other participation, financial burden-sharing, and unity of command. Every international official in Kosovo works ultimately for either the NATO commander or the Special Representative of the U.N. Secretary General. Neither of these is an American. But by virtue of America's credibility in the region and America's influence in NATO and on the U.N. Security council, the United States has been able to maintain a satisfactory leadership role while fielding only 16 percent of the peacekeeping troops and paying only 16 percent of the reconstruction costs.

The efficacy of the Bosnia and Kosovo models has depended on the ability of the United States and its principal allies to attain a common vision of the objectives and then to coordinate the relevant institutions—principally NATO, the Organization for Security and Cooperation in Europe, the European Union, and the United Nations—to meet the objectives. These two models offer a viable fusion of burden-sharing and unity of command.

In Afghanistan, in contrast, the United States opted for parallel arrangements on the military side and even greater divergence on the civil side. An international force—with no U.S. participation—operates in the capital of Kabul, while a national and mostly U.S. force operates everywhere else. The United Nations has responsibility for promoting political transformation, while individual donors coordinate economic reconstruction—or, more often, fail to do so.

The arrangement in Afghanistan is a marginal improvement over that in Somalia, because the separate U.S. and international forces are at least not operating in the same physical space. But the arrangement represents a clear regression from what we achieved in Haiti, Bosnia, or, in particular, Kosovo. It is therefore not surprising that the overall results achieved to date in Afghanistan are better than in Somalia, not yet better than in Haiti, and not as good as in Bosnia or Kosovo. The operation in Afghanistan, though, is a good deal less expensive than those in Bosnia or Kosovo.

APPLYING THE LESSONS TO IRAQ

The challenges facing the United States in Iraq today are formidable. Still, it is possible to draw valuable lessons from America's previous experiences with nation-building. There are four main lessons to be learned for Iraq.

The first lesson is that democratic nation-building can work given sufficient inputs of resources. These inputs, however, can be very high. Regarding military forces, Figure 3 takes the numbers of troops used in the previous cases of nation-building and projects, for each, a proportionally equivalent force for the Iraqi population over the next decade. For example, if Kosovo levels of troop commitments were deployed to Iraq, the number would be some 500,000 U.S. and coalition troops through 2005. (There are roughly 150,000 coalition troops stationed in Iraq today.) To provide troop coverage at Bosnia levels, the requisite troop figures would be 460,000 initially, falling to 258,000 by 2005 and 145,000 by 2008.

In addition to military forces, it is often important to deploy a significant number of international civil police. To achieve a level comparable to the nearly 5,000 police deployed in Kosovo, Iraq would need an infusion of 53,000 international civil police officers through 2005 (in addition to the forces represented in Figure 3).

It is too early to predict with accuracy the required levels of foreign aid, but we can draw comparisons with the previous historical cases. Figure 4 takes the amount of foreign aid provided in six of the seven previous cases of nation-building and projects proportionally equivalent figures for the Iraqi population over the next two years. If Bosnia levels of foreign aid per capita were provided to Iraq, the country would require some $36 billion in aid from now through 2005. Conversely, aid at the same level as Afghanistan would total $1 billion over the next two years.

We at RAND believe that Iraq will require substantial external funds for humanitarian assistance and budgetary support. It is highly unlikely that taxes on the Iraqi oil sector will be adequate to fund the reconstruction of the Iraqi economy in the near future. Judging by the experiences of Bosnia and Kosovo, territories that have higher per capita incomes than Iraq, budgetary support will be necessary for quite some time. To manage immediate operating expenditures, we suggest that the post-conflict authorities in Iraq first establish a reasonable level of expenditures, then create a transparent tax system, and ask foreign donors to pick up the difference until the nation gets on its feet. We believe that this will be the most efficacious avenue to economic recovery.

At the same time, we suspect that Iraq will not receive the same per capita levels of foreign troops, police, or economic aid as did either Bosnia or Kosovo. Figures of 500,000 troops or $36 billion in aid are beyond the capacity of even the world's only superpower to generate or sustain. Even half those levels will require the United States to broaden participation in Iraq's post-conflict stabilization and reconstruction well beyond the comparatively narrow coalition that fought the war, thereby mounting a broader international effort on the Balkan models. According to the lessons learned, the ultimate consequences for Iraq of a failure to generate adequate international manpower and money are likely to be lower levels of security, higher casualties sustained and inflicted, lower economic growth rates, and slower, less thoroughgoing political transformation.

The second lesson for Iraq is that short departure deadlines are incompatible with nation-building. The United States will succeed only if it makes a long-term commitment to establishing strong democratic institutions and does not beat a hasty retreat tied to artificial deadlines. Moreover, setting premature dates for early national elections can be counterproductive.

Third, important hindrances to nation-building include both internal fragmentation (along political, ethnic, or sectarian lines) and a lack of external support from neighboring states. Germany and Japan had homogeneous societies. Bosnia and Kosovo had neighbors that, following the democratic transitions in Croatia and Serbia, collaborated with the international community. Iraq could combine the worst of both worlds, lacking both internal cohesion and regional support. The United States should consider putting a consultative mechanism in place, on the model of the Peace Implementation Council in the Balkans or the "Two Plus Six" group that involved Afghanistan's six neighbors plus Russia and the United States, as a means of consulting with the neighboring countries of Iraq.

Fourth, building a democracy, a strong economy, and long-term legitimacy depends in each case on striking the balance between international burden-sharing and unity of command. As noted above, the United States is unlikely to be able to generate adequate levels of troops, money, or endurance as long as it relies principally upon the limited coalition with which if fought the war. On the other hand, engaging a broader coalition, to include major countries that will expect to secure influence commensurate with their contributions, will require either new institutional arrangements or the extension of existing ones, such as NATO.

In its early months, the American-led stabilization and reconstruction of Iraq have not gone as smoothly as might be expected, given abundant, recent, and relevant American experience. This is, after all, the sixth major nation-building enterprise the United States has mounted in eleven years, and the fifth in a Muslim nation or province.

Many of the initial difficulties in Iraq have been encountered elsewhere. Somalia, Haiti, Kosovo, and Afghanistan also experienced the rapid and utter collapse of their prior regimes. In each of those instances, the local police, courts, penal services, and militaries were destroyed, disrupted, disbanded, and/or discredited. They were consequently unavailable to fill the post-conflict security gap. In Somalia, Bosnia, Kosovo, and Afghanistan, extremist elements emerged to fill the resultant vacuum of power. In all five cases, organized crime quickly developed into a major challenge to the occupying authority.

In Bosnia and Kosovo, the external stabilization forces ultimately proved adequate to surmount these challenges. In Somalia and Afghanistan, they did not or have not yet, respectively.

Throughout the 1990s, the management of each major stabilization and reconstruction mission represented a marginal advance over its predecessor, but in the past several years this modestly positive learning curve has not been sustained. The Afghan mission cannot yet be deemed more successful than the one in Haiti. It is certainly too early to evaluate the success of the Iraqi nation-building mission, but its first few months do not raise it above those in Bosnia and Kosovo at a similar stage.

Over the past decade, the United States has made major investments in the combat efficiency of its forces. The return on investment has been evident in the dramatic improvements demonstrated from one campaign to the next, from Desert Storm to the Kosovo air campaign to Operation Iraqi Freedom. But there has been no comparable increase in the capacity of U.S. armed forces, or of U.S. civilian agencies for that matter, to conduct post-combat stabilization and reconstruction operations.

Nation-building has been a controversial mission over the past decade, and the extent of this controversy has undoubtedly curtailed the investments needed to do these tasks better. So has institutional resistance in both the state and defense departments, neither of which regards nation-building among its core missions. As a result, successive administrations tend to treat each new such mission as if it were the first and, more importantly, the last.

This expectation is unlikely to be realized any time soon. In the 1990s, the Clinton administration conducted a major nation-building intervention, on the average, every two years. The current administration, despite a strong disinclination to engage American armed forces in these activities, has launched two major such enterprises in a period of eighteen months.

Post-conflict stabilization and reconstruction with the objective of promoting a transition to democracy appear to be the inescapable responsibility of the world's only superpower. Therefore, in addition to securing the major resources that will be needed to carry through the current operation in Iraq to success, the United States ought to make the smaller long-term investments in its own institutional capacity to conduct such operations. In this way, the ongoing improvements in combat performance of American forces could be matched by improvements in the post-conflict performance of our government as a whole.

Mr. STEVENS. I yield the floor.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Ms. LANDRIEU. Mr. President, I know my colleagues will be coming to the floor to speak more about the situation in Iraq, but I take a moment as one of the managers of the DC bill to give a few closing remarks on that subject and wrap up a couple of issues this morning. Then I understand the Democratic leader will come to the floor. When he does, I will be happy to yield. And I see one of my other colleagues.

For the record, I follow up a couple of comments from my friend from Missouri who spoke just a few minutes ago on the subject.

One, he referred to a letter from Secretary Paige. We on our side do not have a copy of that letter. It has not been submitted to us. We would be pleased to receive it if there is such a letter indicating support for this three-sector approach, because all we have is the "Statement of Secretary of Education Rod Paige On the DC School Choice Initiative Before the House Committee on Government Reform," dated June 24, 2003.

I have spent the last 30 minutes reviewing again the statement, which I had read once before, and there was no mention at all in this statement of any three-sector approach. It is approximately 20 pages long, and I have highlighted every reference to the choice initiative fund proposed by the President, and there is no reference in here for charter schools or for education reform for traditional public schools.

So I want to submit this statement for the RECORD. That is all we have on this side. If there is a new statement from the Secretary, we would be happy to review it. I ask unanimous consent that the statement of Secretary Paige be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY OF EDUCATION ROD PAIGE ON THE DC SCHOOL CHOICE INITIATIVE BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM, JUNE 24, 2003

Chairman Davis and members of the Committee, thank you for the opportunity to appear before you today to discuss the Bush Administration's proposal to initiate a program to expand school choice in the District of Columbia in fiscal year 2004. I welcome the opportunity to describe our proposal and explain our reasons for putting it forward. I am also very pleased to appear at this hearing with Mayor Anthony Williams, who has been, and will continue to be, our partner in developing this initiative. I truly appreciate the Mayor's willingness to work with us, and the relationship we have developed around the simple idea that wider educational options can benefit the children of the District of Columbia.

This hearing occurs very close to the anniversary of a very historic moment in the history of educational choice in America. On Friday, we will observe the one-year anniversary of the Supreme Court's decision in Zelman v. Simmons-Harris, the case that determined that a properly structured school voucher program is constitutional. When the Court announced that decision, I hailed it as one that could open doors of opportunity to thousands of children and could transform the educational landscape in our country. That statement is worth repeating today, as we think about how to improve and reform elementary and secondary education in Washington, DC.

Mr. Chairman, I know that officials in my Department and Members of Congress have been concerned about the quality of education in the District of Columbia for many years. D.C. public schools are only a short walk from our offices, we see District students going to and from school each day, and we read about the challenges of the D.C. public schools in the newspapers almost daily. We all want the capital of the greatest nation on earth to have some of the finest schools on earth. At one time this city's schools were considered among the best in the entire Nation. But for many years we have been disappointed by the performance of public schools in the District, and at the seeming inability of public school officials to manage schools and programs effectively.

In some respects, the situation in the District may be no different from that in other urban school districts that educate large numbers of children living in poverty, but in other respects the District has sometimes seemed uniquely resistant to reform and improvement. I say that with full respect for Superintendent Vance and with appreciation for what he is trying to accomplish and for some of the things he has achieved, but I think it's the truth.

Let's consider the performance of D.C. students on the National Assessment of Educational Progress, or NAEP as it's called, the assessment that measures the performance of students over time in reading, writing, math, and other core academic subjects. In the most recent mathematics assessment, administered in 2000, only 6 percent of D.C. fourth-graders tested at the "proficient" or "advanced" levels, the levels that show that students have demonstrated competency over challenging subject matter. A lower percentage of students in D.C. demonstrated proficiency than was the case for any State. At the other end of the scale, 76 percent of D.C. fourth-graders scored at the "below basic" level, which means that they could not demonstrate even partial mastery of the math skills and knowledge that are appropriate at the fourth-grade level. The 2000 8th grade math results were very similar; only 6 percent of D.C. students tested at the "proficient" or "advanced" levels, and 77 percent were "below basic."

The most recent NAEP reading assessment took place in 2002, and the National Assessment Governing Board announced the results just last week. The results for D.C. students were a little better than the 2000 math scores, but still were completely inadequate. Only 10 percent of D.C. fourth-graders could read proficiently, while 69 percent were "below basic." At the 8th grade level, 9 percent were "proficient" or "advanced" and 52 percent were "below basic."

Looking at the quality of a school system requires more than just reviewing scores on achievement tests. But when we look at other indicators, they too show that D.C. public schools are not providing the education that children in the District need or deserve. The most recent edition of Quality County, the annual review of education trends and data produced by the newspaper Education Week, gave the District a grade of only a D+ for having an acceptable system of academic standards and accountability, a C in the area of success in recruiting new teachers, and a D+ for school climate. The D.C. public school system has a long history of management problems in such important areas as facilities maintenance, personnel and payroll, food service, procurements, and even in accurately counting enrollments. In addition, the system has historically failed to comply with the requirements of Federal programs, such as Title I and Special Education, to a point where the Department has had to enter into compliance agreements with the District that call for implementation of major reforms within specific timelines. We insisted on these agreements not because some paperwork wasn't being filled out correctly, but because the District was, for instance, failing quite egregiously to provide its disabled students with the free appropriate public education required under the Individuals with Disabilities Education Act.

I would like to repeat what I said a few minutes ago: I support and respect the work that Paul Vance is doing in the District. I know that he has taken on the major management problems and having been a big-city school superintendent myself, I know that turning around a system is not easy. And Superintendent Vance has shown some results. The District's Stanford-9 achievement test scores for 2002 showed minor improvements at most grade levels in reading and math. And the proliferation of charter schools in the District, including some that have achieved great initial success, has given more choices and greater hopes to students and parents. But I believe the preponderance of information demonstrates that schools in the District are not achieving what they should and that more needs to be done if children in the District are to achieve to the high levels called for under the No Child Left Behind Act.

The Bush Administration has responded to this problem by including, in our fiscal year 2004 budget request, a school choice initiative for D.C. You might ask whether expanding educational choice to include private-school options is appropriate for the District, whether it is likely to work, whether giving students wider educational opportunities is likely to help the D.C. public school system improve, and whether we should, instead, request more money for D.C. public schools. Let me address those issues.

We believe that the President's budget includes more than adequate support for D.C.'s public schools, including charter schools. Our request for Department of Education elementary and secondary education formula programs would provide some $92 million to the District in 2004, an increase of 15 percent over the level only two years ago (2002). And let's forget that D.C. already spends, per student, more than all but a handful of urban districts across the country. If money were the solution, then we would have solved the problems of public schooling in the District a long time ago. We believe, instead, that tackling this problem will depend in large measure on giving D.C. students more educational choices.

In the communities across the country that have experimented with publicly and privately funded school choice programs that include private-school options, the results have been extremely positive, for the students directly served by the programs and for the school system as a whole. For example, research by Patrick Wolf of Georgetown University, along with Paul Peterson and Martin West of Harvard, on the first two years of the scholarship program administered by the privately funded Washington Scholarship Fund (WSF), showed that the math and reading achievement of African-American students who enrolled in private schools using support from the Fund was significantly higher than the achievement of a control group of students who remained in D.C. public schools. This research also found that parents who received support from the Fund gave their children's schools higher ratings than did parents of children in the control group, and that their children were doing more homework. Studies by these and equally eminent scholars in other cities, such as Milwaukee, San Antonio, Cleveland, and Dayton, offer very similar results.

What about the charge that voucher programs "cream" the best students from the public schools and thereby weaken public school systems? We find no evidence to buttress that claim. To the contrary, research by Caroline Hoxby of Harvard and others has found that students who take advantage of private school choice options are typically at least as educationally and economically disadvantaged as students who remain in the public schools. To some extent, this is because existing choice programs have explicitly targeted children from low-income families, as our initiative would do. But even without this targeting, programs that include private-school options seem to attract students who are no more affluent, and have no better an educational profile, than other students. In addition, there is at least preliminary evidence that school districts in which public schools have been exposed to private-school competition, through a choice program, have responded by improving educational services. In Milwaukee and in the Edgewood district in San Antonio, the presence of a choice program was associated with gains in achievement in the public schools.

Those findings are consistent with my own experience directing the Houston Independent School District, the Nation's seventh-largest. In Houston, we didn't resist school choice; we embraced it. We created a system of charter schools even before the State did. We let children in low-performing schools take their share of the funding—$3,750 a year—to a private school. I believe that our acceptance of choice, our willingness to compete with charter and public schools, helped us to make the changes we needed to make in order to achieve the learning gains for which we received national acclaim.

For these reasons, the Administration has put forward our proposal. The outlines of this proposal are very simple. The President's budget request for fiscal year 2004 includes $75 million for a national Choice Incentive Fund. Under this program, the Department would make grants to support projects that provide low-income parents, particularly those who have children attending low-performing public schools, with the opportunity to transfer their children to higher-performing public and private schools, including charter schools. A portion of the money would be reserved for the District of Columbia.

We anticipate making a grant either to the D.C. public school system or to another, independent entity to operate the program in the District. The grantee would then develop and implement procedures for certifying schools to participate in the program, informing D.C. families about the choices available to them, selecting students to participate, and then monitoring and reporting on the program as it goes forward. The proposal in our budget did not specify the maximum amount of assistance an individual student could receive, but we want it to be sufficient to allow students a good choice of educational options.

We also see accountability as a major feature of this initiative, because it will give parents in D.C. the ability to hold schools accountable for meeting the educational needs of students. And we will provide for a rigorous evaluation of the project in D.C. (as well as the other projects funded by the national Choice Incentive Fund) by examining the academic achievement of students, parental satisfaction, and other results, so that the lessons can be applied to future programs and initiatives. We want to obtain solid evidence on the benefits of expanding educational options and making schools accountable to parents while respecting the flexibility and freedom of participating private schools.

Mr. Chairman, I know that this proposal has engendered a great deal of attention in the media and elsewhere, including some vociferous criticism. Before I end my statement, I would like to respond to some of the major criticisms, to set the record straight.

We've heard that the Administration is trying to impose this initiative on the District against the will of its citizens and with no input from its elected and appointed leadership. That is not the case. We have met not only with Mayor Williams, but with Councilman Kevin Chavous, who is the Chairman of the Council's Education Committee, and with School Board President Peggy Cooper Cafritz to discuss our proposal, and we look forward to continuing our discussions with these and other local officials. I would like to commend these officials for the courage they have shown in publicly endorsing a D.C. school choice initiative and their willingness to work with us on the details. We want to implement a choice program that reflects the needs of the District and reflects the input of D.C.'s leadership; we don't pretend to have all the answers.

I acknowledge that a choice initiative that includes private school options will probably not, in the end, be what some of the political leaders in the District want. It is, however, what I believe the parents want. The Washington Scholarship Fund has a waiting list of approximately 5,000 children. One D.C. parent, Virginia Walden-Ford, the leader of the D.C. Parents for School Choice, testified before Councilman Chavous's committee and said the following:

> "We have received hundreds of calls from parents who have not been lucky enough to get a scholarship through the many scholarship groups in town, WSF, Black Student Fund, etc., and parents who are camping out for charter schools that are not keeping up the pace of parents' need to get out of failing schools. They contact us looking for better options for their children. Parents here in the District are daily expressing their frustration in a school system that is taking too long to fix itself."

I note also that a majority of people in the District of Columbia support choice, including choice that includes private school options. In a 1998 Washington Post poll, 56 percent of D.C. residents said that they supported using Federal money to help send the city's low-income students to private or parochial schools, while only 36 percent opposed. For African-Americans this support was even stronger—60 percent were in favor—and among African-Americans with annual incomes of under $50,000, it was even stronger, with 65 percent in favor.

We in the Department have also heard that this initiative will bleed money from the District's public schools. That is also not the case. The Choice Incentive Fund proposed by the President represents new money. It was not obtained by subtracting funds from the other Federal programs that support D.C. public schools. If the initiative does not go forward in the District, my guess is that the money will be used in other communities to expand educational choices and improve educational outcomes in those communities.

We've also heard complaints that we are supporting a voucher program when we could be supporting the District's charter schools instead. We find this complaint especially interesting since it has recently been voiced by some who were never strong charter school supporters before. But that's all right with us because we strongly support charter schools too. We will continue to fight to make sure the President's charter school funding priorities are fulfilled, especially on the facilities front, so that this vibrant movement can keep flourishing.

And, finally, we've heard that all the Administration cares about is launching a voucher program in the District, that we don't care about the children who will remain in the public school system. That couldn't be farther from the truth. Our Department has a record of reaching out to the D.C. Public Schools, to work with the system on overcoming its problems, of providing it with information, technical assistance, and other resources. We've adopted individual schools in the District and provided those schools with hands-on assistance. In our meetings with D.C. officials, we have said that we will continue these efforts, and I'm happy to state that in public today. The choice initiative should be just one element in an effort to improve education in the District and ensure that all children can achieve to high standards. We want to contribute to the larger effort as well.

Let me close with a quotation from Dr. Howard Fuller, the former superintendent of schools in Milwaukee, currently the Director of the Institute for the Transformation of Learning at Marquette University, and a strong advocate of opening up wider educational choices for children and parents. Dr. Fuller has said:

> "In America, it is virtually impossible for our children to bring their dreams to reality without an education. Unfortunately, far too many of our children are not only having their dreams deferred, they are having them destroyed. They are being destroyed by educational systems that are undereducating them, miseducating them, and pushing them out by the thousands every day. We must have a sense of urgency about changing this unacceptable situation."

It is that "sense of urgency" that drives this proposal.

Thank you again for the opportunity to testify today. I would be happy to respond to any questions that the Committee may have.

Ms. LANDRIEU. Mr. President, another point I would like to make is that the Senator made a statement that needs clarification. As I started out this morning, I said the details of this are very important, because if you pursue the details and you dissect the details, you will eventually get to the truth. So there is one detail I must repeat. And I guess I am going to have to stand here, I don't know, every day or a month or a year to continue to say this until the other side cries uncle. This proposal is not—it never was, it is not today—limited or designed for failing schools. Let me repeat, this proposal is not—not when it was initially proposed, not last week, not yesterday, not last night, not today, not this morning at 5 minutes to 12—limited to children in failing schools.

Although the proponents say they are interested in helping children in failing schools, the real issue for proponents of vouchers is they simply believe in choice. That, of course, is their prerogative. But to stand behind the visual of poor people struggling in schools that are failing is absolutely false. This proposal, as written, if anyone reads it, is not limited or directed to failing schools. It gives a preference to students in failing schools, but it is not designed to students in failing schools.

That principle is worth fighting over because the whole accountability system we have put into place is about identifying schools that are failing, and then providing resources to those schools to make them better.

If the other side gets away with saying, "Well, that is what we said, but that is not really what we meant, because we aren't interested in putting resources into failing schools, we are interested in putting resources into all schools, because our job is to make parents happy," I think that is just such a foolish goal.

Let me say why I think it is foolish. As much as I would like to see every parent happy, in my 25 years in public life I don't know how in the heck we would measure that because some parents are real happy, some parents are a little happy, and some parents are happy in some ways and not happy in other ways, and I would have no way of measuring what is a good measure for parental happiness. If someone in this Chamber has any way to measure parental happiness in a way that taxpayers could know if parents are a little happy, just a little happy, happy on Mondays and not on Fridays, and that was our goal, please tell me because I would be open to discuss it.

It is foolishness. We should be directing revenues, if we are going to do that, to failing schools. This proposal is not directed to failing schools. They can say it 1,000 times. I ask you to read the details.

Now my third point. I know my colleague has been very patient, but I have to make this point. My colleague from Missouri asked me, What difference does it make? What difference does all this make?

It makes a huge amount of difference. We, as a Congress, with this President, in a bipartisan way, have embarked upon a new effort, a new journey, to take good public schools and make them great, knowing that some schools are excellent but some schools are really bad. And as a Nation, we are saying since 1965 our general plans are not working as well as they should have, so let's make a big adjustment. We have made a big adjustment, and that difference is worth fighting for, the strengthening of public education in the greatest democracy in the world.

People on my side say to me: Senator LANDRIEU, you have spent a lot of time on this issue. For Louisiana, the State I represent, and for the country I love—and all of us love our country and our States—this is about as essential as it gets.

The fourth point I want to make: My friend from Missouri talks about the single moms. Please help these single mothers, poor single mothers who are working and can't afford to send their children to school. Please help.

And they show pictures of African-American single moms and Hispanic single mothers, kind of indicating, in a very insulting way—I know they do not mean it to be insulting, but you could interpret it as that; and I know that is not the intention—but there are those of us over here who think we spend a lot of time fighting for poor women. I have spent my whole life, basically, doing that. So it is really hard for me to accept this criticism. But I am not perfect, and maybe I have failed in some way in that effort. But when my friends say things to me, that we need to help single mothers, let me just ask them a question. Is it that party or this party which does not support the increase in the minimum wage for these same women? Is it that party on the other side of the aisle which refuses to raise the wage from $5.15 to help poor women have more choices in their life, or is it this side of the aisle? Is it that side of the aisle which refuses, year after year, to put more money into day care so the same poor women who are working two jobs—early in the morning until late at night—could have some sense of satisfaction that their children will be well cared for while they are contributing to the great economy of this Nation, or is it our side?

So you have to understand—I hope people understand—this is a very important debate. The facts will speak for themselves. They can run all the ads they want, all the bumper stickers, and all the headlines, but that is what the facts are.

I have this letter we received today. It is dated September 26. It is from Secretary Paige.

> I am writing today to express my strong support for the District of Columbia education improvement initiative. . . .
>
> This bill includes a three-pronged initiative to:—

And here it is—

> (1) improve DC public schools . . . (2) create new charter schools . . . and (3) provide scholarships.

This is the first official letter we have received.

This letter is a step in the right direction.

I see the leader on the floor. But let me just say, until this administration says they will veto any bill that does not have this in it, the Members who are willing to negotiate on this have no assurance that this is the way it will ultimately come out.

So I thank the Secretary for clarifying the position. I commend him for his innovation. But again, until we have a statement of a veto from the President unless this proposal includes these three provisions, with permanent funding for all three, we do not have any assurance these words will actually match the rule of law. And that is still a problem.

I see my leader and yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank the distinguished Senator from Louisiana. I appreciate all of her effort in providing leadership to the Senate on this appropriations bill. We will have more to say about it next week.

ADMINISTRATION'S LACK OF COOPERATION WITH 9/11 COMMISSION

Mr. DASCHLE. Mr. President, I wish to use leader time to talk briefly about another matter I call to my colleagues' attention.

Late last year, I had the opportunity—indeed the obligation—to work on and support the most important commission that has been established in all my years in public service.

In the aftermath of the terrible terrorist attacks of September 11, the families of the victims and all Americans turned to their elected leaders in the White House and the Congress to help them obtain some answers to how this tragedy occurred and what steps should be taken to prevent future 9/11s.

Senate Democrats, led by Senators LIEBERMAN and TORRICELLI, proposed that the best way to provide these answers was to establish a blue-ribbon, independent panel to carefully sort through all the facts and evidence and interview key policymakers.

The record will clearly show that this commission was strongly opposed by the White House. In fact, Vice President CHENEY called me twice to indicate, incorrectly in my view, that creating such a commission could jeopardize the administration's efforts in the war on terrorism.

Other Bush officials in other settings made it clear to the families and Democratic and Republican members of Congress that they were less than enthusiastic about having a commission examine the administration's actions prior to 9/11.

After it became clear that their opposition was politically unsustainable, the administration switched gears and decided to support a commission provided that Congress remove several key elements of the Lieberman/Torricelli proposal designed to ensure the commission functioned as effectively and independently as possible.

Congress was effectively asked to take it on faith that the executive branch would work with the commission on a nonpartisan effort to shed light on the tragedy of 9/11.

Regrettably, that promise has not been realized as the administration continues to throw roadblocks in front of the commission's work. In July, the Chairman Kean and Vice Chairman Hamilton stated publicly that the Bush administration has been slow and unresponsive in producing information sought by the commission.

Shortly after receiving this report, the Senate unanimously approved an amendment offered by myself and several other Senate Democrats urging the President to immediately and publicly call for all executive branch agencies to provide their fullest and most timely cooperation to the commission.

Unfortunately, no such call was issued, 2 more months have elapsed, and we have another report from the chairman and vice chairman that should provide no comfort to those seeking the truth about what happened on 9/11. While stating that administration cooperation has improved, at the half-way mark of the commission's life, Chairman Kean said, "We have not got everything. We have not gotten everything that we feel we need to do our job."

Chairman Hamilton indicated that the commission's work is at a crunch point and that unless the commissioners receive satisfactory cooperation from the White House the Commission will be unable to meet its May, 2004 reporting deadline.

Other commissioners have been more stark in their assessment. According to a recent article in the Los Angeles Times, two commissioners said, "the investigation is still hampered by heel-dragging by the White House and federal agencies."

Despite the administration's attitude toward the creation of this commission, all of us who supported it hoped that once established the administration would recognize the significance and importance of its work and cooperate fully.

We all owe an immense debt of gratitude to the commissioners for their hard work and dedication to this effort. Each of them has already spent countless hours on this task and the families and the nation appreciate their work. It would be a shame if the administration's lack of cooperation prevented them from completing their important task.

As Vice Chairman Hamilton's remarks indicate, time is running out on the administration to reverse course and do right by this investigation. Time is running out on the commission to get the information it needs to complete their work. And time is running out on the families and all Americans to get the answers they deserve. I urge the administration to immediately and completely cooperate with the commission so this work can be completed successfully to the expectations of those families who have given so much.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

RECONSTRUCTION OF IRAQ

Mr. DORGAN. Mr. President, I have just come from a meeting to discuss the Appropriations Committee work beginning next week on the request from President Bush for $87 billion in urgent supplemental appropriations for Iraq. Of that $87 billion, roughly $66 billion is in support of the military and the mission in Iraq; $21 billion is for the reconstruction of Iraq. We will begin writing an appropriations bill in response to all of this next Tuesday morning at 10.

I wish to bring to my colleagues' attention a couple of things with respect to this issue. First, when America sends its sons and daughters to defend our interests, when America puts its soldiers in harm's way, it has an obligation to provide the resources and funding needed to support their mission. I will support that. I will vote for that. I believe the Senate, the entire Congress will do that. But, there is a difference between providing the funding on an urgent basis for support of our troops to carry out their mission in Iraq and Afghanistan and the request for the reconstruction of Iraq. I want to describe that difference.

Iraq is a country with substantial resources. It is not a country desperately impoverished. It is a country with 24 million people. It possesses the second largest oil reserves in the world. Ambassador Bremer told us this week that when pumping at capacity, by next July he expects the Iraq oil fields to be pumping at about 3 million barrels per day. That produces about $20 billion in revenue per year, $16 billion of which is available for export; therefore, the development of currency as a result of the export sales of $16 billion a year of oil, each year, from the country of Iraq. This is not an impoverished country. This a country with substantial wealth under its sands. Pumping that wealth in the form of oil and selling it produces substantial revenue for the 24 million people.

With respect to the question of the reconstruction, I want to go back to April of this year and to a "Night Line" program in which Ted Koppel had on one of the top folks in the Department of State who is in charge of the U.S. Agency for International Development, Andrew Natsios. He was asking Mr. Natsios about what would be required of the American taxpayers for the reconstruction of Iraq. I want to read this exchange because it occurred on the ABC television network 5 months ago.

Ted Koppel says: You are saying that the top cost for the U.S. taxpayer will be $1.7 billion with respect to the reconstruction of Iraq?

Mr. Natsios, one of the top officials in the Department of State, who heads the USAID which has the mission for projects for reconstruction: Yes, for the reconstruction. Then there is $700 million in the supplemental budget.

He was referring to something we had done earlier this year for humanitarian relief.

Koppel says: But as far as reconstruction goes, the American taxpayer will not be hit for more than $1.7 billion, no matter how long the process takes?

Mr. Natsios: That is our plan. That is our intention.

Koppel says: And these figures, outlandish figures I have seen, there is a bit of hoopla in all of this?

Mr. Natsios says, in response to a question: That is correct. One point seven billion is the limit on reconstruction for Iraq.

Natsios says: The rest of it is going to come from other countries.

He says: We have arrangements with other countries.

Then he names the other countries. He says: In terms of the American taxpayers' contribution for the reconstruction of Iraq, $1.7 billion. The rest of the rebuilding of Iraq will be done by other countries that have already made pledges—Britain, Germany, Norway, Japan, Canada, Iraq.

He says: Eventually, in several years, when it is up and running, and there is a new government that has been democratically elected, they will finish the job with their own revenues. They are going to get $20 billion a year in oil revenues. But the American part of the reconstruction for Iraq will be $1.7 billion. We have no plans for any further funding for this.

That was this administration's spokesman said in April of this year.

Well, 5 months later, we have a new request to the American taxpayers for almost $21 billion to continue the reconstruction of Iraq.

Mr. Natsios said $1.7 billion. That is all. We have no plans for any other funding requests. Five months later, they are asking for another $21 billion.

Let me tell you what my contention is on the $21 billion to reconstruct Iraq. My feeling is, rather than have the U.S. taxpayers provide $21 billion in grants to reconstruct Iraq, the revenue from Iraqi oil should be used to reconstruct Iraq. So I asked Ambassador Bremer about that.

He said: Well, that is not possible.

I asked: Why?

He said: Iraq has a substantial amount of debt. They have a lot of debt. They have to repay this debt.

I said: To whom does Iraq owe debt?

He said: Germany and France and Russia.

So after that hearing, I went and took a look at who Iraq owed money to. Well, guess what. The top of the list is not France, Russia, and Germany. At the top of the list is Saudi Arabia and Kuwait and the other Arab States, and then, yes, there is some owed to France and Russia and Germany, as well. But at the top of the list is Saudi Arabia and Kuwait.

What the Ambassador was saying to me is we cannot use Iraq's oil to reconstruct Iraq. That oil is going to have to be pumped so they can sell it for cash and send money to Saudi Arabia and Kuwait. So we will have the American taxpayers pay some of their taxes so they can reconstruct Iraq.

Sound perverse? It sure does to me. I think we should say to Saudi Arabia and Kuwait: You loaned Saddam Hussein money. Well, you loaned money to a government that doesn't exist anymore. You know that $50 billion Saddam Hussein owes you, owed Saudi Arabia and Kuwait? Go find them and hand them a bill. It is not this country's obligation to bail out Saudi Arabia for debts that they allowed Saddam Hussein to run up with their countries. That is not our obligation. Iraqi oil ought not to be used to repay Saudi Arabia and Kuwait from money they loaned to Saddam Hussein. Saddam Hussein is gone. No one can find him. The Saddam Hussein government is out of power. It doesn't exist.

So then the question is, How do you reconstruct this country? Well here is some of what American taxpayers are being asked to pay for: Forty garbage trucks, $50,000 each; $9 million to create a zip code for Iraq in the postal system; $54 million for technical and business process studies into a computer network for the Iraqi postal system; building seven new communities, 3,400 homes, including marketplaces, a church, and so on; two 4,000-bed prisons at $50,000 a bed. Well, that is just a start—fix some roads, fix up some electric grids.

The interesting thing is that our "shock and awe" military campaign explicitly did not target Iraq's infrastructure. We didn't take out their power grid. We didn't do it because we didn't want to. We didn't destroy their dams or their power grid or the infrastructure of Iraq. Now we are told the infrastructure must be reconstructed. Why? Because guerrillas and insurgent movements inside Iraq have destroyed some of the infrastructure in Iraq, and because Saddam Hussein let it deteriorate for over 20 years.

So the question is, What do we do in Iraq, and who pays for it?

That is a long route to get to my central point. I don't believe it is the American taxpayers' responsibility to ante up $21 billion for the reconstruction of a country that has the capacity to borrow $30 billion, repay it in 10 years at 6 percent interest, with $4 billion a year that comes from a $16 billion-a-year stream of revenue by pumping oil out of the sands of Iraq. Common sense? Sure. Maybe there are some who cannot see that, but I think the American people will.

I have a September 2003 document. I guess it is 55 pages. It is the reconstruction plan for the country of Iraq. Let me say, I believe Iraq needs some reconstruction; there is no question about that. The administration makes the point that the quicker this economy gets up and moving, the quicker you have a vibrant set of opportunities in Iraq for the people, and the safer it will be for our troops. I agree with that. That is fine. But if you look at what they are asking the American people to create in the country of Iraq in these 55 pages, let me go through some of it: Private sector development, $200 million to establish an American-Iraqi enterprise fund to capitalize the enterprise fund to invest in a wide array of private enterprises. This is sort of a venture capital fund of $200 million. Expand networks of employment centers, $8 million; on-the-job training for private sector employment, $35 million; develop a program for computer literacy training in Iraq, $40 million; specialized computer training in Iraq, $15 million; English as a second language in Iraq, $30 million; modernize vocational training institutes, $25 million.

I could go on and on for 50 pages. I understand why they want to do this. What I don't understand is why the American people are required to pay for this, when this country is a country that has the second largest oil reserves in the world and has the capability to produce the revenue to pay for it themselves. This makes no sense. It defies common sense.

I am going to offer an amendment in committee next Tuesday, and I will offer it on the floor if it doesn't prevail in committee. I think we ought to do a couple of things. One, I think we ought to separate this issue and move the support for the troops immediately. I don't think anybody here wants to withhold whatever necessary support is requested to support the military. We sent them there; we have a requirement to support them with all they need to complete the mission.

Second, I think we ought to separate the question of the reconstruction in the country of Iraq and go back to April of 2003, 5 months ago, and the promise made to us and the American people by the head of the agency and the State Department that is going to do the reconstruction, Mr. Natsios, when he said our total obligation we are going to ask the American taxpayers to fund is $1.7 billion. Believe me, he said that is the total amount the American people are going to have to fund.

Five months later, they came back and said: By the way, because Iraq owes money to Saudi Arabia and Kuwait, and Iraqi oil has to be pumped to pay debts to them, we want the American taxpayer to pay for basic infrastructure in the country of Iraq.

I am telling you, there is something fundamentally flawed about that. I hope my colleagues on the Appropriations Committee will see the same thing. We are going to have a chance to vote on my amendment. It is going to be relatively simple. It says this: Let's fund the military request the President sent to us and do so quickly, and in a way that says there is no question about supporting the troops we have sent abroad. Second, here is the way we ought to reconstruct Iraq. The President is right. Iraq needs reconstruction, but he is wrong to ask the American taxpayers to pay for that. The way to reconstruct Iraq is to securitize the oil to be pumped in Iraq at 3 million barrels a day, beginning in July, according to Bremer, and use that securitization for Iraqi oil to repay the securities from that over the next 10 to 20 years to reconstruct Iraq exactly as the administration wants it done. I don't dispute any of these needs. I don't take issue with the administration saying this ought to be done. I take very strong issue with the suggestion that somehow an administration that promised us 5 months ago the total cost of reconstruction would be $1.7 billion, now says it is $21 billion in reconstruction, which ought to come from American taxpayers' funds, when we are dealing with the second largest oil reserves in the world.

So we are going to have votes on this in the Appropriations Committee. We are going to have votes on it on the floor if it doesn't prevail in committee. I have been reading in the paper that some colleagues feel the same way on both sides of the aisle. They think this makes no sense to talk about $21 billion in grants from the American taxpayers to fund these issues. I hope some of them will join me and that we can do what is right, use a big barrel full of common sense on an issue like this, and help the American taxpayers and the Iraqi people at the same time and, most importantly, do what is necessary to support the American military who is trying to carry out this critical mission in that part of the world.

God bless those men and women. We pray for their safety. We pray for their families. As we work through this next week, I hope there is a healthy dose of common sense in this Senate dealing with this reconstruction issue.

I yield the floor.

Mr. CONRAD. Will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. CONRAD. The Senator has mentioned that the President has come before us and asked for $21 billion to reconstruct Iraq. In addition to that, the President is saying there is another $40 billion to $50 billion of needs next year for the reconstruction of Iraq that is supposed to come from someplace else. The President and his people have said some of these other countries are going to contribute. Is the Senator aware of this additional $40 billion to $50 billion of money for reconstruction of Iraq that the President has identified?

Mr. DORGAN. Mr. President, responding to the question, I am, and Ambassador Bremer made the same point as did Secretary Rumsfeld.

There is a donor conference that is being held in Spain in just a matter of a couple of weeks. We have asked what is the proclivity of these countries to begin helping and donating. Here is what we were told: I believe it is 69 countries have donated $1.5 billion total.

In this request, they are asking the American taxpayers for $21 billion but say there will be a dramatic amount more that is needed but that is going to come from somebody else. It appears very unlikely it is going to come from anybody else. That is my point.

The first step is I think this administration ought to work to have debt forgiveness with Saudi Arabia and Kuwait and others so they do not have that debt overhanging that country and then have that country's oil produce the revenue to reconstruct the country.

This is not a desperately impoverished country. This is a country that sits on top of massive quantities of money in the form of oil, and yet we are being told the American taxpayers—who are already facing very large, staggering deficits, I might say—that somehow the issues of building dams, building prisons, building communities, doing job training, building hospitals, building health care facilities, building roads, all of that should be borne by the American taxpayer at a time when they have the capability to produce the revenue in Iraq to pay for all of that. This is inexplicable to me.

As I said to my colleague, I hope we have a healthy dose of common sense that prevails on this question. Not on the military issue. I want some common sense there, too, but I do not want anybody to question whether we are going to support the military. We do.

On reconstruction, we really need to go at this on behalf of the American people, in their interest. It is not in their interest to have to add this to the Federal debt and say to America's children, you pay for the reconstruction of a country that has oil to pay for its own reconstruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank my colleague for giving an excellent presentation and an excellent suggestion. This country has the second largest oil reserves in the world, and we are getting ready to have the American people rebuild that nation.

There is something really wrong with the administration's thinking on this matter, to come before us and ask for $21 billion, to say there is another $40 billion to $50 billion of need in the next year and that they are going to get it from somewhere else, when the somewhere else has promised $1.5 billion. So there is a shortage of another $40 billion. Where is that going to come from, and what is it being used for?

My colleague from North Dakota pointed out what was in the Washington Post this morning, a detailed analysis of some of these expenditures. One that I found most unusual was $1 million per family in Iraq for a witness protection program for 100 families. That is $100 million—$1 million a family. That is a pretty good deal. It is going to be used to build prisons in Iraq for $50,000 a bed. Somebody is not thinking straight.

They are going to create a ZIP Code, millions of dollars to create a ZIP Code; area codes for phone systems, millions of dollars paid for by American taxpayers. I do not think so. This in a country that has the second largest oil reserves in the world. As my colleague has pointed out, the reason we cannot use their oil money to rebuild their country is that they owe tens of billions of dollars to Saudi Arabia and Kuwait?

Somebody has to have some common sense. We have to slow this thing down and think about what we are doing. I think the administration is kind of discombobulated. They are running around throwing out numbers they have not even thought through. That just cannot be what the response of the Congress is.

In light of this request for $87 billion—and that is the tip of the iceberg, unfortunately. The fact is, it is very clear they are not going to get the $40 billion or $50 billion from anybody else and they will be right back asking for tens of billions of dollars more. That cannot be the response.

Now, why not? First, it is not right. It is not fair. The American taxpayer should not be saddled with debts that are not ours. We already have our own debts. We have a runaway freight train of debt in this country.

In light of the President's request for another $87 billion, I think it is time for us to go back to his State of the Union Address on January 28, 2003, when he said to us:

> This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents, and other generations.

That is what he said to us. But look at what has really happened. We are doing precisely what he said we will not do. The debt of the United States, which will be passed on to future generations, which will be passed on to future Congresses and to future Presidents, is absolutely mushrooming out of control.

The President told us just 2 years ago that in 2008 the debt would be virtually paid off. He said there would only be $36 billion left. Now, we know if we enact the President's policies, instead of virtually paying off the publicly held debt by 2008, which is the smaller part of the debt, it will be $6.2 trillion. How much is that? That is 6,200 billion dollars. That is how much the debt is going to be by 2008, the point at which the President had told us we were going to have virtually paid off the debt. So the President was wrong, and wrong by a mile, on that assertion.

The President told us:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens.

He told that to us 2 years ago. But let's look at what we now know. What we now know is that instead of the assertion by the President that there were not going to be budget deficits, we have record budget deficits, the biggest in the history of the country, and by a country mile. The President's last proposal was reviewed by the Office of Management and Budget, and they tell us now that the deficit will be $535 billion next year.

The previous record deficit was in 1992, when the first President Bush was in office, and the deficit was $290 billion. Now for next year, it is $535 billion. That is a record deficit. The President told us just 2 years ago it would not occur.

Then the President told us the next year:

> . . . our budget will run a deficit that will be small and short-term. . . .

He told us the budget deficit would be small and short term. That was just a year ago. This is according to the President's own budget documents. This is what happens if his spending and his tax proposals are adopted. What we see is an ocean of red ink, and one that grows year after year. These are not small deficits, they are not short-term deficits, they are the biggest deficits we have ever had. And the next 10 years is the budget sweet spot. They are the good times, according to the President's own analysis of his proposals. His own budget shows us that his plan is taking this country right over the fiscal cliff. This is what he says will happen to budget deficits. Not only are they not small, they are record. And they are not short term, they are endless.

This is the President's analysis out to the year 2050, and there is no break in deficits anywhere here. It is deficits each and every year. We are in this part of the chart now, which shows the smallest deficits, and we know they are record deficits, the biggest deficits we have ever had in the history of the country.

Next year alone, there is a deficit of $535 billion. The truth is, it is much worse than that because they are going to take $160 billion of Social Security money on top of that $535 billion of deficit. They are going to take every penny of Social Security surplus and throw that into the pot. So, on an operating basis, the deficit next year is really going to be $700 billion.

The debt of the United States at the time Jimmy Carter was President, after 200 years of history in this country, was around $750 billion, and we are going to add that much or virtually that much in 1 year under this President's plan. That is not the most serious part. That is not the part that really worries this Senator. What really worries me is, that is the tip of the iceberg, according to the President's own analysis of his plans.

He says, if you adopt his budget plan, his spending, his tax plan, that the deficits grow geometrically when the baby boomers start to retire. At the very time the baby boomers retire, the cost of the tax cuts explode, pushing us deep into deficit and debt, to levels never seen in the history of the United States. That is the plan the President is pursuing. It is a reckless plan and it is a dangerous plan.

The President presented his budget for fiscal year 2004, and it said:

> Compared to the overall Federal budget and the $10.5 trillion national economy, our budget gap is small by historical standards.

First of all, there weren't going to be any deficits. That proved to be wrong. Then the deficits were going to be small and short term. That proved to be wrong. Now the President is saying, as a share of the whole national economy they are relatively small.

The problem with that statement is it is wrong, too. It is wrong, too. The next chart shows how big these deficits are as a share of our national income. This chart goes all the way back to the end of World War II—just after the end of World War II. You can see the previous record deficit as a percentage of GDP was back in 1983—6 percent of gross domestic product.

Next year, the deficit as percentage of gross domestic product is going to be 6.2 percent, if one excludes the Social Security trust funds from the calculation. So if you are looking at the budget on an operating basis, if you are looking at it as any private sector firm would have to look at its budget, what you see is the biggest deficit, as a percentage of gross domestic product, since World War II. And the President says it is relatively small. It is not relatively small, it is huge. It is the biggest it has been since World War II.

Of course, what the President has left out is that the Social Security surpluses back in 1983 were virtually nonexistent. So when the President—the then-President—took those moneys, he wasn't taking much. But look at what has happened to the Social Security surpluses. They have been mounting dramatically, and now this President is taking every dime of Social Security surplus to pay the operating expenses of the country. No private sector firm would be able to do that. If you were in the private sector, you couldn't take the retirement funds of your employees and throw those into the pot to pay your operating expenses. If you did, you would be on your way to a Federal institution, but it would not be the White House. It would not be the Congress of the United States. You would be on your way to the Federal penitentiary, because that is a violation of Federal law.

Yet that is what this President is doing this year and next year, taking every dime of Social Security trust fund surplus. And not just this year and next year. Under the President's budget plan, he is going to take every penny of Social Security surplus this year and next year and the year after that and the year after that and the year after that and for the next 10 years. Every penny is being taken to pay the operating expenses of the Federal Government.

This President is taking us down the road that is a fiscal disaster of the first order, and we had better start facing up to it. We are going to have an opportunity next week because the President has come before us and asked for another $87 billion—put it on the charge card. No, this $87 billion has to be paid for. We have to start getting back on track.

The President, in his latest estimates, tells us that revenue as a percentage of gross domestic product is going to be at its lowest level since 1950. You will recall one of his major justifications for the tax cuts 2 years ago was that revenue was at a record percentage of gross domestic product. Now we are headed for a record low, in terms of revenue, and his answer is the same: Cut revenue more. It doesn't matter what the question is, the answer from this President, from this administration, is the same: Cut the revenue. If revenue is high, cut it. If revenue is low, cut it some more.

It is not just a question of revenue being low, it is also a question of spending being increased. This chart shows, for this year, 92 percent of the increased discretionary spending is in just three categories: Defense, which accounts for the vast majority of it; homeland security, which is the second biggest chunk; and the third biggest chunk is rebuilding New York and providing relief for the airlines, so badly affected by what has occurred. So we have not only the lowest revenue since 1950, we also have increased expenses for defense, homeland security, rebuilding New York.

Of course, all of us support those increased expenditures in order to meet the obligations the country has taken on under this President.

The President is fond of saying, "It's the people's money."

This is a place where I agree with the President absolutely. It is the people's money, he is absolutely right about that. This is the people's money. But what the President has left out is that it is also the people's debt. What he is running up here is a debt that is truly massive in scope.

This looks at the gross debt of the United States. Earlier we were talking about the publicly held debt. But if you look at the gross debt, not only what we owe those who have loaned money to the United States—which, by the way, includes a lot of money from Japan and Europe—we also see that we owe money to ourselves. We owe money to the Social Security trust fund that the President has been taking money from in order to float this boat. That is truly stunning.

We have a gross debt of $6.8 trillion at the end of this year. But look at what is going to happen in the next 10 years. We are going to have a gross debt approaching $15 trillion. That is 15,000 billion dollars. That is real money. And all of this is happening at the worst possible time.

Why the worst possible time? Because, as this chart shows right now, the green bar, which is the Social Security trust fund, the blue bar which is the Medicare trust fund, are running surpluses in anticipation of the retirement of the baby boom generation. Unfortunately, the money is not being used to prepare us for the retirement of the baby boom generation. The money is all being taken and spent on the operating expenses and to pay for the President's tax cuts. That is where the money is going. Not to prepare for the retirement of the baby boom generation.

The red part of these bars is the cost of the President's tax cuts. What one sees is, when the trust funds go cash negative, which happens in the next decade—in fact, it begins to happen pretty soon because in 2008 the leading edge of the baby boom generation starts to retire.

Look at what happens when those trust funds go cash-negative at the very time the cost of the President's tax cuts explode, dragging us deeper and deeper into deficits and debt. This is utterly unsustainable. It is leading us to a crash landing.

You don't have to take my word for it. Here is a report from the New York Times of September 14 reporting on the Congressional Budget Office's warning to all of us here in Congress. Let me quote from the New York Times:

> This course—

the fiscal course that the President has embarked upon—

> prompted the Congressional Budget Office to issue an unusual warning in its forecast last month: If congressional Republicans and the administration get their wish and extend all of their tax cuts now scheduled to expire, and if they pass a limited prescription drug benefit for Medicare and keep spending at its current level, the deficit by 2013 will have built up to $6.2 trillion.

That is not the gross debt. That is the publicly held debt—$6.2 trillion. That is 6,200 billion.

They go on to say:

> Once the baby boomers begin retiring at the end of this decade, that course will lead either to drastically higher taxes, severe spending cuts, or "unsustainable levels of debt."

That is the course we are on. That is the course the President has put us on. It is a disastrous course by any judgment.

Again, we have heard from the Congressional Budget Office.

By the way, the head of the Congressional Budget Office used to be on the President's budget team, his Council of Economic Advisers. He came from the White House.

You don't have to just listen to me or to him. Here is the Comptroller General of the United States, David Walker, in a speech on September 17 to the National Press Club. He said in that speech:

> The ultimate alternatives to definitive and timely action are not only unattractive, they are arguably infeasible. Specifically, raising taxes to levels far in excess of what the American people have ever supported before, cutting total federal spending by unthinkable amounts, or further mortgaging the future of our children and grandchildren to an extent that our economy, our competitive posture and the quality of life for Americans would be seriously threatened.

This is the Comptroller General of the United States put in place by the bipartisan leadership of Congress warning us that the course the President has us on is a disastrous course.

We don't have to just listen to the head of the Congressional Budget Office, or have to listen to the Comptroller General of the United States. We just have to look at what has happened. We all can look and we can read reality tests. Does it make sense?

Two years ago, the President told us we could have it all. The President said we could have massive tax cuts. He told us we could save Social Security and Medicare without touching the trust funds. He said we could have maximum paydown of the debt. He said we could have a big defense buildup. He said we could do it all. He was wrong. He was wrong by a country mile. He was wrong on each and every count—not protecting Medicare and Social Security. He is taking every dime of the Social Security trust fund surpluses for the entire rest of the decade.

He said we wouldn't have deficits. We have record deficits. He said he would virtually pay off the debt. The debt is exploding. The President is taking us down a course that does not work.

Most recently, he told us:

> It is important for you all to understand, for our fellow Americans to understand, the tax relief I have proposed—and will push for until enacted—will create 1.4 million new jobs by the end of 2004.

We are not at the end of 2004. So we can't make a judgment on that. But we can look back at 2001.

In 2001, he made the same kind of claim. He said if you pass his plan, which we did, it was going to generate millions of new jobs.

Wrong again. He hasn't generated millions of new jobs. He has lost millions of jobs—3.3 million jobs lost by August 2003 since this President took office. That is the worst record on jobs since Herbert Hoover. No other President of either party has lost private-sector jobs during their entire term since the Great Depression. This President has lost 3.3 million jobs with his economic plan.

Once again, he is wrong—just wrong. He is just wrong in assertion after assertion after assertion. He is just wrong. That is the hard reality we have to cope with.

If we look at this recovery that is underway—and there are signs of economic recovery, which one would expect—if you go and write $700 billion of hot checks in a year on the Federal accounts, you expect to give some lift to the economy. By spending all of this additional money, all of these tax cuts, you would expect the economy to improve, and it is improving. But we are not seeing much pickup in jobs.

We charted the last nine recessions which have occurred since World War II—the job recovery that occurred during the recovery from those recessions. Here is the trend line that we see: In each of those nine recessions, there has been a good pickup in jobs when the economy started to recover. Here is the pattern in this recovery. This is like a dead cat bouncing. Nothing is happening. Jobs are not being recovered. Jobs are still being lost, and the President told us he had a plan, he had a strategy that was going to bring back jobs—millions of jobs, he said. He was wrong.

Now some are saying deficits don't really matter. It is really quite stunning to hear some of our Republican colleagues, who for years believed deficits did matter, all of sudden completely change course and say deficits don't matter. The Chairman of the Federal Reserve Board believes deficits matter. Here is what he said before the Senate Banking Committee:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended to.

Again, we didn't need to just listen to the head of the Federal Reserve Board. Hear what the head of the Congressional Budget Office said in testimony before the Budget Committee earlier this month. He said:

> To the extent that going forward we run large sustained deficits in the face of full employment, it will in fact crowd out capital accumulation and otherwise slow economic growth.

This is the testimony of Mr. Holtz-Eakin who was, again, put in office by the Republicans who control both Chambers, and came from the President's own economic advisors saying that deficits do matter. They do hurt economic growth in the long term.

Again, I go back to the Comptroller General and his outstanding speech to the National Press Club on September 17.

> The "bottom line" is, there is little question that deficits do matter, especially if they are large, structural and recurring in nature. In addition, our projected budget deficits are not "manageable" without significant changes in "status quo" programs, policies, processes and operations.

I don't know exactly when this Congress is going to awaken to the threat that is barreling down on us, but we face a circumstance just as clear as it can be: The largest deficits in our history in dollar terms, by far. Deficits as a percentage of GDP fairly measured that are the largest since World War II and no relief in sight. Instead, deficits as far as the eye can see, massive deficits that are coming at the worst possible time, right before the baby boomers retire, right when we should be paying down debt or prepaying the liability.

Instead, we are taking the money, hundreds of billions of dollars; in fact, over $2 trillion of Social Security surpluses alone over the next decade the President proposes taking to spend on other operations in government. That is $2.4 trillion of Social Security money, taking every dime. Not just this year, not just next year, but every year for the next decade.

Two years ago the President told us we could expect nearly $6 trillion in surpluses over the next 10 years. In just 2 years that has turned into $4 trillion, $4,000 billion of deficits.

Where did the money go? Here is where it went: 39 percent went to the tax cuts the President proposed and pushed through Congress; 28 percent went to increased spending, largely, as I indicated earlier, defense and Homeland Security; 7 percent went to the economic downturn; 27 percent in revenue shortfalls not associated with the tax cuts. So two thirds of the disappearance of the surplus in the move to deficits is on the revenue side of the equation. That is where the money has gone.

Some are saying, we do not have to worry about this; we will grow our way out of it. Here is what the Comptroller General of the United States said, again in a speech to the National Press Club:

> [T]he consensus opinion at a recent meeting of prominent economists representing a wide variety of ideological viewpoints was that . . . "we cannot simply agree our way out of this problem."

It is time to face up to reality. It is time to face up to the fact we have again down a course that is not working. I am not casting aspersions on anyone's intentions or motivations. That does no good. But we can now look back at the President's record objectively and clearly. We can see that statement after statement he has made to this Congress was simply wrong.

He said there would be no deficits. We have record deficits. He said they would be small and short-term. They are massive and unending. He said they are small as a percentage of our gross domestic product. They are the biggest they have been since World War II as a percentage of gross domestic product, fairly measured. The President said this would all create jobs. He said it would create millions of jobs. Millions of jobs have been lost.

Now he says he needs another $87 billion that he does not want to pay for. Where is the money going? We have heard a number of presentations this morning: 500 experts, at $200,000 each, to investigate crimes against humanity in Iraq. Let me repeat that. Here we are in the deepest deficit, in debt at the worst possible time, and the President says one of the things we should do is get us 500 experts at $200,000 each to investigate crimes against humanity. I am all for investigating crimes against humanity, but I am all against spending $200,000 each for 500 people in one year to investigate crimes against humanity in Iraq. Have we completely taken leave of our senses around here?

He wants to build prisons over there at $50,000 a bed. He wants to have a witness protection program that will provide $1 million per family. Yes, it is there. Read the Washington Post: A witness protection program for families of five, 100 families of five, at $200,000 each in the family, five people, $200,000 each, and that is $1 million for 100 families, for a total of $100 million. We do not have a witness protection program like that in this country.

Let's get serious around here. We are in disastrous deficit and debt and we are talking about these kind of expenditures in a country that has the second largest oil reserves in the world, and we say, "Just put it on the debt of the American people"? I don't think so. There has to be a better way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, early next week we will take up what has now become the defining issue of this session of Congress—the Bush administration's proposal for $87 billion for Iraq.

I support our troops in Iraq. We all support our troops in Iraq. If that is the issue, the vote will be 100 to nothing in the Senate.

The administration had an effective plan to win the war. The tragedy is that our troops are paying with their lives because the administration failed to prepare a plan to win the peace.

Our troops performed superbly in the war. They are doing their very best under enormously difficult circumstances now. They deserve the full support of Congress, and they will get it.

But they also deserve a realistic plan from the administration. They deserve to know how the administration will bring in the international community, deliver on the promise of democracy, and bring our troops home with honor.

The administration has refused to provide a realistic plan to the Congress and our troops. It has provided only a 2-month-old, 28-page plan called "Achieving The Vision To Restore Full Sovereignty To The Iraqi People."

I would like to know why it is called a working document. I would like to know why the administration is asking the Congress to write an $87 billion blank check based on the draft plan.

This is the draft plan. I will include it by reference rather than including all of it in the RECORD. It is 28 pages, including the cover page, "Coalition Provisional Authority, Baghdad, Iraq, Achieving the Vision to Restore Full Sovereignty to the Iraqi People," dated July 21. It is a working document that is the basis of the administration plan that was provided to the Armed Services Committee.

I will read from the provisions in the plan on security from August 1 to October 3, point 4: Locate and secure and eliminate WMD capability. Then November 3 to January 4: Continue to locate and secure and eliminate WMD capability. And then from February 4: Continue to locate and secure and eliminate WMD. Point No. 1: Defeat internal armed threats. That is August to October. November to January 4: Continue to defeat all threats. February 4: Continue transfer responsibility to the Iraqis.

It is an insult to the American people. It is an insult to our troops who are paying with their lives. For most of us, when it comes to Iraq, there is a widening credibility gap between rosy descriptions of progress by the administration and the hard reality on the ground for our troops and for the Iraqi people.

On September 14, Vice President CHENEY said "90 percent of the cities and towns and villages are governed by democratically elected or appointed local councils." He said that "all the schools are open, and that all the hospitals are up and functioning."

In yesterday's Washington Post, Secretary Rumsfeld wrote glowingly of our "solid progress" in restoring Iraq. Yet we all know that the reality on the ground is quite different. And we are learning that there are even those within the administration who are reporting that things are not going well. Yet, those concerns are kept carefully from public view.

In fact, the New York Times reported just last week on September 17 that new intelligence reports conclude that ordinary Iraqis are turning against us. And Defense Department officials believe that "indications of that hostility extend well beyond the Sunni heartland or Iraq, which has been the main setting for attacks on American forces."

We are still losing an American a day. After going it alone on the war, we have few allies to relieve our troops and join us in winning the all-important peace.

Secretary Rumsfeld admitted this week that our failure to recruit sufficient foreign troops likely means additional callups for our reservists and guard units. General Abizaid told the Senate Armed Services Committee yesterday that "it doesn't look like we'll have a coalition brigade. We have no choice but to plan for American forces." He is not counting on foreign troops. Clearly, the situation in Iraq is out of control. Our policies are not working. Our plan in Iraq is an $87 billion failure, and our troops are paying the price.

The administration must admit that our plan is not working, that we cannot stay this course. We know it. The American people know it. Our allies know it. We cannot afford just to stay the same failing course. We owe our troops a change in plan.

Before the Congress writes a blank check for $87 billion, we need to know that the administration has a realistic plan. Our troops who are paying with their lives deserve no less.

I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from South Carolina, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from South Carolina, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:17 p.m., recessed subject to the call of the Chair and reassembled at 1:26 p.m. when called to order by the Presiding Officer (Mr. CRAIG).

The PRESIDING OFFICER. The majority leader is recognized.

RECAPPING THIS WEEK'S LEGISLATION

Mr. FRIST. Mr. President, there are several issues I wish to take this opportunity to comment on at the end of this week. First is the issue that has been discussed for the last 3 days and which we will be coming back to on Monday—the issue of education of young children in the District of Columbia.

With the leadership of the Mayor and working closely with the person who day in and day out observes firsthand what happens in the District, the head of the school board, and local officials, a proposal has been put together, generated at the local level, that we are currently talking about and debating before the Senate. That is the issue of allowing young children in school who are trapped—for the most part, impoverished children—in failing schools and giving them the opportunity to expand, grow, learn, and become educated, and thus giving them a shot at what we all know as the American dream.

Yesterday was a unique day in that on the floor of the Senate was Mayor Anthony Williams, who made a historic visit to the Senate floor at the invitation of Senator FEINSTEIN. From his presence here and in our many conversations with him, what is emphasized is how important this issue is to the District, to the future of this District, because it has to do with children and education. That is how important this issue of choice is, empowering the parents to have some sort of say in their children's education.

As Senator FEINSTEIN has so eloquently argued, the District of Columbia choice program is the Mayor's program. It is not our program—the Senate program or the House program, or the Federal Government program. It is the program of the District and for the District's children and families. It is what the leaders in the District of Columbia want.

We have spent almost 3 whole days on the bill, and we will spend, as I mentioned, Monday on it. Today, only one amendment has been offered. It is frustrating to me when we recognize the real problems that are in the District today in terms of education and we see there is a response generated that makes sense and is locally supported, which has new Federal dollars, new additional dollars coming in to support the initiatives, it is frustrating that if there are 4, 5, 6—I don't know the number of people who oppose choice in education and parental involvement, but if they have amendments, we can debate them. Then we can vote on these amendments, and hopefully defeat them, because I am a great believer in DC choice but at least allow us to debate.

Avoiding offering amendments when time is being made available on the floor, in response to the great needs that we know exist, is frustrating and in some ways disappointing.

The only amendment that has passed, in fact, was by Senator FEINSTEIN, who is an advocate for this bill. So really there have been no amendments proposed from the other side. Yet, as we heard in the opening comments a few hours ago, the opposition insists that we cannot move this bill anytime soon.

I say that despite the positive impact that we know this bill can make on the District's schoolchildren. I am not exactly sure why there is this refusal to offer amendments and live with the outcome, when the time is made available and the issue is before us. I hope it is not national politics because we are talking about the District's schoolchildren. We are not talking about a partisan national debate.

Our goal is to give children today the very best education possible. So we need to debate it, we need to amend it, if necessary, and, if not, we need to move on, have a vote on it, and express the will of this Senate for the benefit of the kids.

The Senate Appropriations Committee has passed legislation that does offer this city's schoolchildren a genuine opportunity to achieve an education. It has been pointed out on the Senate floor, but it is important for me to again state it, that this is $40 million of new money, that is additional money which, if this legislation passes, will come. If the legislation does not pass, that additional $40 million is not going to go into education today. The money is to be divided between the supporting of public schools, of charter schools which are in the District, and then a new nonpublic opportunity scholarship program whereby over 2,000 students who are impoverished, who are trapped in failing schools by definition in the legislation, are given the opportunity to walk, with a check of $7,500, to any nonpublic school in the District. If we pass the legislation, they have that opportunity. If we do not pass the legislation, they are not going to have that opportunity. It is as simple as that.

That is, again, why this is frustrating to me as majority leader and as one who is trying to schedule the Nation's business accordingly.

It is new money. It is not going to take resources from other education. That used to be the argument: There is public education moneys and the money will be taken from public education and diverted to nonpublic education. That argument is bogus. It does not exist. This is new money that is coming into the system.

The record today in the District, in terms of educating children, has been painted pretty well, but in too many ways it ends up being almost statistics and coldhearted facts. But the coldhearted facts, I have to say, do tell the story. We spend about $1,200 per student right now, per capita, per kid, in the District. In spite of that, the outcomes, the scores, are lower than any State in the country today. So the answer is not just money. We know that.

Only 10 percent, or 1 out of 10, of the District's fourth graders are proficient in math. Less than 12 percent of the District's fourth graders can write at grade level. Actually, it is fewer than 10 percent of the District's fourth graders are proficient at math, and right at 10 percent are proficient in reading. That means 90 percent are not proficient at reading. Only 6 percent, about 1 out of 20 or 1 out of 18, of District fourth graders can do math at a proficient level.

Words were used like "disgrace," which I think it is, and "scandal," not in the sense that there is misappropriation but a scandal in the fact that the outcome is so poor for these students and the disgrace is really in some ways ours for not responding and responding aggressively and appropriately. That is what we can do by passing this bill.

I should also add that I believe the dropout rate in the District is around 42 percent, and nationwide it is about 29 percent. So 42 percent do not go on to school. As I mentioned before, the ACTs and the SATs, which would allow one to go to college, are the lowest in the country as well. So kids who are graduating from public school are graduating with an inability to read, write, do math, and to add and subtract, really basic measures.

None of us in this Chamber would tolerate that sort of outcome for our own children, unable to complete simple fourth grade mathematics, or in the fourth grade an inability to write at grade level. Would we tolerate it? The answer is clearly, no.

It has been pointed out that many of the people who oppose school choice for children and parents in the District, in this body and in the House of Representatives as well, send their kids to private schools, and yet at the same time, when the opportunity is there, they do not give that same opportunity to other parents.

I mentioned Mayor Tony Williams, DC Board of Education president Peggy Cooper Cafritz, City Council member Kevin Chavous are all courageously advancing the cause of universal education for DC's kids. In addition to them are the parents of kids in the District. All across the city, parents line up in order to obtain better options for their children. The need is so real and so intense that the District public school choice programs right now in the District are oversubscribed.

Each year, more than 1,000 schoolchildren are wait-listed for the city's magnet programs, those magnet programs which give those unique opportunities for parents to choose, with their kids, the type of program that best suits their individual needs—again, stressing the importance of parental involvement, of matching needs to sources. More than 1,000 children are wait-listed trying to get into those programs.

Right now the District has made more headway than my own State of Tennessee in the development of charter schools. About 15 percent of DC's kids are in charter schools. About 11,500 are in attendance in those charter schools. Once again, because they get that opportunity to better match resources to needs in an overall system that is failing and involves more choice, there is a waiting list of over 1,000 kids in the District for charter schools right now.

Indeed, in this $40 million there is increased funding for charter schools which are part of the public education system in the District.

Thinking in terms of choice and opportunity scholarships, where individual kids have the opportunity to take resources that are already being spent on their behalf and allowing them to choose the school they could go to, taking that same principle, which is the principle behind, the fundamental power behind, DC choice, one need only to look at when John Walton and Ted Forstmann invested $2 million in the children's scholarship fund in the District. What happened?

There were 1,000 seats and yet 10,000 kids applied for those 1,000 seats—again, to show the pent-up demand here for greater choice, greater opportunity to choose the type of school that best suits your needs.

On this particular issue, I just want to close and say I do stand with those parents, with those people on those waiting lists, because we have an opportunity to reverse that and to expand the opportunity for families to become involved and kids to have that choice. To me it is nonsensical for us to withhold from them that opportunity when it is within our power to do so, to support each child's right—and it is a basic right—to learn to read and to write and to add and subtract. Basic education for our schoolchildren simply just cannot wait.

ENCOURAGING DEVELOPMENT IN SUDAN

Mr. FRIST. Mr. President, I want to discuss an encouraging development that most Americans have had no reason, at least initially, to pay attention to. That is what has happened in a country on another continent, the country being Sudan.

This week, several days ago, we received word that the civil war that has raged there for 20 years and has claimed over 2 million lives, lives lost as a product of this civil war, a war that has caused over 5 million families to leave their homes, to be displaced from their homes and have to move to another part of the country—that civil war may be one step closer to ending.

On Tuesday evening the Sudanese rebels and the Khartoum Government reached an agreement on the position and size of their respective armed forces. A formal agreement, since that time, has been signed. This agreement includes three significant breakthroughs: A substantial withdrawal of government forces from the southern region of the country; redeployment of the Sudan People's Liberation Army, the SPLA, forces in Khartoum, and third, the formation of an integrated force in the southern Blue Nile region and the Nuba Mountains.

What this typically means is that units are integrated to include troops from each side. That way, each side acts as a check, a check and a balance on each other.

Sudan's Vice President, Osman Ali, says the deal "has paved the way for a comprehensive peace agreement."

The Southern People's Liberation Army, SPLA, leader John Garang, concurs, saying, "With this agreement, the direction and orientation for peace in Sudan is irresponsible."

Clearly, while the agreement is key, there are still significant issues to be resolved. Many issues remain; for example, those regarding power and regarding the whole topic of wealth sharing. But the good news and the encouraging news, the news that brings joy to my heart, having spent so much time in Sudan personally, is that both sides have looked at extending the cease-fire for 2 additional months, so they can keep talking and keep working toward peace.

A 2-month cease-fire, what does that mean? It means there will be less of the destructive killing, the bombing, the wars, and the battles that go on almost in a routine manner in that part of the world.

I was just in Sudan about 4 weeks ago. I had the opportunity to work at the mission hospital there and become very intimately acquainted, again not as a Senator but as a doctor, with individuals who have suffered, directly or indirectly, from these war injuries. I go to the Sudan about once a year, plus or minus several months, where in the past I again have had the opportunity to treat people who have been hurt directly in the war, people who have lost their legs from the land mines which have been planted because of that war.

I mentioned part of the agreement applied to the Nuba Mountains. It is now about 4 years ago that I first took a trip to the Nuba Mountains. At that time the United Nations did not allow relief flights to go in that part of the world. The Nuba Mountains have been neglected in many ways by the international community. I am pleased since we first went in about 4 years ago, the region has opened up to more relief and more transparency and much more of a spotlight, where the world can see the human tragedy that has gone on in that part of the world.

I also mentioned, as part of the agreement, the southern Blue Nile. About 2 years ago I had the opportunity to go to the Blue Nile region. I was in the Blue Nile region actually just a day after a very significant battle that had been fought in that region. It was just the night before. Again, I am delighted that is part of this formation of an integrated force, both in the southern Blue Nile and the Nuba Mountains.

I have had the opportunity to go to Pabong, which is in the oil region, where people have been displaced several years ago. Although this whole wealth sharing is an issue that has to be addressed in the future, it is an issue about which I am very hopeful, now that progress is being made along the lines of increased peace in Sudan.

Last month I was able to operate and perform surgery in a hospital called Lui Hospitala, a hospital sponsored by the Samaritan's Purse, a faith-based organization here in the United States. When I first started going to that hospital, it was just a schoolhouse. That was about 6 or 7 years ago, 1997. Osama bin Laden had just left, I think about 1996, from Sudan. When we first went into the area of southern Sudan, it was just a schoolhouse there. The original hospital had land mines around it.

Since that point in time, over the last 6 or 7 years, the land mines have been removed from the old hospital grounds and now 30,000, 40,000, 50,000 patients are seen a year at that particular facility.

Through these experiences, I have had the opportunity of seeing first hand the shattering results of a brutal civil war. President Bush very early on, right after he began office as President, appointed Jack Danforth as a special envoy to that region—again showing the importance to the United States to establish, to promote, and to work for peace in that part of the world.

In the Senate we passed the Sudan Peace Act. We will continue to follow very closely the situation. We will continue to work with the administration, Jack Danforth and President Bush, to support the efforts of the Kenyan mediator, Lazarus Sumbeiywo, to encourage and support this encouraging undertaking.

It is the people of Sudan—and that's who I spend most of the time with as part of this medical mission work in these clinics and in the treatment and in the doctor-patient relationship—it is the people of Sudan who long the most for the end of this violence.

So this reported progress from this week is something that is very gratifying and pleasing to me and leaves me very optimistic about the future. It is a wonderful part of the world.

THE SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, in a few minutes we will be formally addressing the issue surrounding the Small Business Administration. Thus, I would like to briefly comment on the importance of small business in this country, how the Senate is responding, and to put a little bit of perspective around the importance of the United States doing everything it can—whether it is with the regulatory burden, whether it is in making resources and capital available, or opening up other opportunities for small businesses in this country—how important that is to overall economic growth.

Benjamin Franklin once said: He who would fish must venture his bait. Fortunately, in America we have millions of creative and driven women and men and even teams ready to cast their reels. Fortunately, we have the Small Business Administration ready to help them. You might say that the Small Business Administration is an entrepreneur's bait and tackle shop.

I believe by today's action in a few moments we will be passing the Small Business Administration's 50th Anniversary Reauthorization Act of 2003. This Federal agency has helped more than 20 million Americans start, grow, and expand their businesses. It has become the Government's most effective instrument for economic development. With its help, small companies have grown from a handful of employees into literally thousands. The vitality of the American economy is due in no small part to this agency, which celebrates its 50th anniversary this year.

Thanks to today's legislative victory, this pivotal agency will continue working with America's job creators to grow the economy, to boost the economy, and to expand the economy.

Just how important are small business owners? Those innovators create 60 to 80 percent of new jobs nationwide. Sixty to eighty percent of new jobs are created by small businesses. They generate more than 50 percent of the gross domestic product. Small business owners are the heart of the American marketplace, and their contributions to jobs and productivity is its lifeblood.

In my home State of Tennessee, 97.1 percent of all businesses are small businesses. From the year 1999 to the year 2000, Tennessee's small businesses added a net total of 36,806 employees, and 12,000 companies with fewer than 100 workers employed 44.9 percent of the State's nonfarm sector workers. Workers and consumers depend on the small business sector to generate jobs, products, and services. The Small Business Administration helps fuel the creativity and the dynamism of this vital sector of the economy. And it has been extraordinarily successful.

Take, for example, one restaurant chain, the Outback Steak House. It may come as a surprise to some, but the Outback Steak House does not have its headquarters in Australia. No. It has its headquarters in Tampa, FL. In a little over 10 years, the Outback Steak House has grown from a really small restaurant operation into a dining phenomenon.

In February of 1990, the 2½-year-old company employed approximately 300 people and had a net worth of less than $2 million. That year, there was an injection from the Small Business Administration. Ten years later, the restaurant chain employs not 300 people but 38,000 people. That $2 million has grown into revenues of the dizzying amount of $1.16 billion. The Outback Steak House now has restaurants in 48 States, 13 countries, and places as far away as Seoul and Rio de Janeiro.

Staples is another dazzling example of a Small Business Administration injection of help with a catalytic effect. It started as a single office supply store in Brighton, MA, in 1986. The office supply store is now the country's largest operator of office superstores, employing more than 58,000 people, with annual gross sales of $11.6 billion. It in turn is offering services and products to small businesses to help them cut their own costs in the hopes that they might also grow to such proportions.

At a macro level during the last 4 fiscal years, just one financing program within the Federal agency has helped create 1.3 million new jobs—newly created jobs all by this one financing program.

Over that same period of time, a second lending program at the agency—a program called the 504 Loan Program—helped create and retain an additional 445,000 jobs.

HUBZone is another program that has been a job creator. In the last 2 years, this program which targets severely economically distressed areas, has helped create over 30,000 new jobs.

These are just a few of the examples—a smattering—of the programs at the SBA that have helped and worked so effectively to add new jobs to the economy. The SBA, it should be said, is just one of the many efforts that are made by this body and by our Government to support job creative policies.

We think simply back to the 2003 Jobs and Growth Tax Relief Act. We provided 23 million small business owners with tax cuts averaging, through that one bill, $2,200 each. In fact, small businesses received 80 percent of the benefits of the reduction in the top marginal tax rate. That 2003 Jobs and Growth Tax Relief Act quadrupled the amount that small businesses can expense for new capital investments, and that in turn will lead to new investment in technology, in machinery, and new investments in equipment.

This legislation is yet another example of this body, our Government, working with the President to create jobs and economic growth. Together with the Small Business Administration reauthorization, these progrowth policies—these policies that create jobs and grow the economy—will increase productivity and make every consumer's dollar go further.

Remington Electric Shaver magnate and pitchman Victor Kiam once observed:

> Entrepreneurs are simply those who understand that there is little difference between obstacle and opportunity, and are able to turn both to their advantage.

I think with the passage of this bill we can include ourselves—this body—in that description as well.

I applaud my colleagues for supporting the Small Business Administration, which in turn will reach out in support of America's most important job creators, the small business owner.

ROSH HASHANAH

Mr. FRIST. Mr. President, this evening at sundown, Jews around the world will gather to begin their observance of Rosh Hashanah, the Jewish New Year, and the beginning of the high holidays.

Rosh Hashanah and Yom Kippur, which will be observed over the next 10 days, are the most significant of all Jewish holidays. They are a time for celebration. They are a time for thanksgiving. They are a time for family. They are a time of reflection and of atonement.

Many today all over the world are reflecting over the last year and what that last year has brought, and also to look ahead to that next year with those hopes of what will come over the next 12 months. It is believed that on Rosh Hashanah, God records the destiny of all mankind in the Book of Life.

It is my hope that as we pray, we will do so for the enduring faith in God, and also with the strong, the fervent hope for the strength and the courage and the boldness and also the compassion to see us through these very difficult times for America and the world.

So as we end this week, I would like to wish all of my colleagues and all of those around the world who observe these holidays a very happy and a very healthy and a very sweet new year.

L'shana Toua.

PRESIDENT BUSH'S AGENDA FOR IRAQ

Mr. JOHNSON. Mr. President, as a Member of the Appropriations Committee, having had the opportunity to listen carefully to Secretary of Defense Rumsfeld lay out before the Senate and to the American people President Bush's agenda for Iraq, I think I need to share my dismay at some itemization of the President's requests.

We all know, due to the lack of internationalization and the go-it-alone approach in Iraq, that the cost in blood and in money is almost exclusively American. That contrasts with Desert Storm over a decade ago when George Bush, senior, led that war. While the United States did the lion's share of the fighting, the financial cost, at least, was offset—not quite but almost entirely—by our allies.

In this case, a unilateral or near unilateral preemptive effort, alienating our allies, has led us to a situation where, on the heels of the $70 billion supplemental appropriations of a short time ago, the President has now asked for an additional $87 billion in yet another installment, and there will be more to come from the American taxpayers. This is at a time when our budget is deep in red ink, having gone from budget surpluses from the last years of the Clinton administration to now record deficits.

To put this $87 billion in some perspective, that is roughly three times what the Federal Government spends on K through 12 education for an entire year. At a time when we are told we do not have the money to come up with the additional $8 billion for Leave No Child Behind, we have an $87 billion request here. This is, again, due to a woeful lack of postwar planning for our circumstances in Iraq.

Much of this money will go for equipment and pay and resources for our troops in the field. There, there will be no quibbling. There will be strong bipartisan support for that. My own son fought with the 101st Airborne in Baghdad. No one is more supportive of our troops than I. Although out of that immense amount of money, no doubt we do need to scrutinize it carefully to make sure the money is well spent.

But on the other $20.3 billion request for reconstruction—and when George Bush says reconstruction, keep in mind he is not talking about repairing things that were damaged in the war. He is talking about building whole new water systems and communications systems and roads and schools and housing systems that never have existed before. So it was with some interest that I looked at what some of the components are of our taxpayers' money that George Bush recommends that we authorize in this body.

There is $164 million for the curriculum for training the Iraqi military. This doesn't involve any training, organization, hiring any troops or policing. This is for a new textbook for a few for curriculum training—$164 million?

There is $100 million to finance 500 experts for investigating crimes against humanity at $200,000 per expert; 500 at $200,000 per expert to investigate crimes in Iraq; $20 million to protect 400 judges and prosecutors at $50,000 a crack—$50,000 a person, or 400 judges. That is just this year. Heaven knows what this is going to be in the future.

There is $100 million to enroll 100 families of five in a witness protection program at $200,000 a person. Mr. Chairman, $200,000 a person for witness protection in Iraq? I think you ought to be able to hide someone pretty well for

$200,000 a pop. Yet this is going to cost us $100 million.

There is $10 million for 100 experts to assist prison reconstruction for 6 months at $100,000 each. These experts must be much cheaper than the $200,000 experts for crime investigation because prison construction is only $100,000 per piece but we are going to have 100 of them.

There are 100 experts advising Iraq on how to build prisons in Iraq. There is $400 million—we are getting into big money—for two new 4,000-bed prisons at $50,000 a bed; 4,000 prison beds at $50,000 a bed.

I have a lot of constituents in my State of South Dakota who live in homes that do not cost $50,000 a bedroom by far. Yet here we are building this immense infrastructure in Iraq with American taxpayers' money at the time we are being told, no, we don't have the money to help our police and law enforcement in South Dakota and across the country. We don't have the resources for so many other needs which we have. We are deep in debt and every dime of this is being paid for from the Social Security trust fund?

The list goes on:

There is $150 million to begin work on a $500–$700 million children's hospital with all the latest technology. We all want to help the children of Iraq, but I have to tell you that we have children in South Dakota—particularly on our Indian reservations—who have access to virtually no health care at all. We have people in rural areas with hospitals that are on the verge of closing because of the lack of Medicare reimbursement. We have hospitals, clinics, and nursing homes across America that may not last a year given the inadequacy of Medicare reimbursement, particularly in the rural areas.

We have teaching hospitals that train the next generation of medical experts in America that are financed on fumes and do not know where their money is going to come from for next year. Yet we have this kind of expenditure request.

There is $100 million to build seven new cities, complete with 3,258 houses, roads, elementary schools, two high schools, a clinic, a place of worship, and a market—seven new cities with new high schools.

I have high schools all over South Dakota that can't pass bond issues, that are falling down, that do not have infrastructure, and that literally are a danger to the pupils. President Bush says he would veto legislation that would include money to help rebuild and renovate schools in America. But guess who is getting the new schools. It is not us. We are going to borrow more money out of the Social Security trust fund in order to do this. This is President Bush's priorities? What does that reflect on his values? Think of it.

There is $54 million for comprehensive technical and business process studies for a computer network for the Iraqi postal system—$54 million for computer studies for the Iraqi postal system. Where I come from, you can buy a lot of computers for $54 million. You could run a pretty good postal system in a small country with that. This is just for computer studies—$54 million. Think of the hospitals, nursing homes, clinics, schools, daycare centers, afterschool programs—think of what you could do with that kind of resource.

There is $9 million to reengineer the business practices of Iraq's postal service, including instituting ZIP Codes. How has Iraq made it for these thousands years without the Americans helping them develop a ZIP Code? It is amazing. How have they struggled? How can we expect these people to live without our taking money out of the Social Security trust fund to help them develop a ZIP Code? What a generous thing for this administration to do for other people on the other side of the planet on our dime, borrowing money to do it.

We have another $2 million for garbage trucks at $50,000 apiece. Apparently, for these thousands of years the Iraqis have been unable to collect their garbage because they did not have a modern garbage truck. They had other vehicles for doing this. We are going to provide 40 of these at $50,000 a pop.

I can tell you that I have a lot of people in communities in my State wishing they had some help for their infrastructure—whether it is garbage, sewage, water, or a lot of other things. A lot of communities are struggling but they don't have the resources for this kind of help.

I am not suggesting that we cut and run from Iraq. I am not suggesting that the United States doesn't have a significant role to play in the reconstruction of that sad country. We are all glad Saddam Hussein is gone. Heaven knows what is going to be in its place.

We have demonstrated that we can win wars unilaterally. But winning the peace, this President should have learned long ago, requires significant international assistance. Now that our allies have been largely alienated, it looks as if it is going to be our dollars and our blood to do it.

There is $20.3 billion, and the list of these kinds of things goes on and on.

I think this requires serious scrutiny. I think this deserves debate in this Senate. Our friends in the Republican leadership have told us they don't want to segregate these issues from the financing of our troops because they don't want the embarrassment of having a debate on this and amendments offered and the possible rejection of some of this. Apparently their goal is to wrap the whole thing up into one huge $87 billion item and anybody who dares vote against that will have their patriotism challenged. They will be told they are not good Americans because they are not supporting our troops.

We need a little sanity here. We need an opportunity—not to reject everything in the rebuilding of Iraq, but we have a role to play. We will step to the plate to do our share.

But this administration has been told in no uncertain terms that this shouldn't be exclusively our obligation; that when we do some rebuilding it shouldn't be at such a fabulous level of extravagance far beyond what any American community could possibly come to Washington and ask for.

Our people deserve better. They deserve to know what is in George Bush's request. They deserve to have some up-and-down votes, and this shouldn't be rushed through in a manner that the people do not actually understand what they are buying into with an agenda such as this.

I know we are going to go to markup on this supplemental request very quickly next week. The difficulty in shoving this thing through so fast is that the American taxpayer will have no idea what was in this thing. They will be told it is $87 billion—a huge number. Who knows what that means until you explain in some detail what you could buy with that kind of money.

I think we need to have a national debate about America's role in the world and about the level and scope of the contributions that America is making in rebuilding this country. Why has this administration failed to attract international financial support? If you cannot get their troops, why not at least some financial resources for this rebuilding? Why has that failed, as well? We need to know that.

We need to know what will follow. I assure this body, this is not the last request. This is an installment. There is much more to come, both militarily and potentially in rebuilding.

What has happened to the Iraqi oil revenue? Is there a possibility of turning some of this into loans rather than flatout grants? We are told we cannot loan the money because Iraq already has a lot of debt. Their debt is primarily to Kuwait and Saudi Arabia. Apparently, it appears we are going to put repaying their debts ahead of the American taxpayer, ahead of our financial needs. We are saying we have to give grants because these people have to pay off their loans to Saudi Arabia and Kuwait before they can do anything for us.

We have water projects in South Dakota. We have sewer wastewater problems. We have roads, railroads, all kinds of infrastructure that is underfunded. Those communities are being asked for matching funds. Many projects in South Dakota and across the country are done by loans. And we have a grant level at $20.3 billion, with mind-boggling levels of expenditure, for purposes that would leave any American citizen shaking his head.

We do not want to delay anything unnecessarily. There are some urgent needs in Iraq, particularly for our troops. We need to take care of those needs and have some certainty.

I hope in the course of this debate the American people are considering the use of their dollars, that there be considerable scrutiny and the people understand what this President wants them to buy into. If that comprehension is out there, there will be a lot of unhappiness in the land if, in fact, this Senate is unable to break out some of these expenditures; if we have to pass this up-or-down vote in one massive $87 billion item—three times America's education budget—for purposes that would make royalty blush.

Our people deserve better. The Senate deserves an opportunity to consider these issues with much more care than is being suggested.

We will learn more, no doubt, about the details of some of the proposed expenditures from the Bush administration in the days to come. I hope we have a very real, sobering debate about the use of our constituents' money and whether this is the best use—some of it, no doubt, is; but much of it, I submit, is an outrageous abuse to the American taxpayer.

I yield the floor.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I was quite moved by my colleague from South Dakota and his comments about the war, the budget and the choices that the Senate is going to have to make. I thank my colleague for discussing such specific, detailed, and passionate comments, and raising the awareness of some of the very substantial issues at stake in making such a compelling argument as to why this discussion should continue for some reasonable length of time so these issues can be aired and the American people can have a better opportunity to come to their own conclusion based on facts as the Senator outlined this morning.

I commend the Senator and thank him. Other colleagues will speak of the issues, including the international challenges that face America, as well as the domestic challenges.

LIE AND BUY

Mr. LEVIN. Mr. President, on September 18, 2003, the Bureau of Justice Statistics released its annual report on the National Instant Criminal Background Check System, also known as NICS. According to its report, approximately 136,000, or 1.7 percent, of the 7.8 million of the gun checks performed by the NICS system resulted in a denial. Since its inception, the NICS database has prevented approximately 976,000 individuals from illegally acquiring a firearm. The report went on to note that 66 percent of the rejections were due to a felony record or outstanding warrant, and about 14 percent were rejected for a domestic violence misdemeanor conviction or restraining order.

Earlier this year, the Americans for Gun Safety Foundation released a report entitled, "The Enforcement Gap: Federal Gun Laws Ignored." The report analyzed the Justice Department's record enforcing and prosecuting gun laws. The report examined prosecution data acquired under the Freedom of Information Act from the Justice Department for fiscal years 2000 through 2002. The AGS study reveals a significant gap between the number of Federal gun crimes committed and the number of Federal prosecutions initiated.

The report found that 20 of the 22 major Federal gun laws are rarely prosecuted. The two statutes consistently enforced are laws against the use of a firearm in the commission of a Federal crime and a felon in possession of a firearm. The 20 laws that address other illegal firearm activity, including gun trafficking, firearm theft, lying on a criminal background check form, removing firearm serial numbers, and selling guns to minors are rarely enforced according to the AGS study.

The statistics in the AGS report are startling. According to AGS, in the fiscal year ending September 30, 2002, U.S. Attorneys filed only 578 cases against individuals who lied on the criminal background check form to purchase a firearm despite the fact that over 100,000 people were denied purchases for that reason. President Bush and Attorney General Ashcroft pledged to vigorously enforce the gun laws on the books, but the AGS report seems to indicate that the Bush administration has failed to live up to the promise. I believe vigorous law enforcement is a critical step toward reducing gun violence. I urge the Justice Department to step up its efforts to prosecute not only people who commit gun crimes, but those who illegally seek to buy a gun.

ADDITIONAL STATEMENTS

TRIBUTE TO CAROLYN "KELLY" EARL DAVIS

• Mr. DAYTON. Mr. President, I am delighted to honor a Minnesotan who recently reached the age of 90, after having spent much of her life in dedicated service in her community. Carolyn "Kelly" Earl Davis was born on September 21, 1913, the daughter of Dr. George Earl and Lillian Earl. Growing up, Carolyn, affectionately known since childhood as "Kelly"—the name given to her by her brother, Rol—loved to play baseball. She was an all-star player whose exploits on the field were greeted with exhortations of "Slide, Kelly, slide!"

Kelly lived in St. Paul, MN, and attended Summit School, where she took part in student government, sports, and volunteer work. She then attended Smith College and the University of Minnesota. In 1936, Kelly married Edward P. "Ned" Davis, Jr., and the Davises, who eventually had three daughters, Sally, Janie, and Mary, lived in St. Paul until moving to Bloomington's Friendship Village retirement community. They had been married 60 years at the time of Ned's death in 1997.

Today, Kelly is the proud grandmother of 6 and the great-grandmother of 3. Her family activities and interests have included canoeing, skiing, tennis, and golf. Throughout her life, Kelly has also given of herself through a remarkable career of volunteer service. During World War II, she served her country as a nurse's aide with the Red Cross. She is a member of the House of Hope Presbyterian Church, where she has been president of the Women's Association Board, among other offices and committee memberships. She has taught Sunday school and has also been a leader of the Brownies and Girl Scouts. Her enthusiasm for sports motivated her to teach tennis and skiing to underprivileged children, having collected the necessary equipment for them to use.

Because education has been especially important to her, she belonged to the alumni boards of the Saint Paul Academy and Summit School. She was also a member of Summit School's Board of Trustees and chaired the school's 1958 building fund. Even at the age of 79, Kelly was still busy, serving as the chairman of Summit School's 75th anniversary celebration.

The range of Kelly's interests and pursuits is formidable: the arts, public health, employment, child and family welfare. She gave of her energies and fund-raising talents to a variety of organizations and causes, including the Junior League, the St. Paul Rehabilitation Center, the Children's Hospital Association, Neighborhood House, Merriam Park Community Center, the Volunteer Bureau, the Family Nursing Service, Planned Parenthood, and the Minnesota Public Health Association.

Despite the passing years, Kelly remained involved into her eighties. She served for two terms on the Friendship Village residents council and held the post of chair of the Friendship Village ad hoc committee for the health care center renovation.

Kelly's contributions are so numerous that they are almost impossible to catalogue. I am proud to salute this remarkable lady for her exceptional record of community service and advocacy. Truly, Kelly has spent her life working with and enjoying people of all ages.●

MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2557. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 25, 2003, by the President Pro Tempore (Mr. STEVENS):

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

. H.R. 2557. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1657. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 1665. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. KENNEDY):

S. 1666. A bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. NICKLES):

S. 1667. A bill to exempt small trailer manufacturers from enhanced early warning reporting requirements under the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. MILLER, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRAHAM of South Carolina, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Ms. MURKOWSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SESSIONS, Mr. SUNUNU, Mr. THOMAS, and Mr. VOINOVICH):

S. 1668. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. BREAUX):

S. 1669. A bill to reauthorize the Dingell-Johnson Sport Fish Restoration Act; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 756

At the request of Mr. THOMAS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

S. 876

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 876, a bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1587

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. 1600

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. RES. 228

At the request of Mr. MILLER, his name was added as a cosponsor of S. Res. 228, a resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

S. RES. 231

At the request of Mr. FEINGOLD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 231, a resolution commending the Government and people of Kenya.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. NICKLES):

S. 1667. A bill to exempt small trailer manufacturers from enhanced early warning reporting requirements under the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; to the Committee on Commerce, Science, and Transportation.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WEIGHT EXEMPTION FOR CLASSIFICATION OF TRAILER MANUFACTURERS.

Notwithstanding any other provision of law, for purposes of the early warning reporting requirements under section 30166(m) of title 49, United States Code, manufacturers of trailers with a gross vehicle weight rating of 26,000 pounds or less shall not, with respect to such trailers, be subject to the additional reporting requirements under section 579.24 of title 49, Code of Federal Regulations, that are applicable to manufacturers that produce, import, offer for sale, or sell 500 or more vehicles during the calendar year of a reporting period or during each of the prior two calendar years.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1788. Mr. FRIST (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1375, to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes.

SA 1789. Mr. FRIST (for Mr. GRAHAM, of South Carolina) proposed an amendment to the resolution S. Res. 219, to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

TEXT OF AMENDMENTS

SA 1788. Mr. FRIST (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1375, to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; as follows:

On page 87, strike line 7 and all that follows through page 91, line 4.

On page 91, strike line 23 and all that follows through page 92, line 5, and insert the following:

Section 351(3)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 689(3)(A)(ii)) is amended—

(1) in subclause (I), by striking "50 percent or more" and all that follows and inserting "the median family income for such tract does not exceed 80 percent of the greater of the statewide median family income or metropolitan area median family income; or"; and

(2) in subclause (II), by striking "household income" each place it appears and inserting "family income".

On pages 109 through 110, redesignate paragraphs (6) through (13) as paragraphs (7) through (14), respectively.

On page 109, between lines 2 and 3, insert the following:

"(6) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term 'disadvantaged Native American entrepreneur' means a disadvantaged entrepreneur who is also a member of an Indian Tribe."

On page 111, line 21, strike "and" and all that follows through "(4)" on line 22, and insert the following:

"(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective entrepreneurs; and

"(5)"

On page 117, strike lines 9 through 14 and insert the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Administrator $15,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of this section, which shall remain available until expended.

"(2) TRAINING FOR NATIVE AMERICAN ENTREPRENEURS.—In addition to the amount authorized under subsection (i)(1), there are authorized to be appropriated to the Administrator $2,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of subsection (c)(4), which shall remain available until expended."

On page 190, strike line 21 and all that follows through "(iii)" on page 191, line 1, and insert the following:

"(ii)".

On page 192, strike line 11 and all that follows through page 193, line 6, and insert the following:

SEC. 403. SMALL BUSINESS PARTICIPATION IN PRIME CONTRACTING.

(a) RESERVED CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

"(4) Any adjustment to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))), shall be immediately matched by an identical adjustment to the small business reserve for purposes of this subsection.".

(b) PARTICIPATION IN MULTIPLE AWARD CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (2), by striking "(2) In carrying out paragraph (1)" and inserting "(3) In carrying out paragraphs (1) and (2)";

(2) in paragraph (3), by striking "(3) Nothing in paragraph (1)" and inserting "(4) Nothing in this subsection"; and

(3) by adding after paragraph (1) the following:

"(2)(A) In the case of orders under multiple award contracts, including Federal Supply Schedule contracts and multi-agency contracts, that are subject to the small business reserve, contracting officers shall consider not less than 2 small business concerns if such small business concerns can offer the items sought by the contracting officer on competitive terms, with respect to price, quality, and delivery schedule, with the goods or services available in the market.

"(B) If only 1 small business concern can satisfy the requirement, the contracting officer shall include such small business concern in their evaluation.".

(c) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not less than once every 180 days, the Comptroller General shall submit a report on the level of participation in multiple award contracts, including the Federal Supply Schedule to—

(A) the Small Business Administration;

(B) the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain, for the 6-month reporting period—

(A) the total number of multiple award contracts;

(B) the total number of small business concerns that received multiple award contracts;

(C) the total number of orders;

(D) the total value of orders;

(E) the number of orders received by small business concerns;

(F) the value of orders received by small business concerns;

(G) the number of small business concerns that received orders; and

(H) such other information that the Comptroller General considers relevant.

On page 193, strike line 14 and all that follows through page 194, line 7, and insert the following:

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

"(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.".

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking "of this Act" and inserting "or the reporting requirements of section 8(d)(11)".

On page 195, strike lines 4 through 19 and insert the following:

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

"(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

"(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

"(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).".

On page 196, lines 17 and 18, strike "performance, or lack of performance of the subcontractor." and insert "circumstances surrounding the failure to make the timely payment described in subparagraph (A).".

On page 199, line 3, strike "(b)" and insert the following:

(b) HUBZONE STATUS TIMELINE AND COMMENCEMENT.—

(1) IN GENERAL.—A base closure area shall be treated as a HUBZone for a period of 5 years beginning on the date of final closure. A military base that was closed before the date of enactment of this Act shall not be considered a base closure area for purposes of this section.

(2) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(c)

SA 1789. Mr. FRIST (for Mr. GRAHAM of South Carolina) proposed an amendment to the resolution S. Res. 219, to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements; as follows:

Strike the fourth clause of the preamble.

In the seventh clause of the preamble, strike "free fluctuation" and insert "market-based valuation".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on today's Executive Calendar: Nos. 364 through 378 and all the nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Gordon England, of Texas, to be Secretary of the Navy.

AIR FORCE

The following named officer for appointment in the United States Air force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance L. Smith, 7660

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William R. Looney, III, 5052

ARMY

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Dennis P. Geoghan, 4365

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Claude V. Christianson, 1982

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William E. Ward, 9000

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Peter L. Andrus, 0199

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) James M. McGarrah, 3828

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard E. Cellon, 1250

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Ben F. Gaumer, 1618

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Henry G. Ulrich, III, 2552

The following named officer for appointment as Chief of Naval Reserve, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5143:

To be vice admiral

Rear Adm. John G. Cotton, 6982

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Timothy J. Keating, 8508

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert F. Burt, 9653

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jan C. Huly, 6184

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN363 Air Force nominations (44) beginning MARK T. ALLISON, and ending FREDERICK M. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003

PN871 Air Force nominations (2) beginning GEOFFREY H. HILLS, and ending JOHN B. STEELE, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN905 Air Force nominations (3) beginning STEPHEN W. HUMPHREY, and ending RANDY J. YOVANOVICH, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2003

PN875 Air Force nominations (5) beginning SCOTT G. BOOK, and ending SARAH K. SLAVENS, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN874 Air Force nominations (2) beginning TERI L. POULTON-CONSOLDANE, and ending SHELDON G. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN873 Air Force nomination of Brian P. Olson, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN872 Air Force nominations (2) beginning CRAIG H. MORRIS, and ending SHERICE D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN946 Air Force nomination of Gerilyn A. Posner, which was received by the Senate and appeared in the Congressional Record of September 17, 2003

ARMY

PN948 Army nomination of Timothy C. Kelly, which was received by the Senate and appeared in the Congressional Record of September 17, 2003

PN949 Army nominations (2) beginning PAUL D. HARRELL, and ending WILLIAM S. LEE, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN947 Army nomination of Gregory S. Johnson, which was received by the Senate and appeared in the Congressional Record of September 17, 2003

PN921 Army nomination of Andrew D. Stewart, which was received by the Senate and appeared in the Congressional Record of September 8, 2003

PN912 Army nomination of John B. Munozatkinson, which was received by the Senate and appeared in the Congressional Record of September 4, 2003

PN876 Army nomination of Kevin J. Chapman, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN850 Army nominations (10) beginning MICHAEL J. BULLOCK, and ending PAUL A. TRAPANI, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN878 Army nomination of Charles A. Jarnot, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN877 Army nomination of Mary M. McCord, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN866 Army nominations (175) beginning SCOTT E. ALEXANDER, and ending WILLIAM H. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN865 Army nominations (109) beginning BRYAN K. ADAMS, and ending JOSEPH M. YOSWA, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN864 Army nominations (142) beginning RICHARD K. ADDO, and ending VERONICA S. ZSIDO, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN863 Army nominations (950) beginning MADELFIA A. ABB, and ending X0007, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN744 Army nominations (39) beginning WILLIAM T. BARBEE, JR., and ending KENNETH W. YATES, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2003

PN929 Army nominations (1630) beginning TYRONE C.* ABERO, and ending X3713, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003

PN879 Army nomination of Joseph T. Ramsey, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN849 Army nominations (54) beginning STEPHEN W. AUSTIN, and ending NATHAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

MARINE CORPS

PN880 Marine Corps nomination of Bryan D. McKinney, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN881 Marine Corps nomination of Jon C. Rhodes, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN913 Marine Corps nomination of Colin D. Smith, which was received by the Senate and appeared in the Congressional Record of September 4, 2003

NAVY

PN950 Navy nomination of Robert E. Stone, which was received by the Senate and appeared in the Congressional Record of September 17, 2003

PN851 Navy nominations (26) beginning STEPHEN M. SAIA, and ending DAVID A. TUBLEY, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN859 Navy nominations (25) beginning LEE A. AXTELL, and ending DENNIS W. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN858 Navy nominations (37) beginning LEANNE K. AABY, and ending MICHAEL J. ZUCCHERO, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN857 Navy nominations (64) beginning LINDA M. ACOSTA, and ending JOAN L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN856 Navy nominations (18) beginning RICHARD E. AGUILA, and ending SCOTT D. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN855 Navy nominations (117) beginning MICHAEL T. AKIN, and ending PETER G. WOODSON, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN854 Navy nominations (56) beginning JAMES J. ANDERSON, and ending JOHN F. ZOLLO, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN853 Navy nominations (16) beginning VIDA M. ANTOLINJENKINS, and ending DOMINICK G. YACONO, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN852 Navy nominations (38) beginning ROLAND E. ARELLANO, and ending MARVA L. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2003

PN868 Navy nominations (2) beginning BRENT T. CHANNELL, and ending MATTHEW W. EDWARDS, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN867 Navy nominations (9) beginning EMMA J. M. BROWN, and ending MARCIA L. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2003

PN894 Navy nominations (11) beginning MARC E BOYD, and ending WENDY L SNYDER, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN895 Navy nominations (17) beginning OLIVIA L. BETHEA, and ending THERESA A TALBERT, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN896 Navy nominations (41) beginning JASON B BABCOCK, and ending TIMOTHY J ZINCK, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN897 Navy nominations (15) beginning REID B APPLEQUIST, and ending BRET A WASHBURN, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN898 Navy nominations (30) beginning TRACIE L ANDRUSIAK, and ending ROBERT A WOLF, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN899 Navy nominations (16) beginning TIMOTHY A ANDERSON, and ending DOUGLAS T WAHL, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN900 Navy nominations (51) beginning SOWON S AHN, and ending SCOTT D YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN901 Navy nominations (201) beginning LEON S ABRAMS, and ending CARL ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN902 Navy nominations (864) beginning RAFAEL A ACEVEDO, and ending TODD A ZIRKLE, which nominations were received by the Senate and appeared in the Congressional Record of September 3, 2003

PN922 Navy nomination of Paul C. Bown, which was received by the Senate and appeared in the Congressional Record of September 8, 2003

PN923 Navy nomination of Paul H. Evers, which was received by the Senate and appeared in the Congressional Record of September 8, 2003

PN951 Navy nominations (3) beginning WILLIAM K. BANE, and ending ANDY J. LANCASTER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN952 Navy nominations (31) beginning BRADLEY A APPLEMAN, and ending FLORENCIO J YUZON, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN953 Navy nominations (37) beginning ERSKINE L ALVIS, and ending RANDY E WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN954 Navy nominations (44) beginning MICHAEL S AGABEGI, and ending REID J WINKLER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN955 Navy nominations (57) beginning JOHN R ANDERSON, and ending NICOLAS D I YAMODIS, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN956 Navy nominations (73) beginning ALAN L ADAMS, and ending GEORGES E YOUNES, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN957 Navy nominations (135) beginning JAMES D ABBOTT, and ending ROBERT W ZURSCHMIT, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

PN958 Navy nominations (319) beginning TIM K ADAMS, and ending TIMOTHY P ZINKUS, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2003

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HONORING THE LIFE OF HERB BROOKS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 235 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 235) honoring the life of the late Herb Brooks and expressing the deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 235) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the Senate has learned with great sadness of the death of Herb Brooks;

Whereas Herb Brooks, born in Saint Paul, Minnesota, greatly distinguished himself by his long commitment to the game of hockey, the players whom he coached, the State of Minnesota, and the United States of America;

Whereas Herb Brooks was a member of the 1964 and 1968 United States Olympic Hockey Teams;

Whereas Herb Brooks coached the 1980 United States Olympic Hockey Team, also known as the "Miracle on Ice", to a sensational victory against the favored Soviet Union team, providing the United States with an unforgettable moment that highlighted American determination, resilience, and spirit;

Whereas the United States Olympic Team continued victoriously on and won the Gold Medal at the 1980 Olympic Games;

Whereas Herb Brooks coached 3 University of Minnesota hockey teams to NCAA National Championships in 1974, 1976, and 1979;

Whereas Herb Brooks subsequently coached the Minnesota North Stars, the New York Rangers, the New Jersey Devils, and the Pittsburgh Penguins;

Whereas Herb Brooks spearheaded the development of the Division I hockey program at Saint Cloud State University by serving as the first coach of the team, obtaining the funding for a world-class ice arena, and recruiting top-level players to the new program;

Whereas in 1990, Herb Brooks was inducted into the United States Hockey Hall of Fame and in 1999 was inducted into the International Hockey Hall of Fame;

Whereas Herb Brooks was a devoted husband to his wife, Patti, and a loving father to his 2 children, Dan and Kelly; and

Whereas his life was remarkable for its constant pursuit of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career, character, and dedicated work of the great American Herb Brooks;

(2) expresses its deepest condolences to the family of Herb Brooks; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Herb Brooks.

SMALL BUSINESS ADMINISTRATION 50TH ANNIVERSARY REAUTHORIZATION ACT OF 2003

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 248, S. 1375.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1375) to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Small Business and Entrepreneurship, with amendments, as follows:

[Strike the parts shown in black brackets and insert the part shown in italic.]

S. 1375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Administration 50th Anniversary Reauthorization Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—GENERAL PROVISIONS

Subtitle A—Administration Accountability

Sec. 101. Document retention and investigations.
Sec. 102. Management of the Small Business Administration.

Subtitle B—Authorizations

Sec. 111. Program authorization levels.
Sec. 112. Additional reauthorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—7(a) Loan Guarantee Program

Sec. 201. National Preferred Lenders Pilot Program.
Sec. 202. Extension of program participation fees.
Sec. 203. Loans sold in secondary market.
Sec. 204. Clarification of eligibility for veterans.
Sec. 205. Enhancement of low documentation loan program.
Sec. 206. Increased loan amounts for exporters.

Subtitle B—Microloan Program

Sec. 211. Microloan program improvements.

Subtitle C—Lender Oversight

Sec. 221. Examination and review fees.
Sec. 222. Enforcement authority for Small Business Lending Companies and non-federally regulated SBA lenders.
Sec. 223. Definitions for Small Business Lending Companies and non-federally regulated SBA lenders.

Subtitle D—Disaster Assistance Loan Program

Sec. 231. Conforming amendment for disaster *assistance* loan program.
Sec. 232. Disaster relief for small business concerns damaged by drought.
Sec. 233. Disaster mitigation pilot program.

Subtitle E—504 Loan Program

Sec. 241. Extension of user fees.
Sec. 242. Amortized loan loss reserve fund.
Sec. 243. Alternative loss reserve for certain premier certified lenders.
Sec. 244. Debenture size.
Sec. 245. Job creation or retention standards.
Sec. 246. Simplified applications.
Sec. 247. Child care lending pilot program.
Sec. 248. Definition of rural area.

Subtitle F—Surety Bond Program

Sec. 251. Clarification of maximum surety bond guarantee.
Sec. 252. Authorization of Preferred Surety Bond Guarantee Program.

Subtitle G—Miscellaneous

Sec. 261. Coordination of SBA loans.
Sec. 262. Leasing options for 7(a) and 504 borrowers.
Sec. 263. Calculation of financing limitation for small business investment companies.
Sec. 264. Establishing alternative size standard.
Sec. 265. Pilot program for guarantees on pools of non-SBA loans.

Subtitle H—New Markets Venture Capital

Sec. 271. Time frame for raising private capital.
Sec. 272. Definition of low-income geographic area.

Subtitle I—Small Business Investment Company Program

Sec. 281. Investment of excess funds.
Sec. 282. Maximum prioritized payment rate.
Sec. 283. Improved distribution requirements.

Subtitle J—Small Business Intermediary Lending Pilot Program

Sec. 291. Short title.
Sec. 292. Findings.
Sec. 293. Small Business Intermediary Lending Pilot Program.

TITLE III—ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Subtitle A—Office of Entrepreneurial Development

Sec. 301. Service Corps of Retired Executives.
Sec. 302. Small Business Development Center Program.
Sec. 303. PRIME reauthorization and transfer to the Small Business Act.

Subtitle B—Women's Small Business Ownership Programs

Sec. 311. Office of Women's Business Ownership.
Sec. 312. Women's Business Center Program.
Sec. 313. National Women's Business Council.
Sec. 314. Interagency Committee on Women's Business Enterprise.
Sec. 315. Preserving the independence of the National Women's Business Council.

Subtitle C—Office of Native American Affairs

Sec. 321. Short title.
Sec. 322. Native American Small Business Development Program.
Sec. 323. Pilot programs.

Subtitle D—Office of Veterans Business Development

Sec. 331. Advisory Committee on Veterans Business Affairs.
Sec. 332. Outreach grants for veterans.
Sec. 333. Authorization of appropriations.

TITLE IV—SMALL BUSINESS PROCUREMENT OPPORTUNITIES

Sec. 401. Contract consolidation.
Sec. 402. Agency accountability.
Sec. 403. Small business participation in prime contracting.
Sec. 404. Small business participation in subcontracting.
Sec. 405. Evaluating subcontract participation in awarding contracts.
Sec. 406. Direct payments to subcontractors.
Sec. 407. Women-owned small business industry study.
Sec. 408. [A]*HUBZone a*uthorizations.
Sec. 409. Definition of [HUBzone] *HUBZone*; treatment of certain former military installation lands as [HUBzones] *HUBZones.*
Sec. 410. Definition of [HUBzone] *HUBZone* small business concern.
Sec. 411. Acquisition regulations.

TITLE V—MISCELLANEOUS

Sec. 501. Minority Small Business and Capital Ownership Development Program.

Sec. 502. Extension of ⟦program⟧ authority *for technology assistance programs.*

Sec. 503. ⟦R⟧*BusinessLINC* report to Congress.

SEC. 2. EFFECTIVE DATE.

(a) In General.—This Act and the amendments made by this Act shall take effect on October 1, 2003.

(b) Rulemaking Authority.—

(1) Proposed regulations.—Except as otherwise specifically provided in this Act, not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration (referred to in this Act as the "Administrator" and the "Administration", respectively) shall publish proposed regulations to carry out the provisions of this Act and the amendments made by this Act.

(2) Final regulations.—Except as otherwise specifically provided in this Act, not later than 300 days after the date of enactment of this Act, the Administrator shall issue final regulations to carry out the provisions of this Act and the amendments made by this Act.

TITLE I—GENERAL PROVISIONS

Subtitle A—Administration Accountability

SEC. 101. DOCUMENT RETENTION AND INVESTIGATIONS.

Section 10(e) of the Small Business Act (15 U.S.C. 639(e)) is amended by striking the matter preceding paragraph (2) and inserting the following:

"(e) Document Retention; Investigations.—

"(1) Document retention.—The ⟦Administration⟧ *Administrator* and the Inspector General of the Administration shall—

"(A) retain all documents and records, including correspondence, records of inquiry, memoranda (including those relating to all investigations conducted by or for the Administration), reports, studies, analyses, contracts, agreements, opinions, computer entries, e-mail messages, forms, manuals, briefing materials, press releases, and books for a period of not less than 2 years from the date such documents are created;

"(B) keep the items described in subparagraph (A) available at all times for inspection and examination by the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, or their duly authorized representatives; and

"(C) upon the written request of the Committee on Small Business and Entrepreneurship of the Senate or the Committee on Small Business of the House of Representatives pursuant to subparagraph (B), the Administrator or the Inspector General, as applicable, shall make such documents or records available to the requesting committee or its duly authorized representative within 5 business days of the request, and if a document or record cannot be made available within such timeframe, the Administrator or the Inspector General, as applicable, shall provide the requesting committee with a written explanation stating the reason that each document or record requested has not been provided and a date certain for its production.".

SEC. 102. MANAGEMENT OF THE SMALL BUSINESS ADMINISTRATION.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended—

(1) by striking "Sec. 4." and inserting the following:

"SEC. 4. MANAGEMENT OF THE SMALL BUSINESS ADMINISTRATION.";

(2) in subsection (a), by striking "(a)" and inserting the following:

"(a) Establishment.—";

(3) in subsection (b)—

(A) by striking "(b)(1)" and inserting the following:

"(b) Authority of Administrator.—

"(1) In general.—

"(A) Appointment.—";

(B) in paragraph (1)—

(i) by striking "The Administrator shall not engage" and inserting the following:

"(B) Sole employment.—The Administrator shall not engage";

(ii) by striking "In carrying out" and inserting the following:

"(C) Nondiscrimination; special consideration for veterans.—In carrying out"; and

(iii) by striking "The President" and inserting the following:

"(D) Appointment of deputy administrator; associate administrators.—The President"; and

(C) in paragraph (2), by striking "the Administrator also" and inserting "Responsibilities of Administrator.—The Administrator"; and

(4) by adding at the end the following:

"(g) Office of Lender Oversight.—The Director of the Office of Lender Oversight shall—

"(1) formulate, execute, and promote policies and procedures of the Administration that provide adequate and effective oversight and review of lenders participating in, or applying to participate in, the loan and loan guaranty programs for small business concerns under this Act and the Small Business Investment Act of 1958 *(15 U.S.C. 661 et seq.)*; and

"(2) report directly to the Chief Operating Officer of the Administration.".

Subtitle B—Authorizations

SEC. 111. PROGRAM AUTHORIZATION LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(1), by striking "certification" each place that term appears and inserting "accreditation";

(2) by striking subsections (c) through (h) and inserting the following:

"(c) Disaster Mitigation Pilot Program.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2003.

"(2) $15,000,000 for fiscal year 2004.

"(3) $15,000,000 for fiscal year 2005.

"(4) $15,000,000 for fiscal year 2006.";

(3) by redesignating subsection (i) as subsection (d); and

(4) by adding at the end the following:

"(e) Fiscal Year 2004.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2004:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $70,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans, as provided in section 7(a);

"(ii) $5,000,000,000 in certified development company financings, as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans, as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans, as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2004 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2004—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $2,000,000.

"(f) Fiscal Year 2005.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2005:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $75,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $105,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $22,300,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,500,000,000 in general business loans, as provided in section 7(a);

"(ii) $5,250,000,000 in certified development company financings, as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans, as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans, as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,250,000,000 in purchases of participating securities; and

"(ii) $3,250,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2005 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2005—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $2,000,000.

"(g) FISCAL YEAR 2006.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2006:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $80,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $110,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $23,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $17,000,000,000 in general business loans, as provided in section 7(a);

"(ii) $5,500,000,000 in certified development company financings, as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans, as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans, as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,500,000,000 in purchases of participating securities; and

"(ii) $3,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000, of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2006 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2006—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $2,000,000.".

SEC. 112. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM ASSISTANCE.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "October 1, 2003" and inserting "October 1, 2006".

(b) PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking "2001 through 2003" and inserting "2004 through 2006".

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended—

(1) by amending clause (vii) to read as follows:

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

"(I) $125,000,000 for fiscal year 2004;

"(II) $130,000,000 for fiscal year 2005; and

"(III) $135,000,000 for fiscal year 2006.";

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) LIMITATION.—From the funds appropriated pursuant to clause (vii), the Administration shall reserve not less than $1,000,000 in each fiscal year to develop portable assistance for startup and sustainability non-matching grant programs to be conducted by eligible small business development centers in communities that are economically challenged as a result of a business or government facility downsizing or closing, which has resulted in the loss of jobs or small business instability. A non-matching grant under this clause shall not exceed $100,000, and shall be used for small business development center personnel expenses and related small business programs and services.".

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—7(a) Loan Guarantee Program

SEC. 201. NATIONAL PREFERRED LENDERS PILOT PROGRAM.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended by adding at the end the following:

"(E) NATIONAL PREFERRED LENDERS PILOT PROGRAM.—

"(i) ESTABLISHMENT.—There is established the National Preferred Lenders Pilot Program, a 3-year pilot program in which a participant in the Preferred Lenders Program may operate as a preferred lender in any State if such lender meets the criteria established by the Administration.

"(ii) ELIGIBILITY CRITERIA.—For purposes of clause (i), criteria established by the Administration shall include—

"(I) demonstrated proficiency in the Preferred Lenders Program for not less than 3 years;

"(II) annual loan approvals of a minimum number of 7(a) Preferred Lenders Program loans, excluding SBA Express loans, as determined by the Administration;

"(III) operation by the lender in not less than 5 States or 10 Small Business Administration districts;

"(IV) satisfactory centralized approval, loan servicing, and loan liquidation functions and processes; and

"(V) consideration of any comments and recommendations that may be received from any District Director or Regional Administrator relating to the performance of the applicant.

"(iii) TERMS AND CONDITIONS.—Applicants shall be approved under the following terms and conditions:

"(I) TERM.—Each participant approved under this subparagraph shall be eligible to make loans for up to 1 year under the program established under this subparagraph.

"(II) RENEWAL.—At the expiration of the term described in subclause (I), the authority of a participant to make loans under this subparagraph may be renewed based on a review of performance during the initial term.

"(III) EFFECT OF FAILURE.—Failure to meet the criteria under this subparagraph shall not effect the eligibility of a participant to continue as a preferred lender in States or districts in which it is in good standing.".

SEC. 202. EXTENSION OF PROGRAM PARTICIPATION FEES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (12) by striking "(b)" and inserting the following:

"(B)";

(2) in paragraph (18)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "2 percent" and inserting "1 percent"; and

(ii) in clause (ii), by striking "3 percent" and inserting "2.5 percent"; and

(B) by striking subparagraph (C); and

(3) in paragraph (23)(A), by striking "0.5 percent" and all that follows through "equal to".

SEC. 203. LOANS SOLD IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

"(6) Trust certificates issued pursuant to this subsection may be comprised of a pool of loans, guaranteed by the Administration, with varying interest rates. The interest rate paid by such certificates shall be equal to the weighted average of the interest rates of the loans in the pool. The Administration shall prescribe the maximum amount of variation in the loan characteristics in order to enhance the marketability of the pool.".

SEC. 204. CLARIFICATION OF ELIGIBILITY FOR VETERANS.

Section 7(a)(8) of the Small Business Act (15 U.S.C. 636(a)(8)) is amended to read as follows:

"(8) The Administration may make loans under this subsection to—

"(A) small business concerns owned and controlled by veterans (as defined in section 101(2) of title 38, United States Code);

"(B) small business concerns owned and controlled by disabled veterans (as defined in section 4211(3) of title 38, United States Code); and

"(C) small business concerns owned and controlled by members of Reserve components of the Armed Forces (as defined in section 101(c)(6) of title 10, United States Code).".

SEC. 205. ENHANCEMENT OF LOW DOCUMENTATION LOAN PROGRAM.

Section 7(a)(25)(C) of the Small Business Act (15 U.S.C. 636(a)(25)(C)) is amended by striking "$100,000" and inserting "$250,000".

SEC. 206. INCREASED LOAN AMOUNTS FOR EXPORTERS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: "and paragraph (14)"; and

(B) in subparagraph (B), by striking "$1,250,000" and inserting "$1,300,000"; and

(2) in paragraph (14), by adding at the end the following:

"(D) The total amount of financings under this paragraph that are outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established under this Act may not exceed $1,300,000 and the gross loan amount under this paragraph may not exceed $2,600,000.".

Subtitle B—Microloan Program

SEC. 211. MICROLOAN PROGRAM IMPROVEMENTS.

(a) Intermediary Eligibility Requirements.—Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A), by striking "in paragraph (10); and" and inserting "of the term 'intermediary' under paragraph (11);"; and

(2) in subparagraph (B)—

(A) by striking "(B) has at least" and inserting the following:

"(B) has—

"(i) at least"; and

(B) by striking the period at the end and inserting the following: "; or

"(ii) a full-time employee who has not less than 3 years experience making microloans to startup, newly established, or growing small business concerns; and

"(C) has at least 1 year experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.".

(b) Conforming Change in Average Smaller Loan Size.—Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "$7,500" and inserting "$10,000".

(c) Limitation on Third Party Technical Assistance.—Section 7(m)(4)(E)(ii) of the Small Business Act (15 U.S.C. 636(m)(4)(E)(ii)) is amended—

(1) by striking "Technical assistance" and inserting "Third party technical assistance"; and

(2) by striking "25 percent" and inserting "30 percent".

(d) Loan Terms.—Section 7(m)(1)(B)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(B)(i)) is amended by striking "short-term".

(e) Report on Transferred Amounts.—Section 7(m)(9)(B) of the Small Business Act (15 U.S.C. 636(m)(9)(B)) is amended—

(1) by striking "The Administration" and inserting the following:

"(i) In general.—The Administration";

(2) by striking the period after "financing"; and

(3) by adding at the end the following:

"(ii) Report.—The Administration shall report, in its annual budget request and performance plan to Congress, on the performance by the Administration of the requirements of clause (i).".

(f) Accurate Subsidy Model.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

"(14) Improved subsidy model.—The Administrator shall develop a subsidy model for the microloan program under this subsection, to be used in the fiscal year 2005 budget, that is more accurate than the subsidy model in effect on the day before the date of enactment of this paragraph.".

(g) Increased Flexibility for Providing Technical Assistance to Potential Borrowers.—Section 7(m)(4)(E)(i) of the Small Business Act (15 U.S.C. 636(m)(4)(E)(i) is amended by striking "25 percent" and inserting "30 percent".

Subtitle C—Lender Oversight

SEC. 221. EXAMINATION AND REVIEW FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "(b) In the performance" and inserting the following:

"(b) Authority of Administrator.—In the performance";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(14) require lenders participating in the program authorized by section 7(a), including Small Business Lending Companies, to pay reasonable examination and review fees, which shall be—

"(A) deposited in the account for salaries and expenses of the Administration; and

"(B) made available only for the costs of examinations, reviews, and other lender oversight activities concerning lenders participating in the program authorized by section 7(a).".

SEC. 222. ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES AND NON-FEDERALLY REGULATED SBA LENDERS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new section:

"SEC. 36. ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES AND NON-FEDERALLY REGULATED SBA LENDERS

"(a) Defined Term.—In this section the term 'management official' means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a Small Business Lending Company or non-federally regulated SBA lender under section 7(a).

"(b) Authorization.—

"(1) Small business lending companies.—The Administration is authorized to—

"(A) supervise the safety and soundness of Small Business Lending Companies;

"(B) set capital standards for, regulate, examine, and enforce laws relating to Small Business Lending Companies; and

"(C) prescribe regulations governing the operations, oversight, and enforcement of Small Business Lending Companies, in accordance with the purposes of this Act.

"(2) Non-federally regulated SBA lenders.—The Administration is authorized to—

"(A) supervise the safety and soundness of non-federally regulated SBA lenders;

"(B) regulate, examine, and enforce laws relating to lending by non-federally regulated SBA lenders under section 7(a); and

"(C) prescribe regulations governing the operations, oversight, and enforcement of non-federally regulated SBA lenders, in accordance with the purposes of this Act.

"(c) Capital Directives.—The Administration may—

"(1) deem the failure of a Small Business Lending Company to maintain capital at or above the minimum capital level established by the Administration as an unsafe and unsound practice; and

"(2) in addition to, or in lieu of, any other action authorized by law, issue a directive to a Small Business Lending Company that fails to return or maintain capital at or above its required level, as established by the Administration.

"(d) Forfeiture of Authority for Noncompliance.—

"(1) In general.—Subject to the provisions of subsection (g), if any Small Business Lending Company violates any of the provisions of this Act, or any related regulation, such company shall forfeit all of the rights, privileges, and franchises under this Act.

"(2) Adjudication.—A company under paragraph (1) shall not forfeit its rights, privileges, and franchises under this Act, unless a court of the United States, with jurisdiction over the judicial district in which the principal place of business of such company is located, determines, in a suit brought by, or on behalf of, the Administrator, that such company violated this Act, or regulations promulgated pursuant to this Act.

"(e) Revocation or Suspension of Authority.—

"(1) In general.—Subject to the provisions of subsection (g), the Administration may revoke or suspend the authority of a participating lender to make, service, or liquidate business loans under section 7(a) if the participating lender—

"(A) knowingly makes false statements in any written statement required under this Act or any regulation issued under this Act;

"(B) fails to state, in any written statement required under this Act or any regulation issued under this Act, a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

"(C) willfully or repeatedly violates—

"(i) any provision of this Act;

"(ii) any rule or regulation issued under this Act; or

"(iii) any condition imposed by the Administration with any application, request, or agreement; or

"(D) violates any cease and desist order issued by the Administration under this section.

"(2) Length of suspension.—The suspension under paragraph (1) shall remain in full force and effect until the Administration issues a written notice of termination.

"(3) Notification.—If the lending authority of a lender is revoked under paragraph

(1), the lender shall send notification, not later than 30 days after such revocation, to all existing borrowers that such authority has been revoked and that a new servicer has been appointed to service their loans. If the lender fails to provide such notification before the deadline, the aAdministration shall provide such notification to borrowers.

“(4) DELEGATION.—The Administration may delegate the authority to suspend a participating lender's authority to make loans under section 7(a), but shall not delegate the authority to revoke a participating lender's authority to make such loans.

“(f) CEASE AND DESIST ORDERS.—If a participating lender or management official has violated, or is about to violate any provision of this Act, or any related regulation, the Administration, subject to the provisions of subsection (g), may—

“(1) order the participating lender or management official to—

“(A) cease and desist from such violation; and

“(B) take, or refrain from, such action as the Administration deems necessary to ensure compliance with the Act and related regulations; and

“(2) suspend the authority of such participating lender pending full compliance with all orders issued under paragraph (1).

“(g) PROCESS FOR REVOCATION OR SUSPENSION OF AUTHORITY OR CEASE AND DESIST ORDERS.—

“(1) NOTICE.—Before revoking or suspending the authority of a participating lender pursuant to subsection (e) or issuing a cease and desist order pursuant to subsection (f), the Administration shall—

“(A) provide notice to the participating lender that such action is contemplated; and

“(B) provide the participating lender with an opportunity to show cause why such action should not be taken.

“(2) CONTENTS.—A notice under paragraph (1) shall contain—

“(A) a statement of the matters of fact and law asserted by the Administration;

“(B) a description of the legal authority and jurisdiction under which a hearing is to be held; and

“(C) the time and place of the hearing that will be held before the Administration.

“(3) HEARING.—

“(A) IN GENERAL.—A hearing under this subsection shall take place before the Office of Hearings and Appeals of the Administration.

“(B) SUBPOENA.—The Administration may require by subpoena—

“(i) the attendance and testimony of witnesses; and

“(ii) the production of all books, papers, e-mails, faxes, and documents relating to the hearing under this paragraph.

“(C) ENFORCEMENT OF SUBPOENA.—If a party disobeys a subpoena issued under subparagraph (B), the Administration, or any party to a proceeding before the Administration, may invoke the aid of any court of the United States to require—

“(i) the attendance and testimony of witnesses; and

“(ii) the production of books, papers, e-mails, faxes, and documents.

“(D) WITNESS FEES.—Witnesses summoned before the Administration shall be paid, by the party at whose instance they were called, the same fees and mileage that are paid witnesses in the courts of the United States.

“(4) ISSUANCE OF ORDER.—

“(A) IN GENERAL.—If the Administration, after a hearing, or a waiver thereof, determines on the record that an order revoking or suspending the authority of a participating lender under section 7(a) or a cease and desist order should be issued, the Administration shall promptly issue such order to the participating lender and any other person involved.

“(B) CONTENTS.—The order issued under subparagraph (A) shall contain—

“(i) a statement of the findings of the Administration;

“(ii) the reasons therefore; and

“(iii) the effective date of the order.

“(C) EFFECTIVE DATE.—

“(i) CEASE AND DESIST ORDER.—A cease and desist order issued under this paragraph shall become effective on the date specified therein.

“(ii) REVOCATION OR SUSPENSION.—An order revoking or suspending the authority of a participating lender under section 7(a) shall be final and conclusive 30 days after the date of issuance of such order unless the participating lender files an appeal under paragraph (5).

“(5) APPEAL.—

“(A) APPEAL BY RIGHT.—Not later than 30 days after an order is issued under paragraph (4), a participating lender may appeal such order by filing a petition requesting that the Administration's order be set aside or modified with the clerk of the United States district court for the judicial district in which such participating lender has its principal place of business.

“(B) LEAVE OF COURT.—After the expiration of the period described in subparagraph (A), a participating lender may file a petition of appeal only by leave of court and upon a showing of reasonable grounds for failure to timely file such petition.

“(C) DELIVERY OF PETITION.—Upon receiving a petition under this paragraph, the clerk of the court shall immediately deliver a copy of the petition to the Administration, which shall certify and file in the court a transcript of the record upon which the order complained of was entered.

“(D) AMENDMENT OF PETITION.—If the Administration amends or sets aside its order, in whole or in part, before the record is filed under subparagraph (C), the petitioner may amend the petition within such time as the court may determine, on notice to the Administration.

“(E) EFFECT OF PETITION.—The filing of a petition for review shall not affect the operation of the order of the Administration, but the district court may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition.

“(F) AUTHORITY OF COURT.—

“(i) IN GENERAL.—Except as provided under clause (ii), the district court may affirm, modify, or set aside any order of the Administration issued under this subsection.

“(ii) LIMITATION.—The district court shall not consider an objection to an order of the Administration unless such objection was presented to the Administration or there were reasonable grounds for failure to do so.

“(G) ADDITIONAL EVIDENCE.—

“(i) IN GENERAL.—If the district court determines that the just and proper disposition of the case requires the taking of additional evidence, the court may take additional evidence and findings of fact, or may order the Administration to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court determines to be proper.

“(ii) MODIFICATION OF FINDINGS.—The Administration may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence.

“(6) ENFORCEMENT OF ORDER.—

“(A) IN GENERAL.—If any participating lender or other person against which an order is issued under this section fails to obey the order, the Administration may file an application with the United States district court within the judicial district where the participating lender has its principal place of business, for the enforcement of the order by filing a transcript of the record upon which the disobeyed order was entered.

“(B) NOTICE.—Upon the receipt of the application filed under subparagraph (A), the court shall notify the participating lender or other person of such enforcement action.

“(C) PROCEDURE.—The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in paragraph (5) for applications to set aside or modify orders.

“(h) REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.—

“(1) REMOVAL OF MANAGEMENT OFFICIALS.—

“(A) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official if, in the opinion of the Administrator such management official—

“(i) has willfully and knowingly committed any substantial violation of—

“(I) this Act;

“(II) any regulation issued under this Act;

“(III) a cease-and-desist order which has become final; or

“(IV) any agreement by the management official or the participating lender; or

“(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official if the violation or breach of fiduciary duty involves personal dishonesty on the part of such management official.

“(B) CONTENTS OF NOTICE.—A notice provided under subparagraph (A) shall contain—

“(i) a statement of the facts constituting the grounds for the removal of the management official; and

“(ii) the time and place at which a hearing will be held to determine if the management official should be removed from office.

“(C) HEARINGS.—

“(i) TIMING.—A hearing described in subparagraph (B) shall take place not earlier than 30 days nor later than 60 days after the date on which notice is provided under subparagraph (A), unless an earlier or later date is set by the Administrator at the request of—

“(I) the management official, for good cause shown; or

“(II) the Attorney General of the United States.

“(ii) CONSENT.—If the management official fails to appear, in person or by a duly authorized representative, at a hearing under this paragraph, that management official shall be deemed to have consented to the issuance of an order of removal under subparagraph (A).

“(D) ISSUANCE OF ORDER OF REMOVAL.—

“(i) IN GENERAL.—The Administrator may issue an order of removal from office if—

“(I) consent is deemed under subparagraph (C)(ii); or

"(II) the Administrator finds, upon the record of the hearing described in this subsection, that any of the grounds specified in the notice of removal has been established.

"(ii) EFFECTIVENESS.—An order under clause (i) shall—

"(I) become effective on the expiration of the date which is 30 days after the date that notice is provided to the participating lender and the management official concerned (except in the case of an order issued upon consent as described in [clause] *subparagraph* (C)(ii), which shall become effective at the time specified in such order); and

"(II) remain effective and enforceable, except to the extent it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court, in accordance with this section.

"(2) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

"(A) IN GENERAL.—The Administrator may—

"(i) if necessary to protect the Small Business Lending Company or interests of the Administration, suspend from office any management official described in paragraph (1), or temporarily prohibit such official from further participating in the management or conduct of the affairs of the Small Business Lending Company; and

"(ii) if necessary to protect the interests of the Administration, suspend from office any management official described in paragraph (1) or prohibit from further participation a non-federally regulated SBA lender or any management official described in paragraph (1) in any activities related to the making, servicing, review, approval, or liquidation of any loan made under section 7(a).

"(B) EFFECTIVENESS.—A suspension or prohibition under subparagraph (A)—

"(i) shall become effective upon service of notice under paragraph (1); and

"(ii) unless stayed by a court in proceedings under subparagraph (C), shall remain in effect—

"(I) pending the completion of the administrative proceedings pursuant to a notice under paragraph (1); and

"(II) until the Administrator dismisses the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

"(C) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a participating lender, the management official may apply for a stay of the suspension or prohibition, pending the completion of the administrative proceedings under this subsection, to—

"(i) the United States district court for the judicial district in which the home office of the participating lender is located; or

"(ii) the United States District Court for the District of Columbia.

"(3) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

"(A) IN GENERAL.—If a management official is charged, in any information, indictment, or complaint authorized by a United States attorney or a State prosecutor, with the commission of a felony involving dishonesty or breach of trust, or has been convicted of any felony, the Administrator may suspend that management official from office or prohibit that management official from further participation in the management or conduct of the affairs of the participating lender.

"(B) EFFECTIVENESS.—A suspension or prohibition under paragraph (A) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

"(C) AUTHORITY UPON CONVICTION.—

"(i) IN GENERAL.—If a judgment of conviction with respect to an offense described in paragraph (A) is entered against a management official and is no longer subject to appellate review, the Administrator may issue an order removing that management official from office.

"(ii) NOTICE.—A copy of the order issued under clause (i) shall be delivered to the management official and the participating lender for which such official was employed.

"(iii) EFFECTIVE DATE.—The order of removal under clause (i) shall take effect upon the delivery of a copy of the order to the participating lender.

"(D) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in subparagraph (A) shall not preclude the Administrator from initiating proceedings to suspend or remove the management official from office, or to temporarily prohibit the management official from participation in the management or conduct of the affairs of any participating lender.

"(4) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

"(A) HEARING VENUE.—Any hearing under this subsection shall be—

"(i) held in the Federal judicial district or in the territory in which the principal office of the participating lender is located, unless the party afforded the hearing consents to another place; and

"(ii) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

"(B) ISSUANCE OF ORDERS.—After a hearing under this subsection, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall—

"(i) render a decision in the matter, which shall include findings of fact upon which its decision is predicated; and

"(ii) issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section.

"(C) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

"(i) at any time, upon such notice, and in such manner as the Administrator may prescribe, until a petition for review is timely filed with a United States district court, in accordance with subparagraph (D)(ii) and a record of the proceeding has been filed in accordance with subparagraph (D)(iii); and

"(ii) after the filing of the record under subparagraph (D)(iii), with permission of the court.

"(D) JUDICIAL REVIEW.—

"(i) IN GENERAL.—Judicial review of an order issued under this section shall be limited to the provisions of this subsection.

"(ii) PETITION FOR JUDICIAL REVIEW.—Any party to a hearing under this section may obtain a review of any order issued pursuant to subparagraph (B) (other than an order issued with the consent of the management official concerned or an order issued under subsection (d)), by filing, not later than 30 days after the date of service of such order, in the United States district court for the judicial district in which the principal office of the licensee is located or in the United States District Court for the District of Columbia, a written petition requested that the order be modified, terminated, or set aside.

"(iii) NOTICE TO ADMINISTRATION.—The clerk of the court receiving a petition under [subparagraph] *clause* (ii) shall transmit a copy of the petition to the Administrator, who shall submit to the court the record of the proceeding, in accordance with section 2112 of title 28, United States Code.

"(iv) JURISDICTION.—

"(I) EXCLUSIVE.—Upon the filing of the record under clause (iii), the district court described in clause (ii) shall have exclusive jurisdiction to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided under paragraph (2)(B)(ii)(II).

"(II) REVIEW.—The review of any proceeding under subclause (I) shall be in accordance with chapter 7 of title 5, United States Code.

"(v) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the district court, operate as a stay of any order issued by the Administrator under this section.

"(*i*) INJUNCTIONS.—

"(1) APPLICATION.—If, in the judgment of the Administrator, a participating lender or any other person has engaged, or is about to engage, in any acts or practices which violate any provision of this Act, any rule or regulation under this Act, or any order issued under this Act, the Administrator may apply to the proper district court of the United States, or a United States court of any place subject to the jurisdiction of the United States, for an order to—

"(A) enjoin such acts or practices; or

"(B) enforce compliance with such provision, rule, regulation, or order.

"(2) JURISDICTION.—A court under paragraph (1) shall have jurisdiction over any action under paragraph (1).

"(3) ISSUANCE.—Upon a showing by the Administrator that a participating lender or other person has engaged, or is about to engage, in any act or practice described in paragraph (1), the court shall issue, without bond—

"(A) a permanent or temporary injunction;

"(B) a restraining order; or

"(C) any other appropriate order.

"(j) APPOINTMENT OF RECEIVERS.—In any injunction proceeding under subsection (*i*), the district court may—

"(1) seize the assets of 1 or more Small Business Lending Companies; and

"(2) appoint the Administration, or another receiver, to hold or administer the assets seized under paragraph (1) under the direction of the court.

"(k) POSSESSION OF ASSETS.—

"(1) SMALL BUSINESS LENDING COMPANIES.—If a Small Business Lending Company is insolvent, out of compliance with capital requirements under this section, or otherwise operating in an unsafe or unsound condition, the Administration may take possession of—

"(A) the portfolio of loans guaranteed by the Administration and sell such loans to a third party through a receiver appointed under subsection (j)(2); and

"(B) servicing activities of loans that are guaranteed by the Administration and sell such servicing rights to a third party through a receiver appointed under subsection (j)(2).

"(2) NON-FEDERALLY REGULATED SBA LENDERS.—If a non-federally regulated SBA lender is insolvent or otherwise operating in an unsafe and unsound condition, the Administration may take possession of—

"(A) the portfolio of loans guaranteed by the Administration and sell such loans to a third party; and

"(B) servicing activities of loans that are guaranteed by the Administration and sell such servicing rights to a third party.

"(*l*) PENALTIES AND FORFEITURES.—

"(1) IN GENERAL.—Except as provided under paragraph (3), a Small Business Lending Company or a non-federally regulated SBA lender that violates any regulation or written directive issued by the Administrator regarding the filing of any regular or special report shall pay to the United States a civil penalty of not more than $5,000 for every day after the due date in which the lender fails to file such report, unless such failure is due to reasonable cause and not willful neglect.

"(2) RECOVERY OF CIVIL PENALTY.—The civil penalty provided for in this section shall accrue to the United States and may be recovered in a civil action brought by the Administration.

"(3) EXEMPTION.—The Administrator may, by regulation, order, or upon the application of an interested party, at any time before a report is due under paragraph (1) and after notice and opportunity for hearing, exempt, in whole or in part, any Small Business Lending Company from the provisions of paragraph (1), upon such terms and conditions and for such period of time as the Administrator determines to be appropriate, if the Administrator finds that such action is consistent with the public interest or the protection of the Administration.

"(4) ALTERNATIVE REQUIREMENTS.—If an exemption is granted under paragraph (3), the Administrator may, for the purposes of this section, make any alternative requirements appropriate to the situation.".

SEC. 223. DEFINITIONS FOR SMALL BUSINESS LENDING COMPANIES AND NON-FEDERALLY REGULATED SBA LENDERS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended—

(1) in subsection (l), by striking "Act—

"(1) the term" and inserting "Act, the term"; and

(2) by adding at the end the following:

"(r) SMALL BUSINESS LENDING COMPANY.—In this Act, the term 'Small Business Lending Company' means a non-depository financial institution that is licensed, supervised, examined, and regulated by the Administration to only make loans under section 7.

"(s) NON-FEDERALLY REGULATED SBA LENDER.—In this Act, the term 'non-federally regulated SBA lender' means a financial institution, other than a Small Business Lending Company, that makes loans under section 7 and is not regulated by—

"(1) the Farm Credit Administration;

"(2) the Federal Financial Institution Examination Council;

"(3) the Board of Governors of the Federal Reserve System;

"(4) the Office of the Comptroller of the Currency;

"(5) the Federal Deposit Insurance Corporation;

"(6) the Office of Thrift Supervision; or

"(7) the National Credit Union Administration.".

Subtitle D—Disaster Assistance Loan Program

SEC. 231. CONFORMING AMENDMENT FOR DISASTER ASSISTANCE LOAN PROGRAM.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended—

(1) by striking "$500,000" each place it appears and inserting "$1,500,000"; and

(2) by inserting "commencing on or after April 1, 1993," before "unless an applicant".

SEC. 232. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

"(2) For purposes of section 7(b)(2), the term 'disaster' includes—

"(A) drought; and

"(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.".

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting "(including drought), with respect to both farm-related and nonfarm-related small business concerns," before "if the Administration"; and

(B) in subparagraph (B), by striking "the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)" and inserting the following: "section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph".

(b) LIMITATION ON LOANS.—From funds otherwise appropriated pursuant to section 20 for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during fiscal year 2004 to provide drought disaster loans to nonfarm-related small business concerns.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking "Upon receipt of such certification, the Administration may" and inserting "Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may".

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this section, the Administrator shall promulgate final rules to carry out this section and the amendments made by this section.

SEC. 233. DISASTER MITIGATION PILOT PROGRAM.

Section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)) is amended by striking "2000 through 2004" and inserting "2003 through 2006".

Subtitle E—504 Loan Program

SEC. 241. EXTENSION OF USER FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended by striking "October 1, 2003" and inserting "October 1, 2006".

SEC. 242. AMORTIZED LOAN LOSS RESERVE FUND.

Paragraph (6) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is amended—

(1) by striking "The Administration" and inserting the following:

"(A) IN GENERAL.—The Administration"; and

(2) by adding at the end the following new subparagraph:

"(B) TEMPORARY REDUCTION BASED ON OUTSTANDING BALANCE.—Notwithstanding subparagraph (A), the Administration shall allow the certified development company to withdraw from the loss reserve such amounts as are in excess of 1 percent of the aggregate outstanding balances of debentures to which such loss reserve relates. The preceding sentence shall not apply with respect to any debenture before 100 percent of the contribution described in paragraph (4) with respect to such debenture has been made.".

SEC. 243. ALTERNATIVE LOSS RESERVE FOR CERTAIN PREMIER CERTIFIED LENDERS.

(a) IN GENERAL.—Subsection (c) of section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended by adding at the end the following:

"(7) ALTERNATIVE LOSS RESERVE.—

"(A) ELECTION.—With respect to any eligible calendar quarter, any qualified high loss reserve PCL may elect to have the requirements of this paragraph apply in lieu of the requirements of paragraphs (2) and (4) for such quarter.

"(B) CONTRIBUTIONS.—

"(i) ORDINARY RULES INAPPLICABLE.—Except as provided under clause (ii) and paragraph (5), a qualified high loss reserve PCL that makes the election described in subparagraph (A) with respect to a calendar quarter shall not be required to make contributions to its loss reserve during such quarter.

"(ii) BASED ON LOSS.—A qualified high loss reserve PCL that makes the election described in subparagraph (A) with respect to any calendar quarter shall, before the last day of such quarter, make such contributions to its loss reserve as are necessary to ensure that the amount of the loss reserve of the PCL is—

"(I) not less than $100,000; and

"(II) sufficient, as determined by a qualified independent auditor, for the PCL to meet its obligations to protect the Federal Government from risk of loss.

"(iii) CERTIFICATION.—Before the end of any calendar quarter for which an election is in effect under subparagraph (A), the head of the PCL shall submit to the Administrator a certification that the loss reserve of the PCL is sufficient to meet such PCL's obligation to protect the Federal Government from risk of loss. Such certification shall be in such form and submitted in such manner as the Administrator may require and shall be signed by the head of such PCL and the auditor making the determination under clause (ii)(II).

"(C) DISBURSEMENTS.—

"(i) ORDINARY RULE INAPPLICABLE.—Paragraph (6) shall not apply with respect to any qualified high loss reserve PCL for any calendar quarter for which an election is in effect under subparagraph (A).

"(ii) EXCESS FUNDS.—At the end of each calendar quarter for which an election is in effect under subparagraph (A), the Administration shall allow the qualified high loss reserve PCL to withdraw from its loss reserve the excess of—

"(I) the amount of the loss reserve, over

"(II) the greater of $100,000 or the amount which is determined under subparagraph (B)(ii) to be sufficient to meet the PCL's obligation to protect the Federal Government from risk of loss.

"(D) RECONTRIBUTION.—If the requirements of this paragraph apply to a qualified high loss reserve PCL for any calendar quarter and cease to apply to such PCL for any subsequent calendar quarter, such PCL shall make a contribution to its loss reserve in such amount as the Administrator may determine provided that such amount does not exceed the amount which would result in the total amount in the loss reserve being equal to the amount which would have been in such loss reserve had this paragraph never applied to such PCL. The Administrator may require that such payment be made as a single payment or as a series of payments.

"(E) RISK MANAGEMENT.—If a qualified high loss reserve PCL fails to meet the requirement of subparagraph (F)(iii) during any period for which an election is in effect under subparagraph (A) and such failure continues for 180 days, the requirements of paragraphs (2), (4), and (6) shall apply to such PCL as of the end of such 180-day period and such PCL shall make the contribution to its loss reserve described in subparagraph (D). The Administrator may waive the requirements of this subparagraph.

"(F) QUALIFIED HIGH LOSS RESERVE PCL.—The term 'qualified high loss reserve PCL' means, with respect to any calendar year, any premier certified lender designated by the Administrator as a qualified high loss reserve PCL for such year. The Administrator shall not designate a company under the preceding sentence unless the Administrator determines that—

"(i) the amount of the loss reserve of the company is not less than $100,000;

"(ii) the company has established and is utilizing an appropriate and effective process for analyzing the risk of loss associated with its portfolio of PCLP loans and for grading each PCLP loan made by the company on the basis of the risk of loss associated with such loan; and

"(iii) the company meets or exceeds 4 or more of the specified risk management benchmarks as of the most recent assessment by the Administration or the Administration has issued a waiver with respect to the requirement of this clause.

"(G) SPECIFIED RISK MANAGEMENT BENCHMARKS.—For purposes of this paragraph, the term 'specified risk management benchmarks' means the following rates, as determined by the Administrator:

"(i) Currency rate.

"(ii) Delinquency rate.

"(iii) Default rate.

"(iv) Liquidation rate.

"(v) Loss rate.

"(H) QUALIFIED INDEPENDENT AUDITOR.—For purposes of this paragraph, the term 'qualified independent auditor' means any licensed auditor who—

"(i) is compensated by the qualified high loss reserve PCL;

"(ii) is independent of such PCL; and

"(iii) has been approved by the Administrator during the preceding year.

"(I) PCLP LOAN.—For purposes of this paragraph, the term 'PCLP loan' means any loan guaranteed under this section.

"(J) ELIGIBLE CALENDAR QUARTER.—For purposes of this paragraph, the term 'eligible calendar quarter' means—

"(i) the first calendar quarter that begins after the end of the 90-day period beginning with the date of the enactment of this paragraph; and

"(ii) the [7] *11* succeeding calendar quarters.

"(K) CALENDAR QUARTER.—For purposes of this paragraph, the term 'calendar quarter' means—

"(i) the period which begins on January 1 and ends on March 31 of each year;

"(ii) the period which begins on April 1 and ends on June 30 of each year;

"(iii) the period which begins on July 1 and ends on September 30 of each year; and

"(iv) the period which begins on October 1 and ends on December 31 of each year.

"(L) REGULATIONS.—Not later than 45 days after the date of the enactment of this paragraph, the Administrator shall publish in the Federal Register and transmit to Congress regulations to carry out this paragraph. Such regulations shall include provisions relating to—

"(i) the approval of auditors under subparagraph (H); and

"(ii) the designation of qualified high loss reserve PCLs under subparagraph (F), including the determination of whether a process for analyzing risk of loss is appropriate and effective for purposes of subparagraph (F)(ii).".

(b) INCREASED REIMBURSEMENT FOR LOSSES RELATED TO DEBENTURES ISSUED DURING ELECTION PERIOD.—Subparagraph (C) of section 508(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(b)(2)) is amended by inserting "(15 percent in the case of any such loss attributable to a debenture issued by the company during any period for which an election is in effect under subsection (c)(7) for such company)" before "; and".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 508(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(b)(2)) is amended by striking "subsection (c)(2)" and inserting "subsection (c)".

(2) Paragraph (5) of section 508(c) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)) is amended by striking "10 percent".

(d) STUDY AND REPORT.—

(1) IN GENERAL.—The Administrator shall enter into a contract with a Federal agency experienced in community development lending and financial regulation or with a member of the Federal Financial Institutions Examinations Council to study and prepare a report regarding—

(A) the extent to which statutory requirements have caused over capitalization in the loss reserves maintained by certified development companies participating in the Premier Certified Lenders Program established under section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e); and

(B) alternatives for establishing and maintaining loss reserves that are sufficient to protect the Federal Government from the risk of loss associated with loans guaranteed under such Program.

(2) TRANSMISSION OF REPORT.—The report described in paragraph (1) shall be transmitted to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate not later than 180 days after the date of the enactment of this Act.

(3) LIMITATION.—The amount of the contract described in paragraph (1) shall not exceed $75,000.

SEC. 244. DEBENTURE SIZE.

Section 502*(2)* of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended *to read as follows:*

[(1) by striking "The Administration may," and inserting the following:

"(a) IN GENERAL.—The Administration may,";

(2) by striking ": *Provided, however*, That the foregoing powers" and inserting the following:

"(b) CONDITIONS.—The authority under subsection (a)"; and

(3) in subsection (b) (as designated by paragraph (2)), by amending paragraph (2) to read as follows:]

"(2) MAXIMUM AMOUNT.—Loans made by the Administration under this section shall be limited to—

"(A) $1,500,000 for each small business concern if the loan proceeds will not be directed toward a goal or project described in subparagraph (B) or (C);

"(B) $2,000,000 for each small business concern if the loan proceeds will be directed toward 1 or more of the public policy goals described under section 501(d)(3); and

["(C) $2,000,000 for each small business concern if the loan proceeds will be directed toward manufacturing projects.".]

"(C) $4,000,000 for each small business concern if the loan proceeds will be directed toward manufacturing projects.".

SEC. 245. JOB CREATION OR RETENTION STANDARDS.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by striking the undesignated paragraph at the end and inserting the following:

"(e) JOB CREATION OR RETENTION.—

["(1) IN GENERAL.—A project being funded by the debenture is deemed to satisfy the job creation or retention requirement under subsection (d)(1) if the project creates or retains 1 job opportunity for every $50,000 guaranteed by the Administration.]

"(1) IN GENERAL.—A project being funded by the debenture is deemed to satisfy the job creation or retention requirement under subsection (d)(1) if the project creates or retains—

"(A) 1 job opportunity for every $50,000 guaranteed by the Administration; or

"(B) in the case of a manufacturing project, 1 job opportunity for every $100,000 guaranteed by the Administration.

"(2) TEMPORARY JOB CREATION WAIVER.—

"(A) IN GENERAL.—If a development company fails to meet the job creation and retention requirements under this section, the company may apply for a temporary waiver from the Administration. Not later than 30 days after the request for such waiver, the Administration shall respond to the request and may temporarily waive the requirement if the development company shows reasonable cause for its failure to meet the job creation and retention requirements under this section and demonstrates how it intends to attain such requirements in the future.

"(B) AGGREGATION OF GOALS AND OBJECTIVES.—If a project meets the economic development objectives or public policy goals under paragraphs (2) and (3) of subsection (d), the project does not need to meet the individual job creation or retention requirements for that particular project if the outstanding portfolio of the development company meets or exceeds the job creation or retention criteria under subsection (d)(1).".

SEC. 246. SIMPLIFIED APPLICATIONS.

(a) LOANS OF $400,000 OR LESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a shorter, more concise, and simplified application form for loan guarantees involving not more than $400,000 authorized under section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a).

(2) AVAILABILITY TO CERTIFIED DEVELOPMENT COMPANIES.—The form developed under paragraph (1) shall be made available to certified development companies not later than 180 days after the date of enactment of this Act.

(b) ALL OTHER LOANS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall develop a shorter, more concise, and simplified application form for all loan guarantees authorized under section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a), including those described in subsection (a).

(2) AVAILABILITY TO CERTIFIED DEVELOPMENT COMPANIES.—The form developed under paragraph (1) shall be made available to certified development companies not later than 270 days after the date of enactment of this Act.

SEC. 247. CHILD CARE LENDING PILOT PROGRAM.

(a) Loans Authorized.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "The Administration" and inserting the following:

"(a) Authorization.—The Administration";

(B) by striking "and such loans" and inserting ". Such loans";

(C) by striking ": *Provided, however*, That the foregoing powers shall be subject to the following restrictions and limitations:" and inserting a period; and

(D) by adding at the end the following:

"(b) Restrictions and Limitations.—The authority under subsection (a) shall be subject to the following restrictions and limitations:"; and

(2) in paragraph (1)—

(A) by inserting after "Use of Proceeds.—" the following:

"(A) In general.—"; and

(B) by adding at the end the following:

"(B) Loans to small, nonprofit child care businesses.—

"(i) In general.—Notwithstanding subsection (a)(1), the proceeds of any loan described in subsection (a) may be used by the certified development company to assist small, nonprofit child care businesses, provided that—

"(I) the loan will be used for a sound business purpose that has been approved by the Administration;

"(II) each such business receiving financial assistance meets all of the same eligibility requirements applicable to for-profit businesses under this title, except for status as a for-profit business;

"(III) 1 or more individuals has personally guaranteed the loan;

"(IV) the small, non-profit child care business has clear and singular title to the collateral for the loan; and

"(V) the small, non-profit child care business has sufficient cash flow from its operations to meet its obligations on the loan and its normal and reasonable operating expenses.

"(ii) Limitation on volume.—Not more than 7 percent of the total number of loans guaranteed in any fiscal year under this title may be awarded under the pilot program.

"(iii) Defined term.—For purposes of this subparagraph, the term 'small, non-profit child care business' means an establishment that—

"(I) is organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

"(II) is primarily engaged in providing child care for infants, toddlers, pre-school, or pre-kindergarten children (or any combination thereof), may provide care for older children when they are not in school, and may offer pre-kindergarten educational programs;

"(III) including its affiliates, has tangible net worth that does not exceed $7,000,000, and has average net income (excluding any carryover losses) for the preceding 2 completed fiscal years that does not exceed $2,500,000; and

"(IV) is licensed as a child care provider by the District of Columbia, the insular area, or the State in which it is located.".

"(iv) Sunset provision.—This subparagraph shall remain in effect until September 30, 2006, and shall apply to all loans authorized under this subparagraph that are applied for, approved, or disbursed during the period beginning on the date of enactment of the Small Business Administration 50th Anniversary Reauthorization Act of 2003 and ending on September 30, 2006.".

(b) Reports.—

(1) Small business administration.—

(A) In general.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until September 30, 2006, the Administrator shall submit a report on the implementation of the program under subsection (a) to—

(i) the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Small Business of the House of Representatives.

(B) Contents.—The report under subparagraph (A) shall contain—

(i) the date on which the program is implemented;

(ii) the date on which the rules are issued pursuant to subsection (c); and

(iii) the number and dollar amount of loans under the program applied for, approved, and disbursed during the previous 6 months—

"(I) with respect to nonprofit child care business; and

"(II) with respect to for profit child care business.

(2) General accounting office.—

(A) In general.—Not later than March 31, 2006, the Comptroller General of the United States shall submit a report on the child care small business loans authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act, to—

(i) the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Small Business of the House of Representatives.

(B) Contents.—The report under subparagraph (A) shall contain information gathered during the first 2 years of the loan program, including—

(i) an evaluation of the timeliness of the implementation of the loan program;

(ii) a description of the effectiveness and ease with which certified development companies, lenders, and small businesses have participated in the loan program;

(iii) a description and assessment of how the loan program was marketed;

(iv) by location (State, insular area, and District of Columbia) and in total, the number of child care small businesses, categorized by status as a for-profit or non-profit business, that—

(I) applied for loans under the program (and whether it was a new or expanding child care provider);

(II) were approved for loans under the program; and

(III) received loan disbursements under the program (and whether they are a new or expanding child care provider); and

(v) with respect to the businesses described under clause (iv)(III)—

(I) the number of such businesses in each State, insular area, and District of Columbia, as of the year of enactment of this Act;

(II) the total amount loaned to such businesses under the program;

(III) the total number of loans to such businesses under the program;

(IV) the average loan amount and term;

(V) the currency rate, delinquencies, defaults, and losses of the loans;

(VI) the number and percent of children served who receive subsidized assistance; and

(VII) the number and percent of children served who are low income.

(C) Access to information.—

(i) In general.—The Administration shall collect and maintain such information as may be necessary to carry out this paragraph from certified development centers and child care providers, and such centers and providers shall comply with a request for information from the Administration for that purpose.

(ii) Provision of information to GAO.—The Administration shall provide information collected under this subparagraph to the Comptroller General of the United States for purposes of the report required by this paragraph.

(c) Rulemaking Authority.—Not later than 120 days after the date of enactment of this Act, the Administrator shall issue final rules to carry out the loan program authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act.

SEC. 248. DEFINITION OF RURAL AREA.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following:

"(f) Definition of Rural Area.—For purposes of this title, the term 'rural area' means any area other than—

"(1) a city or town with a population of not less than 50,000 inhabitants; or

"(2) the urbanized area adjacent to a city or town under subparagraph (A).".

Subtitle F—Surety Bond Program

SEC. 251. CLARIFICATION OF MAXIMUM SURETY BOND GUARANTEE.

(a) In General.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking "contract up to" and inserting "total work order or contract amount at the time of bond execution that does not exceed".

SEC. 252. AUTHORIZATION OF PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)) is amended by adding at the end the following: "This paragraph shall remain in effect through September 30, 2006.".

Subtitle G—Miscellaneous

SEC. 261. COORDINATION OF SBA LOANS.

Section 7(a)(3) of the Small Business Act (15 U.S.C. 636(a)(3)) is amended—

(1) by inserting "Total amount of loans.—" before "No loan"; and

(2) by amending subparagraph (A) to read as follows:

"(A) if the total amount outstanding and committed (by participation or otherwise) to the borrower under section 7(a) would exceed $1,000,000 (or if the gross loan amount would exceed $2,000,000), except as provided in subparagraph (B), plus an amount not to exceed the maximum amount of a development company financing under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), and the Administration shall report to Congress in its annual budget request and performance plan on the number of small business concerns that have financings under both section 7(a) and under title V of the Small Business Investment Act of 1958, and the total amount and general performance of such financings.;".

SEC. 262. LEASING OPTIONS FOR 7(a) AND 504 BORROWERS.

(a) 7(a) Loans.—Section 7(a)(28) of the Small Business Act (15 U.S.C. 636(a)(28)) is amended to read as follows:

"(28) Leasing.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower under this section may lease, permanently or for a short term, to 1 or more tenants, not more than 40 percent of any property purchased or constructed as part of a project financed under this section if the borrower permanently occupies and uses not less than 60 percent of the total business space of the property.".

(b) 504 LOANS.—Subsection (b)(5) of section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696), as redesignated by this Act, is amended to read as follows:

"(5) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower under this title may lease, permanently or for a short term, to 1 or more tenants, not more than 40 percent of any property purchased or constructed as part of a project financed under this title if the borrower permanently occupies and uses not less than 60 percent of the total business space of the property.".

SEC. 263. CALCULATION OF FINANCING LIMITATION FOR SMALL BUSINESS INVESTMENT COMPANIES.

Section 306 of the Small Business Investment Act of 1958 (15 U.S.C. 686) is amended by inserting after subsection (a) the following:

"(b) In calculating the 20 percent limitation under subsection (a) or any guarantee required of a small business investment company by the Administration, only 50 percent of the value of any loans issued under either section 7(a) of the Small Business Act or title V of this Act, which are received by the enterprise in which the small business investment company has issued commitments, shall be taken into consideration, but for any 1 such enterprise, a small business investment company may not simultaneously take advantage of this discounted calculation for loans under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of this Act.".

SEC. 264. ESTABLISHING ALTERNATIVE SIZE STANDARD.

Section 3(a)(3) of the Small Business Act (15 U.S.C. 632(a)(3) is amended—

(1) by striking "When establishing" and inserting the following: "ESTABLISHMENT OF SIZE STANDARDS.—

"([1]*A*) IN GENERAL.—When establishing"; and

(2) by adding at the end the following:

"([2]*B*) ALTERNATIVE SIZE STANDARD.—The Administrator shall establish an alternative size standard pursuant to paragraph (2), which—

"([A]*i*) shall be applicable to loan applicants under section 7(a) of this Act or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

"([B]*ii*) shall utilize the maximum net worth and maximum net income of the prospective borrower as an alternative to the use of industry standards.".

SEC. 265. PILOT PROGRAM FOR GUARANTEES ON POOLS OF NON-SBA LOANS.

Title IV of the Small Business Investment Act of 1958 (15 U.S.C. 692 et seq.) is amended by adding at the end the following:

"PART C—CREDIT ENHANCEMENT GUARANTEES

"SEC. 420. (a) The Administration is authorized, upon such terms and conditions as it may prescribe, in order to encourage lenders to increase the availability of small business financing by improving such lenders' access to reasonable sources of funding, to provide a credit enhancement guarantee, or commitment to guarantee, of the timely payment of a portion of the principal and interest on securities issued and managed by not less than 2 and not more than 5 qualified entities authorized and approved by the Administration.

"(b)(1) The Administration may provide its credit enhancement guarantees in respect of securities that represent interests in, or other obligations issued by, a trust, pool, or other entity whose assets (other than the Administration's credit enhancement guarantee and credit enhancements provided by other parties) consist of loans made to small business concerns.

"(2) All loans under paragraph (1) shall be originated, purchased, or assembled and managed consistent with requirements prescribed by the Administration in connection with this credit enhancement guarantee program.

"(3) The Administration shall prescribe requirements to be observed by the issuers and managers of the securities covered by credit enhancement guarantees to ensure the safety and soundness of the credit enhancement guarantee program.

"(4) The Administration may authorize affiliates of lenders designated as Preferred Lenders (as defined in the Small Business Act) to become issuers and managers of securities covered by credit enhancement guarantees if not more than 50 percent of the voting and economic ownership interests of any such issuer or manager are owned, directly or indirectly, by any single Preferred Lender or any person directly or indirectly controlling such Preferred Lender.

"(c) The full faith and credit of the United States is pledged to the payment of all amounts the Administration may be required to pay as a result of credit enhancement guarantees under this section.

"(d)(1) The Administration may issue an amount of credit enhancement guarantees in any fiscal year not exceeding the amount of the business loan and development company debenture guarantee authority available to the Administration for such year under this Act and the Small Business Act.

"(2) The Administration shall set the percentage and priority of each credit enhancement guarantee on issued securities so that the amount of the Administration's anticipated net loss (if any) as a result of such guarantee is fully reserved in a credit subsidy account funded in whole or in part by fees collected by the Administration.

"(3) The Administration shall charge and collect a fee from the issuer based on the Administration's guaranteed amount of issued securities, but the amount of such fee may not exceed the estimated credit subsidy cost of the Administration's credit enhancement guarantee.

"(e) REPORTING AND ANALYSIS.—

"(1) REPORTING.—During the development and implementation of the pilot program, the Administrator shall provide a report on the status of the pilot program under this section to Congress in each annual budget request and performance plan.

"(2) ANALYSIS AND REPORT.—Not later than December 30, 2005, the Comptroller General shall—

"(A) conduct an analysis of the pilot program under this section; and

"(B) submit a report to Congress that contains a summary of the analysis conducted under subparagraph (A) and a description of any effects, not attributable to other causes, of the pilot program on the lending programs under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of this Act.

"(3) IMPLEMENTATION.—

"(A) REPORT.—After completing operational guidelines to carry out the pilot program under this section, the Administration shall submit a report, which describes the method in which the pilot program will be implemented, to—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business of the House of Representatives.

"(B) TIMING.—The Administration shall not implement the pilot program under this section until the date that is 50 days after the report has been submitted under subparagraph (A).

"(f) SUNSET PROVISION.—This section shall remain in effect until September 30, 2006.".

Subtitle H—New Markets Venture Capital

SEC. 271. TIME FRAME FOR RAISING PRIVATE CAPITAL.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by striking "The Administrator shall" and all that follows through "following requirements:" and inserting the following:

"*(1) IN GENERAL.*—The Administrator shall give each conditionally approved company 2 years to satisfy the requirements under this subsection. If a conditionally approved company meets these requirements before the end of such 2-year period, the Administrator shall proceed to final approval according to the [following] requirement[:] *under subsection (e).*".

SEC. 272. DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351(3)(A)(ii)[(II)]*(I) of the Small Business Investment Act of 1958 (15 U.S.C. 689(3)(A)(ii)*[(II)]*(I))* is amended by striking "[household income] *50 percent or more*" and all that follows and inserting "[family] *the median household* income for such tract does not exceed 80 percent of the greater of *the* statewide median [family] *household* income or metropolitan area median [family] *household* income.".

Subtitle I—Small Business Investment Company Program

SEC. 281. INVESTMENT OF EXCESS FUNDS.

Section 308(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687(b)) is amended by striking the last sentence and inserting the following: "Such companies with outstanding financings are authorized to invest funds not reasonably needed for their operations in—

"(1) direct obligations of, or obligations guaranteed as to principal and interest by, the United States;

"(2) in [savings account or] certificates of deposit maturing within 1 year [that are issued] *after issuance* by any institution, whose accounts are [F]*f*ederally insured, *or in savings accounts of such institution*; or

"(3) in such other investment securities, mutual funds, or instruments that solely consist of, invest in, or are supported by the instruments described in paragraphs (1) and (2).".

SEC. 282. MAXIMUM PRIORITIZED PAYMENT RATE.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended—

(1) in the matter preceding paragraph (1),

[(A)] by striking "In order" and inserting "GUARANTEES OF PARTICIPATING SECURITIES.—In order"; and

[(B) by striking "For purposes of this section," and all that follows through "the extent of earnings."; and]

(2) in paragraph (2), by striking "1.38 percent" and inserting "1.7 percent".

SEC. 283. IMPROVED DISTRIBUTION REQUIREMENTS.

Section 303(g)(9) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(9)) is amended to read as follows:

"(9) After making any distribution pursuant to paragraph (8), a company with participating securities outstanding may distribute the balance of income to its investors if—

"(A) there are no accumulated and unpaid prioritized payments;

"(B) any amounts received by the Administration under this paragraph and paragraph (8) are first applied as prepayment of the principal amount of the outstanding participating securities or debentures of the company at the time of such distribution and then applied to the profit participation under paragraph (11); and

"(C) any distributions under this paragraph are made to private investors and to the Administration in the ratio of private capital to leverage as of the date immediately preceding the distribution until the outstanding participating securities or debentures of the company have been paid in full, after which any remaining distributions under this paragraph are made to private investors and to the Administration in the ratio provided for the distribution of profits under paragraph (11).".

Subtitle J—Small Business Intermediary Lending Pilot Program

SEC. 291. SHORT TITLE.

This subtitle may be cited as the "Small Business Intermediary Lending Pilot Program Act of 2003".

SEC. 292. FINDINGS.

Congress finds the following:

(1) Small and emerging businesses, particularly startups and businesses that lack sufficient or conventional collateral, continue to face barriers accessing mid-sized loans in amounts between $35,000 and $200,000, with affordable terms and conditions.

(2) Consolidation in the banking industry has resulted in a decrease in the number of small, locally controlled banks with not more than $100,000,000 in assets and has changed the method by which banks make small business credit decisions with—

(A) credit scoring techniques replacing relationship-based lending, which often works to the disadvantage of small or startup businesses that do not conform with a bank's standardized credit formulas; and

(B) less flexible terms and conditions, which are often necessary for small and emerging businesses.

(3) In the environment described in paragraphs (1) and (2), non-profit intermediary lenders, including community development corporations, providing financial resources that serve to supplement the small business lending and investments of a bank by—

(A) providing riskier, up front, or subordinated capital;

(B) offering flexible terms and underwriting procedures; and

(C) providing technical assistance to businesses in order to reduce the transaction costs and risk exposure of banks.

(4) Several Federal programs, including the Microloan Program under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) and the Intermediary Relending Program of the Department of Agriculture, have demonstrated the effectiveness of working through non-profit intermediaries to address the needs of small business concerns that are unable to access capital through conventional sources.

(5) More than 1,000 non-profit intermediary lenders in the United States are—

(A) successfully providing financial and technical assistance to small and emerging businesses;

(B) working with banks and other lenders to leverage additional capital for their business borrowers; and

(C) creating employment opportunities for low income individuals through their lending and business development activities.

SEC. 293. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7(l) of the Small Business Act (15 U.S.C. 636(l)) is amended to read as follows:

"(l) SMALL BUSINESS INTERMEDIARY LENDING PROGRAM.—

"(1) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'intermediary' means an entity that seeks to borrow, or has borrowed, funds from the Administration to make mid-size loans to small business concerns under this subsection that is a private, nonprofit entity, including—

"(i) a private, nonprofit community development corporation;

"(ii) a consortium of private, nonprofit organizations or nonprofit community development corporations;

"(iii) a quasi-governmental economic development entity (such as a planning and development district), other than a State, county, or municipal government; and

"(v) an agency of or nonprofit entity established by a Native American Tribal Government; and

"(B) the term 'mid-size loan' means a fixed rate loan of not less than $35,000 and not more than $200,000, made by an intermediary to a startup, newly established, or growing small business concern.

"(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program (referred to in this section as the "Program"), under which the Administration may make direct loans to eligible intermediaries, for the purpose of making fixed interest rate mid-size loans to startup, newly established, and growing small business concerns.

"(3) PURPOSES.—The purposes of the small business intermediary lender pilot program are—

"(A) to assist small business concerns in those areas suffering from a lack of credit due to poor economic conditions;

"(B) to create employment opportunities for low-income individuals;

"(C) to establish a mid-size loan program to be administered by the Small Business Administration to make loans to eligible intermediaries to enable such intermediaries to provide small-scale loans, particularly loans in amounts averaging not more than $150,000, to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies, or equipment;

"(D) to test the effectiveness of non-profit intermediaries—

"(i) as a delivery system for a mid-size loan program; and

"(ii) in addressing the credit needs of small businesses and leveraging other sources of credit; and

"(E) to determine the advisability and feasibility of implementing a mid-size loan program nationwide.

"(4) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive loans if the intermediary has at least 1 year of experience making loans to startup, newly established, or growing small business concerns.

"(5) LOANS TO INTERMEDIARIES.—

"(A) APPLICATION.—Each intermediary desiring a loan under this subsection shall submit an application to the Administration, which describes—

"(i) the type of small business concerns to be assisted;

"(ii) the size and range of loans to be made;

"(iii) the geographic area to be served and its economic, poverty, and unemployment characteristics;

"(iv) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

"(v) the qualifications of the applicant to carry out the purpose of this subsection.

"(B) LOAN LIMITS.—Notwithstanding subsection (a)(3), no loan may be made under this subsection if the total amount outstanding and committed to an intermediary from the business loan and investment fund established by this Act would, as a result of such loan, exceed $1,000,000 during the participation of the intermediary in the Program.

"(C) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a maximum term of 20 years.

"(D) APPLICABLE INTEREST RATES.—Loans made by the Administration to an intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

"(E) FEES; COLLATERAL.—The Administration may not charge any fees or require collateral with respect to any loan made to an intermediary under this subsection.

"(F) LEVERAGE.—Any loan to a small business concern shall not exceed 75 percent of the total cost of the project, with the remaining funds being leveraged from other sources, including—

"(i) banks or credit unions;

"(ii) community development financial institutions; and

"(iii) other sources with funds available to the intermediary lender.

"(G) DELAYED PAYMENTS.—The Administration shall not require the repayment of principal or interest on a loan made to an intermediary under this section during the first 2 years of the loan.

"(6) PROGRAM FUNDING FOR MID-SIZE LOANS.—

"(A) NUMBER OF PARTICIPANTS.—Under the Program, the Administration may provide loans, on a competitive basis, to not more than 20 intermediaries.

"(B) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—The Administration shall select and provide funding under the Program to such intermediaries as will ensure geographic diversity and representation of urban and rural communities.

"(7) REPORT TO CONGRESS.—

"(A) INITIAL REPORT.—Not later than 30 months after the date of enactment of the Small Business Administration 50th Anniversary Reauthorization Act of 2003, the Administration shall submit a report containing an evaluation of the effectiveness of the Program to—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business of the House of Representatives.

"(B) ANNUAL REPORT.—Not later than 12 months after the date of enactment of the Small Business Administration 50th Anniversary Reauthorization Act of 2003, and each year thereafter, the Administration shall submit an annual report containing an evaluation of the effectiveness of the Program to the Committees described in subparagraph (A).

"(C) CONTENTS.—The reports submitted under subparagraphs (A) and (B) shall include—

"(i) the numbers and locations of the intermediaries receiving funds to provide mid-size loans;

"(ii) the amounts of each loan to an intermediary;

"(iii) the numbers and amounts of mid-size loans made by intermediaries to small business concerns;

"(iv) the repayment history of each intermediary;

"(v) a description of the loan portfolio of each intermediary, including the extent to which it provides mid-size loans to small business concerns in rural and economically depressed areas;

"(vi) an estimate of the number of low-income individuals who have been employed as a direct result of the Program; and

"(vii) any recommendations for legislative changes that would improve the operation of the Program.".

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006 to provide $20,000,000 in loans under section 7(l) of the Small Business Act, as amended by subsection (a).

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

TITLE III—ENTREPRENEURIAL DEVELOPMENT PROGRAMS

Subtitle A—Office of Entrepreneurial Development

SEC. 301. SERVICE CORPS OF RETIRED EXECUTIVES.

(a) IN GENERAL.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by striking "this Act; and to", and inserting "this Act. To";

(2) by striking "may maintain at its headquarters" and all that follows through "That any" and inserting "shall maintain at its headquarters and pay the salaries, benefits, and expenses of a volunteer and professional staff to manage and oversee the program. Any"; and

(3) by striking the period at the end and inserting the following: "and the management of the contributions received.".

(b) REGULATIONS.—The Administration shall, not later than 180 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a).

(c) EXTENSION OF COSPONSORSHIP AUTHORITY.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note, 108 Stat. 4190) is amended by striking "September 30, 2003" and inserting "September 30, 2006".

SEC. 302. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) TERM CHANGE.—Section 21(k) of the Small Business Act (15 U.S.C. 648(k)) is amended—

(1) by striking "CERTIFICATION" each place it appears and inserting "ACCREDITATION"; and

(2) by striking "certification" each place it appears and inserting "accreditation".

(b) PRIVACY REQUIREMENTS.—Section 21(a) of the Small Business Act is amended by adding at the end the following:

"(7) PRIVACY REQUIREMENTS.—

"(A) IN GENERAL.—A small business development center, consortium of small business development centers, or contractor or agent of a small business development center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit.

"(B) ADMINISTRATION USE OF INFORMATION.—This section shall not—

"(i) restrict Administration access to program activity data; or

"(ii) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(C) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).".

(c) CONFORMING AMENDMENT.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking "certification" each place it appears and inserting "accreditation".

SEC. 303. PRIME REAUTHORIZATION AND TRANSFER TO THE SMALL BUSINESS ACT.

(a) PROGRAM REAUTHORIZATION.—Subtitle C of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 note) is amended to read as follows:

"SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ADMINISTRATION.—The term 'Administration' means the Small Business Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

"(3) CAPACITY BUILDING SERVICES.—The term 'capacity building services' means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing its ability to provide training and services to disadvantaged entrepreneurs.

"(4) COLLABORATIVE.—The term 'collaborative' means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this section.

"(5) DISADVANTAGED ENTREPRENEUR.—The term 'disadvantaged entrepreneur' means a microentrepreneur that—

"(A) is a low-income person;

"(B) is a very low-income person; or

"(C) lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the same meaning as in section 4(a) of the Indian Self-Determination and Education Assistance Act.

"(7) INTERMEDIARY.—The term 'intermediary' means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs, as authorized under subsection (d).

"(8) LOW-INCOME PERSON.—The term 'low-income person' means having an income, adjusted for family size, of not more than—

"(A) for metropolitan areas, 80 percent of the area median income; and

"(B) for nonmetropolitan areas, the greater of—

"(i) 80 percent of the area median income; or

"(ii) 80 percent of the statewide nonmetropolitan area median income.

"(9) MICROENTREPRENEUR.—The term 'microentrepreneur' means the owner or developer of a microenterprise.

"(10) MICROENTERPRISE.—The term 'microenterprise' means a sole proprietorship, partnership, or corporation that—

"(A) has fewer than 5 employees; and

"(B) generally lacks access to conventional loans, equity, or other banking services.

"(11) MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.—The term 'microenterprise development organization or program' means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

"(12) TRAINING AND TECHNICAL ASSISTANCE.—The term 'training and technical assistance' means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

"(13) VERY LOW-INCOME PERSON.—The term 'very low-income person' means having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a microenterprise technical assistance and capacity building grant program to provide assistance from the Administration in the form of grants to qualified organizations in accordance with this section.

"(c) USES OF ASSISTANCE.—A qualified organization shall use grants made under this section—

"(1) to provide training and technical assistance to disadvantaged entrepreneurs;

"(2) to provide training and capacity building services to microenterprise development organizations and programs and groups of such organizations to assist such organizations and programs in developing microenterprise training and services;

"(3) to aid in researching and developing the best practices in the field of microenterprise and technical assistance programs for disadvantaged entrepreneurs; and

"(4) for such other activities as the Administrator determines are consistent with the purposes of this section.

"(d) QUALIFIED ORGANIZATIONS.—For purposes of eligibility for assistance under this section, a qualified organization shall be—

"(1) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

"(2) an intermediary;

"(3) a microenterprise development organization or program that is accountable to a local community, working in conjunction with a State or local government or Indian tribe; or

"(4) an Indian tribe acting on its own, if the Indian tribe can certify that no private organization or program referred to in this subsection exists within its jurisdiction.

"(e) ALLOCATION OF ASSISTANCE; SUBGRANTS.—

"(1) ALLOCATION OF ASSISTANCE.—

"(A) IN GENERAL.—The Administrator shall allocate assistance from the Administration under this section to ensure that—

"(i) activities described in subsection (c)(1) are funded using not less than 75 percent of amounts made available for such assistance; and

"(ii) activities described in subsection (c)(2) are funded using not less than 15 percent of amounts made available for such assistance.

"(B) LIMIT ON INDIVIDUAL ASSISTANCE.—No single person may receive more than 10 percent of the total funds appropriated under this section in a single fiscal year.

"(2) TARGETED ASSISTANCE.—The Administrator shall ensure that not less than 50 percent of the grants made under this section are used to benefit very low-income persons, including those residing on Indian reservations.

"(3) Subgrants authorized.—

"(A) In general.—A qualified organization receiving assistance under this section may provide grants using that assistance to qualified small and emerging microenterprise organizations and programs, subject to such rules and regulations as the Administrator determines to be appropriate.

"(B) Limit on administrative expenses.—Not more than 7.5 percent of assistance received by a qualified organization under this section may be used for administrative expenses in connection with the making of subgrants under subparagraph (A).

"(4) Diversity.—In making grants under this section, the Administrator shall ensure that grant recipients include both large and small microenterprise organizations, serving urban, rural, and Indian tribal communities serving diverse populations.

"(5) Prohibition on preferential consideration of certain SBA program participants.—In making grants under this section, the Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) of the Small Business Act does not receive preferential consideration over applications from other qualified organizations that are not participants in such program.

"(f) Matching Requirements.—

"(1) In general.—Financial assistance under this section shall be matched with funds from sources other than the Federal Government on the basis of not less than 50 percent of each dollar provided by the Administration.

"(2) Sources of matching funds.—Fees, grants, gifts, funds from loan sources, and in-kind resources of a grant recipient from public or private sources may be used to comply with the matching requirement in paragraph (1).

"(3) Exception.—

"(A) In general.—In the case of an applicant for assistance under this section with severe constraints on available sources of matching funds, the Administrator may reduce or eliminate the matching requirements of paragraph (1).

"(B) Limitation.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this section may be excepted from the matching requirements of paragraph (1), as authorized by subparagraph (A) of this paragraph.

"(g) Applications for Assistance.—An application for assistance under this section shall be submitted in such form and in accordance with such procedures as the Administrator shall establish.

"(h) Recordkeeping and Reporting.—

"(1) In general.—Each organization that receives assistance from the Administration in accordance with this section shall—

"(A) submit to the Administration not less than once in every 18-month period, financial statements audited by an independent certified public accountant;

"(B) submit an annual report to the Administration on its activities; and

"(C) keep such records as may be necessary to disclose the manner in which any assistance under this section is used.

"(2) Access.—The Administration shall have access upon request, for the purposes of determining compliance with this section, to any records of any organization that receives assistance from the Administration in accordance with this section.

"(3) Data collection.—Each organization that receives assistance from the Administration in accordance with this section shall collect information relating to, as applicable—

"(A) the number of individuals counseled or trained;

"(B) the number of hours of counseling provided;

"(C) the number of startup small business concerns formed;

"(D) the number of small business concerns expanded;

"(E) the number of low-income individuals counseled or trained; and

"(F) the number of very low-income individuals counseled or trained.

"(i) Authorization.—There are authorized to be appropriated to the Administrator, to carry out the provisions of this section, to remain available until expended—

"(1) $15,000,000 for fiscal year 2004;

"(2) $15,000,000 for fiscal year 2005; and

"(3) $15,000,000 for fiscal year 2006.".

(b) Transfer Provisions.—

(1) Small business act amendments.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 37, as added by this Act, as section 38.

(2) Transfer.—Section 37 of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 note), as so designated by subsection (a) of this section, is transferred to, and inserted after, section 36 of the Small Business Act, as added by this Act.

(c) References.—All references in Federal law to the "Program for Investment in Microentrepreneurs Act of 1999" or the "PRIME Act" shall be deemed to be references to section 37 of the Small Business Act, as added by this section.

(d) Rule of Construction.—Nothing in this section or the amendments made by this section shall affect any grant or assistance provided under the Program for Investment in Microentrepreneurs Act of 1999, before the date of enactment of this Act, and any such grant or assistance shall be subject to the Program for Investment in Microentrepreneurs Act of 1999, as in effect on the day before the date of enactment of this Act.

Subtitle B—Women's Small Business Ownership Programs

SEC. 311. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking "in the areas" and all that follows through the end of subclause (I), and inserting the following: "to address issues concerning operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

"(I) starting, operating, and growing a small business concern;"; and

(B) in subparagraph (C), by inserting ", the National Women's Business Council, and any association of women's business centers, as defined in subsection (a)" before the period at the end; and

(2) by adding at the end the following:

"(3) Programs and services for women-owned small businesses.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

"(A) manufacturing;

"(B) technology;

"(C) professional services;

"(D) retail and product sales;

"(E) travel and tourism;

"(F) international trade; and

"(G) Federal Government contract business development.

"(4) Training.—The Administration shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable these representatives to carry out their responsibilities under this section.

"(5) Grant program improvement.—The Administration shall improve the women's business center grant proposal process and the programmatic and financial oversight process by—

"(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

"(B) providing notice to grant applicants and recipients of program evaluation criteria, not later than 12 months before any such evaluation;

"(C) reducing paperwork and reporting requirements for grant applicants and recipients;

"(D) standardizing the oversight and review process of the Administration; and

"(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.".

SEC. 312. WOMEN'S BUSINESS CENTER PROGRAM.

(a) Women's Business Center Grants Program.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'association of women's business centers' means an organization that represents not less than 30 percent of the women's business centers that are participating in a program under this section and whose primary purpose is to represent women's business centers;"; and

(2) by striking subsections (b) through (f) and inserting the following:

"(b) Grants Authorized.—

"(1) In general.—The Administration may award initial and renewal grants of not more than $150,000 per year, which shall be known as 'women's business center grants', to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women. At the end of the initial 4-year grant period, and every 3 years thereafter, the grant recipient may apply to renew the grant in accordance with this subsection and subsection (e)(2). In the event that the Administration has insufficient funds to provide grants of $150,000, for each eligible women's business center, available funds shall be allocated evenly to eligible centers, unless any center requests a lower amount than the allocable amount.

"(2) Cooperative agreement authority.—

"(A) In general.—The Administration may enter into Federal cooperative agreements with grant recipients under this subsection to perform the services described under paragraph (3) only to the extent and in the amount provided by appropriated funds.

"(B) Termination.—

"(i) In general.—If any grant recipient under this subsection does not fulfill its grant obligations, after advanced notification, during the period of the grant, the Administration may terminate the grant.

"(ii) Exception.—Notwithstanding a grant recipient's violation of a grant obligation under this section, the Administration may continue to fund the grant if the grant recipient is making a good faith effort to comply with such obligation.

“(3) USE OF FUNDS.—Grants awarded under paragraph (1) may be used to provide training and counseling in the areas of—

“(A) pre-business, business startup, and business operations;

“(B) financial planning assistance;

“(C) procurement assistance;

“(D) management assistance; and

“(E) marketing assistance.

“(4) MATCHING REQUIREMENT.—

“(A) WOMEN'S BUSINESS CENTER GRANTS.—As a condition of receiving financial assistance under this section, the grant recipient shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

“(i) In the first and second years, 1 non-Federal dollar for each 2 Federal dollars provided under the 4-year grant.

“(ii) In the third and fourth years, 1 non-Federal dollar for each Federal dollar provided under the 4-year grant.

“(iii) In each renewal period, 1 non-Federal dollar for each Federal dollar provided under the 3-year grant.

“(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than ½ of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

“(C) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

“(i) ADVANCE DISBURSEMENTS.—If any grant recipient fails to obtain the required non-Federal contribution during any project year, it shall not be eligible for advance disbursements pursuant to subparagraph (D) during the remainder of that project year.

“(ii) ABILITY TO OBTAIN NON-FEDERAL FUNDING.—Before approving assistance to a grant recipient that has failed to obtain the required non-Federal contribution for any other projects under this Act, the Administration shall require the grant recipient to certify that it will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

“(D) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a grant recipient after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

“(5) APPLICATION FOR AN INITIAL GRANT.—Each organization desiring an initial grant under this subsection, shall submit to the Administration an application that contains—

“(A) a certification that the applicant—

“(i) is a private nonprofit organization;

“(ii) has designated an executive director or program manager, who may be compensated from grant funds or other sources, to manage the center; and

“(iii) as a condition of receiving a grant under this subsection, agrees—

“(I) to receive a site visit as part of the final selection process;

“(II) to undergo an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

“(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which an initial grant is sought, including the ability to comply with the matching requirement under paragraph (4);

“(C) information relating to assistance to be provided by the women's business center site for which an initial grant is sought in the area in which the site is located;

“(D) information demonstrating the effective experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs, as described under paragraph (3), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

“(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged; and

“(iii) using resource partners of the Administration and other entities, such as universities;

“(E) a 4-year plan that projects the ability of the women's business center site for which an initial grant is sought—

“(i) to serve women business owners or potential owners in the future by improving training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

“(F) any additional information that the Administration may reasonably require.

“(6) REVIEW AND APPROVAL OF APPLICATIONS FOR AN INITIAL GRANT.—

“(A) IN GENERAL.—The Administration shall—

“(i) review each application submitted under paragraph (5) based on the information provided in such paragraph and the criteria set forth under subparagraph (B); and

“(ii) as part of the final selection process, conduct a site visit at each women's business center for which an initial grant is sought.

“(B) SELECTION CRITERIA.—

“(i) IN GENERAL.—The Administration shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration.

“(ii) REQUIRED CRITERIA.—The selection criteria for an initial grant under clause (i) shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or upgrade the business skills of women business owners or potential owners;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

“(IV) the location for the women's business center site proposed by the applicant.

“(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

“(7) APPLICATION FOR A RENEWAL GRANT.—Each organization desiring a renewal grant under this subsection, shall submit to the Administration, not later than 3 months before the expiration of an existing grant under this subsection, an application that contains—

“(A) a certification that the applicant—

“(i) is a private nonprofit organization;

“(ii) has designated an executive director or program manager to manage the center; and

“(iii) as a condition of receiving a grant under this subsection, agrees—

“(I) to receive a site visit as part of the final selection process;

“(II) to submit, for the preceding 2 years, annual programmatic and financial examination reports or certified copies of the applicant's compliance supplemental audits under OMB Circular A–133; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

“(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a renewal grant is sought, including the ability to comply with the matching requirement under paragraph (4);

“(C) information relating to assistance to be provided by the women's business center site for which a renewal grant is sought in the area in which the site is located;

“(D) information demonstrating the utilization of resource partners of the Administration and other entities;

“(E) a 3-year plan that projects the ability of the women's business center site for which a renewal grant is sought—

“(i) to serve women business owners or potential owners in the future by improving training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

“(F) any additional information that the Administration may reasonably require.

“(8) REVIEW AND APPROVAL OF APPLICATIONS FOR A RENEWAL GRANT.—

“(A) IN GENERAL.—The Administration shall—

“(i) review each application submitted under paragraph (7) based on the information provided in such paragraph and the criteria set forth under subparagraph (B); and

“(ii) as part of the final selection process, conduct a site visit at each women's business center for which a renewal grant is sought.

“(B) SELECTION CRITERIA.—The Administration shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant or cooperative agreement with a women's business center, the Administration—

“(i) shall consider the results of the most recent evaluation of the center, and, to a lesser extent, previous evaluations; and

“(ii) may withhold such renewal, if the Administration determines that the center has failed to provide the information required to be provided under this subsection, or the information provided by the center is inadequate.

“(D) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into grants or cooperative agreements under this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

"(ii) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women's business center under this subsection, it shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

"(E) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

"(9) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (g), each women's business center site that is awarded an initial or renewal grant shall collect information relating to—

"(A) the number of individuals counseled or trained;

"(B) the number of hours of counseling provided;

"(C) the number of workshops conducted;

"(D) the number of startup small business concerns formed; and

"(E) the number of jobs created or maintained at assisted small business concerns.

"(10) PRIVACY REQUIREMENTS.—

"(A) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern unless—

"(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit.

"(B) ADMINISTRATION USE OF INFORMATION.—This section shall not—

"(i) restrict Administration access to program activity data; or

"(ii) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(C) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).

"(11) TRANSITION RULES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded as an eligible sustainability grant, from amounts appropriated for fiscal year 2003, to operate a women's business center, shall remain in full force and effect under the terms, and for the duration, of such agreement, subject to the grant limitation in paragraph (1).

"(B) EXTENSION.—If the sustainability grant under subparagraph (A) is scheduled to expire not later than June 30, 2005, a 1-year extension shall be granted without any interruption of funding, subject to the grant limitation in paragraph (1).

"(C) EFFECT ON CERTAIN EXISTING PROJECTS AND RENEWAL AUTHORITY.—A project being conducted by a women's business center under this subsection on the day before the date of enactment of the Small Business Administration 50th Anniversary Reauthorization Act of 2003—

"(i) as a 5-year project, shall remain in full force and effect under the terms and for the duration of that agreement; and

"(ii) shall be eligible to apply for a 3-year renewal grant funded at a level equal to not more than $150,000 per year.

"(c) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

"(1) RECOGNITION.—The Administration shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

"(2) CONSULTATION.—The Administration shall consult with each association of women's business centers (as defined in subsection (a)) to develop—

"(A) a training program for the staff of the women's business centers and the Administration; and

"(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (g)(5).".

(b) CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (e)(2), as redesignated by paragraph (1) of this subsection, by striking "to award a contract (as a sustainability grant) under subsection (l) or";

(3) in subsection (g)(1), as redesignated by paragraph (1) of this subsection, by striking "The Administration" and inserting "Not later than November 1st of each year, the Administration";

(4) in subsection (h), as redesignated by paragraph (1) of this subsection—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this section, to remain available until expended—

"(A) $15,000,000 for fiscal year 2004, of which $500,000 may be used to provide supplemental sustainability grants to women's business centers, except that no such center may receive more than a total of $125,000 in grant funding for the grant period beginning on July 1, 2003 and ending on June 30, 2004;

"(B) $16,000,000 for fiscal year 2005; and

"(C) $17,500,000 for fiscal year 2006.";

(B) by amending paragraph (2) to read as follows:

"(2) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section."; and

(C) by striking paragraph (4); and

(5) by striking subsection (l).

SEC. 313. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7106*) is amended by adding at the end the following:

"(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as cosponsors with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.".

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7107(f)*) is amended by adding at the end the following:

"(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—Notwithstanding subsection (b), a national women's business organization or small business that is represented on the Council may, in consultation with the chairperson of the Council, replace its representative member on the Council at any time during the service term to which that member was appointed.".

(c) ESTABLISHMENT OF COMMITTEES.—[The]*Title IV of the* Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7101 et seq.*) is amended by inserting after section [407]*410*, the following new section:

"SEC. [408]411. COMMITTEES.

"(a) ESTABLISHMENT.—There are established within the Council—

"(1) the Committee on Manufacturing, Technology, and Professional Services;

"(2) the Committee on Travel, Tourism, Product and Retail Sales, and International Trade; and

"(3) the Committee on Federal Procurement and Contracting.

"(b) DUTIES.—The Committees established under subsection (a) shall perform such duties as the chairperson shall direct.".

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note*7109*) is amended by adding at the end the following:

"(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small businesses in the United States.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7110(a)*) is amended by striking "2001 through 2003, of which $550,000" and inserting "2004 through 2006, of which at least 30 percent".

SEC. 314. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7103(b)*) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(2) by adding at the end the following:

"(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).".

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7101*) is amended—

(1) by striking "There" and inserting the following:

"(a) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(b) POLICY ADVISORY GROUP.—

"(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

"(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

"(A) 1 shall be a representative of the Small Business Administration;

"(B) 1 shall be a representative of the Department of Commerce;

"(C) 1 shall be a representative of the Department of Labor;

"(D) 1 shall be a representative of the Department of Defense;

"(E) 1 shall be a representative of the Department of the Treasury; and

"(F) 2 shall be representatives of the National Women's Business Council.".

(c) ESTABLISHMENT OF SUBCOMMITTEES.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. [631 note]*7101*), as amended by subsection (b), is further amended by adding at the end the following:

"(c) SUBCOMMITTEES.—

"(1) ESTABLISHMENT.—There are established—

"(A) the Subcommittee on Manufacturing, Technology, and Professional Services;

"(B) the Subcommittee on Travel, Tourism, Product and Retail Sales, and International Trade; and

"(C) the Subcommittee on Federal Procurement and Contracting.

"(2) DUTIES.—The Subcommittees established under paragraph (1) shall perform such duties as the chairperson shall direct.

"(3) MEETINGS.—The Interagency Committee shall meet not less frequently than 3 times each year to—

"(A) plan activities for the new fiscal year;

"(B) track year-to-date agency contracting goals; and

"(C) evaluate the progress during the fiscal year and prepare an annual report.".

SEC. 315. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) SHORT TITLE.—This section may be cited as the "National Women's Business Council Independence Preservation Act of 2003".

(b) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator of the Small Business Administration.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(c) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended—

(1) by striking "A vacancy" and inserting the following:

"(1) IN GENERAL.—A vacancy"; and

(2) by adding at the end the following:

"(2) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

"(3) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1) or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the respective 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled.".

Subtitle C—Office of Native American Affairs

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Native American Small Business Development Act".

SEC. 322. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following:

"SEC. 36. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

"(2) the term 'Alaska Native corporation' has the same meaning as the term 'Native Corporation' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

"(3) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

"(4) the terms 'center' and 'Native American business center' mean a center established under subsection (c);

"(5) the term 'Native American business development center' means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

"(6) the term 'Native American small business concern' means a small business concern that is owned and controlled by—

"(A) a member of an Indian tribe or tribal government;

"(B) an Alaska Native or Alaska Native corporation; or

"(C) a Native Hawaiian or Native Hawaiian organization;

"(7) the term 'Native Hawaiian' has the same meaning as in section 625 of the Older Americans Act of 1965 (42 U.S.C. 3057k);

"(8) the term 'Native Hawaiian organization' has the same meaning as in section 8(a)(15) of this Act;

"(9) the term 'tribal college' has the same meaning as the term 'tribally controlled college or university' has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

"(10) the term 'tribal government' has the same meaning as the term 'Indian tribe' has in section 7501(a)(9) of title 31, United States Code; and

"(11) the term 'tribal lands' means all lands within the exterior boundaries of any Indian reservation.

"(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

"(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the Administration's programs for the development of business enterprises by Native Americans.

"(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

"(A) start, operate, and grow small business concerns;

"(B) develop management and technical skills;

"(C) seek Federal procurement opportunities;

"(D) increase employment opportunities for Native Americans through the start and expansion of small business concerns; and

"(E) increase the access of Native Americans to capital markets.

"(3) ASSISTANT ADMINISTRATOR.—

"(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

"(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

"(i) knowledge of the Native American culture; and

"(ii) experience providing culturally tailored small business development assistance to Native Americans.

"(C) EMPLOYMENT STATUS.—The Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code, and shall serve as a noncareer appointee, as defined in section 3132(a)(7) of title 5, United States Code.

"(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

"(i) administer and manage the Native American Small Business Development program established under this section;

"(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

"(iii) consult with Native American business centers in carrying out the program established under this section;

"(iv) recommend appropriate funding levels;

"(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

"(vi) select applicants to participate in the program under this section;

"(vii) implement this section; and

"(viii) maintain a clearinghouse to provide for the dissemination and exchange of information between Native American business centers.

"(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

"(i) Administration officials working in areas served by Native American business centers and Native American business development centers;

"(ii) the Bureau of Indian Affairs of the Department of the Interior;

"(iii) tribal governments;

"(iv) tribal colleges;

"(v) Alaska Native corporations; and

"(vi) Native Hawaiian organizations.

“(c) Native American Small Business Development Program.—

“(1) Authorization.—

“(A) In general.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to tribal governments, tribal colleges, Native Hawaiian organizations, and Alaska Native corporations to create Native American business centers in accordance with this section.

“(B) Use of funds.—The financial and resource assistance provided under this subsection shall be used to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

“(i) reservation-based American Indians;

“(ii) Alaska Natives; and

“(iii) Native Hawaiians.

“(2) 5-year projects.—

“(A) In general.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct 5-year projects that offer culturally tailored business development assistance in the form of—

“(i) financial education, including training and counseling in—

“(I) applying for and securing business credit and investment capital;

“(II) preparing and presenting financial statements; and

“(III) managing cash flow and other financial operations of a business concern;

“(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

“(iii) marketing education, including training and counseling in—

“(I) identifying and segmenting domestic and international market opportunities;

“(II) preparing and executing marketing plans;

“(III) developing pricing strategies;

“(IV) locating contract opportunities;

“(V) negotiating contracts; and

“(VI) utilizing varying public relations and advertising techniques.

“(B) Business development assistance recipients.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

“(i) American Indians or tribal governments, and located on or near tribal lands;

“(ii) Alaska Natives or Alaska Native corporations; or

“(iii) Native Hawaiians or Native Hawaiian organizations.

“(3) Form of federal financial assistance.—

“(A) Documentation.—

“(i) In general.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

“(ii) Exception.—Financial assistance under this subsection to Alaska Native corporations or Native Hawaiian organizations may only be made by grant.

“(B) Payments.—

“(i) Timing.—Payments made under this subsection may be disbursed in an annual lump sum or in periodic installments, at the request of the recipient.

“(ii) Advance.—The Administration may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

“(iii) No matching requirement.—The Administration shall not require a grant recipient to match grant funding received under this subsection with non-Federal resources as a condition of receiving the grant.

“(4) Contract and cooperative agreement authority.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other under-served small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with the terms of any assistance received by the Native American business center from the Administration.

“(5) Application process.—

“(A) Submission of a 5-year plan.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

“(B) Criteria.—

“(i) In general.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance.

“(ii) Public notice.—The criteria required by this paragraph and their relative importance shall be made publicly available, within a reasonable time, and stated in each solicitation for applications made by the Administration.

“(iii) Considerations.—The criteria required by this paragraph shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Small Business Administration to provide services in Native American communities; and

“(V) the proposed location for the Native American business center site, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers.

“(6) Program examination.—

“(A) In general.—Each Native American business center established pursuant to this subsection shall annually provide the Administration with an itemized cost breakdown of actual expenditures incurred during the preceding year.

“(B) Administration action.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) Conditions for continued funding.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold such renewal, if the Administration determines that—

“(I) the center has failed to provide adequate information required to be provided under subparagraph (A), or the information provided by the center is inadequate; or

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administration under subparagraph (E).

“(D) Continuing contract and cooperative agreement authority.—

“(i) In general.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) Renewal.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, it shall not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) Management report.—

“(i) In general.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) Contents.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns created;

“(III) the number of existing businesses seeking to expand employment;

“(IV) jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

“(V) to the maximum extent practicable, the capital investment and loan financing utilized by emerging and expanding businesses that were assisted by a Native American business center; and

“(VI) the most recent examination, as required under subparagraph (B), and the subsequent determination made by the Administration under that subparagraph.

“(7) Annual report.—Each entity receiving financial assistance under this subsection shall annually report to the Administration on the services provided with such financial assistance, including—

“(A) the number of individuals assisted, categorized by ethnicity;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns created or maintained;

“(D) the gross receipts of assisted small business concerns;

“(E) the number of jobs created or maintained at assisted small business concerns; and

“(F) the number of Native American jobs created or maintained at assisted small business concerns.

“(8) Record retention.—

"(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

"(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (6)(A) indefinitely.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2004 through 2008, to carry out the Native American Small Business Development Program, authorized under subsection (c).".

SEC. 323. PILOT PROGRAMS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) INCORPORATION BY REFERENCE.—The terms defined in section 36(a) of the Small Business Act (as added by this Act) have the same meanings as in that section 36(a) when used in this section.

(2) JOINT PROJECT.—The term "joint project" means the combined resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community.

(b) NATIVE AMERICAN DEVELOPMENT GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award Native American development grants to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

(B) ELIGIBLE ORGANIZATIONS.—The grants authorized under subparagraph (A) may be awarded to—

(i) any small business development center; or

(ii) any private, nonprofit organization that—

(I) has members of an Indian tribe comprising a majority of its board of directors;

(II) is a Native Hawaiian organization; or

(III) is an Alaska Native corporation.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds $100,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for not less than a 2-year period and not more than a 4-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit an application to the Administration that contains—

(A) a certification that the applicant—

(i) is a small business development center or a private, nonprofit organization under paragraph (1)(B)(i);

(ii) employs an executive director or program manager to manage the facility; and

(iii) agrees—

(I) to a site visit as part of the final selection process;

(II) to an annual programmatic and financial examination; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

(C) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(D) information demonstrating the effective experience of the applicant in—

(i) conducting financial, management, and marketing assistance programs designed to impart or upgrade the business skills of current or prospective Native American business owners;

(ii) providing training and services to a representative number of Native Americans;

(iii) using resource partners of the Administration and other entities, including universities, tribal governments, or tribal colleges; and

(iv) the prudent management of finances and staffing;

(E) the location where the applicant will provide training and services to Native Americans; and

(F) a multiyear plan, corresponding to the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant;

(ii) in the continental United States, the number of Native Americans to be served by the grant; and

(iii) the training and services to be provided to a representative number of Native Americans.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each completed application submitted under this subsection not more than 60 days after submission.

(4) ANNUAL REPORT.—Each recipient of a Native American development grant under this subsection shall annually report to the Administration on the impact of the grant funding, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours spent providing counseling and training for those individuals;

(C) the number of startup small business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(c) AMERICAN INDIAN TRIBAL ASSISTANCE CENTER GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program, under which the Administration shall award not less than 3 American Indian Tribal Assistance Center grants to establish joint projects to provide culturally tailored business development assistance to prospective and current owners of small business concerns located on or near tribal lands.

(B) ELIGIBLE ORGANIZATIONS.—

(i) CLASS 1.—Not fewer than 1 grant shall be awarded to a joint project performed by a Native American business center, a Native American business development center, and a small business development center.

(ii) CLASS 2.—Not fewer than 2 grants shall be awarded to joint projects performed by a Native American business center and a Native American business development center.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds $200,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for a 3-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit to the Administration a joint application that contains—

(A) a certification that each participant of the joint application—

(i) is either a Native American business center, a Native American business development center, or a small business development center;

(ii) employs an executive director or program manager to manage the center; and

(iii) as a condition of receiving the American Indian Tribal Assistance Center grant, agrees—

(I) to an annual programmatic and financial examination; and

(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;

(B) information demonstrating an historic commitment to providing assistance to Native Americans—

(i) residing on or near tribal lands; or

(ii) operating a small business concern on or near tribal lands;

(C) information demonstrating that each participant of the joint application has the ability and resources to meet the needs, including the cultural needs of the Native Americans to be served by the grant;

(D) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, as described above, designed to impart or upgrade the business skills of current or prospective Native American business owners; and

(ii) the prudent management of finances and staffing; and

(F) a plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and

(ii) the training and services to be provided.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each application submitted under this subsection not more than 60 days after submission.

(4) ANNUAL REPORT.—Each recipient of an American Indian tribal assistance center

grant under this subsection shall annually report to the Administration on the impact of the grant funding received during the reporting year, and the cumulative impact of the grant funding received since the initiation of the grant, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours of counseling and training provided and workshops conducted;

(C) the number of startup business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 for each of the fiscal years 2004 through 2007, to carry out the Native American Development Grant Pilot Program, authorized under subsection (b); and

(2) $1,000,000 for each of the fiscal years 2004 through 2007, to carry out the American Indian Tribal Assistance Center Grant Pilot Program, authorized under subsection (c).

Subtitle D—Office of Veterans Business Development

SEC. 331. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) RETENTION OF DUTIES.—Section 33(h) of the Small Business Act (15 U.S.C. 657c(h)) is amended by striking "October 1, 2004" and inserting "October 1, 2006".

(b) EXTENSION OF AUTHORITY.—Section 203(h) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking "September 30, 2004" and inserting "September 30, 2006".

SEC. 332. OUTREACH GRANTS FOR VETERANS.

Section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) is amended by inserting before the period at the end the following: ", veterans, and members of a reserve component of the Armed Forces".

SEC. 333. AUTHORIZATION OF APPROPRIATIONS.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the provisions of this section—

"(1) $1,000,000 for fiscal year 2004;

"(2) $1,500,000 for fiscal year 2005; and

"(3) $2,000,000 for fiscal year 2006.".

TITLE IV—SMALL BUSINESS PROCUREMENT OPPORTUNITIES

SEC. 401. CONTRACT CONSOLIDATION.

(a) DEFINITIONS.—Section 3(o) of the Small Business Act (15 U.S.C. 632(o)) is amended to read as follows:

"(o) DEFINITIONS RELATING TO CONSOLIDATION OF CONTRACT REQUIREMENTS.—In this Act—

"(1) the terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a military department, Defense Agency, Department of Defense Field Activity, or any other Federal department or agency having contracting authority mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of that department, agency, or activity for goods or services that—

"(A) have previously been provided to or performed for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited; or

"(B) are of a type capable of being provided or performed by a small business concern for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited;

"(2) the term 'multiple award contract' means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

"(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

"(3) the term 'senior procurement executive' means—

"(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department;

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense; and

"(C) with respect to a Federal department or agency other than those referred to in subparagraphs (A) and (B), the official so designated by that department or agency.".

(b) PROCUREMENT STRATEGIES.—Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended—

(1) in paragraph (2)—

(A) by striking ".—

"(A) IN GENERAL"; and

(B) by striking subparagraphs (B) and (C); and

(2) by striking paragraph (3) and inserting the following:

"(3) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

"(A) CERTAIN DEFENSE CONTRACT REQUIREMENTS.—An official of a military department, defense agency, or Department of Defense Field Activity shall not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive first—

"(i) conducts market research;

"(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(iii) determines that the consolidation is necessary and justified.

"(B) CERTAIN CIVILIAN AGENCY CONTRACT REQUIREMENTS.—The head of a Federal agency not described in subparagraph (A) that has contracting authority shall not execute an acquisition strategy that includes a consolidation of contract requirements of the agency with a total value in excess of $2,000,000, unless the senior procurement executive of the agency first—

"(i) conducts market research;

"(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(iii) determines that the consolidation is necessary and justified.

"(C) ADDITIONAL REQUIREMENTS FOR HIGHER VALUE CONSOLIDATED CONTRACTS.—In addition to meeting the requirements under subparagraph (A) or (B), a procurement strategy by a civilian agency that includes a consolidated contract valued at more than $5,000,000, or by a defense agency that includes a consolidated contract valued at more than $7,000,000 shall include—

"(i) an assessment of the specific impediments to participation by small business concerns as prime contractors that will result from the consolidation;

"(ii) actions designed to maximize small business participation as prime contractors, including provisions that encourage small business teaming for the consolidated requirement;

"(iii) actions designed to maximize small business participation as subcontractors (including suppliers) at any tier under the contract or contracts that may be awarded to meet the requirements; and

"(iv) the identification of the alternative strategies that would reduce or minimize the scope of the consolidation and the rationale for not choosing those alternatives.

"(D) NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for purposes of subparagraph (A), (B), or (C), if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under clause (ii) of any of those subparagraphs, as applicable. However, savings in administrative or personnel costs alone do not constitute, for such purpose, a sufficient justification for a consolidation of contract requirements in a procurement, unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(E) BENEFITS.—Benefits considered for purposes of this paragraph may include cost and, regardless of whether quantifiable in dollar amounts—

"(i) quality;

"(ii) acquisition cycle;

"(iii) terms and conditions; and

"(iv) any other benefit directly related to national security or homeland defense.".

(c) REPORT REQUIREMENTS.—Section 15(p)(4)(B) of the Small Business Act (15 U.S.C. 644(p)(4)(B)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting the following: "; and"; and

(3) by adding at the end the following:

"(iii) a description of best practices for maximizing small business prime and subcontracting opportunities.".

(d) PROCUREMENT CENTER REPRESENTATIVES.—Section 15(*l*) of the Small Business Act (15 U.S.C. 644(*l*)) is amended—

(1) by striking "(l)(1)" and inserting "(2)";

(2) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(3) by inserting before paragraph (2), as so redesignated, the following:

"(*l*)(1) The Administration shall assign not fewer than 1 procurement center representative at each major procurement center, in addition to no less than 1 for each State.";

(4) in paragraph (2), as redesignated, by striking "to the representative referred to in subsection (k)(6)" and inserting "to the traditional procurement center representative and the commercial market representative, with each such position filled by a different individual, and each such representative having separate and distinct duties and responsibilities."; and

(5) by striking "paragraph (2)" each place that term appears and inserting "paragraph (3)".

(e) ADDITIONAL TO TECHNICAL ADVISERS.—Section 15(k)[(8)] of the Small Business Act (15 U.S.C. 644(k)[(8)]) is amended—

(1) in paragraph (5), by striking "bundled contract" and inserting "consolidated contract"; and

(2) in paragraph (8), by striking "representative—" and inserting "representative at each major procurement center under subsection (*l*)(1)—".

(f) CONFORMING AMENDMENTS.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended—

(1) in the subsection heading, by striking "BUNDLED CONTRACTS" and inserting "CONSOLIDATED CONTRACTS";

(2) in paragraph (1), in the paragraph heading, by striking "BUNDLED CONTRACT" and inserting "CONSOLIDATED CONTRACT";

(3) in paragraph (4), in the paragraph heading, by striking "CONTRACT BUNDLING" and inserting "CONTRACT CONSOLIDATION";

(4) by striking "bundled contracts" each place that term appears and inserting "consolidated contracts";

(5) by striking "bundled contract" each place that term appears and inserting "consolidated contract";

(6) by striking "bundling of contract requirements" each place that term appears and inserting "consolidation of contract requirements";

(7) in paragraph (4)(B)(ii), by striking "previously bundled" and inserting "previously consolidated";

(8) in paragraph (4)(B)(ii)(I), by striking "were bundled" and inserting "were consolidated";

(9) in paragraph (4)(B)(ii)(II)(bb), by striking "bundling the contract requirements" and inserting "the consolidation of contract requirements"; and

(10) in paragraph (4)(B)(ii)(II)(cc), by striking "bundled status" and inserting "consolidated status".

(g) GAO STUDY AND REPORT.—

(1) FEASIBILITY STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the feasibility of setting thresholds, based on industry category, for permitting the consolidation of contract requirements to proceed without being subject to the additional benefit analyses required by the amendments made by this section.

(2) CONSIDERATIONS.—The study conducted under paragraph (1) shall include consideration of thresholds based on—

(A) the dollar value of the overall prime contract at issue (including the average dollar value of a prime contract in each industry category);

(B) the portion of such prime contract amounts that could potentially include small business participation as subcontractors;

(C) the availability of small business concerns in each industry that have the capabilities and resources to fulfill prime contract requirements; and

(D) such other criteria that the Comptroller determines relevant.

(3) REPORT.—Not later than June 30, 2004, the Comptroller General shall submit a report to Congress and the Administration on the results of the study conducted under this subsection, together with any recommendations with legislative or regulatory action.

SEC. 402. AGENCY ACCOUNTABILITY.

(a) AGENCY RESPONSIBILITIES.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "shall, after consultation" and inserting the following: "shall—

"(i) after consultation";

(3) by striking "agency. Goals established" and inserting the following: "agency;

"(ii) identify a percentage of the procurement budget of the agency to be awarded to small business concerns, in consultation with the Office of Small and Disadvantaged Business Utilization of the agency, which information shall be included in the strategic plan required under section 306 of title 5, United States Code, and the annual budget submission to Congress by that agency, and, upon request, in any testimony provided by that agency before the Congress in connection with the budget process; and

"(iii) report, as part of its annual performance plan, required under section 1115 of title 31, United States Code, the extent to which the agency achieved the goals referred to in clause (ii), and appropriate justification for any failure to do so.

"(B) Goals established";

(4) by striking "Whenever" and inserting the following:

"(C) Whenever";

(5) by striking "For the purpose of" and inserting the following:

"(D) For the purpose of";

(6) in the last sentence—

(A) by striking "(A) contracts" and inserting "(i) contracts"; and

(B) by striking "(B) contracts" and inserting "(ii) contracts"; and

(7) by adding at the end the following:

"(E)(i) Each procurement employee described in clause (iii)—

["(I) shall have as an annual performance evaluation factor, where appropriate, the success of that procurement employee in small business utilization, in accordance with the goals established under this subsection; and]

["(II)]*(I)* shall communicate to their subordinates the importance of achieving small business goals.*; and*

"(II) shall have as an annual performance evaluation factor, where appropriate, the success of that procurement employee in small business utilization, in accordance with the goals established under this subsection.

"(ii) An appropriate percentage of any performance-related bonus awarded to a procurement employee described in clause (iii) shall be withheld, where appropriate, for failure to achieve the goals established under this subsection.

"(iii) A procurement employee described in this clause is a senior procurement executive, senior program manager, or small and disadvantaged business utilization manager of a Federal agency having contracting authority.".

(b) SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—Section 15(k)(3) of the Small Business Act (15 U.S.C. 644(k)(3)) is amended to read as follows:

"(3) be responsible only to, and report directly to, the head of such agency, except that the Director of Small and Disadvantaged Business Utilization for the Department of Defense shall be responsible only to, and report directly to, the Undersecretary of Defense for Acquisition, Technology, and Logistics,".

(c) REPORTS ON SMALL BUSINESS UTILIZATION.—Section 10(d) of the Small Business Act (15 U.S.C. 639(d)) is amended—

(1) by inserting "and each agency that is a member of the President's Management Council (or any successor thereto)" after "Department of Defense" the first place that term appears; and

(2) by inserting "or that agency" after "Department of Defense" the second place that term appears.

(d) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 502(b) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (Public Law 106–50, 113 Stat. 248) is amended by striking "Section 15" and inserting "Section 15(g)(2)".

(2) EFFECT.—The amendment made by paragraph (1) shall be deemed to have the same effective date as section 502(b) of the Veterans Entrepreneurship and Small Business Development Act of 1999.

SEC. 403. SMALL BUSINESS PARTICIPATION IN PRIME CONTRACTING.

(a) PARTICIPATION IN MULTIPLE AWARD CONTRACTS.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(3) The governmentwide goal for participation by small business concerns in any multiple award contract shall be established at not less than 23 percent of the total dollar value of all awards under that contract.".

(b) RESERVED CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1), by inserting ", including any order of 1 or more Federal Supply Schedule items," after "goods and services"; and

(2) by adding at the end the following:

"(4) Any adjustment to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))), shall be immediately matched by an identical adjustment to the small business reserve for purposes of this subsection.".

SEC. 404. SMALL BUSINESS PARTICIPATION IN SUBCONTRACTING.

(a) CERTIFICATIONS REQUIRED.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(G) the name and signature of the individual that is the president, chief executive officer, or head of the entity, certifying that subcontracting data provided are accurate and complete; and

"(H) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns *are* no longer in business or can no longer meet the quality, quantity, or delivery date.".

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (14 U.S.C. 645(f)) is amended by inserting "or 8(d)(6)(G))" before "of this Act".

SEC. 405. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

(a) SIGNIFICANT FACTORS.—Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended by striking "a bundled" and inserting "any".

(b) EVALUATION REPORTS.—Section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking "is authorized to" and inserting "shall";

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officers.".

(c) CENTRALIZED DATABASE; PAYMENTS PENDING REPORTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesignating paragraph (11) as paragraph (13); and

(2) by inserting after paragraph (10) the following:

"(11) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

"(12) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (6)(G).".

(d) REFERRAL OF MATERIAL BREACH TO INSPECTORS GENERAL.—Section 8(d)(8) of the Small Business Act (15 U.S.C. 637(d)(8)) is amended by adding at the end the following: "A material breach described in this paragraph shall be referred for investigation to the Inspector General (or the equivalent) of the affected agency.".

SEC. 406. DIRECT PAYMENTS TO SUBCONTRACTORS.

(a) IN GENERAL.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)), as amended by section 405, is further amended by adding at the end the following:

"(14) TIMELY PAYMENT TO SMALL BUSINESS SUBCONTRACTORS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the failure of a civilian agency prime contractor, as defined in subparagraph (D), to make a timely payment, as determined by the contract with the subcontractor, to a subcontractor that is a small business concern shall be a material breach of the contract with the Federal agency.

"(B) CONSIDERATION OF PERFORMANCE.—Before making a determination under subparagraph (A), the contracting officer shall consider all reasonable issues regarding the performance, or lack of performance, of the subcontractor.

"(C) WITHHOLDING OF PAYMENTS.—Not later than 30 days after the date on which a material breach under subparagraph (A) is determined by the contracting officer, the Federal agency may withhold any amounts due and owing the subcontractor from payments due to the prime contractor and pay such amounts directly to the subcontractor.

"(D) DEFINED TERM.—As used in this paragraph, the term 'civilian agency prime contractor' means a prime contractor that offers any combination of services or manufactured goods to Federal agencies other than the Department of Defense or agencies with responsibility for homeland security or national security.".

(b) SUNSET.—The amendment made by this section shall remain in effect during the period beginning on the date of enactment of this Act and ending on September 30, 2006.

SEC. 407. WOMEN-OWNED SMALL BUSINESS INDUSTRY STUDY.

Section 8(m)(4) of the Small Business Act (15 U.S.C. 637(m)(4)) is amended to read as follows:

"(4) GAO IDENTIFICATION OF INDUSTRIES.—

"(A) STUDY.—The Comptroller General of the United States shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

"(B) REPORT TO CONGRESS.—Not later than December 31, 2003, the Comptroller General shall submit a report to Congress on the results of the study conducted under subparagraph (A), together with any recommendations for legislative action.

"(C) ASSISTANCE FROM OTHER AGENCIES.—The Comptroller General may request of any Federal agency, and such agency shall provide, such information as the Comptroller General determines necessary in carrying out this paragraph, to the extent otherwise permitted by law.".

SEC. 408. *HUBZONE* AUTHORIZATIONS.

Section 31(d) of the Small Business Act (15 U.S.C. 657a(d)) is amended—

(1) by striking "2001" and inserting "2004"; and

(2) by striking "2003" and inserting "2006".

SEC. 409. DEFINITION OF HUBZONE; TREATMENT OF CERTAIN FORMER MILITARY INSTALLATION LANDS AS HUBZONES.

(a) BASE CLOSURE AREAS.—Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) base closure areas.".

(b) DEFINITION.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by adding at the end the following:

"(D) BASE CLOSURE AREA.—The term 'base closure area' means lands within the external boundaries of a military installation that were closed through a privatization process under the authority of—

"(i) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Division B of Public Law 101–510; 10 U.S.C. 2687 note);

"(ii) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

"(iii) section 2687 of title 10, United States Code; or

"(iv) any other provision of law authorizing or directing the Secretary of Defense or the Secretary of a military department to dispose of real property at the military installation for purposes relating to base closures of redevelopment, while retaining the authority to enter into a leaseback of all or a portion of the property for military use.".

SEC. 410. DEFINITION OF HUBZONE SMALL BUSINESS CONCERN.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) RULE OF CONSTRUCTION RELATING TO OWNERSHIP.—For purposes of paragraph (3)(A), the term 'person' includes any small business investment company, specialized small business investment company, New Markets Venture Capital company (as those terms are defined in sections 103 and 351, respectively, of the Small Business Investment Act of 1958 (15 U.S.C. 662, 689), or other similar investment company, as determined by the Administrator, if any such company comprises not more than 15 percent of the ownership of the subject small business concern.".

SEC. 411. ACQUISITION REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the [G]governmentwide procurement regulations issued under sections 6(a) and 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a) and 421(c)) and the procurement regulations described in section 25(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(2)) that are issued by the Department of Defense shall be amended as necessary to carry out this title and the amendments made by this title.

TITLE V—MISCELLANEOUS

SEC. 501. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM.

(a) NAME CHANGE.—Sections 4(b), 7(j), and 8(a) of the Small Business Act (15 U.S.C. 633(b), 636(j), and 637(a)) are amended by striking "Minority Small Business and Capital Ownership Development" each place it appears and inserting "Business Development".

(b) CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 2(d)(2)(B)(ii), by striking "small business and capital ownership development program" and inserting "small business development program";

(2) in section 7(j)(10), by striking "small business and capital ownership development program" and inserting "small business development program";

(3) in section 7(j)(12)(A), by striking "Capital Ownership Development Program" and inserting "Business Development Program"; and

(4) in section 8(a)(21)(B)(v)(I), by striking "Capital Ownership Development Program" and inserting "Business Development Program.

(c) ANNUAL REPORT.—Section 8(a)(20)(A) of the Small Business Act (15 U.S.C. 637(a)(20)(A)) is amended by striking "semiannually report to their assigned Business Opportunity Specialist" and inserting "annually submit, to their assigned Business Opportunity Specialist, a report, which shall include".

SEC. 502. EXTENSION OF [PROGRAM] AUTHORITY *FOR TECHNOLOGY ASSISTANCE PROGRAM*.

(a) RURAL OUTREACH.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "2005" and inserting "2006".

(b) FAST PROGRAM.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking "2005" each place it appears and inserting "2006"; and

(2) by striking "September 30, 2005" and inserting "September 30, 2006".

SEC. 503. *BUSINESSLINC* REPORT TO CONGRESS.

Section 8(n) of the Small Business Act (15 U.S.C. 637(n)) is amended by adding at the end the following:

"(4) ANNUAL REPORT.—

"(A) IN GENERAL.—The Associate Administrator of Business Development shall collect data on the BusinessLINC program and submit an annual report by April 30 of each year on the effectiveness of the program to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House.

"(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

"(i) the number of programs administered in each State;

"(ii) the corresponding grant awards and the date of each award;

"(iii) the dollar amount of the contracts in effect in each State as a result of the BusinessLINC program; and

"(iv) the number of teaming arrangements or partnerships created as a result of the BusinessLINC program.".

Ms. SNOWE. Mr. President, I rise today to seek unanimous consent for the passage of the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, a bill to reauthorize the U.S. Small Business Administration, SBA and its programs for the next 3 years, together with a managers' amendment.

As the chair of the Committee on Small Business and Entrepreneurship, I am pleased to report that this legislation passed the Committee on July 10, 2003, by a unanimous vote. It is the product of significant contributions by the members of my committee, and I am grateful for the efforts of the committee's ranking member, Senator KERRY, to make this a truly bipartisan bill.

The challenge for today's SBA is enormous. Each year, there are 3 to 4 million new business start-ups—1 in 25 adult Americans is taking steps to start a business. And, small businesses account for approximately two-thirds of the net new jobs in our country.

We began the reauthorization process this year with a series of hearings, roundtables, and discussions to develop a bill that would improve the SBA programs that provide counseling and training for entrepreneurs—and to improve the SBA's financial assistance and Government procurement programs that enable small businesses to prosper and expand. While the particulars of this bill are extensive, let me highlight a few of its key areas.

In terms of financing programs for small businesses, I have focused extensively on improving the credit and venture capital resources that the SBA provides for small businesses. These programs are the centerpiece of the SBA's efforts to help entrepreneurs get started and assist small businesses to prosper. In fact, in just the past 3 years alone, the SBA's lending programs made it possible for small businesses to create or retain more than 1.3 million jobs.

Nevertheless, access to capital continues to rank as a primary concern for small business owners. So, we are proposing to continue the growth of the financing programs through reasonable increases in the authorization levels of the 7(a), 504 and Microloan programs. The bill also increases the amount that small businesses can borrow subject to the SBA's guarantee, so that the SBA's loan sizes realistically reflect what it costs to start and operate a small business in today's economy. Moreover, the bill addresses access to capital by helping SBA's lending partners—for instance, through the new National Preferred Lenders Pilot Program.

In the area of entrepreneurial development, we set out to ensure that the SBA's programs continue to provide the products and services essential to small businesses. Recognizing the tremendous accomplishments by women entrepreneurs, I have included the Women's Small Business Improvement Act of 2003, which I introduced earlier this year, to integrate and better leverage the spectrum of women's business programs that the SBA provides for women entrepreneurs.

A cornerstone of these improvements involves making the Women's Business Center Program a permanent program that will offer opportunities for the creation of new centers and renewal grants for existing centers on a competitive basis. By replacing the pilot Sustainability Program, which expires at the end of the current fiscal year, with a fair and balanced grant program, the bill will correct the funding constraints that have plagued the program in 2003.

In addition, the SBA's entrepreneurial development partners—the Small Business Development Centers and the Service Corps of Retired Executives—continue to provide quality training and free counseling through almost 2,000 locations. As a result, in addition to minor technical changes in these programs, the bill reauthorizes these critical programs for the next three years.

Finally, one of the most serious problems facing small businesses is their inability to participate fully in Federal contracts, on either a prime or subcontract basis. In the last 10 years, contract bundling has forced more than 50 percent of small businesses out of the Federal marketplace. The bill addresses the practice of Federal contract bundling by changing the definition of "contract bundling" to limit its use so that small businesses have better access to Federal contracts and a fair opportunity to compete for them.

Furthermore, the bill implements the Procurement Program for Women-owned Small Business Concerns, which will give contracting officers the tools necessary to help women-owned small businesses compete in the Federal marketplace more effectively. The bill also contains improvements to the HUBZone program, including the designation of a closed military base as a HUBZone for 5 years to reduce the serious consequences that military base closings pose for our local communities.

With this bill, I am offering a managers' amendment, which is co-sponsored by Senator KERRY, to address several issues that have risen since the committee's markup of the bill. In working with several of my colleagues, on and off of the Small Business Committee, I believe the changes encompassed in this amendment address certain concerns and strengthen particular aspects of the bill so that it provides the greatest benefit to small businesses and entrepreneurs in this country. Let me highlight several of these changes.

First, the amendment removes section 265, which would have authorized the SBA to develop and implement an innovative 3-year pilot program in which the SBA would provide a partial guarantee on pools of securitized small business loans that are not otherwise guaranteed by the SBA.

When the President's Fiscal Year 2004 budget request was transmitted to the Congress this past February, it stated that the SBA was exploring a possible new approach to expand the opportunities of small businesses to access capital markets by facilitating the securitization of conventional small business loans that were not already guaranteed by the SBA. Increasing access to capital is a high priority of small businesses, and has been one of the Committee's priorities throughout its history. We are always seeking innovative ways to increase access to capital for small businesses, while at the same time measuring the cost and risk of loss that the Federal Government must incur to facilitate such financing. Accordingly, I recognized the potential benefits of this proposal for small businesses across the Nation.

At our roundtable on April 30, 2003, the committee examined the loan-pooling proposal in greater detail. The SBA reported that it had been exploring this type of program for some time, and thought the idea had considerable merit. The agency, however, was uncertain if it had the authority to develop and implement such a program, absent legislative authorization. After the roundtable, we consulted with the SBA and with participants in the small business financing industry to determine the program's appropriate elements.

In addition to the support the SBA expressed for the proposal in its budget request, at the committee's roundtable, and in subsequent discussions with committee staff, the SBA took other steps to help make the proposal a success. For example, the agency entered into a contract with Dun & Bradstreet and with Fair, Isaacs, Co., to create a credit-scoring model for small businesses, similar to individual consumer credit scores, to help small businesses gauge their credit quality. The scoring model will assist the pooling proposal by providing uniformity of pricing, thus reducing a primary obstacle to the securitization of non-SBA small business loans. The SBA also helped build support for the proposal by publicizing the need to take the foundational steps to build a secondary market for small business loans, rather than later trying to create such a market in one step when economic pressures called for an immediate response.

The SBA is not alone in its support for a program to securitize small business loans. The Board of Governors of the Federal Reserve System, in its September 2002 Report to the Congress on the Availability of Credit to Small Businesses, stated that the securitization of small business loans could "substantially influence the availability of credit" to small businesses. The Federal Reserve noted that one primary benefit of a secondary market would be that small business borrowers could enjoy lower financing costs. In addition to the Federal Reserve report, other studies have shown that small businesses could benefit from an efficient secondary market for small business loans.

The Federal Reserve report noted that a primary obstacle to a widespread secondary market for small business loans was the lack of standardized information to evaluate small business loans for re-sale. As noted, the SBA has exercised foresight by securing the contract with Dun & Bradstreet and Fair, Isaacs to attack this problem. With the information provided by this new credit-scoring model, the securitization of non-SBA small business loans will be far more feasible.

The committee has received support for the pilot program from representatives of thousands of small businesses that believe the program could improve access to capital, and could improve the terms of loans received, for many small businesses, particularly those without significant real estate property to use as collateral. Significant support for the program has been expressed particularly by small businesses that are owned by minorities or by women. For these small businesses, which often have less real estate collateral, on average, than other small businesses, the pilot program holds great potential for creating capital resources to meet their financing needs.

Financial firms currently involved in the pooling and securitization of SBA 7(a) and 504 loans have also expressed their support for the program, and have stated their belief that it will increase small businesses' access to effective capital.

With this input from the SBA, small businesses, and financial firms in hand, and having considered many studies regarding small business credit and the effectiveness of secondary markets, we included Section 265 in S. 1375, which was approved unanimously by the committee. Section 265 authorized, but did not require, the SBA to develop the pilot program if the SBA determined that it could be practically implemented.

The rationale for this proposal is to increase effective liquidity for small businesses by improving the quality and amount of loans available to them. The pooling structure is based on similar arrangements for home mortgages, credit card loans, and car loans, which have active secondary markets. This program would allow lenders, including community banks, to benefit from the increased liquidity of small business loans and to utilize capital that is otherwise locked into existing loans, and therefore provide better terms on loans to small businesses, as well as to make more small business loans.

This proposal, as embodied in Section 265, is not a departure from the SBA's current practice of guaranteeing loans and regulating the securitization of those loans. The SBA already regulates the securitization of both guaranteed portions of loans provided to small businesses and non-guaranteed portions of the same loans. These loans are made both by Federally-regulated lenders and by lenders that are not Federally regulated. In Fiscal Year 2002, the SBA regulated the securitization of $3.4 billion in Government-guaranteed small business loans made under Section 7(a) of the Small Business Act. When the guaranteed portions of the 7(a) loans are securitized separately from the non-guaranteed portions, the SBA is guaranteeing 100 percent of the loan pools.

The new proposal presents a much more measured SBA involvement than is involved with the SBA's current financing programs. Under the pilot program, financial firms approved by the SBA would pool loans not individually guaranteed by the SBA. These pooling entities would then issue securities offering returns based upon the returns from the loans in the pool. The securities would be rated by a rating agency and sold to investors.

The pooling entity would also offer a partial "first-loss" guarantee to investors on the securities' returns. If the loans had insufficient returns to pay the expected returns on the securities, the pooling entity's guarantee would be the first guarantee called into performance to pay investors. The SBA would issue partial, not complete, "second loss" guarantees on the return from the securities, but not on individual loans within the pool. The agency's guarantees would thus be available only after the first-loss guarantees offered by the pool issuers are exhausted. In addition, the SBA will only need to provide guarantees at a much lower percentage level than is currently the case for the SBA's guarantees on individual loans. Finally, and perhaps most importantly, the cost of the SBA guarantees will be fully funded by fees paid by the loan poolers, so no Federal appropriations will be necessary.

The proposed program also requires three separate types of reports. The SBA must provide to the committee and to the Committee on Small Business of the House of Representatives a report detailing the pooling program before it is implemented, and wait 50 days after submitting the report before implementing the program. In addition, the SBA must file with the Congress, in the SBA's Budget Request and Performance Plan, an annual report about the program's performance. Finally, the GAO is required to study the program, if implemented, and report on the program's performance, including any effects the program may have on the 504 or 7(a) programs, before calendar year 2006.

Working with Senator PRYOR and with other colleagues, both on and off the committee, we endeavored to provide greater specificity in the instructions the provision gives the SBA regarding the pilot program, so as to ensure that the pooling proposal provides the greatest benefit to small businesses in need of capital while limiting risk to the Federal Government. I believe those modifications would have greatly improved the pilot program and increased its potential to provide increased access to capital on terms that are beneficial to small businesses.

Access to credit for small businesses is often a challenge, and the committee has consistently believed that encouraging more lending to small businesses that have a likelihood to succeed, grow, and create new jobs is a sound national policy. The pilot program takes advantage of the successful example of the prior securizations of SBA small business loans, and of changes in the investment community, to facilitate lending in the small business community for years to come.

However, while I continue to recognize the merits of this measure and believe that it should be included in this bill, the administration has now taken a contrary position. In the interest of expediting the passage of S. 1375 before the SBA's current authorizing legislation expires, I am reluctantly removing this provision to focus on those elements of the bill that must be enacted.

While I am disappointed to have to remove this section, it is clear that this bill must move forward as quickly as possible. I want to be clear, however, that I continue to appreciate the benefits of this pilot program, and will introduce this provision as a separate bill in the near future. With the support this proposal already has, I am confident we can implement this innovative program, and I look forward to the benefits it can provide for small businesses as we try to assist small businesses to prosper, create more jobs, and pull the economy out of its current doldrums.

The amendment also modifies the provisions of the bill relating to the New Markets Venture Capital Program and the definition of "low-income geographic area," in which New Markets Venture Capital companies are to invest most of their funds. In order to coordinate the definition of "low-income geographic area" used in the SBA's New Markets Venture Capital Program and that used for the New Markets Tax Credit under the tax code, the managers' amendment specifies that the Small Business Act's definition will be based on median family income, rather than median household income as under current law.

This change will eliminate confusion that has resulted from the use of different definitions for two related programs. More importantly, by significantly broadening the definition of those areas in which investment is permitted under the New Markets Venture Capital program, this change will increase the flexibility that New Markets Venture Capital companies have in choosing small businesses in which to invest. As a result, we should see stronger New Markets Venture Capital companies and more small businesses being served through this venture capital program.

The third part of the managers' amendment modifies several provisions in the bill relating to government contracting opportunities for small businesses. In 1994, Congress enacted the Federal Acquisition Streamlining Act, FASA, to streamline Federal procurement processes. FASA included an amendment to the Small Business Act that created an exclusive reservation for small businesses consisting of contracts valued at more than $2,500 but not more than $100,000. And, while it had the chance to classify purchases under multiple-award schedule contracts, including Federal Supply Schedule, within this reserve at that time, the Congress expressly excluded these sales from small business set-aside rules. Accordingly, rules on small business set-asides do not apply to Federal Supply Schedule purchases, and, instead, contracting officers are required to give a "preference" to small businesses.

Although reports now indicate that the level of small business participation on schedule contracts is growing and is relatively higher than the share small businesses receive on non-schedule contracts, small businesses continue to report to the committee that they invest time and money to negotiate a schedule contract successfully with the General Services Administration or an executive agent managing a Government-wide Acquisition Contract, and then they never receive the benefit of an order placed against that contract. Small businesses further report that the Government relies on a limited and preferred list of larger firms to meet its requirements for goods and services.

Small businesses deserve to have a fair opportunity to compete for those orders. The Small Business Administration 50th Anniversary Reauthorization Act would protect small businesses and ensure that they continue to have access to, and the opportunity to compete for, multiple-award and schedule purchases. Specifically, the bill restricts competition of schedule orders valued between $2,500 and $100,000 for small businesses.

I know that some of my colleagues believe that by setting aside schedule orders under $100,000, thousands of small firms that supply and sell through contracts held by large firms may significantly be harmed. They also question the need for action if small businesses are successfully competing for and winning schedule orders each day. Finally, they assert that scheduled contracts are a faster, easier, more flexible way for agencies to meet their needs and any change that reduces that ease should be challenged.

In my view, if small businesses enjoy a majority share of schedule contracts—which they do—should not their participation in these contracts reflect their representation on the supply schedule? Currently, small businesses represent more than 70 percent of the companies listed on the Federal Supply Schedule, yet these small businesses are receiving just under 30 percent of the awards under the schedule.

The intent of multiple-award contacting was not to have a majority of orders awarded on a sole-source basis. Rather, it was designed to be a streamlined acquisition process to achieve competition without increasing the government's risk. Including small business helps to ensure the Federal Government is getting the best products and services at the best prices.

Nevertheless, in order tc ensure the timely passage of this important reauthorization legislation, I have agreed to modify the bill's provision that would have allowed small business set-asides of awards on multiple-award contracts, to require, instead, that contracting officers review the offers of at least two small businesses when completing orders on multiple-award contacts. While I had hoped to provide stronger provisions for small businesses seeking to contract with the Federal Government, I believe this compromise will still lead to greater procurement opportunities for small enterprises.

This modification anticipates that a contracting officer will give serious consideration to small businesses seeking to provide goods and services to the Federal Government. As an example, when placing orders for supplies with contractors on the General Services Administration's Federal Supply Schedule, contracting officers should consider the information available on the GSA Advantage on-line shopping service or other catalogs and price lists of at least two small business multiple-award-schedule contractors that provide the supplies that are being purchased.

Placing orders for services, however, may be more complex at times. In these instances, contracting officers purchasing from Government-wide acquisition contacts, multi-agency contracts, or the Federal Supply Schedule should include at least two small businesses when they solicit offers. These actions will ensure that small business multiple-award contractors have a fair opportunity to be considered for orders.

To ensure the necessary steps are taken to establish clear guidance and that agencies follow these established procedures to implement this compromise, my committee will closely monitor competition and small business participation on multiple-award contracts. Specifically, the amendment mandates the U.S. General Accounting Office, GAO, to report bi-annually to the Committees on Small Business on the number of actions and dollars awarded to small business under multiple-award contracts and help to achieve the level of competition in Federal contracting that Congress envisioned. In addition, the existing provisions in the bill require the GAO to conduct periodic reviews of small business participation in multiple-award contracts, which will help Congress to ensure these provisions are implemented appropriately.

Responding to additional concerns raised by my colleagues, the managers' amendment withdraws language that references the authority of agencies to withhold a portion of a performance-related bonus awarded to procurement officials for failure to achieve small business goals.

The committee believes measures that hold agency officials accountable for their performance will drive results. Therefore, language in the bill, as reported, would have held agency procurement officials accountable for small business goals. It directed agencies to include in the annual performance evaluation for agency procurement officials a factor that measures the success of that official in small business utilization.

It further required agencies to factor the performance of procurement officials in achieving these small business goals into any monetary rewards under consideration. In order to avoid delaying the entire bill for this provision, I have reluctantly agreed to withdraw this latter provision. Nevertheless, my committee will continue to monitor the extent to which agencies are meeting their small business goals and look for every opportunity to hold failing agencies accountable to our small business constituency.

With respect to subcontracting opportunities, once a contract that contains a small business subcontracting plan has been awarded by a Federal agency, the prime contractor is required to submit reports periodically to the Government that include information on the prime contractor's achievement of its subcontracting goals and the dollars awarded to small business subcontractors. While the U.S. General Accounting Office indicates that most contractors that the GAO reviewed make good faith efforts to comply with their subcontracting plans, small businesses report to my committee that not only do prime contractors fail to comply with subcontracting plans, but they also fail to submit complete and accurate subcontracting reports. Therefore, this managers' amendment contains a technical correction to clarify that the company president or the head of the entity must certify that data contained in subcontracting compliance evaluation reports provided to the government is accurate and complete.

In addition, under current language in the bill, a contracting officer must first consider "all reasonable issues regarding the subcontractor's performance, or lack of performance, before making a determination that the prime contractor failed in its responsibility to timely pay a small business subcontractor." Some of my colleagues, however, have raised concerns that this language limits the contracting officer's discretion to issues regarding only the performance of the subcontractor, and that other issues that might legitimately cause non-payment, such as disputes over off-sets, could not be considered. That was never the intent of the bill reported by the committee.

In light of these concerns, the managers' amendment modifies the language to ensure that a contracting officer can consider "all reasonable issues regarding the circumstances surrounding the failure to make timely payment to a small business subcontractor" before making a determination to make a direct payment to the subcontractor under a pilot program to test direct payments to small business contractors.

The committee also recognizes the economic ramifications that military base closures can have on our local communities and economies. We believe the SBA's Historically Underutilized Business Zone, HUBZone, program can harness the strength and the creativity of the small business sector by providing these firms with incentives to relocate to areas suffering from the effects of a military base closure. Therefore, we included language in the bill to designate base closure areas as HUBZones, and the managers' amendment clarifies that such designation will apply to military bases closed after the date of enactment for a period of 5 years in order to attract small businesses to areas affected by base closure where there are customers and a skilled workforce. The committee believes that new business and new jobs created through HUBZone small businesses means new life for areas affected by base closure.

Lastly, our colleague from New Mexico, Senator BINGAMAN, has requested an adjustment to the Program for Investment in Microentrepreneurs, PRIME, which the bill reauthorizes for 3 years. To accommodate this request, the managers' amendment authorizes $2 million under the PRIME program to be spent to provide grants to intermediaries to assist disadvantaged Native American entrepreneurs. This modification enhances the bill's provisions that encourage Native American-owned businesses and new Native American entrepreneurs.

Mr. President, I will close by noting that this is one of the most expansive SBA reauthorization bills in the 50-year history of the agency. The SBA estimates that reauthorizing the agency will result in 3.3 million jobs over the next 5 years, with the SBA and its programs predicted to support over 1 million jobs over that same period through prime contracts and subcontracts.

This bill is based on the deliberative, methodical, and systematic approach that this committee has taken to review the spectrum of SBA programs, building on those that are working and fixing those that are not. How can we do anything less for the economic engine of our economy—small business—which holds the greatest hope for this country's recovery from the current economic doldrums?

I urge my colleagues to support this important legislation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today, as ranking democrat on the Committee on Small Business and Entrepreneurship, I join the committee's chair, Senator OLYMPIA SNOWE, in bringing to the floor for final Senate consideration, a 3-year reauthorization bill for the Small Business Administration's programs.

These programs help small businesses with access to capital, business advice and training and Federal procurement opportunities. But before I speak more specifically about the provisions of the bill, I would like to thank Chair SNOWE for working hand-in-hand with me on this, my third reauthorization of the Small Business Administration since becoming ranking member in 1997. Having worked close on two previous reauthorizations, and as a member of the Small Business and Entrepreneurship Committee for over 18 years, I can tell you that the SBA reauthorization process takes diligence and a strong attention to detail. I want to commend Senator SNOWE for taking the initiative to draft legislation that makes such important and necessary changes to the SBA during this reauthorization process and for showing great leadership in her first 9 months as chair of the Committee on Small Business and Entrepreneurship.

Our bill will strengthen the SBA and dramatically improve the agency's ability to deliver services to small businesses in every State. It is based on a sound committee record. In addition to holding two hearings and three roundtables to specifically address the SBA's programs and related reauthorization issues, our committee met and spoke with numerous constituents, program directors and small business advocates. It is through this correspondence, research and input that our committee has been able to prepare a comprehensive piece of legislation that should serve the Small Business Administration and the entire small-business community well past even the next reauthorization period.

Over the past 3 years, as chairman and ranking member of this committee, I have seen this administration reduce Government funding and transfer that money to the wealthy with tax cut after tax cut, resulting in a significant loss of revenue for essential initiatives aimed at fostering small businesses and the job creation and economic activity they bring about. While many of like to note that small businesses are the engine of economic growth and should be bolstered by our Government, this administration has given small businesses more words than action.

The need for small business programs—for access to capital, for training and counseling, for assistance in gaining access to the Federal marketplace—runs counter cyclically to the economy. When the economy is slumping, as it now is, small businesses and entrepreneurs need the SBA even more. Our committee has heard from the small-business community that demand for training and assistance and access to capital is up, yet this administration has proposed freezing funding for virtually all SBA programs for 6 years. Their proposal includes no adjustment for inflation or demand, despite the SBA's own numbers that show demand is up for its programs. The SBA's largest lending programs would have run out of money this year had the SBA not taken the drastic step of capping the size of loans. Both the problem of imminent shutdown and the SBA's solution of a cap would have been bad for struggling small businesses. But for additional funding of more than $3 billion made available by

Congress, the SBA's solution would have disrupted many small businesses' access to otherwise unattainable capital. Again, the problem and its solution could have been avoided had the administration properly funded this important program.

It is in carrying out our legislative and oversight responsibilities that Chair SNOWE and I raised a number of concerns regarding the SBA's reauthorization proposal and the overall management and direction of many of the agency's programs through hearings and roundtables and in letters and phone calls to the administration. And after hearing from the community and working with small business experts in the field, Senator SNOWE and I came to the conclusion that many of the proposals put forth by the Small Business Administration would not help the agency's programs, but rather would ultimately hinder them.

This administration and small businesses across this Nation will find, however, that our prescription for small businesses in a flailing economy is quite different. Our reauthorization legislation embraces the initiatives that have worked for years, redirects those that have struggled, and sets the SBA and our small business sector up for continued success.

Although banks have plenty of cash to lend, many small businesses still have a problem getting access to credit. Either the terms are unreasonable, or they can not get a loan at all. For the past few years as the economy has fizzled, the Federal Reserve has reported that banks have cut back on lending to small businesses, making it harder and more expensive to get loans. And who has been there to pick up the slack? The Small Business Administration and its lending partners.

Lending is up 37 percent in the SBA's largest lending program for working capital. Lending is up 22 percent in the SBA's loan program for small businesses that are growing and need money to buy equipment and buildings. Lending is up in the SBA's microloan program, which serves those with the least access to capital through the private sector. And the SBA's venture capital programs play a significant role in this country's investment in our fastest-growing small businesses, accounting for more than 50 percent of all U.S. venture investments. Last year these loans and investments pumped about $20 billion into the economy, leveraged millions more from the private sector, fed the local tax base as the Federal Government cut back, and created or retained more than 400,000 jobs.

As the committee reviewed the SBA's programs for reauthorization, these facts figured largely into establishing the program levels. I thank our chair, Senator SNOWE, for working with me to set the levels for the SBA's lending and venture capital programs at increasing levels for the next 3 years. I am particularly pleased with the increased funding levels for the microloan program.

I disagree with the administration's proposals over the past few years to cut back its investment in microloans and training assistance to micro-entrepreneurs. And I disagree with the administration's contention that these borrowers are being served through the 7(a) loan program. The small borrower in the microloan program is different than the small borrower being served through the 7(a) loan program. Both lending vehicles are important, but they are different, and one is not a substitute for the other.

And who are these borrowers being served through the microloan program? Thirty percent are African American. Eleven percent are Hispanic. Thirty-seven percent are women. And anywhere from 30 to 40 percent go to small businesses in rural areas. Banks turn these borrowers away, and yet the administration proposed cutting the microloan program by 36 percent in its most recent budget—fiscal year 2004. The SBA needs to fully fund these programs and put more resources into the office that manages the program. Four people are not enough to manage 1,400 loans and 180 grants.

Not only is the program level for microloans troublesome, but also the level for the agency's largest small business lending program, the 7(a) program. In the report that accompanies S. 1375, the committee notes that our duty as members of this committee, as well as that of the SBA itself, is not simply to maintain these programs but to monitor the demand and adjust the programs accordingly to meet the needs of small businesses. According to SBA's testimony before the committee on April 30, 2003, the agency estimates demand only by looking backwards—what has happened in the past year. However, there are other important factors to consider: changes in loan volume, trends in the economy, and initiatives and program changes that will affect loan volume. For example, the agency often enters into memoranda of understanding with trade and ethnic associations in order to help their members who own small businesses, and recently the SBA opened its lending programs to all credit unions, which number 10,000. Both of these changes are intended to raise awareness of the SBA's services, which ultimately will affect demand. In a press release from the SBA regarding credit unions, the agency stated that delivery of SBA loans through credit unions, "Represents a possible increase of nearly 30 percent in the overall number of institutions where entrepreneurs can seek capital for their businesses." That possibility, if it becomes a reality, will almost certainly increase demand for 7(a) loans. Therefore, it should be factored into the SBA's estimate of programs demand for fiscal year 2004 and beyond, and aligned in its annual appropriations requests and legislative proposals.

Aside from setting the level for each small business financial assistance program, our SBA reauthorization makes important program changes and starts some important, new initiatives. In the SBA's microloan program, we have adopted many of the provisions we passed last year as part of S. 174, which Senator SNOWE and I introduced and the committee and the full Senate voted to pass by unanimous consent. I thank the Association for Enterprise Opportunity, AEO, as well as the participants of the reauthorization roundtable on April 30, 2003—Mary Mathews of Minnesota's Northeast Entrepreneur Fund, Zach Gast of AEO in Washington, D.C., Alan Corbet of Missouri's Go Connection, and Blake Brown of Maine's Coastal Enterprises—for representing the microloan industry so convincingly and educating the committee on the inextricable correlation between technical assistance, lending and successful businesses that can repay their loans. I thank them for illustrating so vividly how they serve borrowers that would not otherwise have access to capital—because their loans are not profitable enough to appeal to traditional lenders, and because the efficiencies of credit scoring work against these small borrowers, even those with repayment ability. The SBA's microloans represent their only credit option to help them achieve economic independence and become bankable in the future.

Picking up where we left off last year, and even the year before when we made important changes to the microloan program, S. 1375 will make it possible for lenders to offer small business "short-term" loans. This will benefit small businesses, the lenders and the SBA because it will eliminate repeated paperwork and administrative oversight from those small businesses, such as carpenters, who need revolving loans to finance the jobs as they come in, rather than taking multiple little fixed-term loans. Rather than tying eligibility to the expertise of the entity, we have made it possible for new entities to qualify as the SBA microlending intermediaries if they have staff with this unique lending and technical assistance expertise. We have made a conforming change regarding the average smaller size of microloans, increasing it from $7,500 to $10,000, to make it consistent with similar changes enacted in December 2000.

Unlike the provisions we considered in 2000 and again last year with S. 174, this bill does not go as far to eliminate the restrictions on lenders contracting out the technical assistance or assistance before a loan is made. Instead, we raise from 25 percent to 30 percent the amount of TA funds an intermediary can contract with an outside expert and the amount of grants a lender can use to counsel prospective borrowers. The latter change does not go as far as I would like, but represents a compromise. Although there is a perception that pre-loan assistance means that TA money is used on microentrepreneurs who never get loans, in actuality the small-business owner in many cases needs help getting the loan more than assistance running the business after he or she gets the loan. Also, unlike the last two microloan bills, instead of including a provision authorizing the SBA to fund peer-to-peer mentoring among microloan lenders and TA providers, the microlenders asked the committee to increase the oversight of an existing statutory provision that requires the SBA to contract out 7 percent of its loan dollars for training of intermediaries.

Now the SBA will have to report annually on this specific provision to highlight what they have done to comply with the law. Last, S. 1375 requires the SBA to develop an improved subsidy rate model to determine the cost of microloans because the one they have used since the program's inception does not reflect the performance of the program. For example, last year, in Fiscal Year 2003, the administration's budget doubled the subsidy rate, which is the Government's cost of the program, from 6.78 percent to 13.05 percent, even though the program had not experienced any loss of Federal funds since the first loan was made in 1992. This broken method of calculating the cost of these loans is a waste of taxpayer money because Congress has to appropriate unnecessary funds to run the program.

In the 7(a) loan program, the SBA's largest loan program, which provides loans to small businesses for working capital with long terms of up to 25 years, we made permanent the reduction in the fees borrowers and lenders pay. We are testing a proposal that allows the most proficient 7(a) lenders in good standing to lend in every State. Lenders have complained that applying for lending autonomy in each of the 70 district offices and branches is administratively burdensome, both for them and for the agency staff, and that some district offices have taken advantage of the power to approve or disapprove lenders when they apply for this special lending status.

Let me be clear—while I want to avoid unnecessary paperwork and eliminate reported abuses, I do not want the lenders to take this as a signal to quit working with the district directors and district staff. It is important to have a local connection and for the SBA and the lenders to work together to maximize service to the small businesses. We need to maximize resources to reach not only as many small businesses as possible, but also those populations that most need access to affordable capital. It would be unreasonable to continue holding district directors accountable for lending goals in their areas without building in a mechanism to encourage interaction. There are concerns that allowing lenders to make loans on a nationwide basis and bypass the local SBA staff to work only with SBA staff in Washington, DC, could undermine the local infrastructure and the SBA's ability to meet the individual needs of local small businesses. For this purpose I have included a provision that directs the SBA to consider the recommendations and comments of any district directors and regional administrators when reviewing a lender for national lending authority.

To increase the value of 7(a) loans sold in the secondary market, the committee has included a provision to allow the SBA to pool and sell the guaranteed portion of loans with varied rates. Currently, the SBA has the authority to only sell those loans with identical rates. Proponents argue that this will create efficiencies in the market and strengthen the program by bringing it into line with what the private sector has been doing for years.

At Senator SNOWE's request, in order to reach more under-served small businesses, we have enhanced the Low-Doc program, allowing lenders to use the simplified application from for loans up to $250,000 from $100,000, making it the same as the SBA Express program. We have also expanded the incentives for lenders to provide financing to export small businesses, and proposed letting 7(a) borrowers use a simplified size standard when determining if an applicant is a small business.

To improve the 504 loan program, which makes long-term loans of up to 20 years to small, growing businesses to buy equipment and buildings, we have raised the debenture size to keep peace with the rising cost of commercial real estate and equipment. We have raised the job requirement standard up from $35,000 to $50,000. This is reasonable given the increase in the Consumer Price Index since the last time the job requirement was changed in 1990. We have directed the SBA to simplify the application and documentation process of applying for and closing 504 loans, long a goal of this Committee and made a priority based on the compelling testimony of some of our witnesses during the reauthorization process. We have also created two alternatives for 504 lenders to use when establishing a loan loss reserve to cover potential losses.

I am particularly pleased that we have included S. 822, the Child Care Lending Pilot Act in the reauthorization bill. It allows small, non-profit childcare businesses access to 504 loans. I thank Senator SNOWE and my colleagues for agreeing to try this for 3 years, similar to what we have done with the microloan program. And I thank the trade association of 504 lenders, the National Association of Certified Development Companies, and other 504 lenders for their endorsement of, and input on, the pilot.

The more research I have done, the more I have come to realize how vitally important it is that we give non-profit day care providers the same opportunities as for-profits to expand their businesses. Non-profit day care centers are often the only childcare suppliers available in needy areas, from the most urban to be most rural. I have taken note of states like Oregon, where 79 percent of day care providers are non-profit, Michigan, where that number jumps to 86 percent, Iowa with 77 percent, my own State of Massachusetts with 90 percent, Ohio with 62 percent, and the list goes on and on. I've learned that in State after State families are waiting for affordable day care; from more than 1,000 families on the waiting list in both Nevada and Maine to more than 30,000 on the list in Texas. These parents are waiting for quality day care they can afford, and making available affordable loans to all licensed child care providers may increase access to care and cut down those waiting lists.

I understand there is concern about the precedent of the SBA lending to non-profits. Right now it is done in only limited circumstances—microloans, physical disaster loans and economic injury disaster loans in the areas affected by the terrorist attacks of 9/11. And I agree it should not be expanded to all industries. However, this is a very unique industry whose critically important services in many States are delivered mostly through non-profits, and the only way to increase facilities to provide the child care is to reach both for-profit and non-profit child care providers. Further, non-profits are usually the providers that care for the neediest kids. I have added provisions to the pilot program to ensure that the underwriting standards are just as tough, if not more so, as those applied to for-profit centers. The loans must be personally guaranteed, the collateral must be owned outright by the child care provider, and it must be able to make its loan payments and cover normal operating expenses from the revenue generated from its clients. With these protections, the loans to non-profits should perform just as well as those made to for-profits, and if there is a problem, the loans should be collateralized sufficiently to cover the losses.

The bill defines a small, non-profit child care businesses as an entity organized as a 501(c)(3), but not just any organization. It must be a licensed child care provider; it must meet the size standard for a small business; and it must provide care to infants, toddlers and pre-kindergarten and care to older children after school. This makes assistance available to eligible entities that offer Head Start services. At Senator SNOWE's request, the pilot is limited to seven percent of the number of loans guaranteed by the 504 program overall, which is less than the 10 percent allowed for pilots under SBA's 7(a) guaranteed business loan program. I feel that the agreed upon cap should allow for sufficient lending under the pilot to adequately test whether lending to non-profit childcare providers is effective in increasing access to affordable childcare, and whether it protects the general 504 program, which is vital to the financing of small businesses in this country.

Before I move on to discuss another important provision in the bill, I want to thank all the members of the Advisory Committee on Child Care and Small Business in Massachusetts who not only identified the need for this policy change but also developed many innovative ideas to coordinate Federal and State business services and child welfare services to expand the availability of quality, affordable child care and strengthen the businesses of child care of child care providers.

The bill also includes a comprehensive study by the GAO to track and monitor the impact of this program both on child care industry and the 504 program. Last, I want to remind my colleagues that the 504 program is funded entirely through fees and does not require appropriations. Further, when the Congressional Budget Office reviewed the reauthorization act and estimated its cost and the impact the provisions would have on the programs, CBO assessed no cost increase to the 504 program, its subsidy rate, or the agency by enacting the child care lending pilot provision.

Also included in this bill is S. 318, the Small Business Drought Relief Act. This simply reinforces in legislation something that the SBA should already be doing. You see, the SBA doesn't treat all drought victims the same. The agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, at present these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government—bureaucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. Despite numerous requests, written and verbal, for a copy of this legal opinion, the SBA delayed compliance for 6 months. The delay jeopardized enactment of emergency legislation during the 107th Congress, leaving small business drought victims without assistance. Contrary to the agency's position that drought is not a disaster, as of July 16, 2002, the day this legislation was introduced last year, the SBA had drought disaster declarations in effect in 36 States. That number had grown to 48 by the beginning of this year, demonstrating that the problem had gotten worse and even more small businesses were in need.

As I have said time and again, the SBA already has the authority to help all small businesses hurt by drought in declared disaster areas, but the agency will not do it. For years the agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2003 would force the SBA to comply with existing law, restoring fairness to an unfair system, and would get help to small business drought victims that need it. I thank former Governor Jim Hodges of South Carolina, and his staffer Lane Hudson, for bringing this to the committee's attention. They served the needy small businesses of their State extremely well, and I am sorry that politics kept this common sense and much needed provision from being enacted. I thank the other 15 Governors who fought for their constituents, too. And I thank Senator BOND for working with me on this when he was the ranking member of the Committee on Small Business & Entrepreneurship, and Senator SNOWE and her staff for all their help and support. While we might have had a lot of rain recently in the northeast, there are areas like Lake Mead in Arizona and Nevada where it is so dry that the water level is down and small businesses are losing business and having to make expensive changes, such as extending docks to reach the water in order to stay in business.

In this bill are also provisions to strengthen the SBA's venture capital programs—the Small Business Investment Company Debenture and Participating Securities programs, and the New Markets Venture Capital Program. We have balanced investment incentives with financial soundness issues and allowed small businesses to receive more SBIC financing than currently permissible if they also have a 504 or 7(a) loan. We have improved the arrangement for distributing payments from successful SBICs so that the SBA and the investors are treated more fairly and the taxpayer has more protection for realizing repayment on the investments. We have put in place conforming amendments to make the New Markets Venture Capital program work with the New Markets Tax Credit, as Congress intended. And we have clarified that New Markets Venture Capital companies have 2 years to raise their matching capital, as Congress intended. The committee has been troubled by the agency's interpretation of the NMVC statute, which SBA viewed as permitting the agency to choose how much time it could give conditionally approved NMVCs to raise the private-sector matching money. The SBA's chosen time frames were unreasonable and not what Congress intended.

I very much regret that the managers' amendment that we are considering today does not include a change to the New Markets Venture Capital Program which would better align allowable investments with repayment obligations. Right now the repayment and profit participation schedules are out of sync. Experts argue that this situation could force NMVCs to liquidate promising small businesses in order to raise repayment money. It would be unfortunate if this were to occur, particularly for the employees of small businesses in these high-unemployment areas who will be hard-pressed in this economy to find another job with sustainable wages and benefits. I do not have an SBA NMVC in my State, but there are about 20 States with NMVCs which would have benefited from this proposed change—Maine, New Hampshire, Vermont, Kentucky, Maryland, West Virginia, Ohio, Delaware, New Jersey, Pennsylvania, Arizona, and Washington, DC. I am sorry that we could not reach a compromise and I hope for the sake of existing NMVCs and the small businesses they assist that the experts are not right.

I thank the many experts who have advised this committee over the years on developing and implementing the new markets venture capital program. My colleagues on the committee and I are grateful for their help. It is a great service to the taxpayers and businesses and the communities that will benefit from this innovative investment. In no particular order, I thank Dr. Julia Rubin who helped us when she was at Harvard, at Brown and now at Rutgers University. I thank Saunders Miller, now himself a small business owner of Peaq Funds in Manhattan, who was a principal developer of this program and may other venture capital initiatives for the many years he worked at the SBA. I thank Don Christensen, the former head of the SBA's investment division, where he served this nation and President Clinton extremely well. And to the many developmental venture capitalists who routinely impart their expertise and wisdom to this committee, such as Elyse Cherry of the Boston Community Venture Fund and Ray Moncrief of Kentucky Highlands.

Responding to findings by the General Accounting Office and the SBA's Office of Inspector General, this legislation includes many measures to strengthen the SBA's oversight of lenders. And we have reauthorized and clarified the law for surety bond guarantees to help small businesses get Government contracts.

While no one would deny the importance that access to capital plays in the success of small businesses, as SBA Administrator Hector Barreto and past SBA administrators have acknowledged time and again, debt is not always the answer. In the SBA's FY 2004 budget request, there is reference to information from the Ewing Marion Kauffman Foundation and Dun & Bradstreet that indicates "80 percent of new businesses discontinue operation within 5 years because of lack of 'knowledge' of key business skills." Despite the recognized importance of such assistance, the SBA's funding request for fiscal year 2004 and its legislative proposal to implement that request would freeze funding levels for virtually all agency programs, without even accounting for inflation, for a 6-year period. If enacted, that would severely hamstring this nation's small businesses and their ability to effectively compete and prosper in the national economy. For this reason, Senator SNOWE and I took a comprehensive approach to supporting and improving the SBA's entrepreneurial development programs, while rejecting proposals put forth that would undermine their success.

Cuts to or inadequate funding of the SBA's entrepreneurial development programs are often attributed to vague and unfounded claims of duplication. Such claims mistake a common mission of training and counseling for duplication, ignoring the reality that small businesses vary greatly, are often at very different stages of development, and have many different needs. Just as it would be ineffective to only have one type of loan or venture capital financing structure for the 25 million small businesses in this country, it would be futile to water down specialized management and training programs to impose a one-size-fits-all approach.

I want to commend Chair SNOWE for giving women entrepreneurs such a prominent place in the reauthorization process. Rarely do women entrepreneurs get the recognition and attention they deserve for their contributions to our economy: Eighteen million Americans would be without jobs today if it were not for these entrepreneurs who had the courage and the vision to strike out on their own. During my tenure as a member, chair, and lead Democrat of the Senate Committee on Small Business and Entrepreneurship, I have worked to increase and improve the opportunities for enterprising entrepreneurial women in a variety of ways, leading to greater earning power, financial independence and asset accumulation—and I am glad that Senator SNOWE is joining me in this endeavor.

As Chair SNOWE expressed when she introduced the Women's Small Business Programs Improvement Act—and when Senator SNOWE and I passed the Women's Business Center's Preservation Act—protecting the extremely effective and well-established Women's Business Center network was a high priority in this reauthorization. For that reason, we make permanent the Women's Business Center Sustainability Pilot Program by creating 3-year "renewal" grants for those centers with sustainability grants and 4-year "initial" grants for new centers; increase the program's authorization levels; and direct the Office of Women's Business Ownership, OWBO, to make all Women's Business Center grants at $150K and to consult with the associations of Women's Business Centers when making improvements to the program. Other changes to the Women's Business Center Program include streamlining the data collection and the grant application and selection criteria, protecting the privacy of Women's Business Center, WBC, clients, and providing for a smooth transition from sustainability to the newly established WBC program.

Our legislation will not only secure the future of the Women's Business Center Program, but it will connect all SBA-related women's initiatives with a unified mission, similar guidance and training. These changes were coupled with minor, yet significant, changes to the National Women's Business Council, NWBC, and the Interagency Committee on Women's Business Enterprise. Senator SNOWE and I included provisions to give the NWBC cosponsorship authority, to allow more flexibility in the way the council uses funds, and to direct the council to serve as a clearinghouse for historical data. Each of these things will enable the council to become a better resource for the administration, Congress and the entire small-business community. Since its inception, the NWBC has provided Congress, the Small Business Administration, and the Interagency Committee on Women's Business Enterprise with independent advice and policy recommendations on issues facing women in business.

In recognition of the council's importance to policy making and women in business, Senator LANDRIEU offered and the committee adopted an amendment identical to her National Women's Business Council Independence Preservation Act of 2003, which seeks to maintain the bipartisan balance on the NWBC. The structure of the NWBC helps to maintain its independence. It has 15 members. The chair is appointed by the President and must be a prominent business woman. Six members are representatives of women's business organizations, including representatives of women's business center sites, and the remaining eight are members appointed by the SBA administrator based upon recommendations of the chair and ranking members of the Senate Small Business and Entrepreneurship Committee and the House Small Business Committee. Of these eight "party-affiliated" members, four come from the same political party as the President and four members who are not from the President's party; all of them must be small business owners. The bipartisan balance in the NWBC's membership helps to ensure that any policy recommendations will reflect the needs of women in business and not the political agenda of one political party over another.

Vacancies on the NWBC are supposed to be filled no later than 30 days after the position becomes open; however, in the past 2 years, the SBA has failed to meet this 30-day statutory deadline. The NWBC Chair was vacant from May 29, 2001, to May 21, 2002, a period of 11 months and 22 days. Of the party-affiliated slots reserved for the President's party, one was vacant for 3 months, two were vacant for a period of 7 months; and one was vacant for 21 months. Two of the seats reserved for members who are not from the President's party were vacant for nearly 2 years, one seat was vacant for 7 months, and the fourth seat remains vacant. At one point during the past 2 years the NWBC had a severe partisan imbalance. There were three Republican members on the NWBC and no Democratic members. The committee is concerned that these vacancies undermine the effectiveness of the NWBC, and that the lack of bipartisan balance will subject any policy positions taken by the NWBC to criticism as being motivated by partisan interests.

Senator LANDRIEU's amendment, which was approved unanimously by the committee, requires that vacancies in the party-affiliated slots will be filled to maintain a bipartisan balance on the NWBC. The provision also ensures accountability by requiring the administration to report to Congress on vacancies that remain unfilled for more than 30 days. The committee expects the report to cite the reasons for the vacancies, what is causing any delays in filling the positions, whether nominees were available for consideration, at what stage in the vetting process nominees are, whether there are any objections to the nominees and what those objections are, an estimate for when the vacancies will be filled, and any other relevant information relating to the vacancies.

To bolster the representation of women business owners in the Federal Government, our bill re-establishes the Interagency Committee on Women's Business Enterprise, directs the Deputy Administrator of the SBA to serve as acting chairperson of the Interagency Committee until a chairperson is appointed, establishes a Policy Advisory Group to assist the Committee's chairperson in developing policies and programs under this act and creates three subcommittees similar to those created under the National Women's Business Council.

This bill also supports and protects the Small Business Development Center network, which has served millions of small-business owners since its inception more than 20 years ago. It should also be noted that in 2001, SBDCs helped small businesses create or retain over 80,000 jobs, generate $3.9 billion in sales and obtain $2.7 billion in financing. For every dollar spent on an SBDC, $2.09 in tax revenue was returned to the Federal Government. Numbers aside, the nationwide network of SBDCs provides important counseling services to small-business owners that are unable to afford private consulting, many of whom are women and minority clients. The SBDC program has grown to serve 1.25 million small-business owners and entrepreneurs each year, and there are nearly 1,000 centers serving every State in the Nation.

While this bill rejects the potentially detrimental changes proposed by the SBA to the SBDC network, it does address concerns expressed by the centers and small businesses. Our bill increases authorization levels to keep up with increased demand and a provision to protect the privacy of the program's clients and a provision to help the SBDCs that have been adversely affected by poor economic conditions or government downsizing. Also included is a portability provision proposed by Senator SNOWE to provide supplemental assistance to State SBDC networks that have been adversely affected by a military base or industrial site closure which has led to a loss of jobs and severe economic harm. If implemented correctly, portability has the potential to help States, reeling in the aftermath of a sudden economic change, to provide the necessary small business assistance to quell the economic injury to a particular area.

Also, included in the entrepreneurial development section of our bill is a provision to increase to $7 million annually the authorization level for the Service Corps of Retired Executives, SCORE, which has 10,500 volunteers, and technical change to allow SCORE to keep its modest staff of 14 employees. For more than 38 years, SCORE has been one of the SBA's greatest and most efficient successes. In 2002, SCORE volunteers held over 300,000 counseling sessions and put in nearly 1.4 million volunteer hours. To keep up with an our nonstop national economy, SCORE has dramatically advanced the outreach of its online services to reach clients 24 hours a day, seven days a week. Last year, for $5 million, SCORE volunteers provided small business owners an estimated $170.8 million worth of professional business advice. It is safe to say that in this down economy, SCORE is one investment that will be paying dividends for years to come.

I thank Senator SNOWE for working with me to include, as introduced, the Native American Small Business Development Act, which I reintroduced earlier this year together with Senator JOHNSON and Senator SMITH to address the SBA's growing lack of commitment to the Native American community. According to a report released by the U.S. Census Bureau, the "three year average poverty rate for American Indians and Alaska Natives from 1998–2000 was 25.9 percent; higher than for any other race groups." With an unemployment rate well above the national average and household income at just three-quarters of the national average, Native American communities need a commitment from the Federal Government that we will help them, particularly during these difficult economic times. To reaffirm this commitment, the Johnson-Kerry-Smith bill provides Native Americans the resources they need to take advantage of the opportunities of entrepreneurship.

The Native American Small Business Development Act, as included in our reauthorization bill, will ensure that the SBA's programs to assist Native American communities cannot be dissolved by making the SBA's Office of Native American Affairs, ONAA, and its assistant administrator permanent. Our legislation would also create a statutory grant program, known as the Native American Development grant program, to assist Native Americans. It would also establish two pilot programs to try new means of assisting Native American communities and require Native American communities to be consulted regarding the future of the SBA programs designed to assist them. In short, this legislation will ensure that our Native American communities receive the adequate assistance they need to help start and grow small businesses.

Senator BINGAMAN and I have worked closely to develop a provision for inclusion in a joint managers' amendment to the reported bill, which will expand the Program for Investment in Microentrepreneurs, PRIME, with a separate $2 million authorization to provide direct, in-depth technical assistance and counseling to disadvantaged Native American small business owners. The provision will complement the Native American Business Centers created in the Native American Small Business Development Act by following the PRIME model, which provides technical assistance through microenterprise entities that have extensive experience helping the least experienced entrepreneurs in low-income communities. The rationale for amending the PRIME Act, rather than creating a separate program, is that PRIME is currently operational and simply needs additional funding so it can better address the needs of the Native American entrepreneurial community. The provision follows the existing Small Business Administration's approach and terminology for implementing the PRIME Act to enhance the possibility of economic development through entrepreneurship in Native American communities. The Bingaman provision will strengthen the three-pronged approach Senator JOHNSON and I designed in the Native American Small Business Development Act to find a solution to the longterm economic handicap existing in Native American communities nationwide. There are a number of microenterprise organizations in states across the country that are willing and prepared to take on the additional challenge of assisting disadvantaged Native American entrepreneurs, and there are a number of Native American communities that are eager to take a different path to economic development. However, there are currently a limited amount of funds to allow that to happen. I commend Senator BINGAMAN for his attention to this matter, for his continued support of my small business legislation, and for his foresight and vision for Native Americans in New Mexico and across the country. The Native American communities across our nation will be better off with the assistance that this provision makes possible. Were it not for the persistence of Senator BINGAMAN, this provision would not be part of SBA's tools to help Native American entrepreneurs. I also want to thank Senator SNOWE for working with Senator BINGAMAN and me to include this provision in the managers' amendment.

To address the growing business development needs of veterans, Senator SNOWE and I reauthorized the Advisory Committee on Veterans Affairs, expanded veterans outreach grants from solely serving disabled veterans, to serving all veterans, reservists and service-disabled veterans. Further, we increase the funding for the Office of Veterans Business Development to enable that office to better deal with the demand by veterans for outreach and development services.

Included in a joint Snowe-Kerry amendment, which was unanimously approved at the Committee markup, is a reauthorization of PRIME at $15 million. SBA Administrator Hector Barreto has stated, "The PRIME program was created to help the smallest of small businesses. These are entrepreneurs at the most basic stage of starting a business and who typically require the greatest amount of committed service and guidance. In order to succeed, they require training and technical assistance that must be accessible."

PRIME is a powerful investment that provides critical assistance to struggling, distressed communities. It's engineered to help low-income and very low-income families, defined as those at 150 percent of the poverty line or below. A very low-income family of four earns about $23,000 a year. The International Labor Organizations estimates that the return on investment in microenterprise development through resources like PRIME ranges from $2.06 to $2.72 for every dollar invested. Microenterprise contributes to our national economy through public tax revenues, private income increases, and reduced dependence on public assistance, such as welfare. Small Business Development Centers define a "client" as someone who has received two hours of training. On average, however, PRIME organizations spend 10 hours with low-income and very low-income entrepreneurs.

Many often confuse PRIME assistance with the microloan technical assistance. Unlike the microloan program's technical assistance, which is directly tied to helping microentrepreneurs obtain access to capital through microlenders, the PRIME program is designed to help microentrepreneurs who may not be credit-worthy or don't need or want loans, but do need intensive technical assistance.

Currently, there are fewer than 80 organizations with PRIME grants, yet the need for PRIME assistance is now greater than ever. While access to credit is vital for many microentrepreneurs, for low-income individuals, there is a severe gap between being credit-worthy and receiving the technical assistance needed to be successful in business. The PRIME program addresses this gap. for these reason, Senator SNOWE and I reauthorized the program for three years. Our bill also moves PRIME's statutory language to the Small Business Act and includes a data collection provision.

We continue to receive reports of the detrimental effects of the Administration's policy of reduced staffing and resources for essential programs aimed at allowing small businesses to thrive. Week after week, the Federal Times reports on the decline in contracts being allocated to small businesses, small businesses losing ground in the Federal marketplace, and most recently, on the awarding of more big contracts with less oversight from Federal agencies. With agencies awarding larger, more complex and more costly contracts with fewer staff performing oversight, this nation's small businesses and its tax payers are the ones shouldering the burden when small business goals continue to be unmet. In addition to helping small businesses obtain access to procurement opportunities, these goals are meant to help the government benefit from the cost-savings and innovations small business contractors can often provide.

Significant improvements to the ongoing problem of contact bundling, also called contract consolidation, are included in this bill. One provision included in this legislation that will make a significant impact on small businesses' ability to compete is the method we have adopted to address the ongoing problem of contract bundling. This language is a prime example of the effectiveness of bipartisanship, diligence and compromise. This approach incorporates language from an amendment to the Department of Defense reauthorization offered by Senator COLLINS and Senator TALENT, language from my contract bundling bill, S. 633 and the President's initiative on contract bundling.

The first provision creates a two-tiered threshold in order to prevent unnecessary contract consolidation. Civilian agencies will be required to meet specific standards if they attempt to consolidate contracts above $2 million and $5 million. The Department of Defense is required to meet similar requirements for contracts above $5 million and $7 million. The bill also further expands the definition of contract bundling to include contract consolidation, closing a loophole in the definition that has been widely used and detrimentally affecting small businesses.

The second provision increases in the number of procurement center representatives, PCRs. These representatives advocate on behalf of small businesses in cases directly affecting contracting, such as the bundling or consolidation of contracts. Unfortunately, the number of PCRs has been reduced from over 200 at its peak in the late 1980s to the current level of just 47. In addition to reducing the number of traditional PCRs, the administration has also eliminated the Breakout PCRs, specially trained advocates that analyze highly technical large contracts and "unbundle" contracts and break out portions that are appropriate for small businesses. Their responsibilities have been rolled into that of traditional PCRs, even though the number of PCRs continued to decline. Often, the role of commercial marketing representatives, CMRs, was also incorporated into the responsibilities of traditional PCRs. CMRs are responsible for identifying opportunities and developing marketing strategies for small businesses to appeal to large prime contractors. The SBA's attempt to streamline their offices and replace trained individuals with electronic systems has resulted in the disenfranchisement of small businesses and hindered the SBA's ability to maintain a proper level of oversight over Federal contracting.

In the bill, we have increased the number of procurement center representatives to ensure that every State and every major procurement center is allocated a PCR. Meanwhile, we have also ensured that these PCRs are not burdened with responsibilities that were previously the duties of breakout PCRs and commercial marketing representatives. These two improvements will dramatically increase the efficacy and efficiency of all three positions and allow proper review of the approximately 40 percent of Federal contracts, nearly, $90 billion, that are currently not being reviewed by PCRs. This should increase small business's access to Federal contract opportunities.

The bill would also create a reporting requirement for the BusinessLINC program, which has been showing promise in creating real teaming opportunities for small businesses in the private sector. Although the administration recommended elimination of the program, the reports this committee received regarding the overwhelming success of the existing nine programs made it clear that the SBA did not have sufficient information about BusinessLINC to make an informed decision on its effectiveness. The committee's bill would ensure that the SBA offers the proper level of oversight and would foster the continued success of the program. I would like to thank Senator SNOWE for working with me to find a compromise to preserve this successful program.

At the Committee's roundtable on non-credit programs and the hearing on contract bundling, the small business community reiterated the need for accountability for small business contracting at the agency level. I applaud Senator SNOWE on her efforts to ensure that Federal agencies be held accountable for fully utilizing small businesses and to allow a greater amount of Congressional oversight of the implementation of agency procurement strategies. Provisions within this bill will ensure that the heads of Federal agencies identify a specific portion of their budget request that will be awarded to small businesses in their strategic plan and their annual budget submission to Congress. The bill also gives senior procurement executives and senior program managers additional authority to educate their staff regarding the importance of meeting the government-wide goals for small business utilization and allows for greater accountability in annual performance evaluations. I would like to thank the members of the Senate committee on Government Affairs for working with Senator SNOWE and me on these provisions to ensure that agency officials have the authority, as well as the flexibility, to efficiently and effectively meet the goals we have placed before them.

In addition to increasing opportunities for prime contracts, this bill addresses another serious problem: Small businesses have been severely hampered by dishonest practices by some businesses that have prime contracts with the Federal Government and have received preference over other prime contractors due to their superior small business subcontracting plans. Senator SNOWE and I have worked closely to address the concerns of small businesses regarding delays in payment, false reporting and the use of "bait and switch" tactics by prime contractors.

The bill holds prime contractors responsible for the validity of subcontracting data, requiring the CEO to certify to the accuracy of the subcontracting report under penalty of law. It also expands the penalties for falsifying data included in subcontracting reports to match the $500,000 or 10 years in prison for businesses that falsify their status as a small and disadvantaged business. If one intentionally falsifies data as a part of a subcontracting report to a Federal agency, he is defrauding the United States government and will be punished to the full extent of the law.

During the committee's reauthorization roundtables, we heard numerous accounts of subcontractors receiving late payments or partial payments from their prime contractors. Small firms do not have the luxury of waiting for their payments when they have invested time and money to provide their products and services to the prime contractor. To address this concern, the bill directs the SBA to create a three-year pilot program, which tests the feasibility of direct payment to subcontractors from the Federal agencies that are receiving the contracts and or services.

In 2000, Congress passed legislation to implement a limited competition, set-aside program for women-owned businesses, intended to assist agencies to increase contracting to these firms and help to meet the five percent government-wide goal. The original bill amended the Small Business Act in section 8(m)(4) to require the SBA Administrator to complete a study to identify industries in which women-owned businesses are under-represented and report to Congress. The original study has been completed, but has been delayed by a subsequent study of the original study's "methodology," causing the program to be delayed indefinitely rather than be implemented in 2002, as it should have been. This bill expedites the implementation of the already overdue program by reassigning the responsibility of the study from the SBA to the GAO and giving the Comptroller a deadline of December 31, 2003, to report his findings to Congress.

During this time of economic downturn, we must ensure that long-term strategies of reorganization and restructuring do not have immediate negative impacts on our communities. One example of this is the economic impact on surrounding areas when a military base is closed. The loss of contracts to small businesses, jobs and resources can cripple a community's economy. To reduce the impact on these regions, this bill utilizes a contracting program, called the HUBZone program, intended to target underserved areas and maintain the profitability of the firms located within these areas. This bill will allow military installations that are closed after passage of this legislation to receive HUBZone status. Senator SNOWE and I have included a further provision within the managers' amendment of S. 1375, which would limit this special classification for 5 years after the closure of the base. The intent of the immediate qualification of these areas is to allow for a smoother transition of the base to commercial use by encouraging small businesses to relocate to those facilities, through Federal contracting opportunities, and employing the workers in that area. Additional options for assistance for these areas are available through the SBA if these areas do not receive continued economic stability following the expiration of the 5-year HUBZone status.

I want to thank Chair SNOWE and her able staff for all of their cooperation over the past several months. I would like to thank the members of the Senate Committees on Armed Services and Government Reform for working closely with me and my staff to ensure that this bill meets the needs of the Federal Government's diverse procurement offices as they work to ensure that the government receives the essential goods and services it requires. I also want to express my gratitude to all the members of the committee for their diligent efforts to improve this legislation and urge them and my other Senate colleagues to support the Small Business Administration 50th Anniversary Reauthorization Act of 2003.●

Mr. BOND. Mr. President, I rise today in recognition of S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This bill revitalizes existing SBA programs and brings to life new pilot programs, all of which promote the demands and growth of the small business community. I commend the chair, Senator SNOWE, for passing this bill through the Small Business Committee with unanimous support.

Upon final passage of this bill, we will take a giant step toward improving and refining the SBA and its programs. With the new provisions that enhance agency record-keeping and realign program operations under a more appropriate department, it is clear that agency accountability and oversight will be strengthened. In addition, small businesses will benefit from improvements in the leading programs, greater access to capital, new innovations in the entrepreneurial programs, expansion of procurement programs, and improved training and assistance provisions.

According to the SBA's Office of Advocacy, small businesses represent more than 99.7 percent of all employers, employ more than half of all private sector employees, and generate 60 to 80 percent of net new jobs annually. Given these statistics and the difficult financial times we face in today's economy, I urge Congress to continue to nurture the needs of the small business community. We must show enthusiastic support for this bill, which I am confident will provide the SBA with greater tools to keep pace with the ever-changing global economy and to serve the small business community in a more effective and efficient manner. To act otherwise could jeopardize this Nation's much needed job growth and innovation.

Before I yield the floor, I refer to an important small business program titled the Historically Underutilized Business Zone Contracting Program, or as it is commonly referred to, the HUBZone program. This small-business program was one of my personal priorities as former chairman of the Senate Small Business Committee. It was established in 1997 with the intent to create jobs in severely economically distressed communities, both rural and urban. In addition, the HUBZone program provides a Federal contracting preference as an incentive for small businesses to locate in these low-income areas. The jobs created by the HUBZone program bring money to those blighted areas and create a demand for more goods and services, which leads to the creation of more small businesses and increased commerce in the area. Little by little, the community's economic base is reborn.

Today, there are over 8,378 small businesses that are HUBZone certified, and the Government has procured approximately $1.7 billion in HUBZone contracting this year. The SBA reports that in FY 2001, each dollar spent on the program yielded a return of $288 in contract awards and as a result, the program helped to create 12,782 jobs in the United States, approximately 8,974 of which were located in distressed areas.

Based on FY 2001 procurement statistics, HUBZone firms increased employment 33 percent to 50 percent as a result of contract awards. Nearly 50 percent of HUBZone firms increased capital expenditures as a result of receiving contracts in FY 2001. As our economy struggles during these difficult times, this vital program will continue to bring jobs to our Nation's inner cities, poor rural counties, and Indian reservations.

I urge Congress to support the HUBZone program in its current form along with the new amendments provided in the Senate's version of the SBA Reauthorization Act of 2003. Any additional changes not supported by the full Senate Committee on Small Business could seriously undermine the original intent of the program.

Thank you for the opportunity to speak today on behalf of the small business community. I encourage my colleagues to support Senator SNOWE and S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003.

Mr. LEVIN. Mr. President, the Small Business Administration 50th Anniversary Reauthorization Act of 2003 reflects a bipartisan effort that passed the Senate Small Business and Entrepreneurship Committee unanimously. This bill reauthorizes many Small Business Administration, SBA, programs for 3 years as well as authorizes a number of pilot programs.

The reauthorization bill is a great improvement over the President's proposal which would have frozen SBA programs at fiscal year 2003 funding levels for 6 years. By reauthorizing the SBA over a shorter 3-year period, as Congress has done traditionally, our bill allows Congress to exercise closer oversight than would have been the case under a 6-year bill. Our bill is responsive to our Nation's small businesses and entrepreneurs, many of whom have no alternative credit source and allowing the SBA to make more loans to small entrepreneurs. These entrepreneurs provide the job creation and business expansion that can result from the small business loans.

I am pleased the Senate SBA reauthorization bill contains an amendment I authored to establish the Small Business Intermediary Lending Pilot Program to address the needs of expanding small business. The pilot lending program is aimed at businesses that need loans that are larger than those available under the SBA microloan program but a variety of reasons—including lack of sufficient or conventional collateral—are unable to secure the credit they need at the terms they need through conventional lenders, even with the assistance of the 7(a) program.

The pilot lending program is designed to work through local non-profit lending intermediaries. This proposal authorizes the SBA to make 1 percent, 20-year loans on a competitive basis to up to 20 non-profit lending intermediaries around the country. These loans would be used to capitalize a revolving loan fund through which the intermediary would make loans of between $35,000 and $200,000 to small businesses. Unlike the SBA microloan program there would be no technical assistance grant provided to the intermediary. All administrative costs or technical support provided to business borrowers would be covered by the interest rate spread between the lending intermediary's 1 percent loan from the SBA and the loans made to the business borrowers.

While the SBA is committed to ensuring that 7(a) lenders make smaller loans, this pilot is designed to reach a sector of small businesses that 7(a) lenders cannot and will not reach due to the perceived higher risk of these businesses. Many of our States, including Michigan, Maine and Idaho, are fortunate to have a health network of community based, non-profit intermediary lenders that are experienced and successful in meeting the needs of these businesses. This pilot program will give them additional tools to help them create badly needed jobs among small businesses.

Finally, I am pleased that the reauthorization bill contains the bill providing disaster relief for small businesses damaged by drought. This includes a provision I authored which would make eligible small businesses hurt by low water levels on the Great Lakes. I am also glad to see it includes the childcare lending pilot program to allow affordable and low interest SBA 504 loans for non-profit child care center. It is my hope that this program will spur the establishment and expansion of child care providers.

Mr. ENZI. Mr. President, I rise today to speak in support of the Small Business Administration 50th Anniversary Reauthorization Act of 2003. There are millions of good reasons why we need to pass this important bill today and they are reflected in the millions of small businesses around the country that benefit from the support the Small Business Administration provides small businesses in Wyoming and around the country. Although we do not have time for me to list those millions of reasons I can sum them up in just three words—jobs, jobs, jobs.

It's an expression we have heard many, many times but it is the truth—small businesses really are the backbone of our economy. They provide careers for the established generation of workers who need jobs to raise their families and they provide jobs to the younger generation of workers—teens and young adults of my State and many others who are looking for employment to help them pay the expenses of school and help them learn the lessons of responsibility, commitment and teamwork.

As a former small business owner myself, I have seen firsthand how a paycheck impacts lives and teaches invaluable life lessons and career skills. A job is more than a responsibility—it's a precious gift that can change your life and help you understand what it means to be a contributing member of society.

In my home state of Wyoming, 96.5 percent of our businesses are small businesses and that translates into a lot of jobs and a lot of families with food on the table and a roof over their heads thanks to the SBA and the programs it provides the people of our country.

That is why I was so pleased to be a part of the important work on the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This is truly a historic occasion as we celebrate the SBA's successes of the past 50 years and set its course for the years to come.

We've all heard the expression—give a man a fish and you will have fed him for today. Teach a man to fish and you will have provided him with the tools he will need to feed himself for the rest of his life.

The SBA operates on a similar principle. It does not give a business funding for a day's operation. Instead, it provides the tools, training and support necessary to ensure that a business begins to operate on firm, solid footing and has a reasonable chance for success.

Then, when the doors open up and the customers come in, the SBA continues to serve as a reference and a source of support to ensure that a small business has a place to turn to for advice, encouragement and help if things take an unexpected turn for the worse.

Expect the unexpected—that's not just good advice—it's the focus of the SBA's updated disaster authority in this bill. This section is one of the changes we were able to make to help ensure that SBA remains responsive in the bad times—as well as the good. We were able to expand the definition of a disaster to include drought and below average water levels in bodies of water that support small businesses. That change was clearly needed because the impact of a drought or low water level on agriculture is clear to all of us.

What might not be so clear is how these water problems also affect tourism and recreational businesses. It wasn't clear before, so these businesses often fell through the cracks of Federal assistance. With the passage of this bill, however, that crack will be filled in and small businesses will no longer suffer from these problems with no help or relief in sight.

Native Americans will also benefit from this bill and find help for the terrible challenges poverty and unemployment impose on the Native American communities in my State and across the Nation. Promoting the creation and development of small businesses in these areas will bring much needed assistance to those Native Americans who need a chance to help themselves. I believe this approach will work because each tribe will actively support it to ensure the program is a success.

These and many other changes to the SBA will ensure that it remains a beacon of support and hope for small businesses that are carefully navigating the rough and rocky shores of competition and the thousands of details that can slow or destroy a small business at any stage of its development.

As I have already mentioned, our small businesses are the backbone of our economy. The Small Business Administration is the lifeblood of our small businesses. The support and encouragement of each helps make the other more efficient, more productive and more successful.

Our small businesses and the Small Business Administration have a unique and important relationship. They need each other to grow and prosper and best of all—as they do—they help the Nation to do the same.

Mr. PRYOR. Mr. President, today the Senate will consider a bill that is very important to small business owners and their employees. I am referring to S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act. The purpose of this bill is to reauthorize the many needed initiatives at the SBA—from long-term loans and venture capital to help with accessing Government contracts—that have helped create successful businesses that are now household names to many Americans. To name just a few, Callaway Golf, Ben & Jerry's, Winnebago, Apple Computer and FedEx. In Arkansas, last year, more than 305 businesses got loans through the SBA, and with them created jobs and contributed to the local tax base.

We on the committee have worked hard to review the services available to small businesses through the SBA and its lending and counseling partners. As a result, this bill builds upon what works right at the SBA and improves upon areas that need to be updated. The changes are sensible and fiscally responsible. We also included an innovative provision to address workforce issues.

I offer my thanks and appreciation to Senator SNOWE and Senator KERRY for giving me the opportunity to address my concerns regarding some of the provisions in the SBA reauthorization bill. One of my initial concerns was that we continued to actively support the SBA's 7(a) guaranteed business loan and 504 certified business development company loans programs.

Access to capital is one of the most critical issues facing new and small businesses alike, particularly for minorities and entrepreneurs in inner-city and rural areas who lack sufficient collateral or credit to get loans from banks, even when they have a good idea and repayment ability. I believe, and am hopeful, that the SBA Reauthorization Act will go far in satisfying this demand for capital to those who have traditionally been shut out. Additionally, I have endeavored to ensure that the SBA 7(a) and 504 programs continue unharmed. I encourage the SBA to work with the small business community—the trade associations for 7(a) and 504 lenders and borrowers, the National Association of Government Guaranteed Lenders and the National Association of Development Companies, to ensure they are not harmed.

Small businesses employ millions of people and provide the fuel for our Nation's economic growth. Although most economists aver that the recession has ended, employment figures continue to lag behind other economic data at a rate that continues to cause me great concern—21 months of straight job losses means we should be using every tool we have to create jobs. With the assistance of Senator SNOWE, the SBA Reauthorization Act should help to spur job creation and increase access to much needed capital for our Nation's small businesses.

I ask my colleagues to support this bill because we need to enact this legislation before many of SBA's programs expire on September 30.

Ms. LANDRIEU. Mr. President, before the Senate prepares to consider and pass S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, I would like to bring an important issue to the Senate's attention that I hope will be addressed in conference with the House. It relates to the HUBZone program, specifically the price preferences for food aid contracts. I would like to discuss this matter with my colleague, the Chair of the Small Business and Entrepreneurship Committee, so that we have a clear record of our position on the issue prior to final passage of the SBA Reauthorization legislation.

Let me begin by first congratulating her for bringing this bill through Committee and to the Senate floor where it will pass unanimously. The Committee held informative and useful hearings and roundtable discussions to learn from small business owners and leaders about the value of the Small Business Administration's programs. We also heard from SBA Administrator Hector Barreto, about the Bush administration's reauthorization proposal for improving the agency's ability to respond to the many challenges facing small businesses and the increasing number of start-ups. In the end she put together an excellent bill that I supported when it passed the committee unanimously. I expect the Senate to do the same.

Ms. SNOWE. I thank the Senator for her generous comments, and I appreciate her work on the Committee. She added an excellent amendment to the bill to ensure that the National Women's Business Council maintains a bipartisan balance. I thank her for supporting this bill.

Ms. LANDRIEU. The issue I wanted to bring to your attention relates to HUBZone provisions in the House version of the SBA reauthorization. HUBZones are distressed urban and rural areas characterized by chronic high unemployment and/or low household income. Mr. President, there are 152 HUBZone companies creating jobs and empowering communities throughout my State. Under the program, small businesses that locate in a HUBZone, and hire workers who live in the HUBZone, are eligible to receive price preferences in bidding on government contracts. These price preferences encourage small businesses to locate in our distressed communities and help offset the additional costs they face as a result of being out of the regular stream of commerce. Price preferences also help to even the playing field between HUBZone eligible and non-HUBZone firms in competing for contracts. I support the HUBZone program. It is providing an economic boost through job creation and capital investment to areas of poverty and unemployment that really need it.

Ms. SNOWE. I am also a strong supporter of the HUBZone program. Today there are more than 8,300 HUBZone small businesses that helped to create more than 30,000 jobs in the last 2 years. In our reauthorization bill, the committee has made some minor changes to strengthen the program. One of these changes would ensure that communities affected by military base closures would receive temporary HUBZone eligibility, preventing a significant economic downturn. The bill also allows HUBZone companies to receive up to 15 percent investment from outside organizations, allowing them to raise capital, expand their business and create even more jobs.

Ms. LANDRIEU. I am pleased that the Senate has decided to leave the HUBZone program intact with these limited, but sound modifications. An issue has been brought to my attention involving how the Department of Agriculture has interpreted legislation regarding the treatment of HUBZone price preferences for food aid purchases. The current system provides HUBZone firms with a price preference on the first 40 percent of a given tender of food aid. A tender is essentially a contract for aid that spells out how much of a particular commodity—corn, wheat, vegetable oil—would be provided under the contract. The remaining 60 percent of the contract volume is not subject to the preference, so HUBZones companies compete with all other firms, large and small, in full and open competition for this portion of the contract.

The Department of Agriculture has misinterpreted the statute and unfairly limited the participation of HUBZone firms to only 40 percent of any food aid contract. This effectively locked them out of 60 percent of every tender contract offered. The Department has since corrected its interpretation and is allowing the program to perform as it was intended by Congress when these provisions were added to the HUBZone program in 2000.

I am glad that the Department of Agriculture has changed its interpretation. Louisiana has 10 HUBZone firms that are exporters and may be able to participate in the food aid program and compete now that the proper interpretation is in effect. Officials with the

Port of Lake Charles in Lake Charles, LA came to me and expressed their concern with the Department's initial interpretation because they operate in a HUBZone and want to attract more businesses to the port. This interpretation limited the amount of contracts HUBZone firms were eligible to bid on. The correct interpretation allows them to bring new businesses to the Lake Charles area and help them to reinvigorate an area that is working to regain its footing in the current economic climate and provide critical jobs for the families who live there.

I know there are some who feel that under the current interpretation HUBZone firms may have an unfair advantage. I welcome the opportunity to work with the chair and the other members of the committee to investigate this further. Perhaps the committee could hold a hearing to learn more about this issue.

Ms. SNOWE. I thank the Senator for bringing this to my attention. I am happy to work with the Senator on this issue. I thank the Senator from Louisiana for her support of this legislation.

Mr. BAYH. Mr. President, today, the Senate will unanimously pass the Small Business Reauthorization Act. This is a critically important piece of legislation for the future of small business in America, and in turn, for our Nation's economy. Small businesses are the engines of economic growth, and they play a vital role in expanding our economy. This is something I believe in so strongly that for 2 weeks in August, I traveled across the State of Indiana to meet with small business owners and to host a series of small business summits. The purpose of these summits was to link people looking to start or expand their small businesses with every available Federal resource that could help them fulfill their dream.

During my visits in Indiana, I saw first hand the differences small businesses can make in their communities. John Roembke, of Ossian, IN, used a Small Business Administration loan to start his manufacturing and design company nearly 30 years ago. He began as the sole employee for his company, but today he employs more than 60 Hoosiers. Each Hoosier employed at Roembke Manufacturing represents a family that has greater job security and new economic opportunities thanks to John's success and help from the SBA.

Our Nation's unemployment rate now stands at 6.1 percent, and in my State, there are pockets of even higher unemployment. What these areas need, and what our economy needs, is more job creation, and it is a well-known fact that three out of every four new jobs are created by our growing and innovative small businesses. Usually, the only hurdle standing between a company and its desire to expand and hire new workers is capital. Without it, our businesses starve because they cannot obtain space, equipment, tooling, and employees. With it, creative businesses can secure all of these assets, expand productivity, increase sales, add new jobs, and improve the quality of life in their communities.

The legislation we pass today will build on this kind of success, by creating jobs, improving access to capital, and strengthening crucial disaster assistance programs. Through the efforts of Chairman SNOWE, Ranking Member KERRY, and my other fellow members of the Small Business Committee, the Senate has taken an important step toward reauthorizing the Small Business Administration and its important small business assistance programs for the next three years.

Today, I look forward to supporting this bill that reauthorizes the most effective capital access programs that exist today in our Federal government: the 504 and 7(a) loan guaranty programs. These two programs will provide more than $20 billion in both long and short term funding to America's small businesses each and every year of this reauthorization. In just the last three years, these SBA loan programs have created more than 500,000 new jobs nationwide. Over the past three years in Indiana, the 504 program alone has provided $125 million in capital to small businesses and created 5,000 new jobs. The employees who fill the new positions and the entrepreneurs who have expanded their businesses return millions of dollars in payroll, sales, income, and real estate taxes to the Federal, State, and local governments in every county and State each year. These programs also provide specific, critical support to businesses that are owned and operated by women, minorities, and veterans, groups that sometimes face greater difficulty in obtaining capital.

Best of all, the 504 loan program provides all of these opportunities for economic growth at no cost to the taxpayer. The 504 program is subsidy-free, financed purely by user fees that borrowers pay to finance the risk inherent in the program. The cost to the taxpayers is zero.

Even with these advantages, there are still greater needs for capital in Indiana, particularly in the manufacturing sector, which employs 580,000 Hoosiers, a higher percentage of industrial workers than any other State. The manufacturing sector is in crisis. Since July 2000, manufacturing has lost 2.6 million jobs—the largest decline during the post-World War II era. Recent job losses in manufacturing jobs represents nearly 90 percent of total U.S. job losses. Manufacturing output has shown virtually no growth since December 2001.

Manufacturing is, and will continue to be, critical to our country's overall economic growth, and for that reason, I want to help our small manufacturers that are struggling to compete with the low wages and high technology equipment used by our international competitors. In order to address this need, I offered an amendment during the mark-up of this bill that was graciously accepted by the Committee Chair. The provision directly addresses the needs of America's small manufacturers, providing them with the additional capital they need to stay competitive in both the United States and world markets.

The provision would increase the 504 maximum loan guaranty for small manufacturers to $4 million and alter the job creation capital requirements for small manufacturers, allowing small manufacturers to create one new job for each $100,000 in 504 loan guarantees. As a result of this legislation, companies will be able to obtain new equipment, become more competitive and, most importantly, hire new workers. Indiana's Certified Development Companies estimate that the bill could create between 200 and 400 additional jobs each year.

The change to the 504 loan program will allow our manufacturers to acquire more state-of-the-art equipment and technology to become more productive, and lower their operating costs. If small manufacturers are allowed to invest in state-of-the-art technology, and remain competitive with foreign competitors, this will put more hardworking Hoosiers back to work. Further, these jobs will provide higher wages and benefits than we see available in many communities today, thereby improving our quality of life.

This legislation will provide the fuel that our manufacturers need to remain competitive in world market and to create jobs for workers at home. I commend the Senate for passing this bill and hope that the Senate and the House will reconcile their differences quickly so that this critical legislation can go to the President's desk for his signature.

ON-DEMAND AIR SERVICE

Mr. WYDEN. Mr. President, I want to take a moment to highlight a particular issue that my staff has been talking to the Small Business Administration, SBA about. This relates to an Oregon company named SkyTaxi, which has an innovative and ambitious business plan for providing on-demand air service to small communities. As my colleague from Maine knows better than most, small and rural communities are often gravely underserved by commercial airlines. These are places where transportation links are a make-or-break issue for local economic opportunity. But, as a recent General Accounting Office report concluded last January, the trend is not positive. The current turmoil in the airline industry hits small communities hard, because those are the first places airlines trim or eliminate service when they are looking to cut costs. And most efforts to promote air service to small communities have met with limited long-term success.

Ms. SNOWE. I agree with the Senator that attracting new air service and retaining current service to small communities is a critical economic issue. I am also familiar with the GAO report to which he refers, since Senator WYDEN and I were two of the three Senate requesters of that report, together with our colleague on the Aviation Subcommittee, Senator ROCKEFELLER.

Mr. WYDEN. The Senator may recall, then, that the GAO report briefly discusses SkyTaxi as a potential alternative way to provide air service to small communities. The report observes that SkyTaxi offers a business model that is still relatively new, but that could help meet some of the needs of small communities.

Ms. SNOWE. I share the Senator's view that it is critical to explore, support and promote alternative approaches for meeting the transportation needs of small and rural communities. This includes ensuring that Federal agencies take the appropriate action to provide financial assistance to small business franchisees interested in helping communities improve transportation services.

Mr. WYDEN. SkyTaxi intends to operate through a franchise system, in which individual small businesses would purchase small aircraft and operate local SkyTaxi franchises. But purchasing an aircraft takes a substantial amount of capital, and many potential franchise owners—such as laid-off commercial pilots who now wish to start their own businesses—find that financing for aviation-related businesses is currently very difficult to obtain. SkyTaxi therefore expects and hopes that potential franchise owners would be able to turn to the SBA and its lending partners for small business loans, in order to get up and running.

The problem now arises because, in order to satisfy FAA safety requirements and obtain FAA certification, SkyTaxi needs to retain certain authority over safety matters, including ensuring the competence of flight crew and the quality of aircraft maintenance.

It has set up its franchise agreement accordingly. Unfortunately, the SBA has so far taken the position that, due to the authority vested in SkyTaxi in the franchise agreement, the SBA would view each of the individual franchise owners as "affiliated" with SkyTax and each other—and thus ineligible to apply for individual SBA guarantee loans.

My staff has been in contact with the SBA about this, and I am hopeful that this eligibility problem can be solved. For example, it may be possible to work with FAA to clarify the limits of SkyTaxi's safety-related authority over franchisees, and to rework the franchise agreement to preserve SBA loan eligibility. But for that to happen, it's going to take a commitment from the SBA to work on a cooperative basis to try to find a solution. If the SBA will roll up its sleeves and work creatively with my office and with SkyTaxi, then I think the problem can be solved to everyone's satisfaction. And in the end, the real beneficiaries could be rural communities.

Ms. SNOWE. As chair of the Small Business Committee, I am concerned by any interpretation of the Small Business Act that unnecessarily inhibits access to SBA programs and services by eligible small businesses. This interpretation not only affects the ability of small businesses to receive financial assistance under the 7(a) loan program but also to bid on Federal contracts set aside for small businesses. As the economy struggles to recover, it is critical that we get back to business—an investment in small business is an investment in jobs.

As we work with our colleagues on the House Small Business Committee to reauthorize the SBA's programs and services, we will carefully consider provisions to address this issue and work with the SBA to find an agreeable solution.

Mr. WYDEN. I thank the Senator for her assistance with this issue, and for her consistent and careful attention to small business issues and rural transportation issues alike.

Mr. FRIST. I ask unanimous consent that the committee-reported amendments be agreed to, the managers' amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1788) was agreed to, as follows:

(Purpose: To make technical corrections to the bill, and for other purposes)

On page 87, strike line 7 and all that follows through page 91, line 4.

On page 91, strike line 23 and all that follows through page 92, line 5, and insert the following:

Section 351(3)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 689(3)(A)(ii)) is amended—

(1) in subclause (I), by striking "50 percent or more" and all that follows and inserting "the median family income for such tract does not exceed 80 percent of the greater of the statewide median family income or metropolitan area median family income; or"; and

(2) in subclause (II), by striking "household income" each place it appears and inserting "family income".

On pages 109 through 110, redesignate paragraphs (6) through (13) as paragraphs (7) through (14), respectively.

On page 109, between lines 2 and 3, insert the following:

"(6) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term 'disadvantaged Native American entrepreneur' means a disadvantaged entrepreneur who is also a member of an Indian Tribe."

On page 111, line 21, strike "and" and all that follows through "(4)" on line 22, and insert the following:

"(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective entrepreneurs; and

"(5)"

On page 117, strike lines 9 through 14 and insert the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Administrator $15,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of this section, which shall remain available until expended.

"(2) TRAINING FOR NATIVE AMERICAN ENTREPRENEURS.—In addition to the amount authorized under subsection (i)(1), there are authorized to be appropriated to the Administrator $2,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of subsection (c)(4), which shall remain available until expended."

On page 190, strike line 21 and all that follows through "(iii)" on page 191, line 1, and insert the following:

"(ii)".

On page 192, strike line 11 and all that follows through page 193, line 6, and insert the following:

SEC. 403. SMALL BUSINESS PARTICIPATION IN PRIME CONTRACTING.

(a) RESERVED CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

"(4) Any adjustment to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))), shall be immediately matched by an identical adjustment to the small business reserve for purposes of this subsection.".

(b) PARTICIPATION IN MULTIPLE AWARD CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (2), by striking "(2) In carrying out paragraph (1)" and inserting "(3) In carrying out paragraphs (1) and (2)";

(2) in paragraph (3), by striking "(3) Nothing in paragraph (1)" and inserting "(4) Nothing in this subsection"; and

(3) by adding after paragraph (1) the following:

"(2)(A) In the case of orders under multiple award contracts, including Federal Supply Schedule contracts and multi-agency contracts, that are subject to the small business reserve, contracting officers shall consider not less than 2 small business concerns if such small business concerns can offer the items sought by the contracting officer on competitive terms, with respect to price, quality, and delivery schedule, with the goods or services available in the market.

"(B) If only 1 small business concern can satisfy the requirement, the contracting officer shall include such small business concern in their evaluation.".

(c) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not less than once every 180 days, the Comptroller General shall submit a report on the level of participation in multiple award contracts, including the Federal Supply Schedule to—

(A) the Small Business Administration;

(B) the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain, for the 6-month reporting period—

(A) the total number of multiple award contracts;

(B) the total number of small business concerns that received multiple award contracts;

(C) the total number of orders;

(D) the total value of orders;

(E) the number of orders received by small business concerns;

(F) the value of orders received by small business concerns;

(G) the number of small business concerns that received orders; and

(H) such other information that the Comptroller General considers relevant.

On page 193, strike line 14 and all that follows through page 194, line 7, and insert the following:

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

"(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.".

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking "of this Act" and inserting "or the reporting requirements of section 8(d)(11)".

On page 195, strike lines 4 through 19 and insert the following:

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

"(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

"(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

"(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).".

On page 196, lines 17 and 18, strike "performance, or lack of performance of the subcontractor." and insert "circumstances surrounding the failure to make the timely payment described in subparagraph (A).".

On page 199, line 3, strike "(b)" and insert the following:

(b) HUBZONE STATUS TIMELINE AND COMMENCEMENT.—

(1) IN GENERAL.—A base closure area shall be treated as a HUBZone for a period of 5 years beginning on the date of final closure. A military base that was closed before the date of enactment of this Act shall not be considered a base closure area for purposes of this section.

(2) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(c)

The bill (S. 1375), as amended, was considered read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

ENCOURAGING THE PEOPLE'S REPUBLIC OF CHINA TO ESTABLISH A MARKET-BASED VALUATION OF THE YUAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further action on S. Res. 219, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

The resolution (S. Res. 219) to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 219) was agreed to.

The amendment (No. 1789) to the preamble was agreed to, as follows:

AMENDMENT NO. 1789

(Purpose: To make clarifying amendments)

Strike the fourth clause of the preamble.

In the seventh clause of the preamble, strike "free fluctuation" and insert "market-based valuation".

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 219

Whereas the currency of the People's Republic of China, the yuan or renminbi, has been tightly pegged to the United States dollar at the same fixed level since 1994;

Whereas the undervaluation of China's currency makes exports from China less expensive for foreigners and makes foreign products more expensive for Chinese consumers, an effective subsidization of China's exports and a virtual tariff on foreign imports;

Whereas the Government of the People's Republic of China has significantly intervened in its foreign exchange markets in order to hold the value of the yuan within its tight and artificial trading band, resulting in enormous growth in China's dollar reserves, estimated to be over $345,000,000,000 as of June 2003;

Whereas the practice of "currency manipulation" to gain a trade or competitive advantage is a violation of the spirit and letter of the World Trade Organization and International Monetary Fund agreements, of which the People's Republic of China is now party;

Whereas the undervaluation of China's currency has had and continues to have a negative impact on the United States manufacturing sector, contributing to significant job losses and business closures;

Whereas the undervaluation of China's currency also has had and continues to have a negative impact on the economies of its neighbor nations, the European Community, Mexico, and Latin America;

Whereas the free fluctuation of currencies is a key component to the health of global trade, and the stability of the world economy; and

Whereas China's central bank governor has stated that the value of the yuan will eventually be determined by market forces rather than pegged firmly to the dollar: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) supports the Secretary of the Treasury's work with regard to the Secretary's discussions with the Government of the People's Republic of China leading to a market-based valuation of the yuan; and

(2) encourages the People's Republic of China to continue to act on its commitments to the trade rules and principles of the international community of which it is now a member.

SURFACE TRANSPORTATION EXTENSION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3087, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3087) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today, the Senate will approve a 5-month extension of the highway programs authorized by the Transportation Equity Act for the 21st Century, TEA–21, based on an agreement between the Senate and House leadership. Only reluctantly, and because of the need to complete action on the extension immediately to ensure the many TEA–21 programs do not come to a halt, do I accept the terms of the extension as approved by the House for the safety programs administered by the Federal Motor Carrier Safety Administration, FMCSA.

The House-passed short-term extension authorizes $56 million less, on an annualized basis, for motor carrier safety than the program's fiscal year 2003 appropriated level. I am very concerned that the level of funding in the extension is insufficient to make progress toward the national goal of reducing the rate of truck-related crashes by 30 percent by 2008. The extension does not provide sufficient funding for FMCSA to fully implement existing, authorized programs in the short term, including the "new entrants" program, hazmat permitting, additional carrier compliance reviews, and completion of long overdue rulemaking proceedings. Further, the bill provides no funds to continue construction of inspection facilities at the border. The funding level is significantly below the President's funding request for fiscal year 2004; the Senate Commerce Committee's TEA-21 reauthorization legislation; and the funding levels approved by the Senate and House Appropriations Committees. And, it is entirely inconsistent with the significant funding increases provided over the short-term for highway construction and maintenance.

FMCSA was created after TEA-21 became law to address the increasing number of truck-related accidents on our nation's roads and highways. The duties assigned to the agency through the Motor Carrier Safety Assistance Act, MCSIA, and other legislation have resulted in funding levels significantly above the administrative takedown authorized by TEA-21. The extension, however, fails to recognize this and, on the grounds that the bill must comply with the budget resolution, funding for motor carrier safety is being curtailed, while highway construction and transit funding is being increased.

I want to put my colleagues on notice that either when the full Senate moves its 6-year reauthorization bill, or is faced with a further extension of TEA-21 next February, I will insist that the motor carrier safety programs are authorized at an appropriate level of funding. I believe my views are shared by Senator HOLLINGS, who joined me in sponsoring legislation, S. 1646, that would have funded the safety programs for 5 months at a level consistent with the Commerce Committee's reauthorization proposal.

I take pride in the fact that the Senate Commerce Committee completed work last June on its 6-year reauthorization of the TEA-21 safety programs under its jurisdiction. Our bipartisan bill is designed to meet the level of commitment to safety needed to achieve aggressive goals for reducing accidents and fatalities on the nation's roadways. Safety deserves at least the same attention and priority as highway construction and again, I will object to any future related measure that does not ensure the motor carrier safety programs are fully funded for the full 2004 fiscal year.

Mr. SARBANES. Mr. President, I join with my colleagues in supporting the pending legislation. This 5-month extension of the Transportation Equity Act for the 21st Century, TEA-21, preserves the basic structure of our Federal surface transportation programs, which have proven to be extremely beneficial for our citizens' mobility and our national economy over the last 6 years.

I want to focus for a moment on the Federal transit program, in which I have a particular interest as the ranking member of the Senate Banking Committee. The Banking Committee and its Housing and Transportation Subcommittee, both last Congress and this Congress, have held a series of hearings on the contributions of the transit program to reducing congestion, strengthening our national economy, and improving our quality of life. The clear message of these hearings is that TEA-21 works. The guaranteed funding, the program structure, and the balanced approach to transportation planning encompassed within TEA-21 have contributed to a renaissance for transit in this country; in fact, transit has experienced the highest percentage of ridership growth among all modes of surface transportation, growing over 28 percent between 1993 and 2001. For this reason, I am pleased that this legislation preserves the structure and programs of TEA-21 for the next 5 months.

While we are talking today about a short-term extension, I think we must take a moment to look toward the future. The transportation needs of this Nation are significant, as more and more communities find themselves confronting the problems of traffic congestion and delay. According to the Texas Transportation Institute, in the year 2000, Americans in 75 urban areas spent 3.6 billion hours stuck in traffic, with an estimated cost to the Nation of $67.5 billion in lost time and wasted fuel. As these figures show, congestion has a real economic cost to this Nation, in addition to the psychological and social costs of spending hours each day sitting in traffic.

It is clear to me that we will have to greatly increase Federal support for transportation to help local communities make the investments in infrastructure and system preservation that will keep America moving forward in the 21st century. The Department of Transportation's Conditions and Performance Report estimates that an average of $127 billion per year is needed over the next two decades to maintain and improve the condition of our highways, bridges, and transit systems. Other estimates show an even greater need. I believe that failure to make the needed investment will result in the continued deterioration of our existing infrastructure.

Moreover, investment in our transportation infrastructure has economic benefits as well. According to the U.S. Chamber of Commerce, each $1 billion invested in transportation infrastructure creates 47,500 jobs. At a time when our economy is struggling, investing in transportation is one of the smartest actions that Government can take. Increased investment creates jobs today and leads to economic growth tomorrow.

For this reason, I am disappointed that the administration has not yet come forward with the resources we will need to develop a full, 6 year reauthorization bill. The administration's reauthorization proposal, known as SAFETEA, provides only a minimal increase for the Federal highway program, and in fact would cut that program in fiscal year 2004 from its fiscal year 2003 level. For transit, SAFETEA not only fails to grow the program at the pace of inflation, it cuts guaranteed funding over the 6 year period, so that the guaranteed level in fiscal year 2009 is actually less than the program level today. Without a serious commitment from the administration to make the kind of investment needed, and strong bipartisan bicameral leadership in the Congress, it will be very difficult for us to reauthorize the surface transportation programs even when this short-term extension expires.

Until that commitment is made, however, it is essential that our States and local communities be able to continue to operate and maintain our Nation's roads, bridges, and transit systems. I encourage the Department of Transportation to use the authority granted by this legislation to provide the needed assistance as expeditiously as possible. I urge my colleagues to support this legislation.

Mr. NICKLES. Mr. President, as the Senate considers this temporary extension of our transportation programs, I would like to note for my colleagues the budgetary implications of this legislation.

This bill is subject to a point of order pursuant to section 302(f) of the Budget Act because the total level of contract authority for transportation programs within the jurisdiction of the Committee on Commerce, Science and Transportation—on an annualized basis—exceeds the allocation provided to that committee in the FY 2004 budget resolution. Because the amount is not significant, and the bill is only a short-term extension, I have chosen not to pursue the point of order at this time.

In addition, section 10 of the bill contains a number of provisions that are within the jurisdiction of the Committee on the Budget, thus subjecting the bill to another 60-vote point of order pursuant to section 306 of the Budget Act. Subsections (a), (b) and (c) amend sections 250 and 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and purport to extend the life of the transportation categories. Subsection (d) deems certain spending adjustments to be "zero" for FY 2004. Finally subsection (e) expresses a "sense of Congress" with respect to the adjustments for revenue aligned budget authority (aka RABA).

While some may argue that these "budgetary provisions" are of little consequence given the expiration of the statutory spending caps which had been set out in section 251, I feel it is still important to comment upon them. I am concerned that their inclusion in this bill may signal to some that we have prejudged the important fiscal policy debate that must take place when the long-term reauthorization comes before the Senate. Let me assure my colleagues, that in agreeing to this necessary stop-gap measure today, I am in no way conceding the future budgetary treatment of transportation spending.

These issues have a long history.

In 1998 the Transportation Equity Act for the 21st Century (TEA-21) was enacted and from a budgetary perspective introduced two new concepts: two transportation categories (for highways and transit) within the discretionary spending limits and an annual automatic adjustment to those limits, aka RABA. Both concepts were enshrined in section 251 as well as in the transportation laws. In general, section 251 set out the statutory discretionary spending limits through FY 2002. These limits were enforced through sequestration. In other words, back in 1998 special (one might even say privileged) consideration was afforded transportation spending within the context of an overall goal to limit spending and balance the budget by 2002. While TEA-21 purported to establish special budgetary treatment through FY 2003, the mechanisms were placed within section 251 which expired on September 30, 2002 (pursuant to section 275(b)). Consequently this special budgetary treatment of transportation spending ceased to have any substantive meaning nearly 2 years ago—after enactment of the FY 2002 appropriations bills.

I must also remind my colleagues that this RABA mechanism was to have been a two-way street. If gas tax revenues exceeded previous estimates, spending for transportation would go up. Similarly if gas tax revenues decreased, spending levels were to have gone down—thus not altering the "path to a balanced budget." This mechanism worked well through the boom time of the late 1990's as actual gas tax revenues consistently exceeded previous estimates and Congress and the President happily spent this windfall. However, when actual gas receipts came in below predicted levels and the President reflected the lower levels dictated by TEA-21 in his FY 2003 budget, few in Washington were willing to acknowledge this reality and spend less.

I mention this today because I am concerned by the language in this bill that expresses the "Sense of Congress" on RABA. While the language is not binding and merely suggests that any future provisions should seek to minimize fluctuations in spending—which sounds like a good thing—its very presence in H.R. 3087 might lead some to believe that the concept of separate transportation categories and the RABA adjustment's inclusion in a long-term extension is a done deal.

The Senate should remember that when TEA-21 was enacted it was done so in the context of 5-year discretionary spending limits—which I remind my colleagues were designed to manage the growth of discretionary spending in order to reach a balanced budget by 2002. Since then, balanced budgets, surpluses and the days of 5-year caps have come and gone. And while I sincerely hope we can exercise fiscal constraint in the coming years, I do not know when or if we will again put 5-year discretionary caps into law. Our recent experiences have shown us that, at best, caps might be useful for 2 years. Consequently, I believe that as we work towards a long-term reauthorization of our Federal transportation programs, we must take a fresh look at any associated budgetary mechanisms.

I look forward to working with my colleagues on these important issues in the future.

Mr. LEVIN. Mr. President, I am reluctant to enact a short-term extension of the highway funding bill without improving equity for donor States. At issue is the historic mistreatment of about 20 States, including Michigan, known as "donor" States, who, year after year, have sent more gas tax dollars to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as "donee" States, have received more transportation funding than they paid into the Highway Trust Fund.

This came about in 1956 when Senators from a number of small and large States banded together to develop a formula to distribute Federal highway dollars that advantaged their States at the expense of the remaining States. They formed a coalition of about 30 States that would benefit from the formula and, once that formula was in place, have tenaciously defended it.

At the beginning there was some legitimacy to the large low-population predominately Western States getting more funds than they contributed to the system in order to build a national interstate highway system. Some arguments remain for providing additional funds to those States to maintain the national system and our bill will do that. However, there is no justification for any State getting more than its fair share.

Each time the highway bill is reauthorized the donor States that have traditionally subsidized other States' road and bridge projects have fought to correct this inequity in highway funding. It has been a long struggle to change these outdated formulas.

Through these battles, some progress has been made, but we still have a long way to go to achieve fairness for Michigan and other States on the return on our Highway Trust Fund contributions. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in our States and the jobs that go with it. Unfortunately, this short-term extension bill does not make any improvements on the rate of return for donor States, even on the new funds that are included in this bill that are above last year's funding levels.

My colleagues have argued that this short-term bill is a straight "clean" extension of Federal highway and transit programs. They have argued that we cannot accommodate any policy changes in an extension bill such as improving the rate of return for donor States. But this bill does include one policy change. It includes an increase in funding over last year. In fairness to donor States and to bring us closer to narrowing the funding gap between donor and donee States, the additional money contained in this bill should have been distributed to donor States at a higher rate.

Unfortunately, this bill does not do this. It contains more money than last year yet fails to address the long-standing inequity. Every time we extend these programs without addressing equity, donor States lose out on getting back their fair share of gas tax dollars currently being spent in other States. There is no logical reason for some States to continue to send that money to other States to subsidize their road and bridge projects and to perpetuate this imbalance is simply unfair.

I plan to enter into a colloquy with the chairman of the Senate Environment and Public Works Committee to obtain a commitment to achieve a 95 percent rate of return for a donor State's share of its contributions to the Highway Trust Fund in the long-term transportation reauthorization bill, up from 90.5 percent under the current bill.

This is an issue of simple fairness and we should not be satisfied until we achieve it.

Mr. INHOFE. Mr. President. I urge my colleagues to support H.R. 3087, the Surface Transportation Extension Act of 2003, which extends the expiring Transportation Equity Act for the 21st Century for an additional 5 months.

As my colleagues are aware, we are just days from the expiration of TEA-21. We continue to make progress in our negotiations on a comprehensive 6-year bill, but we need more time. Earlier this year, 79 Senators voted for the Bond-Reid amendment to the fiscal year 2004 budget resolution which stated clearly that the Senate wanted the funding for a 6-year highway bill at $255 billion.

I believe $255 billion is a reasonable and responsible level given the pressing transportation infrastructure needs that are out there. Now the challenge is to get to that level. My colleagues on the Committee on Environment and Public Works and I have been working closely with Senators GRASSLEY and BAUCUS to find the money. In the meantime, we have to address the imminent expiration of TEA–21.

H.R. 3087 provides 5 months worth of the $35.5 billion allowed under the budget resolution of $14.8 billion and a corresponding amount of obligation limitation. This is a significant, 7 percent increase in highway funding over 2003. This additional $2.2 billion in highway funding will translate into over 100,000 new jobs.

Of course, the best thing we can do to create economic opportunity is enact a comprehensive, 6-year reauthorization. As we all know, highway bills are job bills. A highway bill drafted at $255 billion over 6 years will create about 2 million new American jobs. This combined with the tax cuts signed by President Bush is the best stimulus the economy can receive.

Let me be very clear that my preference is that we would be considering a 6-year comprehensive bill today, not a 5-month extension, but reality is that the funding needed to do a comprehensive 6-year bill at $255 billion has not yet been identified. Because of that, I believe the best outcome for the long-term is to do a 5-year month extension and continue to work on a comprehensive 6-year bill.

Again, I urge my colleagues to support H.R. 3087.

Mr. JEFFORDS. Mr. President, I rise in support of H.R. 3087, a bill to extend the Nation's surface transportation program, TEA–21, for a five-month period. Absent enactment of H.R. 3087, the program will shut down on September 30, 2003. I urge my colleagues to join me in support of this bill.

I regret the need for a short term extension to TEA–21. A short term extension brings uncertainty to our State transportation departments. This leads to postponed projects and job loss. But we have yet to find sufficient revenues to bring a full, 6-year reauthorization bill to the floor.

I have worked for the last 2 years on reauthorization of the transportation program, first as chairman of the committee on Environment and Public Works, and now as ranking member. This work has been bipartisan. I thank and commend Chairman INHOFE and our subcommittee chairman and ranking member, Senators BOND and REID for their approach to this task.

We have made great progress. We concluded early on that the Nation's infrastructure needs far exceed current resources. We shared our findings with our Senate colleagues. They in turn gave overwhelming support to the Bond-Reid amendment to the Senate Budget Resolution, to increase spending on the transportation program by roughly 40 percent to $311 billion. This has guided our work.

Our hearings revealed strong support for the existing TEA–21 program structure. In our work to date, we have retained the program structure largely intact. My goal is to maintain the current patterns in resources allocation among program categories, as well. On funding formulas, we have committed to benefitting all States as the program grows. And the program growth levels approved by our Senate budget resolution will enable such an outcome.

I will continue to work with Chairman INHOFE to bring a full, 6-year bill to the Senate floor within the next 5 months.

Mr. VOINOVICH. Mr. President, I rise in support of H.R. 3087, a bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund until February 29, 2004 pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, TEA–21. However, I am disappointed that Congress has been unable to enact a 6-year reauthorization of TEA–21 prior to September 30, 2003.

According to the American Road and Transportation Builders Association, ARTBA, employment in the transportation construction industry was down in July 2003 compared to July 2002. Specifically, there were 12,100 fewer workers on project sites over the last year, a decrease of 3.7 percent. In Ohio, according to the Bureau of Labor Statistics, heavy construction jobs are up slightly from last year; however, there are still 3,800 fewer jobs than in August 2000 when they were at their peak. Moreover, last year had the lowest number of employees in heavy construction since 1995.

Our economy needs a public works program to create jobs. Investment in our Nation's transportation infrastructure through a 6-year reauthorization bill would create thousands of jobs and jumpstart our sluggish economy. According to the U.S. Department of Transportation, for every $1 billion invested in highway construction, 47,500 jobs are created. It is also estimated that every dollar invested in the Nation's highway system generates $5.70 in economic benefits, including reduced delays, improved safety, and reduced vehicle operations costs. This is a six-to-one return on investment.

Although a 5-month extension extension will continue the flow of Federal funding to States' highway programs, it will not deal with the Nation's pressing, long-term transportation infrastructure needs. According to the Federal Highway Administration's, FHWA, 2002 Conditions and Performance Report, the average annual investment level needed to make improvements to highways and bridges is projected to be $106.9 billion through 2020. This amount is 65.3 percent higher than the $64.6 billion of total capital investments spent by all levels of government in 2000.

The average annual investment level necessary to maintain the current condition and performance of highways and bridges is projected to be $75.9 billion through 2020. This amount if 17.5 percent higher than capital spending in 2000.

If we continue to ignore the upkeep, and allow the deterioration of our infrastructure, we risk disruptions in commerce and reduced protection for public safety, health, and the environment. In my view, it is the responsibility of Congress to ensure that funding levels are adequate and efficiently allocated to the Nation's priority needs. In 1998, Congress recognized the importance of the Nation's transportation system through the enactment of TEA–21, a 6-year bill which increased by nearly 40 percent Federal investment in highways and transit. Under TEA–21, Ohio received a 23 percent increase in transportation funding.

As chairman of the National Governors Association, I was involved in negotiating TEA–21 and lobbied Congress to ensure that all Highway Trust Fund revenues were spent on transportation. I also fought to even out highway funding fluctuations and assure a predictable flow of funding to the States. TEA–21 achieved this goal with record, guaranteed levels of funding. While TEA–21 has enabled States and localities to improve the condition of deteriorating and unsafe highways and to increase capacity and performance, the system is still aging, and in need of additional investment.

TEA–21 also dedicated nearly all highway gas taxes to transportation funding and guarantees that States will receive at least 90.5 percent of their share of their contribution to the highway account of the Highway Trust Fund. One of my top priorities for TEA–21 reauthorization is to increase the minimum share for donor states to at least 95 percent. This increase in the rate of return would generate an additional $60 million or more in Federal highway funding for the State of Ohio.

In May 2003, Senator CARL LEVIN and I, along with House majority leader TOM DELAY and Congressman BARON HILL introduced legislation—the Highway Funding Equity Act of 2003—to increase donor States' minimum rate-of-return to 95 percent. Currently, there are 143 cosponsors of the House bill and 22 cosponsors of the Senate bill.

The legislation we are considering today does not improve donor State equity; rather, it continues current law with respect to the minimum guarantee program. For donor States, this is another reason why a 6-year reauthorization is so important and critical to our States. I am strongly committed to improving donor state equity in the longer term reauthorization, and look forward to working with my colleagues on the Environment and Public Works Committee to ensure that states receive their fair share of Highway Trust Fund dollars.

I am disappointed that the legislation we are considering does not contain language which would have ensured that States that consume ethanol-blended fuel are no longer penalized. The Finance Committee reported legislation I have cosponsored that would transfer 2.5 cents of the Federal tax on ethanol-blended fuel from the General Fund of the Treasury to the Highway Account of the Highway Trust Fund and replace the 5.2 cents per gallon reduced tax rate for ethanol-blended fuel with a tax credit. As a result, the same Federal tax will be collected and deposited into the Highway Trust Fund regardless of whether a gallon of fuel contains ethanol. The Ohio Department of Transportation, ODOT, estimates that Ohio would restore up to $170 million annually as a result of the Finance Committee's legislation. I am hopeful this legislation will be passed soon.

Ohio has the Nation's tenth largest highway network, the fifth highest volume of traffic, the fourth largest interstate highway network, and the second largest inventory of bridges in the country. Ohio's transportation challenge is to expand its 1960s transportation system to meet 21st century needs. Recently, Ohio approved a State motor fuel tax increase that will ensure an annual $250 million new construction program for the next 10 years while maintaining bridge and highway conditions. With additional Federal funds, ODOT has set a goal of having a $5 billion, 10-year Ohio construction program dedicated to addressing Ohio's most pressing congestion, safety, and rural access needs. The plan is predicated on Congress enacting legislation to correct the "ethanol penalty" which reduces Ohio's transportation revenue, increase donor states' minimum rate-of-return to 95 percent, and provide an increased level of investment in the nation's highways and bridges.

This is why a 6-year reauthorization is important to my State. I am hopeful that Congress can reach a consensus on how to fund a longer-term reauthorization. As far as this Senator is concerned, I support the principle that the highway program is a fully user-fee based system that pays its own way, and I am reluctant to borrow more money for highways.

Furthermore, as chairman of the Clean Air Subcommittee of the Environment and Public Works Committee, I look forward to working with my colleagues to include provisions in the 6-year reauthorization that will streamline the project delivery process while protecting the environment and historic resources, reform the conformity process, and reauthorize and improve the Congestion Mitigation and Air Quality program.

I urge my colleagues to work together to produce a six-year reauthorization of TEA–21 before the extension bill expires at the end of next February. Reauthorization of TEA–21 will be one of the most important actions this Congress will take to get people back to work.

INEQUITY OF DONOR STATES

Mr. LEVIN. Mr. President, I am concerned that the 5-month highway bill extension being considered by the Senate today does not address the inequity faced by the donor States for so many years. The donor State inequity issue is the historic problem of about 20 States, including Michigan, Ohio and Oklahoma, known as "donor" States, who have sent more gas tax dollars year after year to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as "donee" States, have received more transportation funding than they paid into the Highway Trust Fund. For a long time there has been no legitimacy to retaining such antiquated and unfair formulas that require taxpayers in 20 of our States to subsidize highway projects in 30 other States. We should not consider a highway bill without addressing this important issue.

It is a high priority to see that this historic inequity be corrected. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in Michigan and the jobs that go with it. My colleague from Ohio and I have authored legislation that would bring donor States to a 95 percent rate of return on their contributions to the Highway Trust Fund. This would be up from the current mihimum rate of return of 90.5 percent under the current TEA–21 bill. I am reluctant to see even a short term extension of the highway bill go through without increasing the minimum rate of return for donor States to address the inequity. I would at the very least like to get a commitment from the chairman that achieving donor State equity in a 6-year reauthorization bill in his intention and an urgent priority. I know he is as determined as we are to achieve equity for donor States.

Mr. VOINOVICH. Mr. President, I couldn't agree more with my colleague from Michigan. There is no logical reason why donor States should be contributing more dollars to the Highway Trust Fund than are returned to them for highway, bridge, and other surface transportation projects. Donor States like Ohio, Michigan, and Oklahoma have as many transportation infrastructure needs as other States. With so many projects needing funding in our own States, why should the citizens in our States continue to pay for transportation improvements in other States?

I, too, would like an assurance that the donor State equity issue will be addressed in the reauthorization of the Transportation Equity Act for the 21st Century and that this long-term reauthorization will be presented to the Senate as soon as possible.

Mr. INHOFE. Mr. President, I want my colleagues from Michigan, Ohio, and the many other donor States to know that I am committed to improving the return to donor States. It is my intention that any comprehensive 6-year reauthorization bill considered by the Senate include a provision that guarantees all donor States get to a 95 percent minimum rate of return at the end of the life of the bill without harming the opportunity for all States to grow. However, Members need to understand that this is only possible if we are able to fund the bill at $255 billion which means we must identify additional revenue.

I also want to further assure my donor State colleagues that the next highway bill I plan to mark up is a 6-year bill.

Mr. LEVIN. Mr. President, I am reassured to hear such a strong commitment from my colleague from Oklahoma to achieve a 95-percent minimum rate of return for all States in the long-term highway reauthorization bill. I look forward to continuing to work closely with the chairman to achieve this goal and in the fight for true donor State equity.

Mr. VOINOVICH. Mr. President, I am also reassured to hear the strong conviction of my colleague from Oklahoma that donor States should receive a minimum rate of return of 95 percent on the share of their contributions to the Highway Trust Fund. I too look forward to working with the chairman and my colleague from Michigan to improve donor State equity.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3087) was read the third time and passed.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, S. 1451.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1451) to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I urge the Senate to take up and pass S. 1451, the Runaway, Homeless, and Missing Children Protection Act. It passed unanimously in the Judiciary Committee earlier today, and it deserves the support of every Senator. I joined with Senator HATCH in introducing this legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. This bill follows in the footsteps of the recently enacted PROTECT Act legislation, and presents another milestone in our efforts to safeguard all of our children.

In the 29 years since it became law, the Runaway and Homeless Youth Act has helped some of the most vulnerable children in our country. I have worked in the past to extend the program, most recently in the 106th Congress, when I cosponsored S. 249, the Missing, Exploited, and Runaway Children Protection Act, which extended the act through this year. I am pleased to help extend it once again.

A Justice Department report released last year estimated that 1.7 million young people either ran away from or were thrown out of their homes in 1999 alone. Other studies have suggested an even higher number. This law and the programs it funds provide a safety net that helps give these young people a chance to build lives for themselves. It is slated to expire at the end of this fiscal year, and we should not allow that to happen.

In my State, both the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under this law, and they have provided excellent services both to young people trying to build lives on their own and to those who are struggling on the streets. Reauthorizing this law will allow them to continue their enormously important work.

This bill would improve the law by extending the period during which older homeless youth can receive services under the Transitional Living Program, to ensure that all homeless youth can take advantage of services at least until they turn 18. The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas meet the unique stresses of providing services to runaway and homeless youth. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively, and this bill recognizes that fact.

The improvements proposed in this bill to the Missing Children's Assistance Act build on provisions included in the PROTECT Act legislation that we enacted earlier this year. In that bill, we authorized National Center for Missing and Exploited Children, NCMEC, activities through 2005 and authorized the Center to strengthen its CyberTipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution. This bill would extend NCMEC through 2008. Now more than ever, it is critical for Congress to give the center the resources it needs in order to pursue its important work. A missing or abducted child is the worst nightmare of any parent or grandparent, and NCMEC has proved to be an invaluable resource in Federal, State, and local efforts to recover children who have disappeared.

Although this is a good bill on the whole, I am disappointed that Senator HATCH did not agree to remove a provision that was included in the House-passed bill that prohibits grantees from using any funds provided under this program for needle distribution programs. This is a superfluous provision that simply repeats what is already law. In addition, it is unnecessary because no grantee under this program operates needle exchange programs or has expressed interest in doing so. The inclusion of this needless provision, however, does not change the fact that this is still a very good bill.

The Runaway and Homeless Youth Act programs have received tremendous bipartisan support over the years, and the House has already passed its version of this bill by a vote of 404 to 14. I urge the Senate to follow suit today.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1451) was read the third time and passed, as follows:

S. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Runaway, Homeless, and Missing Children Protection Act".

TITLE I—AMENDMENTS TO RUNAWAY AND HOMELESS YOUTH ACT

SEC. 101. AMENDMENT TO FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended to read as follows:

"SEC. 302. FINDINGS.

"The Congress finds that—

"(1) youth who have become homeless or who leave and remain away from home without parental permission, are at risk of developing, and have a disproportionate share of, serious health, behavioral, and emotional problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;

"(2) many such young people, because of their age and situation, are urgently in need of temporary shelter and services, including services that are linguistically appropriate and acknowledge the environment of youth seeking these services;

"(3) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system to report the problem, and to assist in the development of an effective system of care (including preventive and aftercare services, emergency shelter services, extended residential shelter, and street outreach services) outside the welfare system and the law enforcement system;

"(4) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment; and

"(5) improved coordination and collaboration between the Federal programs that serve runaway and homeless youth are necessary for the development of a long-term strategy for responding to the needs of this population.".

SEC. 102. GRANT PROGRAM CONFORMING AMENDMENT.

The heading for part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by striking "RUNAWAY AND HOMELESS YOUTH" and inserting "BASIC CENTER".

SEC. 103. GRANTS FOR SERVICES PROVIDED.

Section 311(a)(2)(C) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)(2)(C)) is amended—

(1) in clause (ii) by striking "and";

(2) in clause (iii) by striking the period and inserting "; and"; and

(3) after clause (iii) by inserting the following:

"(iv) at the request of runaway and homeless youth, testing for sexually transmitted diseases.".

SEC. 104. REPEAL OF OBSOLETE PROVISION RELATING TO CERTAIN ALLOTMENTS.

Section 311(b) the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(1) in paragraph (2), by striking "Subject to paragraph (3), the" and inserting "The";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 105. ELIGIBILITY PROVISION.

Section 312(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(a)) is amended by striking "juveniles" each place it appears and inserting "youth".

SEC. 106. RECOGNITION OF STATE LAW RELATING TO CAPACITY LIMITATION ON ELIGIBLE RUNAWAY AND HOMELESS YOUTH CENTERS.

Section 312(b)(2)(A) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)(2)(A)) is amended by inserting after "youth" the following: ", except where the applicant assures that the State where the center or locally controlled facility is located has a

State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities".

SEC. 107. MATERNITY GROUP HOMES.

(a) ELIGIBILITY.—Section 322(a)(1) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(1)) is amended—

(1) by inserting after "group homes," the following: "including maternity group homes,"; and

(2) by inserting after "use of credit," the following: "parenting skills (as appropriate),".

(b) DEFINITION.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2) is amended by adding at the end the following new subsection:

"(c) DEFINITION.—In this part, the term 'maternity group home' means a community-based, adult-supervised transitional living arrangement that provides pregnant or parenting youth and their children with a supportive and supervised living arrangement in which such pregnant or parenting youth are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence in order to ensure the well-being of their children.".

SEC. 108. LIMITED EXTENSION OF 540-DAY SHELTER ELIGIBILITY PERIOD.

Section 322(a)(2) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(2)) is amended by inserting after "days" the following: ", except that a youth in a program under this part who is under the age of 18 years on the last day of the 540-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 540-day period".

SEC. 109. PART A PLAN COORDINATION ASSURANCES.

Section 312(b)(4)(B) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)(4)(B)) is amended by striking "personnel" and all that follows through the semicolon and inserting "McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act;".

SEC. 110. PART B PLAN COORDINATION AGREEMENT.

Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(15) to coordinate services with McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act.".

SEC. 111. PART B PLAN DEVELOPMENT.

Section 322(a)(7) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(7)) is amended to read as follows:

"(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational (including post-secondary education), vocational, training (including services and programs for youth available under the Workforce Investment Act of 1998), welfare (including programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), legal service, and health care programs and to help integrate and coordinate such services for youths;".

SEC. 112. COORDINATION OF PROGRAMS.

Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended—

(1) in paragraph (1), by striking "and" after the semicolon at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) shall consult, as appropriate, the Secretary of Housing and Urban Development to ensure coordination of programs and services for homeless youth.".

SEC. 113. CLARIFICATION OF GRANT AUTHORITY.

Section 343(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23(a)) is amended by inserting after "service projects" the following: "regarding activities under this title".

SEC. 114. TECHNICAL AMENDMENT RELATING TO DEMONSTRATION PROJECTS.

The section heading of section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-24) is amended by striking "TEMPORARY".

SEC. 115. REPEAL OF OBSOLETE PROVISION RELATING TO STUDY.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by striking section 345 (42 U.S.C. 5714-25).

SEC. 116. AGE LIMIT FOR HOMELESS YOUTH.

Section 387(3)(A)(i) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)(A)(i)) is amended by inserting after "of age" the following: ", or, in the case of a youth seeking shelter in a center under part A, not more than 18 years of age".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) OTHER THAN PART E.—Section 388(a)(1) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(1)) is amended by striking "such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003" and inserting "$105,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005, 2006, 2007, and 2008".

(b) PART E.—Section 388(a)(4) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(4)) is amended by striking "2000, 2001, 2002, and 2003" and inserting "2004, 2005, 2006, 2007, and 2008".

(c) PART B ALLOCATION.—Section 388(a)(2)(B) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)(2)(B)) is amended by striking "not less than 20 percent, and not more than 30 percent" and inserting "45 percent and, in those fiscal years in which continuation grant obligations and the quality and number of applicants for parts A and B warrant not more than 55 percent".

SEC. 118. REPORT ON PROMISING STRATEGIES TO END YOUTH HOMELESSNESS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the United States Interagency Council on Homelessness, shall submit to the Congress a report on promising strategies to end youth homelessness.

SEC. 119. STUDY OF HOUSING SERVICES AND STRATEGIES.

The Secretary of Health and Human Services shall conduct a study of programs funded under part B of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1 et seq.) to report on long-term housing outcomes for youth after exiting the program. The study of any such program should provide information on housing services available to youth upon exiting the program, including assistance in locating and retaining permanent housing and referrals to other residential programs. In addition, the study should identify housing models and placement strategies that prevent future episodes of homelessness.

SEC. 120. RESTRICTION ON USE OF FUNDS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following new section:

"SEC. 389. RESTRICTION ON USE OF FUNDS.

"(a) IN GENERAL.—None of the funds contained in this title may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

"(b) SEPARATE ACCOUNTING.—Any individual or entity who receives any funds contained in this title and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this title.".

TITLE II—AMENDMENTS TO MISSING CHILDREN'S ASSISTANCE ACT

SEC. 201. AMENDMENT TO FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

"SEC. 402. FINDINGS.

"The Congress finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

"(2) many missing children are at great risk of both physical harm and sexual exploitation;

"(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(5) the National Center for Missing and Exploited Children—

"(A) serves as the national resource center and clearinghouse;

"(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization; and

"(C) operates a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking "2005" and inserting "2008".

(b) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking "2005." and inserting "2008".

ORDERS FOR MONDAY, SEPTEMBER 29, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Monday, September 29. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 2 o'clock, with the time equally divided in the usual form. Further, I ask consent that at 2 o'clock the Senate resume consideration of H.R. 2765, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, on Monday the Senate will resume consideration of the District of Columbia appropriations bill. It is my hope that the Senate will complete action on this measure early in the week. On Monday, the managers will continue to work through remaining amendments to the bill. I do expect to have votes during Monday's session. If amendments are offered to the bill, then it is possible we could have votes on those amendments Monday evening. If we are unable to make further progress on the bill, I would expect a vote on any available nominations.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, although we have not been able to finish the DC appropriations this week, we have addressed a number of significant, very important issues over the course of the week.

Earlier in the week, we finished the Interior appropriations bill, after a lot of great work, fantastic work and leadership by Senator CONRAD BURNS and the ranking member.

In addition, we completed final action on three appropriations conference reports, those being the Department of Defense, Homeland Security, and the legislative branch bills. Those will now be sent to the President for his signature.

I am also pleased that the Senate was able to respond, very appropriately and very quickly, on the Do Not Call legislation, although within several hours after passage, we had yet another setback, a setback in the sense that the will of the American people is being trumped by a decision made in a Colorado court on this issue of "do not call."

Earlier this week, a Federal judge in Oklahoma had ruled that the Federal Trade Commission had no authority to operate the Do Not Call Telemarketing Registry, which was just about ready to go into effect, and very quickly we responded with legislation. But then, last night, as most people know, a Colorado judge ruled that the registry restrictions were a violation of the first amendment.

Even over the course of the morning, I can tell you, because of the number of phone calls that have come to me, and talking with constituents back home, as well as the news media, it clearly is the sentiment, the feeling of the overwhelming majority of Americans that these decisions make no sense.

Americans this summer have signed up for that "sound of silence" in the evenings from that telephone ring right when they are sitting down for that very special time—dinner with their family—and there are the repetitive phone calls that start coming to them by telemarketers hawking the variety of wares with which we are all familiar.

The daily lives of millions of people are interrupted each and every day—again and again—with that telephone ring interrupting meals and family time, interrupting their togetherness. You pick up the phone and hear the pitch.

Every time I am in Tennessee, I hear about this. According to the FTC, as of September 16—the most recent information available—677,669 Tennessee phone numbers have been registered with the National Do Not Call Registry: over 187,000 of those registered by phone and over 490,000 by the Internet alone.

As for parents, it is, as we all know, one of those important interests, and we are committed to do something about that.

Yesterday, with the leadership of Chairman BILLY TAUZIN in the House, the House responded with legislation. Chairman MCCAIN, along with Senators ENSIGN and DORGAN and many others in this body, worked on legislation identical to the Tauzin bill. We passed that bill. The House passed their bill. We passed our bill. Yet we now have this Colorado ruling, from late yesterday, which goes counter to the will of the American people.

At this juncture we will have to review the decision to determine how best to proceed, and for telemarketers how we can put—and we will figure out some way to do it—some sort of permanent busy signal on the phones of families in Tennessee and indeed across the country.

Finally, earlier this week, we were able to schedule and give consent to Senator DEWINE's Video Voyeurism Prevention Act. Several important authorizations were completed this week, including the one we just did with the Small Business reauthorization, as well as the authorization for the Federal Maritime Commission. Senators MCCAIN and SNOWE guided passage of those measures.

We also successfully negotiated an agreement to allow for Senate passage of the U.S. Olympic Committee Reform Act. Senator CAMPBELL and MCCAIN engaged in that effort and pushed ahead.

Just a few moments ago, we also confirmed formally a number of military nominations, including Gordon England to be Secretary of the Navy.

I would like to say, also, that we confirmed six district judges this week. Again, steady progress has been made with respect to these judicial nominations. Yet I very quickly have to remind my colleagues that we have an additional 12 judges that are now waiting on the Executive Calendar. I will continue to work with the Democratic leader to schedule Senate votes on those remaining nominations.

Let me close by saying—this is really to notify my colleagues—on the Executive Calendar we have a whole number of—too many, I think—nonjudicial nominations that are pending for floor action.

I know that individual Members may have specific concerns with some of these nominations, but I am also aware that Senators will hold these nominations so we cannot address them on the floor for unrelated issues. Because we are now coming down to the closing weeks of this session, I do hope and encourage each and every one of our Members to address, from their own perspective, these nominations, and if there is something holding up consideration from the floor, to work with us and to allow these individuals to be scheduled for votes. We have nominations, in fact, that have been on the Executive Calendar since March, again, waiting for us to act. I hope each of us will address this very important issue.

I do thank my colleagues in advance for addressing this over the coming days.

ADJOURNMENT UNTIL 1 P.M., MONDAY, SEPTEMBER 29, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:12 p.m., adjourned until Monday, September 29, 2003, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 2003:

DEPARTMENT OF DEFENSE

GORDON ENGLAND, OF TEXAS, TO BE SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE L. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM R. LOONEY III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL DENNIS P. GEOGHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDE V. CHRISTIANSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM E. WARD

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PETER L. ANDRUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JAMES M. MCGARRAH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD E. CELLON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BEN F. GAUMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. JOHN G. COTTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY J. KEATING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT F. BURT

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAN C. HULY

AIR FORCE NOMINATIONS BEGINNING MARK T. ALLISON AND ENDING FREDERICK M. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

AIR FORCE NOMINATIONS BEGINNING GEOFFREY H. HILLS AND ENDING JOHN B. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 2003.

AIR FORCE NOMINATIONS BEGINNING CRAIG H. MORRIS AND ENDING SHERICE D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 2003.

AIR FORCE NOMINATION OF BRIAN P. OLSON.

AIR FORCE NOMINATIONS BEGINNING TERI L. POULTON-CONSOLDANE AND ENDING SHELDON G. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 2003.

AIR FORCE NOMINATIONS BEGINNING SCOTT G. BOOK AND ENDING SARAH K. SLAVENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 2003.

AIR FORCE NOMINATIONS BEGINNING STEPHEN W. HUMPHREY AND ENDING RANDY J. YOVANOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2003.

AIR FORCE NOMINATION OF GERILYN A. POSNER.

ARMY NOMINATIONS BEGINNING WILLIAM T BARBEE, JR. AND ENDING KENNETH W YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2003.

ARMY NOMINATIONS BEGINNING STEPHEN W. AUSTIN AND ENDING NATHAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL J BULLOCK AND ENDING PAUL A TRAPANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

ARMY NOMINATIONS BEGINNING MADELFIA A. ABB AND ENDING X0007, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

ARMY NOMINATIONS BEGINNING RICHARD K. ADDO AND ENDING VERONICA S. ZSIDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

ARMY NOMINATIONS BEGINNING BRYAN K. ADAMS AND ENDING JOSEPH M. YOSWA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

ARMY NOMINATIONS BEGINNING SCOTT E. ALEXANDER AND ENDING WILLIAM H. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

ARMY NOMINATION OF KEVIN J. CHAPMAN.

ARMY NOMINATION OF MARY M. MCCORD.

ARMY NOMINATION OF CHARLES A. JARNOT.

ARMY NOMINATION OF JOSEPH T. RAMSEY.

ARMY NOMINATION OF JOHN B. MUNOZATKINSON.

ARMY NOMINATION OF ANDREW D. STEWART.

ARMY NOMINATIONS BEGINNING TYRONE C. * ABERO AND ENDING X3713, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

ARMY NOMINATION OF GREGORY S. JOHNSON.

ARMY NOMINATION OF TIMOTHY C. KELLY.

ARMY NOMINATIONS BEGINNING PAUL D. HARRELL AND ENDING WILLIAM S. LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

MARINE CORPS NOMINATION OF BRYAN D. MCKINNEY.

MARINE CORPS NOMINATION OF JON C. RHODES.

MARINE CORPS NOMINATION OF COLIN D. SMITH.

NAVY NOMINATIONS BEGINNING STEPHEN M. SAIA AND ENDING DAVID A. TUBLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING ROLAND E. ARELLANO AND ENDING MARVA L. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING VIDA M. ANTOLINJENKINS AND ENDING DOMINICK G. YACONO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING JAMES J. ANDERSON AND ENDING JOHN F. ZOLLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING MICHAEL T. AKIN AND ENDING PETER G. WOODSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING RICHARD E. AGUILA AND ENDING SCOTT D. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING LINDA M. ACOSTA AND ENDING JOAN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING LEANNE K. AABY AND ENDING MICHAEL J. ZUCCHERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING LEE A. AXTELL AND ENDING DENNIS W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2003.

NAVY NOMINATIONS BEGINNING EMMA J. M. BROWN AND ENDING MARCIA L. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

NAVY NOMINATIONS BEGINNING BRENT T. CHANNELL AND ENDING MATTHEW W. EDWARDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2003.

NAVY NOMINATIONS BEGINNING MARC E BOYD AND ENDING WENDY L SNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING OLIVIA L BETHEA AND ENDING THERESA A TALBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING JASON B BABCOCK AND ENDING TIMOTHY J ZINCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING REID B APPLEQUIST AND ENDING BRET A WASHBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING TRACIE L ANDRUSIAK AND ENDING ROBERT A WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING TIMOTHY A ANDERSON AND ENDING DOUGLAS T WAHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING SOWON S AHN AND ENDING SCOTT D YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING LEON S ABRAMS AND ENDING CARL ZEIGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATIONS BEGINNING RAFAEL A ACEVEDO AND ENDING TODD A ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 3, 2003.

NAVY NOMINATION OF PAUL C. BOWN.

NAVY NOMINATION OF PAUL H. EVERS.

NAVY NOMINATION OF ROBERT E. STONE.

NAVY NOMINATIONS BEGINNING WILLIAM K. BANE AND ENDING ANDY J. LANCASTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING BRADLEY A APPLEMAN AND ENDING FLORENCIO J YUZON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING ERSKINE L ALVIS AND ENDING RANDY E WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING MICHAEL S AGABEGI AND ENDING REID J WINKLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING JOHN R ANDERSON AND ENDING NICOLAS D I YAMODIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING ALAN L ADAMS AND ENDING GEORGES E YOUNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING JAMES D ABBOTT AND ENDING ROBERT W ZURSCHMIT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

NAVY NOMINATIONS BEGINNING TIM K ADAMS AND ENDING TIMOTHY P ZINKUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2003.

HOUSE OF REPRESENTATIVES—*Monday, September 29, 2003*

The House met at noon and was called to order by the Speaker pro tempore (Mr. YOUNG of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2003.

I hereby appoint the Honorable C.W. BILL YOUNG to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, VA, offered the following prayer:

Almighty God, all the peoples of the world call upon You for mercy in their times of need and all alike have access to Your succor.

All the nations of the world seek Your favor but none have the promise of Your preference.

We gather at this noontime hour to pray.

We pray for wisdom in our decisions so that all may be served with justice.

We pray for courage in our leadership so that our self-interests may not give way to halt the causes of peace and goodwill.

We pray for temperance in our life and appetites so that the world's resources may be fairly distributed.

We pray that justice may roll down in our communities like cool streams in a desert.

Bless, we pray, all those who are in harm's way this day.

Bless, we pray, all those who seek respite in the midst of strife.

Bless, we pray, all whose hands are calloused from the day's labor.

Bless, we pray, all who will harvest the grains of the good earth that we will soon enjoy on our dinner tables.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 25, 2003 at 6:45 p.m.:

That the Senate passed without amendment H.R. 3161.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2003 at 9:20 a.m.:

That the Senate passed without amendment H.J. Res. 69.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 26, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2003 at 3:15 p.m.:

That the Senate passed without amendment H.R. 3087.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

APPOINTMENT OF HON. C.W. BILL YOUNG TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON THIS DAY

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2003.

I hereby appoint the Honorable C.W. BILL YOUNG to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.J. Res. 69. Joint Resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reports that on September 26, 2003 he presented to the President of the United

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

States, for his approval, the following bills.

H.R. 2555. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 30, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4458. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Chlorfenapyr; Pesticide Tolerance [OPP-2003-0146; FRL-7320-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4459. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph; Pesticide Tolerances [OPP-2003-0303; FRL-7327-3] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4460. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate Ammonium; Pesticide Tolerance [OPP-2003-0058; FRL-7327-9] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4461. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indian Meal Moth Granulosis Virus; Exemption from the Requirement of a Tolerance [OPP-2003-0256; FRL-7328-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4462. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Quinoxyfen; Pesticide Tolerance [OPP-2003-0218; FRL-7318-2] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4463. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerance [OPP-2003-0315; FRL-7328-6] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4464. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Construction or Modification [TX-155-1-7591a; FRL-7564-5] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4465. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Nonattainment as of November 15, 1999, and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia [GA-57-200341; FRL-7563-4] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4466. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7563-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4467. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 273-0408a; FRL-7562-8] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4468. A letter from the Secretary, Department of State, transmitting a report entitled "Strategic Plan for FY 2004 to 2009"; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2620. A bill to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 108-264 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. McCOLLUM (for herself and Mr. MATSUI):

H.R. 3195. A bill to extend normal trade relations treatment to the products of the Lao People's Democratic Republic; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Ms. NORTON):

H.R. 3196. A bill to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the Nation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. PLATTS, and Mr. TOWNS):

H.J. Res. 70. A joint resolution recognizing Inspectors General over the last 25 years in their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1508: Mr. FILNER, Mr. PETERSON of Minnesota, and Ms. MAJETTE.

H.R. 1582: Mr. BLUMENAUER.

H.R. 1896: Mr. ISTOOK.

H.R. 2173: Mr. HINCHEY and Mr. SMITH of New Jersey.

H.R. 2269: Mr. SOUDER and Mr. KINGSTON.

H.R. 2512: Mr. SESSIONS.

H.R. 2784: Mrs. MUSGRAVE.

H.R. 2928: Ms. BERKLEY, Mr. ISTOOK, Mr. LARSEN of Washington, Mr. PORTER, and Mr. SULLIVAN.

H.R. 2998: Mr. BISHOP of New York, Mr. GILLMOR, Mr. BURNS, Mr. GOSS, Mr. HAYES, Mr. JEFFERSON, Mr. BILIRAKIS, Mr. CHOCOLA, Mr. SENSENBRENNER, and Mr. FORD.

H.R. 3130: Mr. SOUDER.

H.R. 3150: Mr. BISHOP of New York.

H. Con. Res. 265: Mr. LAHOOD.

H. Res. 357: Mr. PUTNAM.

H. Res. 363: Mr. ENGLISH.

Senate—*Monday, September 29, 2003*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Sovereign God, King of Kings and Lord of Lords, You alone possess immortality and dwell in unapproachable light. We thank You for this land and for freedoms purchased with blood. Forgive our desire to seek the path of least resistance. Remind us, Lord, that few laudable goals are won without sacrifice. Teach us how to endure trials as we strive to live for You, to fight faith's battles leaning on Your strength. Give this Nation Your favor and hold it in the grip of Your gracious providence. Give our Senators a productive day and the wisdom to choose the excellent. May they labor to preserve the greatness of our national heritage as they strive to unite us. Be with each of us throughout this day and keep us in the way of love.

We pray this in Your Holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will be in a period of morning business for the purpose of making statements and introducing legislation. At 2 o'clock this afternoon, the Senate will resume consideration of the District of Columbia appropriations bill. It is still our desire to finish this bill this week. The managers were here Friday and will be here again today ready to make progress on the bill.

I announced last Friday that any amendments offered during today's session will be stacked for votes beginning at approximately 5:30 p.m. today. If Members do not come forward with their amendments, it would be my hope that the bill could be brought to third reading and the Senate will then vote on passage of the bill.

On the issue of DC school choice, we spent significant time last week on it, and the Mayor came to the Capitol imploring us to allow the District of Columbia schoolchildren to receive a decent education. We heard a lot of arguments from the other side as to why this should not happen. We heard from the other side that the District's public schoolchildren should be only allowed to go to a better school if the District's nonpublic schools submit a new, onerous, burdensome set of regulations. In other words, the nonpublic or private schools should have to pay for the failure of some of the District's schools. The logic of this type of argument simply is not clear. Children are not horses. They cannot be traded and they should not be traded.

We also heard that because this plan is modest and cannot provide scholarships for all of the District's children, then none of the District's children should have this opportunity to benefit. William Raspberry today in his syndicated column said it very well when he said, "How does it follow that nobody should get life vests, because there aren't enough to go around?" That is a good question, made even more puzzling by the fact that the same critics who charge the program for not being generous enough say it is a radical departure from the status quo.

Thomas Sowell, in his syndicated column today, likens this to the classic complaint that the food doesn't taste good, and even worse, there is not enough of it.

Well, the fact of the matter is we have had three full debates on this topic of the District appropriations but concentrating on education in the District. Today will be our fourth day of debate and discussion on this issue.

Despite all of these alleged concerns, the other side—the opposition—has not yet offered any amendments. We have not had them come forward and say this is our amendment; let's have a vote on the amendment. Thus, I am left with the conclusion that the opposition would prefer the schoolchildren in the District remain trapped in schools that are not giving them the opportunities to learn and to grow. I hope this is not the case and that we will press forward and work together to achieve passage of the bill this week.

If we are unable to make progress on the bill today in terms of amendments, we will have votes this afternoon on our judicial nominees. Seven additional judges were reported last Thursday, and we will begin ordering votes on those nominations this week.

This week, as I stated a couple of weeks ago now—almost two weeks ago—my intentions are to have the Senate begin the urgent supplemental request for Iraq and Afghanistan security. That discussion and debate is very important, and I have set aside this week, recognizing that we are going on recess next week, to address this very important issue, which is important because it looks at security in Iraq and in Afghanistan with a real focus on our troops who deserve that support. The full Senate will begin consideration of that bill as soon as it becomes available for floor action.

I know we will have full and complete debate, looking at the various aspects of that bill on the floor of the Senate, and thus as we talked about on the floor at the end of last week in colloquies going back and forth, late nights are to be expected.

We are at war. There is a war against terrorism. We are talking about security in Afghanistan and Iraq. It deserves the focus of this body. I have asked my colleagues to make their schedules available so we can have full participation. It does mean that during the days and, I suspect, well into the evenings this week, we will be participating in that debate. We do want to finish this emergency appropriations bill this week.

Again, as I mentioned, next week we will be out on recess and into the week after that. The President has made it very clear that the urgency demands we address this bill as soon as possible. That will be this week, and it is our intention to complete that this week.

I thank my colleagues in advance for what will be a challenging week for all of us. I expect the American people can be proud this week as we deliberate on the many complicated issues on which we will have votes to decide those issues and we will then complete our work on this request by the end of the week.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 2 p.m., with the time equally divided and controlled in the usual form.

In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PUTTING $87 BILLION INTO CONTEXT

Mr. BYRD. Mr. President, my remarks will not be lengthy, but I entitle them as follows: "Putting $87 Billion Into Context."

The Senate will soon consider the President's request for an additional $87 billion to fund the U.S. occupation of Iraq and Afghanistan and to aid in their reconstruction.

The $87 billion supplemental brings to a total of $194 billion the amount the United States is spending in Iraq and Afghanistan. Let me repeat that. The $87 billion supplemental brings to $194 billion the amount the United States is spending in Iraq and Afghanistan, more than twice what the administration had led the public to believe just a few months ago.

The 1991 Persian Gulf war, by contrast, cost $61 billion, of which the United States paid only $7 billion. That is $7 billion spent in 1991 compared to $194 billion today, almost 28 times higher.

The Bush administration's $87 billion supplemental request is the largest emergency spending request since 1977. The $87 billion request, just for Iraq and Afghanistan, just for next year, roughly equals, in current dollars, the total amount of money spent to rebuild the entire continent of Europe after World War II. The request is larger than the $74 billion the Defense Department plans to spend on all new weapons purchases next year. The request is more than twice the administration's entire $35 billion homeland security budget for next year. That means that for every $2 spent on the President's supplemental request for Iraq, the administration will spend less than $1 on homeland security here at home.

The $20 billion the President is seeking for Iraq's reconstruction is $2 billion more than we are spending for foreign assistance for every other nation on the planet. The $87 billion request is 50 percent more than we spend on education for the entire United States. Let me say that again. The $87 billion request is 50 percent more than we spend on education for the entire Nation.

With $194 billion spent or requested, the President's war spending in 2003 and 2004 already exceeds the inflation-adjusted cost of the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the Persian Gulf war combined. The cost of the war and postwar occupation of Iraq will soon surpass the $196 billion inflation-adjusted cost of World War I. The monthly bill for the United States military missions in Iraq and Afghanistan now rivals spending during the Vietnam war.

At $87 billion, the President's request is larger than the economies of 166 countries. It is larger than the individual economies of almost half the States of the Union. That is a lot of money.

If approved, the President's request would increase the Federal budget deficit for fiscal year 2004 to $535 billion; in other words, more than half a trillion dollars. I will say that once more. If approved, the President's request would increase the Federal budget deficit for fiscal year 2004 to $535 billion. The White House is now in danger of violating its own self-imposed limit for budget deficits, 6 percent of gross domestic product or $600 billion.

The administration hopes it will receive an additional $30 billion to $55 billion from other countries and Iraqi oil revenue over the next 2 years, but that money may never materialize. Iraqi oil production is 1 million barrels per day less than before the war. The oil infrastructure has been hobbled by severe looting and sabotage. Certain pipelines have been struck by a series of attacks since the United Nations lifted sanctions this summer. Iraq's oil revenues are likely to fall short of even the most modest expectations of this administration.

As for the tens of billions of dollars the Bush administration is hoping to receive from other countries and international financial institutions, President Bush's request has fallen on deaf ears. The Bush administration has alienated most of the international community. After the Presidential swallowing of pride and having asked the United Nations for help, the Washington Post summed up the President's fundraising efforts with the headline, "Bush Fails To Gain Pledges On Troops Or Funds For Iraq."

Increasingly, it appears as if we are on our own in financing the occupation and the reconstruction of Iraq. I urge my colleagues to exercise patience before approving this request. This is not just an ordinary supplemental bill. This is not just a token amount of money. It is the beginning of a major commitment of resources in behalf of the American taxpayer. Before we act, we should make sure that taxpayers understand the size and consequences of this request and what will be asked of them in paying for it.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time for the quorum call, which will be shortly announced, be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ APPROPRIATIONS

Mr. BOND. Mr. President, one of the most important issues we may face all year is an issue we are going to be working on this week, and that is the urgent supplemental appropriations to continue and, we hope, wind up our efforts in Iraq. I know there are many different views. I think a little historical perspective may be in order. Some people are even questioning why we are in Iraq. I run into people in my home State who think, as some of the German media apparently does—I saw a report today—that September 11 was just a conspiracy of the United States, and that we really were not under a terrorist attack.

Well, we have known for some time the dangers that terrorism present to the world and to those of us here in America. It was very clear back in 1998:

> One way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line.

President Clinton, February 4. Then again on February 17:

> If Saddam rejects peace, we have to use force. Our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

President Clinton, February 17.

And even better, here is a quote from a day later:

> Iraq is a long way from here but what happens there means a great deal here. For the risks that the leaders of a rogue State will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.

So stated by Secretary of State Madeleine Albright, February 18.

Well, after the tragedy of September 11, 2001, President Bush very forcefully outlined a program to deal with terrorists. He said: We are going to bring terrorists to justice or we will bring justice to the terrorists. He pointed out that we would no longer permit States to harbor terrorist groups, to provide safe havens for terrorists who need the opportunity and the time and the money and the financing to build their terrorist operations through which they could strike the United States.

Well, during the 1990s we did not respond—Khobar Towers, our embassy bombings, USS *Cole*. We treated them as isolated instances when, in fact, they were part of a terrorist scheme. You cannot retaliate against a suicide bomber. You have to deal forcefully. That is why President Bush said we will go after the terrorists, wiping out terrorists where we find them and undoing the governmental structure which protects them.

Well, we have been successful. Magnificent military efforts in Afghanistan disbanded the Taliban. A magnificent, unbelievable effort in Iraq totally shredded the Saddam Hussein government of tyranny and authoritarianism, a government of rape and poisoning of their own citizens. But now we face what President Bush said is going to be an ongoing battle, a continuing battle, the battle against terrorism itself—not just this particular Government or location.

We have before us a request from the President of the United States for $87 billion. Most of it, about $67 billion, is to protect our troops and to keep them there and to keep them safe. Another $21 billion will help the Iraqi people build a country free after 30 years of terrorism, torture, and repression and to develop their own military, their own police force, their own security, their own justice system so they can be safe and start to rebuild the economic structure of their country.

Now, $87 billion is a lot of money. Make no mistake about that. That is really a huge sum. But last week we had extensive hearings with Secretary Rumsfeld, General Myers, and representatives of the State Department and the Department of Defense. I asked them, What was the cost of 9/11? How much did it cost?

We know it cost 3,000 lives or more in the Twin Towers, in the field in Pennsylvania, and here at the Pentagon, and that is a huge tragedy. But when you take a look at the monetary side, the best estimates are a couple hundred billion dollars because we did not deal with terrorists before they dealt with us. They struck us on our territory, on their terms.

The President of the United States came to the Senate and, by a vote of 77 to 23, the Senate authorized him to wage war in Iraq. We did that. We won. But the terrorists are there. The terrorists come back into Baghdad like a roach motel. All the low life, the hideous assassins, the suicide bombers are coming back. And we are fighting with them, we are dealing with them there. We need $66 billion. It costs well over $4 billion a month to keep our troops there.

The people of Iraq, in response to opinion polls, have clearly said, by an overwhelming majority, that they want us there because they see the difference that has happened in their country. They know with the Baath Party still functioning, remnants of the Republican Guard, al-Qaida, and other terrorist groups coming in there, they are not safe unless they have a security shield. Right now, we are that security shield. And we are doing some good things as well.

One of the things Secretary Rumsfeld pointed out was the tremendous progress we are making to help Iraq get back on its feet so it is safe. In less than 5 months, virtually all major Iraqi hospitals and universities have been reopened. They are taking down huge caches of weapons that have been stored away by the Saddam government and by terrorists.

Mr. President, 70,000 Iraqis have been armed and trained and will be graduating into the military, and 40,000 Iraqi police are conducting joint patrols with coalition forces. A new Iraqi council has appointed government cabinet members. Iraqi municipal councils are functioning in almost all towns and villages, and some 8,000 civil affairs projects have been undertaken by our troops.

Now we need to do something more. We need to win the peace, and this $21 billion is the best investment we can make in winning the peace. Because only when we have won the peace and put in place an Iraqi military and police force and government that is able to protect itself can we safely bring our troops home and not worry about having to go back 5 or 10 years later, after they have rejuvenated their chemical and biological weapons programs and perhaps achieved the goal of nuclear explosives. We will not have to go back again and do what we just did.

The terrorists are firing at our troops over there. The war on terrorism is going on in Baghdad. But make no mistake about it, they are not just shooting at our soldiers and innocent Iraqis and Iraqi police; they are shooting at American public opinion because their greatest hope is they can sow discord in the United States and force a pullback of our forces before the peace is won, to allow all those horrible terrorists to regroup and come together and launch another attack against their neighbors, against those who have been friendly with us, and, yes, against the United States.

I hope we will have a good, vigorous debate. I hope we can move quickly to pass the emergency supplemental appropriations bill. Let's vote on it up or down. Let's get it moving and support our troops, but let's also get it moving so we can win the peace. Right now, with our forces over there, the battle in the war on terrorism is focused on Baghdad. It is tragic it has to be anywhere, but we have carried the battle to them. Because of the strong leadership of this administration, we are fighting the battle of terrorism in Baghdad—not in Boston or Boise or Ballwin, MO or Belton, MO.

I believe that reports from our troops in the field, who say, "Yes, this is dangerous, this is deadly, but we would rather be fighting them here than on our homeland," are right on. The people who are over there know what their mission is. They know how important their contributions are to safety and security, not just in Iraq, and in their neighborhood in the Middle East, but to our own safety, our own well being.

Mr. President, 62 percent of the Iraqis in Baghdad, according to a Zogby poll, believe the hardships they have faced since the war have been worth it to rid the country of Saddam Hussein, his evil sons, and the brutal regime. That is an incredible vote of confidence for what the United States has done.

In a different poll, when asked how long U.S. troops should remain in the country, two-thirds of the Iraqis said the U.S. troops should stay at least another year. I am afraid those numbers are higher than we would get in the Senate right now, but it tells you what we are doing is important for them as well as for us.

We want them to have a secure and peaceful country, but we want them to be able to enforce the law, to confront paramilitary troops with their own forces. That is what the $21 billion goes for. It is a lot of money, but if it gets our troops out just 5 months sooner, it will save us that much in supporting our own military. And we all know it will save us much more in exposure of our fighting men and women to the terrorist attacks that are now going on in Baghdad.

I hope we can move effectively and quickly. Let's have some up-and-down votes. Let's get on with it. We are at war. The President said all along that the war on terrorism is going to be a long war. But we have a chance to gain a major foothold. I hope we can move this emergency supplemental for Iraq and Afghanistan as quickly as possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2765, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, we are back on the District of Columbia appropriations bill. It is my hope that we will, within the next several days, be able to conclude our deliberations on this bill.

This bill, as we have discussed at length already, is a very positive bill. Senator LANDRIEU and I have worked on it with the help of the other members of the committee. It does a great deal for the children of the District of Columbia. One of the things Senator LANDRIEU and I are both proud of is the work it does for the foster care system, a system that has truly been broken in the District. The District of Columbia has had some serious problems in regard to its foster care system. The Washington Post and other news media outlets have reported time and again about the foster care system. This legislation, for the first time, commits the Federal Government to try to assist in the repair of the system.

The bill also continues the work of the Congress with the District to deal with some very severe infrastructure problems—a sewer problem, for example.

It also addresses the school problem in the District of Columbia, which is the one area that has been contentious. We have taken some time already to debate the issue. As I have pointed out, this bill takes a balanced approach to the school challenge. It is a program that has been designed by the Mayor. It is an innovative program that provides for $40 million of new money—I emphasize that this is new money—that will be injected into the system: $13 million that will go to public schools, $13 million to charter schools for the creation of new charter schools, and $13 million used for a brand new program to create scholarships for the poorest children in the District of Columbia.

It is a program that, as the Mayor has said, was designed by him, a program he supports, as he has publicly stated, and that he has asked the Congress, the Senate to approve. It is a program that will go a long way to help the children of the District of Columbia.

I ask this afternoon for my colleagues who do have amendments—I know Senator LANDRIEU will be discussing in a moment an amendment she and Senator CARPER will be proposing; I know Senator DURBIN has an amendment, and some of the other colleagues may have amendments—to come to the Chamber and offer their amendments so we can move the bill forward. We are prepared to vote on the amendments. It is time for us to do that so we can move this legislation forward.

I yield to my friend and colleague, Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Ohio who has been a great partner in this effort. He and I share a great deal of pride in the underlying bill. It was built and crafted with a tremendous amount of bipartisan support.

As he mentioned, one of the cornerstones and key provisions is a push, an initiative, to help support, change, and transform the foster care system in the District. Although it is not a Federal responsibility directly, as the District of Columbia, and as a major city in our country, we hope to have a model that is beneficial not only to the District and the residents in the region but also a model that shines as a bright line around the country as jurisdictions all over the country, including many jurisdictions in Louisiana, are struggling with this same question of how to give the taxpayers the accountability they deserve, how to give the parents and families the respect they deserve, and how and when to step in and separate children, for their own protection, safety, and health, from a family situation that is disintegrating or dysfunctional and try to heal the situation, reunite the child with the family, or, if that cannot happen, move that child through a temporary nurturing foster care situation until that child can either be reunited with the family or placed with an adoptive family.

I commend the District leadership publicly for the improvements that have been made, although we are a long way from where we need to go. With Senator DEWINE's leadership, we were able to put millions and millions of dollars in last year's bill—as I recall, somewhere around $70 million—for a new court system to redesign the superior court, to actually identify—and Senator DEWINE and Senator DURBIN led this effort—and design a special court for domestic cases, for family cases, for child welfare cases, so hopefully we now have coming into play one judge—one child and one judge, one family, so children do not get lost between courtrooms or their files are not lost between social workers. We have one team, one judge working with the child for good resolution.

It takes not only good planning but it takes money. It takes resources. The mayor and the locals have stepped up to increase their budgets. We have stepped up to try, even with things as tight as they are, to find additional funding to support that foster care reform. That includes the courts, in getting the social worker ratios tighter so we do not have 1 social worker for every 50 children but 1 social worker for a manageable 15, 20, or 30, which is still a heavy caseload.

Those are two of the important initiatives. Having the right kind of database, having the right kind of people step to the plate to become foster care parents, to promoting adoption as a way to move children to a permanent, loving home—that takes the cooperation of the social workers, the families, the extended family, and the court.

All of those initiatives are funded in this bill to some degree—not to the extent, of course, that we would like but I think to the extent we can begin to see some real headway in terms of improvement for the children of the District.

There are anywhere from 6,000 to 8,000 children ranging in age from infants to 18 to 21 who need this assistance. The chairman has also been very eloquent regarding the needs of children aging out of the system, children who were taken away from their parents, where parental rights were terminated, and the system we created failed to find that child a new family. So at the age of 18 or 21, the child ages out and is literally handed a plastic bag with a few pieces of clothing and not much else other than good luck, good wishes, and goodbye.

That, of course, is not sufficient. In this bill and other efforts this Congress is making, we are trying not only to help children aging out of the foster care system in the District of Columbia but all over the Nation. There are 25,000 such young children who age out each year. There are exciting projects underway to help these young people despite the fact that they got a short straw in terms of the way their first 21 years of life went. We are hoping to step in, in a more comprehensive way, and give these young people opportunities for college, for skill development, for social development.

Of course, all the money in the world spent on the back end is not worth the effort that could be in the front end regarding prevention. That is what Senator DEWINE has so correctly done and why I support him in his efforts.

Now a word on the school reform proposal being considered and debated. There were a number of points I tried to make on this proposal Friday. I agree with Senator DEWINE; we should have our Members present amendments to try to get some sort of idea in terms of time. Perhaps we will have today and tomorrow to discuss this issue. Senator DURBIN and a few other Senators on our side will have amendments to lay down.

One of the issues I will discuss is the issue of choice. It was one of the goals of Leave No Child Behind, and an important goal. It was not the central goal. It was not the underlying goal. It was a desirable goal. The goal of Leave No Child Behind was excellence through accountability—excellence for the children in the public school system and accountability to their parents and taxpayers who pick up the tab for that system.

In that legislation, we laid down many ways that jurisdictions can provide more choices for students all over this country, for the millions and millions and millions of children who are in public education. We want real choices, not false choices. I am afraid some voucher proponents who continue to talk about vouchers for private schools say the real issue is choice. It is not choice; it is real choice. It is informed choice. It is not just choice. And it is affordable choice.

Senator CARPER and I, in one of eight points in an amendment we have discussed, tried to point out to the proponents that the $7,500 voucher, while it sounds like a lot of money—and $7,500 is a lot of money—the average private school tuition in the District of Columbia is $10,800. We are trying to point out, as written in the proposal being considered, there is no guarantee that $7,500 voucher would actually get a child into the school of their choice for that amount of money because the school of their choice might have a tuition of $20,000 or $18,000 or $12,000.

One of the aspects of our amendment is, if you are for choice, then be for a real choice; make the voucher real, not fake. We have been criticized as having a filibuster on the cheap. I say that proposal is like vouchers on the cheap.

It is not going to work if the tuition is $20,000 or $15,000 or $12,000. The proponents want to say the taxpayers should be prepared to pick up whatever to give a real choice. Well, that is an expensive whatever. But the opponents want to say we will pick up a voucher for a child to go to a private school, then pick it up. That is what I say. Pick it up. Why stop at $7,500?

One of the parts of our amendment is to have the voucher basically be accepted by the private school—this is all voluntary on the private schools' part, which is a very good part of the underlying bill. This is not mandatory. No private school has to participate, and there would be many reasons, as written in many newspapers in the country, why many private schools in the District would not want to participate. If they are going to participate, they would have to follow certain guidelines—not cumbersome and, in my mind, not anything that would be very difficult to follow—again, just trying to meet the minimum accountability standards. But if we are going to give children a choice, let's give them a real choice and not vouchers on the cheap, No. 1.

No. 2, one of the most important things about creating any system of choices, whether you create more choice in a public school or more choice for children to go to private schools, is to have informed choices. I would think that we could be spending more money—or more effort and money than we are, and I would be surprised that the proponents who have argued for choice, choice, choice, have not put forward a proposal to try to help the parents of the District of Columbia to have more informed choices about the choices they have now, which is completely public school choice.

In order to make good choices—as we have seen, the choices you make are only as good as the information you have with which to make them. We are experiencing this with our foreign policy as we speak. If your information is not as secure and as thorough and deep and as tight as you would like it, maybe sometimes the choices you make would be different if you had the right kind of information. It is the same thing about public schools and about school choice. If you could have a consumer report, like many of us get for the appliances that we purchase, you could tell what kind of washing machine or dryer you would like, or what car you would like to buy. It is quite easy. Not only can you view the product in a number of different locations without a lot of pressure, but you can read in detail about the way the product carries out its work or the way the product functions. The same effort should be underway here.

That is one of the things that Leave No Child Behind put forward in its reform effort, trying to help improve choices, increase choices but informed choices, and why is there now a report card, a report, accountability? It is so parents can know. If I have a choice to send my child to this or that school, it is not just walking in the front door and shaking hands with a few individuals and observing if the school looks like it is in good repair and observing the children in the school; but it is also looking a little beneath the surface. What are the teacher/parent ratios? How large are the classrooms? Is my child getting this kind of attention? What do the records show? How many children have become national merit scholars at this school? How many things do parents want to know about their children? If we are interested in choice—of which I am a strong supporter, which is why I have supported charter schools and this kind of accountability and information—then I would think that the voucher proponents would be interested in that kind of information.

But, again, the amendment we have discussed, laid down—the necessity of gathering that kind of information and evaluation, not telling the public schools what they have to do, or ratios, but reporting mechanisms that would allow parents to make wise choices and would also allow the taxpayer who is picking up this tab to have some sense of whether their money was being used for a good purpose or not. Maybe the taxpayers would have a different view. But no matter what we do, whether we have a voucher that goes—which I have argued goes only to children in failing schools, not a broad-based voucher—to have an opportunity to put the system in place for those children to leave that school and to move to a different school, you are going to have to have better information than the proposal that is before us. So the issue of basically voucher on the cheap choice might sound good but it is not real unless you have the right kind of information.

The third point I wish to make is this. My colleague just said this, and you could argue—and I hate to argue with him on any point because he and I have agreed on so many issues for this bill. But I have to take issue with one statement, and he is not the only one who said it. The other Senators have talked about the concept of extra money or new money. This $40 million that exists in the Senate bill, which is a third for vouchers, a third for charters, a third for traditional public schools, is not new tax dollars. There was no new revenue stream created to pay for this. Part of the money came from the Defense allocation. Part of the money came from Commerce-State-Justice and part of it came from the allocation for the District of Columbia. So this money has come from other places in the budget to come to the District of Columbia. It is not new money. It was here before. It is here now. It is just now shaped for this education initiative.

I agree that the District should get $40 million for a demonstration project for any number of reasons. I don't agree with all of the details of the voucher proposal, but I hope we can stop saying this is new money because, in my mind, unless there was a proposal like everybody is going to pay one more dollar for their parking tickets or one more penny for sales tax or everybody is going to pay one more something, it is not new money; it is coming from somewhere else to fund this initiative—not from the education budget, that is true, but it is coming from other budgets.

The Wall Street Journal writes about this every week in a very critical way of my position. I say to them, as they wrote again today, several of us who have supported the modification, they want to remind me—they say:

> Senator LANDRIEU should remind herself that this is extra education money.

Let me say to the Wall Street Journal and to any other newspaper that would be reporting on this, I don't know if you can convince any educator in America that there is any extra money anywhere for education. I don't think you could argue with any educator anywhere and say there is extra money. People may say we are spending too much in this area, and our money is not being spent well, so let's move it and repair schools; or we have too much money in the repair school budget, so let's move it to buy computers; or we have great computers but we don't have the teachers who have the training to operate the computers and to teach them, so let's take that money and move it. But I don't know anybody who thinks there is extra money in education, and especially extra money for a program that doesn't accomplish the goals that you have outlined and doesn't meet the objectives of Leave No Child Behind.

I will have some other things to say about this article as the day proceeds. I wanted to talk for a minute about the concept of new money, extra money, about choice and the difference between real choice, informed and uninformed choices, and, again, the issue of vouchers on the cheap, because $7,500 will not get many children in the District much because the schools here are quite expensive—not just in the District but in the region and throughout the country. There are many expensive schools that are much more than $7,500.

If we are going to try to help children who are in failed public schools to get a real informed choice, then at least give them a voucher that will get them through the front door and they will not have to go out and have a bake sale in their neighborhood to get the extra money to go because that is not a real choice.

Those are the comments I wanted to make. There are other Senators who will be coming to the floor to speak. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I wish to respond to my colleague's comment about "new money." I hesitate to do this because my colleague and I agree on so many issues. We have worked so well on this bill. But we disagree about this phrase. I will say why I have used this phrase.

First, this is new money. This is new money to the Mayor. If you ask him, "Mayor, is this new money to you," he is going to say: "Yes, it is, Senator, new money. I didn't have this $40 million, and would I like this $40 million for my schools, for my kids? Yes, I would. I would like 13 million new dollars for my public schools. Yes, I would like 13 million new dollars—new dollars—so I can have these scholarships; I would, indeed."

It is new money. It is, in fact, new money. It is new to these kids. It is new to their parents. It is new to the schools. It is 13 million new dollars for charter schools, and it will create new charter schools and they will, in fact, be new.

Why do we use the term "new"? We have to understand the context. One of the arguments made many times against these scholarships, or, as my colleague would say, vouchers, is that you can't do that or you shouldn't do that because it takes money away from public schools. As the debate is taking place across the country, people will say: You shouldn't be taking money away from the public schools and putting it into scholarships; that is not fair.

When this program was designed, when this bill was put together, the decision was made that we were not going to do that. What we want to do and what the Mayor wants to do is make this a win-win-win situation, with no money taken away from the public schools. In fact, money would be given to the public schools. So, yes, in fact, it is new money. That is the context in which the term "new money" is used.

Those of us who are in favor of this bill and in favor of this program use the phrase "new money" simply to emphasize no money is being taken away from the public schools, and, in fact, it is new money to the public schools, new money for the charter schools and new money, yes, for these scholarships. That is why we use that phrase. Quite frankly, that is why I am going to continue to use it, and I think it is very important to point that out.

I wish to go back to another point my colleague made about the $7,500 scholarship, that it might not be enough at some of these schools. First of all, I think in most cases it will be enough. Let me tell you why. A recent survey conducted by the Washington Scholarship Fund, with assistance from the Health, Education, Labor and Pensions Committee staff, found the average weighted tuition among DC private schools with vacancies to be $6,172, well within the $7,500 scholarship amount provided by this program. That is something we need to keep in mind.

Furthermore, two-thirds of the schools that reported vacancies charge tuition under $7,300 and most have a sliding scale to accommodate a family's ability to pay. We think the fact is this is not going to be a problem, but I say to my colleague, I already indicated to her when we were negotiating earlier last week that I don't have a problem with that particular language in her amendment. It certainly makes sense to me. I don't have any problem with that provision in her amendment.

We have reached the point in this debate when we need to know about the amendments. We talked a lot about them. We need to get them. I am not going to propound a unanimous consent request at this point, but I put everybody on notice, within an hour or two I am going to ask unanimous consent that we set a time certain later today that we have a specific cutoff time so we can get these amendments noticed and so everyone will be notified what the amendments will be. There is no reason we can't put everyone on notice and have a time certain later today when these amendments all can be filed so that we know where we are so we can move forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KENNEDY. Mr. President, this week, the Senate begins a debate on the most important question facing any government. It is not just about the administration's policies and its conduct in Iraq. It is about the way we pursue American interests in a dangerous world. It is about the way our Government makes one of its most important decisions—whether to send young American men and women to war.

Everything we do this week—every amendment we consider and every word of our debate—should be focused on protecting our men and women in uniform, providing for the support and care of their families, and helping them complete their mission and come home with honor.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe that this was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war that could have accomplished our goals in Iraq with far fewer casualties and far less damage to our goals in the war against terrorism.

But above all, at this time, as our men and women face constant danger, as American lives are lost almost daily in Iraq, it is not only wrong, but an irresponsible failure of leadership for the administration to have no plan for

Iraq. Our troops deserve a plan that will bring in adequate foreign forces to share the burden and restoring stability and building democracy as part of a vision for the future of Iraq, and bring us closer to the day when our troops will come home with honor.

There is no question that the Senate owes it to our men and women in uniform to provide the support they need. But $87 billion cannot be a blank check. The administration must tell the country what it intends to do with $87 billion and its plans for sharing the burden with our allies at the U.N. and achieving our goals. The American people are entitled to know whether, with all the current difficulties, the administration has a plausible plan for the future, instead of digging the hole even deeper.

During this debate, my colleagues and I will raise questions about the administration's failed policy in Iraq. We do so not only out of concern for its effect on American security but especially out of concern for the safety of American service men and women, who are paying for that failed policy with their lives.

In its effort to secure swift approval of this enormous $87 billion, the administration and its allies undoubtedly will criticize those who raise questions about its policy in Iraq. Rather than acknowledging its failures, the White House and its friends in Congress with attack those who question its policies,and may even accuse us of undermining our troops.

Nothing could be further from the truth. It is the administration's failure to consider other alternatives before rushing recklessly into war that has now put our soldiers at risk. It is the administration's failure to gain international support that has put our soldiers at risk. It is the administration's failure to have a plan to win the peace that has created a breeding ground for terrorism in Iraq and put our soldiers at risk.

The embarrassing rebuff of President Bush by the United Nations last week has made these errors even worse. We may never know for sure who or what persuaded President Bush to go to war in Iraq. We know now that we should not have accepted at face value the claims that Iraq was linked to al-Qaida, or that Iraq was building nuclear weapons, or that Iraq had stockpiles of chemical and biological weapons. Our intelligence agencies clearly had inadequate information to justify such claims by the administration, but it is far from clear why President Bush was persuaded to accept that information as adequate.

There is a greater responsibility now than ever on Congress to have an open and honest debate about these failures, and do all that we can to put our country back on the right course in Iraq and in the larger ongoing war on terrorism.

Our soldiers' lives are at stake. Patriotism is not the issue. Support of our troops is not the issue. The safety of the 140,000 American service men and women serving in Iraq today is the issue, and, it is our solemn responsibility to question, and question vigorously, the administration's current plan to request for funds to restore stability in Iraq, achieve democracy in Iraq, and bring our soldiers home with dignity and honor. So far, the administration has failed, and failed utterly, to provide a plausible plan for the future of Iraq and to ensure the safety of our troops. America's military is the finest in history. It is no surprise that we won the war in just 21 days.

The war was a spectacular victory—but the postwar effort has been a resounding failure. Our soldiers and Marines in Iraq are displaying their extraordinary military skill, but their mission has become infinitely more complex and difficult.

Our soldiers were told they would be welcomed as liberators. Instead, they are increasingly resented as occupiers and are under siege every day. They face surprise attacks and deadly ambushes from an unknown enemy. It is increasingly difficult to tell friend from foe. The average number of daily attacks against American troops has recently increased from 13 to 22.

We are losing a soldier a day; 309 Americans have been killed in Iraq since the war began. In the 150 days since President Bush declared "mission accomplished" aboard the USS *Liberty*, 171 American soldiers have died. Ten soldiers from Massachusetts have made the ultimate sacrifice in Iraq.

This chart shows the list of casualities and total deaths. We do not see the number of wounded; we do not hear that number quoted in the Senate because it isn't published. I wonder why it isn't published. What possible justification is there for concealing the number of brave young men and women who have been wounded over there? Why can't the public know the number of these young Americans who have been wounded so we have a better understanding of what the cost has been?

What possible national security threat is there to publishing of the number of American service men and women who are wounded, along with those killed?

These are not just statistics. Each fallen soldier has someone who mourns. The loss—whether it is a parent, a husband or wife, a brother or sister, or a child—weighs heavily on us, and we must do our best to see that their sacrifice is not in vain.

The administration's failure to plan for the security of our forces in Iraq has created a crisis for the military. It is already stretched thin. We do not have enough active-duty soldiers to sustain their presence.

Half of our Army divisions are in Iraq or Afghanistan. Of the 33 active-component Army combat brigades, 18 are in the Middle East. According to the Congressional Budget Office, by March of 2004, all of U.S. active-component combat units will be serving in Iraq or will have served there in the last year.

Let me repeat that. By March of 2004, all of the U.S. active-component combat units will be serving in Iraq or will have served there in the last year.

To solve this urgent problem, some have advocated creating two new divisions in the Army. But that is a long-term answer. These divisions would not be available for another 5 years, and would cost more than $40 billion.

The real crisis in our troop levels comes this spring. If the administration is unsuccessful at getting an additional multinational division, they will have to send in another division of American troops—some combination of Marines and National Guard—and we don't have enough Active-Duty Forces to do the job. Without those international troops, we would have to notify reservists before the end of the month to ensure they will be available by spring. This means more American troops in Iraq.

Even with this large contingent of Active Forces, close to half of the troops now in Iraq are reservists, and they are under increasing strain.

Already, more than 170,000 National Guard soldiers and reservists are on active duty. Of those, about 13,000 have been on active-duty for at least a year. Others return home from deployments, only to turn around and head overseas for another tour.

One reservist I recently spoke to had only 17 days off between tours in Iraq and Afghanistan. The average reservist spends 13 times longer on active duty today than during the 1990s. Many reservists cannot leave the service when their original time is up, and are repeatedly sent on new overseas deployments. As our colleague Representative JOHN MURTHA recently said, "the reservists are stuck. . . . In fact, we have a draft. We cannot sustain this force."

Even worse, our National Guard soldiers and reservists believe they are being sent to combat with substandard equipment. Reservists have told me that they used Vietnam-era night vision goggles that obscured more than they revealed, when the latest technology is being used by the regular military. They tell me that they used outdated and less-effective flak jackets. They didn't have the latest body armor with bulletproof ceramic inserts. They tell me that they had to wait for 3 months for appropriate gear. Many units lacked armored Humvees, and needed to hang flak jackets in the windows to protect themselves from attack.

While we haven't seen a fall-off in recruitment or retention in military to some extent, the high unemployment rate is keeping these numbers high.

But inevitably, the hardship and back-to-back extended deployments will take their toll over time. One soldier I recently talked to said that he was leaving the Reserves to avoid being sent away from his new family.

Other families feel the strain of deployment both emotionally and financially. Many give up large civilian salaries when they go on active duty. Some reservists are unwilling to tell employers of their military service obligation for fear they will not be hired.

This was a conversation I had 10 days ago, in my own State of Massachusetts. It is against the law to discriminate against those who are part of the Reserves or the Guard, but they are finding increasing numbers of people who have found their jobs eliminated as a result of the declining economy. They have been trying to find employment. But there is a clear pattern that those who are part of the Reserves or the Guard are not being favorably considered for employment.

As a result, some reservists are unwilling to tell employers of their military service obligation for fear they will not be hired. It is a sad day for patriotism that service to our Nation is considered a negative by employers.

Despite these hardships, the administration proposes to rely even more heavily on the Reserves in the months ahead, increasing their proportion of the force in Iraq to close to two-thirds. Last week, the administration announced that the tours of the 20,000 Army Reserve and National Guard in Iraq could be extended for up to a year, even though those brave of men and women had planned to be home months earlier.

Our National Guard soldiers and reservists love their country. They are proud of their military service. They want to do their job, and they expect to be called to service when the Nation needs them, and to endure periods of difficult separation from their families.

But enough is enough. It is one thing to spend occasional months away from their families and their careers, but it is quite another to spend a year or more in active duty, only to have further callups possible in the near future. Under this administration, they are no longer citizen soldiers. They are treated as full-time troops, and this cannot be sustained.

Much of these problems would not exist if the administration had abandoned its go-it-alone, my-way-or-the-highway foreign policy, and had worked with the international community. If the administration hadn't rushed to war without the broad support of other nations, greater numbers of their peacekeepers would have joined our effort.

The administration agreed to go to the United Nations earlier this month to obtain a new Security Council resolution, but it was a flawed request. The administration still refuses to share power on the ground. They are asking the international community to share the danger, but other nations will still have no say in the future course of Iraq. We have an all "take" and no "give" policy that does nothing to encourage other nations of the world to share the heavy burden of security.

America, for the foreseeable future, will continue to represent 85 percent of the forces on the ground and suffer 85 percent of the casualties. Indeed, our failure at the United Nations last week led GEN John Abizaid to tell the Senate Armed Services Committee last week:

> The fight against terrorism is far from over. The enemy's ideological base, financial networks and information networks remain strong. Indeed, the demographic and economic conditions that breed terrorists may be worsening and those conditions are heightening the ideological fervor associated with radical Islamist extremism.

It appears to me that statement is a fundamental truth; that is, in the battle against terrorism, for us to assume that there is a limited number of volunteers out there for terrorism is entirely inaccurate. The number of recruits who are going to be resupplying these terrorist groups can go on and on and on.

For us to imagine that with a certain number of troops we will be able to eliminate these terrorists or we will be able to use the military force in such a way that in Iraq can free ourselves from the dangers of terrorism is a failure to understand history and to understand, in terms of political challenges and ideological challenges—such as the British learned in Northern Ireland, as we have seen in Kosovo, we saw in Serbia, and we have seen in the West Bank of Israel—that we have to deal with the idea behind the terrorism to get to the root causes as well as to deal with the immediate challenge.

Secretary Rumsfeld says that if we can train the Iraqis to police themselves, we can turn the country over to them. But in many areas, Iraqi police are afraid to leave their stations for fear that they will be killed for collaborating with Americans. Terrorists bomb police stations and assassinate those who cooperate with us, including moderate clerics and members of the governing counsel.

All of us are profoundly impressed by the dedication, professionalism, and commitment of our soldiers in Iraq. They are willing to endure hardships and dangers in Iraq to complete their mission. But they want to know, their families want to know, and our country wants to know that our policy makes sense.

Today that policy, I believe, is a failure, and American servicemen and women are paying with their lives. Before Congress writes a check for an $87 billion failed policy in Iraq, we must know that the administration has changed course and developed a realistic plan to protect our troops, win the support and respect of the international community, and achieve long-term stability and democracy for Iraq. It is time for the administration to convince Congress and the American people that they have a plan to achieve these goals.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I had planned to come to the floor at this hour and discuss the issue of vouchers for the District of Columbia. I will still go back to that topic. However, having listened to my friend from Massachusetts and the comments he has made about Iraq, I will divert from the discussion of vouchers for long enough to make a few points with respect to the situation in Iraq.

I will go back to my first experience with respect to the issue of terrorism. It happened shortly after I was elected. It was back in the early 1990s. I was elected in 1992, and I took office in 1993.

One of my staffers who has foreign policy experience said to me: There are some people you ought to meet.

I said: Fine. What is the subject?

He said: Well, there is something you ought to understand, and these people will come in and brief you on it. I can't sit in on the meeting because my security clearance has expired, and I am not cleared at a high enough level to be present when they brief you. But I think you, as a U.S. Senator, should hear this briefing and understand what it is they have to say.

So not really understanding what was going to happen, I had this briefing take place in my office. Two officers from the CIA came in and sat down with me and talked about the attack on the World Trade Center that occurred in 1993. As they outlined the forces behind that attack, they gave me my first glimpse of international terrorism. I won't go through the details of what they said other than this particular comment. They said: From our point of view, harsh as it may sound, the main thing wrong with the attack on the World Trade Center is that it did not kill more people.

I said: That is a very harsh judgment. What do you mean by that?

They said: Because it killed only six people and the physical damage was cleared up in a relatively short period of time, the American people have been lulled into a false sense of security that they are not at risk.

Then they outlined the full description of international terrorism, where it was, how it operated, and what its goals were. We talked about the religious aspect. We talked about the ideological aspect. I remember saying, as they described the way it was organized: Let me see if I understand exactly what you are telling me. As I understand it, this is basically a church without a pope; that is, there is no hierarchical structure with a single individual or group of individuals at the top calling the shots all the way down. Instead, it is a series of cells of people who have the same ideological fervor but report to no one. They coordinate but they are not controlled.

These two briefers said: Yes, Senator, you have that about right.

Now, we know there was a center for training for indoctrination and for finance. It was run by Osama bin Laden, and it had as its headquarters, physically, the training camps in Afghanistan. But that does not mean Osama bin Laden or any other central group controlled or coordinated everything that was done worldwide. These are freelancing people, in many respects on their own. They would send people to Afghanistan to be trained and indoctrinated. They would contact Osama bin Laden for funds. But they would develop their own operations and their own initiatives of how they would attack Americans. And this early briefing made it very clear to me that their target was, in fact, Americans. It has always been fashionable to think the primary target for people in the Middle East is Israelis. No, the primary target is Americans. Israelis are seen as surrogates for Americans, but the primary target is Americans.

The concern is that the Americans somehow have entered that portion of the world where these people have previously been dominant, and the Americans have contaminated that world with American ideas. The ideas that are so repugnant are the ideas of freedom, the ideas of equality for women, the ideas of education for children in secular ways to teach them skills so that they can survive in the modern world rather than education that is concentrated entirely on indoctrination of ideas that go back centuries if not millennia.

I came out of that first briefing very disturbed. I tried to ask those who came to brief me if they could give me any timetable. They said: No, we don't know when this will erupt. No one does. But it is there. It is growing. It is powerful. We are the target.

They also said—I remember very clearly—that the primary challenge to Americans would be in chemical and biological weapons. This was before the attempt was made to put a chemical agent into the subway in Tokyo and raised the specter of that kind of thing being done in America.

Well, the years went by. Nothing happened. I tended to forget that briefing and put it aside. I focused, as many in this Chamber know, on the issue of cyber-terrorism and attacks through computers. I held a hearing where I asked the CIA witness who appeared before us: Isn't it likely that the next attack on this country will come in the form of a computer attack because you could do more damage to the economy if you could shut down the computers than any other way?

The CIA witness said: No, Senator, I don't think that is true. It is true that you could do more damage to the economy with computers, but I don't think that is where the attack will come from. The terrorists want something dramatic that will show on television around the world. Television pictures of computers not working just won't cut it for that purpose.

That hearing was held less than 60 days before September 11, 2001, when we saw that particular prophecy—they want something dramatic on television—fulfilled enormously.

What does that have to do with the issues raised by the Senator from Massachusetts as he is complaining that there is no plan in Iraq? He is complaining that the reservists are going to be held too long in Iraq, that we have not leveled with the world, that we don't have enough allies in Iraq, that everything is going terribly wrong in Iraq. It has everything to do with what the Senator from Massachusetts was talking about because the Senator from Massachusetts—and others like him who have chosen to focus on difficulties that America is having in Iraq—has turned his gaze away from the overall challenge of terrorism in the world.

That which I was told in that first briefing is still true. The primary target of terrorists throughout the world is Americans. The primary purpose of terrorism around the world is to drive America out of the Middle East. And the lesson that those terrorists have learned from America's activities since the Vietnam war says that if they just keep chipping away at our resolve, if they just keep bloodying our nose a little bit, Americans will tire, Americans will decide to pull back, and Americans will withdraw. That happened in Somalia. That happened when the first al-Qaida attacks occurred against American Embassies. That happened after the attack on the USS *Cole*.

We protested; we made a brief military gesture, and then, afraid of American casualties, afraid of what public opinion might say in America, we pulled back. Thus emboldened by that kind of history and particularly encouraged by the rhetoric in the United Nations, the terrorist groups are convinced that if they can just hang on in Iraq long enough to cause us to lose resolve at home, we will withdraw our troops from Iraq, we will say it wasn't worth it, we will say, yes, there was some faulty intelligence, and therefore we must correct that by withdrawing altogether, and then we turn not only Iraq but ultimately the entire Middle East over to the terrorists. If we think we have a lot of problems with terrorists now, just wait until they are encouraged by America's lack of resolve.

Of course, things are not going well in Iraq, according to the rosiest of scenarios. They never do in wartime. Think back to the other wars America has fought—more traditional wars to be true, but nonetheless wars that were for our survival. Did the Second World War start out with a series of American victories? Did the Second World War start out with a series of American bungles because we didn't have an adequate plan to deal with the surprise attack on Pearl Harbor? There was a great deal of second-guessing about Pearl Harbor. Franklin Roosevelt was heavily criticized for not having known Pearl Harbor was coming, and some even suggested the conspiratorial theory that he looked the other way in order to provoke a Pearl Harbor. I don't believe that for a second, but that was a part of the political rhetoric of the time. We did not, as a nation, respond to that rhetoric. Instead, we said: Let the books about what may or may not have been done be written later; let us concentrate now on the task at hand. We refused to be distracted or diverted from the task at hand.

My primary challenge and my primary problem with the position enunciated by the Senator from Massachusetts is not that he lacks patriotism. There are those who say that by challenging him, I am challenging his patriotism. I don't do that for a moment. It is not that I challenge his motives or his integrity. I don't for a moment. I challenge his focus. He is focusing on everything that might be challenged as not going correctly and perfectly from the beginning, and he is ignoring the big picture. He is ignoring the primary threat that has been with us for decades, finally exploded on our shores on the 11th of September, and has not gone away. And the question must be asked: If we in fact refuse to put up the money for the $87 billion that has been requested, if we refuse to proceed with the effort to establish a stable and free market-oriented economy and government in Iraq, if we refuse to stay the course and pull back now, all in the name of some abstract sense of balance because the intelligence might not have been perfect, what will be the result?

If we lose focus on the war on terrorism, the terrorists will win. If we decide that short-term political advantage is more important than long-term success, the terrorists will win. It has been said—perhaps it is a cliche, but it is very true—that America is better off fighting terrorists in the streets of

Baghdad—yes, even if soldiers die—than we would be fighting them in the streets of Detroit or New Orleans or San Francisco.

One of the reasons we have not had successive events to the bombing of the World Trade Center with airplanes and the attack on the Pentagon since September 11, 2001, is that we have been focusing on destroying the terrorist infrastructure, hunting down their leaders, and disrupting their financial networks. We came to the conclusion that one of the key factors in doing all of those things was an attack on Iraq. Oh, some say, you cannot prove any connection between the people who flew into the World Trade Center and Saddam Hussein and, therefore, you made a mistake in going into Iraq.

Is there anyone looking at the results of what happened after we went into Iraq who would say the Iraqi people would be better off if we had not done it? Two-thirds of the Iraqis are saying over and over again in various polls and surveys that are done that their lives are better now than before the Americans came in.

Those who say the intelligence was faulty should look at all aspects of the intelligence we didn't have. I will acknowledge that there were many things we did not know until we got on the ground and perhaps the intelligence people should have told us. One of those, about which we hear nothing from the Senator from Massachusetts and others who hold his same position, is that we did not know there was a holocaust going on in Iraq that, percentagewise, was almost as great as the one that went on in Nazi Germany.

Tom Korologos, a friend to many of us in this Chamber, is now serving in Iraq. He takes the congressional delegations that go there to visit the mass graves. He said that is the first place they go, and it gets very quiet very quickly.

We didn't know Saddam Hussein was systematically murdering, torturing, and burying his people in tremendous numbers. The intelligence didn't tell us that. If we had known that, would it have said to us, stay out? If we had had the correct intelligence, would we have said, oh, we cannot go in there if that is going on? There are those who criticized Franklin Roosevelt for not focusing on the Holocaust during the Second World War and not doing more to prevent it. If we had known that, I believe it would have made us go in more quickly and more powerfully than we did. Now we know.

There are those who say we have no plan for the reconstruction of Iraq. Look at how badly it is going. Look at the number of people who are without power and water, and look at all of the damage that was done. Then we realize from the reports on the ground that the lack of power, the lack of water, and the lack of services in Iraq was because of Saddam Hussein, not because of anything the American bombs did. Many Iraqis are saying they have more food, more power, and more water now than they did before the Americans came. But you didn't hear that on this floor from people who are complaining that we have not solved all of the problems in the time we have been there.

Mr. President, as I say, I did not come prepared to talk about that. I have more I want to say on that in a more prepared fashion. I will do that later in the week when we get into the actual debate over the $87 billion supplemental.

The point I want to make—and I will make it again—is that the true story of what is really happening in Iraq is not being told to the American people. That is primarily because those in control of the media, for whatever reason, are not anxious to tell that story. Maybe they consider it as not news. Maybe they consider it will not get as many viewers to show the progress that is being made in Iraq, as compared to what they are showing now, which are the difficulties that are being created in Iraq. I will talk about that also later in the week.

I believe that when the truth comes out, when everything that is really happening in Iraq is truly known, the American people will discover this is an effort of which we can be enormously proud. This is an effort of America at its best. We have not gone into Iraq for territory; we have not gone into Iraq for economic advantage; we have gone into Iraq for the highest possible humanitarian motives, and with all of the difficulties and all of the problems, and all of the guerrilla attacks, we are daily increasing our ability to fulfill those humanitarian motives.

Let me close with this final comment. I was in this Chamber when the proposal was made that America invade Haiti. I was opposed to that. I voted against it. But we were told it was our duty to invade Haiti, not because there was an imminent threat from Haiti, not because Haiti was developing any weapons of mass destruction, not because Haiti was harboring terrorists, not because Haiti was financing terrorists, all of which applied to Iraq. No, we were told we had to invade Haiti because there was an illegitimate President in charge; that that alone was sufficient reason for American military power to be applied to the situation in Haiti. Obviously, there was no military challenge worthy of the name awaiting us in Haiti. That was an easy decision to make in terms of a military activity.

Colin Powell, then a private citizen, along with former President Jimmy Carter and Senator Sam Nunn, went to Haiti in advance of the invasion and essentially talked the Haiti regime into abandoning their posts and leaving peacefully. Sam Nunn reported to those of us in the Senate after that experience what went on, and basically the individual who convinced the Haitian leadership to give up without a fight was Colin Powell. He sat down with the leader of the Haitian armed forces and convinced him that military chivalry did not require that he die at his post; that he had a responsibility to his troops and if there was, in fact, a shootout with the American military, his troops would be destroyed for no good purpose. The man, responding as one military man to another, agreed with Colin Powell and left the country.

We can look back on that event and discover the following: We replaced a brutal dictator, much beloved of American conservatives, with a man who had the claim of being the legitimately elected President. So technically we replaced a usurper with a President who was legitimate.

I remember raising the question on the floor of what would happen if we put this man in charge because his past history suggested that he would become just as brutal a dictator. Oh, no, I was told, no, because the Haitian Constitution does not allow him to run for a second term. We will put him back in power with the military might of America behind him. He will serve out the balance of his term, and then he will step aside because he is a democrat who responds appropriately to democratic institutions and his constitution says he cannot serve a second term. You need not be concerned that he will seize power in a way that will be dictatorial and brutal to his people, Senator BENNETT, because the Haitian Constitution forbids it.

The Haitian economy was in terrible shape at the time the American military invaded Haiti, and we were told: We will have to do something about that; we will have to rebuild Haiti, so we will turn that responsibility over to the United Nations.

Now, not quite a decade later, looking at Haiti, what do we find? Yes, we replaced a brutal dictator who was much beloved of American conservatives, with a brutal dictator who is much beloved of American liberals, and he is still there, the Haitian Constitution to the contrary notwithstanding. He is going to be dictator for life, as long as he can maintain his military power.

How has the United Nations done in rebuilding Haiti? How has the United Nations fared in bringing democracy and prosperity to Haiti? The average Haitian at best is no worse off than he was prior to the American invasion. And at worst he is considerably worse off economically. The island's economy has continued to deteriorate. Brutality, government murder, and assassination has continued to thrive. Nothing is better; a great deal is worse.

I am not suggesting that Iraq is a perfect analogy with Haiti, but I find it interesting that people who are now complaining that we went in to remove a brutal dictator should consider leaving quickly and, thus, open the door to replacement by a brutal dictator and turn the responsibility of seeing that the country is rehabilitated over to the United Nations.

I think the track record demonstrates that the Americans do a better job than the United Nations and, indeed, if the United Nations is to succeed, should we do that in Iraq, the only way they could do it, and Kofi Annan and others realize this, would be to plead with the Americans to provide the security forces, to provide the money, to provide the expertise to see that it happens. If we are going to provide that, we should be in charge of it.

Mr. President, now I return to the subject I came to the Chamber to discuss, and I will do that much more expeditiously than I would have otherwise, having taken that time to respond to the Senator from Massachusetts.

The issue is the question of whether or not we should allow a voucher pilot program to be tested in the District of Columbia. Let me make it very clear the implication of what I have just said: a voucher pilot program to be tested in the District of Columbia. By voting for this pilot program and the funds that would support it, I am not voting for vouchers in Salt Lake City, I am not voting for vouchers in Cleveland, Detroit, St. Louis, or Los Angeles, and I am not voting for a national voucher system. I am voting for a pilot project to be tested in the District of Columbia.

Once we have tested that pilot project and learn how well it works in the District of Columbia, then we can have the debate of whether or not it belongs in other cities around the country. Then we can have the debate as to whether or not it works.

Right now we hear all kinds of rhetoric about how terribly irresponsible it will be. Do we know? No. Let's test it. We can't just turn the whole school system in the District of Columbia over to private schools. No, we can't. Let's have a pilot program.

A pilot program to be tested in the District of Columbia does not threaten public education across the country, does not threaten the budgets of school boards around the Nation, does not threaten anything except those who are in love with the status quo.

What is the status quo in the school system in the District of Columbia? On a per pupil basis, it is wonderful. On a per pupil basis, more money is spent in the District of Columbia than any other jurisdiction in the United States. That sounds terrific. We are spending more money per pupil to educate kids in the District than anyplace else. We are spending about a third more than the national average, and we are spending about two-thirds more than we spend in my home State of Utah. From a spending per pupil point of view, nothing is wrong with schools in the District.

The only problem is the vast majority of kids who are being educated in those schools are not being educated. The vast majority of the kids on whom that money is being spent are coming out of the system badly shortchanged. They can't read. They can't figure. There are whole gaps in their knowledge of things they don't understand.

There are those who say we are just not supporting them enough; we are just not spending enough money. The late Senator from New York, Pat Moynihan, once said half facetiously, but also to make a point, that if you drew a chart with one line being spending and the other line being accomplishments, you could draw the inference that the more money we spend on education, the worse it becomes because, he said, as the spending line has gone up, the accomplishment line had gone down. He didn't want to suggest there was a cause-and-effect relationship there, and I don't either, but I do think from that chart, particularly with respect to the District of Columbia, we can understand that more money for the present system is not the answer.

The people who are most concerned about the education in the District of Columbia have come forward with a request. By that I mean the Mayor, I mean the president of the school board, and I mean ultimately the people most concerned. The parents of the children have said: Will the Congress please give us the opportunity to do a test of a pilot program in the District of Columbia to see if it works? We in the Congress, in the Appropriations Committee so far, have said: Yes, we will give you the money to test a pilot project in the District of Columbia.

From the rhetoric we heard in the committee and the rhetoric I expect on the floor, one would think we had challenged the entire structure of public education in America from the time of Thomas Jefferson forward. We are not. We simply want to have the money to test a pilot project in the District of Columbia, a pilot project which the leaders of the District of Columbia and the parents in the District of Columbia have asked for. I think it is time we gave them what they asked for.

I am perfectly willing to hold out the possibility that after 3, 4, or 5 years of experience, if we determine that it is a failure, I will vote to cut off all funds for it. I am perfectly willing to stipulate that I don't guarantee in any way that this is a silver bullet that is going to solve all of the problems.

I anticipate that at the end of 4 or 5 years, reading scores are still going to be lousy in the District, mathematics skills are still going to be lousy in the District, but maybe, just maybe they will get a little better as the District schools decide they want to compete with those private schools that are educating the children a little better. I am assuming that will happen.

Yes, but we are only providing this for a small percentage of the students in the District of Columbia, and therefore we are shortchanging the others if it is going to work.

Again, we don't know if it is going to work. We are just providing money for a test of a pilot project in the District of Columbia to see what will happen. I believe, as I say, that it will demonstrate better things and more important things. But I say to those who say you are not doing it for all of the kids, it is like the old story which I first heard from an educator. I know it is almost a cliche now that others have used it, but it is appropriate here, and it is the proper way for me to conclude this presentation.

People are walking along the beach and they are seeing on the sand, away from the ocean, starfish that have been washed ashore by a heavy wave, and the wave has then receded and the starfish are in danger of dying outside of the water.

One of the two picks up a starfish and throws it into the water, and the other says: Why are you wasting your time? Look at all these thousands of starfish that are going to die out here and you can't make a difference. It won't make any difference what you do.

And as the first one threw another starfish back into the ocean he said: It will make a difference to this one.

I suggest that there are many children in the District of Columbia for whom this will make a very significant difference. Just because we can't, here, make a difference for them all, we can at least make a difference for this one, and for that one, and for the next one. Let's have the courage to test a pilot project for the District of Columbia and see what happens.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Utah for a very strong statement. I think he said it very well. We hope this pilot project will cause the competition that we want to see. We hope it will cause the public school system in the District of Columbia to improve. Certainly, at the very least, what we hope to see is 2,000 children who will directly benefit, who will receive these scholarships. We hope it will make a difference in their lives. That is what we think will, in fact, make a difference.

As he said in his little story that he ended with, it will make a difference in these children's lives. If we can make a difference in one child's life or two children's lives or, in this case, 2,000 children's lives, isn't it worth doing? I think the answer is clearly that it is.

The situation in the District of Columbia school system—my colleague has described that. Other colleagues have described how bad the situation is. We can't turn our backs.

The Mayor has said he will not turn his back. He has tried over the last several years to do what he can to improve the school system. He has dedicated himself to this. He has set it as a priority. He has come to us and said this package that is in front of us today is an integral part of his efforts as Mayor of the city of Washington, DC, an integral part of his efforts to try to improve the lives of the children who live in this great city. Frankly, it is the least we can do to have the courage to follow his direction and come forward with this well-balanced approach.

Again, it is a well-balanced approach. We take this new money, $13 million for new charter schools, $13 million for public schools, and $13 million for the scholarship program. It is, in fact, the right thing to do.

Mr. President, I ask unanimous consent to have printed in the RECORD two pages we received today from the Mayor. It is entitled "Government of the District of Columbia, Executive Office of the Mayor, Myths and Facts About the D.C. Opportunity Scholarship Program."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MYTHS AND FACTS ABOUT THE DC OPPORTUNITY SCHOLARSHIP PROGRAM

[Opponents of the District of Columbia Opportunity Scholarship Program have cited several concerns and criticisms about implementing a scholarship (voucher) program in the Nation's capital. These concerns continue to be shared despite leaders' attempts to address each issue. This document addresses these concerns, and describes the District's broader effort to secure additional Federal support for public schools and expanding options for low-income families.]

Myths and distortions	Facts
1. DC Mayor Anthony Williams is reacting to pressure by the White House and Department of Education to start a voucher program in exchange for receiving Federal dollars for public and charter schools.	In February 2003, Mayor Williams and Kevin Chavous, Chair of the District Council's Education Committee brought their ideas for a Three Sector Education Initiative (includes funding for public and public charter schools, and private school scholarships for low-income families) to the White House and the Department of Education (DOE). The White House and DOE agreed to work with city leadership on its plans for improving education and expanding options for District families.
2. The Federal Government is "imposing" a voucher program on the District of Columbia, thus violating the Home Rule Charter.	There is no violation of Home Rule with this program because elected officials of Washington—Mayor Anthony Williams, School Board President Peggy Cooper-Cafritz and Council member Kevin Chavous are actively pursuing and supporting a school voucher program for the District, as are thousands of District families who are seeking a quality education for their children.
3. City Council and Board of Education have voted against vouchers in the District.	In April 2003, the City Council tabled a resolution by a vote of 12–1 that would have resulted in the council voting against the establishment of a voucher program in the District. The positions of the council and school board cited by opponents are actually votes against previous voucher bills before Congress. The Council has never voted against vouchers.
4. District residents do not want the program	Opponents cite a 1981 poll where District residents overwhelmingly voted against a tax credit plan for the District to be funded by local dollars. However, a 1998 poll conducted by the Washington Post found that 56 percent of District residents favored "using Federal money in the form of vouchers to help send low-income students in the District to private or parochial schools." Only 36 percent were opposed.
5. The District has not listened to the people of Washington	At a public hearing of the District's education committee on School Choice in April 2003, 19 of 21 people who testified spoke in favor of establishing a school voucher program in DC. Each year, more than 5,000 low-income families in the District apply for 1,200 scholarships offered through a privately funded scholarship fund.
6. A DC voucher program would take money away from public schools	Mayor Anthony Williams has increased funding to DC Public Schools by 57 percent during his tenure and remains strongly committed to public education. He and Kevin Chavous have gone on record indicating they will hold the District of Columbia Public Schools "harmless" for any local funds they might lose for students who might leave DCPS as a result of the proposed scholarship program. This means that DCPS will be able to keep dollars for children they are no longer required to educate and spend those dollars on necessary reforms, such as lowering class sizes, recruiting talented principals and teachers and contributing to the transformation of additional DC public schools. This coupled with $26 million in new funding being sought through this bill for both DCPS and charter schools is a net gain to public education.
7. The scholarship program will only help a few children and is equivalent to abandoning the public schools and the majority of children they serve.	The scholarship program is one part of a carefully crafted education initiative to continue the reform of public schools and the build out of successful charter schools. The scholarship program will bring immediate educational relief to the families who are on long waiting lists for charter schools, transformation schools and out-of-boundary transfers and who can't wait for reform to get their children a good education today. The program is also designed to spur further reform in the public schools—as the scholarship program in Milwaukee, Wisconsin has done.
8. Charters and out-of-boundary program provide enough choice	As Mayor Williams has said, you cannot have too many good educational options for our children. Thousands of DC families are on waiting lists for charter schools and out-of-boundary transfers, and spaces in those schools simply cannot open fast enough. Why should poor families—who often cannot afford to purchase private education or relocate to a neighborhood with a high performing public school—be made to wait on an education that meets their child's needs when parents with money and influence never would? Mayor Williams seeks a scholarship program to help these families now and level the playing field for their children, even as he continues to support reform in the public schools and expansion of the charter schools.
9. Supporting vouchers in the District of Columbia will be the first step to starting a national voucher program.	District officials have no interest in pushing for a national voucher program. This effort is to establish a pilot program in the Nation's Capital only. Mayor Williams, DC Council Education Chair Kevin Chavous, and DC School Board President Peggy Cooper-Cafritz—with the support of thousands of District families—are asking Congress to support a three-sector education initiative, crafted to meet the distinctive needs of the District of Columbia. Because of the District's unique relationship with Congress, and its lack of a State legislature, it is appropriate for locally-elected officials to seek assistance from Congress.
10. The plan before the Senate will not benefit the District of Columbia and its children.	Currently the Senate Appropriation Bill for the District of Columbia will provide $13 million to public schools, $13 million for charter schools and $13 million for a scholarship program that will enable low-income families to send their children to private schools. The funding will support a Three Sector Education Initiative aimed at leveling the playing field for under-resourced families. The effort, championed by Mayor Anthony Williams, Council member Kevin Chavous, School Board President Peggy Cooper-Cafritz and their many supporters, is focused on expanding education options among traditional public, charter and nonpublic schools to ensure all children in the District of Columbia receive the very best education possible in a school of their parents' choice.

Mr. DEWINE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think the previous comments by our distinguished colleague from Utah merit a brief response. Again, I thank the chairman of the committee, my colleague from Ohio, for being so cooperative on this issue. As I often say, there is usually no disagreement between us, and this is an unusual situation where we have a slightly different viewpoint on this particular education measure.

In reference to what the Senator from Utah said, I would like to make a couple of points.

No. 1, I think part of the argument which he presented was that opponents to this voucher plan fail to accept the fact that the Mayor of the District of Columbia asked for vouchers.

I want to again reiterate for the record that at no time, to my knowledge—and I have talked with the Mayor privately; I have heard him speak publicly; I have been at any number of meetings; I have heard his testimony; and I have read his testimony—did he come to the Congress and to the President to ask for voucher money. He came to ask for money for help with his school system and said he would be open to a variety of different suggestions.

The administration said—and wisely when we passed Leave No Child Behind—no to vouchers for about 10 or 15 good reasons. It said: Mr. Mayor, we are happy basically to help, but you have to take a portion of this in voucher money. The original proposal was, as I said, $10 million in vouchers only, broad-based vouchers, no help for public schools, no help for charter schools, and vouchers to private schools.

No mayor should be blamed for wanting to have additional money for schools—additional money which is not coming out of his budget, it is not extra to us, it is not new money to the Federal Government, but it is new money to the District—no mayor should be blamed for wanting to have additional funding. So the Mayor said basically: I believe in our charter school program, and I believe in our transitional program for public schools. So I will basically take the vouchers portion and make it the best I can.

If the Mayor has a different position, I would like to hear that. But that is my general understanding. I have said that again. The reason that is important is because part of the amendment that Senator CARPER and I wanted to lay down to clarify is one of the major issues in this debate, which is that some of us don't mind having a demonstration program if it is done in the right way for the District of Columbia. But under no circumstances do we want every mayor in this country—or every Governor or every school board president or every reform leader—to think they have to come to Washington to ask for new money or additional money. The only way they are going to get it is if they give a portion of it to private schools for private school vouchers. We don't think there should be a Federal presence. I don't think there should be a Federal mandate, and certainly no Federal contingency, and in this proposal there is.

That is not right.

The hiding behind and saying the Mayor asked, the Mayor asked—I will tell you the Mayor asked, just as every mayor in the country is asking for help, and every Governor is asking for help, and every school board president is asking for help. Why? Because we raised the bar pretty high on them. We said if 50 percent of your teachers aren't certified by 2006, they have to be certified. We said we realize that you don't have a 100-percent graduation rate. By X time—not mandated but unified—you are going to have to improve your graduation rate or else; and your testing scores, or you are going to have to close your schools and reorganize.

I supported that accountability. I am not complaining that we did that, although the responsibility now is very great on the local level.

I also supported additional funding that would go along with those reforms. Unfortunately, this administration passed a law that left a lot of the funding, basically, on the cutting-room floor. It is not going to get to the communities around this country and in the District of Columbia itself. It fell short by $21 million.

Yes. The mayor asked for help, but he didn't ask for vouchers.

The second thing I want to say is that I agree with my colleague from Utah. That is one of the reasons I supported a middle-of-the-road, if you will, principled compromise, suggesting to the administration that if we really want to have a demonstration project, then I would be—as one of the cosponsors of this historic No Child Left Behind Act, not all Democrats, not all Republicans—most certainly interested in a true demonstration program that lasts for 5 years where the money was divided a third, a third, and a third between charter schools, public schools under improvement, and then, perhaps for children in failing schools to go into other opportunities in this District of Columbia, if the accountability were there and if the measurements were tight enough to show that truly at the end of 5 years we are making any progress.

The reason I think that is compelling is because the situation in Milwaukee—the "test" in Milwaukee that has been underway for 13 years with private school choice and private school vouchers—is still inconclusive. The taxpayers in Milwaukee and in the United States want to know whether their taxpayer money is resulting in better academic achievement. There is some evidence to suggest that parents are more satisfied, and that is most certainly a worthy goal. We want parents to be satisfied with their children's education as consumers. But that is not the central focus of Leave No Child Behind. The central focus is academic excellence through accountability so that we can have a school system with as much choice, as much opportunity, and as much transparency for the taxpayer to see if we really get our money's worth through our school system.

If we are going to have a test, the amendment that Senator CARPER and I offer would basically guarantee that at the end of 5 years we would be able to say definitively there are voucher proponents who do not want to know whether a voucher works or not because they are not interested in the accountability portion. They are just interested in the choice or the freedom portion. As long as people have choices, as long as parents generally are happy, what does it matter if their children are failing? If they had real choices and if they could go anywhere with money and informed decisions, that might be something on which we could rely. But they do not have informed choices because the system doesn't allow for that kind of information. It is the same as if you are going to buy a car or an appliance. The vouchers are sort of vouchers on the cheap. You don't really get a voucher to go anywhere you want. Some of these schools cost $20,000. Some of these schools cost $15,000. The voucher they propose doesn't really give you that choice. It is a false choice based on absent information.

But the final point that the Senator from Utah made warrants some comments as well. I have been searching for a way to describe this and to answer. I actually found a better way than I could have written myself in the newspaper last Friday. It is written by Jarvis DeBerry, an African-American columnist who has written on this exact question.

Why not save a few, if you can? That was the story spoken of so eloquently by the Senator from Utah about walking along the sand and saving a starfish and being questioned: Why are you wasting your time? At least I can save one.

I actually happen to agree with that philosophy. But I would like to read this article into the RECORD because it answers it in a way which I think helps frame this debate.

It is entitled, "Vouchers No Way Out of a Failing Society."

It is not too long. I think I have the time to read it here.

He says:

> If you had a child at a failing school, which person would you look toward for help? Harriet Tubman or Frederick Douglass?
>
> Let me state the question another way: If you had a child at a failing school, would your primary concern be helping your child escape or making sure the schools were improved so that escape would no longer be necessary?
>
> I understand that the question has the effect of reducing Tubman and Douglass to one-dimensional characters: One who escaped slavery, then subsequently worked for freedom by plucking slaves from bondage one by one; the other who also escaped but then became famous for taking the podium and urging the country's leaders to live up to the written promise of freedom and justice.
>
> But what about a better way to illustrate the crossroads at which many black people stand? Is it better to take one's promising child out of the system or stay put and make sure that the system gets better for everybody?
>
> Judging from the attacks that have been aimed at Sen. Mary Landrieu by a group called D.C. Parents for School Choice, it's clear that her opponents want black people to believe that Landrieu is indifferent to black people's interests. Why? Because she sends her children to the tony Georgetown Day and hasn't supported a voucher program that would give about 2,000 D.C. families $7,500 each they could use towards tuition and private parochial school.

It further states:

> . . . the woman leading the charge against vouchers in D.C. is black, as is the woman who's pushing for them. The argument that support for vouchers is the more authentically black position is usually made by folks who aren't black.
>
> And what those people usually fail to comprehend is this: While deep down nobody wants a life of poverty and oppression, escaping such a fate often brings with it its own kind of guilt. Why do you think so many young black men who come into money are determined to "keep it real" or that poor black people destined for success are admonished to "Remember where you came from?"
>
> Because solo success seems empty. After she escaped from slavery, Harriet Tubman would have been perfectly justified if she'd never returned to the South. But she made 19 trips back and helped about 300 people escape. The fact that she had to pull out her pistol to keep some escapees on track used to make me think that the people at the end of her pistol were cowards.
>
> But now I wonder if some of them were simply eaten up with guilt because they were escaping and their loved ones weren't.
>
> If D.C.'s voucher program is to give private tuition money to 2,000 students, it does not seem to me to be anti-black to worry about the fate of the other 66,000 or so students who'd be left behind.
>
> But would I try to keep an individual student from trying to escape to a better school? No, I wouldn't. Even though that person's departure would further weaken an already struggling school, and I know vouchers for everybody would not be possible.

This might sound like an argument for the scholarship plan, but I make two points: One, this columnist is writing about moving children out of failing schools, not just any school. And he is talking about only 2,000 slots, allowing children to move out of a system that is not their fault. That is not what this proposal does. This proposal is not limited to children in failing schools.

Although some people argue we should not allow children to move out, I have not. I have argued that under certain carefully crafted circumstances, children could move out while we are fixing the system. But the problem with some voucher proponents is they focus on moving children out and not helping the children still there.

As I have pointed out in this debate, although the proponents say they support charter schools and public schools, there is no guarantee that money will be divided the way it is represented. They state their intention, but there is no guarantee until the administration, the President, comes forward saying there will be no bill because I will veto it if there is not help for the kids left behind. Then the great efforts underway for reform, as well as giving these few 2,000 students an opportunity to a higher performing school; we actually know it is higher performing because we have accountability—the proposal pending before the Senate—continues to have many deficiencies.

Again, Jarvis lays out in this article a key question to the debate. While fixing the public school system—and it is a system that needs fixing—it is not to be unaccounted for. It is clear how much work needs to be done in fixing that system, but it is being fixed. Some who have been working for 25 years to try to fashion the public spirit and focus for fixing the system—some, not all—have also come to the idea that if there are a few spots in schools that are available for these children and it can be done in a fair way with the right kind of evaluation and the right kind of parameters, am I going to stand in the way of a few children getting an opportunity? Not this Senator. There are other Senators who have a different view.

But to say that because I am of that position, that I should be for a whole system of vouchers, which is what this voucher proposal is, hiding behind a DC demonstration project, then absolutely no.

I ask unanimous consent that this article be printed in the RECORD. I hope it answers points raised.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times-Picayune, Sept. 26, 2003]

VOUCHERS NO WAY OUT OF A FAILING SOCIETY

(By Jarvis DeBerry)

If you had a child at a failing school, which person would you look toward for help: Harriet Tubman or Frederick Douglass?

Let me state the question another way: If you had a child at a failing school, would your primary concern be helping your child escape or making sure the schools were improved so that escape would no longer be necessary?

I understand that the question has the effect of reducing Tubman and Douglass into one-dimensional characters: one who escaped slavery, then subsequently worked for freedom by plucking slaves from bondage one by one, the other who also escaped, but then became famous for taking the podium and urging the country's leadership to live up to its written promises of freedom and justice.

But what better way to illustrate the crossroads at which many black people stand? Is it better to take one's promising child out of the system? Or stay put and make sure that the system gets better for everybody?

Judging from the attack ads that have been aimed at Sen. Mary Landrieu by a group called D.C. Parents for School Choice, it's clear that her opponents want black people to believe that Landrieu is indifferent to black people's interests. Why? Because she sends her children to the tiny Georgetown Day but hasn't supported a voucher program that would give about 2,000 D.C. families $7,500 each they could use toward tuition at a private or parochial school.

But Landrieu's reluctance to jump on the vouchers bandwagon shouldn't be used to determine what she thinks of black people. Besides, as The Washington Post points out, the woman leading the charge against vouchers in D.C. is black, as is the woman who's pushing for them. The argument that support for vouchers is the more authentically black position is usually made by folks who aren't black.

And what those people usually fail to comprehend is this: While deep down nobody wants a life of poverty and oppression, escaping such a fate often brings with it its own kind of guilt. Why do you think so many young black men who come into money are determined to "keep it real" or that poor black people destined for success are admonished to "Remember where you came from"?

Because solo success seems empty. After she escaped from slavery, Harriet Tubman would have been perfectly justified if she'd never returned to the South. But she made 19 trips back and helped about 300 people escape. The fact that she had to pull out her pistol to keep some escapees on track used to make me think that the people at the end of her pistol were cowards.

But now I wonder if some of them were simply eaten up with guilt because they were escaping and their loved ones weren't.

If D.C.'s voucher program is to give private tuition money to 2,000 students, it doesn't seem to me to be anti-black to worry about the fate of the other 66,000 or so students who'd be left behind.

But would I try to keep an individual student from trying to escape to a better school? No, I wouldn't. Even though that person's departure could further weaken an already struggling school, and I know vouchers for everybody will never be possible.

Is what's good for a black person necessarily good for black people? Not always. Though I would argue that the converse is generally true.

What proponents and opponents of vouchers have to do now is frame their arguments in a way that doesn't suggest that those who disagree with them hate black people.

Ms. LANDRIEU. Mr. President, I also have some letters from other African-American leaders in the District who are opposed to the voucher plan, most notably the DC Delegate to Congress, Congresswoman NORTON, who gives a long and detailed explanation of why she is opposed.

Particularly of interest in her letter:

First, the city has the largest number of public charter schools per capita in the nation.

She continues:

Charter schools are so popular here with residents that they have long waiting lists, and many are housed in inadequate facilities and need federal funds.

I am pleased to say part of this proposal is, in fact, for charter schools, except we have no guarantee the administration would veto anything if charter schools were not in the proposal. We are waiting for clarification.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC., September 22, 2003.

Senator MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the home rule majority in the District of Columbia—the majority of the City Council, of the elected members of the DC School Board, and myself—I am writing to ask that no appropriation for private school vouchers be added to the DC FY2004 appropriations bill but that our public and charter schools be funded instead. Especially today when the District, like your state, carries large unfunded No Child Left Behind mandates, we strongly oppose funding private school vouchers with federal money. Our opposition to vouchers matches the consistent position of the congressional majority as well, and we ask that you respect our strong position to the same effect. District of Columbia residents are no different from the almost two-thirds of the American people who oppose private school vouchers or the 37 states that have turned down vouchers.

Please also understand that the federal appropriations voucher proposal is not additional money at no cost to the District. Too little attention has been paid during this controversy to the $25 million in combined federal and local per pupil funding that private school vouchers would cost the DC public schools. We ask that Congress refrain from forcing this expensive additional burden on the District today when the city has already made $40 million in cuts to its public schools. Moreover, the private school voucher authorization is for five years while the proposed public school funds are a one-time appropriation.

We believe that the recent close House vote is an important indication of the national significance of the DC voucher proposal. On September 5, after several votes had been taken, House leaders pulled the DC bill because of the strong possibility of losing. On September 9, 2003, the House passed a voucher proposal by only one vote, and my earlier amendment to eliminate funding for DC vouchers tied 203–203. On both of these votes the majority of House Members favored removing vouchers, but the vote was held open for an extraordinarily extended time in order to get a Member to change his vote so as to achieve a voucher majority. Members understood the precedent for the nation they would be setting in voting to include private school vouchers in any bill for the first time.

We hope that you retain the urgently needed funds for charter school facilities and public schools in the Senate appropriation, but we oppose the three-sector approach that where one-year funding for public and charter schools has been included the public school funding cannot erase the precedent that would be set by funding private schools. Mayor Williams testified that his major objective was to secure funding for vouchers. The belated response to offer some funds to private schools came only after D.C. residents and officials demanded that all funds be directed to charter schools and public transformation schools.

As the city's only congressional representative, I am completely confident in assuring you that the majority of D.C. residents remain as opposed to vouchers as they were when they strongly supported the Clinton veto of the D.C. appropriation bill that included federal money for vouchers, as proposed now. Far from supporting vouchers, District residents responded to the recent vouchers bill by forming a broad coalition, the Coalition for Accountable Public Schools, consisting of many organizations of every variety, elected officials and individuals. Hundreds of D.C. residents, led by ministers and rabbis, recently held a Public Funds for Public Schools Lobby Day in the Senate and House to ask that vouchers be removed from the D.C. appropriation. The most recent resolutions of the D.C. City Council and the School Board and the individual letters from members that you have received strongly repudiate private school vouchers paid for which federal money.

It would be particularly ironic if vouchers were forced on the District. The city out flanks every state in offering three thriving alternatives to its traditional public schools, all publicly accountable, as private schools are not. First, the city has the largest number of public charter schools per capita in the nation. Charter schools here are so popular with residents that they have long waiting lists, and many are housed in inadequate facilities and need federal funds. Second, the District also has established 15 public transformation schools separate from the D.C. system, and the transformation schools have achieved the first ever breakthrough in raising the scores of low income children and children in low performing schools. This success is due almost entirely to additional services for parents and children alike, which, tragically, the city is now in the process of cutting for lack of funds. Third, the District has long allowed any parent dissatisfied with the neighborhood school to send the child to an out-of-boundary school. Please do not force on the District of Columbia what Congress has not required for the rest of the country, especially considering that the city's track record in establishing publicly accountable alternatives to traditional public schools is better than that of virtually any of the states.

I am enclosing a short statement elaborating my position on vouchers. I ask that you vote against including any proposal for vouchers in the District of Columbia appropriations bill.

Sincerely,

ELEANOR HOLMES NORTON,
Member of Congress.

Vouchers—Where I Stand and Why

(By Eleanor Holmes Norton)

WHERE SHOULD FEDERAL MONEY FOR D.C. CHILDREN GO?

Two groups of D.C. kids qualify for the federal grants: our children in charter schools and our low-income students in transformation schools where significant test score gains have been made for the first time. The Mayor and Council have made sizable cuts in our schools this year.

WITH FEWER STUDENTS, WILL D.C. PUBLIC SCHOOLS BE BETTER OFF?

The most serious problem with the proposed vouchers has yet to be discussed or to be taken seriously. Our traditional public and charter schools will be hit hard financially if the predicted 2,000 students exit in the fall. Our public schools will lose a combination of $12,557 per pupil in D.C. and federal funds because every school system must be funded on a per pupil basis. That would be a blow D.C. public school funding cannot afford today when it has already been cut.

MUST D.C. KIDS WITHOUT VOUCHERS GO TO "BAD" D.C. PUBLIC SCHOOLS?

I have always believed that a child is entitled to a public school alternative to a neighborhood school that does not work for that child. For decades D.C. has allowed children to choose schools elsewhere in D.C. In addition, D.C. leads the country in providing many alternatives to our public school system. Our extraordinary 42 charter schools are the most extensive in the country. They are the most important innovation in the history of public education here. However, their success has brought charter schools mile-long waiting lists and facilities in churches and other crowded facilities that need federal funds.

The best hope for our low income children are our transformation schools that surround these children and their parents with extra services, including tutoring and other services for the children and special services for the parents. All 15 transformation schools have significantly improved their Stanford 9 scores. The extra services these children get are available in none of the other D.C. public or private schools. These are our poorest children, often with the least motivated parents. The least any bill should do is to encourage and fund the improvements we see for the first time in these children. Instead, cuts will make it impossible to fund many of the extra resources that are producing these results or to quickly expand transformation schools.

WHERE DOES D.C. STAND?

When the Congress tried to impose vouchers, the city preferred to see its appropriation vetoed rather than accept vouchers paid for with extra federal funding. Council and School Board resolutions continue to go well beyond the insult of congressional riders. The city's resolutions, including the most recent, specifically argue that federal money should be spent on publicly accountable schools.

DO VOUCHERS WORK BETTER THAN PUBLIC SCHOOLS?

Although the proposed voucher program is called a "pilot" by some, the results are already in on vouchers. The GAO study of the Milwaukee and Cleveland vouchers found no evidence of student gains. Ten years of independent, verified research of public and private voucher programs in Cleveland, Dayton, D.C., New York, Chile, and New Zealand have shown no substantial academic gains.

Ms. LANDRIEU. Parents United for D.C. Public Schools sent a long letter opposing the use of precious dollars—although they are new to the District, they are not new dollars to the Federal Treasury—saying they would prefer to use that money in other ways. Their letter warrants a great deal of thought and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARENTS UNITED FOR THE
D.C. PUBLIC SCHOOLS,
Washington, DC, September 15, 2003.

Hon. MIKE DEWINE,
Chairman, Appropriations Subcommittee on the District of Columbia, Washington, DC.

Hon. MARY LANDRIEU,
Ranking Member, Appropriations Subcommittee on the District of Columbia, Washington, DC.

Parents United for the D.C. Public Schools and the District of Columbia Parent Teachers Association (DCPTA) oppose any action by the Congress of the United States that would use federal funds to support a voucher program in the District of Columbia. Together, we represent the parents of the District of Columbia. Members of Congress may remember Parents United for the lawsuit that compelled the city to correct safety violations and which led to the development of a master facilities plan for the D.C. Public Schools (DCPS).

The majority of our membership has overwhelmingly voiced strong opposition to funding vouchers in the District of Columbia. As the public schools continue to work hard to meet the needs of all students and are held to higher standards, federal dollars should not fund private schools that will choose their students and are held to no standards.

As parents who are engaged and involved with our local schools as well as at the citywide level, we also want to bring to your attention a particularly urgent concern. Since our schools are formula funded, 2000 fewer students leaving DCPS at once mean a loss of $25 million. Recently, the Board of Education took a vote to rescind negotiated pay raises for all staff, part of a $40 million cut in DCPS. More losses would cripple school funding.

On behalf of thousands of D.C. Public School parents, we ask that you cast a no vote for this and any other voucher bill.

Sincerely,

IRIS J. TOYER,
Co-Chair.
DARLENE T. ALLEN,
President, District of Columbia Parent Teachers Association.

Ms. LANDRIEU. And from Kathy Patterson, who represents Ward 3, I have another thoughtful letter. She states in her letter:

> There are several other education reforms proposed previously in the District of Columbia schools. I urge you to consider one of these alternatives when the D.C. appropriation comes before the Senate.
>
> Pre-kindergarten education. Today, District of Columbia policymakers allocate sufficiently locally generated tax revenues to provide pre-kindergarten education for roughly half of the 4-year-olds in the city. Many of us view expansion of pre-K education to ALL district 4-year-olds as a top priority for funding. . . .

Not one of the priorities, it is a top priority.

So, again, we can understand why voucher opponents would say why are we so intent on taking this $10 to $13 million to spend on a voucher program, not limited to children in failing schools, saying it is a demonstration project but not really having the evaluation mechanisms to support that contention when you could ask a broad range of liberal to conservative, the whole range of people, what would be the most important thing we could do for education in the District. It would be to fund pre-K and early childhood education. Why? Because we know the benefits of quality early childhood education.

She goes on to say the second great use of this money would be additional bilingual schools.

> The Oyster Bilingual Elementary School provides an excellent education to District children, with English and Spanish-speaking teachers in each classroom. While Oyster is located in my Ward, Ward 3, it serves a broad cross-section of children throughout the District. The D.C. Board of Education has fought to replicate the successful program in other areas, an effort that requires additional funding. The Congress could earmark $10 million in support of a second bilingual elementary school within D.C. public schools.

I understand that school is about 40 percent Hispanic and Latino, perhaps 20 to 30 percent African American, and 20 to 30 percent Caucasian children. It is a diverse, excellent school with a wonderful bilingual curriculum. We could create one or two other models based on that with this money.

Finally, she discusses elementary English and math instruction, describing a well-received former initiative of a previous administration of a grant program through the Department of Education designed to provide reading specialists and math specialists to each District elementary school to strengthen instruction in these key areas. The grant was not continued.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 9, 2003.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: I write concerning the District of Columbia FY 2004 Appropriations Bill and, specifically, the federal funding proposed for education reform in the District of Columbia. I appreciate your leadership on this as well as other District issues.

I appreciate the attention that the Congress has given to the educational needs of District children, and understand the amount of work undertaken to craft a package of financial support for education reform in the District of Columbia, including support for the District of Columbia Public Schools. Federal support for a reform initiative here, provided over several years and encompassing rigorous evaluation, can benefit not only children in the District but school children across the country, and I applaud such an approach. At the same time, I cannot support the allocation of taxpayer dollars for private school tuition, particularly when there are so many competing needs.

There are several other education reforms proposed previously in the District of Columbia Public Schools. I urge you to consider one of these alternatives when the D.C. appropriation comes before the full Senate. The $10–$13 million proposed for K–12 scholarships could very usefully be transferred for one of these initiatives:

Pre-kindergarten education. Today District of Columbia policymakers allocate sufficient locally-generated tax revenues to provide pre-kindergarten education for roughly half of the 4-year-olds in the city. Many of us view expansion of pre-K education to ALL District 4-year-olds as a top priority for funding, and we have allocated dollars specifically for this purpose in previous budget cycles. The Congress could earmark $10 million specifically for a pre-K expansion, with the same kind of rigorous evaluation that has been discussed with regard to other alternatives.

Additional bilingual schools. The Oyster Bilingual Elementary School provides an excellent education to District children, with English and Spanish-speaking teachers in each classroom. While Oyster is located in my ward, Ward 3, it serves a broad cross-section of children from throughout the District. The D.C. Board of Education has sought to replicate this successful program in other areas, an effort that requires additional funding. The Congress could earmark $10 million in support of a second bilingual elementary school within D.C. Public Schools.

Elementary English and math instruction. A well-received initiative of Sen. Hillary Rodham Clinton during her tenure as First Lady was a grant program through the Department of Education designed to provide a reading specialist and math specialist to each District elementary school to strengthen instruction in these key areas. The grant was not continued, but represents another very high priority that could be brought forward again, and subject to evaluation to measure its validity as an education reform alternative.

These are just three examples of education reform initiatives strongly supported by District of Columbia policymakers, and, thus, a good menu for the consideration by you in your role as ranking Democrat on the appropriations subcommittee, and by other members of Congress who are also committed to education reform. Each of these options could provide very useful research information of value not only in the District, but throughout the country.

I urge one of these initiatives as an alternative to private school scholarships as a signal of the Congress's strong commitment to improved education outcomes for District children.

Thank you for your consideration.

Sincerely yours,

KATHY PATTERSON.

Think about that, a Federal grant to make sure there was a reading specialist and a math specialist at every elementary school. That grant was not continued but, instead, we hear from this administration: No, we cannot afford that grant but we can afford vouchers.

That is why many Democrats are concerned. That is why they are puzzled. That is why they are perplexed. That is why they are disappointed. That is why they are angry at why we pushed for vouchers when there are so many other needs.

The voucher program, as proposed, is, again, not limited to students in failing schools. It seems to be open-ended. There are no evaluation components tight enough to let us all know—which would be extremely refreshing to me, and a real relief if I could know definitively—whether these private school scholarships or vouchers work. Because if there were, then we could stop spending our time arguing about it and just deal with the facts and move on.

So for that alone I have told people on both sides of the aisle—some opposed and some for—that it might be worth spending the $200 million. It is not $40 million. It is $200 million because for 5 years you are going to have to have $40 million a year.

Now, if this Congress is willing to put up that kind of money in these times, then I most certainly could support it. Again, if it were done in a certain way, meeting the accountability standards of Leave No Child Behind, it would be worth maybe the $200 million to know definitively does the scholarship or the voucher make a difference.

We already know that poor children do better when they leave dysfunctional schools and go to schools that are better organized, more disciplined, and have better instruction. You do not need a study or any money to tell you that.

What we do not know is if a poor child receives a voucher or a scholarship to go to a higher performing private school, basically, or that child receives an opportunity to go to a better public school, can you track to see if the child would do better in the public environment or the private environment? Or does the scholarship matter? Or is it the quality of instruction, class size, et cetera? That is the verdict that is still out. So it would be worth knowing that.

Again, it is not going to cost us $10 million. It is not going to cost us $40 million. It is going to cost us $200 million because we have to have the comparisons of the students in the new charter schools, in the public schools that we are trying to follow as well—the control groups—as well as the scholarship recipients or the voucher recipients.

In addition, I was handed a note that the shadow Senator from the District, Paul Strauss, also opposes vouchers. And he is with us today.

So again there are many, many respected leaders on both sides of this argument in the District. Senator DEWINE and I find ourselves in quite a quandary because we work with all these leaders. We respect them all. We have been working with a broad group of leaders to move the District forward. But this situation deserves debate. It deserves to have the arguments put forward. As I said, if we just come to the floor and, of course, lay our amendments down and argue and debate, tone down the heat and raise the light, then perhaps the District and the country will be helped because we will understand some of the nuances relative to this debate. I hope we are making progress in that regard.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Ohio.

Mr. DEWINE. Mr. President, let me respond to a few comments which have been made by my colleague from Louisiana.

First, we seem to keep coming back to this issue about what the Mayor is for and what he is not for. Unfortunately, my colleague keeps inferring that the Mayor of the District of Columbia, Anthony Williams, really, truly is not for this scholarship program. I think we need to get beyond that issue.

I have a letter that I have already entered in the RECORD. It is already part of this RECORD. It is dated September 11, 2003, to me from the Mayor. The Mayor states in part:

> This initiative—

He is talking about this three-pronged initiative that we are talking about, which includes the scholarship program—

> This initiative was designed by District leadership for District [students] and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city, and without a state government to which, under normal circumstances, I would make this request. In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

Further, in a document that I, a few moments ago, asked to be made part of the RECORD, which is entitled "MYTHS and FACTS"—I will read a portion of this—

Myth:

> D.C. Mayor Anthony Williams is reacting to pressure by the White House and Department of Education to start a voucher program. . . .

Now, this document came from the Mayor's office.

Fact:

> In February 2003, Mayor Williams and . . . [the] Chair of the District Council's Education Committee brought their ideas for a Three Sector Educational Initiative [which] (includes funding for public and public charter schools, and private school scholarships for low-income families) to the White House and the Department of Education. The White House and Department of Education agreed to work with city leadership on its plans for improving education and expanding options for District families.

Again, in both of those documents, Mr. President and Members of the Senate, Mayor Williams has said they initiated these ideas. They are the ones who came forward with the plan. They are wholeheartedly in favor of it.

I wish we could put this behind us. The Mayor is in favor of this plan. This is the Mayor's plan. He wants it. I think we should put this behind us and quit talking about it. This is something the Mayor of this city wants.

We talk about accountability. Senator LANDRIEU is talking about accountability. I would ask any of my colleagues who are on the Senate floor or back in their offices to look at the bill as it now stands to see whether or not they think there is enough accountability.

Senator FEINSTEIN came to the floor last week and added some very helpful language to this bill, which makes the accountability very good. It certainly improved the accountability. We thought we had good accountability in the bill before, thanks, again, to Senator FEINSTEIN and her work in the Appropriations Committee, but her amendment added to the accountability and requires that these scholarship students take the same—the same—test that the District of Columbia public school students take.

Again, we are going to be able to measure how well this program works. We are going to see it year after year after year. The report is going to be there. The parents are going to see it. The taxpayers are going to see it. The residents of the District of Columbia are going to see it. We are going to be able to measure it. We are going to be able to tell how well this program is working—the same tests, identical.

Second, the Feinstein amendment, which has been adopted by this body, which is a part of the bill, requires the Secretary and Mayor to select an independent entity to evaluate the performance of the students participating in the scholarship program.

That is just the highlights. I will not read and take the time of the Members of the Senate. But the accountability is built into this bill now.

If my colleague has other things she wants to put into this bill, we certainly would be more than happy to entertain them and to listen to them, if she has other ideas to improve that accountability.

Again, she talks about vouchers on the cheap. I would say, again, our studies show, and what the HELP Committee's staff has come up with, along with what the District of Columbia officials have come up with, is that clearly most of the availability slots are less than the $7,500.

But for those that would be more, I have no problem with including language in this bill, if my colleague wants to do so, that would require any school which is going to take the voucher to say that is it, they couldn't go back to the parent and say, we want additional money. You are either going to take it as the entire payment or you are not going to accept the student. I have no problem with language in that area to do that. That would be perfectly fine with me.

It is important for us to remember how we got here and why the Mayor wants to do this and why those of us who are strong advocates for this proposal came to the floor to do it. When you look at the statistics of what is going on in the District of Columbia, they are actually shocking figures. How bad are the schools in the District of Columbia? They are bad. Everybody knows that.

If you look at the figures, if you look at the SAT scores, if you look at ACT scores, if you look at graduation rates, all of the statistics—and they have been cited, and I will not take the Members' time to do that—if you look at the dropout rates, if you look at reading scores, the proficiency scores, the math scores, they are shocking. To think that within blocks of this Nation's Capitol, we are tolerating a school system that is not doing any better for the kids, these poor kids who live in our Nation's capital. It is wrong. It is not right. We have an obligation to do something differently.

What we have before us today is something different. In a sense, I could argue it is a radical proposal. But it is really not. It is a conservative proposal. It is a cautious proposal in a sense, because what we do is we say we are going to put more money in the public schools. We are going to take the Mayor's lead, and we are going to put that $13 million more into the public schools, and we will entrust it to the Mayor because that is what he wants.

My colleague from Louisiana has been very interested in charter schools and played a major role in the development of them. The Mayor wants to try to expand charter schools so we will put more money for them. We are not going to put all our eggs in one basket. We are going to try that, too.

But then we are going to try something else, something we have not done before in the District of Columbia; that is, we are going to put some public money, some Federal tax dollars into scholarships for 2,000 kids. That doesn't seem to me to be such a radical proposal. At the same time we are giving more money to the public schools, at the same time we are giving more money to charter schools, let's put $13 million, the same amount as for the other two, let's put in $13 million to create these 2,000 new scholarships for poor kids. Yes, you have to be poor to qualify. Yes, let's keep in mind under this bill the way it is written as to priority, the priority goes to kids from failing schools. Let's create that as well. So we are not putting all our eggs in one basket.

We are not saying we are going one way. We are saying we are going to try something else. We are going to try a balanced approach. We are going to try an approach the Mayor approves of. Let's do something different. We are going to do something a little different, because we are not satisfied with the status quo, because we don't think what is currently going on in our Nation's capital is good enough for the kids who live there.

I say to my colleagues, if you are satisfied with the way things are in the District of Columbia, then take this out of the bill. Go ahead. And when the time comes, vote for the Durbin amendment. Take this out and say: We are going to continue to do things the way we have done them in the past. That is OK.

But if you want to try something different, if you want to try this balanced approach, this rational approach, an approach the Mayor wants to try, then vote down the Durbin amendment, keep the bill the way it is, and let's move forward. Members will have the opportunity tomorrow to do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCERNS OVER U.S. POLICY IN IRAQ

Mr. FEINGOLD. Mr. President, over the past year, I have come to the floor several times to express my concerns about the U.S. policy in Iraq. I have raised questions about what I have called the administration's "shifting justifications" for this war. I have raised questions, both before and after the conflict began, about the administration's plans for finding and securing weapons of mass destruction, for ensuring that the international community is willing to share the burden of reconstruction, and—perhaps most critically—for making certain our action in Iraq does not detract from or undermine the fight against terrorism. I still have many of the same concerns today. I still am not confident that the American people have gotten all the answers and all the information they deserve.

Now many in the administration clearly do not want to talk about weapons of mass destruction in too much detail. They don't really want to talk very much about distorted intelligence. These things are apparently old news in their view.

We fought a war of choice. We remain deeply involved. American troops continue to die. Some don't want to talk anymore about those initial choices that were made. The President told the American people that the main reason he went to war was to prevent Iraq from using weapons of mass destruction against us. Now, however, we are told that the real reason for choosing to go to war in Iraq was to tip off a set of, in effect, democratizing dominos that will change the face of the modern Middle East, perhaps even the entire Muslim world, and then, in so doing, defeat the forces of terrorism. I guess that seems to be the general thrust of the argument.

I don't believe it is a good thing for our democracy or for our standing in the world to switch arguments for a war in midstream. But I do think this idea that the administration is putting forth now, after having moved from many other justifications, also deserves to be seriously and critically considered by this Congress, especially given how often the administration is now invoking this idea that we are going to create a domino effect of democracy throughout the Middle East by invading Iraq and setting up a government there.

Let us consider three propositions that have been repeated by the administration in recent weeks. First, the assertion that Iraq is now the central front in the fight against terrorism—not Afghanistan, not Saudi Arabia, not Southeast Asia, or east Africa or the central Asian states of the former Soviet Republic, Mr. President, but Iraq as the central focus of the war against terrorism.

In support of this assertion, the administration can, of course, point to the influx of terrorists into Iraq since the United States military campaign began. The country was not, however, a hotbed of terrorist activity directed at American interests before that campaign. But the administration appears to be making a much broader point based on a sort of new domino theory for our new century. This time, instead of propping up dominoes threatened by the forces of communism, we are tipping them over in the name of democracy. By tipping the Iraqi domino, we will change the entire Arab world—or perhaps even the entire Muslim world—or so the argument goes—and this in turn will lead to the demise of the terrorist forces that have attacked America.

In other words, what the administration is really saying is that Iraq is now the central battle in the fight against terrorism because this is where we choose to tip the domino.

How likely is it that the battle for the future of the Middle East or the future of modern Islam is going to be fought at a place and time of American choosing? Are we really that all-knowing or that all-powerful?

I agree that a battle of ideas and wills is underway in the region. I am not at all sure that this kind of battle can be influenced by U.S. military action or a U.S. occupation—at least not in the way we would hope.

I am even less sure that invading and occupying Iraq in an attempt to establish a beachhead for democracy will help us in the campaign against terror. It is that campaign against terror that we should be focused upon. How likely is it that the plans and capacities of terrorists operating, let's say, in the Philippines or Indonesia will be greatly affected by the outcome in Iraq? How about the forces still present along the border between Afghanistan and Pakistan? Will a blow for democracy in Iraq wipe them out?

Most importantly, are we more secure? Are we on a firmer footing in the fight against terrorism if we somehow convince ourselves that this is so? Are we on the right track when the Vice President refuses to acknowledge that we know of no real link between Iraq and the attacks of September 11, and then goes on to insist that the Saudis are good partners in the fight against terrorism, as he did on "Meet The Press" earlier this month?

There is something else happening here. I fear that there is. Are we getting distracted, muddled in our thinking, when it comes to our first national security priority? I fear that we actually endanger our security and detract from the fight against terrorism if we all accept this new domino theory as fact.

I can remember hearing a domino theory before, when American troops were fighting a different war. It was an overly simplistic idea that just did not capture all of the different agendas at play in the world—the nationalistic, the self-serving, and the corrupt, to name a few. I am highly skeptical that this theory is any more useful or accurate today.

That earlier conflict also taught me that the right thing to do is to ask hard questions. That is the right thing for the country and the right thing for our brave men and women in uniform. GEN Anthony Zinni made a good point when he spoke earlier this month at the Marine Corps Association and the U.S. Naval Institute Forum. He said the following:

> This is the greatest treasure that the United States has, our enlisted men and women. And when we put them in harm's way, it had better count for something. . . . They should never be put on a battlefield without a strategic plan, not only for the fighting . . . but for the aftermath and winning that war. . . . Our feelings and our sensitivities were forged on the battlefields of Vietnam, where we heard the garbage and the lies, and we saw the sacrifice. We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again?

This is what was said by General Zinni in front of the Marine Corps Association of the U.S. Naval Institute. These are powerful words from one of our generals. They remind us of the stakes, and they remind us that the questions about our planning, about the wisdom and intellectual honesty of the ideas that guide it, are very much in order today.

I support our troops and I support their families who are very anxiously waiting for their return. That is why it is so important to get some clarity on the nature of our involvement in Iraq and where we stand in the fight against terror.

The President is, of course, right to reject the notion that one can be ambivalent about terrorism. If we don't have moral clarity when it comes to the fundamentally evil nature of acts that target innocent civilians, that murder noncombatants on a grand and gruesome scale as some sort of perverse act of political theater, then, of course, we are really lost. There is no halfway point on this. There is no middle ground. The battle against terrorism is worth fighting. It is a battle we did not begin, and it is a battle I have supported and will always support wholeheartedly.

I agree with those who say that states that knowingly harbor and support our terrorist enemies are enemies themselves. That is why I voted to support using our military might in Afghanistan to defeat the forces that attacked us on September 11. I believe we have to stay focused on that goal. No evidence that has been presented to me suggests a meaningful link between Iraq and the forces that attacked on September 11—at least not prior to our invasion. Iraq was not the inevitable next battleground in our fight against terrorism. It was a battlefield that the administration chose for its own reasons and now sees as the lead domino that will start the region on the path to peace and democracy.

Second, let us consider the assertion that the forces attacking Americans in Iraq do so precisely because they know we are onto something—they know that we are bringing freedom and democracy to Iraq and therefore are striking a blow against terrorism.

What if they are attacking us simply because we are there, because we are present and vulnerable and easier to target in a climate of disorder and in the context of a population that regards foreign occupation, understandably, with some suspicion, even fearing that we want to install a client regime that will provide us ready access to the country's oil?

Disorder creates opportunity. Consider the lead of a recent Chicago Tribune article:

> Smugglers on motorcycles ferry Arab insurgents across the rugged desert from neighboring Iran, while former Iraqi army officers guide anti-American Afghan veterans through minefields left over from the Iran and Iraq war. Meanwhile, militants disguised as Iranian merchants, religious pilgrims and charity truck drivers bring in illicit drugs, weapons, and explosives into Iraq to fuel the guerrilla campaign.

Of course, terrorist forces do not want us to succeed in Iraq. They do not particularly want us to succeed anywhere. And America should not and cannot hesitate to take the steps we need to protect our security against terrorist threats. But what I find so disturbing about this assertion is it seems to suggest that bad news somehow vindicates current policy—that if they attack our troops, we are getting it right, that the Middle East peace process breaks down because spoilers are threatened by the winds of democratic change blowing from Iraq.

Recently, Deputy Secretary of Defense Paul Wolfowitz explained away the bombing of the U.N. headquarters in Baghdad and a holy shrine in Najaf by asserting that "Terrorists recognize that Iraq is on a course towards self-government that is irreversible and, once achieved, will be an example to all in the Muslim world . . . pointing a way out of the hopelessness that extremists feed on."

In other words, what he is saying is, these attacks happen because we are on the right track.

This is a somewhat disturbing formula. Are we to interpret every new horror as an encouraging sign that we have it right, that we are really getting to the bad guys? If an increased terrorist presence and activity in Iraq tells us we are on track, what will tell us we are off track?

Associated with this is a third idea—the assertion that fighting terrorists in Iraq means we will not have to fight them closer to home. I heard the President say a number of statements like this.

If only this were true. Do we really believe that somehow we can attract all the terrorists to Iraq, bring them all in there and then defeat them? Do we really believe there is a finite number of terrorists whom we can finish off by goading them into attacking us in Iraq? Do any of us believe that right now terror cells are not plotting and planning and operating elsewhere in the Middle East, in East Africa, in Southeast Asia, in central Asia? Global terrorist networks would be a great deal easier to deal with if they could be contained within some national boundaries, such as Iraq, clearly identified and engaged. But this is simply not the reality we confront today.

We have to be honest with ourselves about what is really accomplished in these skirmishes in Iraq in terms of the long-term security of the United States. Unquestionably, there is value in helping the people of Iraq take control of their own destiny. I am enthusiastic about helping the forces fighting for democracy and accountability and human rights around the world to triumph because I believe their success will create a more stable and just world for my children and my children's children to live in. And there are very real threats associated with allowing Iraq to become a failed state—the same kind of threats I have warned are associated with weak states elsewhere, including weak and failed states in sub-Saharan Africa.

To tell ourselves this is the central front of the fight against terrorism strikes me as more dangerous self-delusion, and we cannot afford to be anything less than clear and focused and relentless in fighting the forces that attacked this country on September 11.

That task is complex. It requires military strength, but military strength alone is not sufficient. It also requires international cooperation in sharing intelligence, disrupting terrorist communications, and planning and cutting off their access to financial resources. It requires international good will to sustain that kind of cooperation, and it requires a robust public diplomacy effort founded on respect and honesty so we can win the trust of those who fear we are hostile toward Islam and the Arab world.

We have a lot of work to do, both in Iraq and in the fight against terrorism. This is as serious business as we will ever confront. Lives are on the line—the lives of Americans both in and out of uniform. Rather than relying on simplistic theories and constantly shifting justifications, we need to be honest about the threats we face and the means to overcome them.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Wisconsin leaves the floor, I wish to express my respect for him. He represents the State of Wisconsin so ably. The one aspect I like about this Senator is you never have to worry how he stands on an issue. He is always very forthright and public in his statements.

As the Chair knows, I spend a good deal of my personal time finding out where the votes are on our side of the aisle. With the Senator from Wisconsin, there is never a problem. He doesn't say: Let me get back to you. Or if he does say that, he does get back to me.

I have the greatest respect and admiration for the Senator. I have also watched how he has been engaged in the international relations of this country. I know how he has been engaged in issues that are important to sometimes only him, but sometimes that is all it takes to focus the attention of the Congress on an issue in which he has been involved.

I had the good fortune when I served in the House to serve on the Foreign Affairs Committee. I do not serve and have not served on the Foreign Relations Committee in the Senate, but I do understand what an important committee it is. I say to my friend from Wisconsin, I feel very good in that he is serving on this committee and, in effect, in doing so is also representing me in his efforts to make sure the American public is advised to what is going on in the rest of the world and our Government is involved, as it should be, around the world.

I publicly applaud and congratulate the Senator from Wisconsin for his speech. I think he has, as usual, studied the issue and has made some tremendous and significant points.

Mr. President, I have a statement I wish to give. It is my understanding the majority wants to propound a unanimous consent request for a vote later today; is that right?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada, no request has been propounded thus far.

Mr. REID. I knew that, but I was trying to be as polite as possible to not get in the way of one being offered. So I will just go ahead with my speech and at some later time I can give everyone a hint that there is going to be a vote at 5:30. That is my understanding.

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Ohio.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, as in executive session, I ask unanimous consent that at 5:30 today the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 380, the nomination of Carlos Bea to be United States Circuit Judge for the Ninth Circuit. I further ask unanimous consent that following 2 minutes equally divided for debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; further, following the vote, that the President be immediately notified of the Senate's action and the Senate then return to legislation session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I recently received a call at home and the person was enraged that we were holding up judges. I explained to the person that that was not factual. I want the record to reflect that tomorrow morning we will approve the 160th judge for President Bush. We have turned down three. So that is 160 to 3 is what I told my friend from Nevada.

I have no objection. I further agree that there be 2 minutes equally divided for the debate prior to the vote tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DEWINE. I further ask consent that at 9:15 a.m., on Tuesday, September 30, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 381, Marcia Crone, to be United States District Judge for the Eastern District of Texas, to be followed immediately by a vote on the confirmation of Calendar No. 384, the nomination of Ronald White to be United States District Judge for the Eastern District of Oklahoma; provided further that following those votes the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Mr. President, I apologize to my friend from Ohio. I was not paying close enough attention. I thought he had finished the entire request. So I am not going to restate my remarks where I was talking about the number of judges. I wanted to do that now rather than earlier, but my friend gets the point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DEWINE. Finally, I ask unanimous consent that there be 2 minutes equally divided for debate prior to each of the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, during the course of our debate last Thursday, we had the opportunity to share a number of thoughts about the President's proposed voucher demonstration for the District of Columbia. I have appreciated the opportunity this last week to engage in discussions and negotiations, if you will, with my friend, Senator DEWINE from Ohio, Senator LANDRIEU, and others.

I know there has been some discussion today. I just arrived moments ago. I want to revisit it a little bit. I think we have a vote in about 20 minutes, but I want to take the next few minutes to review some of that conversation.

I said on Thursday and say it again today, I think the measure as it is being amended on the Senate floor is a significant improvement over what was offered in the House and approved by the House. It was a very close partisan vote. I think it passed by one vote. I appreciate the willingness of the other side to at least engage in what I think were good-faith discussions and negotiations.

Among the problems we found with the legislation that came out of committee to the floor was that eligible participating students need not take the same tests that other District of Columbia students take. Most States around the country have adopted academic standards. Once academic standards are adopted, most States are developing tests to understand the students' progress in math or science or English or social studies or other subjects. I understand the District of Columbia has been involved in the process of developing their own academic standards for their own students. I believe they are in the process of developing tests which would reveal student progress.

In the meantime, I think they use a proxy test. If one of my colleagues wants to correct me, feel free, but I think the District of Columbia uses as a proxy test the Standard of Achievement Test to measure how students are doing with respect to reading, writing, and math.

In the State of Delaware, we adopted our standard in 1995 and began giving Delaware State tests in 1998. We actually use the Stanford 9. We actually embed the Stanford 9 achievement test within the Delaware State test so we have some idea how Delaware students are doing with respect to progress against Delaware standards on math, science, and social studies, and also because of the Stanford Achievement Test we have an idea how we are doing with regard to the rest of the country, at least as it relates to reading and mathematics. But I believe the District of Columbia uses only the Standard of Achievement Test at this time. They are developing a standard of achievement test that will find out how local students are doing against the standards that have been adopted. They will now begin using it.

The reason it is important to make sure all our students are taking the same test, whether they happen to be in a traditional public school or a public charter school or in a private or parochial school, that at least once a year they take the same test, is we want to have some way of objectively measuring whether students are making progress and know we are measuring apples and apples and oranges and oranges, and not apples and oranges.

I believe that with the adoption by voice vote of the Feinstein amendment last week, this measure has been amended so now students in parochial, private, traditional public schools and in charter schools here in the District will all be at least taking the same test. That is an important step.

The next step, though, is for us to figure out what we do with the results from that test. That is critically important.

What do we do with the results of those tests? We measure the students' progress toward the District of Columbia's academic standards. It is all well and good if they take the same test, but what if we don't act on those tests or use those tests as most States, including mine, are using the test to help make sure we hold everybody accountable, hold schools accountable, school districts accountable, students accountable, educators accountable?

I used the example last week. I will use something similar to it today to try to make clear we are not interested in creating an administrative nightmare for the parochial schools or the private schools. I don't know how difficult it would be for them 1 or 2 days a year, a couple of days a year, for those schools to ensure the students attending those schools with vouchers take the District's test. On top of that, we are not interested in imposing on a private school or parochial school the accountability system that we find in No Child Left Behind.

There is going to be an independent entity created here in the District of

Columbia if this voucher demonstration program is actually adopted and implemented. There would be an entity created called an Eligible Entity. That is what it is actually called. As I understand it, that Eligible Entity would be responsible for, among other things, negotiating with the private and parochial schools, making sure the students who receive these vouchers—actually, I understand the voucher funding would come from the Federal Government through the Eligible Entity to the parents of the students. Then they would choose from among a variety of schools. The schools, if they were oversubscribed, would have a lottery system.

We are not interested in seeing that the parochial and private schools that participate have to go through the No Child Left Behind rules. That is not what we are interested in doing. We do want to know, however, if there are 2,000 kids in this voucher demonstration program, how they are doing relative to the District of Columbia's academic standards. We want to know if we are making good progress with respect to those standards. We want to know if the various subgroups that we are responsible for tracking are doing well, just as we would similar subgroups that are still in traditional public schools in DC or in charter schools here in the District of Columbia.

The data for those students enrolled in private or parochial schools, how well they do on their test scores, can fairly easily be aggregated and pulled out either by the Eligible Entity, collected by the Eligible Entity, or by some appropriate entity in the District of Columbia, and they will know how kids are doing in the sixth grade and the seventh grade to the eighth grade. They will know how they are doing with respect to reading and how they are doing with respect to mathematics, if those kids were receiving their education on a voucher.

Again, we are not trying to make things unduly complicated or difficult for the parochial or private schools. But if this is going to happen, if we are going to try this experiment, I think it is in the interest of everybody, including the kids, including us as decisionmakers, to not impede the ability of students to enroll in a private or parochial school that is interested in participating. The key, though, for us is to make sure that at the end of the day we have data that we can look at as decisionmakers, and the folks in the District of Columbia can look at, and they will actually know with some certainty whether or not the students using those vouchers are making academic progress using the same standards, the same kind of accountability that we are imposing on all the public schools, including the charter schools.

I don't think that is too much to ask. I cited last Thursday a quote from the President. I don't have it with me here, but this is what he announced when he rolled out this proposal last July here in the District of Columbia and talked about these kids. I will paraphrase him: These kids have to operate under the same system of accountability that other kids here in the District would be expected to operate under, to which I would say terrific; I couldn't agree more.

In talking with one of the President's top senior people over in the White House last week, I was concerned to hear that one of the reasons we couldn't have expectations for accountability for progress for kids using these vouchers to go to private or parochial schools is because there is kind of an expectation that given their backgrounds and the problems and academic difficulties they bring to the school, we probably couldn't reasonably expect them to make the kind of progress kids in traditional public schools or public charter schools would be making.

It reminded me that the President is fond of talking about the soft bigotry of low expectations. Boy, as soon as I heard those words, I couldn't help but think that strikes of something akin to soft bigotry of low expectations.

We say we expect kids who are in some of these deplorable schools in the District—we are going to take kids out of those miserably failing public schools and put them in a parochial school or a private school and not expect them to perform in those schools or at least match or exceed the scores in the schools from which they came. Something is wrong here. Maybe I misinterpreted or misunderstood what was being said on the phone. I hope I was.

But the scores of those kids who get out of the environment they are studying in should soar.

The last point I want to make is, if you have 2,000 vouchers to hand out to a pool of kids, where do you find the students to give them to? How do you make that determination? As far as I know, we still haven't bridged our differences here.

Senator LANDRIEU and I, along with others on both sides—but more Democrats and some Republicans—have contended that we ought to make every effort to ensure that those vouchers, whether it is 2,000 or however many we have, go to kids in schools that are failing. There is a question about whether we have enough failing schools in the District of Columbia in order to make sure that those vouchers are fully implemented and exercised and used.

I am at a loss as to what to say on that. If the schools in this District are half as bad as we have all heard, there are more than enough kids in schools that any of us would deem failing to use those 2,000 vouchers for, and argue for more. There are 15 public schools in the District of Columbia that are deemed to be failing by the standards that are currently being used. I think that is going to change as this District of Columbia test is developed and implemented in the next couple of years.

In my State, we have been making great progress academically for the last year or so. We have several times the number of failing schools as the District of Columbia has.

I know in talking with Senator LANDRIEU in the last week or so that the State of Louisiana has a whole lot more—just in New Orleans alone many times more than 15—failing schools. There are going to be plenty of kids in failing schools here a year or so from now when it is up and running, if it is ever up and running—more than enough kids in these failing schools.

I would suggest to our friends on the other side of the aisle and to the administration that we shouldn't get bogged down on this point. Let us just give the vouchers to kids in failing schools, be done with it, and move on.

The last piece that is troubling—and it was troubling to us before but even more so now—is when legislation comes to the Senate, whoever the President is, whether it is a former President, President Bush, President Clinton, the former President Bush, President Reagan, there is a statement of administration policy that comes with regard to the legislation. Senator LANDRIEU and I were trying to obtain from our Republican colleagues and from the administration an agreement that what emerges from conference would actually be the language and the principles that were laid out that we and our friends talked about a whole lot last week. We are asking for assurances from the administration and our Republican colleagues that regardless of what we vote on or agree to on the Senate floor—and the whole package could be agreed to on the Senate floor, but when we go to conference with the House of Representatives, you just never know what is going to come out of the conference. We didn't want to be hoodwinked. We didn't want to enjoy a period of victory on the Senate floor only to find that what emerges from the conference of the House of Representatives is something that looks quite different.

Our concerns were underlined, maybe with an exclamation point at the end, when we saw the statement of administration policy.

I don't have it before me. Does Senator LANDRIEU happen to have a statement of administration policy?

Ms. LANDRIEU. Yes.

Mr. President, I do have a statement of administration policy. I appreciate my colleague raising that issue. I know we are scheduled for a vote at 5:30. We only have a few more minutes for this discussion.

But as my colleague from Delaware has stated, there is a statement of administration policy that basically focuses on the $13 million voucher proposal. It does not mention charter schools. It does not mention additional funding for traditional public schools.

We subsequently received a letter from Secretary Paige after this document was presented indicating that his Department is in support of the three-sector approach. But the Senator from Delaware is correct. Until we have a more definitive statement from the administration and our Republican colleagues, even if we accept that language in this bill, there would be really no confirmation.

Mr. CARPER. Mr. President, I believe the Senator from Nevada wishes to say something before we vote at 5:30. I don't want to impede him.

Mr. DEWINE. Mr. President, I wonder if my colleague will yield for a question?

Mr. CARPER. Yes.

Mr. DEWINE. I was really asking my colleague if Secretary Paige's letter—and, of course, my colleague from Louisiana just referenced that letter—I wonder if my colleague would agree that the letter from the Secretary is a pretty definitive letter. The Secretary is the Secretary and does represent the administration. So it seems to me that it is, in fact, the administration's policy to support the three-pronged approach that we have been talking about here on the Senate floor.

Mr. CARPER. I am encouraged that the Secretary has promulgated a letter. I don't know to what extent it also bears an imprimatur of OMB and the senior folks in the White House. I am encouraged by the letter.

The point I am trying to make is that we are uneasy in the first place about entering into some kind of agreement on the Senate floor, and then just seeing that dissipate in conference. In the administration's statement they don't even mention the $13 million for public and charter schools, which just further exacerbates our uneasiness.

Let me yield, if I may, to the Senator from Nevada.

Mr. ENSIGN. Mr. President, how much time remains before the vote?

The PRESIDING OFFICER. One minute.

Mr. ENSIGN. Mr. President, I ask unanimous consent that I be able to speak for 4 or 5 minutes.

Ms. LANDRIEU. I have to object. I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Right after the vote, we can agree to time, if the Senator wishes.

Mr. ENSIGN. I ask my colleague, Mr. President, is there a reason 4 minutes is a big deal?

Ms. LANDRIEU. There is actually a reason. I am sorry. After the vote, we would be pleased to have the Senator speak.

Mr. ENSIGN. Mr. President, I will take the remaining time.

I make a couple of comments. We call this a voucher bill, a scholarship bill, Pell grants for kids, GI bill for some of the most disadvantaged students in the District of Columbia. What we are talking about is the children. Are we going to leave children behind in arguably one of the worst school districts in America or are we going to allow them to at least have a chance, a couple of thousand of them, to have a chance they otherwise would not have? Not only that, can we show something that works? The current system in Washington, DC is not working. At least give the kids and their parents a chance. Instead of putting the bureaucracy first, put the children first.

EXECUTIVE SESSION

NOMINATION OF CARLOS T. BEA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. There are 2 minutes divided for debate on the nomination.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Judge Carlos Bea to serve on the U.S. Court of Appeals for the Ninth Circuit. He has had an exemplary legal career in California as a successful attorney and an impartial jurist, and will serve with honor and distinction on the ninth circuit.

After a distinguished 32-year career in private practice, Judge Bea was appointed and subsequently elected to his current position as a judge on the San Francisco Superior Court in 1990. He was re-elected, without opposition, to the Superior Court bench in 1996 and 2002. In this capacity, he has handled literally thousands of cases and presided over hundreds of trials. In fact, his colleagues and attorneys who practice before him have commented publicly that Judge Bea is at his best when handling complex trials and difficult legal issues.

As with other nominees to the ninth circuit that this committee has considered this year, Judge Bea's colleagues overwhelmingly support his confirmation to the Federal appellate bench. Thirty-seven judges of the San Francisco Superior Court, who serve with Judge Bea and work with him every day, sent a letter to the committee praising his skills as a jurist, and recognizing his service on many of the Superior Court's management committees. He also serves, at the State level, on the California Judicial Council's Advisory Committee on Access and Fairness.

In addition to his Superior Court colleagues, California Supreme Court Justice Carlos Moreno, San Francisco Mayor Willie Brown, and representatives of the San Francisco Bay Area's Hispanic community all wrote to the Judiciary Committee, expressing enthusiastic support for Judge Bea's confirmation to the ninth circuit.

I join them in strong support for Judge Bea's confirmation and urge my colleagues to do likewise.

I yield the floor.

Mr. LEAHY. Mr. President, tonight the Senate votes on the nomination of Judge Carlos Bea of California to the ninth circuit. In just 9 months this year, the Senate has confirmed 58 of President Bush's judicial nominees, which is more than Republicans allowed to be confirmed for President Clinton in 4 of the 6 years of Republican control. In fact, in just 9 months this year, the Republican led Senate has confirmed the same number of judicial nominees as they allowed for President Clinton in all 12 months of 1995. I recall well that the following annual session, 1996, Republicans allowed only 17 judicial nominees to be confirmed all year and not a single circuit court nominee was allowed a confirmation vote by the Senate.

I am glad that, in moving the nomination of Judge Bea to the ninth circuit, the Republican leadership has chosen not to follow the delaying approach they took on the nominations of two other Latino circuit court nominees of President Bush, Judge Edward Prado to the fifth circuit and Judge Consuelo Callahan to the ninth circuit. The two Democratic home State Senators support the nomination of Judge Bea and have worked to expedite his consideration. I expect most if not all Democratic Senators will vote to confirm him, just as they did Judge Prado and Judge Callahan and the scores of Hispanic nominees we have worked so hard to confirm over the last 11 years.

For 2 full years this White House refused to nominate any Latino for the circuit courts other than the highly divisive and controversial nomination of Miguel Estrada. Then the White House refused to work with the Senate to provide the information needed to consider that nomination. Ultimately Mr. Estrada asked that his nomination be withdrawn so that he could devote his attention to his law practice at a prestigious law firm. The Republican leadership delayed Senate consideration of Judge Edward Prado's nomination for a month, then delayed consideration of the nomination of Judge Consuelo Callahan. Their false claim of anti-Hispanic bias among Democrats has been rebutted by the facts.

Democrats have voted to confirm 13 Latinos nominated by President Bush to the Federal courts. Last Congress, Senate Democrats swiftly confirmed six Latino judicial nominees chosen by President Bush—Christina Armijo of New Mexico, Judge Phillip Martinez of Texas, Randy Crane of Texas, Judge Jose Martinez of Florida, Magistrate Judge Alia Ludlum of Texas, and Jose Linares of New Jersey. This Congress, Democrats have unanimously supported the confirmation of seven other Latino judicial nominees—Edward Prado of Texas to the fifth circuit, Consuelo Callahan of California to the ninth circuit, S. James Otero of California, Cecilia Altonaga of Florida, Xavier Rodriguez of Texas, and Frank Rodriguez Montalvo of Texas. And today we vote on the nomination of Judge Bea.

Democrats supported the appointment of 11 Latinos nominated by President Clinton to the appellate courts, but Republicans blocked 3 of them. Of the 12 Latino appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton and 2 by President Bush.

Republicans blocked six Latino nominees of President Clinton from ever receiving a vote—three for the circuit courts and three for the district courts. Republicans blocked Enrique Moreno, who President Clinton nominated to the fifth circuit; Jorge Rangel, who President Clinton nominated to the fifth circuit; and Christine Arguello, who President Clinton nominated to the tenth circuit. In addition, Republicans refused to allow votes on district court nominees, Ricardo Morado, R. Samuel Paz, and Anabelle Rodriguez. Although Republicans denied confirmation votes for six Latinos nominated by President Clinton, among the more than 60 other judicial nominees, Democrats have opposed only a handful of President Bush's judicial nominees.

Many Hispanic nominees of President Clinton were also delayed by Republicans including immigrants Judge Rosemary Barkett and Judge Sonia Sotomayor, as well as Mexican-Americans Judge Richard Paez and Judge Hilda Tagle. Republicans filibustered Judge Paez's nomination for more than 4 full years before finally allowing him a confirmation vote.

Like many of President Clinton's Hispanic nominees, Judge Bea's nomination is supported by the Mexican American Legal Defense and Education Fund and others in the local community.

After today's vote, the Senate's tally is 158 to 3 with 158 lifetime judicial nominations confirmed and three of the most extreme having been blocked. This stands in stark contrast to the Republican record during their prior 6 years of control of the Senate, when Republicans allowed the confirmation of 248 of President Clinton's judicial nominees and blocked confirmation votes on 63 of his judicial nominees, 20 percent. The historical record shows that in 6 years of control, Republicans blocked votes on almost two dozen of President Clinton's circuit court nominees, including five nominees for the fourth Circuit, three for the fifth Circuit, three for the sixth Circuit, three for the ninth Circuit, two for the tenth Circuit and two for the D.C. Circuit. Indeed, in the third and fourth year's of President Clinton's second term, when they controlled the Senate majority and timetable, less than half of President Clinton's circuit nominees were confirmed. Despite this history, Democrats held the first hearings and votes in years for President Bush's nominees to the fourth, fifth, sixth, tenth and D.C. Circuits. Only a handful of the most extreme or controversial nominees of President Bush have been blocked from receiving votes.

Despite the recent past when Republicans blocked so many more circuit court nominees of President Clinton, they seem determined to use judicial nominations for their 2004 election strategy. As the Los Angeles Daily Journal reported last week:

> Despite the fact that judicial nominations barely register on the public's radar screen, Republicans say the issue is a good one for them. They plan to continue to push hard for Bush's nominees, even in the face of firm Democratic opposition. And, they believe, the more nominees that Democrats block, the more the Republican charge of Democratic "obstructionism" will resonate with voters, ultimately paying dividends in the 2004 elections, especially in the South. "Our strategy has been: We don't want to see these people go down, but if they're going to go down, the Democrats have to hurt for it," said the [Republican] aide. Bush himself has said he intends to make his judicial nominees an issue in 2004. "I'm reminding people of the issue of judges," Bush said in a roundtable meeting with Texas reporters last week. "I will elevate this issue as the course of the campaign goes on."

For 5 of the 6 full years that Republicans controlled the Senate during the Clinton administration they did not allow 12 circuit court nominees to be confirmed all year. With Judge Bea's confirmation, Democrats will have joined in the confirmation of far more circuit court nominees of this President than Republicans allowed on average for President Clinton. In the years 1995 through 2000 just seven circuit court nominees were allowed to be confirmed per year on average. This is the twelfth circuit judge confirmed in the last 9 months. This is in addition to the 17 circuit judges confirmed while I chaired the Judiciary Committee and Democrats made up the Senate majority in 2001 and 2002. That totals 29 circuit judges confirmed in the last 26 months.

Republicans do not want to discuss these facts and seem to hope that the American public is not closely watching the actual work of the Senate since 1995. Far from being obstructionist, Senate Democrats have been accommodating in confirming the vast majority of President Bush's judicial nominees, 150 so far. Despite the very real Republican obstruction of dozens and dozens of President Clinton's judicial nominees, we have turned the other cheek in voting for President Bush's very conservative nominees to seats kept open by Republican obstruction of President Clinton's nominees.

As a consequence, there are now fewer vacancies on the Federal courts today and earlier this year than at any time in the past 13 years. Had we not created new seats for this President to fill, we would be at the all-time low vacancies of the Reagan administration. There are more lifetime appointed Federal judges serving on the bench today than at any time in American history. This is hardly the portrait of obstructionism that Republicans will try to sell to the American people.

We have been fair but we will not be rubberstamps for this or any administration. The stakes are too high and the Constitution is too important to do otherwise.

Mrs. BOXER. Mr. President, I want to comment on the nomination currently pending before the Senate, Judge Carlos Bea for the Ninth Circuit Court of Appeals.

I was delighted to meet Judge Bea and his family at his Judiciary Committee hearing earlier this month.

Judge Bea was born in Spain but has lived in California for most of his life. He received both his undergraduate and law degrees from Stanford University. He practiced law in the San Francisco area for over 30 years before he was appointed a judge on the San Francisco Superior Court. He was elected to the seat in 1990 and has been reelected twice by the voters of San Francisco. He has also taught at Stanford and Hastings law schools.

In addition to his accomplishments in the legal community, Judge Bea is also an Olympic athlete. He played on the Cuban national basketball team during the 1952 Olympic games.

As a judge, he is widely respected for his keen intelligence. As one reporter noted, "he has received high marks for his specialty, handling complex civil litigation disputes."

I intend to support this nomination.

The PRESIDING OFFICER. If all time is yielded back, the question is on the nomination.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER (Mr. TALENT). The question is, will the Senate advise and consent to the nomination of Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. Graham), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. REED) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote "yea."

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 368 Ex.]

YEAS—86

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—14

Biden
Chafee
Corzine
Durbin
Edwards
Graham (FL)
Jeffords
Kerry
Lautenberg
Lieberman
Lincoln
Reed
Roberts
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL MISCONDUCT ALLEGATIONS AT THE AIR FORCE ACADEMY

Mr. DAYTON. Madam President, last week, in a hearing of the Senate Armed Services Committee, I listened to some of the most disturbing testimony I have heard in my entire almost 3 years now in the Senate. Testifying were members of a congressional panel investigating the sexual harassment charges raised at the U.S. Air Force Academy. The hearing, which is the third one this year on this matter, is a great credit to its chairman, Senator WARNER. There is no one in this body for whom I have greater respect than the senior Senator from Virginia, now in his 25th year of outstanding service to the State of Virginia and to our Nation. He and his colleague of 25 years, Senator LEVIN of Michigan, don't always agree, but they always work cordially and constructively together to lead that committee and establish a bipartisan or nonpartisan relations way.

As former Secretary of the Navy, the chairman, who strongly supports the services, clearly does not relish in this kind of critical review of one of the Academies. He does not evade it either. To the contrary, he faced up to it responsibly and resolutely, which led to the hearing last week and to another one scheduled for tomorrow. Last week's testimony was provided on behalf of the congressional panel established by the Congress to investigate sexual misconduct allegations at the Air Force Academy. It was eloquently presented by its chairwoman, the Honorable Tillie Fowler, a former U.S. Congresswoman from the State of Florida. Seven other members of the panel appeared with Chairwoman Fowler and answered a number of the committee's questions.

I cannot do justice to the outstanding work of this panel. In just a matter of 2 months, they accomplished more than most Government investigations do in 2 years, or even longer. They probed more deeply, they assessed the conditions at the Academy over the past 10 years more comprehensively, and they reported more concisely, yet insightfully and incisively, than grander commissions with more time and costing much more money. They have all performed a very important service to their country and this Congress, which established and charged them with this mission. They did so with great distinction, and I thank them.

While the report was excellent, its findings were by far the opposite. My colleagues will recall that our colleague, Senator ALLARD, in whose State the Academy is located, brought complaints from a couple of his constituents to the Academy and then to the Secretary of the Air Force when he was not satisfied with the Academy's responses. Senator ALLARD also deserves great credit for bringing those deplorable offenses to the Air Force Academy's leadership to deal with them and bring them to the attention of the full Senate and bring the larger spotlight of public attention on to these abuses.

As the first abuses were reported, other women, present and former cadets at the Academy, disclosed rapes and other sexual assaults against them, and Senator ALLARD has heard from a total now, at this time, of 39 women. That number could be even higher by this time.

After denying there was a serious problem, first, by Academy officials, then by the Air Force service and civilian leaders, and the growing number of victims making accusations of being sexually assaulted at the Air Force Academy and continued pressures of Senator WARNER and Senator LEVIN and Senator ALLARD, there was finally forced the necessary attention and investigations and initial actions by those who have been accused.

The publicly reported experiences of women cadets were truly horrible. In fact, twice horrible—horrible in the rape or the physical attack against them by another cadet at the Academy, and horrible in the callous indifference or even putative responses of Academy officials—toward them, the victims, not toward their alleged attackers.

Here is a brief summary of one first year female cadet's nightmare at the Air Force Academy. This is a published report in the Washington Post:

> Once not very long ago, [her] eyes shown bright when she spoke of piloting airplanes. Few her age seem to be too promising in a future in aviation. But now when the conversation turns to flying, the former Air Force academy cadet dips and stares at the floor. Ever since, she says, a fellow cadet raped her a year ago in her freshman year at the academy, her dreams of flying F-16s and

> her love of the Air Force have crumbled. At age 18, she was a first-year cadet at the academy. But even in that elite group she was one of a very few in her class who had a private pilot's license. In November, 2001, she was chosen as the year's first freshwoman to fly an Air Force plane, roaring above the academy's football stadium before a game. Her downward spiral began a year ago when a cadet whom she knew slightly from the academy raped her in her dormitory room, she said. What she did not know then is that the same senior, once a star of the academy boxing team, had been accused of sexually assaulting a civilian in California 3 months earlier, as well as another freshman cadet at the academy more than a year before that.

Thus began her dizzying fall from grace. Struggling academically and athletically, emotionally devastated, and she said, harassed and hounded by the academy leadership for minor disciplinary infractions, she finally quit last Christmas. The Academy did not discipline the male cadet for his alleged on-campus assault because Academy officials said evidence was lacking. However, it did expel and court martial and convict him on the charge of forcible sodomy in California. He is now serving an 18-month sentence in a Navy brig.

While the female cadet remains angry about the sexual assault, she is angriest at her treatment by the Academy's majors, colonels, and generals who she said turned the tables on her after she reported the assault. She said some officers criticized her for acting affectionately with her boyfriend, who is a different person from the individual who committed the rape. They said she was "no lady" and suggested her behavior was generally promiscuous. It is not a problem of a few bad cadets, the woman now says, the problem is a few bad generals.

For a long time, after first denying there was a significant problem with cadet sexual assaults at the Air Force Academy, the Academy and Air Force leadership questioned how extensive the problem really was. On a couple of occasions during the past decade when students were surveyed on the subject, an alarmingly high percentage of female cadets reported they had been raped or otherwise sexually assaulted during their 1 to 4 years at the Air Force Academy.

The response of the Academy administration was to claim the surveys were not statistically valid, and in two instances, simply not to ask that question in the next year's survey, just defies belief. Talk about sticking their heads in the sand. They really didn't want to know how bad the problem was at the Academy. Now we have a good idea.

One of the accomplishments of the Fowler panel was to obtain from the Department of Defense and inspector general preliminary data from its May 2003 survey of female cadets at the Air Force Academy. Of 579 women in the classes of 2003 to 2006, 88 percent of all women cadets at the Academy at that time responded to this survey: 43 cadets, 7.4 percent, said they had been victims of at least one rape or attempted rape during their 1 to 4 years at the Air Force Academy. That is 1 out of every 13 women. In the senior class, those women who had been there for 4 years, 11.7 percent, or 1 out of 8 female cadets were raped or victims of attempted rape during their 4 years at the Academy; 109 female cadets, 19 percent of all respondents, said they suffered one or more sexual assaults during their years there. That is almost 1 out of every 5 female cadets being sexually assaulted at the Air Force Academy.

The Air Force response to this survey? They consider the definition of "sexual assault" used in the survey too broad and thus the percentage too high. That definition is a sexual assault is:

> Cadet victim, witness, assistance, and notification procedures—the touching of another without their consent in a sexual manner, including attempts in order to arouse, appeal to, or gratify the lust or sexual desires of the accused, the victim, or both. Sexual assault includes, but is not limited to, rape, sodomy, fondling, unwanted touching of a sexual nature and indecent sexual acts the victim does not consent to or is explicitly or implicitly forced into. It is immaterial whether the touching is directly upon the body of another or is committed through a person's clothing.

That sounds like a clear definition of sexual assault to me, and the keywords are "without their consent."

A couple of the other survey findings were that over two-thirds of women cadets, 68.7 percent, reported they had experienced sexual harassment, defined as unwanted and uninvited sexual attention in the form of "sexual teasing, jokes, remarks or questions" while at the Academy—over two-thirds of women cadets.

Of the sexual assault victims, only 19 percent, less than 1 in 5, were reported to the authorities, and of those who did report these incidents, almost half, 46 percent experienced what they called reprisals. That is how extensive these atrocities were if the Academy or Air Force leadership had wanted to know, but they didn't.

An internal Academy working group decided whatever problem did exist there was attributable to, according to the report, among other things, the definition of "sexual assault" in the Academy instruction book was confusing, the training had little focus on the moral leadership or character components of deterrence, and, amazingly enough, the self-defense training given to fourth class women cadets often occurred too late in the semester to be effective.

Let me repeat that. The self-defense training given to fourth class—in other words, first-year women—often occurred too late in the semester to be effective. In other words, the Academy didn't get around to giving them self-defense training before they were raped or sexually assaulted there.

The Fowler panel, which is a document I commend to all of my colleagues as being both incisive and insightful in its own right, and the example of what an outside panel can accomplish in a brief period of time, stated other than the reassignment of recent Academy leadership and retiring the immediate past superintendent in lower grade, the Air Force has not held any member of the Academy leadership accountable for a decade of ineffective action or, in many cases, inaction concerning sexual assaults and the culture that tolerated them.

While the record is not complete, the evidence before the panel shows the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action. It may be impossible to ever fully know what the Air Force leadership knew or suspected about sexual assault problems in the past 10 years, nonetheless the panel uncovered substantial information showing Air Force headquarters had serious and repeated indicators of a problem. If the Air Force headquarters did not act on this information or did so tepidly, it should be held accountable for avoiding its responsibility and accepting sexual misconduct as an unavoidable condition at the Air Force Academy.

By contrast, when the general counsel of the Air Force, who had led a review of a working group and a report issued by the same, stated that, in the words of the Fowler panel, despite the considerable evidence of long-term knowledge by the Air Force and the persistence of sexual misconduct problems at the Academy, the working group, headed by the Air Force general counsel, concluded that "there was no systemic acceptance of sexual assault at the Academy or institutional avoidance of responsibility." In other words, nobody was responsible for all of these atrocities occurring over the previous 10 years, probably longer but not reported or documented before that time. Nobody in positions of command at the Air Force Academy or the Air Force itself is responsible for any of this, and the Fowler report clearly documents instances time after time over that decade where the top command knew, was informed, and failed to act, failed to follow through, replace, failed to communicate, failed to even hold meetings as frequently as required, failed time after time in a myriad of ways to assume the responsibility that they had for the young lives that had been entrusted to them by their families and who were recommended for those appointments by Members of this body and the House of Representatives, who placed their faith and trust in that institution, and not just let down, they were abused, their lives were emotionally devastated, their careers at the Air Force Academy were, in many instances, destroyed, and the perpetrators of these violent crimes, these rapes and sexual assaults, have gone untouched, unsanctioned, and now are pervasive throughout the Air Force itself.

It is so bad, in fact, that in one survey taken by the panel, over 20 percent, over one-fifth of those cadets the Air Force surveyed didn't believe women belonged at the Air Force Academy. The Air Force Academy has been accepting women since 1973—in other words, since before those cadets were born.

How did they conclude, based on the history, since the time they came into consciousness, that women who are an integral part of the Air Force Academy "did not belong" there? How could they not belong any more or less than male cadets?

The panel concluded, as one of them said, the culture at the Air Force Academy is infected. This is not a matter of misguided young adults. In fact, I know from my experience, as I am sure my colleagues have had approximately the same experience, the young men and women who we nominate for appointment to the Air Force Academy, or any of the service academies, are extraordinary young men and women. At least in my State of Minnesota they have to compete with other extremely well-qualified young men and women, and they are selected only after a careful review process. They have to have distinguished careers in high school with their curricula. I have not seen and I would not nominate anybody who has had problems with sexual misconduct or problems in understanding their responsibilities at such an academy to be inclusive, to be honorable, and that they report any violations cited by a commission of these kinds of actions.

According to the panel, what has happened—and I would concur from my own brief experience—is that the culture is infecting those cadets with the wrong ideas, with the wrong views, and with the notion that they can commit those acts with no consequence, that those who are the victims are the ones who are going to be punished, and the honor code notwithstanding, they should just look the other way or ignore what they see happening.

What a terrible climate to create at this institution which is paid for with taxpayer dollars and which is producing men and women who we are going to rely on to pilot Air Force planes and defend this Nation for years to come.

As I said, the very distinguished chairman of the Senate Armed Services Committee, Senator WARNER, deserves such enormous credit for spiriting this inquiry on the part of our committee. He has scheduled another hearing tomorrow where the Secretary of the Air Force and the general counsel of the Air Force are scheduled to testify. I look forward to that hearing so we can get answers to some of these unresolved questions, answers that better be found by the time this matter has been concluded, because, otherwise, I have serious questions whether the Air Force Academy is in a fit position to continue to receive the young men and women of this country and whether, despite the new leadership, it is so systemically "infected," to use the panel's word, with these cultural biases that it is simply not fit to continue to provide training, especially the training of moral conduct and leadership, that these young men and women deserve and which our Nation requires.

To be continued, I will report to my colleagues on my impressions after that hearing, after receiving that report.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 30, 2003

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Tuesday, September 30. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and the Senate then proceed to executive session for two votes on judicial nominations as provided under the previous order; provided that following the second vote the Senate begin a period for morning business until 11:30 a.m. with the first half of that time under the control of Senator HUTCHISON or her designee and the remaining time be under the control of the minority leader or his designee; provided further that at 11:30 a.m. the Senate resume consideration of H.R. 2765, the DC appropriations bill. I further ask consent that the Senate recess from 12:30 to 2:15 for the weekly party lunches.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Madam President, for the information of all Senators, tomorrow the Senate will immediately proceed to executive session to vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

The majority leader has stated on a number of occasions his intent to try to finish that bill early this week. The managers will be here again tomorrow, waiting for any additional amendments that may be offered. Therefore, it is hoped we can conclude this bill during tomorrow's session.

As mentioned earlier today, the Senate will begin consideration of the Iraq emergency supplemental just as soon as that bill is available. Rollcalls will therefore occur each day this week on that bill as we press to try to complete it.

Madam President, if there is no further business to come before the Senate——

Mr. REID. If I could say, just before the Senator gives his final statement here, I appreciate very much the majority allowing the time for us to speak. There are a number of Senators on this side who wish to speak. I appreciate very much the thoughtfulness of the Senator from Kentucky and the majority leader in allowing us to go forward on this basis. Having been in his position on a number of occasions, I know how difficult it is to keep people around, but I appreciate his doing it.

ORDER FOR RECESS

Mr. McCONNELL. If there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order, following the remarks of Senators DASCHLE, HARKIN, and REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

BREACH OF NATIONAL SECURITY

Mr. HARKIN. Madam President, I remember when I was a young boy, right towards the end of World War II, and there was a famous sign I saw at the American Legion club in my small town in Iowa. The sign said, "Loose Lips Sink Ships."

Later on when I went into the military and served in the military, I always remembered that, especially when it came to dealing with sensitive information, that we had to be very careful, very cautious about how we dealt with information which, if it got into the wrong hands, could be injurious to the United States of America.

I mention that because if what I have been hearing and reading about in the news media is anywhere near the truth, then we have a very serious breach of national security emanating from the administration. This is no small matter, about the disclosure of the identity of a CIA agent, an undercover agent, the identity of whom could not only be harmful to that individual herself but to persons with whom she had contact and dealings in other countries.

This July a noted columnist, Robert D. Novak, on July 14, disclosed a covert operative's identity. That is a violation of Federal law. I am not certain Mr. Novak knew that was a violation of Federal law. He should have. He has been in this business a long time. But he printed this disclosure. Where did he get the information? Mr. Novak said he got the information from two senior administration officials. The story goes on to say that:

> Yesterday, a senior administration official said that before Novak's column ran, "two top White House officials called at least six Washington journalists and disclosed the occupation of Wilson's wife [who is the undercover agent who was disclosed by Mr. Novak]. "Clearly it was meant purely and simply for revenge," the senior official said of the alleged leak.

What happens when a disclosure like this goes out is that if agents in the field are on pins and needles about whether they are going to be disclosed at some time, it is going to threaten our intelligence capabilities around the globe. And in fighting international terrorism, the most important thing we need is not the U.S. military, it is not bombers and missiles or a nuclear arsenal or nuclear submarines—in order to combat and beat international terrorism, what we need is good information. Intelligence—intelligence sharing with our allies. If our agents in the field—working undercover with the contacts, the kind of sources they need—if they believe their identity is going to be disclosed in a newspaper column, what does that say to them about how they can do their business? This threatens our intelligence-gathering capabilities.

In fact, I can think of no single action that probably has done more to hurt our ability to fight international terrorism than this disclosure of this undercover agent's name. I say that because it is going to cast a cloud over those who risk their lives daily who are already out there gathering information to protect our country.

You might ask: What precipitated this? Why was this leaked? Evidently it was leaked because this person's husband had revealed the truth about President Bush's deception in his State of the Union Message about Iraq trying to get uranium from Niger.

This individual, Joseph C. Wilson, IV, former U.S. Ambassador, publicly challenged President Bush's claim that Iraq tried to buy "Yellow Cake" uranium from Africa for possible use in nuclear weapons. Because Mr. Wilson had such good credibility when he put this out, it raised questions about whether the President was being forthright in his State of the Union Message. That is why one senior official said that clearly it was meant purely and simply for revenge.

We have the leaking of an undercover individual's name because her husband had revealed the truth about the deception in the State of the Union Message.

I don't know who these two individuals are in the administration, nor how high up they are. Mr. Novak said they were two senior administration officials. Another senior administration official said two top White House officials. Who are they? I guess I would have to ask if President Bush is really serious about cooperating and finding out who it was that violated Federal law—a criminal activity punishable by up to 10 years, a felony. If the President is really serious, and he said he was here—Mr. McClellan, the President's press secretary, said it is a serious matter and it should be looked into.

If the President is serious about cooperating and getting the truth out, ABC News "The Note" today posed these questions which I agree should be answered:

Has President Bush made clear to White House staff that only total cooperation with the investigation will be tolerated? If the President has not done this, why hasn't he?

Has the President insisted that every senior staff member sign a statement with legal authority that they are not the leaker and that they will identify to the White House legal counsel who is? If the President hasn't asked his staff to do that, why hasn't he?

Has President Bush required that all of his staff sign a letter relinquishing journalists from protecting those two sources? If he hasn't, why hasn't he?

Has President Bush said that those involved in this crime will be immediately fired? If he hasn't, why not?

Has Mr. Albert Gonzalez distributed a letter to White House employees requiring them to preserve documents, logs, and records? It is very important. Has Albert Gonzalez distributed a letter to White House employees telling them to preserve documents, logs, and records? If he hasn't, why hasn't he?

Has Mr. Andrew Card named someone on his staff to organize compliance with these? If he hasn't, why hasn't he?

These are things the President has to do if he really and truly wants to cooperate, if he truly wants to get these two individuals identified, and if he truly wants to have them prosecuted to the fullest extent of the law, which they ought to be.

This is not some obscure real estate deal out in the middle of nowhere. I repeat this is not some obscure real estate deal out in the middle of some wilderness area. This has to do with our fight against international terrorism and whether or not those who are charged with the responsibility of collecting and gathering intelligence for us will be protected and their identities protected. Or will we send a signal that they are fair game, that someone in the White House can leak their name, that some columnist will print it in the paper and identify them as an undercover agent for the CIA?

This is serious business. The sooner the President of the United States gets to the bottom of it and complies—and, yes, as soon as we have a special counsel, an independent counsel, not from the Justice Department but a special independent counsel needs to be appointed immediately to make sure that logs, records, and phone logs are not destroyed, that computer files are not erased, and to make sure that we find out who it was who did this to our intelligence communities. Nothing less than a special counsel with full investigative powers, with the full powers of subpoena, nothing less than that will suffice to clear this up and to assure the American people that the President and those close around him had nothing to do with this.

Mr. REID. Madam President, will the Senator yield?

Mr. HARKIN. I yield to my friend from Nevada.

Mr. REID. I haven't heard all of the Senator's statement, but what I have heard leads me to believe after having read about this myself that whoever did this is a traitor. Whoever leaked this is someone who has subjected someone who is an undercover spy for this country to being murdered. I think that it even puts the columnist at risk, Bob Novak, who I like very much. I don't always agree with his politics, but he is a person who has always been very good to me.

I am very happy that the Senator from Iowa has weighed in on this.

I also acknowledge that something should be done. It is my understanding that the majority and the Democratic leader, the ranking member of the Foreign Relations Committee, the ranking member of the Defense Committee, and the ranking member of the Intelligence Committee have written a letter to the Attorney General and the President tonight calling for just what the Senator from Iowa has asked—that there be a special counsel selected to go into this. Some of the things that the special counsel went into during the last few years are minor compared to the gravity of this.

I personally applaud and congratulate the Senator from Iowa for bringing this to the attention of the people of America.

Mr. HARKIN. I thank my friend from Nevada. I am glad to hear that those individuals have sent a letter to the President and to the Attorney General. I hope our friends on the other side of the aisle will do the same. I hope the majority leader and the chairmen of those respective committees will do the same and ask for a special independent counsel.

The word "traitor" is not misleading. It is not trying to blow this out of proportion. I think the Senator is absolutely right. Whoever leaked this and put not only this agent at risk—think about all of the contacts this agent had in other countries. Think about the chilling effect this puts on our intelligence gathering to combat international terrorism. The word "traitor" is certainly not going beyond the bounds.

I think the Senator is right. This is not some obscure little thing. This is not some obscure real estate deal out in the middle of nowhere. This affects the security and safety of our country.

I don't know who did this. But they have to be punished.

Mr. REID. Will the Senator yield for another brief comment?

We have had some espionage people who have turned on us in recent years. They have had very high publicity. I think of the man in Kansas who turned and became a double agent, so to speak, which led to the deaths of American operatives in other countries.

Is this any less than that? It is on the same plane. Whoever did that is certainly guilty of crimes—not punishable by death, perhaps, as Hanssen was subject to, but certainly punishable for many years in Federal prison. I appreciate the Senator bringing this to the attention of the American people through speaking in the Senate.

Mr. HARKIN. I thank my friend.

A CROSSROADS FOR U.S. ENERGY POLICY

Mr. REID. Mr. President, last month a power blackout stranded millions of commuters and shut down businesses in the northeast and midwest. A few weeks later we saw the sharpest weekly increase ever in gasoline prices, just in time for Labor Day. And in Nevada, California and other western States, consumers are still smarting from energy market manipulation by Enron and other companies.

It is clear, as President Bush recently pointed out, that our Nation desperately needs an energy policy.

But not just any energy policy. It must be the right policy, one that protects consumers, safeguards our environment, and bolsters our national security.

That means we must ensure the reliability of our electricity markets, make a serious commitment to conserve energy, balance the interests of big oil companies against the interests of consumers, and kick our addiction to oil from the Middle East.

Unfortunately, some of the ideas that seem likely to emerge from the conference committee on the Energy bill would make matters worse, not better. Although the need for a new energy policy is urgent, we must not be stampeded down the wrong path.

The Environmental Protection Agency took a dangerous step in that direction just a few weeks after the August blackout, when it relaxed pollution rules for some electric power plants.

Allowing old plants to spew more pollution into our air is not the way to create a reliable supply of electricity. It is certainly not a good thing to spew this into the air for my children and my grandchildren. Instead, we must develop our abundant sources of clean, renewable energy: water, the wind, the sun, and the heat within the Earth.

These resources can provide steady, reliable power that is not subject to wild market swings, protecting consumers from shortages and price spikes. Developing renewable energy also creates new jobs. And renewable energy is made in the USA, not subject to the whims of foreign powers.

I am proud that Nevada is a leader in developing our renewable resources. By 2013, the State of Nevada has committed to produce 15 percent of our electricity from renewable sources. State initiatives like this are important and good.

These State initiatives that require a certain percentage of electricity is generated from renewable energy is spurring the growth of geothermal power in Nevada, California and other western states.

Our Nation also needs to set an ambitious but attainable goal for developing renewable energy. Unfortunately, it appears that the conference committee will not include such a goal in the bill that will be offered for our consideration.

We not only need goals for renewable energy, we need incentives that will help us reach them.

Thanks to rapidly improving technology and tax incentives, development of wind power has exploded in the past several years.

I have introduced legislation to expand the production tax credit from wind to include geothermal and solar power. This bipartisan legislation, cosponsored by Senator SMITH of Oregon and 14 others, would also extend the tax credit so businesses could invest in renewable energy with more certainty.

If we are serious about an energy policy that helps consumers and our environment, these provisions must be included in any eventual agreement with the House.

Another bad idea that is being promoted as the panacea for our energy problems is nuclear power.

Nuclear power sounds okay until it is time to dispose of the dangerous radioactive waste. Then nobody wants the stuff anywhere near their community including those scientists who insist it is "safe."

As most of my colleagues are aware, Nevadans are fighting a plan to dump the Nation's nuclear waste at Yucca Mountain, about an hour away from the fastest-growing urban area in the country, Las Vegas. We want our State to be a proving ground for renewable energy, not a dumping ground for nuclear waste. That should also be the thrust of our national policy for producing more electricity.

When it comes to fueling our cars and trucks, we have to kick the Middle East oil habit. It compromises our national security and leaves consumers vulnerable to market manipulations by nations like Saudi Arabia, which contributed to the recent spike in U.S. gas prices by slashing exports.

Unfortunately, we can not drill our way to energy independence. The U.S. currently uses 25 percent of the petroleum produced in the world, yet we hold only about 3 percent of the Earth's known reserves. We can not create more oil under the ground, and drilling in a pristine area like the Arctic National Wildlife Refuge would do very little to boost total production.

There is a solution, however: We can do a better job of conserving oil, with stricter fuel standards for all vehicles, including popular SUVs. By reducing our dependence on foreign oil, conservation will make us more secure; it will also help consumers and the environment.

Some people suggest that fuel cell technology will allow us to convert our vehicles from petroleum to hydrogen, but that will not happen overnight. In the meantime we need a clean way to produce hydrogen fuel. Burning fossil fuels to make hydrogen will still pollute our air and increase global warming. Clean, renewable energy should be part of the hydrogen solution.

As we move into the 21st century, we face tremendous energy challenges, but we also have great opportunities.

We must reduce our dependence on foreign oil and make a bold commitment to clean, renewable energy.

I hope the members of the conference committee will keep these principles in mind as they work to prepare a bill for our consideration. Anything less would be a failure of vision and leadership.

STRENGTHENING CHILD NUTRITION PROGRAMS

Mr. DASCHLE. Mr. President, the Senate has a special bipartisan tradition of support for child nutrition, and I am pleased to promote that tradition by joining with Senators ELIZABETH DOLE and PAT ROBERTS in cosponsoring S. 1549, which would expand children's access to the free school lunch and breakfast programs.

This idea was first suggested to me by Senators Bob Dole and George

McGovern at a conference last year at Dakota Wesleyan College in Mitchell, SD. Since our conversation, I have heard from a number of schools in South Dakota that many families whose children qualify for a reduced price lunch find it difficult to pay even the reduced fee. For some families, the fee can actually be an insurmountable barrier to participation.

The main purpose of the school lunch program is to make sure that children have a reliable, nutritious lunch every day. If a lower income family can't afford to pay for a reduced price lunch, it follows that they will also struggle to afford to provide a bag lunch for their child.

S. 1549 has strong support within my State. The South Dakota State Board of Education and more than two dozen local school boards have passed resolutions urging Congress to eliminate the reduced price school meal program.

Expanding children's access to the free school lunch and breakfast programs would unquestionably help promote better child nutrition in America. I have cosponsored S. 1529 because I support that goal.

I also support other equally important child nutrition and food program improvements. For example, lowering the area eligibility guideline in the summer and child care food programs from the current 50 percent to 40 percent would provide services to more children in low-income communities. Increasing children's access to fresh fruits and vegetables, whole grains, low-fat dairy products, and lean meats are important steps in improving overall health and reducing obesity. Reducing the paperwork burden for participants in the Summer Food Program would help make sure more children have access to healthy food when school is not in session. Making for-profit child care centers that serve low-income children eligible to participate in the Child and Adult Care Food program, and additional improvements to other nutrition programs, including food stamps, are long overdue.

Strengthening food support for low-income families is a sound investment in the long-term health and well-being of our children, and each of these initiatives is a worthy goal. Collectively, they are goals, I believe, a nation as great as the United States should strive to achieve. However, the current budgetary climate makes any of these investments extremely difficult.

Just 2 years ago, record budget surpluses were projected that could have been used to fund this priority. Today, the nonpartisan Congressional Budget Office, CBO, projects massive deficits for many years to come, nearly 40 percent of which CBO attributes to the Bush tax cuts.

The President chose to make tax cuts his economic priority, effectively at the expense of investments in our children. The Republican budget resolution, adopted earlier this year, made the same choice. It prioritized additional tax cuts, while providing no additional resources to the Senate Agriculture Committee for child nutrition or other improvements to food programs.

Unless we can take steps to reorder the priorities in the federal budget, this means any costs resulting from improvements we might make in nutrition programs must be paid for by cutting the same programs or by increasing the deficit.

The administration has proposed to require schools to increase their efforts to verify participating families' incomes which would have the result of generating budget savings. Sound reasonable? But the Department of Agriculture just released results from several new studies that show increasing income verification does virtually nothing to reduce errors but will significantly diminish participation by eligible children. The burden would be particularly acute for small, rural schools, like many in my state, that do not have the personnel to handle the increased paperwork. We clearly should not attempt to feed one group of children by forcing another group of eligible children out of the program.

I support harmonizing the school meal income guidelines with the WIC income guidelines, as S. 1549 proposes. Under current circumstances, this may take some time to achieve. I will continue to work with my colleagues on a bipartisan basis to explore how we might make improvements in our nutrition programs, including advancing the goal of S. 1549. I encourage my colleagues to take a serious look at S. 1549 and consider promoting this legislation as part of a comprehensive, long-term strategy to invest in important national nutritional priorities.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Islip Terrance, NY. On September 23, 2003, two brothers from Colombia were attacked by white students at East Islip High School. The incident, in which anti-Hispanic epithets were spoken, occurred in a hallway of the school. The victims, a junior and a senior, were treated at Southside Hospital for undisclosed injuries.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DIABETES PREVENTION & TREATMENT ACT OF 2003

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor with Senator COCHRAN of S. 1666, the Diabetes Prevention & Treatment Act of 2003.

Today, our health care system spends 1 out of every 4 Medicare dollars on diabetes. Almost 200,000 Americans die because of diabetes each year, and almost one-third of Americans alive today are not aware that they have the disease.

The tragedy is that with the simple preventive and treatment measures available today, we can dramatically improve the likelihood that patients will never develop type 2 diabetes, and we can give good care to those who have type 1 diabetes. With only 30 minutes of walking a day and a healthy diet, people can reduce their chance of developing type 2 diabetes by 58 percent.

Despite these innovations far too many citizens do not realize they are at risk for diabetes or that they may already have the disease. Even more shocking is the disproportionate manner in which diabetes affects children and communities of color. Our bipartisan legislation is intended to see that as many citizens as possible receive the education, treatment, and care they need at the earliest and most treatable stages of the disease.

The Diabetes Prevention and Treatment Act will apply proven methods of prevention and control throughout the country. Its success will produce major improvements in health, and major reductions in diabetes-related costs.

The bill authorizes quality improvement grants for diabetes. It supports the widespread application of best practices in diabetes prevention and control. It also authorizes further education initiatives and outreach strategies, including public awareness campaigns, public service announcements, and community partnership workshops.

In addition, the bill strengthens the ability of the Centers for Disease Control to support State programs, with the goal of establishing a comprehensive, fully funded program in every State. It strengthens the ability of the National Institutes of Health to enhance the role of federally funded centers for diabetes research and training. It authorizes additional initiatives to identify the genetic basis of diabetes and its complications. It expands research on diabetes in historically underserved and minority populations.

The bill will help to reduce diabetes in children and in communities of color, where it disproportionately affects American Indians, Latinos, and African Americans. In the American Indian and Alaskan Native communities, type 2 diabetes has rates 8 to 10 times higher than among whites. African American adults have a 60 percent higher rate, and Latinos have a 90 percent higher rate of type 2 diabetes than whites.

People of color also have unacceptably high death rates from diabetes. African Americans and Latinos die twice as often from the disease as whites, and American Indians and Alaskan Natives die three to four times as often. The bill provides the CDC and NIH with new resources to discover why this epidemic is disproportionately affecting communities of color.

The epidemic level of type 2 diabetes among children is also extremely disturbing. Ten years ago type 2 diabetes was unheard of in the pediatric community. Today, apparently because of poor nutrition and more sedentary behavior, children are developing a disease that 10 years ago usually only affected adults 45 years of age or older. The bill's provisions on children expand and intensify research on this crisis, and add long-term epidemiological surveillance for type 1 and type 2 diabetes and the establishment of regional clinical research centers.

Saving lives will save costs too. Providing better testing, prevention, and treatment for diabetes will save billions of dollars a year in the years ahead. By 2008, we could save $5.7 billion on costs of end-stage renal disease alone.

Many leaders from the diabetes community have worked closely with us on this legislation this year. I commend them for their leadership and I look forward to early action by Congress to approve this bipartisan legislation.

DON'T ASK, DON'T TELL

Mr. KENNEDY. Mr. President, this November marks 10 years since our Nation imposed the discriminatory law known as "Don't Ask, Don't Tell" on the lesbian, gay, and bisexual patriots of our Nation. During the past decade, almost 10,000 men and women have been fired from our Armed Forces simply because of their sexual orientation.

Many of those men and women have sought the assistance and advocacy of Servicemembers Legal Defense Network, SLDN, the Nation's only legal aid and advocacy organization for those harmed by the military's gay ban. In August, SLDN's executive director, C. Dixon Osburn, commemorated 10 years of service to the organization he founded and the brave Americans it serves. Mr. Osburn cofounded the organization in 1993 with former Army CPT Michelle Benecke.

Under Mr. Osburn's leadership, SLDN has provided legal services to 5,000 service members and obtained 35 changes in military policy and practice related to "Don't Ask, Don't Tell, Don't Pursue, Don't Harass." Also under his leadership, SLDN's policy efforts have included obtaining new Pentagon and Service policies on anti-gay harassment, an Executive order on hate crimes in the military and an Executive order providing, for the first time, a limited psychotherapist privilege in the armed forces.

Due in large part to Mr. Osburn's work, The Boston Globe has said "[SLDN] knows far more than the Pentagon about what reality is like in the military and helps individuals caught in the mess." Deb Price of The Detroit News also commended their work, nothing that: "SLDN has repeatedly forced the Pentagon not just to take notice, but to change." And the Nation reports, "It's amazing how much this small legal-aid group has accomplished already."

Mr. Osburn received the 1994 GAYLAW Distinguished National Service Award, and the 1998 Kevin Larkin Award for Public Service from the Massachusetts Lesbian and Gay Bar Association. In 1998, Mr. Osburn was named by the Advocate magazine as one of the Top 10 National Gay Leaders. In 2000, under Mr. Osburn's leadership, SLDN received "Organization of the Year" awards from both the District of Columbia Bar Association Young Lawyers Division and the International Lesbian & Gay Museum of History. I am honored today to recognize his decade of leadership at the helm of SLDN and his unparalleled advocacy for our men and women in uniform.

RETIREMENT OF ROD L. BETIT

Mr. HATCH. Mr. President, I rise today to pay special tribute to a wonderful public servant, Rod L. Betit, who is retiring after a long and distinguished career in public health policy and administration for the State of Utah. His leadership and integrity leave the Utah Department of Health with a long legacy of initiative and excellence.

In 1992, Utah Gov. Norman Bangerter appointed Rod as the Executive Director of the Utah Department of Health making him the longest serving Health Director in the country. This appointment put him in charge of more than 1,300 employees with an annual budget in excess of $1 billion. While serving in this position, Rod established himself early on as an innovator, and someone who was not afraid to try new things. He developed a priority management approach for the Department which significantly improved the Department's ability to make progress in areas such as childhood immunization rates, tobacco control, American Indian health care system issues, youth suicide prevention, and health information systems development.

In addition, Rod has designed and launched a number of innovative health access programs by obtaining special federally-approved waivers. Some of his greatest achievements have included the nation's only comprehensive public mental health system, a managed care program that focuses on moving nursing home residents back into the community; and more recently an initiative that uses a unique 1115 waiver under Medicaid that establishes a Primary Care Program that brings basic health coverage to 25,000 working Utahns whose employers do not offer health care coverage. More than 11,000 adults had enrolled in the first six months of this program. United States Health and Human Services Secretary Tommy Thompson had this to say about the new program: "I am approving this waiver over the objections of my staff because I see great potential for this approach to help reduce the number of working uninsured throughout the country once its success has been demonstrated by Utah."

Rod's leadership abilities and vision prompted Utah Gov. Michael Leavitt to call on him for additional service in 1995 when he asked him to assume the role of the Executive Director of the Utah Department of Human Services while retaining his position with the Department of Health. This is the only time in Utah history that one person has been appointed to oversee two key agencies in state government. The Department of Human Services was facing some very difficult challenges at that time, and Rod, in true capable and courageous fashion, was able to step in and make a difference. He solved some key problems and was able to return to running only the Department of Health 2 years later.

Prior to assuming the role of Executive Director in 1992, Rod served as the Utah Director of the Division of Health Care Financing. In this position he was responsible for all facets of the state Medicaid program and the Utah Medical Assistance Program. Rod's experience directing the Alaska Medical Assistance Program for 12 years before coming to Utah had served him well, and established him as a capable leader.

Rod has not only made a name for himself in Utah he is widely respected throughout the Nation. He is frequently called upon to represent the States' perspectives before Federal officials. He is a recognized expert on Medicaid and health care financing, and is widely viewed as an expert on health care reform.

Rod is returning to his native Alaska to become the President and CEO of the Alaska State Hospital and Nursing Home Association. He will also be able to pursue his love of King salmon fishing, and to be near his family. He will be deeply missed throughout Utah for his expertise, commitment and leadership. I want to commend Rod for the exemplary service he has given to the Utah Department of Health, Utah State Government, and to our nation. He is not only a truly great public servant, he is a loving husband and father to his wife, Ellen, and their three children. I wish Rod the very best life has to offer and pray for his continued good health, success, and happiness.

A TRIBUTE TO TENNIS GREAT ALTHEA GIBSON

Mr. HOLLINGS. Mr. President, some 40 years ago while investigating a case near the intersection of US 15 and State Highway 26, up a dirt road, there were located four shacks. One was the home of Ms. Elizabeth Gibson. I asked her if she had ever heard of Althea Gibson. She pointed to the shack and said she was born right there in that shack. That was the first time I had ever heard that Althea Gibson was a native South Carolinian.

Of course, she had to leave South Carolina to become a success. The good news now is that you can stay in the State and succeed. Over the weekend we lost Althea Gibson. We lost this championship athlete at the age of 76. USA TODAY has an interesting article of her success, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TENNIS TRAILBLAZER ALTHEA GIBSON DEAD AT 76

(By Doug Smith)

She took the snap from center, faded back like a seasoned quarterback and then threw a perfect spiral on target to a receiver 35 yards down field. Althea Gibson was 58 at the time, testing her arm in a friendly game of touch football in Washington, D.C.

"I'm a little rusty, but I can still chuck it," she said.

In her younger days, Gibson, who was 76 when she died Sunday of respiratory failure at an East Orange, N.J., hospital, played tennis with the same unexpected boldness and talent.

A trailblazer for African-Americans as well as women, Gibson fulfilled her dreams of becoming a great tennis champion despite the racial barriers of that era. She won 11 major titles, including the 1956 French Open, Wimbledon (1957–58) and U.S. Open (1957–58) and was the first African-American to play in Grand Slam events.

She was named Associated Press and Babe Zaharias Woman Athlete of the Year in 1957–58 and was honored with a New York ticker-tape parade in July 1957 after becoming the first African-American to win Wimbledon.

Gibson won her first tournament at 15, becoming the New York State black girls' singles tennis champion. Boxer Sugar Ray Robinson helped pay for her travels.

"We all know people who influence us and, if we are lucky, we meet a few in our lives who improve us," tennis legend Billie Jean King said. "Althea Gibson improved my life and the lives of countless others. She was the first to break so many barriers and from the first time I saw her play, when I was 13 years old, she became, and remained, one of my true heroines.

"It was truly an inspiration for me to watch her overcome adversity," King added. "Althea did a lot for people in tennis, but she did even more for people in general. In a tribute, Arthur Ashe once said, 'Politically, Althea's acceptance was crucial to my own. It made it easer for other blacks to follow.'"

Zina Garrison, a 1990 Wimbledon finalist, Lori McNeil, Leslie Allen and Serena and Venus Williams say they were inspired by Gibson's success. Gibson had lived as a recluse in her East Orange home since suffering a stroke in 1994. Besides her longtime friend Fran Gray, Garrison and former New York mayor David Dinkins were among only a few who spoke to or visited Gibson over the last few years.

Garrison said she made a surprise visit to Gibson in her home last month after the U.S. Open.

"I just decided that I wanted to see her," Garrison said. "She looked at me and said 'What are you doing here?' I said, 'I came to see you. Looks like you're doing OK. You're still feisty.' She started laughing and said, 'I might look good, but I don't feel that great. I'm just tired, tired of being here."

"I think of all that she had done in golf, as a singer, her tennis, the music that she played, and I realize that she broke barriers for women, not just for African-Americans."

Born on a cotton farm in Silver, S.C., on Aug. 25, 1927, she moved with her family to New York when she was 3. She grew up on the rugged streets of Harlem and made the transition from farm girl to city girl without missing a step. She excelled in baseball, basketball, football and was unbeatable in paddle tennis and stickball champion in the Police Athletic League.

When not involved in tennis or team athletics, Althea spent most of her teenage years in pool halls and bowling alleys. In 1946, Gibson was rescued from a possible life of poverty by two black physicians—Hubert Eaton and Robert Walter Johnson—when she showed potential as a tennis player.

With her mother's approval, the physicians devised a plan that allowed Gibson to live with Eaton in Wilmington, N.C., during the school year and spend the summers training on Johnson's backyard court in Lynchburg, Va. She quickly became the premier African-American woman player in the country.

She took up golf in 1960 and became the first black woman on the LPGA Tour two years later, but she never won a tournament and earned little money.

Recently, Gibson, Fran Gray and others had collaborated on a book, "Born to Win: The Althea Gibson Story," to be published next year.

"I called her champ and still do," Dinkins said. "We say everybody stands on somebody else's shoulders, and we're talking about people like Martin Luther King, Malcolm X, Sojourner Truth and Harriet Tubman. A whole lot of people—tennis players and many who are not tennis players—stand on Althea's shoulders, because when any black achieves in any discipline, it helps everybody else. It's unfortunate that she never realized and reaped the rewards that she was due."

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT J. "BOBBY" PFEIFFER

• Mr. INOUYE. Mr. President, one of Hawaii's most widely respected business and community leaders has passed away. Robert J. "Bobby" Pfeiffer was, as his friends described him, "an old sea dog" who rose from deck hand aboard tugs and steamers to become Chief Executive of one of Hawaii's most important companies, Alexander & Baldwin, Inc., and of its subsidiary, Matson Navigation Co., Inc.

He was a man of vision who was always in touch with the concerns of all of the people of Hawaii. He often said, "What is good for the community is good for business."

I would like to honor the late Mr. Pfeiffer by asking to have the following biography of Mr. Pfeiffer printed in the RECORD.

The material follows:

ROBERT J. "BOBBY" PFEIFFER, MARCH 7, 1920–SEPTEMBER 26, 2003

CHAIRMAN EMERITUS, ALEXANDER & BALDWIN, INC.; CHAIRMAN EMERITUS, MATSON NAVIGATION COMPANY, INC.

"Old sailors never die, they just drop the anchor," Robert J. "Bobby" Pfeiffer said over a decade ago as he was contemplating retirement. Pfeiffer, one of Hawaii's most renowned sailors and captains of industry, dropped the anchor on September 26, 2003, at age 83, at his home in Orinda, Calif., after a lengthy illness

During his 12½ years at the helm of Alexander & Baldwin, Inc., Bobby Pfeiffer became practically synonymous with business leadership in Hawaii. He charted a course of modernization and diversification, and led A&B through one of its strongest periods of growth and prosperity. At the same time he earned a reputation for leadership—personal as well as corporate—in support of charitable and other community causes.

Mr. Pfeiffer's maritime and business career spanned 58 years, nearly 38 of them with A&B and its ocean transportation subsidiary, Matson Navigation Company, Inc. During that nearly four-decade period, he served as A&B's chief executive longer than all but two of his predecessors, and he piloted Matson for 19 years, longer than any of that company's chief executives since its founder, Captain William Matson.

For his significant contributions to the mid- and late-20th-century modernization of American shipping, Bobby Pfeiffer was recognized with the transportation and maritime industries' highest honors.

Early Years

The descendent of an eight-generation line of sea captains, Bobby Pfeiffer was born in Suva, Fiji, in 1920. He came to Hawaii with his family the following year and spent his early childhood in Hilo and Ka'u on the Big Island. It was there, in a mostly Hawaiian community, that he learned to speak Hawaiian—"otherwise you couldn't eat!" he would later explain—and "developed an affection for the Hawaiian people that [he] never lost." He even learned to dance the hula. His affection for Hawaiian people deepened when, as a young man, he worked on inter-island steamers with Hawaiian shipmates. He developed enormous respect for their sea-going skills and "friendly, compassionate, generous" qualities.

Mr. Pfeiffer moved to Honolulu in 1929 with his family, and he was soon spending all his spare time at the waterfront, in the holds and on the docks, helping unload freight, checking cargo, riding forklifts without permission, and learning to run equipment. By age 12 Bobby Pfeiffer was working summers for Inter-Island Steam Navigation Company, Ltd. His first assignment: deckhand on a harbor tug. Within three years he earned an operator's license for vessels up to 75 feet long and could legally skipper harbor tugs.

He showed leadership qualities and initiative early. By the eight grade, already captain of Roosevelt Intermediate School's junior police squad, Bobby Pfeiffer was chosen president of all junior police on Oahu. As he entered high school, his ambition was to attend West Point and make the Army his career. Knowing that McKinley High School had an excellent ROTC program, he decided on his own to transfer from Roosevelt, then one of Hawaii's elite "English-standard" schools. "I attended McKinley for three weeks before my parents found out," he remembered. He worked his way up to cadet colonel of the ROTC Brigade and earned an appointment to West Point. Shortly before graduation in 1937, however, Bobby Pfeiffer's father lost his job, which prompted the young man to abandon his plans for West Point.

Instead, Bobby Pfeiffer went to work full-time for Inter-Island Steam Navigation, starting the day after graduation. Being a sailor "was a hard life," he said. "Many times we collapsed on mail sacks in the 'tween decks to snatch an hour or two of sleep." His hard work was rewarded and he was soon made an officer. By 1941 he was back ashore, serving as terminal superintendent.

During World War II, Mr. Pfeiffer served in the U.S. Navy. At the end of the war, he married a fellow naval officer, Mary Elizabeth worts, at Koloa Union Church on Kauai. While he would remain in the Naval Reserve until 1965 (retiring with the rank of commander), he soon returned to Inter-Island Steam Navigation, where by 1950 he had risen to executive vice president. Later that year a U.S. Department of Justice order split the company in three; Bobby Pfeiffer was picked to head one of the successor companies, Overseas Terminal, Ltd. He remained with the company until 1955, when he moved to Alhambra, Calif., to become vice president and general manager of Pacific Cut Stone and Granite Co.

Matson

Mr. Pfeiffer began his long association with Matson in 1956, when he was named vice president and general manager of Matcinal Corporation, a Matson stevedoring and terminal subsidiary in Alameda, Calif. Except for the two years (1958–60) that he managed Pacific Far East Line's terminal and cargo operations division in San Francisco, Bobby Pfeiffer would spend the rest of his career with Matson and its corporate parent, Alexander & Baldwin.

Returning to Matson in 1960—as vice president and general manager of Matson Terminals, Inc.—Bobby Pfeiffer promptly earned a place in U.S. maritime annals by helping negotiate the historic labor agreement that made possible the most significant advance in shipping since steam replaced sail: containerized cargo. Today the standard method of shipping, containerized cargo was then in its infancy, having been pioneered in the Pacific by Matson, beginning in 1958.

The Pacific Maritime Association, the shippers' group, made Bobby Pfeiffer chairman of its steering committee, charged with negotiating the ground rules for containerized cargo with the International Longshoremen's and Warehousemen's Union (ILWU), headed by Harry Bridges. Over "months of intense negotiations," that Bobby Pfeiffer would later call "labor-management statesmanship at its finest," the parties created the Mechanization and Modernization (M and M) Agreement. "The union held a coast-wide caucus to consider whether to resist [containerization] . . . or to bargain for a 'share of the machine.' " Bobby Pfeiffer said. "The caucus opted to go after a share of the machine." The result was a significant rise in longshore workers' wages and a new lease on life for the U.S. merchant fleet.

In 1962 Mr. Pfeiffer was named president of Matson Terminals, the first step in an 11-year rise to the presidency of parent Matson Navigation Company. He was made a Matson vice president in 1966, in charge of the company's Far East freight division. In 1970 Matson promoted him to senior vice president for operations, and in 1971 to executive vice president. In 1973 he was named Matson president and, at the same time, senior vice president of its corporate parent, A&B.

During his nearly two decades at the helm, Bobby Pfeiffer led Matson's transformation into one of the world's most efficient ocean transportation companies, shaping and directing a $400 million capital investment program that modernized both the company's fleet and its terminals in Hawaii and on the West Coast.

A&B

Noting Bobby Pfeiffer's successes at Matson, A&B promoted him to executive vice president in 1977, appointed him to its board of directors in 1978, and, in October 1979, named him president and chief operating officer. Less than three months later, in January 1980, A&B appointed him CEO. In October of the same year, he was elected chairman of the board. After 25 years, the former deckhand had sailed home to Hawaii.

Mr. Pfeiffer established a far-reaching legacy at A&B. He developed a strategic plan that focused on completing the technological renewal of Matson—which he continued to head personally for some years—as well as on reinvigorating the company's property development and management activities, and revitalizing its roots in agriculture. He made the Hawaiian word imua—"go forward"—his motto.

To help realize the potential of A&B's extensive landholding as a revenue generator—a full-fledged "third leg," alongside Matson and sugarcane—Bobby Pfeiffer began diversifying the company's real estate assets, starting with the sale of the Wailea Resort on Maui, which A&B had been developing for nearly two decades. He reinvested the proceeds in a new portfolio of income-producing commercial properties on the U.S. mainland, which were managed not only for current income, but also with an eye to appreciation and resale, so as to keep the portfolio growing in value. He also expanded the development and management activities of subsidiary A&B Properties from Maui to Kauai. By 1985, profits from A&B's real estate activities surpassed those from sugar.

Mr. Pfeiffer also led the battle to keep A&B's sugar business viable. He oversaw the completion and expansion of investments in drip irrigation of the company's sugar plantations on Maui and Kauai, and the pioneering automation and computerization of its sugar mills. Together with his success in bringing plantation operating costs under control, these steps kept A&B's sugar business profitable when most other plantations in Hawaii were failing. Bobby Pfeiffer also diversified into coffee on a portion of the company's Kauai lands. A&B's Kauai Coffee Company is now the largest coffee grower in Hawaii.

As a result of these efforts, under Bobby Pfeiffer's leadership, A&B's annual revenue and total assets both nearly tripled, while shareholder equity practically doubled.

Enroute to these achievements, Bobby Pfeiffer saw his leadership seriously challenged. In 1985 investor Harry Weinberg, who had gradually purchased more than a quarter of the company's stock and wished to boost its value by more aggressively capitalizing on A&B's extensive landholdings, attempted to replace Bobby Pfeiffer and the board with his own slate of directors. After a hard-fought proxy battle, the majority of stockholders voted with Mr. Pfeiffer; Weinberg subsequently sold his shares back to the company.

Bobby Pfeiffer kept his hand on the tiller at A&B for more than a dozen years. After devising and testing a succession plan—one of his proudest achievements—and acquiescing in requests by the board that he remain at his posts, Bobby Pfeiffer retired as president in 1991, as CEO in 1992, and, finally, as chairman of the board and director in 1995. He returned to all three posts—and also to the chairmanship of Matson's board—in mid-1998, after his successor, John Couch, had to take a medical leave of absence. Bobby Pfeiffer retired again as president and CEO after three months and as chairman of A&B and Matson a year later. After stepping down as chairman in 1995, and again in 1999, the boards of both A&B and Matson named him chairman emeritus, and he continued attending their meetings regularly until his health began to fail. He kept regular office hours at Matson headquarters in San Francisco until shortly before his death.

Community

Mr. Pfeiffer's legacy at A&B was not all business. He was concerned with the well-being of the community as well. In a landmark 1985 speech to the Chamber of Commerce of Hawaii, he announced A&B's adoption of a policy of making charitable contributions equal to two percent of pre-tax income, and urged his listeners also "to consider the two percent solution." Bobby Pfeiffer explained that he viewed giving a portion of profits "back to the community where they are earned, not so much as an obligation, but as an opportunity to help shape the kind of community we would like to see." In an editorial, Pacific Business News said, "Pfeiffer's 'call to giving' boils down to what's good for the community is good for business." In 1992 Bobby Pfeiffer institutionalized what he called "A&B's long tradition of investing in the community's social fabric" by creating the Alexander & Baldwin Foundation.

Bobby Pfeiffer did not merely lend his name, but worked hard for many of the causes he supported. He played an instrumental role in saving the Hawaii Theatre from the wrecker's ball, lending much-needed credibility to the efforts of the band of dedicated volunteers who wished to restore it. He was generous with his own money too. In the late 1990's, according to columnist Bob Krauss, a member of the board of the Hawaii Maritime Center, Bobby Pfeiffer made "an exceptionally generous personal gift" to establish an endowment for the *Falls of Clyde*, the world's last four-masted, full-rigged vessel, now permanently moored at the foot of Bishop Street, alongside the Hawaii Maritime Center. "It was a noble deed that will help save her for the people of Hawaii forever," said Krauss.

Experiences early in life help explain Mr. Pfeiffer's strong charitable instincts. "Most of us at McKinley came from poor families, so we learned to share," he recalled half a century later. "Some of my classmates lived in a Japanese commune at the foot of Alapai Street at King, and I visited them often. I always was struck by the fact that as poor as they were, . . . there always was something to eat, which was shared with visitors." Poverty was a condition Bobby Pfeiffer knew well, but learned to deal with. He would later tell how, as a schoolboy, he could get a good meal at the Central YMCA for a nickel, the price of a plate of rice and gravy, which he would wash down with "tomato juice" he made by stirring ketchup into a glass of water. He also recalled how, as a young sailor, he would sometimes sail to the Hansen's disease colony at Kalaupapa on Molokai. At the pier in Honolulu, "fathers, mothers, children, husbands and wives said good-bye forever. It was a heartrending situation, and all of us on ship felt badly for days after."

Bobby Pfeiffer had a zest for life. He not only danced the hula, but sang and played the ukulele. Four times a week he would begin his day with a four-mile run, a habit he continued into his eighth decade. In 1965 he learned to fly. He earned certification as a flight instructor and developed his skills to the point that he took up aerobatics and purchased his own aerobatic plane. While he was president of A&B, the company acquired two jets, Imua, a Cessna C–550 for interisland flights, and Manukapu (Treasured Bird), a BAe 1000 for transoceanic and transcontinental flights. Bobby Pfeiffer was certified to fly them both, and whenever he was on the board, he was never to be found in the cabin, but always in the cockpit—in the left seat, as pilot in command.

Mr. Pfeiffer freely admitted he "thrived" on work. He began his day in the office at 5:15 a.m. and was renowed for his puntuality at meetings. It was a trait he expected others to share. A self-described hands on, people-oriented manager, he made it a point to get to know employees personally. He managed by walking around and was famous for greeting or phoning employees on their birthdays.

Bobby Pfeiffer had a deep affection for the ships and crews of the Matson fleet. Even after this retirement and his move back to California to be closer to his children, when a ship concluded a voyage to the West Coast, he would telephone the captain to see how the voyage went and how the captain and crew were faring.

Awards

Bobby Pfeiffer earned many honors over the course of his career. The most distinctive was the naming of a Matson ship for him, the $129 million, 713-foot MV *R.J. Pfeiffer*—completed in 1992, the only commercial vessel built in a U.S. shipyard since 1984. The name was an initiative of the Board of directors—he had entered the meeting intending to recommend another name for the new ship.

Bobby Pfeiffer was also particularly proud to have been honored with: The National Transportation Award (for which he was selected by the U.S. Secretary of Defense on the recommendation of the Joint Chiefs of Staff, putting him in the company of such previous recipients as Juan Trippe of Pan American, William M. Allen of Boeing, Donald W. Douglas of Douglas Aircraft, and helicopter pioneer Igor Sikorsky), 1975; the Admiral of the Ocean Sea Award, by United Seamen's Service, the maritime industry's highest honor, 1985; the "Connie" Award of the Containerization & Intermodal Institute ("for significant contributions to the development and promotion of containerization and intermodal transportation"), 1985; and the Charles Reed Bishop Medal, by Bishop Museum (citing his "leadership and personal example" in making A&B "a leader in corporate citizenship"), 1995. The Order of the Splintered Paddle, Chamber of Commerce of Hawaii, 1996.

Having no formal education beyond high school, Mr. Pfeiffer also took great pride in his three honorary doctorates—from the Maine Maritime Academy (Doctor of Science, 1986), the University of Hawaii (Doctor of Humanities, 1986) and Hawaii Loa College (Doctor of Humane Letters, 1987).

Among Bobby Pfeiffer's many other honors: distinguished Service Award, United States Coast Guard Foundation, 1995; Bay Area Trade/Transportation Executive of the Year Award, San Francisco Daily commercial News, 1978; Person of the Year Award, Transportation Clubs International, 1986; Distinguished Citizen Award, Gannett Foundation, 1986; Junior Achievement Hawaii Business Hall of Fame laureate, 1998; Historic Hawaii Foundation Kama'aina of the Year Award, 1990; Distinguished Citizen of the Year Award, Aloha Council, Boy Scouts of America, 1986; Sales & Marketing Executives (SME) of Honolulu Salesperson of the Year, 1989; Brass Hat Award, Propeller Club of the United States, Port of the Golden Gate, 1973; Ship-in-the-Bottle Award, International Organization of Masters, Mates & Pilots, 1981; and McKinley High School Hall of Honor (he was among the inaugural 38 members inducted), 1986.

Bobby Pfeiffer was a life member of National Defense Transportation Association Among the many professional, civic and charitable organizations he served in a leadership role were A Committee on Excellence, State of Hawaii (chairman); American Bureau of Shipping (member, Board of Managers); Bishop Museum (member, board of trustees); Chamber of Commerce of Hawaii (member, board of directors); Containerization & Intermodal Institute (member, Honorary Board of Advisors); Hawaii Business Roundtable (vice chairman); Hawaii Community Foundation (member, board of governors); Hawaii Maritime Center (vice chairman); Hawaiian Sugar Planters' Association (chairman); Institute for Human Services (member, board of directors); Joint Maritime Congress (Advisory Committee member); Marine Exchange of the San Francisco Bay Region (director); Maritime Transportation Research Board of the National Academy of Sciences (chairman); McKinley High School Foundation (honorary co-chairman); National Association of Stevedores (president); National Cargo Bureau, Inc. (chairman of Pacific Coast Committee); National Tropical Botanical Garden (trustee); Propeller Club of the United States, Port of Honolulu (president) and Port of San Francisco (Board of Governors); Reserve Officers of the Naval Service (president, Honolulu Chapter); The Conference Board (senior member); School of Travel Industry Management, University of Hawaii (member, advisory board); University of Hawaii Foundation (chairman, board of trustees); U.S. National Committee of the International Cargo Handling Association, Inc. (chairman). He served as a director of at least two dozen other companies, and he was a member of the prestigious Bohemian and The Pacific-Union clubs in San Francisco and of the Oahu Country Club and The Pacific Club in Honolulu. Bobby Pfeiffer was also a life member of the Veterans of Foreign Wars.

Mr. Pfeiffer is survived by his children, Elizabeth "Betsy" Tumbas and her husband Stephen; Margaret "Marga" Hughes and her husband William; George W. "Skipper" Pfeiffer and his wife Julie; Kathleen "Kappy" Pfeiffer; and nine grandchildren. His wife, Mary Worts Pfeiffer, died on December 4, 2002, five days after the couple's 57th wedding anniversary.

Services are pending. In lieu of flowers, the family suggests that donations in Pfeiffer's memory be made to the Hawaii Maritime Center or to one's favorite charity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARIES OF STATE AND HOMELAND SECURITY CONCERNING IMPLEMENTATION OF SECTION 428 OF THE HOMELAND SECURITY ACT OF 2002—PM 51

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

Message to the Congress of the United States:

Consistent with section 428(e)(8)(A) of the Homeland Security Act of 2002 (Public Law 107–296) (the "Act"), I am pleased to report that the Secretary of State and the Secretary of Homeland Security have completed a Memorandum of Understanding concerning implementation of section 428 of the Act. The Memorandum of Understanding will allow the Departments of State and Homeland Security to work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2003.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Secretary of the Senate, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

On September 26, 2003, during the adjournment of the Senate, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. STEVENS).

At 1:24 p.m., a message from the house of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker pro tempore (Mr. BALLENGER) has signed the following enrolled bill:

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act (Rept. No. 108–155).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. DURBIN):

S. 1670. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1671. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis Post Office Building"; to the Committee on Governmental Affairs.

By Mr. NELSON of Florida:

S. 1672. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. 1673. A bill to authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1674. A bill for the relief of Adam Paluch; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. 1675. A bill to provide for the reimbursement of air fare costs incurred by members of the United States Armed Forces for domestic travel while on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mr. LEAHY, Mr. WARNER, Mr. BUNNING, and Mr. REED):

S. 1676. A bill to permanently authorize the National Oilheat Research Alliance; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1677. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. SUNUNU, Mr. COLEMAN, Mr. LEVIN, Mr. AKAKA, Mr. STEVENS, and Mr. DURBIN):

S.J. Res. 18. A joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. DASCHLE):

S. Res. 236. A resolution expressing the sense of the Senate that the leadership of the Palestinian people by Yasser Arafat is a hindrance to peace in the Middle East, and that such peace depends on institutions free from the taint of terrorism; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 537

At the request of Mr. CRAPO, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 537, a bill to ensure the availability of spectrum to amateur radio operators.

S. 537

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 537, supra.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 846

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1167

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1167, a bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

S. 1277

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1277, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement discipline, accountability, and due process laws.

S. 1298

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Minnesota (Mr. DAYTON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1586

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1605

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1605, a bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. ENSIGN), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1630

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1637

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1637, supra.

S. 1668

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1668, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAYTON (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. DURBIN):

S. 1670. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

Mr. DAYTON. Mr. President, today I am introducing legislation, S. 1670, which would pay for the travel of U.S. troops stationed in Iraq, or in that theater, to and from their homes for the 2-weeks leave they are being granted.

Incredibly, while asking the Congress for an additional $87 billion for the war in Iraq, the Department of Defense wants to drop soldiers on leave off at the Baltimore Airport and then make them pay for their transportation home and back. Those service men and women are serving with great courage in 115-degree temperatures and other truly awful conditions. They are being given 2 weeks leave—many of them—because they are in the Reserves or National Guard and they have just had their 5- or 6-month tour extended by another 6 months. This will be the only time that many of them will have a chance to see their families during an entire year.

The least we can do is get them home and back at Government expense. If all 138,000 troops who are stationed in Iraq were to take this leave to travel to their homes, the total cost would be approximately $69 million. My legislation would not increase the $87 billion requested by the President, it would just direct that up to $69 million be available to be expensed for this purpose.

Last week, I also cosponsored legislation introduced by Senator BOB GRAHAM, which exempted soldiers wounded in Iraq or Afghanistan from having to pay for meals while they are hospitalized. I was astonished to learn that the military would otherwise dock their pay for the cost of their meals. We are appropriating over $400 billion for our military operations next year through the regular appropriations and supplemental bills. Surely, that provides enough money that U.S. troops who are fighting, risking their lives, being wounded, and dying can be treated compassionately and fairly, not nickeled and dimed with travel and meal costs while on leave, or, even worse, while being hospitalized with combat wounds and injuries.

The American people are generous enough to support our troops properly and care for the wounded compassionately. The Department of Defense should not have to be required to do the right thing. It should be obvious enough to them, but if not, they should give me a call and I will let them know.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF REST AND RECUPERATION LEAVE PROGRAM TO INCLUDE TRAVEL AND TRANSPORTATION TO PERMANENT STATION OR HOME.

(a) EXPANSION.—The Secretary of Defense shall expand the Central Command Rest and Recuperation Leave program to provide travel and transportation allowances to each member of the Armed Forces participating in the program in order to permit such member to travel at the expense of the United States from an original airport of debarkation to the permanent station or home of such member.

(b) ALLOWANCES AUTHORIZED.—The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code.

(c) CONSTRUCTION WITH OTHER ALLOWANCES.—Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) DEFINITIONS.—In this section:

(1) The term "Central Command Rest and Recuperation Leave program" means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term "original airport of debarkation" means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

By Mr. NELSON of Florida:

S. 1672. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a bill that will preserve a part of the history of Florida and America. My bill will allow 20 acres of untouched, undeveloped sand dune land on American Beach, Amelia Island, FL to become part of Timucuan Ecological and Historic Preserve.

The history of American Beach is partly the chronicle of Africa-American achievement and economic autonomy during the Jim Crow era. American Beach was purchased in 1932 by the Afro American Life Insurance Company and its President, A.L. Lewis. This insurance company was the first insurance company owned by any Floridian, either a black or white. Mr. Lewis' granddaughter, affectionately referred to as the "Beachlady," still resides on American Beach and is revered for her colorful life and her work to preserve the American Beach from development and environmental degradation.

American Beach was an integrated beach when all beach communities throughout the United States were segregated. For decades, it flourished as an ocean-side paradise for blacks from all parts of the country. American Beach is still owned primarily by African Americans who are the descendants of the original owners. But, developers are slowly moving in to destroy this property that holds a chapter of American history. The sand dunes tell many stories of generations long past—writer Zora Neale Hurston, heavyweight champion Joe Louis, entertainer Cab Calloway, and civil rights leader A. Philip Randolph vacationed on American Beach. But, most of the beach dwellers and visitors were ordinary working-class African Americans.

This legislation merely seeks to expand the boundaries of a wonderful nature preserve already in place to preserve this unique and special place called American Beach.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timucuan Ecological and Historic Preserve Boundary Revision Act of 2003".

SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE, FLORIDA.

Section 201(a) of Public Law 100–249 (16 U.S.C. 698n) is amended—

(1) by striking "(a) ESTABLISHMENT.—There is hereby" and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is"; and

(2) by adding at the end the following:

"(2) MODIFICATION OF BOUNDARY.—

"(A) IN GENERAL.—In addition to the land described in paragraph (1), the Preserve shall include approximately 12.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled 'Timucuan Ecological and Historic Preserve American Beach Adjustment', numbered 006/80012 and dated June 2003.

"(B) DUTIES OF SECRETARY.—The Secretary of the Interior shall—

"(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

"(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.".

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. 1673. A bill to authorize the award of the Iraqi Liberation Medal as a campaign medal for members of the Armed Forces who serve in Southwest Asia in connection with Operation Iraqi Freedom; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators LUGAR, LIEBERMAN and BAYH to offer legislation to honor our servicemen and women in Iraq, who serve far from home, and far from family and friends. They left the freedom and security of home to provide freedom and security to those who have not known it for many years. The human cost has been great, over 300 American fighting men and women will never come home, and over 1,500 will return wounded. Today, over 130,000 troops remain in the region. They remain to ensure that those who paid the ultimate sacrifice did not die in vain. They are also there to build a new Iraqi nation of stability and freedom. My fellow Senators, the liberation of Iraq is turning out to be the most significant military, occupation and reconstruction effort since the end of World War II.

Despite their sacrifice and courage, these brave young men and women will not be specifically recognized for their service in Iraq. Instead, the Department of Defense has decided to award them the Global War on Terrorism Expeditionary Medal. I believe that this is a mistake, and that our military deserves better. Along with my colleagues, Senator LUGAR, Senator BAYH and Senator LIEBERMAN, I propose to correct this mistake by offering legislation authorizing the Iraqi Liberation Medal in lieu of the Global War on Terrorism Expeditionary Medal.

While some of us in this body have not shared the administration's view on this war, we are united when it comes to supporting our troops. These young men and women from active duty, National Guard, and Reserves are all volunteers and exemplify the very essence of what it means to be a patriot. They continue to serve even though they do not know when they will return home to family and friends. They continue to serve despite the tremendous hardships they face and they continue to serve despite the constant threat to their lives. The President agrees with our view of the exemplary service of these young men and women. On the deck of the U.S.S. *Abraham Lincoln*, President Bush proclaimed: "In this battle, we have fought for the cause of liberty and for the peace of the world. Our Nation and our coalition are proud of this accomplishment, yet it is you, the members of the United States military, who achieved it. Your courage, your willingness to face danger for your country and for each other made this day possible."

I was extremely disappointed when I learned that those serving in Iraq would not be specifically recognized for their efforts. There will be no Iraqi campaign medal. Instead, the Department of Defense will award them a Global War on Terrorism Expeditionary. I think this is a grave mistake.

During Operation Desert Storm, service members received three separate military decorations for their service: the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal, and the Liberation of Kuwait medal. For service in Kosovo, our service men and women received the NATO Service Medal, and the Kosovo Campaign Medal.

Many within the military share this view; according to the Army Times: "Campaign medals help establish an immediate rapport with individuals checking into a unit." An expeditionary medal like the GWOT does not necessarily denote combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter. "When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang. 'They show what you've done and how serious you are,' said Gunnery Sgt. James Cuneo. 'If you're a good Marine, people are going to award you when it comes time . . .'."

My fellow distinguished colleagues, it is time.

We must recognize the sacrifice and courage of our young men and women who liberated Iraq, including great Americans like Army Specialist Joseph Hudson from Alamogordo, New Mexico, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson being interrogated by the enemy. Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, "I follow orders." Those of us with sons and daughters were united in worry with Specialist Hudson's family. The entire Nation rejoiced when he was liberated.

We have also asked much from our reserve and National Guard forces. The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 Guard and Reservists currently on active duty. As recently as this weekend an additional 10,000 troops from Washington State and North Carolina were activated for service in Iraq.

My colleagues, Senator LUGAR, Senator LIEBERMAN, Senator BAYH, and I are committed to honoring our over 200,000 heroes who liberated Iraq. We believe that current administration policy does a disservice to our fighting men and women. Therefore we propose, in lieu of the GWOT medal, a new decoration that characterizes the real mission in Iraq, one that is distinctive and honors their sacrifice, the Iraqi Liberation Medal.

What we do today is not without precedent; Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decorations. Our Nation's highest military decorations were authorized by Congress, including: The Congressional Medal of Honor; the Air Force Cross; the Navy Cross; the Army's Distinctive Service Cross; the Silver Star; and the Distinguished Flying Cross.

We have also authorized campaign and liberation medals similar to what we hope to accomplish with this legislation. A partial list includes: Spanish War Service Medal; Army Occupation of Germany Medal; World War II Victory Medal; Berlin Airlift Medal; Korean Service Medal; and Prisoner of War Medal.

And the list goes on and on. The great men and women of our military forces are doing their jobs everyday in Iraq. It is time to do our job and honor them with a medal that truly stands for their heroic service, the Iraqi Liberation Medal.

I ask unanimous consent that an Air Force Times article also be printed in the CONGRESSIONAL RECORD.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Air Force Times, Sept. 1, 2003]

ONE SIZE FITS ALL?

(By Vince Crawley)

Despite the weight of well over a century of military tradition and precedence, the Pentagon has no plans for campaign-specific medals for the most recent wars in Afghanistan and Iraq, the nation's most protracted conflicts since Korea and Vietnam—both of which were deemed medal-worthy.

Military duty in Antarctica, Kosovo and the 1991 Persian-Gulf War also rates medals, as does "humane action," "humanitarian service" and "outstanding volunteer service." Past generations of veterans have qualified for medals and their accompanying ribbons for a wide range of operations, from the Civil War and both World Wars to China's Boxer Rebellion, the Spanish-American War and military actions against Mexico.

But troops involved in the current battle against terrorism instead will get two recently approved awards, the Global War on Terrorism Service Medal and a Global War on Terrorism Expeditionary Medal, which are intended to cover all the bases in an effort that President Bush says likely will last many years and be fought on many shores.

In addition, veterans of these 21st-century wars may receive each medal only once. In theory—and in current practice—troops could spend years fighting in Afghanistan, Iraq, the Philippines and elsewhere and end up with a single medal that doesn't reflect their specific duty history or even the fact that they deployed multiple times in the global war on terrorism.

The Pentagon isn't saying much about its rationale for the decision. Defense officials believe "these two medals will provide appropriate recognition for our service members participating in the global war on terrorism, whether that be in Afghanistan, Iraq, or elsewhere," said Air Force Maj. Sandra Burr, a Pentagon spokeswoman.

Not all troops agree. Marine 1st Lt. Zeb Philpott, 26, weapons platoon commander for Alpha Company, 2nd Light Armored Reconnaissance Battalion at Camp Lejeune, N.C., said campaign medals help establish an immediate rapport with individuals checking into a unit.

"You can tell what he's done," Philpott said. "I can look at a gunny and tell that he was in the Gulf War."

And people look. When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang.

"They show what you've done and how serious you are," said Gunnery Sgt. James Cuneo, Alpha Company gunny. "If you're a good Marine, people are going to award you when it comes time. My ribbons don't make me who I am, but they show my experience level."

After 15 years, he's got quite a bit to show for his efforts—four full rows and the start of a fifth. They include the Navy/Marine Corps Achievement Medal with three stars, a combat action ribbon for Desert Storm with a star pending for recent Iraq ops, the Southwest Asia Service Medal with three stars and the Kuwait Liberation Medal.

"I think they ought to have an Iraq ribbon," Cuneo said. "They ought to have a Djibouti ribbon. And they ought to have an Afghanistan ribbon. They all mean different things."

Lt. Col. Keith Schultz, a B-52 Stratofortress pilot with the Air Force Reserve's 917th Wing at Barksdale Air Force Base, La., spent 9½ months deployed to Operations Enduring Freedom and Iraqi Freedom.

On his last deployment, Schultz flew Iraqi Freedom missions from England and then headed to the Indian Ocean and flew Enduring Freedom assignments.

"I saw them as separate conflicts," Schultz said.

If one medal is issued to represent both operations, Schultz hopes the citation will explain the operations in which the recipient fought.

Tech. Sgt. Michael Pierce, a B-52 weapons loader with the 917th Wing, deployed to Enduring Freedom.

He said there should be some way to show, such as with a device on the ribbon, how many times an airman deployed or in what conflicts he served.

Others are fine with the GWOT medals. "It's nice to receive awards and decorations, but I was just there doing my job," said a field artillery major who recently returned from Iraq with the Army's 3rd Infantry Division.

"This is my job, my profession," he said. "There are people doing things everywhere. All of us are a part of this big [global war on terrorism]."

Bush signed an executive order March 12 to create the Global War on Terrorism medals on the recommendation of Defense Secretary Donald Rumsfeld. But none has yet been officially issued because Rumsfeld's staff is working out the fine print for eligibility.

The Army Institute of Heraldry said June 13 that Rumsfeld's staff is "finalizing" the criteria and implementation rules for the two medals.

Asked Aug. 18 when the medals would be issued, Burr said she could not predict when coordination on the eligibility policy would be complete.

A March 15 Pentagon news release referred to the medals as the GWOT Service Medal and GWOT Expeditionary Medal, using the Pentagon's acronym for the global war on terrorism.

The Expeditionary Medal will recognize service in operations Enduring Freedom and Iraqi Freedom. The Service Medal will recognize duty in Operation Noble Eagle, the homeland defense mission against further terror attacks, as well as duty in support of operations Enduring Freedom and Iraqi Freedom performed in geographic areas that don't qualify for the Expeditionary Medal.

In the past, some medals have been created years or decades after the conflict they represent. The medals can be established by the president or Congress.

They typically include official orders and become part of the service ribbons that appear on service members' dress uniforms.

Below are examples of other campaign and service medals. Most can be awarded more than once; commonly, a small bronze star device is attached to the ribbon for each additional award.

The Southwest Asia Service Medal was awarded for the 1991 Gulf War, with an eligibility period from Aug. 2, 1990, to Nov. 30 1995.

In October 1990, when U.S. forces in Saudi Arabia began preparing for a possible offensive against Iraq, Pentagon personnel officials asked the Institute of Heraldry to provide proposed designs for a Southwest Asia Service Medal. Proposals were forwarded Oct. 30 to then-Defense Secretary Dick Cheney. A proposed executive order to authorize the medal was drafted by Cheney's office Feb. 11, 1991, before the ground war began. The medal was established by executive order March 12, less than two weeks after the cease-fire.

Three separate campaigns are recognized: the defense of Saudi Arabia, the liberation of Kuwait and patrolling the cease-fire agreement through Nov. 30, 1995, and service members can be awarded the medal up to three times.

The Kosovo Campaign Medal was established by President Clinton on May 3, 2000, to recognize service in the U.S.-led Kosovo war, form March 24 to June 10, 1999, or in ongoing Kosovo peacekeeping operations. It may be awarded more than once to troops who took part in multiple Kosovo missions.

The Antarctica Service Medal was established by Congress in 1960 for military members and civilians, such as scientists, who have supported U.S. government programs in the antarctic since Jan. 1, 1946. The medal most commonly goes to aircrews and Navy personnel.

The Armed Forces Expeditionary Medal was established by President Kennedy on Dec. 4, 1961, for operations on or after July 1, 1958, to recognize service in peacekeeping and peace enforcement missions. The Joint Chiefs have authorized 22 missions for this medal, including operations in Somalia and Bosnia, as well as actions against Iraq in the late 1990s. Multiple awards are allowed.

The Armed Forces Service Medal was established by Clinton Jan. 11, 1996, within weeks of U.S. troops entering Bosnia. It is for troops participating in large military operations who face no armed opposition or threat of imminent hostile action. The medal is intended to fill a void in the criteria between the Armed Forces Expeditionary Medal and the Humanitarian Service Medal. It has been awarded for service in the Balkans since June 1, 1992, and for service in Haiti.

Previous wars and military actions have resulted in a host of campaign medals, though in some cases they were approved years or even decades after the fighting. They include:

The Vietnam Service Medal, established by President Johnson in 1965. Multiple campaigns are recognized.

The Korean Service Medal, established by President Truman in 1950. Multiple awards are allowed for up to 10 wartime campaigns.

The Medal for Humane Action, established by Congress in 1949 for those who took part in the Berlin Airlift from June 1948 to September 1949.

World War II saw three campaign medals—the American Campaign Medal, the Asiatic Pacific Campaign Medal and the European-African-Middle Eastern Medal, approved by President Roosevelt in 1942. All allow for multiple awards.

S. 1673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF AWARD OF IRAQI LIBERATION MEDAL AS CAMPAIGN MEDAL FOR SERVICE IN SOUTHWEST ASIA IN OPERATION IRAQI FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) According to President George W. Bush, Operation Iraqi Freedom was "fought for the cause of liberty, and for the peace of the world..." and "to free a nation by breaking a dangerous and aggressive regime".

(2) The military victory in Iraq has been characterized by President George W. Bush as one of the "swiftest advances in heavy arms in history".

(3) There are more than 130,000 Soldiers, Sailors, Airmen, and Marines of the United States serving in the Iraqi Theater of Operations, far from family and friends, and for an unknown duration.

(4) Since the beginning of Operation Iraqi Freedom, almost 300 members of the Armed Forces of the United States have died in Iraq and nearly 1,500 have been wounded in action.

(5) Congress has authorized and Presidents have issued specific decorations recognizing the sacrifice and service of the members of the Armed Forces of the United States in the Korean War, the Vietnam conflict, and the liberation of Kuwait.

(6) Current Department of Defense guidance authorizes the award of only one expeditionary medal for overseas duty in Afghanistan, the Philippines, and Iraq.

(7) The conflict in Iraq is significant enough in scope and sacrifice to warrant a specific military decoration for the liberation of Iraq.

(b) AUTHORIZATION OF AWARD OF CAMPAIGN MEDAL.—The Secretary concerned may award a campaign medal of appropriate design, with ribbons and appurtenances, to any person who serves in any capacity with the Armed Forces in the Southwest Asia region in connection with Operation Iraqi Freedom.

(c) NAME OF MEDAL.—The campaign medal authorized by subsection (b) shall be known as the "Iraqi Liberation Medal".

(d) PROHIBITION ON CONCURRENT AWARD OF GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL.—A person who is awarded the campaign medal authorized by subsection (b) for service described in that subsection may not also be awarded the Global War on Terrorism Expeditionary Medal for that service.

(e) OTHER LIMITATIONS.—The award of the campaign medal authorized by subsection (b) shall be subject to such limitations as the President may prescribe.

(f) REGULATIONS.—(1) Each Secretary concerned shall prescribe regulations on the award of the campaign medal authorized by subsection (b).

(2) The regulations prescribed under paragraph (1) shall not go into effect until approved by the Secretary of Defense.

(3) The Secretary of Defense shall ensure that the regulations prescribed under paragraph (1) are uniform, so far as practicable.

(g) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" means the following:

(1) The Secretary of the Army with respect to matters concerning members of the Army.

(2) The Secretary of the Navy with respect to matters concerning members of the Navy, Marine Corps, and Coast Guard when it is operating as a service in the Navy.

(3) The Secretary of the Air Force with respect to matters concerning members of the Air Force.

(4) The Secretary of Homeland Security with respect to matters concerning members of the Coast Guard when it is not operating as a service in the Navy.

By Ms. SNOWE (for herself, Mr. LEAHY, Mr. WARNER, Mr. BUNNING, and Mr. REED):

S. 1676. A bill to permanently authorize the National Oilheat Research Alliance; to the Committee on Energy and Natural Resources.

Ms. SNOWE. Mr. President, I am pleased today to introduce the National Oilheat Research Alliance Act of 2003, and to be joined by Senators SMITH, LEAHY, WARNER, BUNNING, and JACK REED. This bill permanently authorizes the National Oilheat Research Alliance, commonly referred to as NORA, which was created by a referendum of oilheat retailers and wholesalers in February of 2001.

I was proud to sponsor the Senate bill that originally authorized the creation of NORA during the 106th Congress, and I am pleased to report that during its almost three years of existence, NORA has proved an unqualified success. Its activities have created genuine, tangible benefits for the heating oil industry and its consumers in the areas of research, education, safety and training, as well as providing information about the industry to existing and potential customers.

This bill is necessary because the original authorization statute for NORA included a sunset provision that, without congressional action, will force NORA to cease operations four years after its creation. The provision was included to allow Congress to assess its performance and determine whether it deserved continued authorization. It is readily apparent, from its numerous activities and the wide support it enjoys from consumer, environmental, and labor groups, along with the industry itself, that NORA should continue in perpetuity.

In a short time, NORA has set the standard for industry-wide cooperative activity with its professionalism, effectiveness, and most importantly, satisfaction from its supporting members. Through its rigorous commitment to activities that benefit all of its members, customers and the public at large, NORA is able to harness the collective strength of its companies and their resources to share cutting-edge technological advances, the latest in training methods, and promising environmental initiatives throughout the industry.

Of particular note is the creation of the National Oilheat Research Institute, or NORI, which oversees valuable study as the industry moves toward the introduction of low sulfur heating oil to help reduce the amount of sulfur emissions in the industry. This forward-looking work highlights NORA's genuine commitment to building an environmentally sound oil heat industry.

Other research undertaken by NORI includes a thorough, systematic evaluation of the fuel component of the oil heat system to maximize fuel performance—and therefore lower heating costs—for oil heat customers. These and other consumer-friendly activities have won NORA the support of the Consumer Energy Council of America, the oldest public interest energy policy organization in the Nation.

In fact, NORA's research and development activities were identified in a report from the Brookhaven National Laboratory, which concluded that the NORA program "will provide economic support to millions of American households by reducing fuel bills, and thousands of small family businesses in the United States who will gain from having satisfied consumers and reduced operating costs."

NORA is also playing a leading role in continuing education and training for oil heat technicians through the introduction of new and updated training material, creation of a standardized certification program to encourage professional development, partnerships with community colleges to provide equipment for training, and a new website to provide easy access to NORA safety and training material.

NORA also understands that new homeowners who buy houses with existing oil heat systems have questions about the best way to make use of and maintain their heating source, and publishes a Homeowner's Guide that describes the cleanliness and efficiency of their system, and offers helpful information for real estate purchasers.

This is just a sampling of the many activities taking place in states using oil heat all over the country. Numerous State associations benefit from their partnership with NORA, which supports local and statewide initiatives for the heating oil industry, its customers, and the professionals working within it. Indeed, the Maine Oil Dealers Association has provided me with uniformly positive feedback about its partnership with NORA, including its assistance with development of information brochures and production of safety manuals in both printed and electronic form.

I am persuaded that NORA's performance has exceeded all expectation and deserves permanent authorization from the Congress. I look forward to helping make sure that NORA can continue its beneficial activities long into the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "National Oilheat Research Alliance Act of 2003".

SEC. 2 FINDINGS.

(a) Congress finds that—

(1) in 2000, Congress enacted the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note), authorizing a referendum to create the National Oilheat Research Alliance;

(2) before enactment of that Act, similar legislation had passed the Senate by unanimous consent with 21 bipartisan Senate cosponsors and the House of Representatives with 148 bipartisan cosponsors;

(3) the Alliance was approved by an industry-wide referendum held in January 2001, with 97 percent of oilheat retailers and 99 percent of oilheat wholesalers voting in favor of creation of the Alliance;

(4) during its nearly 3 years of existence, the Alliance has operated in 21 States and the District of Columbia, providing benefits for its members and oilheat consumers in the areas of research and development, safety, energy efficiency, training, and education;

(5) the Alliance successfully created the National Oilheat Research Institute, which is leading the way toward developing a low-sulfur heating oil product that will allow significant progress in reducing emissions;

(6) the Institute is also at the forefront of developing new efficiency techniques for existing heating oil units, providing substantial savings for the energy costs of consumers;

(7) the Alliance is providing improved and up-to-date training material for oilheat technicians, establishing a standardized certification program and encouraging continuing education methods that result in efficient and highly trained professionals to service their customers;

(8) the Alliance has prepared material for realtors and prospective home buyers for houses with existing heating oil systems, explaining how to make the best use of oilheat and providing crucial safety and energy efficiency information;

(9) the legislation providing for the creation of the Alliance included a sunset provision that will require the Alliance to terminate activities in February 2005 unless Congress acts to extend the authorization; and

(10) the outstanding progress of the Alliance in the fields of research and development, safety and training, and education, the nearly unanimous support from industry, and the strong potential to yield future benefits for industry and consumers make the Alliance deserving of permanent authorization by Congress.

SEC. 3. PERMANENT AUTHORIZATION.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note) is repealed.

By Ms. CANTWELL:

S. 1677. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, I rise today to discuss one of the most important issues facing our country today. How we prepare our students to compete for the jobs that are still in demand today and the jobs that will be in demand tomorrow. In order to address this issue, we must increase our support for the entire education and training continuum—incuding secondary schools, community colleges, 4-year colleges and universities.

Today, I want to focus on one key part of this continuum: community and technical colleges. Nationwide, there are now more than 1,100 of these institutions, which enroll 10.4 million students. For over a century, community colleges have grown and changed with the times. No other segment of higher education is more responsive to its community and workforce needs than the community college. Whether providing academic preparation for a 4-year degree, or technical training for a job requiring a community college credential, 2-year institutions play a very significant role in creating a skilled workforce.

However, transfer rates are low: only about one quarter to one third of those students who intend to transfer to a 4-year institution actually do so. These low transfer rates and the continuing challenges employers face in finding skilled workers mean that we must strengthen the connections between community colleges and 4-year institutions and between community colleges and employers.

I am introducing a bill today that will address these issues. The Community College Partnership Act of 2003 will encourage partnerships between community and technical colleges and 4-year colleges and universities. This bill will provide $70 million for 6 to 12 grants to partnerships between 2- and 4-year institutions to identify and address barriers to staying in school, to transferring to a 4-year institution, and to responding to the demand for skilled workers in high-quality, emerging and established industries.

The fact is employers depend on skilled workers to provide services and produce goods. Even in this time of high unemployment, some employers are having hard times finding skilled workers. For example, according to the American Hospital Association, there are 126,000 nursing positions that are unfilled across the country. In Washington State, there are currently 2,564 nursing vacancies even though our State ranks as one of the highest unemployment States. Why are these jobs going begging? The answer is that we have a lack of trained workers.

From personal experience as both an employee and as an employer, I understand the importance of skills in the private sector. When I changed careers several years ago, I was able to succeed as a software company executive because I had the chance to get a good basic education. I come from a working-class family, but I was able to be the first in my family to get a college degree, thanks to the Federal Pell Grant program.

As an employer in that software company, I realized that because of the fast pace of change we needed to hire a workforce of people who were prepared to respond quickly to changing situations. We also had to hire people who could create new ways of doing business literally overnight. I strongly believe that a good basic education coupled with lifelong training opportunities are key to equiping workers with the types of decision-making abilities necessary to be successful in today's economy.

Yet, we are failing at our job of preparing workers. There is a crisis in our education and training system. Underfunding is a significant issue. Both 2- and 4-year institutions lack the capacity to respond to demand. More State and Federal investment is essential. However, to truly close the skills gap, we must also address the other problems 2- and 4-year institutions face. These problems center on keeping students in the system and advancing them to the next level.

The sad reality is that along the way to a good basic education, students get diverted away from their goals. In high school, they may lack information about the opportunities higher education promises. If they make it into a community college, they may be forced to abandon their education because the opportunity cost of not earning a wage is too high. If they do earn an associate's degree, the transition to a 4-year institution is fraught with challenges.

Agreements between 2- and 4-year institutions to accept students may not exist. Credits may not easily transfer. Community or technical college students may need additional tutoring, mentoring or support to succeed in a 4-year institution. Programs and schedules may be structured to preclude work and study—a growing necessity as college costs rise.

These are significant barriers than can and should be addressed. That is why I am introducing the Community College Partnership Act today. I am proud of this bill and believe that it will go a long way toward closing our skills gap. In addition, however, I remain committed to addressing the significant funding shortfalls that our educational institutions face. Ensuring students get the skills necessary for our new economy is essential. We must meet the needs of employers who have unfilled jobs now, as well as employers in emerging technologies that will provide significant job opportunities in the coming years.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. SUNUNU, Mr. COLEMAN, Mr. LEVIN, Mr. AKAKA, Mr. STEVENS, and Mr. DURBIN):

S.J. Res. 18. A joint resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce a joint resolution recognizing the accomplishments of the inspectors general during the past 25 years. I am very pleased to be joined in this undertaking by Senator LIEBERMAN and many of our distinguished colleagues in both Houses of Congress.

Since 1978, the inspectors general (IGs) have made valuable contributions to the efficient and economical operation of the Federal Government. They have made thousands of recommendations, which ultimately saved the American taxpayers literally billions of dollars.

We've all heard the horror stories of $500 hammers and roads build to nowhere: those are examples of the kind of wasteful spending that the IGs have exposed. The waste of scarce Federal resources not only picks the pockets of taxpayers but also places severe financial pressures on already overburdened programs, forcing cutbacks in vital government services.

Investigations by inspectors general have also resulted in the recovery of hundreds of millions of dollars to the U.S. Treasury from companies and individuals who defrauded the Federal Government. These investigations have been the basis for thousands of criminal prosecutions, debarments, exclusions, and suspensions.

In my capacity as chairman of the Governmental Affairs Committee and previously as chairman of the Permanent Subcommittee on Investigations, I have had the opportunity to work hand-in-hand with IGs to combat fraud and waste in a variety of programs.???

To cite just one example, I worked with the Office of Inspector General for the Department of Health and Human Services to uncover flagrant examples of Medicare fraud. We found that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies that had provided no services whatsoever. Indeed, the address listed by one company did not exist, and, if it had, the address would have been located in the middle of the runway of the Miami International Airport.

The Offices of Inspector General have demonstrated a record of tremendous success over the past 25 years, and we wish to commend them and their employees for their dedication and professionalism in the performance of their duties.

I hope my colleagues will join Senator LIEBERMAN and me in passing this resolution commending the IGS for their many accomplishments.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—EXPRESSING THE SENSE OF THE SENATE THAT THE LEADERSHIP OF THE PALESTINIAN PEOPLE BY YASSER ARAFAT IS A HINDRANCE TO PEACE IN THE MIDDLE EAST, AND THAT SUCH PEACE DEPENDS ON INSTITUTIONS FREE FROM THE TAINT OF TERRORISM

Mr. REID (for himself and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 236

Whereas unemployment among Palestinians has risen to 50 percent, and 59 percent of the Palestinian people live below the poverty line;

Whereas a June 2003 independent poll indicated that the Palestinian people do not see Yasser Arafat, the president of the Palestinian Authority, contributing to an end to their suffering;

Whereas the June 2003 poll found that 84 percent of Palestinians believe corruption exists in the institutions of the Palestinian Authority, and ⅔ of those who believe there is corruption also believe that corruption will increase or remain the same in the future;

Whereas Yasser Arafat has steadfastly blocked attempts at political, judicial, and economic reforms by using the Fatah Central Committee and the Palestinian Legislative Council to obstruct efforts to bring greater transparency and accountability to the Palestinian Authority;

Whereas the international community has lost confidence in the ability of the current Palestinian leadership to confront terrorism;

Whereas Palestinian Security Forces have refused to confront and dismantle Palestinian Islamic Jihad, whose express goal is the elimination of the State of Israel, and Hamas, both of which have been responsible for terrorist attacks that have killed over 800 Israelis in the last 3 years;

Whereas Abu Mazen, the first ever Palestinian Prime Minister, recently resigned because Yasser Arafat refused to turn over full control of the Palestinian Authority's 53,000-man security apparatus to the duly appointed government and continued to wield power over the General Intelligence Apparatus, the National Security Force, and the elite bodyguard unit known as Force 17;

Whereas the dismantling of terrorist organizations is a precondition to a comprehensive peace in the Middle East;

Whereas Yasser Arafat can no longer be trusted by the international community or the 3,500,000 Palestinian people living in the West Bank and Gaza Strip to be an honest broker for peace; and

Whereas Yasser Arafat has presided over a period of decay in economic and security conditions affecting the Palestinian people and has impeded any meaningful progress toward peace in the Middle East: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the leadership of the Palestinian people by Yasser Arafat, who has condoned terror and refused to dismantle terror organizations, is a hindrance to efforts to reach a comprehensive peace in the Middle East; and

(2) peace in the Middle East depends on the construction of independent, transparent, and accountable institutions that are free from the taint of terrorism.

Mr. REID. Madam President, the struggle to win peace in the Middle East is at a critical juncture. In one direction lies more of the same: Constant fear, the old hatreds, terrorist murders and retaliations that too often claim innocent lives, as well.

Down the other road are lasting peace and security for Israel and a self-ruled homeland for the people called Palestinians.

If we want to move in this direction, we must shed the baggage of the past. If we stick with the same old formula, we will only repeat the violent cycle that has persisted for far too long. I don't claim to have all the answers about how to achieve peace in this very troubled region. But there is one thing I do know: Yasser Arafat must go. He must go now.

We look all over at his tracks. They are tracks he cannot cover.

In the Las Vegas Sun newspaper on September 28 there was an editorial written by Michael O'Callaghan who has been in the newspaper business since 1978. Prior to that he was Governor of the State of Nevada for two terms, probably the most popular Governor ever elected in the State of Nevada. But for many years he has been a newspaper man. He writes in this column, among other things:

> What peace lovers over the world have received from Arafat is more bloodshed and the increased use of suicide bombers. Arafat in return has become wealthy from funds provided by the United States and other nations trying to encourage him to practice good government to provide for his people. His siphoning off of funds was exposed years ago . . .

This practice is not acceptable even though it is by some leaders in that part of the world, he writes, in part.

He further states:

> Ten days ago a new audit was released that shows that Arafat has diverted at least another $900 million of public money into his own special bank account. This is being done while the Palestinian people continue to suffer from housing shortages and high unemployment. Arafat makes sure they have enough explosives and weapons to kill Israelis when they get bored. The Palestinian people continue to live in misery while Arafat's wife and daughter reside in France living in luxury.

Michael O'Callaghan writes more, but I think we get the point.

Arafat must go. He is a man of hate. Arafat is a man of hate. Since 1948 he has resented the very existence of Israel. He might say his views have changed, but as my mother used to say, actions speak louder than words. And by his actions we know Arafat for what he is, a bankrupt and corrupt leader of a badly suffering people, and someone who is not serious about achieving lasting peace.

We know that elements with varying degrees of affiliation with the PLO, including the Al Aqsa Martyrs Brigade and Force 17, have frequently been involved in violence against innocent Israelis.

We know that documents found at Arafat's compound, with his signature, authorized cash payments to members of the Martyrs Brigade. We know the leader of the Martyrs Brigade said he is "following the orders of Yasser Arafat." We know that former Palestinian Prime Minister Mahmoud Abbas resigned because Arafat refused to surrender security for Palestinian security forces.

Why did Arafat undermine Abbas? It is simple. He does not want peace with Israel. Forget what he says, look at his actions.

Since the cease-fire in the Middle East was announced 3 months ago, there have been at least 240 terrorist attacks on Israel. This happened while Arafat stood by failing to engage security forces of the Palestinians.

Since Arafat took control of the Palestinian Authority, hundreds of Israelis have been murdered. But his stubborn refusal to accept peace has made life miserable for the 3.35 million Palestinian people in the west bank and the Gaza strip.

We know that Prime Minister Barak courageously gave Arafat everything he asked, but Arafat could not take yes for an answer because he is a terrorist and cannot get that out of his blood.

Today, half of all Palestinians are unemployed and 59 percent live in poverty. This misery breeds desperation which suits the purposes of Arafat and other terrorists. In the midst of this desperation he controls personal war chests of tens of millions of dollars, if not hundreds of millions, with investments across the world. He spends his money as he pleases and is accountable to only one person: Yasser Arafat, himself.

It is in this milieu that Arafat stands by as desperate young men and women commit suicide murders in exchange for large sums of money for their families and a promise of eternal paradise for themselves. They waste their young lives and murder innocent Israelis.

It is now time to hold Yasser Arafat accountable. If he cares about his people, there are other leaders there who could carry on and do a good job for the Palestinian people. But he cares about Yasser Arafat. It is time we hold this man accountable.

I am submitting this resolution right now, along with Senator DASCHLE, calling upon Arafat to immediately resign his position as President of the Palestinian National Authority because he is a hindrance to peace in the Middle East and that such peace depends on institutions that are free from the taint of terrorism. That is the only way Palestinian people will ever achieve their dream of a free, self-governed homeland.

Let me be clear, I support the people of Palestine. They have a right to self-rule. They have a right to control it themselves. But I also support strongly Israel's right to live in peace and to defend itself against terrorism. Israel is at war against terrorism just as we are, but even more amplified. We can never accept or tolerate terrorism in any form at any time any place in the world.

In the name of peace in the middle East and in the world, in the name of prosperity and self-rule for the Palestinian people, Yasser Arafat must go.

Mr. DASCHLE. Mr. President, I come to the floor and rise in strong support of the resolution submitted by the distinguished assistant Democratic leader, Senator REID, this afternoon.

It was 3 years ago that we had an opportunity to bring real peace to the region. In September of 2000 there was a great deal of optimism, a great deal of hope, a great promise that after months and months of negotiation we could have finally found a peaceful resolution and move to the next step in the peaceful coexistence of people in the Middle East.

For reasons still unclear, Yasser Arafat walked away from that agreement, disappointing, disillusioning, and, in so many ways, undermining the peace process.

Over the course of the last 3 years, 800 Israelis have been killed, 2,400 Palestinians have died.

Where he has had an opportunity to renounce violence, he has condoned it. Where he has had an opportunity to embrace peace, he has repelled it. At virtually every turn, regardless of circumstance, Mr. Arafat sends the wrong message about leadership, about commitment, about the spirit that was so alive just 3 years ago.

In the creation of a new government, Mr. Arafat had yet another opportunity to stand behind his new Prime Minister, Abu Mazen, and to say, through him and through this new office: We will resolve our differences. We will bring violence to an end. We will find ways with which to establish a peaceful coexistence. Yet he chose once again to walk away from that opportunity, if not undermine it in every way.

Now there is a new government, at least under consideration. Again, Arafat sends all the wrong messages about what he expects from that new government, its allegiance to him, not to the process, not to the people, not to a commitment for a better future—it is to him.

Some of us want to use this occasion, through this resolution, to make it clear that Mr. Arafat has been an impediment to peace. Mr. Arafat has done virtually everything to thwart peace. As a result, we find ourselves in a situation far worse than it was just 3 years ago. It is a tragedy—a tragedy that has amounted to the loss of 3,200 lives in 3 years.

I hope my colleagues will join us in sending a clear message that we cannot have peace, we cannot have any expectation, any hope of stability and the realization within our grasp that death can end, without sending a clear message to those responsible: We cannot tolerate this kind of leadership. We cannot tolerate this kind of irresponsible and dangerous direction. We will speak out in every way, shape, and form we can until this matter is resolved.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID and Mr. DASCHLE pertaining to the submission of S. Res. 236 are located in today's RECORD under "Submitted Resolutions.")

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:15 a.m.

Thereupon, the Senate, at 7:17 p.m., recessed until Tuesday, September 30, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 2003:

THE JUDICIARY

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE PASCO M. BOWMAN II, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

CAPT. JOHN C. ACTON, 3694

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ARTHUR E. BROOKS, 5540
CAPT. RICHARD R. KELLY, 4209
CAPT. DAVID P. PEKOSKE, 6564
CAPT. FRED M. ROSA, 1832
CAPT. TIMOTHY S. SULLIVAN, 4325

THE JUDICIARY

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

CONFIRMATION

Executive nomination confirmed by the Senate September 29, 2003:

THE JUDICIARY

CARLOS T. BEA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

IN RECOGNITION OF GLENDALE COMMUNITY COLLEGE'S 75 YEARS OF EDUCATIONAL EXCELLENCE AND THE DEDICATION OF THE CIMMARUSTI SCIENCE CENTER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Glendale Community College on its 75th anniversary, and to celebrate the dedication of the Cimmarusti Science Center.

Glendale College was founded in 1927 as a junior college at the old Glendale Union High School site. It served the needs of the people in La Crescenta, Glendale, and Tujunga. An earthquake devastated several of the main buildings, and finally in 1937 the college opened its new facilities. The community continued to grow and the campus thrived. In 1981, the college separated from the Glendale Unified School District.

Today, Glendale Community College helps more than 25,000 students meet their educational goals. It has a college-credit enrollment of about 15,000 day and evening students and about 10,000 students are enrolled in the adult education programs. Its exceptional reputation and tradition for academic excellence and quality lives on in the current administration and student body. Its progressive and extensive curriculum includes customized contract instruction for companies, career training, and certificates in vocational training. The college innovatively forges and promotes mutually beneficial partnerships with industries and the city.

In 1998, $2 million in Federal funding was requested for a NASA/JPL science education center to be located on the campus. Appropriation legislation was signed in late October of the same year. On March 4, 1999, brothers and local businessmen Larry and Ralph Cimmarusti presented an additional gift of $1 million to the college, as they are proud alumni. Their name will eternally be associated with the school by the state-of-the-art science center that will bear their name. The center will also serve as a regional training facility for local schools, enriching the already impressive list of services available at the college. The Cimmarusti Science Center's math and science education will not only be an example for other colleges, it will raise public interest in the subjects. The center also includes a spectacular planetarium, one of just a few at community colleges across the country.

Glendale Community College is unique in its approach to education and in the way it utilizes its resources. It is a truly pioneering institution that has earned the endless praise of those who have seen it develop, and those who have benefited from its infinite opportunities. It is a model of dependable leadership and unstoppable advancement. Glendale Community College is at the forefront of education in our community, and its innumerable successes have already spanned three quarters of a century. It will undoubtedly continue to serve our community by responding to changing needs and meeting all challenges.

I ask all Members of Congress to join me today in congratulating Glendale Community College on 75 truly exemplary years of service to the community, the opening of the Cimmarusti Science Center, and for the college's commitment to educational excellence.

INTRODUCING THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. OBERSTAR. Mr. Speaker, today Congresswoman NORTON and I have introduced the "Regional Economic and Infrastructure Development Act." A detailed summary of the bill's provisions is attached.

The bill organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic development funds throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: The Southeast Crescent Regional Commission and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in this Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

Regional commissions provide vital assistance to the development of the Nation's most chronically poor and distressed regions. They are true Federal-State partnerships, bringing together Federal, State, and local governments to expand the economic and development opportunities of a chronically distressed region. These regions typically experience rates of poverty and unemployment that are more than 150 percent of the national average. Further, some of these areas lack the transportation and basic public infrastructure necessary to support business development, and importantly, create jobs in the region.

The regional commissions are designed to assist areas in overcoming chronic economic distress by focusing on the distressed region as a whole. By recognizing that systemic economic distress follows geographic and natural resource realities, rather than arbitrary State or political subdivision borders, the commissions are able to concentrate their efforts over the entire region—regardless of State lines. One way that federally designated regional commissions work within the region to overcome the effects of chronic underdevelopment is through investment in infrastructure, including transportation, telecommunications and other basic public infrastructure. The commissions also assist the region in obtaining job skills training, entrepreneurship, technology, and business development. Through these efforts, commissions work to improve the economic development of these systemically distressed regions.

Regional commissions also supplement the state share of other Federal programs to ensure that areas that do not even have the economic means of meeting a required State or local funding share are not denied the opportunity to participate in these programs. Regional commissions assist in local development planning by helping provide local development districts with the resources and expertise necessary to formulate and follow a comprehensive, strategic regional development plan. Often it is the local development planning that is the key for the successful implementation of economic and infrastructure development programs.

The Regional and Economic Infrastructure Development Act is modeled after the statute authorizing the ARC. The ARC has demonstrated that regional commissions are successful in fighting chronic underdevelopment and poverty. Since the ARC's creation in 1965, employment in the 13-State region has grown by nearly 66 percent. In contrast, in the decade preceding its creation, employment in the region had declined by 1.5 percent. Further, the poverty rate of the region has been cut by more than one half—from 31.1 percent in 1960 to 13.6 percent in 2000.

As the Nation continues to suffer through a weakened economy, the need for these commissions becomes even more important. Figures released this August show that the national unemployment rate has increased to 6.1 percent, the highest level since July 1994. Further, since January 2001, the number of people unemployed increased from 5.95 million to 8.91 million—an increase of almost 3 million, or 50 percent.

Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, the longest it has been in nearly two decades. Within the last 2 years, the number of workers who have been unemployed for longer than 6 months has increased by more than 1.3 million to nearly 2 million—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

an increase of almost 200 percent. One-half of the unemployed are out of work for more than 9 weeks and more than one in five have been out of work for more than 6 months.

As the economy continues to founder, it is these historically depressed regions—the regions that have already been struggling—that suffer a disproportionate share of the burden. Now, perhaps more than ever, there is a greater need for these regional commissions. This bill recognizes the importance of the regional commissions to these chronically distressed areas. The bill strengthens the commissions by establishing a uniform organizational structure, under which an affirmative vote of a commission requires a majority of State members plus the affirmative vote of the Federal cochairperson. With this voting structure, the bill ensures that the Federal and State roles in a commission are equal and interdependent, thereby promoting a true Federal-State partnership.

In addition, the bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. While the council will assist the commissions in promoting regional development, it has no decision-making authority over any of the commissions.

Finally, the bill authorizes sufficient funds for each commission so that a commission will have the means available to fulfill its mission of promoting economic and infrastructure development. The bill authorizes $30 million for each commission in fiscal year 2004 (the amount currently authorized for the Delta and Northern Great Plains Regional Authorities) and increases that authorization by $5 million for each successive year through fiscal year 2008.

Frankly, I am concerned about this administration's lack of funding for existing regional commissions. In its fiscal year 2004 budget proposal, the administration slashes the budgets of the regional commissions—proposing only $2 million for the Delta Regional Authority and no funding for the Northern Great Plains Regional Authority. If these budget proposals were to be enacted, the commissions, and their grant-making authority, would be rendered essentially ineffective. Providing the commissions with the funds necessary to carry out their purpose is crucial to the economic development of these regions.

It is time that we affirm our commitment to regional economic development by authorizing these commissions and providing the funding necessary from them to break the cycle of chronic distress in these regions. I believe this bill will help us do that.

SUMMARY OF THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

The Regional Economic and Infrastructure Development Act organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic assistance throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced this Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

PURPOSE

To organize the regional commissions in the lower 48 states (with the exception of the Appalachian Regional Commission) under a common framework, providing a more uniform organization structure among the commissions and a more uniform method for distributing economic assistance throughout the country.

COMMISSIONS

The bill reauthorizes the Delta Regional Commission and the Northern Great Plains Regional Commission, and creates the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. The Delta Regional Commission and the Northern Great Plains Regional Commission are composed of the same states, counties, and parishes included in the existing Delta Regional Authority and Northern Great Plains Regional Authority. The Southeast Crescent Regional Commission and the Southwest Border Regional Commission are composed of the same states and counties proposed in legislation introduced in the 108th Congress to create a Southeast Crescent Regional Authority and a Southwest Border Regional Commission.

Each commission is authorized to receive appropriations of $30 million for fiscal year 2004; $35 million for fiscal year 2005; $40 million for fiscal year 2006; $45 million for fiscal year 2007; and $50 million for fiscal year 2008.

Currently, some counties qualify for membership in more than one regional commission. The bill does not change that. However, the bill provides that an individual county may only receive economic assistance from one regional commission. Therefore, if a county is eligible for membership in more than one commission, it must select one commission in which it would like to participate and be eligible to receive funds. A county or parish can change its selection 90 days before the start of the fiscal year.

The Denali Commission and the Appalachian Regional Commission are not included in this statute.

COMPOSITION

Each commission includes a Federal cochairperson and a state cochairperson, who is selected from among the state members. Like current law, the Northern Great Plains Commission also includes a tribal cochairperson.

An affirmative vote of a commission requires an affirmative vote of the federal cochairperson plus a majority of state members.

Like the current laws authorizing regional commissions, the bill sets forth provisions for the salaries of commission members, the appointment of alternatives, and the hiring of additional staff, including an Executive Director.

The bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. The council has no decision-making authority.

Also like current law, each state must develop a comprehensive economic development plan and each commission must develop an economic and infrastructure development plan.

Commissions are required to designate distressed, transitional and attainment counties, and isolated areas of distress within attainment counties, within their region and must allocate at least 50 percent of the appropriations made available to the commission to projects in distressed counties and isolated areas of distress.

ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS

Commissions have the authority to make grants to State and local governments, and public and nonprofit organizations, for economic development projects, with an emphasis on infrastructure projects, including transportation, basic public, and telecommunications infrastructure projects.

The bill provides for a commission share of 50 percent of the costs of projects; that percentage increases to up to 80 percent for distressed counties. These shares are increased by 10 percent (to 60 percent and 90 percent, respectively) for those projects that have a significant regional impact.

Commissions have the authority to make grants to local development districts to assist in the payment of the administration of the district. The commission of these grants is limited to 80 percent of the administrative expenses of the local development district receiving the grant.

Commissions have the authority to supplement part of the basic Federal contribution to projects authorized under other Federal grant programs and to increase the Federal contribution above the fixed maximum part of the cost. The federal share is the same for projects (50 percent and 80 percent for distressed counties, with a 10 percent bonus for regional projects), with the stipulation that the total federal contribution cannot exceed 80 percent.

IN RECOGNITION OF DR. JOHN A. DAVITT, PRESIDENT AND SUPERINTENDENT OF GLENDALE COMMUNITY COLLEGE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate John Davitt who has dedicated 35 years of service to Glendale Community College.

John A. Davitt received a B.S. in History in 1954 and an M.A in Secondary Education in 1958 from the University of San Francisco. In 1977, he graduated from the University of Southern California with a doctorate in Community College Administration-Higher Education. While he pursued his own studies, Dr. Davitt continued to exercise his passion to teach and serve the student community in the San Francisco Unified School District. From

1968 to 1980, he was a consultant for the American Association of Community and Junior Colleges, and from 1970 to 1985, he was a consultant for the College Entrance Examination Board.

Dr. Davitt has had a myriad of impressive employment and service experiences. From 1955 to 1957, he was stationed at Fort Mason, California as a First Lieutenant in the United States Army. From 1957 to 1964, he was a Social Studies teacher, counselor, and debating coach at Roosevelt Junior High School, and instructor at Galileo Adult School in San Francisco. Additionally, from 1964 to 1966 Dr. Davitt was a counselor at Merritt College. He was the director and assistant professor of the Institute for Training of Community College Student Personnel Workers at California State University Los Angeles from 1966 to 1968. His distinguished list of memberships includes the Glendale Chamber of Commerce, and the Association of California Community College Administrators. He is also on the board of directors for Crestview Preparatory School and Flintridge Sacred Heart Academy.

In 1968, Dr. Davitt introduced his unique and open management style to our community by taking the position of Administrative Dean of Personnel Services at Glendale Community College. In 1983, he was named Vice President of Instructional Services. Subsequently, in 1985 he became the college's Superintendent-President, transforming the campus into an innovative and productive center for learning. Davitt fervently fosters and promotes ideals of development and growth. As President, he has lead the college through unprecedented achievements. Dr. Davitt is a remarkable man whose unwavering passion and dedication have been instilled not only in the college's faculty, but student body as well.

I ask all Members of Congress to join me today in congratulating John Davitt on a truly exemplary professional and public service career, and for his immense commitment to Glendale Community College and the students it serves.

H.R. 7

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. TIAHRT. Mr. Speaker, in my district, the Kansas Health Foundation is working to increase the health of Kansans, especially the health of children. Its goal is to make Kansas the best State in the Nation in which to raise a child. By working with individuals, communities, universities and other institutions, the Kansas Health Foundation is helping build a community of people who care about the health and well-being of children and other at-risk individuals.

I rise today in support of H.R. 7, the Charitable Giving Act of 2003. This bill will help organizations like the Kansas Health Foundation raise more funds and ultimately reach more people. All across this country we have organizations, foundations, churches and faith-based groups helping the disadvantaged. I am especially supportive of this bill because it encourages individuals and the private sector to act responsibly toward their neighbors and those who are less fortunate. By increasing the flow of funds to charitable organizations, we will help make America and the world a better place to live.

H.R. 7 will provide more than 85 million Americans who do not itemize on their Federal tax returns the ability to deduct a portion of their charitable contributions. By making it simpler for taxpayers to deduct money for charitable giving, we will be sending a positive message to taxpayers that encourages giving money to organizations that help those in need.

While America is the land of great opportunity, there remain many families, both here and around the world, that lack food, shelter, medicine and other basic living needs. Millions of individuals across this country pool their resources to help meet many of these needs by giving money to their local churches and nonprofit organizations. H.R. 7 will make such acts of goodwill even more rewarding for those who give by allowing taxpayers to claim a deduction for their charitable giving, even if the taxpayer does not itemize.

I applaud House Majority Whip Roy Blunt for sponsoring this important bill that will, in his words, help more charities help more Americans.

The Charitable Giving Act of 2003 further provides financial incentives for charitable giving by allowing older Americans the incentive to make tax-free contributions from their Individual Retirement Accounts. If people want to give donations to help those in need from their retirement savings, I think it is only proper that we reward such acts of generosity.

H.R. 7 would encourage more giving from the private business sector as well. By gradually increasing the cap on corporate charitable contributions from 10 percent to 20 percent over the next decade, Congress will be sending a clear message of community responsibility to corporate America. The more investment a company or business makes in its community, the more goodwill it generates.

I urge my colleagues to join me today in supporting the Charitable Giving Act of 2003. It is a well-crafted, bipartisan bill that deserves our full support.

TRIBUTE TO JERRY IZENBERG AND PROJECT PRIDE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize the legendary columnist, Jerry Izenberg, and his immense contributions to the Newark community through his organization, Project Pride.

Jerry Izenberg has been a newspaperman for over 52 years, most recently with the New Jersey Star-Ledger, contributing columns that have appeared throughout the United States, as well as Puerto Rico, Alaska, Mexico, Canada and Italy. As a sportswriter, Jerry Izenberg's accomplishments are incredibly vast. Over his career, he has won numerous literary awards and recognitions, has been inducted into seven Halls of Fame and has been an integral part of the sports world in the United States. To this day, he continues to leave his mark on the sports writing world, all the while inspiring numerous young writers. And above all, Jerry Izenberg has also managed to be a dedicated family man, with his wife, Aileen, four children and four grandchildren.

Despite all of these remarkable professional and personal accomplishments, I can say with confidence that Jerry Izenberg is most proud of his work with Project Pride. As a native of Newark, New Jersey, Jerry knew of the hardships that the people of that area face on a regular basis. When he founded Project Pride Incorporated 25 years ago, Jerry Izenberg took the personal initiative to create hope and opportunity for the children of Newark. Over the 25 years of its existence, Project Pride has helped send 902 kids to college, allowed the kids in Newark K–5 schools to study a variety of subjects and funded numerous community and athletic programs that have kept as many as 1,000 Newark kids off the streets. What is more amazing, Project Pride has accomplished all of it without accepting a single penny from Federal, State or local funds.

Mr. Speaker, as a member of the Education and Workforce Committee and a former teacher, I understand the significance of the work that Jerry Izenberg has done for the city of Newark. I know that my colleagues here in the U.S. House of Representatives not only join me today in recognizing the tremendous contributions of Jerry Izenberg and Project Pride, but also commending Jerry for his own personal dedication to continue providing the opportunity to so many of our youths.

A TRIBUTE TO THE ASSOCIATION OF THEATRICAL PRESS AGENTS AND MANAGERS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. NADLER. Mr. Speaker, it is my great personal pleasure to rise today in cognition of the Association of Theatrical Press Agents and Managers (ATPAM) for its contribution to the art of stage entertainment so immensely enjoyed by residents of New York and by audiences throughout the Nation and around the globe.

This year marks the seventy-fifth anniversary of ATPAM, an organization that has maintained a prominent place in the entertainment industry since it first received its charter from the American Federation of Labor in 1928. Since its inception, ATPAM, a coalition of press agents, publicity and marketing specialists, company managers and house and facilities managers, has devoted its resources to the enrichment of stage entertainment and the health, vitality, and success of its members.

ATPAM has also dedicated considerable efforts to philanthropy in its support of industry-wide charities such as the Actor's Fund of America and Broadway Cares/Equity Fights

AIDS. ATPAM was able to expand that objective even further when it decided to affiliate with IATSE and carry its good work to a broader community. Most notable are ATPAM's exemplary actions in the wake of the September 11, 2001 attacks on New York. ATPAM members accepted salary cuts in order to keep Broadway going after 9/11, and mobilized members of other New York theatrical unions to follow their lead.

The Association of Theatrical Press Agents & Managers has been an inspiration to the entertainment industry since its founding seventy-five years ago, and remains a tremendous force for the cultural arts of New York City and beyond. Today, I am proud to stand before Congress and join ATPAM in their celebration.

IN HONOR OF NEIL DESENA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Neil DeSena for his years of dedicated leadership throughout the community of Bayonne, New Jersey. Mr. DeSena was unanimously selected as the Grand Marshall for this year's Bayonne Columbus Committee parade to be held on Sunday, October 12, 2003.

Mr. DeSena has been a devoted member of the Bayonne community for over thirty years. His exemplary work in local organizations and his understanding of the needs of Bayonne residents have provided a great service to the entire community. First elected as the Third Ward Councilman in 1970, Mr. DeSena served four consecutive four year terms. In 1986, Mr. DeSena was re-elected to the City Council as a Councilman-at-Large. He currently serves as a personal aide to Mayor Joseph V. Doria, Jr.

A veteran of World War II and the Korean War, Mr. DeSena fought on behalf of his country with great honor and valor, receiving an honorable discharge with the rank of Staff Sergeant.

A licensed broker, Mr. DeSena opened his own insurance company in 1982. His natural leadership qualities led him to serve as the president of the Local 164 Insurance Workers International Union, and as a member of the Union's General Executive Board.

Mr. DeSena has received several awards from various community and business organizations, including the Patriots Award for God, Country, and Home from the Catholic War Veterans Post 1612 and the Ladies Auxiliary. He recently received the 2003 Honor Citizen Award from the New Jersey Honor Legion Police, and is a recipient of the Rudy DeAngelo Foundation Award and the Boy Scout Distinguished Award.

Mr. DeSena pursued professional studies at the Professional School of Business, St. Peter's College, Seton Hall University and Fairleigh Dickenson University. He and his wife Marie are the proud parents of Robert, Julianne, and Neil, and the grandparents of Jessica and Robert Thomas.

Today, I ask my colleagues to join me in honoring Neil DeSena for his years of service and dedication to the citizens of Bayonne.

TRIBUTE TO C. DIXON OSBURN, EXECUTIVE DIRECTOR OF SLDN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. MEEHAN. Mr. Speaker, this November marks 10 years since our Nation imposed the discriminatory law known as "Don't Ask, Don't Tell" on the lesbian, gay and bisexual patriots of our Nation. During the past decade, almost 10,000 men and women have been fired from our armed forces simply because of their sexual orientation.

Many of those men and women have sought the assistance and advocacy of Servicemembers Legal Defense Network (SLDN), the Nation's only legal aid and advocacy organization for those harmed by the military's gay ban. In August, SLDN's Executive Director, C. Dixon Osburn, commemorated 10 years of service to the organization he founded and the brave Americans it serves. Mr. Osburn co-founded the organization in 1993 with former Army Captain Michelle Benecke.

Under Mr. Osburn's leadership, SLDN has provided legal services to 5,000 service members and obtained 35 changes in military policy and practice related to "Don't Ask, Don't Tell, Don't Pursue, Don't Harass." Also under his leadership, SLDN's policy efforts have included obtaining new Pentagon and Service policies on anti-gay harassment, an Executive Order on hate crimes in the military and an Executive Order providing, for the first time, a limited psychotherapist privilege in the armed forces.

Due in large part to Mr. Osburn's work, The Boston Globe has said "[SLDN] knows far more than the Pentagon about what reality is like in the military and helps individuals caught in the mess." Deb Price of The Detroit News also commended their work, noting that: "SLDN has repeatedly forced the Pentagon not just to take notice, but to change." And The Nation reports, "It's amazing how much this small legal-aid group has accomplished already."

Mr. Osburn received the 1994 GAYLAW Distinguished National Service Award, and the 1998 Kevin Larkin Award for Public Service from the Massachusetts Lesbian and Gay Bar Association. In 1998, Mr. Osburn was named by The Advocate magazine as one of the Top 10 National Gay Leaders. In 2000, under Mr. Osburn's leadership, SLDN received "Organization of the Year" awards from both the District of Columbia Bar Association Young Lawyers Division and the International Lesbian & Gay Museum of History. I am honored today to recognize his decade of leadership at the helm of SLDN and his unparalleled advocacy for our men and women in uniform.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 30, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 1

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change.

SR–253

Environment and Public Works

Business meeting to consider S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, S. 1663, to replace certain Coastal Barrier Resources System maps, S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, proposed legislation providing for the reauthorization of the Dingell-Johnson Sport Fish Restoration Act, and the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD–406

Governmental Affairs

To hold hearings to examine the need for federal real property reform.

SD–342

10 a.m.

Finance

Business meeting to consider an amendment in the nature of a substitute to S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States.

SD–215

Judiciary

To hold hearings to examine the nomination of Dora L. Irizarry to be United States District Judge for the Eastern District of New York.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), and H. Douglas

Barclay, of New York, to be Ambassador to the Republic of El Salvador.

SD–430

OCTOBER 2

Time to be announced

Governmental Affairs

Business meeting to consider the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine media ownership.

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To resume hearings to examine the implementation of the Sarbanes-Oxley Act (Public Law 107–204) and restoring investor confidence.

SD–538

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Energy and Commerce to examine National Institutes of Health management of biomedical research to prevent and cure disease in the 21st Century.

SD–106

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park.

SD–366

2 p.m.

Indian Affairs

To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.

SR–485

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Amtrak.

SR–253

Foreign Relations

To hold hearings to examine challenges for U.S. policy to Cuba.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

OCTOBER 15

10 a.m.

Indian Affairs

To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

SR–485

OCTOBER 16

10 a.m.

Indian Affairs

To hold hearings to examine the Missouri River Master Manual.

SR–485

OCTOBER 21

10 a.m.

Indian Affairs

To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.

SR–485

OCTOBER 22

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.

SR–485

OCTOBER 30

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

SENATE—*Tuesday, September 30, 2003*

(Legislative day of Monday, September 29, 2003)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Majestic God, our hope of eternity, thank You for sunshine and cool breezes. Thank You also for knowing us and accepting us as we are. Make us today instruments of Your glory. Help each of us to pursue righteousness, godliness, faith, love, perseverance, and gentleness. Lord, take from us pride and conceit that make us legends in our own minds. Fill our Senators with Your spirit that their feet will not wander from the path of integrity. Give them comfort and direction when they are troubled or perplexed. Keep them from selfishness and give them the courage to live each day as Your children and as brothers and sisters to one another. Whisper words of counsel for their moments of decision. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately proceed to executive session and vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone, to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

I reiterate that it is our desire to complete the DC appropriations bill today. The managers have been here awaiting further action on the bill; however, Members have not come forward with their amendments. If Senators have concerns regarding the legislation, if Senators disagree with the underlying bill, I hope they will offer their amendments and allow the Senate to decide the issue and ultimately complete this bill.

Also, today the Appropriations Committee will be marking up the emergency supplemental request for Iraq's security. It is my intention to turn to the consideration of that measure as soon as it is available. Rollcall votes are therefore possible today and throughout the remaining sessions this week as we consider and complete our business with respect to the Iraq supplemental.

The Senate will stand in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

The ACTING PRESIDENT pro tempore. Under the previous order, there are now 2 minutes for debate equally divided prior to the vote on the nomination.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my pleasure to speak in support of the confirmation of Judge Marcia Crone. She is a native of Dallas and alumna of the University of Texas. She will preside over a newly created seat in Beaumont where she has agreed she will make her home and stay for the duration of her term.

I know she will serve with distinction. Judge Crone is currently a U.S. Magistrate Judge in the Southern District of Texas serving in that capacity since 1992.

Marcia was valedictorian of her high school, Hillcrest High School in Dallas, a National Merit Scholar, and the valedictorian of the University of Texas class of 1973. She also graduated first in her class from the University of Houston Law Center in 1978.

Her outstanding educational accomplishments are also joined by accomplishments in her professional life. After graduating from law school, she joined the Houston-based firm Andrews & Kurth. Her specialities included product liability, breach of contract, oil and gas, and securities law. She became a partner in that firm where she remained until her appointment to the Federal bench.

Mr. President, is there another minute, or am I the only speaker?

The ACTING PRESIDENT pro tempore. One minute remains in opposition. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, if there is no opposition, to take the final minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as a U.S. Magistrate, Judge Crone has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

presided over a number of civil and criminal cases, ranging from employment discrimination to pretrial arraignments and detention hearings in felony cases. In her more than 10 years on the Federal bench, she has authored approximately 700 opinions, over 130 of which are published. She is an active member of the Houston community and bar association. She serves on the board of directors of the Garland Walker Inn of Court and is a mentor to Houston area law school students. She is also active in her church.

Marcia Crone meets the high standards to which we hold all Federal judges, and she has quite an impressive record. I am pleased that JOHN CORNYN, the other Senator from Texas, joins me in supporting the nomination of Marcia Crone, and I urge our colleagues to join us.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased to speak in support of Marcia Crone, who has been nominated to the U.S. District Court for the Eastern District of Texas.

Judge Crone received a bachelor of arts degree, summa cum laude, from the University of Texas at Austin, graduating with a 4.0 grade point average and as valedictorian in 1973. She then graduated first in her class from the University of Houston Law Center in 1978, receiving a juris doctor degree, summa cum laude. After graduating from law school, she entered private practice, first as an associate and later as a partner at the law firm of Andrews & Kurth, L.L.P. During her years in private practice Judge Crone represented both individuals and corporations, litigating primarily in the areas of labor law, employment law, products liability, and commercial litigation.

Judge Crone was appointed in 1992 as a Federal magistrate judge in the Southern District of Texas. She has presided over numerous trials in civil cases involving a wide range of issues, including securities fraud, employment discrimination, intellectual property rights, personal injury claims, contract disputes, admiralty, civil rights, insurance matters, social security appeals, and prisoner litigation. In her more than 10 years on the Federal bench, Judge Crone has authored approximately 700 opinions.

Judge Crone devotes substantial amounts of time to programs mentoring students from the three local law schools, giving them the opportunity to serve as interns in her chambers, judging mock trial and moot court competitions, and participating annually in the American Bar Association's Minority Judicial Externship Program. She previously served on the board of directors of the southeast Texas Chapter of the National Multiple Sclerosis Society and has performed volunteer work for a local adoption agency.

I have no doubt that Judge Crone's elevation to the district court will greatly benefit the Eastern District of Texas. I urge my colleagues to join me in supporting her nomination.

Mr. CORNYN. Mr. President, I rise in support of the nomination of Judge Marcia A. Crone to serve as U.S. District Judge in the Beaumont Division of the Eastern District of Texas.

Judge Crone is an outstanding nominee with a fine legal mind and fair judicial disposition. She has served as a U.S. magistrate judge in the Southern District of Texas since 1992. During her tenure on the Federal bench thus far, she has already authored approximately 700 opinions, over 130 of which are published. Prior to her service as a U.S. magistrate judge, she practiced law for 14 years.

She is an active member of several legal organizations in the Houston area. She is a native Texan and a mother of two. And she is an active participant in her community. She is a member of the Chapelwood United Methodist Church, the Houston World Affairs Council, and the P.T.A. at Second Baptist School, and a former member of the board of directors of the National Multiple Sclerosis Society.

In short, Judge Crone is an outstanding nominee with solid credentials and a reputation of fairness and impartiality. I support her nomination, and look forward to her distinguished service on the bench of the Eastern District of Texas, where the citizens of Beaumont need her good legal judgment and wisdom.

The ACTING PRESIDENT pro tempore. All time has expired. The question is, Will the Senate advise and consent to the nomination of Marcia Crone, of Texas, to be United States District Judge for the Eastern District of Texas?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 369 Ex.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Alexander
Biden
Domenici
Durbin
Edwards
Graham (FL)
Jeffords
Kerry
Lieberman

The nomination was confirmed.

NOMINATION OF RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the clerk will report the next nomination.

The assistant legislative clerk read the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate equally divided.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am happy to recommend, along with Senator INHOFE, the nomination of Ron White to be United States District Judge for the Eastern District of the State of Oklahoma.

Ron White has been a partner in a prestigious law firm in Tulsa, OK, for 17 years. He is eminently qualified.

He has considerable experience in major corporate litigation in Tulsa with sixty percent of his court appearances taking place in Federal court. He is a man of outstanding individual character, and the President could not have picked a more qualified person for this job.

A native of Sapulpa, Ron is a 1983 Phi Beta Kappa graduate of the University of Oklahoma. He earned his Juris Doctorate (Cum Laude) from the University of Oklahoma College of Law in 1986, where he was a member of the Order of the Coif Honor Society.

Ron is also very active in his community as a member of both the Philbrook Museum of Art Masters Society and the Tulsa Ballet Founders Society. In addition, he is on the Board of Directors of the Margaret Hudson Program, an organization that helps pregnant teens and young mothers finish high school.

Ron has been admitted to the Oklahoma Supreme Court, the U.S. District Court for Northern, Western, and Eastern Districts of Oklahoma, and the U.S. Court of Appeals. Furthermore, he has been rated "unanimously qualified" by the American Bar Association.

Ron is exceptionally qualified to serve as Eastern District Judge for the State of Oklahoma. The judicial system and our nation as a whole will benefit from his service. Senator INHOFE and I are pleased to recommend confirmation of Ronald A. White to the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't think there is any doubt but Ronald White is one of the most qualified nominees that we have been able to act on and confirm.

In addition to that, he comes from my hometown of Tulsa. I know him well and I know what he does. This is a generous person. He is famous for taking indigent cases and not charging fees.

The Margaret Hudson Program is a program to give alternatives to pregnant teens, and he gives his free legal counsel to that.

He is the type of person certainly deserving from his own personal lifestyle as well as his professional qualifications.

I heartily endorse him.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Ronald White to the Eastern District of Oklahoma and to urge my colleagues to confirm this fine nominee.

Mr. White is a distinguished litigator. After graduating from the University of Oklahoma law school in 1986, Mr. White joined the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson in Tulsa. His practice has focused on litigation in the areas of tort and insurance defense, medical malpractice, corporate litigation, ERISA, and telecommunications. Mr. White is a well respected legal practitioner in his home State and he will make a fine addition to the Federal bench.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with our votes on two more judicial nominees today, the Senate will have confirmed 60 judges in the 15 months that Republicans have controlled the Senate majority. In 17 months, when the Democrats were in the majority, we confirmed 100 judges. So that means between those confirmed under Republican leadership—60—and the 100 under Democratic leadership, we now have confirmed 160 in less than 3 years.

Incidentally, it approaches the 4-year total of President Reagan's first term.

I have expedited confirmation of another Oklahoma nominee, as I accommodated Senator NICKLES with four nominees when I was chairman, and I am happy to accommodate him now.

I hope the leadership will look to the two much needed nominees for the Southern District of California. That is the most overworked district in the entire Nation. For some reason, the leadership has not brought them up.

I wish they would. They should be considered on an expedited basis.

Last night, the Senate unanimously confirmed Judge Carlos Bea of California to a lifetime position on the United States Court of Appeals for the Ninth Circuit. He is the 29th circuit court nominee of President George W. Bush to be confirmed. With this number of confirmations, we have reduced the number of vacancies we inherited in the summer of 2001 in 8 of the 13 circuit courts and the number of vacancies in the other 5 courts has not increased, despite more than a dozen additional vacancies that have arisen since then. In contrast, during the Clinton administration, Republicans allowed the number of circuit court vacancies to more than double, increasing the number of vacancies on 9 of the 13 circuit courts.

As I mentioned last night, the Senate has confirmed 12 circuit court nominees of President Bush in this year alone, which is more circuit court confirmations than Republicans allowed in 5 of the 6 full years they controlled the Senate during the Clinton administration. Last night, the Senate confirmed the 58th judicial nominee of President Bush this year, which is the same number as Republicans allowed in all of 1995. With the two confirmations we expect this morning, we will have confirmed more judicial nominees of this President this year than in 5 of the 6 years of Republican control of the Senate.

At the conclusion of the confirmation votes today, a total of 60 judicial nominees of President Bush will be confirmed this year, in addition to the 100 confirmations during 17 months of the Democratic majority in the Senate. This number of confirmations, 160, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent Presidential term, when they allowed 135 judicial nominees of that President to be appointed from 1997 through the end of 1999. That year, because the Republican chairman insisted that President Clinton nominate Utahan Ted Stewart to the district court, no nomination hearings were even held until the summer. In all, during the prior 6 years of Republican control of the Senate, 248 of President Clinton's district and circuit court nominees were confirmed but more than 60 were blocked form getting confirmation votes.

Despite this recent history, Democrats have supported the confirmation of 160 of President Bush's judicial nominees. As Senator FRIST observed on the floor of the Senate last week when six additional judicial nominees were confirmed: "Again, steady progress has been made with respect to these judicial nominations." The number of confirmations in the two home States of the nominees being voted on today supports that observation of the majority leader.

We have already confirmed 13 district court judges to the State of Texas and today we vote on the 14th judge appointed to the Federal trial courts in Texas, Magistrate Judge Marcia Crone. Despite her 11 years of service in the Southern District of Texas, Magistrate Judge Crone earned a partial "Not qualified" rating from the American Bar Association, ABA. In all, 23 of President George W. Bush's judicial nominees have received minority or majority ratings of "Not qualified" from the ABA, which is cause for concern. Sometimes we are able to deduce the basis of those ratings, but sometimes we cannot. It is too bad that the ABA will not provide us with the facts and factors behind such ratings. Without that information and based on the record we have before us, Magistrate Judge Crone garnered the bipartisan support of the Judiciary Committee.

Magistrate Judge Crone is nominated to 1 of the 15 new seats Democrats created to address increased caseloads around the country, and once she is sworn in there will be no vacancies in the district courts in Texas, a situation that Republicans would not allow when a Democrat was in the White House. In fact, had Democrats not created 15 new seats on the Federal courts when we were in the majority last year, there would be fewer than 30 vacancies in the Federal courts today. As it stands, with the confirmations today, there will be 44 vacancies on the Federal bench, the lowest level reached for this President and indeed the lowest number of vacancies since 1990.

Similarly, with the confirmation of Ronald White to the district court in Oklahoma, Democrats will have supported the confirmation of a judge to a vacancy that arose last Thursday. Senator NICKLES has been eager to fill this vacancy, which occurred just four business days ago and we are accommodating him. When I chaired the committee we similarly worked hard to confirm four judicial nominees to vacancies in Oklahoma.

I must express concern, however, that the Republican leadership has chosen to move Mr. White's nomination to such a short-lived vacancy ahead of the nominees to the Southern District of California, seats that have been greatly needed for years. During the last period of Republican control of the Senate, they refused to create seats in California to address the growing crisis to that border court. As a consequence, this Federal court in San Diego has the highest caseload per judge in the Nation, by a significant margin; senior judges have been called into continued service handling a large number of cases; and one retired judge even passed away in the midst of the stressful and pressing caseload of that court. Republican neglect was part of their efforts to deny a Democratic President and any opportunity to fill those much-needed judgeships. I hope that the Republican leadership will turn to the southern California nominees it has now skipped without more delay.

Finally, I note that Mr. White is receiving far more favorable bipartisan consideration than the last Ronald White to be nominated to the U.S. District Court. Mr. White of Oklahoma is being confirmed within 4 months of his nomination, while Missouri Supreme Court Justice Ronnie White waited 28 months for a confirmation vote. Justice White, who now serves with distinction as the Chief Justice of the Missouri Supreme Court, was nominated by President Clinton to the Federal district court in June of 1997. The White House consulted at length with the home-state Senators and other officials in Missouri to find a consensus nominee and chose Justice White who was the first African American to serve on the highest court in Missouri. Senator BOND supported Justice White's confirmation and then-Senator Ashcroft advised that he would not hold his nomination.

However, the Republican chairman did not schedule a hearing for this district court nominee for almost a year. Then, after Justice White's nomination was reported favorably by the Judiciary Committee, which occurred almost a year after his nomination, the Republican leader refused to schedule a vote on the nomination. Justice White's nomination languished on the floor from May 1998 until the end of that year. He was renominated by President Clinton in January 1999, and the Republican chairman refused to place his name on the calendar for a vote for 6 months. Once his nomination was reported out favorably a second time the Republican leader again delayed a vote on his nomination for about 3 months.

Then, in a surprise move following a Republican caucus meeting in October 1999, Justice White nomination was defeated with every Republican voting in lock-step against his confirmation, without warning and even though some of these Senators had previously voted to report his nomination favorably to the Senate. Senator Ashcroft maligned Justice White as "pro-criminal," even though Justice White's record in criminal and death penalty cases on the Missouri Supreme Court was better than some of Senator Ashcroft's appointees to that court when he was governor. When President Bush nominated John Ashcroft to be Attorney General the outrageousness of the attack on Justice White was one of the issues we explored. Senator SPECTER apologized to Justice White for the way he was treated by the Senate.

Of course, more than 60 of President Clinton's other judicial nominees were never allowed a confirmation vote of any kind. Those 63 other nominations were scuttled by Republicans in the dark of night, through secret or anonymous objections. This was their preferred modus operandi. Republicans perfected the art of delay by defeat for President Clinton's circuit and district court nominees, blocked 63 while confirming 248 in the 6½ years of Senate control.

I think if is time that fair-minded Republicans acknowledge those Clinton nominees who were blocked from getting votes, nominations that constituted 20 percent of all judicial nominees in those 6 years. That record stands in stark contrast to ours, with 160 of President Bush's judicial nominees confirmed in less than 3 years, with only three blocked so far. The Senate's record on President Bush's judicial nominations is now 160 to 3. The Republican record on President Clinton's judicial nominees is 248 to 63. The facts demonstrate how effectively Republicans prevented confirmation votes on judicial nominees, behind closed doors and in secret. Democrats have voted and continue to vote on President Bush's judicial nominees in the light of day, with full discussion of the serious concerns that surround the extreme nominees of this President.

With a Republican making nominations, the Senate votes today to confirm Mr. White of Oklahoma to a seat that has been vacant for less than a week. With the delay and attack on President Clinton's nominee Justice White, Republicans were content to allow the Missouri District Court to remain vacant for 5½ years, like many other judicial vacancies that arose when a Democrat was in the White House and Republicans last controlled the confirmation process.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Alexander
Domenici
Edwards
Graham (FL)
Jeffords
Kerry
Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30 a.m., with the first half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the remaining time under the control of the Democratic leader or his designee.

Who yields time?

The Senator from Wyoming.

SUPPLEMENTAL APPROPRIATIONS REQUEST FOR IRAQ

Mr. THOMAS. Mr. President, obviously one of the issues before us and the issue we will be grappling with for the remainder of the week—perhaps longer—is the question of supporting our troops in Iraq and continuing to deal with the war on terror in Iraq and Afghanistan. Certainly everyone agrees that these things have to be done. There are different views as to how they should be done. All of us have to review in our minds where we are, what the basic issues are that have us there, and certainly what is necessary to succeed in our efforts in the Middle East, particularly in Iraq and Afghanistan.

We have before us a request for $87 billion for the war on terror. That will be dealt with this week, the division there between what is required for the military aspect and then what is required to complete our job in terms of leaving Iraq and Afghanistan in the condition in which democracy and freedom and a lack of terrorism will be where we are in the future.

It is good to go back and review some ideas. I would like to talk about where we have been, where we need to go to complete the task we undertook, and talk a little about what we are seeking to do in terms of leaving Iraq in a position to govern itself and to support freedom and peace, and about the fact that we hear all the time that there was no plan after combat was over. That is not true. There is a plan. The plan is in process. We certainly will continue to carry out that plan. We need resources to do that.

All of us are concerned about spending. All of us are concerned about the deficit. We find ourselves in a deficit situation for reasons that are fairly apparent. It started, of course, with September 11, which was something we had no control over, which increased special spending we would not otherwise have had. Then we were faced with an economic turndown which caused additional impacts on our deficit and the economy. Then, of course, we continued to have more terrorism and our troops in Iraq.

I guess probably no one in this body is more conservative than I am in terms of spending, in terms of government's role and what we ought to be doing, but I do recognize that when you have special things, whether it is your business or your family or your government, then spending is done in a different way. That is where we are.

The stakes are high in Iraq, certainly. It is the center front now for the war on terrorism. Critical work remains to be done in Afghanistan as well. Terrorists and regime remnants are making a desperate attempt to maintain themselves and continue in these countries. The U.S. and its allies are confronting them where they live and where they seek refuge, rather than leaving the terrorists in the safe havens where they would like to gather strength and resources and come back as they did before.

Our troops—no one would disagree, I am sure—have to have the necessary resources for the war on terror, and the spending requests will give our troops in Iraq and Afghanistan the equipment they need to increase their safety and security, which happens to be the most important thing for us. This includes funding to replace equipment used that was destroyed during combat operations, to protect our forces, better housing for our troops deployed overseas, and enhanced pay, reflected in the dangers that we face.

Of course, we have been through these things before. Stabilizing Iraq and Afghanistan will increase our security at home and certainly help win the war.

As we understand, the war was not just combat but to change things in that part of the world. The costs of fighting terrorists are significant, but they still are a relatively small percentage of the overall economy compared to that of previous conflicts. According to an analysis done by USA Today, the cost of fighting the war is 5 percent of the GDP compared to 30 percent for World War II and 15 percent for the Korean war. The $87 billion request is less than 4 percent of our entire Federal budget next year. Yet it is a critical part of this stabilization area we are in.

Initial estimates of Iraq's total need range from $50 billion to $75 billion. The administration believes $20 billion represents our reasonable share as to what we ought to be doing to put the country back in reasonable shape, and we expect the rest of the costs, of course, to be filled by the international community, or by Iraq's own reserves, which are potentially very large.

So these funds will be carefully targeted to the immediate security needs, as well as the share of the critical infrastructure that has to be replaced in order to get the kinds of support there that we are looking for.

Iraq oil reserves are estimated at approximately $12 billion in 2004 and $19 billion for each of 2005 and 2006. So unlike many of the countries in that part of the world, there are sizable resources that we hope will be part of this rebuilding exercise, and indeed should be.

President Bush has held the line on nondefense spending growth. In 2001, the last budget before President Bush took office, nondefense spending grew nearly 15 percent. He cut that growth to 6 percent in 2000, less than 5 percent in 2003, and 2 percent in 2004. Obviously, there is always controversy and different views and things that we would like to do in our home States and in our country. But, of course, obviously, they have to be balanced with our ability to pay and our willingness to tax.

Today's deficits are larger than anybody wants. No one wants deficits, but they are certainly still less than 5 percent of the GDP and are manageable if we put them into a steady downward path by strong economic growth and spending restraints. These are the issues with which we have to deal.

Certainly, the war on terrorism has to be funded. Freeing Iraq is the key to winning the terrorism war and vital to America. President Bush has asked for $87 billion in emergency funding—a large amount, of course. The majority—$65 billion—will go to directly support troops in Iraq and Afghanistan, give them more resources that they need. Again, no one would argue against giving our troops what is necessary for them to go forward. And $21 billion would go to create a secure environment. It is high, but as I mentioned, things have changed and we need to do the job right and continue to work at doing it.

From time to time we hear that there really wasn't a plan or there is not a plan. There is a plan and we are following it. One of the issues, of course, is time. I don't know how you could plan that anybody would have a definite timeframe in terms of a plan for a place such as Iraq. But I think Secretary Rumsfeld covered it well when he commented some time back, a few days ago. These are some of his comments that I think are correct. He said the coalition has certainly, in less than 5 months, racked up a series of achievements in both countries and civil reconstruction that may be without precedent. Today in Iraq virtually all major hospitals and universities have been reopened; hundreds of secondary schools—until a few months ago many were used for weapons storage—have been rebuilt and are ready for the start of the fall semester. This is part of the plan to put these entities, of course, back into place.

Fifty-six thousand Iraqis have been armed and trained in just a few months. They are contributing to the security and defense of the country. Today a new Iraqi army is being trained, and 40,000 Iraq police will join with that army to conduct joint controls with the coalition. Contrast that to the 14 months it took to establish a police force in postwar Germany and the 10 years it took to begin training a new German army.

Again, this is part of the plan to add stability and provide the opportunity for Iraqis to be able to control their own country and their own people and move forward. As security improves, so does commerce. Five thousand small businesses have opened since the liberation on May 1. An independent Iraqi central bank was established and new currency was announced in just 2 months. These are accomplishments which took years before in Germany. The Iraq governing council has been formed and they appointed a cabinet of ministers—again, something that took years to do in other times.

So this is the plan and the movement to get government back into place there, to have security for themselves, to have people trained to do what has to be done in a country that is independent and standing alone. In major cities and most of the towns, villages, and municipalities, councils have been formed to make the decisions on local matters. That is something that it took a great deal of time to do before, and you would imagine that it would.

But all this has taken place in just 5 months. Again, I don't think anybody can specifically say we are going to be done by the 14th of March in 2005, or whatever, but we are moving very quickly. There is a plan as to what needs to be in place. The Iraqi people are providing intelligence now for our forces every day. Division commanders consistently report an increased numbers of Iraqis coming forward with intelligence that makes it more likely that we can find the terrorists and get them out of positions, and so on. So there has been a great deal of advancement.

There has been great talk about the need for more troops. Those in the military have declared that is not necessary. If we are going to have more, they need to come from other countries that are involved. The commander of the Marine division in the south area decided to send home 15,000 troops and explained if there is a point when he needs them, he can get them. So there hasn't been the shortage that is felt by the military.

Again, we are moving forward and making some progress in that area. That is what it is all about—to continue to reach the visions that we have for Iraq and against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Wyoming. We are beginning a very important week. We are going to be talking about what is happening in Iraq and the President's request for $87 billion and added funding.

A lot of people are saying: Wow, $87 billion. But it is important for us to look at what that $87 billion is going to do.

First of all, $66 billion is for our troops. That is for our troop protection, equipment, making sure they have everything they need to do the job we are asking them to do over the next year. I don't think there is anyone in this Congress who would deny the President a dime of the money that is going to our troops to make sure they have everything they need to do one of the toughest jobs I have ever seen.

I was in Iraq and I was in Afghanistan in August. In Iraq and Afghanistan, our troops are in harm's way every day—every moment, really. I just woke up this morning to the news that two of our wonderful military personnel have been assassinated in Afghanistan. It is a very tough place. We are having to deal with a Taliban that has rejuvenated its efforts, and they are now into drug dealing. They are preying on the police in Afghanistan. If somebody doesn't deal with them, they are murdering them, assassinating them because they want the drug trade.

Why do they want the drug trade? They want the drug trade because that is how they are going to finance the terrorist operations around the world. That is why they are trying to raise money in this illicit way. What could be more important to the security of our people than to stop the drug trafficking in Afghanistan and stop the resurrection of the Taliban?

In Iraq, we see on a daily and weekly basis the harm our young men and women are in. We need to make sure they have the capability to do the job we are asking them to do. That is what the President is asking for, and that is what we will give him.

The other $20 billion is what most people are talking about. How much should we be giving to rebuild Iraq and how should it be done? Those are the questions we are going to hear on the floor. The Appropriations Committee right now is marking up the bill that will come to the floor, hopefully tomorrow.

This is a legitimate area of disagreement. Most certainly people can reasonably ask the question: Why are we putting $20 billion into Iraq? There are things we need in America.

The first responsibility of the Congress of the United States and the President is to provide for the security of our people, to provide for a national defense. This is national defense. If we can stabilize Iraq and stop Iraq from being a breeding ground for terrorism, that is a United States security interest. That is why putting the money into the rebuilding of Iraq so that the people will be able to start having an economy, and if they have electricity, water, and basic living conditions, we also will begin to see the startup of business. We hope the oilfield infrastructure will be repaired or rebuilt. It is in much worse shape than we ever thought it would be. We want to rebuild the oil infrastructure so when the Iraqis get the oil out of the ground, it will give jobs to the Iraqi people. They will be able to use it and export it, but it also means other businesses will crop up to service those oil wells and the delivery of that oil.

We are talking about the beginning of an economy for Iraq. If we don't put $20 billion into the rebuilding of Iraq, what will those people have to do? How can they start their economy from scratch? How can they start the creation of jobs if the oil pipelines are being held together with rags and cannot deliver the oil?

It is a package of $87 billion that will be for the security and support of our troops, and for the rebuilding of Iraq which, in turn, will allow our troops to leave earlier but with the knowledge that the people of Iraq will have stability, that Iraq will not be a breeding ground for terrorism, and that they will have a justice system and a security system in place with their own policemen and their own army to protect their borders from the terrorists who are infiltrating their borders from Syria, Saudi Arabia, and Iran.

This is a very important bill, it is a very important request from the President, and it is important that we give to the President what he needs to do the job Congress has given him the authority to do. Congress gave the President the right to declare war on terrorism. Congress declared the war. The President is implementing that war, and we are going to have to give him the support he asks us to give. It would be unthinkable to walk away with the job not yet completed.

I am very pleased to be supportive of the President and this effort, even though it is a difficult situation and a lot of questions have been raised.

Mr. President, we have had a good beginning. We have had the beginning of 6,000 individual reconstruction projects. Schools, universities, and hospitals have been opened. They are not up to the standards we hope they will be, but it was important for the Iraqi children to start school; it was important they have health care services. We have gone in to augment the opening of those facilities.

Iraq is also in the process of transitioning to a governing council. We hope they will be able to form their own government, create their own constitution, have representatives of their people for whom they can vote. That is what we hope to leave them.

We have made a very strong beginning. If we look at where we started, which was absolutely a deteriorating infrastructure, we are making progress. What we hear about in the news is very disconcerting. We hear about a terrorist putting a landmine in a road and it blows up one of our people or one of their people. We hear of terrorists tearing down the electricity grids and cutting the water supply. This shows, if nothing else does, that this is the terrorists' last stand. They do not want the United States to succeed. They do not want the Iraqi people to have a stable lifestyle. They want there to be foment and unrest. They want people who are desperate for change. We are not going to let them win. That is why this bill is so important.

I am pleased to talk about the important accomplishments and the importance of what we are doing in Iraq. The President and Congress must come together and do what is right for the security of the American people, and doing what is right means we will give the President the money which he has asked for the rebuilding of Iraq and for the protection and support of our troops in the field.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Texas. She certainly expresses the view of at least all of us on this side of the aisle in terms of the challenge we have before us and our willingness to take on that challenge and to complete this task we have begun in the protection of our country.

There are probably a number of questions that are frequently asked with regard to this issue. They should be discussed, and indeed they have been discussed. So, frankly, I hope we do not string this issue out any longer than it needs to be. We should have a reasonable debate and get on with what we need to do. I am very hopeful, as well, that the idea of some of the discussion is not designed to be political. Unfortunately, many issues do that. These are genuine issues. They are not political issues.

Some of the questions that are asked: Why can we not provide the resources for the troops and let the Iraqis do their own thing with their infrastructure? I think one of the differences we have, that we might not have with some other place, is Iraq has suffered from decades of corruption and mismanagement from Saddam, where he built dozens of lavish palaces for himself and his family and funded destruction programs. He involved himself in war in Kuwait, and he failed to invest in the country's critical infrastructure. As a result, more than $100 billion in debt is unable to be tapped for their own resources. The stability of Iraq and Afghanistan is what is important so that they are no longer the breeding grounds for terrorism.

So it is important that we are helpful in restructuring the things that have not been done for many years prior to our involvement there.

Some ask: Why is rebuilding Iraq costing more than the administration said it would? Has the administration been honest about their analysis of the costs?

Again, that is a legitimate question. Under Saddam, Iraq was one of the most tightly controlled and secretive societies in the world. Until the country was liberated, it was hard to know exactly how much internal damage or neglect had been suffered in everything from the electrical grid to water and sewage. In addition, rebuilding efforts have been hampered, of course, by the remnants of the regime and foreign terror groups that are there. It has been very difficult, in the long term, to understand what these costs would be.

What are other countries realistically going to contribute to the reconstruction effort, and what are the expectations for the Madrid donor conference? It seems as if there is now more support for doing something in terms of restructuring than we had in the combat stage. We expect that many members of the community will participate, as well as some international financial institutions and organizations, such as the United Nations. Quite frankly, when we start doing this I believe we will see some of the European economic interests there. Some of them were there before in a business sense, and they will return again. We have had discussions with these donors individually, and they are planned for the conference. We also need to review the assessments being done by the U.N.

What is our exit strategy? Again, that is a very difficult issue, particularly on timing. We know what we want to accomplish, but it is not always easy to know how long it will take to achieve those kinds of things.

After 9/11, the President told the American people that he would confront the threats to our Nation before they reached our shores. Our troops are performing a vital task right now, and that is what they are doing. They are liberators, not occupiers. We bring freedom to those oppressed people and help the Iraqi people. It is interesting that all we hear about are the difficult times--and there are difficult times, and I understand that. The media, or whoever it is, speaks of those difficult and tragic things at the top of the news. The improvements that are being made and the support that is there is not always as well understood as are the difficulties.

So I think we are making good progress. As we have pointed out, in just 5 months many things have happened that need to be done. The more that happens, the more support we will have from the Iraqi people, and we can begin to move rather soon.

We have enough forces in the region. That is always a question that is being asked. I mentioned it before, but in the professional judgment of the military commanders, who are the ones who really know, the 130,000 troops recently in Iraq can carry out the mission. Some of the marines have been sent back to the United States, knowing that if they are needed, of course, they could go there.

One of the last figures I heard was about 25,000 troops from other countries are there, and that is a good thing. Of course, we are dealing with an action at the United Nations, so there will be more input from the United Nations into what we are doing, and I think that is good.

So these are some of the questions that are asked, and I think they are indeed legitimate questions.

No one wishes we were there. We all wish the whole terrorism thing had not happened, but it has, and the Senator from Texas mentioned why we do not want it to happen in our country. We need to deal with terrorism where it exists and not to let it happen here. I am hopeful that this is an issue we can deal with, and deal with it in a timely way.

THE UNFINISHED AGENDA

Mr. THOMAS. We have a lot of work to do. We have six or seven appropriations bills that we have passed. We have 13 total to do. This is the last day of the fiscal year. We will have to pass a continuing resolution to go on into October, but we certainly need to continue to work on that and get that completed as soon as we can. It is very important we do that.

There are several other bills, of course, that are pending that all of us feel strongly about. The Medicare bill is pending and we need to do something with pharmaceuticals. There is a great difference of opinion as to how we do that. The bottom line is that everybody knows we need to do something for Medicare, particularly pharmaceuticals, to make them available at a reasonable cost to as many people as we possibly can. So those issues are pending.

I have a particular interest in energy because of my committees and because of where I live. Wyoming is an energy-production State. We look forward to being able to do more of that. We are in the process of an energy policy and had planned to get that completed this week. The House and the Senate have both passed energy bills. Most everyone knows we need an energy policy. We have not passed one for a good many years, and things have changed substantially. So we really need to deal with it.

One of the issues I believe is important, that we are talking about, is an energy policy. We are not talking about every detail. We are not talking about everything tomorrow. We are talking about an energy policy that will give us some guidance into where we are 10, 15, 20 years from now. Obviously, things are going to change and indeed have changed. We have seen a number of the problems: the blackouts, the cost of gasoline, the shortage of natural gas, the things that happened in California. Those are part of what we are talking about, but we are also talking about the future. In this bill, we have things that have to do with renewable energy, finding ways to use wind energy, finding ways to use ethanol to extend the use of gas. We are talking about renewables. We are talking about doing some things with hydro and making that more accessible to much of the country.

Obviously, one of the questions we have is how to move energy around the country. It has to do with the blackouts and has to do with California. We are talking about, how transmission can be operated, how to get new transmission incentives to invest in transmission costs. We find ourselves in a position of using more electricity, for example, but not really keeping up production to meet our demands. In some parts of the country—for instance, Wyoming—where we have lots of coal, we could generate a great deal of electricity, but then there has to be a way to move it to the market. Those have been very difficult things.

We have to have research. I mentioned coal. We ought to have more research so we can ensure that coal is clean and we can have clean air as we generate that fossil resource that is the most abundant resource we have in fossil fuel. We need then, of course, in the shorter term, to continue to encourage production. We find ourselves almost 60 percent dependent on foreign oil. We have a good deal of oil in our country and we need to find ways to extract more of that, keeping in mind at the same time the protection of the environment.

We can do that. There is ample evidence we can do that. So we have to deal with things such as incentives for unusual kinds of oil and gas that are more expensive to discover and to produce. We have to look at what we can do with the potential resources in Alaska, for example, whether it be having gas available from there, build a pipeline down so it is there, or whether we talk about ANWR. These are places where there are substantial sources of energy but they are not really available to us. These are some of the things we need to talk about.

We had a bill last year in both Houses. We had a committee working on it last year. We were not able to produce a policy. This year, the same thing is happening. We passed something in the Senate; there was something else passed in the House. We need to put together the differences, and there are differences, quite a few in terms of the amount of ethanol we use and the subsidies that are there for ethanol.

We have been talking about what to do about electricity and how much authority they have in the Federal Energy Regulatory Commission. That is controversial—how we can develop techniques, given regional differences in energy, without having the Federal Government in charge of everything we do. These are called regional transmission organizations, where the States can make the decisions within that for interstate movement. Then when you move between the RTOs, there has to be some Federal involvement.

These are some problems that are not insurmountable. We can get them done. Of course, not everyone is going to agree on every detail, but that is not uncommon in the Senate. We have to give away some things. Some things are different in Alabama or Oregon, and we need to reconcile those differences and put together a national energy policy.

That is our challenge. I mention that to emphasize that hopefully we will not be here forever. We will be able to adjourn this session, hopefully in November sometime—early November, if we are lucky, or later. We have a lot to do prior to that time, but we can do it if we will bring it to the floor, if we have our legitimate concerns voiced in legitimate debates, but not just hold up legislation for various political reasons. I think that makes us look inefficient and unaware of what we have to do, and we have a great deal to do.

I believe our time has expired. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING FOR IRAQ

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending administration request for $87 billion, including some $20 billion for the rebuilding of Iraq. At the present time, the Appropriations Committee is considering this request and soon the matter will be on the floor. I urge my colleagues to give consideration to the proposition that the $20 billion to be advanced to rebuild Iraq ought to be in the form of either a loan or a loan guarantee. I understand this is contrary to the administration's position at the present time, but there may be some receptivity in the administration or, in any event, it is my thought that the Congress ought to consider this as an alternative in the spirit of trying to be helpful to the administration in working through the very difficult issues we are facing at the present time.

There is no doubt that the appropriation for the military is a matter of necessity as it has been outlined by the President. There is a strong universal commitment in the Congress to backing our troops. We compliment them on the extraordinary job they have done in the military victory in Iraq, and we compliment them further on their ongoing efforts to try to restore law and order, try to establish a peace to maintain. It is a highly regrettable situation that our military find themselves in a position of being police, responsibilities for which they are not trained and responsibilities which ought to be undertaken by others.

It is my hope that there will be assistance from countries such as Turkey and Pakistan, Muslim countries, to give more confidence to the Arab world, or that we will work through an arrangement with the United Nations so that there will be some sharing of the burden of rebuilding Iraq, so that when it comes to the funding for the military, there is universal agreement and certainly my support for that appropriation.

The issue as to rebuilding Iraq, I submit, stands on somewhat different terms. As I think through the issue of funding the rebuilding of Iraq, I think about the analogy of a bankruptcy proceeding. There is no doubt that Iraq as a country is bankrupt. They have latent assets, sitting on the second largest oil pool in the world, but they do not have a government in existence. They cannot function. They are bankrupt.

When the argument is made that we should not further burden Iraq beyond the $200 billion in debts which they have at the present time, the analogy to bankruptcy would say that those debts are owed to creditors that are general creditors, unsecured. When there is a bankruptcy, there are no funds to pay those creditors. They come last in line. If there are no funds, they simply get no funds.

On that subject, while not dispositive and not critical, I think it ought to be noted that some of these debts were incurred in a context where the lending parties knew they were supporting a totalitarian and dictatorial regime which had used chemical warfare on their own people, the Kurds, had used chemical weapons in the Iran-Iraq war, a regime which was brutalizing the Iraqi people.

In a very realistic sense, people who were loaning money to Saddam Hussein in a context knowing that is where the funds were going were accessories before the fact to some very heinous conduct. In a very fundamental way, as a matter of public policy, they are not entitled to be reimbursed for funds advanced in that context.

Some of those moneys are owed by way of reparations to Kuwait and others. They stand on a somewhat different footing. But all of those funds are in a category, if it were a bankruptcy proceeding, of creditors that would take no assets when there are no assets to be taken. There is a further argument advanced that if the United States makes loans, then there would be no motivation or no leverage for the United States to get other donor nations to make contributions.

In a meeting, as I understand it, scheduled in Madrid for October 23, the United States will be pressing other nations to make contributions. If we are to have a chance to get contributions from other nations, it seems to me that we ought not to make a blanket grant at the present time of $20 billion but ought to condition any such grant on getting cooperation and getting support from other countries. If the United States is to put up the $20 billion on our own without any commitments from other countries, there is the inevitable sense that the other countries say: Well, the United States is doing it. They are putting up $20 billion. Let them put up that money and whatever else is required.

So the argument that if we condition the loans on collateral security or if we condition the money on a loan situation and look for collateral security that we will discourage other donors is essentially fallacious.

The argument is also advanced that if we make loans, we will be reinforcing the view of the Arab world that the only reason we went to Iraq was for the Iraqi oil. We are not utilizing the Iraqi oil for U.S. purposes. We are not asking that the Iraqi oil be used to pay our military expenses. We are asking only that the Iraqi oil be used to rebuild Iraq—that is, to rebuild Iraq for the Iraqi people. So that it just is not plausible that we could be legitimately charged.

The PRESIDING OFFICER. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Mr. President, I have been asked by the leader to ask unanimous consent that morning business be extended until 12:30, with the time equally divided; provided further that the Senate then recess under the previous order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note the Senator from New York is on the floor. So I ask unanimous consent to speak for just 10 additional minutes so as to not unduly burden my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I appreciate my colleague's courtesy.

Mr. SPECTER. Mr. President, I will make my points and conclude within 10 minutes. I was on the point that some may charge the United States is there looking for the benefits from Iraqi oil. So long as we use the proceeds for the benefit of the Iraqi people, I don't think anybody can realistically make that argument.

One factor is difficult, and that is, with whom would we contract to make the loan? I must confess that gives me some pause. When a trustee takes over, a trustee is appointed by the court. If a trustee takes over a company that has been mismanaged, or where the directors or officers have committed fraud, the trustee has carte blanche to run the company—in this case, run the country. I believe it would be possible for the United States to undertake what we are doing here, under the watchful eye of others, because others will be watching—we can count on the French for that, if for little else, and we can count on the Germans for that, if for little else. Under the watchful eye of others, we can discharge the fiduciary duty as trustees, and we are good for our word, and we are honorable, and we are there to help the Iraqi people.

While some may doubt that, we can prove it, so that what we do would be used for the benefit of the Iraqi people. There are other ways we might find somebody to contract with. It is my hope the efforts now by Secretary of State Colin Powell to bring in a U.N. resolution will be successful. We have learned from our experience that it is regrettable we could not get the U.N. Security Council to support our military action.

Going back to October 11 of last year, this Senator supported an amendment that would have gone back to the U.N. to try to get more multilateral action. It is true we led a number of nations—"the coalition of the willing"—but it was essentially the U.S. and Great Britain. While it was not quite unilateral, it didn't have the level of multilateral activity which would have been desirable. It is nonnegotiable that our troops would not be under any command other than the United States. But when it comes to the reorganization of Iraq and to what is going to happen in Iraq with respect to how contracts are going to be disbursed and the administration of Iraq, it is my hope the United States can show sufficient flexibility to get other nations to participate. If the United Nations is in, there might be the structure of someone with whom to contract to have these loans instead of grants. I am exploring the issue as to whether the International Monetary Fund or the World Bank might be able to come into the picture at least to have a quasi-trustee status, someone who could oversee the matter, perhaps even contract on behalf of Iraq. These are matters to be explored.

I am advised that the International Monetary Fund is precluded from coming in in the absence of a sovereign, but that if the U.N. passes a resolution, there might be a sufficient basis for the International Monetary Fund to come in. In any event, these are complexities. There are no easy answers.

It is my hope the Senate and the House will give consideration to trying to structure something that would be on the basis of a loan, or perhaps a loan guarantee. We have the precedent with Israel. We are not making grants, we are making loan guarantees. Why should we do more for Iraq than we are doing for Israel with the loan guarantees?

I know that time is a consideration and there is an effort to pass this appropriations bill this week. That may or may not happen. At a meeting of the chairmen yesterday, there was doubt expressed as to whether it could be accomplished this week. We do know we have passed the Defense appropriations bill so that the Department of Defense has some $368 billion to operate. The aspect of this bill on funding the Department of Defense may not require immediate action, although I would not delay it. I am prepared to move ahead this week and decide all of the issues if we can resolve it this week.

I think there is time to give consideration to a structure of the loan or a loan guarantee. I have consulted with a professor of bankruptcy to refresh my own recollection and my own knowledge on the subject and have been told the concept, the analogy to a bankruptcy, is solid; that there is another concept of "creditor in possession," which would provide an analog in bankruptcy law for us to operate. And as we take a look and search through the possibilities of finding someone to act on behalf of the Iraqi government, I am not suggesting the council that has been created has sufficient authority to contract; but perhaps if we obtain a resolution from the United Nations, we might work in the International Monetary Fund, or the World Bank, or we may be able to structure some circumstance so the loan could be effectuated, or a loan guarantee could be effectuated.

My soundings in my State, and what I hear from colleagues around the country, is the American people have grave questions about our policy in Iraq at the present time, questions about our military being in harm's way, questions about the casualties and fatalities that are occurring, questions about the United States advancing $20 billion to Iraq at a time when we have a very tight Federal budget.

There is talk about the $20 billion, some suggesting for additional domestic programs to offset $20 billion. I do not think now is the time, given the kind of national debt and deficit we are looking at, to be adding more money to domestic spending. Within the past month, I defended on the floor the $137 billion bill on Labor, Health, Human Services and Education and voted against many amendments I would like to have supported on increased education funding, health funding, or worker safety funding. But managing that bill, I opposed those amendments to stay within the budget resolution.

When we talk about a grant to Iraq for $20 billion, there are inevitable questions on how much of that money will go for schools in Iraq, contrasted with how much money is going to be going for school construction in the United States. So I think it would be an act of generosity to make loans, an act of generosity to make loan guarantees. I understand there is considerable support in this body to make an outright grant, but as we consider this issue for the balance of the day and the balance of the week, I ask my colleagues to give consideration to the possibility of making a loan or making a loan guarantee.

As a matter of interest, how much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. SPECTER. I yield back that time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his words and his thoughts. His sense of timing is exquisite, realizing he had only 15 seconds left. I always enjoy listening to him. I appreciate his remarks and thank him for his courtesy.

APPOINTMENT OF SPECIAL COUNSEL

Mr. SCHUMER. Mr. President, I came to the Chamber this morning because I thought we would be on the DC appropriations bill and was prepared to offer a sense-of-the-Senate amendment to that bill concerning the appointment of special counsel to conduct a fair, thorough, and independent investigation into a national security breach.

I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed by the United States Government;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert CIA agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, now I am told the bill has been delayed because this amendment was going to be offered. I am going to talk about the amendment and have a dialog with my colleague from California.

On July 23, I believe it was, when I read the Novak column that named high administration sources as revealing the wife of Ambassador Wilson, Ms. Plame, as an agent—I hasten to add, I don't know if she is a covert agent. That is classified. But that is what was in the paper—I was outraged. I didn't know who had leaked the information. No idea. I am not an expert on the internecine rivalries among the various agencies, but the fact it was done just boiled my blood. So I wrote the FBI and asked Mr. Mueller to undertake an investigation of this act. The act, make no mistake about it, is a very serious act. In fact, it is a crime, punishable by up to 10 years in prison.

Why is it a crime? Why have this body and the other body made this a crime? For obvious reasons. Our covert agents put their lives at risk for us every day. They are soldiers just like our brave young men and women in Iraq and around the globe. And in the post-9/11 world, the world of terrorism, they are among our most important soldiers because we have learned intelligence is key. When the name of an agent is revealed, it is like putting a gun to that agent's head. You are jeopardizing their life; in many cases, you are jeopardizing the lives of the contacts they have built up over the decades, and you are jeopardizing the security of America. So the seriousness of this crime is obvious.

When, in addition, we learned that it was done in all likelihood for a frivolous, nasty reason—namely, that somebody was angry at Ambassador Wilson for speaking the truth, at least as he saw it—I tended to agree with him. I don't think anybody disputes it. In fact, the administration has admitted, the yellow cake sale from Niger to Iraq and the documents were, in fact, forged and the President was incorrect to use them in his State of the Union Address. This was a way of getting back at him through his wife or perhaps to cower him to make sure he didn't speak any further. Nasty. Not just nasty, it was like kneecapping.

In fact, John Dean, who has been through this, just wrote an article in something called TruthOut Editorial. The title is "The Bush Administration"—that is assuming it was done by the administration, but that is what all the reports are—"Adopts a Worse-than-Nixonian Tactic: The Deadly Serious Crime of Naming CIA Operatives."

I ask unanimous consent that Mr. Dean's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From TruthOut, Aug. 15, 2003]

THE BUSH ADMINISTRATION ADOPTS A WORSE-THAN-NIXONIAN TACTIC: THE DEADLY SERIOUS CRIME OF NAMING CIA OPERATIVES

(By John W. Dean)

On July 14, in his syndicated column, Chicago Sun-Times journalist Robert Novak reported that Valerie Plame Wilson—the wife of former ambassador Joseph C. Wilson IV, and mother of three-year-old twins—was a covert CIA agent. (She had been known to her friends as an "energy analyst at a private firm.")

Why was Nóvak able to learn this highly secret information? It turns our that he didn't have to dig for it. Rather, he has said, the "two senior Administration officials" he had cited as sources sought him out, eager to let him know. And in journalism, that phrase is a term of art reserved for a vice president, cabinet officers, and top White House officials.

On July 17, Time magazine published the same story, attributing it to "government officials." And on July 22, Newsday's Washington Bureau confirmed "that Valerie Plame . . . works at the agency [CIA] on weapons of mass destruction issues in an undercover capacity." More specifically, according to a "senior intelligence official," Newsday reported, she worked in the "Directorate of Operations [as an] undercover officer."

In other words, Wilson is/was a spy involved in the clandestine collection of foreign intelligence, covert operations and espionage. She is/was part of a elite corps, the best and brightest, and among those willing to take great risk for their country. Now she has herself been placed at great—and needless—risk.

Why is the Administration so avidly leaking this information? The answer is clear. Former ambassador Wilson is famous, lately, for telling the truth about the Bush Administration's bogus claim that Niger uranium had gone to Saddam Hussein. And the Bush Administration is punishing Wilson by targeting his wife. It is also sending a message to others who might dare to defy it, and reveal the truth.

No doubt the CIA, and Mrs. Wilson, have many years, and much effort, invested in her career and skills. Her future, if not her safety, are now in jeopardy.

After reading Novak's column, The Nation's Washington Editor, David Corn, asked, "Did senior Bush officials blow the cover of a U.S. intelligence officer working covertly in a field of vital importance to national security—and break the law—in order to strike at a Bush administration critic and intimidate others?"

The answer is plainly yes. Now the question is, will they get away with it?

Bits and pieces of information have emerged, but the story is far from complete. Nonetheless, what has surfaced is repulsive. If I thought I had seen dirty political tricks as nasty and vile as they could get at the Nixon White House, I was wrong. The American Prospect's observation that "we are very much into Nixon territory here" with this story is an understatement.

Indeed, this is arguably worse. Nixon never set up a hit on one of his enemies' wives.

LEAKING THE NAME OF A CIA AGENT IS A CRIME

On July 22, Ambassador Wilson appeared on the Today show. Katie Couric asked him about his wife: "How damaging would this be to your wife's work?"

Wilson—who, not surprisingly, has refused to confirm or deny that his wife was a CIA operative—answered Katie "hypothetically." He explained, "it would be damaging not just to her career, since she's been married to me, but since they mentioned her by her maiden name, to her entire career. So it would be her entire network that she may have established, any operations, any programs or projects she was working on. It's a—it's a breach of national security. My understanding is it may, in fact, be a violation of American law."

And, indeed, it is.

The Espionage Act of 1917 and the Intelligence Identities and Protection Act of 1982 may both apply. Given the scant facts, it is difficult to know which might be more applicable. But as Senator Schumer (D.NY) said, in calling for an FBI investigation, if the reported facts are true, there has been a crime. The only question is: Whodunit?

THE ESPIONAGE ACT OF 1917

The Reagan Administration effectively used the Espionage Act of 1917 to prosecute a leak—to the horror of the news media. It was a case that instituted to make a point, and establish the law, and it did just that in spades.

In July 1984, Samuel Morrison—the grandson of the eminent naval historian with the same name—leaked three classified photos to Jane's Defense Weekly. The photos were of the Soviet Union's first nuclear-powered aircraft carrier, which had been taken by a U.S. spy satellite.

Although the photos compromised no national security secrets, and were not given to enemy agents, the Reagan Administration prosecuted the leak. That raised the question: Must the leaker have an evil purpose to be prosecuted?

The Administration argued that the answer was no. As with Britain's Official Secrets Acts, the leak of classified material alone was enough to trigger imprisonment for up to ten years and fines. And the United States Court of Appeals for the Fourth Circuit agreed. It held that such a leak might be prompted by "the most laudable motives, or any motive at all," and it would still be a crime. As a result, Morrison went to jail.

The Espionage Act, though thrice amended since then, continues to criminalize leaks of classified information, regardless of the reason for the leak. Accordingly, the "two senior administration officials" who leaked the classified information of Mrs. Wilson's work at the CIA to Robert Novak (and, it seems, others) have committed a federal crime.

THE INTELLIGENCE IDENTITIES AND PROTECTION ACT

Another applicable criminal statute is the Intelligence Identities Act, enacted in 1982. The law has been employed in the past. For instance, a low-level CIA clerk was convicted for sharing the identity of CIA employees with her boyfriend, when she was stationed in Ghana. She pled guilty and received a two-year jail sentence. (Others have also been charged with violations, but have pleaded to unrelated counts of the indictment.)

The Act reaches outsiders who engage in "a pattern of activities" intended to reveal the identities of covert operatives (assuming such identities are not public information, which is virtually always the case).

But so far, there is no evidence that any journalist has engaged in such a pattern. Accepting Administration leaks—even repeatedly—should not count as a violation, for First Amendment reasons.

The Act primarily reaches insiders with classified intelligence, those privy to the identity of covert agents. It addresses two kinds of insiders.

First, there are those with direct access to the classified information about the "covert agents" who leak it. These insiders—including persons in the CIA—may serve up to ten years in jail for leaking this information.

Second, there are those who are authorized to have classified information and learn it, and then leak it. These insiders—including persons in, say, the White House or Defense Department—can be sentenced to up to five years in jail for such leaks.

The statute also has additional requirements before the leak of the identity of a "covert agent" is deemed criminal. But it appears they are all satisfied here.

First, the lead must be to a person "not authorized to receive classified information." Any journalist—including Novak and Time—plainly fits.

Second, the insider must know that the information being disclosed identifies a "covert agent." In this case, that's obvious, since Novak was told this fact.

Third, the insider must know that the U.S. government is "taking affirmative measures to conceal such covert agent's intelligence relationship to the United States." For persons with Top Secret security clearances, that's a no-brainer: They have been briefed, and have signed pledges of secrecy, and it is widely known by senior officials that the CIA goes to great effort to keep the names of its agents secret.

A final requirement relates to the "covert agent" herself. She must either be serving outside the United States, or have served outside the United States in the last five years. It seems very likely that Mrs. Wilson fulfills the latter condition—but the specific facts on this point have not yet been reported.

HOW THE LAW PROTECTS COVERT AGENTS' IDENTITIES

What is not in doubt, is that Mrs. Wilson's identity was classified, and no one in the government had the right to reveal it.

Virtually all the names of covert agents in the CIA are classified, and the CIA goes to some effort to keep them classified. They refuse all Freedom of Information Act requests, they refuse (and courts uphold) to provide such information in discovery connected to lawsuits.

Broadly speaking, covert agents (and their informants) fall under the State Secrets privilege. A Federal statute requires that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." It is not, in other words, an option for the CIA to decide to reveal an agent's activities.

And of course, there are many good reasons for this—relating not only to the agent, but also to national security. As CIA Director Turner explained in a lawsuit in 1982, shortly after the Intelligence Identities Act became law, "In the case of persons acting in the employ of CIA, once their identity is discerned further damage will likely result from the exposure of other intelligence collection efforts for which they were used."

THE WHITE HOUSE'S UNUSUAL STONEWALLING ABOUT AN OBVIOUS LEAK

In the past, Bush and Cheney have gone ballistic when national security information leaked. But this leak—though it came from "two senior administration officials"—has been different. And that, in itself, speaks volumes.

On July 22, White House press secretary Scott McClellan was asked about the Novak column. Offering only a murky, non-answer, he claimed that neither "this President or this White House operates" in such a fashion. He added, "there is absolutely no information that has come to my attention or that I have seen that suggests that there is any truth to that suggestion. And, certainly, no one in this White House would have given authority to take such a step."

So was McClellan saying that Novak was lying—and his sources were not, in fact, "two senior administration officials"? McClellan dodged, kept repeating his mantra, and refused to respond.

Later, McClellan was asked, "Would the President support an investigation into the blowing of the cover of an undercover CIA operative?" Again, he refused to acknowledge "that there might be some truth to the matter you're bringing up." When pressed further, he said he would have to look into "whether or not that characterization is accurate when you're talking about someone's cover."

McClellan's statement that he would have to look into the matter was disingenuous at best. This ten-day old column by Novak had not escaped the attention of the White House. Indeed, when the equation was first raised, McClellan immediately responded, "Thank you for bringing it up."

As David Corn has pointed out, what McClellan did not say, is even more telling than what he said. He did not say he was trying to get to the bottom of the story and determine if it had any basis in fact. He did not say the president would not tolerate such activities, and was demanding to know what had happened.

Indeed, as Corn points out, McClellan's remarks "hardly covered a message from Bush to his underlings: don't you dare pull crap like this." Indeed, they could even be seen as sending a message that such crimes will be overlooked.

Frankly, I am astounded that the President of the United States—whose father was once Director of the CIA—did not see fit to have his Press Secretary address this story with hard facts. Nor has he apparently called for an investigation—or even given Ambassador and Mrs. Wilson a Secret Service detail, to let the world know they will be protected.

This is the most vicious leak I have seen in over 40 years of government-watching. Failure to act to address it will reek of a cover-up or, at minimum, approval of the leak's occurrence—and an invitation to similar revenge upon Administration critics.

CONGRESSIONAL CALLS FOR INVESTIGATION SHOULD BE HEEDED

Senator Dick Durbin (D-IL) was the first to react. On July 22, he delivered a lengthy speech about how the Bush Administration was using friendly reporters to attack its enemies. He knew this well, because he was one of those being so attacked.

"Sadly, what we have here," Durbin told his colleagues, "is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you."

After Senator Durbin set forth the evidence that showed the charges of the White House against him were false, he turned to the attacks on Ambassador and Mrs. Wilson. He announced that he was asking the chairman and ranking member of the Senate Intelligence Committee to investigate this "extremely serious matter."

"In [the Administration's] effort to seek political revenge against Ambassador Wilson," Durbin said, "they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town."

The House Intelligence Committee is also going to investigate the Wilson leak. "What happened is very dangerous to a person who may be a CIA operative," Congressman Alcee Hastings (D-FL), a member of the Committee, said. And the committee's chairman, Porter Goss (R-FL), a former CIA agent himself, said an investigation "could be part of a wider" look that his committee is taking at WMD issues.

In a July 24 letter to FBI Director William Mueller, Senator Charles Schumer (D-NY) demanded a criminal investigation of the leak. Schumer's letter stated, "If the facts that have been reported publicly are true, it is clear that a crime was committed. The only questions remaining to be answered are who committed the crime and why?"

The FBI, too, has confirmed that they are undertaking an investigation.

But no one should hold their breath. So far, Congress has treated the Bush Administration with kid gloves. Absent an active investigation by a grand jury, under the direction of a U.S. Attorney or special prosecutor, an FBI investigation is not likely to accomplish anything. After all, the FBI does not have power to compel anyone to talk. And unless the President himself demands a full investigation, the Department of Justice is not going to do anything—unless the Congress uncovers information that embarrasses them into taking action.

While this case is a travesty, it won't be the first one that this administration has managed to get away with. Given the new nadir of investigative journalism, this administration has been emboldened. And why not? Lately, the mainstream media has seemed more interested in stockholders than readers. If Congress won't meaningfully investigate these crimes—and, indeed, even if it will—it is the press's duty to do so. Let us hope it fulfills that duty. But I am not holding my breath about that, either.

Mr. SCHUMER. Mr. President, this is serious stuff, and I was furious. I had no idea who had done it at that point in time. "High administration official" can mean a whole lot of things. So I wrote the letter to Mr. Mueller and publicly called on him for an investigation.

I learned shortly thereafter that for such an investigation to proceed, the CIA had to fill out, I think it is, an 11-point questionnaire about the person named, what they did, and what was revealed. Of course, last week it came out on television and in the newspapers that the CIA had asked for an investigation. The logical, though not certain, conclusion of that, of course, is that they believe a crime might well have been committed; that Ms. Plame, indeed, was hurt by the revelation, and that it was illegal to reveal it.

I cannot tell you how many people I have talked with in this body and throughout the country who are just outraged by this—just outraged. The attitude that seemed to be indicated by the administration spokesperson yesterday—oh, we get plenty of leaks, and this is just one of them, and we investigate all of them—is even more infuriating.

This is not an ordinary leak. I challenge any of my colleagues on either side of the aisle to bring to me the situation where someone in a high administration position leaked the name of an agent and jeopardized their life, their contacts, and America's security. This is a totally different ball of wax. This is not just a leak. This is a crime, plain and simple.

Mrs. BOXER. Will the Senator yield?

Mr. REID. Will the Senator yield for a question?

Mr. SCHUMER. Mr. President, I will be happy to yield to my two colleagues in just a minute.

Even the White House saying, "We will fire whoever did it," is not sufficient. If you have a company and someone is suspected of murder and they say, "If we find out they are convicted of murder, we will fire them," would that be a sufficient enough punishment? Absolutely not.

What we have here is an attitude: Let's sweep this under the rug, let's make sure nobody says much about it, and maybe it will go away.

I yield first to my colleague from Nevada.

Mr. REID. Mr. President, I have a question. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield to my colleague from Nevada for a question.

Mr. REID. Mr. President, I say to my friend from New York, I have been at a meeting with the Iraqi Governing Council, and I was stunned when I came back to the Senate Chamber and was advised by my staff that we are no longer on the DC appropriations bill. We are suddenly in morning business until our weekly caucuses.

I say to my friend from New York, why in the world would someone be afraid to vote on an amendment the Senator from New York and others are going to offer that says: Let's take a look at this; let's find out what happened? We know there was a crime committed. I don't use those words often. I know there was a crime committed. It is only a question of who did it. Why wouldn't our friends on the other side of the aisle allow a debate on this issue? It is not as if we are taking away heavy business. We have been vouchered out from doing the DC appropriations bill.

I say to my friend from New York, what fear does the majority in the Senate have in allowing an amendment the Senator from New York wishes to offer? Why can't we debate this amendment?

Mr. SCHUMER. I thank my colleague for the question. I have asked myself the same question. I was told first that the reason the DC appropriations bill has not been put forward is that they are afraid of this amendment. This is a pattern. This morning—

Mr. REID. I say to my friend—pardon the interruption, through the Chair—afraid of what? Of the truth?

Mr. SCHUMER. That is what the signs seem to indicate. This morning, I was asked to go on the "Today Show" and talk about this issue. They asked a whole bunch of Republican Senators. None would appear. They asked the administration to send somebody. No one would appear. Again, the attitude seems to be: Let's shrug our shoulders and hope this goes away.

I will make one other point to our colleague. Our President has made it his hallmark of defending our troops. That is why we are debating or we will be debating the money for them. That is why we will be debating all of this. Every CIA agent is one of our troops, and for the President to not address this directly, for the President to have his spokesperson say this is one of a whole lot of leaks, to say if they find out who it is, they will be fired—well, I just ask my colleagues to think about this. Let us say they were certain it would cause no damage to them, that these high administration officials were somewhere far away. Do my colleagues think we would have the same attitude from our Commander in Chief, and one who correctly prides himself in protecting our troops?

So it makes one scratch one's head and say, What are they worried about? Why will they not get to the bottom of this? This, again, as my colleague has said, is very likely a crime, and a serious crime.

I read my colleagues what President Bush, Sr., the 41st President, said about this type of crime. He ought to know because, of course, as we all know, he was head of the CIA before he was President.

I have nothing but contempt and anger for those who betray the trust by exposing our sources. They are, in my view, the most insidious of traitors.

Do we just answer, this is a leak like every other leak when dealing with traitors?

Mr. REID. Will the Senator yield for one more question?

Mr. SCHUMER. I will be happy to yield for a question.

Mr. REID. I came in past the 11:30 hour. Is it true then that we find ourselves in a situation, from a parliamentary standpoint, that the Senator cannot offer his amendment? Is that what the Senator is telling me?

Mr. SCHUMER. If my colleague from Nevada will yield, that is exactly right.

Mr. REID. The Senator has worked on this all morning, I know, as well as yesterday. I had a conversation with him yesterday. We were to go back into legislative business at 11:30. That right has been taken away from us by the majority. They will not even let the Senator offer an amendment in legislative session. Is that true?

Mr. SCHUMER. That is exactly true. I would be happy to yield to my colleague from California for a question.

Mrs. BOXER. I thank the Senator so much for yielding. I have a few questions. What I want to do is make a 4- or 5-minute statement and then ask three or four questions and hope the Senator can answer them in his inimicable fashion.

First, I thank Senator SCHUMER so much for picking up on this issue. I remember reading about this in July and just scratching my head. I essentially thought: This cannot be true. I cannot believe that someone in the White House would reveal the identity of a person who is working at the CIA undercover. Whether she is an analyst, an operative, or an agent, it matters not, but certainly someone whose identity had never been revealed. I thought: This cannot be happening.

To be honest, I should have done more about it, but I did not, and thank the Senator for writing to the head of the FBI, for whom I have a great deal of respect, and letting him know this.

Here are my questions: As I look at this, I think, why would someone do this? Well, clearly the idea behind attacking Ambassador Wilson's wife was that Ambassador Wilson gave the White House news they did not want to hear, which was that there was really no proof that Saddam Hussein was getting nuclear materials from Niger. They did not want that answer; it was kind of a kill-the-messenger type of response; and in order to get back at him, they out his wife, which is despicable and a crime, but I think it is about arrogance and it is about intimidation.

We have seen the arrogance, but it is the intimidation factor I want the Senator to comment on because this is not only about this one incident—in which clearly Ambassador Wilson was correct, by the way—but it is a signal that is sent, really, frankly, to everyone in politics that nothing is off limits if someone crosses us: We will go after their wife; we will go after their kids.

I have to say to my friend, he is a family man, I am a family woman. We are in this world—God knows how and why but we are in it—and we are willing to take the hits and everything else, but the lowest form of politics is if someone comes after your kids or your spouse. I resent it, and I want my colleague to comment on those two areas.

I also ask him to comment on a third one, and that is the whole struggle that women are having in this world of ours to enhance our careers, to break the glass ceiling, to go into fields that are maybe a little bit unusual. I do not have the statistics at my fingertips, but if we look at the number of women who are FBI agents, I can tell my colleague that it is very few. I used to know the exact number. I do not want to throw out a number, but it is way less than a third, as I remember.

So we have a circumstance where there is a woman in a nontraditional field doing her work, obviously not getting credit for it. She is working incognito at the CIA, whatever her work is, and she is going up the ladder. Maybe she has a tremendous future. Well, probably the future in that field has been harmed, if not totally destroyed, and maybe her life or other lives that she touched in her work are in danger.

So we are talking about a number of issues—yes, the crime that was committed, but the whole idea of intimidation to people who might take on this administration, the whole idea of going after someone's family when we know, as public servants, what our families mean to us and how we protect them from whatever befalls us, the hits, the pain, and other things that happen. We asked for it. We are in this arena.

So I hope my friend will perhaps talk about that. It is a human tragedy beyond the crime, and I ask my friend to comment.

Mr. SCHUMER. I thank my colleague for her thoughtful, incisive, and from-the-heart-type comments. I will comment on them.

The one I would like to focus on a little bit is the intimidation. The greatness of this democracy through the centuries has been the structure the Founding Fathers set up which allows debate on the issues. It is wonderful.

If we had to think of a sentence at the core of America, it might be: We believe in the competition of ideas, and the best idea will win out. Free speech, that is the competition of ideas in its pure form. Free enterprise, that is the competition of economic ideas. Freedom of religion, that is the competition of spiritual ideas. Democracy is the competition of political ideas. When we no longer have that, the democracy frays.

When people are afraid to say what they think, not because their arguments will be answered directly but, rather, because they will be hit below the belt, we have the beginnings of the fraying of the democracy, and that is what is happening.

I hate to say this, but this administration seems to have a peculiar penchant to attack someone's patriotism when they disagree. I have basically been a supporter of the President on the war and foreign policy, but for those who disagree, there has been not just, here is why you are wrong and let me tell you why—there has been some of that—but in addition there is an impugning of motive, an impugning of character, a kneecapping. One of the reasons this issue resonates so is that it is the worst of that.

Now, about our families, of course, they should be off limits. I will tell a little story, and then I will yield to my colleague from Iowa. But the points of my colleague from California are so good.

When I ran for the Senate in 1998, my daughter was starting ninth grade in a new high school. My worry was she was going to start in September. If, God willing, I won the primary, the next day I knew that my opponent, who was known as a hardball political player, Senator D'Amato, my predecessor—with whom I now get along quite well, I am happy to say—would go after me. My greatest worry, and the No. 1 reason I debated not to run, was that I thought she would be new in high school, with a whole bunch of new people, and she was going to a different high school, not in Brooklyn but in Manhattan, and people would not want to be friends with her because they would see these horrible things being said about her father on television. Of course we talked it over with Jessica, too, who was a mature 10th grader then—now she is in college and doing great—and we decided to run. As it turns out, they did run all the nasty ads. The morning I won the primary I turned on the TV and there they were. It didn't affect her or her friends. That is the worry we had.

What they are trying to do here is send the message that even your family is not off limits, perhaps. That is a horrible message. That frays democracy, just as does the inability to dissent.

I respected Ronald Reagan. When you asked Ronald Reagan something, if he disagreed with you he would say exactly why: Well, I am against Head Start because I think parents should be in charge of their children until they are 5.

All too often in this administration they don't answer directly. In fact, they will get up and say, "We love Head Start," and then they will cut the money.

So the candor, the debate on the merits, seems to be going away, and that worries me about the future of this country. This incident is an apotheosis of that, both in terms of intimidation, in terms of going after family, in terms of being malicious, and in terms of saying our political agenda is more important than the lives of the people fighting for us—in this case, in the intelligence agencies.

I am happy to yield to my colleague from Iowa for a question.

Mr. HARKIN. I thank my friend from New York for yielding for a question. I am proud to be a cosponsor of the amendment that the Senator is trying to offer. I came over to the floor from the Appropriations Committee meeting to speak on this amendment. Evidently, I now find out, I understand—am I correct, I ask my friend from New York, that the majority, Republican side, has extended this period of morning business which will keep you from offering this amendment? Is that correct?

Mr. SCHUMER. That is correct.

Mr. HARKIN. Again, I am proud to cosponsor the amendment. I think it gets to the heart of the matter, and that is to try to get a special counsel to look into these serious allegations.

I noted earlier the Senator from New York had quoted from former President George Herbert Walker Bush on leaks. I think there is another quote from a former Senator, John Ashcroft, now Attorney General, in which he said:

> You know, a single allegation can be most worthy of a special prosecutor. If you are abusing government property, if you are abusing your status in office, it can be a single fact that makes the difference on this.

John Ashcroft, October 4, 1997, on CNN, Evans and Novak, "A single allegation can be most worthy of a special prosecutor."

As I understand it, the allegation here is not someone has abused government property, not that someone has engaged in some murky real estate deal in timberland someplace, this is an allegation that someone high up in this Government—we don't know where, but someplace high up in the Government, having access to classified information, leaked to one or more reporters, columnists, news people, the name of a CIA agent. That is the allegation, is it not?

Mr. SCHUMER. That is exactly the allegation.

Mr. HARKIN. It would seem to this Senator that allegation is of such import that everyone here ought to support the Senator's sense-of-the-Senate resolution. I say to the Senator, I view it with nothing short of amazement that the other side would want to stop this. I would think everyone here would want to get to the bottom of this.

I ask the Senator, again, is it the Senator's judgment that somehow we are not being allowed to bring this up for a vote? Does the Senator intend to pursue this, to make sure we do speak as a Senate on this?

Mr. SCHUMER. I thank my colleague for asking that question. Indeed, whenever the DC appropriations bill comes up, I am going to bring up this sense of the Senate.

I thank him for bringing up something else. I don't want this to be a partisan issue. When I first wrote the Director of the FBI, I had no idea who put this in there. I just wanted to get to the bottom of it because I was so outraged at the tactic. What I think we ought to be doing is getting the special counsel because the special counsel is the way to certainly remove any appearance of a conflict, and perhaps a conflict itself. Attorney General Ashcroft, whom you quoted, is known as a close political ally of the President's. There is an argument that the Attorney General should be removed from the President and be a lawyer for the Nation. And there is an argument that the Attorney General should be a close political ally of the President. Democrats and Republicans—it has not been a Democratic or Republican issue.

John Kennedy appointed his brother as Attorney General. But when you appoint an Attorney General who is a close political ally and friend, and when something sensitive with conflicts of interest occurs, then you have an obligation, in my judgment, to move for a special prosecutor. You pay a price, in a certain sense. You gain things by having a political ally as Attorney General, but you also lose things, and you lose the guise of independence, the actuality of independence.

My colleague is so right. The best thing that could happen is we pass this resolution unanimously, we all work together to get a respected independent counsel—someone like a John Danforth or a Warren Rudman or a Sam Nunn or a George Mitchell—and then they go forward with their investigation. I think every one of us on this side of the aisle, as well as the other, would be content that the chips will fall where they may so this dastardly crime, and that is what it is, will be exposed.

This idea of not bringing up such a resolution, of not wanting to debate it, of, again, maybe casting aspersions on the motivation of those who are for it—we have 14 or 15 of us, and we will have more—is going to make the American people think: Wait a minute, maybe they are worried; maybe there is something to hide—which there may or may not be.

I thank my colleague.

Mr. HARKIN. I thank my colleague for responding. I have a couple more questions.

I appreciate what the Senator just said. There have been some allegations made. I don't know whether or not this is some partisan effort or something like that. We know that a law has been broken. There is a clear law against leaking the names of our intelligence agents, and it is punishable by 5 years—or 10?

Mr. SCHUMER. Ten.

Mr. HARKIN. Ten years or a $50,000 fine. A crime has been committed.

I say to the Senator, here we are going on day after day, and there is a lot of stuff going around the White House and the Attorney General's office. Is it the judgment of the Senator that this could really be brought to the forefront rapidly? I say because of a statement that was made on ABC News—The Note. They had an interesting question. They asked: Has he [has the President] insisted that every senior staff member sign a statement with legal authority that they are not the leaker and that they will identify to the White House legal counsel who is?

It seems to me the President of the United States can say: Sign this. Are you the one who called or not? And this will be over with by 4 o'clock this afternoon.

Mr. SCHUMER. I thank my colleague for that. That is what the President ought to do. This President—I mentioned this earlier to my colleagues, when I was having a dialog with my colleague from Nevada—is known for defending our troops. That is what we are talking about with $87 billion. That is a good thing.

Our CIA agents are our troops, just as our soldiers are our troops. In fact, after the war, after 9/11 and the global fight against terrorism, they are even more important because intelligence is so important.

It seems to me that it would be logical for this President to do just what the Senator said—to say: You know, yes, we have to have a legal investigation, but I want to get to the bottom of this immediately because this conduct is reprehensible.

I don't believe the President was involved in this. I disagree with him politically. It doesn't seem part of his character. But he should sure want to get to the bottom. He does not address it at all. His spokesperson comes out there and says: Oh, these are leaks just like all the others. We will find out and we will fire him.

One wonders.

Mr. HARKIN. I thank the Senator. One wonders. The President, it seems to me, would want to get this over with in a hurry by finding out who the person is who leaked this and let the legal recourse then follow. But at least expedite this right away and get rid of that person.

The PRESIDING OFFICER (Mr. SESSIONS). The 30 minutes allotted on this side has expired.

Mr. SCHUMER. I ask unanimous consent, since there is no one from the other side, that we be given an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

Mr. HARKIN. Mr. President, I know other Senators want to engage the Senator from New York. I thank him for his leadership on this. I know of the Senator's longstanding support for our law enforcement and for making sure that those who violate the trust of public office are brought to justice. That is what this is about. This is a gross violation. This is not some little real estate deal someplace.

I ask the Senator: Maybe it is not so much that the wife of Mr. Wilson is identified, and she may be safe here in the United States. I don't know about her travels abroad. That may be restricting her freedom in the future. But what about the contacts she made and her sources around the world? What is going to happen then? What will happen to our intelligence agents around the world today if they think they are going to be "outed" sometime by this administration or some other administration? What happens to our war on terrorism?

Mr. SCHUMER. I thank the Senator. I so much appreciate my colleague's intelligence and integrity and passion which he brings to so many different issues. He is exactly right. Even if this agent should decide to retire, the damage would be great because other agents would think: Maybe I will get in trouble. What will I get in trouble for? Speaking the truth?

We depend on truth in our intelligence services more than just about anything else. President after President has said one of the keys to governing well is good intelligence that will tell you when you are off base as well as when you are on base. It is so serious. The Senator is exactly right. This transcends any one person. It transcends any specific person because it goes to the integrity.

I say to my colleague one other thing: From what I understand, our intelligence services are livid because this happened.

Mr. HARKIN. They should be.

Mr. SCHUMER. I don't know for a fact. But my guess is there was great debate in the CIA because it was a tough thing to do given that "high administration sources" were implicated. But the anger among the Agency is red hot, as I understand it, and with good reason.

I thank my colleague. I would be happy to yield to my colleague from Florida for a question.

Mr. NELSON of Florida. Mr. President, I wanted to pick up on something the Senator from New York said. I can best illustrate it with Veterans Day and Memorial Day when we typically are commending those young men and women in uniform. We have to modify that now because of the war in Afghanistan and the war in Iraq. We commend the young men and women not only in uniform but in the service of their country, because the CIA was the first to go into Afghanistan. They were all over Afghanistan before we ever went in with our military forces. They are working in conjunction with our military forces. Indeed, the first American to be killed in Afghanistan was Mike Spann, a CIA agent.

What we are dealing with, lest folks get this all mixed up with politics, is a crime of the most serious nature because it jeopardizes the security of the United States and its people. When someone's identity is suddenly revealed and is an agent of the U.S. Government, their life is in jeopardy and the lives of their contacts are in jeopardy. That is the gravity of this leak. That gets lost in all of this. He said, she said, and so forth is just branded as politics. But we are dealing with the lives of people.

As in any normal criminal proceeding, if a violation of law is thought to have occurred, then let us allow the cops to investigate and let us bring that person in front of the responsible judicial tribunals. The question is, which cops will be able to investigate and get to the truth? If you leave it to the professional law enforcement people, they will. But isn't it sad that we have to be concerned that political influence will direct that investigation?

Whatever turn it takes, what the Senator from Florida is standing for is I know our people want to get to the truth, and it ought to be the professional law enforcement investigators who determine what is the truth. That is why I wanted to come and support the Senator.

Mr. SCHUMER. I thank my colleague. Again, he is on the money. That is all we seek here now—the truth.

The spokesperson for the President, Mr. McClellan, said we are referring it to the Justice Department and the professionals. If you look at the chain of command, it goes right up to the Attorney General.

As I mentioned earlier, the Attorney General is a close political ally with the President. There is nothing wrong with that. That is one model of the Attorney General. But it certainly sacrifices the appearance of independence, and perhaps independence itself particularly goes very high up.

Why we have asked for a special counsel is very simple: It is to allow professional law enforcement to do the job unfettered so they know they will not pay a price if they pursue it completely and fully. That would entail a special counsel of great legal background and sterling repetition for independence and integrity. I think it would behoove the administration to do that.

There are all sorts of doubts now. Are they telling the truth about this, that, or the other thing when it comes to foreign policy? Were we to appoint a special counsel, people would say: Yes, maybe they are.

But I will say this: The effort to sort of sweep this under the rug and say, oh, this is just one of the leaks that occurs every day, that makes me angry, to be honest with my colleague. That is unfair not only to the CIA agent in question but to the thousands of intelligence agents across the globe who at this moment, as my good colleague points out so correctly, are defending just as our soldiers are defending us and are more needed than ever before.

That is why in the intelligence community there is such livid anger because this occurred. My guess is—this is just my guess—that is why Mr. Tenet requested the investigation. My guess is that in his head he was saying, Oh, boy, this is going to get me in trouble the way, say, Janet Reno may have gotten in trouble with the previous President, the Attorney General from the Senator's State. But he knows that the integrity of the intelligence service is important. My guess is that is why he did it. Maybe that is why it took a bit more time than I had imagined when I first requested this on July 24. But he did request it.

Now our obligation to the thousands of brave men and women who are in our intelligence services and risking their lives is to get to the bottom of it with a fearless, complete, and thorough investigation.

Mr. NELSON of Florida. Will the Senator further yield for an additional comment? It is not only, interestingly, those who are directly in the services of the CIA now, but it is also the retirees.

I will never forget being in an almost deserted embassy in Islamabad, Pakistan, after September 11. I heard my name being called. I turned around, and I saw an elderly looking gentleman, and he recalled how we knew each other back when I was in the House of Representatives.

I said: What in the world are you doing here?

We were getting ready to do a raid in 5 cities simultaneously that night, of which we got 50 al-Qaida, and we got the No. 3 guy. And, lo and behold, he was a retired CIA agent they brought back in the aftermath of September 11, when we were trying to catch up until we could get the new guys trained. They reached out, and they got the old guys who had all the knowledge.

Mr. SCHUMER. Right.

Mr. NELSON of Florida. So we are talking about the protection of the interests of this country, and not only those in the active service right now but those who are retired who in times of emergency are called back as well.

Mr. SCHUMER. I thank my colleague. Well said. It is a tribute to how familiar he is with our intelligence services and how many from his State serve in the intelligence community.

I was glad to hear, for instance, that these days, on the college campuses, signing up for intelligence is a coveted thing.

The PRESIDING OFFICER. The 10 minutes have expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that we be given another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

There are lines to join the intelligence services, sort of as there were after World War II, when some of our best and our brightest wanted to go into our services.

I will tell you, if politics can be played—and those of us asking for an investigation are not playing politics; it was the people who outed this agent, if, indeed, that is proven to be true, who were playing politics—but if that is allowed to prevail, it is going to hurt our intelligence agencies in many more ways than one.

I thank my colleague.

Mr. President, I would just make two points. No. 1, I will continue to make an effort to bring up this amendment. It has now been printed in the RECORD. I ask my colleagues on both sides of the aisle to read it. We were judicious in our language. It does not have any kind of political language or diatribe. It just states the facts. I would hope we could get colleagues from both sides of the aisle to sponsor it.

And I would hope we could move it forward—move it forward quickly—as a message because that is all it can be, but as a message to the President that we need a thorough, complete, and fearless investigation, and that only a special counsel can do that for us.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that following the reporting of the DC appropriations bill, Senator SCHUMER be recognized to offer an amendment on independent counsel; further, that there be 2 hours of debate equally divided in the usual form, with no amendments in order to the amendment; provided further that following the use or yielding back of time, the majority leader or his designee be recognized in order to raise a point of order against the amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, reserving the right to object. I appreciate the majority allowing this to go forward in this manner. Otherwise, we would have been here all day in a rugby scrum until we arrived at this point. Anyway, I appreciate the cooperation of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1790

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, and Mr. GRAHAM of Florida, proposes an amendment numbered 1790.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, I yield to my colleague, our leader from South Dakota, as much time as he wishes.

Mr. DASCHLE. Mr. President, I thank all of those involved in the discussion and the agreement we have just reached procedurally. This is an important issue and it deserves the consideration of the Senate.

I want to especially acknowledge the leadership Senator SCHUMER has shown on this matter, and I expressed the gratitude of our caucus to him for providing this legislative leadership as we consider what to do in this particular case.

I think there are several facts we know for sure. We know the law was violated. We know what the law says with regard to violations of this magnitude. We know the chilling effect it has on our intelligence-gathering capability and on personnel involved in the front lines with regard to intelligence-gathering responsibilities.

We know, if we can believe the reports that have already been printed and reported, what motivated someone in the White House or someone in this administration was retaliation, retribution for being critical of the administration. Those things we know.

What we don't know is how it happened. What we don't know is who is responsible. What we don't know is whether or not the perception that the

Justice Department can investigate this independently, objectively, and thoroughly is something we can answer today. I would say the answer is no. It would be very difficult to put John Ashcroft in the position of investigating the very people who hired him for the job. We no longer have the independent counsel law. That has expired. I am on record as having said I support the expiration of the independent counsel law because of the abuses that I believe have occurred. What we do have is an independent prosecutor set up by regulation throughout the Justice Department to create more of an independent review, an outside analysis of all of the outstanding questions regarding this particular case.

So that is really what the Senator from New York is saying. Because the law was violated, because of the perceptions created about the inability of this Attorney General to create an independent, thorough investigation, we have no choice. We have no choice but to encourage and to demand that a special counsel be appointed.

Mr. President, I don't know that there could be anything more egregious—in fact, I thought President Bush's father said it about as well as anyone can.

Anyone who is guilty of doing something such as this is what President Bush said, an insidious traitor. I believe those are strong words, because they deserve the kind of repudiation that words such as that connote.

The only way we can ensure that those responsible for insidious acts involving the very essence of our ability to stay strong is to ensure that when we pass laws involving violations, we deal with them effectively and directly, regardless of who it may be.

Our country is based on the premise, on the foundation, of the rule of law. There can be no respect for the rule of law if laws as essential to our national security as this are violated and there is no followup, no responsibility, no actions taken.

I do not care how one connotes the importance of this law, one cannot minimize its impact in this country today, especially now. So all that the distinguished Senator from New York is saying and what many of us are saying with him is let us uphold the law; let us say, as we demand of others that they respect the rule of law, that we set the example, and that in encouraging the rule of law and respecting the extraordinary consequences of the law those who violate it are held accountable.

I hope this Congress will act unanimously in this sense of the Senate, in this statement of purpose that the Senator from New York is offering today. Let us simply say with one voice that there can be no excuses, there can be no explanation, there can be no other option than pursuing the law vigorously. The only way to do that is to recognize the importance of what the Justice Department itself recognized, that there are times when conflicts of interest stand in the way of pursuing justice effectively. In those times, the only option we have available to us is the creation of an independent counsel.

In essence, that is what we are proposing today. I strongly support the letter as well as the spirit and the intent of the resolution, and I hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, let me thank our leader from South Dakota for his right-on-the-money words as well as his leadership on this issue with so many others. I think I speak for every Member on our side when I say we are proud to follow his leadership, and every Member of the Senate, that he is just a fine leader and fine man.

This is a sense-of-the-Senate resolution. As our distinguished Democratic leader stated, it simply says that the rule of law should be upheld. When I read in the Novak column that an agent was outed, I was just furious. My first reaction was to call the FBI and send them a letter asking that there be a thorough investigation. I was told that before anything such as this could happen, the CIA had to answer 11 questions on a certain form that would show the law was—and I am not sure of the standard; it might be probable cause but violated, or at least the significant possibility of it being violated. Evidently, last week the CIA sent those 11 pages back and asked for an investigation.

There are so many points to make, and I will make a few. First, the dastardliness of this act; it is despicable. I have been in Washington 22 years. I have never seen anything quite like this. To reveal the identity of an agent, or an analyst, the law does not matter—and I know that it was said on television yesterday by Mr. Novak, well, she was not an agent, she was an analyst and therefore it does not matter, but the law is very clear, and if someone is covert, a member of the CIA, and their identity is revealed, that is a crime.

Furthermore, we do not know if she was an analyst or an agent. If we are going to believe Mr. Novak on this part of it, then maybe we should believe him on all the rest of it. Everyone would agree that some high administration officials did a very terrible thing. To take this agent, analyst, this covert individual, who has served their country, and expose them, endangers them, endangers their sources and their contacts. As my good colleague from California has said, it puts a halt on their career and endangers the security of this country.

Furthermore, we have always felt that our intelligence agents are on the front lines. I was told earlier today by my colleague from Florida, Mr. NELSON, that the first American killed in Afghanistan was not a member of the Armed Forces but a member of the CIA. In a post-9/11 world, our intelligence sources are so important. What does it say to all of those thousands of men and women who serve us that if they tell the truth and somebody high up does not like it either they or their family can be outed? It goes to the very heart of what that Agency is all about. It is no wonder that the CIA, its employees from top to bottom, were just furious about this activity.

I do not know where this will lead. Rumors abound. If the Washington Post is correct and six media outlets were called, it is going to be pretty hard to keep it a secret as to who made the calls, where and when, but that is not the point. The point is, this crime demands a solution. This outrageous act demands justice.

To hear Mr. McClellan of the White House say yesterday, first, there are 50 leaks every week, belittling this, made my blood boil. This is not a typical leak. To reveal a covert operative's name is a crime, not a leak.

Then second, to say, if we find them, we will fire them, well, that is like saying someone in your company is a murderer and all that should happen is they should lose their job. There was a serious crime committed. What makes the crime worse is that it appears on its surface it was committed for reasons of malice, for reasons of stifling debate and dissent. As somebody who has generally been supportive of the President in Iraq, I find it just as outrageous as somebody who might be opposed.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. BOXER. The reason I am doing this is because I am unable to stay and speak on the Senator's amendment but I wanted to make a couple of comments and ask a question, if I can, through the Chair.

First, I again thank Senator SCHUMER for his leadership on this. We spoke about it this morning, the fact that he took action back in July and wrote to the head of the FBI. He knew immediately that this was something outrageous, and I do thank him for that.

I am also very pleased that we are able now to have the Senator's amendment offered, to which I am a cosponsor. If I am not, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The fact is, we now have the DC bill in front of us and we have a legislative way to express ourselves. The thing I want to point out is now there is an attempt to try to demean this incident by saying that the fact that a CIA analyst or agent—we are not exactly sure—was revealed is not such a big deal and does not have much merit to it. I know my friend spoke about that, but I want to pursue a couple of questions.

Is it not the fact that the head of the CIA himself decided this was so egregious, to reveal the identity of Ambassador Wilson's wife, that the head of the CIA, who really serves at the pleasure of President Bush, asked for an investigation by the Attorney General? Is that correct?

Mr. SCHUMER. I would assume that is correct. The bottom line is the CIA has asked for it. This is a very sensitive matter. He is the head of the CIA, so I think it is a pretty good assumption that he asked for it. I think another assumption, that he realized this would ruffle a whole lot of feathers at 1600 Pennsylvania Avenue, at the White House, in the administration, is true. But from what I am told by sources who know what went on there, the obligation to the men and women in the intelligence service transcended any feathers that might be ruffled. It is a pretty courageous act.

Mrs. BOXER. Yes. I just want to point out that to attempt to minimize this crime by saying this woman was probably an analyst and not an agent is unbelievable to me. The fact is, whether she was an agent or an analyst or anything else, was she not undercover? Every time I see her on TV, they cover up her face. I say to my friend, let's not get into the sideshow about was she an analyst or was she an agent. The fact is, she was in a covert situation, was she not, and it is safe to say that the reason her face is covered up is that she was undercover; the reason the CIA asked for an investigation is that they believe a law may have been broken because she was undercover.

I want to make that one point, in addition to the points we made this morning, which is that I hope my colleagues will vote for this amendment. I hope my colleagues on the other side will not have a dual sense of when an independent counsel should be appointed: There is a real estate deal somewhere; there is an independent counsel. There were no lives on the line there. This is a situation where someone who is undercover has been revealed as a way to get back at her husband who happened to bring back the news that the administration didn't want to hear—that in fact Iraq was not purchasing, at least in this particular case, from Niger any nuclear materials.

We have a circumstance where, faced with this, the new defense is: She was just an analyst; she wasn't an agent. I want to make the point, this woman was in the CIA. Her career has no doubt been destroyed. She was undercover. We do not see her face on TV. The fact is, the CIA asked for an investigation. And what my friend is saying today is, we need a more independent investigation. We don't want politics to play a role in this investigation. We want to remove it, even though the Attorney General will still be in charge of an independent or a special counsel, as we call it. A special counsel will have a little more independence than just getting it over to the Justice Department.

Mr. SCHUMER. I thank my colleague.

I wish to clarify a few points that should be made to everyone. The reason there is a debate about an agent or analyst is that is what Mr. Novak said on one of the shows, that is what we were told earlier today.

I have something from CNN.com. They say that other sources told CNN on Monday—yesterday—that Plame was an operative who ran agents in the field. Let me repeat that. Other CIA sources told CNN on Monday that Plame was an operative who ran agents in the field. I don't know if Novak is right or if these other sources are right; that is the very point. The issue of whether she was an agent, an operative, or an analyst is beside the point. The law was broken.

The law is clear, and while it says covert agent but defines agent as an officer—I am paraphrasing—employee, present or retired, of an intelligence agency whose identity has not been previously publicized, revealed, that is the point.

Once again, my colleague from California makes a very astute point. No one is revealing the face of this person. No one was revealing the name of this person. The bottom line is it is quite clear the law was broken. The only question we don't know is who broke it. What we are trying to do—and again the Senator from California is exactly right—is keep the politics out of this issue.

The idea that when a law is broken and someone calls for a full and thorough investigation, and the mechanism to do it, is politics is absurd. I will tell you what politics is—despicable and nasty politics. It was revealing this person's name because they did not like what her husband said. That is the politics of this issue.

Mrs. BOXER. Mr. President, will my friend yield further?

Mr. SCHUMER. I will be happy to yield.

Mrs. BOXER. I wish to make a point to underscore this discussion. This leaking of a name is, on its face, a crime. The person who did this deserves to be punished because to think that someone would punish someone's family—they didn't like what Ambassador Wilson said: How can we hurt him? How can we sting him? How can we burn him? We will hurt his wife. We will out her; that will ruin her chances. And that will send a chilling message to Ambassador Wilson: A, be quiet, maybe this will go away; and, B. it sends a chilling message to everyone. That is why what you are doing is so important.

This is an incident that cannot be swept under the rug. Whether it is a Democratic administration or a Republican administration matters not because this endangered someone, and it sends a chilling message to anyone who might bring bad news to this administration, who might disagree with their policy in Iraq.

I say to my friend, he is right on target. If this does fail in a party-line vote—and I pray it does not, but if this fails in a party-line vote, unfortunately, this will become a bigger and bigger political issue because I, for one, am not going to stop focusing attention on it. As a woman who has all my life been in jobs that are perhaps a little bit different than other women, I have tried to say we can do it. This attack on this woman who was on the ladder, obviously, in the CIA, was not only a crime, it was unjustified, and it sends a terribly chilling message to other women out there that you can do the greatest job in the world but, gee, if you are married to someone who might say something controversial, you are going to be outed.

What about the message—I close with this—it sends to other agents out there, other agents who may be working on issues and bringing back information that the administration doesn't want to hear because maybe it does not comport with what they want to be known as the facts? What kind of message does this send? Are they going to take the risks? As Senator HARKIN said, we are going to win this war against terrorism by the quality of our intelligence. And here we have the White House itself that says it is leading the fight against terrorism. We stood by their side continually on this, as we should. Here they are, in essence, outing someone who could be working in ways to save our people from another terrorist attack, from al-Qaida, and whatever else.

I am so pleased my friend has been so stalwart on this issue. Anything he needs from this Senator from California to help him, I remain available to do whatever I can do to bring justice to this family.

I yield back the time.

Mr. SCHUMER. I thank my colleague from California for her strong, intelligent, and heartfelt words.

I would like to make just one other point, and this is a very important point I have not talked about before, so I hope my colleagues will listen. People ask, Why ought there be a special prosecutor? Why not let Justice do the job?

There are obvious reasons. Attorney General Ashcroft is a close political associate of the President's. If this goes high up into the White House, there is obviously the appearance of a conflict, if not a conflict itself. There is nothing wrong with the President appointing a close political associate as Attorney General. Some have. John Kennedy did. Bill Clinton didn't. The other model is to appoint someone at some distance, someone removed, a professional law enforcement person. But when you appoint someone who is close, you lose any vestige of independence when something sensitive comes up, making the need for special counsel more important.

A special counsel is not a runaway counsel. The independent counsel law expired because people were worried about that. It is still appointed by the Attorney General. The differences are threefold. No. 1, the day-to-day running of the investigation is not under the Attorney General or the staff that is directly under him with the chain of command going up.

Second, a very important prophylactic measure: Anytime the Attorney General should reject the request of the special counsel—to subpoena someone or bring someone to a grand jury or file some charges—a report has to be made to Congress. That is an extremely important and prophylactic measure.

Third, special counsel, when they have been appointed—and by the way, Archibald Cox and Leon Jaworski, people like them, fell under a law very similar to the President's special counsel law because that was before the independent counsel was allowed and after 1999. After it expired, Justice passed this regulation allowing special counsel again. But they have stature. They are not going to be pushed around. Everyone will see who is appointed.

Obviously, if the Attorney General should appoint someone who doesn't have the stature, doesn't have the political independence, they will not be given the respect that someone of stature and independence would. But because it is public, that is generally what happens. A Warren Rudman or a John Danforth or a George Mitchell or a Sam Nunn would be ideal type candidates as independent counsel.

Let me show an example. This is the point to which I want people to pay attention. We just had an example of why we need a special counsel. This was reported, as I am told, by Mr. McClellan. We learned this morning that the White House Counsel, Mr. Gonzales, had sent an e-mail to all White House employees to preserve all their records, their logs, their e-mails and things like that. It was a good thing to do.

But what Mr. McClellan just confirmed is that he was asked by the Justice Department to do it last night. He said: Can I wait until the morning? And the Justice Department said yes.

Did anything happen between last night and this morning? I don't know. Nobody knows. You can be sure, if it was a special counsel, that ability to delay for several hours the sending out of this very important e-mail wouldn't have happened, or it only would have happened with an extremely good reason.

But when you don't have a special counsel, when the White House Counsel makes the request, it is given the benefit of the doubt. Frankly, at least from the allegations we hear the White House Counsel is in the same place as the person or persons who did this dastardly act. So if there was ever an example of why we need a special counsel, it just came out when Mr. McClellan told us about this delay in sending out the e-mail. For all we know, and this is just hypothetical, rumors went throughout the White House that there will be an e-mail this morning—and this is just hypothetical and, hopefully, it didn't happen—but maybe that somebody who did it didn't save what they were supposed to save, inadvertently threw them out. Who knows?

Again, if the special counsel were there, it is likely not to have happened. And if it did happen that the delay was sanctioned, people would have more faith that there was a justification for it.

So we need a special counsel. It is not a perfect mechanism, but it is the only mechanism available that has some semblance of independence, of fairness. Along with my 15 cosponsors, we are requesting a sense-of-the-Senate resolution that that be done.

I remind my colleagues, this is a sense of the Senate. It is basically a sense of the Senate that in a very real sense says: Do you want to get to the bottom of this, and do you want to do it fairly and not politically? It doesn't require it to happen.

Excuse me, we have now 22 cosponsors.

It doesn't require it to happen, but at least we go on record, this body, as saying there ought to be a full, fair, and independent investigation—and a fearless investigation, I would add, an investigation that will go wherever it leads.

I repeat, I have no idea who did this. There are names bandied about. If it is true that six people in the media were called, this is not going to be a top secret, even though the media people will not want to reveal that they were called because of their sources. But a special counsel should be able to get to the bottom of it. Any counsel should be able to get to the bottom of it if, A, they really want to; B, they don't fear getting to the bottom of it; and, C, they are not told by somebody else not to, subtly or otherwise.

I guess that is another point I would make. What this case is about in many ways—not every way, there are so many ramifications to it already—the reason it has resonance is not only that what was done was despicable, but it relates to a methodology in Washington that has become too current lately, which is knee-capping people with whom you don't agree instead of having an open debate, saying you think this; I think that; let's see what the people decide. To call into question their character or patriotism or anything else—we have seen that in many different areas in the last year or two.

So it has tremendous resonance, but ultimately one thing this is about is the ability to tell the truth without being hurt for telling that truth, hurt professionally. Isn't that, indeed, the reason we need a special counsel? If there is a career diplomat in the Justice Department who is doing this investigation, maybe he or she, even if told nothing, will say: Hey, if I bring this all the way to the top where I think it ought to go, it might hurt my career. Who knows? With the special counsel, if it were a John Danforth or a Sam Nunn, they would not worry about their career. Their integrity is rock ribbed, and they will take it where it leads.

I hope we will allow a vote on this amendment. I don't know what the other side is afraid of, or whoever is afraid, to not allow a vote on this amendment. It is a simple sense-of-the-Senate resolution, and I would argue it will be more foretelling if this amendment is being blocked from being voted on. It will be very revealing if this amendment is blocked because it is saying somebody, somewhere, is afraid of where this investigation would lead.

I think if a point of order is raised and not overturned in any way, then—I guess it cannot be overturned. If the point of order is raised and a vote is prohibited, it is going to say something. It is going to say those who raise the point of order are afraid of where the truth may lead. That is one of the things we all worry about.

Once again, I say to my colleagues that the very fact that the e-mail which went out this morning was asked for last night, and delayed for several hours, raises questions. They may be answered; they may not be. But that is the kind of question that will come up every day in an investigation if we do not have a special counsel.

I thank my colleagues from South Dakota and California and the so many others who spoke this morning—the Senators from Nevada, Iowa, and Florida.

All I can say is for the sake of this country, for the sake of fairness, and for the sake of the continuing rebuilding and the viability of our intelligence services, I hope this amendment passes. I hope no one will block it on a parliamentary procedure called "a point of order." I hope we will get to the bottom of this dastardly act and find out who put the integrity of the intelligence services and possibly the lives of people on the line for simply the purpose of malice or the purpose of preventing the truth from coming out.

I am going to yield as much time as he would like to my colleague from Illinois, a member of the Intelligence Committee.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank Senator SCHUMER for his leadership on this issue.

This is not a new issue. This article was written by columnist Robert Novak back in July. It is interesting at the end of September and the beginning of October that it finally surfaces and is receiving the attention it deserves.

What Senator SCHUMER is asking is for the Senate to go on record in calling on the Bush administration to appoint a special prosecutor, someone who will be independent enough to ask the hard questions and try to find out who was the source of this very serious security leak.

Keep in mind what happened here. A decision was made by someone in the administration—perhaps in the White House—to disclose the identity of a woman working for one of our intelligence agencies. In and of itself, it doesn't sound like much to an outsider. But for many of the people working for those intelligence agencies in a covert status, the fact that their identity is not known is an important part of their job and an important part of their survival. As a result, the disclosure of the identity of such a person is a Federal felony, the most serious crime you can commit. We believe it undermines our intelligence-gathering capability and can literally endanger the lives of innocent, hard-working, patriotic Americans to knowingly disclose their identity. In this case, a decision was made within the Bush administration to disclose the identity of this woman and jeopardize her future, her career, and maybe even her life. That is as serious as it gets in this business.

We can remember back in the Nixon administration the enemies list that was generated—people the Nixon administration decided did not share their views on foreign policy or domestic policy. They made a long list of columnists and individuals across America who were their enemies. They looked for ways to hurt them.

In this situation, we have the equivalent of an enemies list in the Bush administration—a decision by someone at the highest level of the administration to declare that Ambassador Joe Wilson and his wife were enemies and at any cost they had to be silenced; they had to be stopped. What was the administration trying to silence? They were trying to silence the fact that they sent Ambassador Joe Wilson, a former Ambassador in the Clinton administration, on a special detailed assignment to determine whether some of the statements the administration had made about the dangers of Iraq were true, particularly the statement which was made in the President's State of the Union Address that there had been fissile material that could be used to make nuclear weapons sent from the tiny African nation of Niger to Iraq.

Of course, the reason that was important was because it was the first issue raised by the Bush administration as to why we had to invade Iraq. If they had nuclear weapons and the capacity to build them in short order, they would be a threat not only to the region and to the world, and so we had to stop Saddam Hussein in his tracks.

Evidence of the movement of this enriched uranium or fissile material from Africa to Iraq was critical. The President of the United States thought it was so important that he made reference to it in his State of the Union Address to the American people.

When Ambassador Joe Wilson was sent to Africa and began investigating, he returned and reported to the Bush administration they were wrong. In his estimation, there was no evidence that this ever took place. In fact, as I stand here today, President Bush has apologized to the American people for including this statement in his State of the Union Address, and there is literally no evidence that this took place.

Ambassador Wilson did his job, took his assignment for the Bush administration, did it honorably, and came back and reported to them what he found. But there were some people in this administration who didn't like his report. They didn't want to know the facts. They had already created a scenario of nuclear weapons, and Joe Wilson's report wasn't consistent with it. They went forward and allowed this unproven theory to fester and grow as they started talking about the danger of Iraq to the world.

Finally, Ambassador Joe Wilson, in desperation, published an article in a leading newspaper and said, I have to tell the truth. I went to Africa on an assignment from the Bush administration. What I found was inconsistent with what they said to the American people.

This was an amazing development—an amazing disclosure. But I met with Ambassador Wilson, and he felt he had no other choice. His integrity was on the line. He decided to tell the truth to the American people. But because he did and because that truth brought embarrassment to this administration, they struck back. But they didn't strike at Ambassador Joe Wilson. They went after his wife, a professional intelligence agent working in a covert capacity. That is what this is all about.

Who was behind this? I don't know. I do not know if it reaches to the White House. I can't say. Mr. Novak has only said "administration sources." But what Senator SCHUMER brings to the floor today to really confront is the fact that we cannot honestly expect Attorney General John Ashcroft to really treat this case in the manner it deserves to be treated for the good of our intelligence gathering, for the integrity of the people who work at those agencies and, frankly, for justice to be served.

Last year when I served on the Senate Intelligence Committee and there was a disclosure of some classified information, Vice President CHENEY and Secretary Rumsfeld were adamant and vocal that the leaking of classified information, particularly in the runup to the war in Iraq, was absolutely intolerable and unacceptable. No one questions that premise. I certainly don't, as a member of the Intelligence Committee. When this piece of information was leaked, they turned on the Intelligence Committee and said we want to know which Senator—assuming it was a Senator, and it could have been staff or someone else, for that matter—which Senator leaked the information.

Do you know what they did next? They sent an FBI agent to my office and to the office of every Senator on the Intelligence Committee—this Ashcroft Department of Justice and the Bush administration. They asked me if I would submit to a polygraph—a lie detector—to determine whether I was the one who leaked the information. I didn't leak the information. But I also feel, as most people do across America, that those polygraphs are notoriously inaccurate. Most States don't even recognize them in their courts. I have never counseled a client in my legal practice to take one. I just do not think they can be trusted.

I said no, I am not going to submit to a polygraph. The next thing you know is that in the course of my reelection campaign it was disclosed to the public that I had turned down the request of the FBI agent for a polygraph test. I explained it as best I could to the people of Illinois. They obviously accepted it, and gave me a chance to serve again in the Senate.

But isn't it interesting that this Bush administration and their Department of Justice, which obviously believes so passionately in polygraph tests, now is in a predicament where if they are going to investigate this leak, if they are going to try to find out which person in the administration is responsible for calling Robert Novak and disclosing this, they are frankly going to be in a position where they have to ask for polygraph tests.

You have to ask the obvious question. Is Attorney General John Ashcroft willing to ask Karl Rove to submit to a polygraph and tell the people whether he says yes or no? You could go through the list of potential people from the administration who need to be asked. I think the answer is obvious. They are not going to do that. Attorney General Ashcroft is not likely to ever do that.

What Senator SCHUMER and myself and others are saying is now is the time to acknowledge the obvious. This administration is not up to the task of dealing with such a disclosure so sensitive and so important at the highest level of Government. It is time to give this responsibility to a special prosecutor, someone outside the administration, with no conflict of interest.

I will tell you, I did not think the day would come, or come soon, when I would come to the Senate floor and call for a special prosecutor. The gross abuse of independent prosecutors during the Clinton era really, I guess, satisfied me once and for all that you have to be extremely careful to put that much power in one individual. But I do not know any other way out here.

I cannot imagine that leaving this in the hands of Attorney General Ashcroft and the Department of Justice is really going to give us a satisfactory conclusion to these critical and important questions: Who was it who decided to put Ambassador Wilson's wife on this hit list, on this enemies list? Who was it who was willing to risk prosecution of a Federal felony to embarrass her and compromise her as an analyst or an agent for America? Who was the person who decided that all bets were off and no holds were barred when it came to going after critics of the administration?

Those are hard, tough questions, questions this President would not want to face, no President would want to face, and certainly questions not likely asked or answered if it is going to be done within the administration.

So I certainly support my colleague from New York. I join with others who believe the appointment of a special prosecutor is the only way to serve the needs of justice and to do it in a way where there is a credible outcome.

LOST JOBS AND THE ECONOMY

Mr. President, I would like to ask, if I may, to step aside from this particular issue for a moment and note the fact that the President of the United States visited Chicago, IL, today. We were happy to see the President, whatever the circumstances. In this case, he came to raise money. Over $3 million was raised in Chicago for his campaign. But I might also note that over 3 million jobs have been lost in America under his administration. Both of these are historic records for President George W. Bush.

The real question that presents itself is this: Can all the money raised in Chicago and other places to buy media make America forget all those lost jobs? Can $3 million raised today in Chicago make America forget the 3 million lost jobs under the Bush administration? More jobs have been lost by this President than any other President since the Great Depression—70 years ago. It is the worst record of job creation under any President in modern history.

In Illinois, we know this too well. Working people in Illinois are not going to forget we have lost 200,000-plus jobs since President Bush was sworn in. And I just met with a group of small businesses, small manufacturers. They are not going to forget we have lost over 123,000 manufacturing jobs in my State of Illinois alone since President Bush took office.

Our taxpayers in my State are not going to forget that President Bush's unfunded school mandates in No Child Left Behind are going to cost our school districts millions of dollars at a time when they literally cannot afford it because of our State's financial crisis.

Also, I do not think there will be a family in America who will forget the costly and dangerous occupation of Iraq, which President Bush has obligated American families and taxpayers to bear. I do not think there is enough spin in Washington or enough dollars in the President's campaign coffers to cover up these realities.

So, Mr. President, thank you for visiting Chicago. I am sure you had a great day. But I think the total story is going to be considered by the voters in Illinois before the next election. And when they look at the economic record of this administration, they are going to realize we have squandered a great opportunity. The economic expansion of the 8 years before President Bush came to office has not been equaled or rivaled, and it is not likely to be in the future, as long as we have a President who is passing out tax cuts to wealthy people and generating the largest deficits in the history of the United States, causing us to cut back in education spending and health care spending, causing us to compromise the Social Security trust fund as the baby boomers come on line to receive their checks.

These are the realities that American families understand. And when this President——

Mr. GREGG. Mr. President, I was wondering if the Senator would yield for a question.

Mr. DURBIN. I would be more than glad to when I have finished. On your time, I would be happy to answer a question.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. President, the other point I would like to make, before we return to the issue at hand, is this: People say, What has happened? It seems as if there is more criticism of the Bush administration in the last few weeks. And I think that is true. I think once the President went on national TV and announced that $87 billion pricetag for our continued presence and occupation of Iraq, the American people were awakened to reality. This $87 billion pricetag is a bone in the throat of America's taxpayers and families. They understand that we are not cutting spending or raising taxes to come up with that money; we are, in fact, adding to the deficit—the biggest deficit in our history—and we are taking it out of the Social Security trust fund.

I, for one—and I am sure I speak for every Senator—will not compromise when it comes to our military. We will give them every single dollar they need to be successful and come home safely.

When it comes to spending billions of dollars in Iraq to do things which we obviously cannot do, according to the President of the United States, hard questions will be asked, and the hardest question is going to be posed by my colleague from the State of North Dakota, Senator BYRON DORGAN. I think he has really touched a nerve because he has reminded this administration that time and again they told us this day would never come, that Iraq was so bountiful in its oil reserves that it could finance its own reconstruction. Those are statements made by Vice President CHENEY, Secretary Rumsfeld, Assistant Secretary Wolfowitz; the list goes on and on.

Now they come to us and say they need $20 billion that is going to rebuild Iraq. Well, the Democratic leader, Senator DASCHLE, raised the question earlier. It is clear that the money to rebuild Iraq is going to be borrowed. The question is, From whom will it be borrowed? From the American people or the Iraqi people?

I agree with Senator DORGAN. Let's take this bountiful oil supply that they have in Iraq and use that as security, as collateral for what they need to rebuild their country. We can help them. I am sure we will. But, honestly, shouldn't the Iraqi people and their future oil revenues be on the line before our Social Security trust fund and our investments in education and health care? It is fairly obvious to me and to many of the people I represent.

Let me conclude and say again to Senator SCHUMER, thank you for your leadership on calling for this special prosecutor. It is my belief that a special prosecutor at this point is the only way to make sure that justice is served. If we have in any way seen a compromise of intelligence gathering in the United States, it could not have come at a worse time.

If we are going to successfully fight the war on terrorism, we have to stand behind the men and women at those intelligence agencies. We have to support them. And in my oversight capacity with the Intelligence Committee, from time to time I am sure I will be critical of some of the things they will do, but we should never, ever compromise their identity or professional integrity or ability to do their job.

Whoever decided to leak the identity of Ambassador Wilson's wife to Robert Novak, who writes a regular column, decided that the political price they had to pay was worth it. They were going to make that family pay a price that few others would be asked to pay because they were so bold as to criticize this administration's policy in Iraq. We have to get to the bottom of it. And I do not think Attorney General John Ashcroft's Department of Justice is up to that job.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the amendment by Senator SCHUMER have added to it as cosponsors Senators LIEBERMAN and FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Illinois said he would respond to a question on my time. And I will ask him a question and yield him 30 seconds to respond. It should not even take that long. But since the Senator from Illinois wandered during his presentation on to ground other than the actual amendment before us, specifically the issue of education, I was wondering when the Senator from Illinois intends to offer his motion to deny the children of Washington the opportunity to get a fair and reasonable education—something that is supported by the Mayor of this city, something that is supported by the president of the school council in the city, something that is supported by 7,500 children who are on a waiting list to get a decent education.

When does the Senator from Illinois intend to offer his motion to strike the capacity of those children to get a decent education?

I yield to the Senator, oh, 10 seconds to answer that question.

Mr. DURBIN. It will take 30 seconds.

Mr. GREGG. I will yield the Senator 30 seconds.

Mr. DURBIN. I would ask the Senator to clarify. Is he speaking about the proposal to divert public funds to private schools, a proposal that has been rejected by an overwhelming majority of people in the District of Columbia, the school board, and the city council, the proposal that would send the money to schools without standards that the teachers in these private schools even have college degrees? Is that the proposal about which the Senator is asking?

Mr. GREGG. I am simply asking if the Senator ever intends to offer his motion to strike.

Mr. DURBIN. The answer is yes, I do intend to offer it.

Mr. GREGG. Does the Senator intend to offer it today?

Mr. DURBIN. Not today, but I intend to offer it.

Mr. GREGG. Does the Senator intend to offer it tomorrow?

Mr. DURBIN. It could be tomorrow.

Mr. GREGG. I appreciate the Senator's candor.

Mr. President, what is the time that is allowed?

The PRESIDING OFFICER. The sponsor of the amendment has 8 minutes 6 seconds. The opponents of the amendment have 58 minutes.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield myself such time as I may consume.

I ask the Chair to advise me when 3 minutes remain.

Mr. President, after I went home last evening, I couldn't stop thinking about a statement Senator HARKIN had made regarding the leak of classified information about the identity of an undercover CIA agent. Like Senator HARKIN, I also remember as a boy seeing those signs that warned: Loose lips sink ships. Our Nation was at war then. Even though the war was far away, every citizen was constantly reminded that there might be spies among us and that the wrong information in the wrong hands could cost American lives. So here it is, 67 years later. Once again we are at war and, sadly, it seems that the wrong information has been passed into the wrong hands—not by our enemies but by someone who works at the White House.

By now I think we are all familiar with what happened. On July 14, the political columnist Robert Novak, who I consider a friend and like very much, disclosed the identity of a covert CIA operative. He wrote that the information was given to him by "two senior administration officials." Yesterday the Washington Post reported that before Mr. Novak's column appeared, two top White House officials had called at least six journalists, revealing the name of this undercover CIA agent.

The reason, of course, for the leak has been well established. It was to get back at the husband of the agent. He is Joseph C. Wilson, former U.S. Ambassador, who had publicly challenged President Bush's claim that Iraq tried to purchase uranium from Africa. In retaliation for Mr. Wilson's telling the truth as he saw it, two White House officials apparently blew his wife's cover and, in the process, they threatened our national security. If you think that is overreacting, remember the old warning: Loose lips sink ships. Because that information was leaked, this agent's ability to gather intelligence has been destroyed and her safety has been put at risk.

Even more important, the leak of that sensitive information has jeopardized the safety of every person in the world who had cooperated with her. Any person who was a known associate of this agent will now be suspected of cooperating with the CIA. Maybe even some innocent friend would be so thought. We might never know how many people have been tortured or maybe killed as a result of this leak.

As terrible as that scenario is, it is not the worst consequence of this leak. This leak of classified information will undermine our efforts to recruit people who can help us in the war on terrorism, people who might be able to infiltrate terrorist cells and gain prior knowledge of deadly plots against our Nation. Because of this leak, people who might be inclined to pass information along to the United States will now wonder whether we can be trusted to protect their identity. After all, if they can't trust those who work in the White House, who can they trust.

We are at war against terrorism. It is a war that will not be won with our mighty arsenal of weapons. It is a war we can only win by obtaining good intelligence about the plots that these terrorists are hatching. Intelligence is our best weapon against terrorism. So loose lips not only sink ships, they might prevent us from stopping a future terrorist plot.

This is as serious as it gets. I used the word "traitor" yesterday in a colloquy with Senator HARKIN. I know that is strong language, but I believe that about anyone who would leak this kind of sensitive information at a time when we are at war. This is a crime. It is a felony punishable by 10 years in prison.

This morning we heard that the Justice Department has launched an investigation into this crime. Realistically, we not only have to do away with what is bad but what looks bad. To have John Ashcroft, former Senator, longtime political confidant of the President doing this investigation simply won't sell. Considering the grave nature of what has happened, this case warrants an independent counsel, a special counsel, someone who does not have political ties to the White House. If we need an independent counsel to investigate a private real estate deal, certainly a breach of national security deserves the same level of scrutiny. We must act quickly before memos and phone logs and computer records are destroyed.

We must find the source of this leak and send a message to everyone everywhere who betray the United States: Loose lips sink ships, and they will land you in jail.

Mr. LEVIN. Mr. President, I have cosponsored the Schumer sense-of-the-Congress amendment which is before the Senate. The amendment calls upon the Attorney General to appoint an independent special counsel to investigate allegations that a high ranking official or officials within the Bush administration purposely disclosed to the media the identity of a CIA agent involved in clandestine operations.

If these allegations are true, they are extremely serious. In fact, the individual or individuals who provided this information to the media may well have committed a felony under federal law. Such a disclosure could endanger the CIA operative involved, former Ambassador Joseph Wilson's wife, and makes it impossible for her to continue to function as a clandestine CIA operative. This act could also endanger a number of individuals, assets, contacts and even mere acquaintances of the CIA operative. And, this act may send a cold shiver down the spine of every CIA employee and asset now operating under cover anywhere in the world. If the administration itself will not safeguard their identities, how can they feel secure? These are men and women playing absolutely critical roles in the defense of our national security. The role in our security of such individuals gathering intelligence around the world has been all the more clear since September 11, 2001.

Mr. President, this amendment seeks to send a clear message that we believe that the American people deserve a credible and independent investigation not influenced by or even weakened by the perception of influence which results from an appointee of the President investigating high level administration officials. An appointment of a special counsel of unquestioned integrity and credibility is the only way to assure that independence. I hope the majority will permit a vote on this sense-of-the-Congress amendment today and that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 58 minutes. The proponent of the motion has 3½ minutes.

Mr. REID. Mr. President, we know that the time will just run out. Senator SCHUMER wanted to speak last. He is not here. So we have no alternative. If the Senator is going to yield back his time, there is no way to preserve our 3½ minutes.

Mr. GREGG. Mr. President, we are ready to proceed. If we can have the clock run equally against both sides, I ask unanimous consent that that occur until the minority's time has run out, and then we will make a motion, unless the minority wishes to yield back.

Mr. REID. Mr. President, because of the time constraints, I ask unanimous consent that a point of order not be taken in this matter and that we have an up-or-down vote.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is really too bad. I say that because it would seem that something this important to the American public should at least have an up-or-down vote. All we want is a resolution from this body saying it is appropriate that the Attorney General, in effect, recuse himself and assign a special prosecutor to look into this most serious matter.

There is no question that somebody committed a crime. We don't know who it is or who they were, but leaking this information is a crime. It is a felony punishable by at least 10 years in prison. I think it is unfair. We know that Senate rules often don't appear to be fair. But in this instance, it would certainly be the right thing to do to allow an up-or-down vote.

I yield back whatever time we have.

Mr. GREGG. Mr. President, this is being investigated by the FBI. It is not being investigated by the Attorney General. The FBI will be doing the legwork and we will find out what happened as a result. Clearly, if the allegations are correct that a crime has occurred, it should be prosecuted.

Mr. President, I yield back the remainder of my time. I make a point of order that the amendment is not germane to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the point of order not be laid before the Senate until 3:45 and Senator SCHUMER at that time be allowed 5 minutes prior to the point of order being taken.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The point of order has been made. The amendment is not germane. The point of order is sustained. The amendment falls.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The DC appropriations bill is the pending business.

Mr. GREGG. I thank the Chair. I want to return to the underlying bill, a bill that has been debated for 4 or 5 days. Regrettably, I was not able to be here.

Returning to the underlying issue, which is the District of Columbia appropriations bill, and specifically the language in that bill which created new dollars at the request of the Mayor and the president of the school board and members of the school council to fund three basic programs, one is school improvement, the second is charter schools, and the third is a choice program which would involve not only public but also private schools within the city. Unfortunately, I was not here for all the debate, but it is important to talk about who is being impacted.

Who is this debate really about? The District of Columbia has a very large school system. Unfortunately, it is one that has some very fundamental problems. Those problems have created an atmosphere where, regrettably, a large number of children cannot get a decent education. In fact, this picture highlights it. Statistics show that 47 out of 100 children are being sent to failure by being required to go through the entire public school system in Washington, DC.

Essentially, the public school system in Washington spends a huge amount of money, but regrettably it doesn't educate kids very well. Seventy-five percent of the fourth graders in this city are reading below basic reading levels. Only 11 percent of the eighth graders in this city are proficient in math. That is 1 in 10, actually. Only 10 percent of the eighth graders in this city are proficient in reading. One in ten children in this city can actually read at the level at which they should be. And 42 percent—a staggering number—drop out of school in Washington. Over one-third of the District residents read below the third grade level.

Yet this school system spends $11,000 per child—$11,000 per child—for these results: 42 percent of the kids are dropping out of school, 1 in 10 children are not reading at the levels their peers read at across the country in the eighth grade, and almost 1 in 10 are not able to do math. That means if you go into the DC school system, you have at least a 50-percent chance of either, A, not coming out of the system or, B, if you come out, you are not going to be able to participate in the American dream.

A fundamental element of participating in the American dream, being successful, having a decent income, raising a family, owning a home, having a great job, is your ability to read, write, and do basic mathematics. So we are talking about kids being left behind.

Let me just point to a couple specific children. These are children who, without private school, would not have had the opportunity to succeed.

How did they get into private school if there is no private school choice program in the District of Columbia? There is something called the Washington Scholarship Fund which is a program that has been set up because they recognized that Washington schools were working so poorly, and they have a lottery system. If you are a low-income child in Washington, your parents can put you into this lottery system. If your name is drawn, you get a choice—basically the same program that we are proposing to fund with this bill. But that waiting list is so large that your chance of being picked—in other words, winning that lottery as a child in Washington—is only 1 in 10. For every child who gets chosen, 10 don't.

I want to read a couple of notes from two people who were chosen, who were unfortunately locked into the public school system, and their parents knew they were going to fail. Their parents knew if they stayed in the public school system as presently structured, they were going to be lost souls, lost as citizens of our country, productive citizens, because they were not going to be able to gain the skills they needed.

This is the first person I want to read about. This is a note from this young girl in the photo, Lapria Johnson. She writes:

> The Washington School Scholarship Foundation is the only way I can read.

That is the group that has the lottery.

> I am 8 years old. I have a lot of problems I was born with. Public schools said I would not read.

This is Lapria writing:

> I read and my math is great. My handwriting is not so good, but I have an A in reading and an A in math.

She has had her hope restored as a result of having the opportunity of choice.

There is another group that I want to make a note of in the photo right behind me. This is Kevin and Kevona. That is who these two children are here in the photo. This is Mrs. Wilma Roberts writing, and these are her husband's niece and nephew. She is writing and saying:

> We wanted them to have a chance to advance to greater heights. Kevin was put into special education, and all he needed was help with his speech. He was put in a school that did not help with speech or his emotional growth. The Washington Scholarship Fund has been a godsend for these and other children who have the potential to do good things with their lives.

Doesn't that really say it all? "The potential to do good things with their lives." Yet 47 out of every 100 kids who go into the Washington school system—their capacity to do good things with their lives is dramatically undermined by the fact that the school system they are in simply isn't working very well.

How do we react to this? How do we make sure the Laprias, the Kevins, and Kevonas of this city have a shot at a lifestyle that you and I would want our children to have?

Well, the Mayor is concerned about it, and the head of the school board is concerned about it. They are concerned enough that they were willing to take an extremely imaginative and creative and, politically, a very aggressive and dangerous step, from the standpoint of their political futures. They were willing to propose to the Congress, which has a unique responsibility for the District of Columbia, that if we would give them some extra money for their educational system, they would take that money and set up three very creative programs.

The first program would be a school improvement program. The second would be a program to help with the creation of charter schools, which they already have a significant number of in this city. The third would be a private school choice program patterned basically on the Washington Scholarship Fund Program that these three children have had a chance to take advantage of.

Why would the Mayor and the head of the school board and a number of the council members of this city who are responsible to their citizenry be willing to make that sort of a step? It is because they believe it will work for these kids. It is because they believe these kids should have a shot at the American dream by having the skills they need to succeed, by having the ability to do math and writing and reading at a level that is competitive with their peers across the country. They recognize that not every child learns the same.

There are some schools that are going to help a Lapria or a Kevin, who is coded incorrectly for special education, it appears from that statement. Some of those schools are not publicly managed so they can help these kids. But they are there and they are in the private sector.

The opportunity should be given to these children to participate in those schools that are going to give them the skills they need. And so the Mayor, the head of the school board, and a number of city council members have come forward and asked for the funding proposal that is in this bill, and the subcommittee is chaired by the Senator from Ohio, Mr. DEWINE. You would think it would be almost a no-brainer that if we as a Congress, who do not manage the city of the District of Columbia but who by the nature of the Constitution have responsibility for it, are approached by the political leadership, which is taking this sort of a creative and imaginative step, that we would say, OK, that is an idea that you want to try, and we will do what we can to assist you.

The majority does take that position but, unfortunately, there is a working minority on the other side of the aisle that does not believe these kids should have a chance, that does not believe the Mayor and the head of the school board should run their school system, that believes the 7,500 children who are low-income children, who are on a list today for private school choice, should have no opportunity to fulfill their dream; that they should have to go every year to this gathering where 1 in 10 of those kids gets their name pulled out of the hat and the other 9 children are sent home in tears and their parents, in most instances—by the way, they are children of single moms. They obviously have a father, but the mother is managing the family.

In most instances, what we have is a mother who realizes that her child, who she is raising by herself—she is working gosh knows how many hours a week to do it—is not going to have a chance to succeed and get out of the cycle of poverty and dislocation she sees, because of the nature of her financial situation or the nature of her situation generally, without a better chance in education. It is usually that single mother who puts her child on that list.

The majority of those 7,500 children are children who have a single parent at home taking care of them and trying to raise them in very tough and challenging times. We have to admire those parents immensely. But those 7,500 kids are being assigned to failure by my colleagues across the aisle.

I suppose one could argue—and obviously my colleagues across the aisle do—this is not right; that public schools should get all the money; that there should not be any competition between public and private schools; and that choice just simply should not be allowed; that we as the Federal Government should not be making that type of decision. One can make that argument in theory, but one cannot make it as it applies to the District of Columbia because we are responsible for the District of Columbia, and the leadership of the District of Columbia has come to us and said they want this program.

Basically, they are saying no vote on this language; they are not allowing us to proceed to a vote. They are filibustering this proposal because they do not have the votes to defeat it. When our Democratic colleagues run a filibuster from across the aisle, they are essentially saying they can run the city of Washington better than the Mayor can run it, better than the city council can run it, better than the president of the school board can run it, and these kids who are on this waiting list—and there would be a lot more, I suspect, if this program were to go forward—are just casualties of the politics of the Senate. Tough luck. Forty Senators on the other side of the aisle are saying to 7,500 kids: Tough luck, we have a good life in the Senate. You have no life, no chance to participate in the American dream. You certainly have no chance to become a Senator because we are going to consign you to a school system which, as far as your parents are concerned, because they made the choice to put you on the list to opt for choice, cannot take care of your need to learn and is not going to give you the capacity to be successful.

It is an incredibly cynical act that is being pursued in the Senate by a minority when this appropriations bill is being filibustered on this point.

One has to admire, though, the leadership of this city because the Mayor has been incredibly aggressive in making this case. There has been no halfway commitment. This has not been a marginal undertaking on his part. He has been calling Members. He has been making the case. And the city has tried what they can try. They have tried public school choice in this city. To some degree it has worked. In some instances, there are just not enough functioning, strong schools to allow those kids who are locked in schools that do not do very well the opportunity to make that choice.

This city has tried charter schools. In fact, probably the fastest growing part of the school system is the fact they are setting up charter schools throughout the city. Thus, we have parents pulling together to try to create entities that will work a little better.

What they are asking for is one more very important tool. There are a lot of private schools in this city. There are a lot of religious private schools, Catholic especially. There are a lot of nonreligious schools that are very good schools. Some of them are focused on unique talent development and some are general in their educational approach. What the Mayor is saying is let's bring those schools into our mix as we try to give our children a better shot at being successful at learning what they need to know.

Remember, this program is not going to be for the wealthy or even the middle income. The way this program is structured is you have to be in an extremely low-income category before you can qualify for these choice opportunities. In fact, the priority goes directly toward low-income kids in schools that have already been designated as failing. We do not limit it to that, but that is where the priority is. I suspect that will absorb completely the available slots. So it is an attempt to get at the people who are most in need in the schools that are being least responsive.

Yet the majority of Democratic Senators on the other side of the aisle say: No, no, the kids are not going to be given that chance. The kids are going to be forced to stay in these schools which have such horrific track records. It really is a startling level of arrogance and an incredible indifference to these children.

What drives it? What drives this attitude? Is it a belief that we can improve the schools by putting more money into them? If we just put more money into public schools in Washington, we can solve this problem? We know that is not the case because in the last 3 years, we have increased funding in the public schools in Washington by I think 39 percent, and we have increased overall funding even more radically over the last 8 years in the public schools in Washington. Their success rate has not improved at all. In fact, they continue to fall behind.

As I said, they spend $11,000 per pupil in this city—$11,000 per pupil. There isn't a school district in the State of New Hampshire that spends $11,000 per pupil, I don't think. The only other school district in the country which is even near Washington in spending is New York City on a per-pupil basis. So it is not an issue of let's take this extra money and put it in the public school system and that will solve the problem. That can't be where they are coming from, but that is actually one of their arguments. But it is a straw dog because it doesn't stand up to any test of factual review.

Is it because they think these kids should just be left behind; that they are simply willing to say 47 out of every 100 kids in this city we can discard; we can say they can't have the ability to pursue their dreams? I doubt that. I don't think anybody on the other side of the aisle is so cynical. But that is the practical effect of the indifference to the problem and their unwillingness to address it in a creative way such as the Mayor has suggested.

Or is it there is force coming at them that is a special-interest force known as big labor that is saying: This is the camel's nose under the tent. If the city of Washington pursues a choice program, will choice spread across the country? We know the leadership of the national unions is adamantly opposed to any form of giving children choice in our school systems.

That may be it. There has to be some reason, but it certainly is not their interest in the welfare of the children that causes them to reach this conclusion that they are going to filibuster this opportunity for these children that is requested by the Mayor, by the president of the City Council, and by the parents of those 7,500 kids who are sitting on that list and are running out of time.

Remember, these kids are being put through and pushed through the system. Every year we fail to give them adequate reading skills, adequate math skills, is another year they probably cannot recover. If a child goes from the third grade to the fourth grade and they cannot yet read at the third grade level, how are they going to read at the fourth grade level?

Every year that we do not allow the city of Washington to pursue for their children options which may bring them up to speed, we lose another large segment of children, 42 percent dropping out of the school system. It is the parents and the kids who are being left behind today, who are being filibustered today, who are being strong-armed by the minority today, and it is an act of crassness that is going to come back in the way of lost lives. Fortunately, not Lapria or Kevin or his sister but individuals such as these other children are going to end up without any hope because this Senate, and specifically the minority in this Senate, has decided that they know more about the school needs of these kids than the Mayor, than the president of the school board, the members of the City Council but, most importantly the parents of these children who have been willing to go make the effort and take the extra initiative of trying to get their kids the type of education to give them the skills they need to live in our country.

In my opinion, it is an incredibly cynical act that is occurring today, as I have mentioned, and I regret it. I hope Members on the other side of the aisle will get up, walk over to the mirror in their office, and look in that mirror and say: Why am I doing this to these kids? At least as to the city of Washington, they ought to have the courage to stand up and say it is right to give the city this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from New Hampshire for his remarks and for his leadership on education, especially for his leadership on this issue where he has shown his characteristic persistence over the years, and I hope he succeeds.

Listening to him talk about the children today creates a whole new way of thinking about this. I have noticed in education meetings I have attended—and I have been going to them now for a good while—people like the Senator from New Hampshire and I get up and make a speech, but if we sit down and invite a child to stand up and say something, it changes the whole nature of the meeting because it puts in perspective what we are talking about.

I am glad the Senator talked about the children who are waiting in line for this opportunity to go to a better school because that is what we are talking about.

All we are talking about is giving 7,500 of Federal dollars, new dollars—not taken from any other school but new dollars—to about 2,000 poor families, disadvantaged families in the Washington, DC, our Nation's Capital, families whose child is in an underperforming school, and giving them a chance to go to another school. That is what we are talking about.

Especially since September 11, we have talked a lot about the American character. The American character has many aspects, but one aspect of our country is that we dream great dreams, and we are not ashamed of doing that. We say things like all men are created equal. We say things like President Kennedy said one time, that we will pay any price and bear any burden to defend freedom anywhere in this world. We say things like leave no child behind. We say things like anything is possible because that is our goal. Europeans and others think we are a little goofy when we say things like that because they will say obviously we are going to leave some child behind, obviously we are not going to defend freedom everywhere in the world, obviously not every man is created equal. The answer is we know that, but our goal is the greater goal. We really want to help every child succeed. We really want to defend freedom wherever we can. We really want every American to be equal, and we are a work in progress toward those goals.

That is what makes this such a remarkable country. One of the greatest of our challenges is to meet the goal of anything is possible—and I was thinking about those children—one of the surest tickets towards success in America, in fact the surest ticket, is a good education.

We cannot legislate a good family. Families are varied. But if a child has a great education, that child has a much better chance, to not be left behind but to succeed. So one would think we would be bending over backwards, falling all over ourselves, to identify the children in America who are disadvantaged, who are not as likely to have a good education, and giving them a chance too. That is what one would think we would all be doing.

Is that not what we are talking about today? Are we not talking about identifying a couple of thousand kids who are disadvantaged, going to schools that are not working, and giving them a chance to go to a good school? What is wrong with that?

I would think it would be embarrassing for our friends on the other side of the aisle. They have spent a lot of time talking about helping disadvantaged Americans. How can they say it is good for us Senators, our families, but we do not want to give these children that chance?

In the next few minutes, I will take three or four issues that have come up in the debate, as I have listened to it, and discuss them. The first one was—When I listened to the distinguished Senator from Illinois the other day, one of the better debaters in the Senate, as described by Senator DEWINE. The Senator from Illinois said this, and I wrote it down: This is a calamity. This will be the first diversion of Federal funds to private schools in our history, the first diversion of Federal funds to private schools.

I wanted to ask the Senator then, and I will ask today, if I may, I wonder if he has ever heard of the University of Loyola or DePaul or Northwestern or Saint Xavier or Wheaton College or Illinois Wesley? Those are all private schools, private colleges, in the State of Illinois, and at least half the students at all of those schools and colleges attend those colleges with a Federal grant or loan to help pay for college.

In the case of the Pell grant, the Federal grant, which may follow them to Loyola, DePaul, Northwestern, or Saint Xavier, that is a Federal voucher that follows them to the college of their choice.

Now, that is not just true in Illinois. It would be true at Fisk University in Nashville. It would be true at Brigham Young out West. It would be true at Yeshiva. As long as the college is accredited, whether it is private or parochial. This has been true from the beginning of the GI bill for veterans, over the last 60 years, our country has allowed Federal dollars to follow students to a school of their choice.

Someone might say I am mixing things up; I am mixing up a college with a high school. I do not think that is a real difference. At the University of Tennessee, we have a school of law, as well as a school of architecture. Those are schools. They are educational institutions. For 60 years Federal dollars have followed students to the school of their choice.

What has been our experience with that program? Most people who look at the Federal Government think the GI bill for veterans and the Federal scholarships and loans programs have been the most successful social legislation in the history of our country. Maybe Social Security stands up there with it. But it is hard to think of legislation that has created more opportunity than the GI bill for veterans and the Federal Pell grants and the Stafford loans that help people go to college. No one says you have to go to the University of Tennessee or Vanderbilt or the University of Rhode Island or any particular school. You choose.

I remember when I was president of the University of Tennessee, I was sitting there during the last week of August when we would have about 30,000 students, coming to our school. No one made them go there, they had to choose to go there, and the money followed them to the school. It never occurred to me to come to Washington and argue to the Senate, Please don't allow any of these students to go to Vanderbilt or to Fisk University because it might take money away from our school. We saw the value of giving Americans choices of colleges and universities. We saw what it had done for them.

We saw what it did for the colleges and universities of this country, what it specifically did for the public colleges and universities, such as the University of Tennessee. Let's just look at the record. In 1945, maybe 8 or 10 percent of Americans had a college degree. Mr. President, 80 percent of the higher education students in America at the end of World War II were in private colleges and universities. In fact, when the GI bill for veterans came along, President Hutchins of the University of Chicago was appalled by the idea. He said hoboes would be coming to his distinguished university, the University of Chicago.

At that time, at the end of World War II, 20 percent of students attended public university. What is it today? Today it is just reversed: 80 percent of students who attend higher education in America go to public colleges and universities, 20 percent go to private. So the effect of the GI bill for veterans, this Federal voucher that followed students to the school of their choice in higher education, which has been the law of our land since right after World War II, has not only created great opportunity, the effect of it has been to create the greatest system of colleges and universities in America. The Federal Government helped to fund that.

We don't have just some of the best colleges and universities, we have almost all of them. And the Federal voucher for higher education has been a major source of that. So that was a really good idea.

It is rarely our experience in education to have such a close analogy, to have a 60-year experiment with a Federal voucher for colleges that has helped create the best colleges in the world. The question might be: If it did that over 60 years, why wouldn't we at least try it to see if it created the best schools in the world?

We have tried it also before the first grade. We have a child care voucher, which has been the law since 1990. It follows little children to the child care program of their parents' choice. So we would trust a single mom with the responsibility. She might be poor, she might not be very well educated herself, some might even say she's not capable of making a good judgment for her children, but we trust her to choose the daycare program for her child, and the Federal voucher follows the child to the daycare program. It could be public, private, or religious. We permit her to enroll in a community college or university in order to advance herself, and a Federal voucher follows her to a community college. But we say somehow there is something wrong with allowing her to make a decision about where her child goes to school from the 1st grade to the 12th grade.

Of course, we don't have that problem with those who are better off—Senators, for example. We assume we are really super parents and we know a lot about schools and we are trusted to make choices. We are allowed to move to another part of town so our child will go to this school instead of that school, and every real estate agent in America will tell you that parents make moves in housing based upon where their child will go to school. That is No. 1 for them. They have the money to do it. They are free to do it. But the disadvantaged family is not free to do it.

I wonder what would happen if we were to pass a law that would be consistent with our friends on the other side of the aisle—most of them; there are some who agree with us—and just say there should be no choice to anybody; let's be fair to the rich as well as the poor. It sounds like rhetoric that might be coming from over there. Let's say no choice for school, the Government will tell you, no matter how much money you have, exactly where your child goes to school, and you may not take that child anywhere else. The Government will decide. Since your taking your child and your money to a Catholic school or private school which might hurt a public school, therefore you are not allowed to go to a Catholic school or you are not allowed to go to a private school.

In effect, that is what we are telling poor families in America. We are telling them: Because you are poor, you have no choice. Let's say it to the rich folks, too. Let's make it equal. Nobody has any choice. That will help the public schools.

That wouldn't help the public schools. That is the way the Soviet Union used to operate, one car for everybody, and by the time they got through, the car would barely run. Choice is an essential part of the American system.

So, for the Senator from Illinois to stand up and say this is the first diversion of Federal funds to schools is just flat wrong. In fact, he is ignoring the most successful piece of Federal social legislation we have ever had, which for 60 years has helped create the best colleges in the world.

My question would be, Why not try it with at least 2,000 children who are poor, going to underperforming schools in Washington, DC, and let's see what happens? Maybe it creates a better school.

There is another little historical fact that maybe the Senator from Illinois missed as well. Right after World War II, a lot of the returning GIs didn't have a high school degree. Only maybe 5 percent of them even had a college degree at the time. So what did they do with the GI bill? They took it to high schools. There were thousands of returning GIs after World War II who took their GI bill to the Catholic high schools of America. The sky didn't fall. A lot of them ended up being among the most successful leaders in our country.

A second comment I would like to make is sometimes I hear that this is a Republican idea, or a conservative idea. It really doesn't sound like a Republican idea. Republicans are characterized sometimes by not being as interested in the disadvantaged, by not being willing to spend more money, by not wanting to talk about education. I am glad that we are, in this case. But this ought to be a bipartisan idea. I am so glad to see the Senator from California has made this discussion a bipartisan idea because it deserves to be.

Let me go back in a little history and suggest how this idea has not always been a Republican or conservative idea. Not long ago, someone gave me an article from the 1968 August issue of Psychology Today. The article was entitled "A Proposal for a Poor Children's Bill of Rights." The proposal was this: To give a Federal coupon to perhaps up to 50 percent of American children, through their parents, to be spent at any school. Half the American children would get a Federal coupon, they called it—voucher, scholarship—to be spent at any school—public, private, religious.

By doing so, the authors of this proposal wrote, we might both create significant competition among the schools serving the poor—thus improving the school—and meet, in an equitable way, the extra cost of teaching the children of the poor.

The idea here was to provide money on top of what is already being spent, because educating poor children costs more. The authors were not the chairman of the Republic National Committee but a young man named Theodore Sizer, along with Phillip Whitten. Ted Sizer, of course, is today one of America's most respected and pioneering educators. He was dean of the College of Education at Brown University and a leader of the Coalition of Essential Schools. He has been given about every major award American educators can give anyone, and 1968 was a long time ago. Lyndon Johnson was President. "Power of the people" was the battle cry. Sizer and Whitten went back much earlier than that.

They said this:

> The idea of such tuition grants is not new. For almost two centuries various proposals for the idea have come from such figures as Adam Smith, Thomas Paine, John Stewart Mill, and more recently Milton Friedman. Its appeal bridges ideological differences. Yet it had never been tried. Quite possibly because the need for it has never been so demonstrably critical as now.

This was in 1968.

The authors quoted Mario Santini of the Ford Foundation—hardly a right-wing organization—who spoke of:

> . . . a parent's lobby with unprecedented motivation with a tangible grasp on the destiny of their children. The ability to control their own destinies definitely will instill in poor people a necessary pride and dignity of which they have been cheated.

Maybe those are the 7,000 parents in the District who are lined up waiting for the other side of the aisle to quit filibustering and release $7,500 for each of those children so they can go to a good school.

What about the argument that this poor children's bill of rights might destroy the public schools? Here is what Mr. Sizer and Mr. Whitten said in 1969:

> Those who would argue that our proposal would destroy the public schools raise a false issue. A system of public schools which destroys rather than develops positive human potential now exists. It is not in the public interest, and a system which blames its society while it quietly acquiesces in and inadvertently perpetuates the various injustices it blames for its inefficiency is not in the public interest. If the system cannot fulfill its responsibilities, it doesn't deserve to survive.

That is their word.

> But if the public schools serve, they will prosper.

Just as our public colleges and universities have with students who bring a voucher to those schools. Those are my words.

Since 1987, we have watched in amazement how rapidly the rest of the world is seeking to emulate the American way of life. Everywhere in the world, freedom and choice and opportunity have become the principles upon which are built the answers to the most basic human questions. Around the world, nothing is in as much disfavor as government monopoly of important services. Yet that is what the other side is defending today.

I think it is important, as we go through this debate, always to remember exactly what we are talking about. Those in opposition have such poor reasons for opposition that they invent all sorts of complications and make it sound exceedingly impossible. We are talking about this: Spending $40 million for students in the District of Columbia. The bill the Senate is debating today appropriates $13 million for scholarships for low-income children in underperforming public schools to go to any accredited school. $13 million for DC public charter schools and $13 million new dollars for the DC public schools.

The Senator from New Hampshire went into great detail on this. Let me summarize a couple of points. In addition to the fact that the District of Columbia is different—and there would be State money, if it were Rhode Island, or West Virginia, or Tennessee, that we would be spending—but here we are spending $11,000 per student, which is among the highest in the country in the public schools. Class size is among the lowest, yet reading scores continue to be at or near the bottom of every national assessment. Sixty-nine percent of fourth graders are reading below basic level. That means 7 out of 10 fourth graders can't read. That means all educators and parents know that by the third grade, if they can't read, they are off on a track that goes anywhere but along with the American dream that anything is possible.

DC students ranked last in the Nation in both SAT and ACT scores last year. Forty-two percent drop out of school. Those are some of the statistics here in the District.

Finally, I would like to call attention to an article by William Raspberry that appeared on Monday, September 29—yesterday—in the Washington Post. Mr. Raspberry concludes his article with this question:

> If federally funded vouchers help a few hundred more local students to find such an environment, how bad is that?

He was writing about the debate here in the District to create an academic high school 20 years ago. Some people said: Well, that will help some children and not others. Mr. Raspberry thinks it will help some children, and that will be good, and maybe that will help us find a way to help others. That is the basic essence of his article today. It is a good thing to use to conclude a discussion about the District of Columbia because it shows we all know that the children of the District of Columbia can succeed, the schools can succeed.

This is the way he describes Washington's academic high school:

> By the way, Washington's academic high school—Benjamin Banneker—is not merely an established fact these days, it is an important source of pride for both the school system and the city. It was a Banneker student who a few years back scored a perfect 1600 on her SATs. It was a Banneker team that scored a record-setting total on the TV program "It's Academic." Banneker's students are smart, but not necessarily that much smarter than students elsewhere in the city. What they have is an atmosphere where academic striving is the norm, where no one calls them "nerds" or "brainiacs" or accuses them of acting "white."

The recent result of Leave No Child Behind shows us something we already know—that we have a lot of good schools in America. But even in many of our better schools, there are some children—almost all disadvantaged and many of them minority kids—who are not learning what they need to know, all over America, and it starts right here in the Nation's Capital. We have tried about everything. We tried charter schools. We tried more money. We tried smaller classes. There are a lot of wonderful people working hard.

What this debate is about is: Should we not take the idea which helped create the best colleges and universities in the world and try it here in the District? Should we not help those 7,000 families standing in line out there hoping anything is possible for their child? Why not give 2,000 of them $7,500 a year and let them go to a better school and have a brighter future? If we learn something about that which teaches us something about what to do about American education that will improve and help these disadvantaged children, so much the better.

How embarrassing it must be to stand up and argue against giving $7,500 to 2,000 children in the Nation's Capital who deserve that brighter future.

I hope this becomes an increasingly bipartisan discussion. The Senator from California has offered an amendment which improves the legislation. Not every Republican supports this. Not every Democratic Senator opposes it. I hope over time we will see that choice as an essential part of the American system. We have had it for 60 years in our colleges. We have had it for 12 years in the Child Care Program. Every family with money has it. Why not offer it to the disadvantaged, the poor families of America, starting with 2,000 families in the District of Columbia in this bill?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am very happy to point out that the good Senator from Tennessee and I served as Governors together, and his emphasis was always education then and obviously still is. I respect him greatly.

I would like to speak for a few minutes on Senator SCHUMER's amendment to call on the Attorney General to appoint a special counsel, it having been laid aside on the basis of germaneness.

I rise in support of the erstwhile amendment—maybe it will come back—calling on the Attorney General to appoint a special counsel to investigate allegations that senior Bush administration personnel—perhaps including those working at the very highest level of the White House—may have knowingly and deliberately revealed to the press the identity of an undercover CIA agent.

I speak as a Senator from West Virginia and also as vice chairman of the Senate Intelligence Committee. This is a matter of national security. It is a matter of criminal law. It is a matter that demands the most careful, impartial, and independent investigation possible. As I will explain shortly, it is actually a matter without legal precedent.

The Senate, Republican and Democrat alike, should go on record today—which we have not—to demand the Attorney General not hold this too close within the administration family, where the investigation will inevitably be questioned as raising conflicts of interest. This is going to happen. Forget the people involved. It is simply going to be an issue with the public. Rather, he should appoint a special counsel that can assure the Nation that no person in the United States, no matter where they work and what they do, are above the law in our country.

Twenty-one years ago after the tragic assassination of a CIA station chief and other attacks, Congress enacted the Intelligence Identities Protection Act of 1982 to punish the naming of covert agents. The act addressed essential appalling circumstances such as a private individual or organization engages in a campaign to publicize the names of agents. Appropriately, Congress reserved the most severe consequences—including imprisonment for up to 10 years, substantial sums of money—for unfaithful U.S. Government officials who intentionally disclose the identity of any of our country's own agents. To date, that kind of betrayal is so far beyond the pale, so to speak, so incomprehensible, that as far as the Intelligence Committee has been advised, there has never been a case prosecuted under it.

It is, therefore, with special sadness that our country now faces an investigation into whether the unimaginable has, in fact, happened; whether at the highest levels of our Government there has been a felony disclosure of the identity of one of our covert agents.

When the Senate Judiciary Committee reported the identities protection bill in 1981, it made a number of findings which are as true now as they were then. They found that it is essential for our Nation to have intelligence information that is timely, that is accurate, and that human sources of intelligence are the key to that effort and that we need and must be ready to rely on our own covert intelligence agents to gather information from our sources.

To quote our Judiciary Committee:

> Without effective cover for United States intelligence officers abroad and without assurance for anonymity of intelligence sources, the United States cannot collect the human intelligence which it must have to conduct an effective foreign and national defense policy.

This was true in the cold war when this law was enacted, and it is certainly no less true today in the war against terror.

The disclosure of our agents puts them at risk. It puts their sources at risk. And it puts our Nation, as a result, at risk.

In the case at hand, there is a further danger of immediate importance: The Senate Intelligence Committee is conducting an inquiry into prewar intelligence about Iraq and how that particular intelligence compares with what is being found or is not being found on the ground in Iraq. Two of the toughest questions we are asking are whether any of the intelligence was exaggerated or distorted by the policymakers—that is, the users of the collected and analyzed intelligence—and whether any pressure was brought to bear on any U.S. intelligence analysts to shape their prewar analysis.

I deeply hope the final answers to those questions is a no but the jury is still out. The House has produced a preliminary report of several pages. The Senate Intelligence Committee is hard at work on a very thorough, very profound effort.

I ask my colleagues, how can we possibly expect our intelligence community to come forward to help us to get the truth in the matter if they fear that retribution will follow? One has not had to raise this question before.

Since mid-July, our intelligence community officers have been reading the same press reports that we have been reading. They are reading about not just some inadvertent disclosure of a potentially covert agent but something far more insidious. If press reports are true, then the allegation at issue is that there may have been a coordinated effort to release the name of a covert agent for the specific purpose of discrediting somebody who disagreed with the administration about the fraudulent and much discredited claims of Iraqi purchases of uranium in Niger, a policy which never received virtually any credence at all.

If the U.S. intelligence community and its agents believe their careers can be crushed by a phone call or by a couple of phone calls, how can they be sure their candor will be protected? Why should they produce candor? Perhaps they will be punished. They do not know. That does not happen, particularly in our world. It can happen sometimes in politics, but this is an everyday part of their world. We rely on them for accurate intelligence as they see it, as they believe it, that is then gathered, analyzed, and passed on to policymakers for judgments.

How can the Congress meet our own investigation and oversight obligations, a committee in each body? How can we learn the true facts about the conduct of government officials and inform the American people? At this point, the prompt appointment of a special counsel is essential, the amendment being laid aside or not.

Under the Department of Justice regulation, the Attorney General is to appoint a special counsel when investigation or prosecution of the matter would present a conflict of interest for the Department and it would be in the public interest as a further matter to appoint an outside counsel to assume responsibility for the investigation in the matter. Both tests are plainly met here.

The Attorney General faces a conflict of interest when an investigation leads into the White House. And it is unquestionably in the public interest to assure confidence in such a critically important investigation.

The special counsel is admittedly not quite as independent as an independent counsel—and we have had those—was under the former statute. But the special counsel is our best and most impartial mechanism for difficult circumstances such as these. The regulations provide the special counsel shall not be subject to the day-to-day supervision of any official of the Justice Department. If the Attorney General concludes any action sought by the special counsel should not be pursued, the Attorney General is required to notify the Congress, and the Attorney General must report to the Congress if he or she wants to fire the special counsel and can only do so for good cause.

In closing, since joining the Intelligence Committee, I have had the honor of meeting dozens of covert intelligence agencies working overseas in a variety of countries. These men and women make sacrifices that few Americans even come close to understanding or know anything about, which is as it should be. They live undercover, unable to tell their friends or even their family, what they do or where they are. They work tirelessly with much of the operational activity conducted in the evenings after regular working hours on other matters and on weekends when the rest of us are at home with our families. They put themselves at literal risk almost every single day. And they love what they do.

If the recent allegations are true, someone in this administration has done these people a grave and lasting injustice. Our intelligence agents need to know we understand the sacrifices they make and that we will come to their defense when somebody puts them at risk. An independent investigation is the only way—and it is the only way—to restore their faith in the Government they serve. Not to do so would have a chilling effect on the recruitment of people to do this vital work, in a time when intelligence may be beginning to surpass actual war fighting in terms of its importance to something called the war on terror.

I regret this amendment has been ruled out of order on this bill. I hope we will again take it up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I come to the floor to respond to some of the comments that I have heard concerning the CIA's request that the Department of Justice look into the leak of the name of one of its employees. My friends on the other side claim that a special counsel should be appointed and that the Department should recuse itself from the investigation.

Quite simply, the Department of Justice is the appropriate agency to look into this matter. The CIA notifies the Department approximately 50 times per year to investigate complaints about the leak of classified information. The Department has career professionals that address matters like these. This professionalism and experience is needed in instances like these to ensure that the investigation is done in a competent and complete manner.

Some of my colleagues believe that a special counsel is needed because there has been a "clear violation of the law." I respectfully disagree. While I agree that this matter is a significant one and needs to be promptly examined, it is premature to conclude that the Protection of Identities of Certain United States Undercover Intelligence Officers, Agents, Informants, and Sources statute has been violated based merely upon media reports. In fact, there is reason to believe that no violation of this statute has occurred. The intelligence statute prohibits the disclosure of the identity of a convert agent whose identity and relationship to the United States the Government has affirmatively sought to conceal or that the defendant disclosed the name of a covert agent with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States. Robert Novak, the reporter who wrote the story, has since stated: "Nobody in the Bush administration called me to leak this." He also stated that, "According to a confidential source at the CIA, Mrs. Wilson is an analyst, not a spy, not a covert operative, and not in charge of undercover operatives." If that is true, there is no violation of this statute.

I would further urge those whose knee-jerk reaction is to call for a special counsel to step back for a moment. Political opponents of the President have charge that Karl Rove leaked this information. When pressed for specific evidence about Mr. Rove's involvement, they are at a complete loss. In fact, it is my understanding that former Ambassador Wilson, who has also charged that Karl Rove leaked this information, recanted when pressed for evidence on Karl Rove's involvement. This kind of speculation is unfounded. Unsubstantiated statements like these should simply not take place on the floor of the U.S. Senate.

Since the Independent Counsel Statute expired in 1999, the Justice Department, under former Attorney General Reno, promulgated new regulations when the Attorney General may appoint a special counsel. The regulation allows the appointment of a special counsel when there is a need to investigate a unique case involving high-ranking executive branch officials and/or there is a conflict of interest for the Department.

The regulations allow the attorney general to appoint a special counsel when he or she determines that a criminal investigation of a person or matter is warranted and (a) that investigation or prosecution of that person or matter by the Department would present a conflict of interest, or other extraordinary circumstances exist, and (b) that under the circumstances, it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter.

I have every confidence in Attorney General Ashcroft and FBI Director Mueller's integrity and ability to investigate this matter. The FBI and the Department have career employees with the skill, experience, and honesty to look into this matter. For those who doubt this, I would point out that similar skepticism was raised in the Department's ability to investigate the complaints made against it by those detained following September 11th. My colleagues on the Judiciary Committee know, because I held a hearing on the report, that the Department's Inspector General issued an exacting report on the 9/11 abuses. The report shows that the Department's Inspector General, and career employees within the Department, pulled no punches regarding the treatment of the 9/11 detainees.

This is the nature of career employees within the FBI and the Department of Justice. The continuity of service within our law enforcement community is what makes our criminal justice system the best in the world.

So I recommend to those who are recklessly casting aspersions about the ability of the Department and the FBI to professionally conduct this investigation to take a careful look at the facts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Ohio.

Mr. DEWINE. Madam President, I will take a moment to remind my colleagues where we are today. We are now in the fifth day of debate of the District of Columbia appropriations bill. I think we have had a good debate, but this is the fifth day. Really, there is nothing controversial about this bill. Senator LANDRIEU and I have worked on this bill. It is a good bill. The only issue really before us has to do with the education scholarships, the school scholarships. There are those who have raised questions about those scholarships. While questions have been raised about them, we are still waiting for amendments.

I have come to the floor time and again and said, bring down the amendments.

Mr. GREGG. Will the Senator yield for a question on that point?

Mr. DEWINE. I will yield for a question.

Mr. GREGG. How many amendments are pending on the bill at this time?

Mr. DEWINE. Despite the fact that we have had a lot of discussion, there are no pending amendments to this bill.

Mr. GREGG. Then how many amendments have been filed? There must have been many amendments filed since we have been on it for 5 days. I wonder why we have not voted.

Mr. DEWINE. There was, of course, the Feinstein amendment that was filed. We were able to debate that amendment. That amendment was passed by a voice vote. Other than the Feinstein amendment, there are no other amendments that have been filed and there are no other amendments that are pending.

Mr. GREGG. Madam President, if the Senator will yield further for a question?

Mr. DEWINE. I yield further to my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is almost incomprehensible that we have been on a bill for 5 days, that there are no amendments filed, there are no amendments pending, and we cannot complete the bill. Why would the other side not want to complete the bill since they are not filing amendments and there are no amendments pending?

Mr. DEWINE. Madam President, I would respond to my colleague that frankly I do not know. We have had a good debate. Many of the issues my colleagues have raised have to do with amendments they have said they are going to file. They have talked about amendments. They have talked about actually several amendments that might be brought to the floor. Yet despite the fact I have asked for amendments to be brought to the floor, there have been no amendments brought. So I really frankly am at a loss to explain to my colleague why we are seeing no amendments and we are still now wrapping up our fifth day of debate on this bill.

Mr. GREGG. It seems to me in light of that history and in light of the present status of the pending amendments, of which there are none—and there are none filed—it would certainly be appropriate to go to third reading or in some other way bring closure to this bill so we could make sure the city of Washington has the money they need to operate and has the money the Mayor has asked for to do some creative and imaginative things to improve the school system in the city.

Mr. DEWINE. Madam President, I respond to my colleague that I agree with him, it is time to go to third reading. If there are no amendments, that is the normal procedure of the Senate. You look around and wait for amendments, and after a reasonable period of time if there has been debate and there are, in fact, no amendments to be offered, then we would normally go to a third reading.

As I look around the Chamber, I do not see any of my colleagues, and so out of deference to them I will not make any unanimous consent at this point, but I say to my colleagues, in a short period of time I would like to raise the issue with them. I will not at this point, but I would like to make a unanimous consent in regard to moving forward.

Mr. GREGG. If the Senator will further yield for a question, I note the Senator from Connecticut is on the floor, as is the Senator from Nevada. It might be appropriate at this time, if the Senator from Ohio is so inclined, to propound a unanimous consent that we complete this bill, having spent 5 days on it, with no amendments pending and no amendments filed.

Mr. DEWINE. I do see my colleague from Nevada. I do not know if my colleague had the opportunity to hear what I said when he was coming to the floor, but to repeat it for my colleague, I said simply we have been on this bill now for 5 days. We have had the Feinstein amendment which was adopted. We have had a good debate. There really is no contentious issue about this bill, other than the one issue that has been raised in regard to the school scholarships. We have had a good debate about that. Really, it is time for the amendments to be offered. We have had discussion about amendments. In fact, three of my colleagues have come to the floor and talked about amendments they might offer. We look forward to having those amendments offered and we look forward to having additional debate on those amendments, although I will say we have already had some good debate. We look forward to additional debate, but we look forward to having those amendments offered after having 5 days of debate.

In just a moment I will make a unanimous consent request. In fact, at this point I will do that.

I ask unanimous consent that the pending substitute amendment be agreed to, the bill be read the third time, and the Senate now proceed to a vote on passage of the bill with no further intervening action or debate; further, that following the vote the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I have the greatest respect for my friend from Ohio. I know his heart is in the right place, but I say respectfully to him and anyone within the sound of my voice, I, speaking for me, told the majority leader, privately and publicly, that going to this bill was a mistake; that this voucher issue was a contentious issue and would make it very difficult this late in the session to complete the bill.

The decision was made to go ahead with this legislation. We have been on it now for 2 weeks. I say to my friend from Ohio, the manager of this bill, along with the Senator from Louisiana, who has done an outstanding job, that this is something that is done only for fill. I think everyone knows that this bill, as long as this voucher issue is in here floating around, is not going to go very far.

So I think the leader should bring up one of the other seven appropriations bills so we can move along. We have wasted 2 weeks. There are appropriations bills we should all be dealing with. But it appears to me the decision has been made by the majority that they are not going to do any more appropriations bills; they will all be lumped into one big clump. I think that is unfortunate.

If, in fact, there is some prospect of taking the voucher provision out of this bill, we could finish this bill very quickly. So without belaboring the point, I object.

The PRESIDING OFFICER. Objection is heard, the Senator from Ohio.

Mr. DEWINE. Madam President, I regret that. I am sorry to hear that. But the fact is, this bill could be finished very quickly. We have heard comments about several amendments. Frankly, it would not take long to debate those amendments. We have already had a good debate about those amendments. We pretty much know what is in those amendments.

My colleagues could bring those amendments to the floor very quickly, we could debate them, and we could dispose of them. We could have a good debate, we could take whatever time that needs to be taken, Members could come to the floor to debate the amendment, and we could move on.

Let me ask my colleague this. In light of that objection, I wonder if we could set a time certain at least to find out if they would be prepared to set a time certain for a vote on passage for later today or perhaps tomorrow?

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, it is clear that we have had a number of days that have been wasted on this piece of legislation. As to whose fault it is, there is lots of blame to go around. I don't think we need to get into the blame game. But the fact is, we have 29 Members of the Senate who are ensconced in Dirksen 109 or 106, whatever the number—that is where I was headed a few minutes ago—on the supplemental appropriations bill dealing with funding for the military in Iraq and the reconstruction of Iraq. That meeting started at 10 o'clock today and is going as we speak. So we have approximately a third of the Members of the Senate who are there, one of whom is MARY LANDRIEU, the comanager of this bill. She indicated to me today, earlier today, she wanted to be there during the deliberations on that most important piece of legislation, some $87 billion that we have been asked to mark up and get to the Senate floor today. That bill will be on the floor this evening unless something goes wrong. Otherwise, it will be here tomorrow.

So I understand, having managed a few bills in my day, how the Senator from Ohio would have loved to get this bill finished 2 days ago. But under the present status of the Senate, with the total thrust for the next 2 weeks being on the $87 billion that the President has requested, I think we would all be better served if the DC bill were taken from the calendar—which it will be just in a matter of hours. But I would love to see the bill passed.

I, by the way, a number of years ago, 15 years ago or so, was the chairman of the DC appropriations committee. I know it is an interesting subcommittee, and I enjoyed it very much. There is so much that needs to be done for the District of Columbia—in education, certainly. We just have a different outlook on what should be done to help education.

But separate and apart from that, I think if we would take the contentious issue dealing with vouchers from this bill—and you can sugarcoat it and call it scholarships or whatever you want but we are both talking about the same subject—this bill would pass in a matter of not hours but minutes. So I hope for the District of Columbia, that we would do that as quickly as possible.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DEWINE. If my colleague will yield for just a minute and I will finish, I am sorry to hear that. I understand what the position of the Senator is. We will continue to move on and try to get this bill passed.

Mr. REID. I am happy to hear from the Senator from Massachusetts.

Mr. KENNEDY. I ask the good Senator, it is my understanding that, if we did not have the issue of the imposition of vouchers on the District of Columbia, we could move right to third reading?

Mr. REID. In a matter of minutes.

Mr. KENNEDY. In a matter of minutes. Since this involves an education issue, and we on our side believe it is an extremely important education issue, that it is appropriate we have a full discussion about what exactly are going to be the educational implications of a voucher program, I wonder if the Senator remembers that in 1996, the Senate voted four times on the motion to invoke cloture on the DC appropriations conference report, and all four times the motion and the effort to impose vouchers on the District of Columbia failed?

We have never tried to have a voucher program in any other city of the country since 1996. It is only the District of Columbia.

All four of those attempts in 1996 failed, and since 1996 have failed. It is 2003 now. In 1997, the Senate voted 58 to 41 to reject the motion to invoke cloture on the Coats amendment. Four times in 1996, all imposing vouchers on the District of Columbia. In 1997, another vote.

In the time from 1996 to 2001, not one of our colleagues—and this is my question—not one of our colleagues who have been out speaking in favor of vouchers have ever asked any city in their State to impose vouchers. Does the Senator find that this is somewhat peculiar? We have these voices that are on the floor of the Senate: Let's rush this thing for the District of Columbia. And yet over the last 7 years that we have been voting on this, not one of them has asked to impose vouchers on any one of the cities in any one of their States?

Mr. REID. I respond to my friend from Massachusetts, it is no wonder that people who live in the District of Columbia have bumper stickers that say, "No Taxation Without Representation." It is no wonder that the people, hundreds of thousands of people who are American citizens, who live in the District of Columbia, are treated like second-class citizens. They do not even have a Senator. They have a nonvoting delegate.

I say to my friend from Massachusetts, it is no wonder that people of the District of Columbia believe they are being treated like a stepchild. Are they part of this great country? People who live in the Nation's Capital can't do things that every other citizen in this country can do.

Mr. KENNEDY. Madam President, this gets to the point. I don't know whether he will agree with me. We don't try to impose this voucher program on the State of Nevada. We don't try to impose it on the State of New Hampshire or the State of Ohio or the State of Massachusetts. Does the Senator not find—I think he will—it extraordinary that we are prepared to try to impose it on the almost 600,000 people who live in the District of Columbia, who do not have any representation here to speak for them? Why aren't our friends on the other side of the aisle—mostly on the other side of the aisle—who oppose vouchers trying to impose them on the State of California or Massachusetts or Nevada? They don't ask for that. They take the District of Columbia, that doesn't have a spokesperson out here to speak for them on this issue—though it has been considered by the people of the District. It has been thoroughly and completely rejected by the majority of the school board, the school council, and the majority of parents.

What is it about our friends asking my good friends tonight. Why are we holding this up? Are they willing to accept the voucher program for the State of Ohio or for some other State, rather than imposing it on the District? I find this extraordinary.

I don't want to delay the Senator. I know he has other business. I know he will have some difficulty reading this chart. But it shows that the majority of elected officials, community leaders, and organizations in DC oppose vouchers. This is the list of the elected officials. Obviously, ELEANOR HOLMES NORTON. And it goes down to the council members, the board of education, the local organizations, various church groups, parents groups, and all the rest.

It troubles me that so many of our colleagues are willing to try to impose something on a particular community that doesn't have representation here in the U.S. Senate, where so many are against it, and when it has such broad educational implications.

I know the Senator has responsibilities. If he has a moment, the Senator remembers our long and extensive battle to try to bring reform to our public schools. We understood that we needed two elements: Reform and resources. We had the reform and the resources. Then the administration backed out.

But this chart shows public schools are held accountable when students fail. Private schools are not held accountable. Public schools are required to see that every child is taught by highly qualified teachers. In the No Child Left Behind Act, that was the requirement for 4 years. There has to be a highly qualified teacher in each classroom. There is no such requirement here, in private schools. Public schools must provide parents with report cards. Private schools don't have to provide public report cards.

I ask unanimous consent this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DC PUBLIC SCHOOLS ARE IMPROVING: TRANSFORMATION SCHOOLS

School	Read (2002)	Math (2002)	Total (2002)	Read (2003)	Math (2003)	Total (2003)
Simon ES	46	43	89	56	63	119
Noyes ES	42	43	85	58	56	114
Davis ES	45	51	96	50	59	109
LaSalle ES	47	51	98	47	54	101
Turner ES	43	45	88	48	52	100
Cookie (H.D.)	43	45	88	45	53	99
Wilkinson ES	35	38	73	42	48	90
Stanton ES	39	40	79	38	44	82
Terrell JHS	37	38	75	35	45	80
Evans MS	36	40	76	38	41	79
Kramer MS	41	43	84	39	41	80
Walker-Jones	41	42	83	37	39	76

Average scores on the SAT 9 Achievement tests.

Mr. KENNEDY. Finally, the public schools are required to accept and serve all students. Private schools are not required. As we understand, many of the private schools can't do this because they don't have either the facilities for special needs children, or the trained personnel. We understand that.

But, nonetheless, the Senator would agree with me that public school systems have served our Nation well. They are taking all children. And they would serve much better if we had an administration that would fulfill its commitment, in terms of supporting them and No Child Left Behind.

Mr. REID. My friend has been a longstanding Member of this most important committee where we have dealt with matters of education for decades in the Senate. We know that private schools, most of the time, give kids more attention. We have all heard these reports. But as the Senator from Massachusetts pointed out, they do not have to accept children who are physically or emotionally or mentally handicapped. Public schools have to take all the kids. It makes it more difficult.

We should be devoting our attention to helping the District of Columbia have the resources so they can take care of all the problems they have in public schools.

Mr. KENNEDY. May I ask the Senator a question on this? It is very interesting. We will have a chance to get into this in more detail.

They say, yes. They say, well, Senator, kids will have some kind of lottery in terms of the selection, in terms of who will attend. But there is nothing in here that requires the school to accept what the outcomes are. People run around saying: Oh, yes, we have a better system. But nothing requires them to take the children who go through this process, unlike the public school system.

Mr. REID. Private schools can pick and choose who they want. They can pick and choose the voucher kids who would be submitted to them from the school district here in the District of Columbia. Of course, who would not be accepted? A kid would not be accepted, of course, if the kid had a physical disability or a mental or emotional disability or has maybe been unruly in the past.

I appreciate very much the Senator in effect assisting the debate today. It is not as simple as going to third reading and passing the bill. If we really care about the District of Columbia, let us give them the resources they need, strip this voucher stuff off of it and come back and take a look at it again some other time.

But I would resent this Senate forcing down the throat of the people of the State of Nevada a program dealing with vouchers in the State of Nevada which the State of Nevada did not approve first. The voucher program for the District of Columbia has not been approved by the authorities in the District of Columbia. You have an elected official or a mayor walk out and say: I like it. But if he looks at it, he has gotten a few other goodies for the District. You have to ask him. But it appears to me that a few other goodies are enticing him to go along with this.

Regardless of that, he is in the minority because largely everyone in the District opposes what he wants.

I deeply appreciate the Senator from Massachusetts joining with me on the floor this afternoon.

Mr. KENNEDY. I thank the Senator.

Just to continue the observation, of course, if the District of Columbia wanted to go ahead with the program, there is nothing prohibiting them from going ahead and developing this program on their own. That is the extraordinary irony. That is what I say to those who suggest we are holding this legislation up. We cannot pass this part if it has this mandated program in terms of vouchers which has very important educational implications, not only in terms of this bill, but in the broader sense in terms of our country.

If the District of Columbia wanted to develop a program, they could do it themselves. They haven't, as has been pointed out. Effectively, we are requiring them to do so.

I am going to have more of a chance to speak on this issue, but I want to draw to the attention of the Senate the progress that has been made in what we call the transformation schools in the District of Columbia. I will take time to go through the bill in detail when we get a chance to return to it.

Some things just come out at you when you look at the District of Columbia schools. And I have had the opportunity to look. I have the good opportunity to read at the Brent School. I will read there weekly, starting in October again for this year. I have been doing that now for 7 years—this will be my seventh year. I have also taken the opportunity to speak at graduations in the District of Columbia. I did this this year. I look for that opportunity when I can, and will continue to do so.

The fact is, just a few years ago we passed the No Child Left Behind Act, with some rather basic and fundamental principles on this idea of developing the curriculum that was going to be appropriate for these children, and which was going to require well-qualified teachers to teach the curriculum. We are going to examine the child as he or she goes through the year, to find out what the child does not know. We are going to have support services for that child so they can keep up, and well-trained teachers. We have accountability for the parents so they will have information for accountability of the schools, and accountability for everyone, including the Federal Government. We are the ones who failed in terms of providing the resources to which we committed, but the transformation schools in the District of Columbia have followed many of these same principles as in No Child Left Behind.

We have made very important progress in these transformation schools. They are demonstrating the essential elements of what was in the No Child Left Behind Act. We know what works. We don't have to rediscover and find out what works. That is what is so tragic because we know the progress that has been made in these transformation schools. We know the needs. We know the struggle those parents have keeping their children in the transformation schools. We know the pressures the teachers face.

Although my chart is small, it shows the transformation schools. It compares their scores in reading and math for 2002, and reading and math for 2003. The progress is dramatic. We know what works.

We will have a chance to review this. I ask unanimous consent that the progress of a number of these transformation school be printed in the RECORD. One school is Simon Elementary School located in Ward 8, one of the poorest wards in the city. It serves 400 students, almost entirely African Americans, with 10 percent special education. Last year they raised assessment by 30 points in reading and math combined. Reading scores rose 10 points and math scores rose 20 points. Noyes Elementary School is another transformation school which is showing significant improvement.

With the resources we have available, invest in what we are doing rather than trying to superimpose another system on the District of Columbia.

I will elaborate later in the debate.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to print the following letter from Paul Strauss, District of Columbia "shadow" Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE U.S. SENATOR
FOR THE DISTRICT OF COLUMBIA,
Washington, DC, September 30, 2003.

Hon. MARY LANDRIEU,
Ranking Member, Committee on Appropriations, Sub-Committee on the District of Columbia, U.S. Senate, Washington, DC.

SENATOR LANDRIEU: As the United States Senator elected by the voters of the District of Columbia, I have watched the debate over my District's budget closely. In that capacity, I appreciate all of your hard work on behalf of my community. However, I also want to thank you, perhaps even more significantly, as the parent of a little girl who attends our local DC Public School.

This year, after two years of private religious Pre-K education, my wife and I decided to enroll our daughter, Abigail Lafleur Strauss, in our local public elementary school. While many of DC's elected officials have weighed in on this debate, I believe I am the only official who's child actually is presently enrolled in our often unfairly maligned Public School system.

Choosing to put my daughter in a DC Public School was not a decision we made for financial reasons. We are fortunate to have had options, but it is not a decision that we regret. I must ask those Senators who have taken the floor in recent days to broadly attack all of the District's Public Schools, please consider the damage that this inflammatory and insulting rhetoric causes. Like any public institution, our schools thrive on their relationship with their community. While DC, like many other urban areas have our share of problems, significant numbers of DC Students get a quality education in our public schools. When even our non-failing schools are attacked, these children and the hard-working teachers that serve them are done a great injustice.

The school voucher program that is currently included in the District of Columbia appropriations bill (H.R. 2765) is a further injustice to the District of Columbia public schools and its pupils. I have heard the arguments advanced by the supporters of the voucher program, who argue that this agenda will grant low-income families a choice as to where their children can receive an education. I have watched your attempts to repair some of the major defects in the legislation as it is presently written, and bring some accountability to a program that has not been the subject of any hearings, not been adequately studied. In its present form, it is unlikely to achieve even partially the objectives of its supporters, and if I had a vote, I would support Senator Durbin's motion to strike this entire portion of the bill.

After all of the hard work done by this Congress on education, to go from a policy of "Leave No Child Behind", and replace it with "Leave All But Up to 7,500 Children Behind" is troubling to say the least. The reality is, that vouchers discriminate, helping few students, as a vast majority of students are left behind with a failing education.

If this body decides to allocate federal funds to improve the education of children of the District of Columbia, that would be very appropriate. Please remember when you consider the District of Columbia Appropriation, that while obviously, all of the locally raised funds by their very nature come from DC Citizens, a significant portion of those federal funds come from the locally residing Federal taxpayers of the District of Columbia as well. Those same Federal taxpayers, whose sole representation in this body is limited to the submission of written statements by a so-called "Shadow Senator" who is forced to watch this debate from a seat in the family gallery.

I urge that those funds be pumped into the public schools where they will be most beneficial, and in that regard I appreciate the committee's mark for Public and Charter School improvements. All children will benefit from public schools supplied with well-trained staff, school supplies, books, secured facilities, and other needed resources. Even though, these vouchers are to be funded with so called new or additional federal money, in the end, the voucher program will only drain resources and the funding for the Public Schools. For one thing, there are no guarantees by this administration to continue funding in the next fiscal year. We could start this program in fiscal 2004, and then be forced to drain local funds to sustain it in fiscal years to come. Or, even more likely, the Senate may choose to fully fund this three-tiered approach, only to have the additional funds for Public and Charter Schools struck from the bill in Conference.

I realize that my Mayor, Anthony Williams, is a supporter of the voucher program. I respect Mayor Williams. I voted for the Mayor the last time around, and I agree with him on a great many issues. I disagree with him on this issue, but I was nevertheless proud to welcome him to the Senate, when he availed himself of his Rule XXIII privileges and certainly envious that our local Chief Executive has this prerogative. I ask you to consider for a moment the irony that the DC Mayor has the privilege of the Senate floor, while DC's own elected United States Senator does not.

I was even more astonished at the suggestions by some members, mostly in the Majority but a few of my own Democratic colleagues as well, that somehow, by imposing vouchers on the District of Columbia, they are advancing the cause of Home Rule. The Senate needs to understand that if the locally selected Board of Education wanted to fund a voucher program, they would do so. Instead, the fact that the President of the Board of Education chose to bypass the School Board, does not mean that the School Board wants vouchers. It is also true, that one member of the Council of the District of Columbia supports vouchers. However, Councilmember Chavous did not introduce a bill to create this program. He could have, he did not. The fact that he chose to bypass his colleagues on the DC Council does not mean that the DC Council wants vouchers. Nor does the fact that this Mayor, the first DC Mayor to appoint half the school board, the Mayor with more authority over local education than any of his predecessors, wants vouchers mean that the Senate is free to disregard the viewpoints and wishes of a majority of DC's elected officials, and ignore the due process system of checks and balances that are part of our limited home rule government in the District of Columbia. The reality is that, vouchers are being advanced by the President, over the objections of the majority of DC residents.

I know voucher proponents sincerely believe that they are looking after the best interests of the students of the District of Columbia; however, I urge them to consider the negative effects that the voucher program will have on the public school system and the pupils of the public schools. Let us show our faith in the American public school system, and let us not turn our backs on the children of the American public school system.

To those Senators who claim that this is not about vouchers, but claim only to be supporting Democracy by promoting the objectives of our popularly elected Mayor, I point out to you, Senator, that Mayor Williams also supports budget autonomy and full voting representation in the Senate for DC Residents. Where will these sudden champions of DC's self-determination be when it comes to these issues? If the Senate is sincere in advancing the so-called local agenda, then all they need to do is simply support full Budget Autonomy, and let the District decide on its own. Then we can see where the District's officials really are on this issue.

I thank you for all your work on behalf of my constituents in the District of Columbia.

Sincerely,

PAUL STRAUSS,
U.S. SENATOR,
District of Columbia (Shadow).

IRAQ

Mr. KENNEDY. Madam President, as Congress continues to debate President Bush's request for the massive sum of $87 billion as the next installment to pay for its flawed and failed policy in Iraq, the administration frequently compares it to the Marshall plan,which was so successful in rebuilding Europe after World War II and transforming them into new democracies.

Sadly, the most obvious area in which the administration's proposal on Iraq corresponds to the Marshall plan is its cost to the American taxpayer. And tne comparison here is hardly to the administration's advantage. Under the Marshall plan, $88 million—in today's dollars—was spent over 4 years. The Bush administration is now asking for $87 billion for Iraq for next year alone.

There are many differences between the Marshall plan and the President's unprecedented $87 billion request on Iraq. The most important is that the Marshall plan deserved to be called a plan.

The Marshall plan was formally proposed in 1947 at Harvard in a commencement address by George C. Marshall, the famous World War II General who had become Secretary of State earlier that year in the Truman administration. His proposal was discussed at an international conference in Paris that include 16 nations. More than a full month of congressional hearings were held in which over 90 witnesses testified.

At the conclusion of the extensive congressional debate, Senate Arthur C. Vandenberg, who had been a leading critic of the Truman administration's foreign policy, described the plan as "the final product of eight months of more intensive study by more devoted minds than I have ever known to concentrate upon any one objective in all my twenty years in Congress."

Compare that to what is happening today. Instead of a well-deliberated and well thought-out plan, the Bush administration has given the Congress a 2-month-old, 28-page "working document" and asked us to write a blank check for $87 billion for Iraq. That request came to Congress just 6 months after we had earlier provided $78 billion for the war.

I doubt that at the end of this debate, any Senator would be willing to describe a 2 month old "working document" as glowingly as Senator Vandenberg characterized the Marshall plan.

In the 13 days since the administration presented this proposal to Congress, we still have not been able to obtain answers to critically important questions. How will the administration involve the international community in a genuine way in the rebuilding of Iraq? Can we count on additional foreign troops to share the burden or not? How long will American troops and foreign troops remain in Iraq?

It has become increasingly clear that the President and the Pentagon never had any idea about the cost of what they wanted to do in Iraq. In this arrogant go-it-alone attitude toward other nations, they thought they could plan Lone Ranger in the world, and instead they have become a very lonesome cowboy.

Now our troops are paying for it with their lives.

In its rush to war, the administration failed to recognize the danger and complexity of the occupation. They repeatedly underestimated the likely cost of their enormous undertaking.

Opposing voices in the administration were ignored. Last September, chief presidential economic advisor Lawrence Lindsey said that the total cost of the Iraqi war might be as much as $200 billion. His estimate was quickly refuted by White House Budget Director Mitch Daniels, who said Lindsey's estimate was "very, very high" and suggested the cost would be a more manageable $50 to $60 billion.

Independent analyses at that time indicated that the cost might approach $300 billion. Secretary of Defense Rumsfeld called them "baloney."

Last spring, as part of a broader effort to win the support of the American people for the military operation, the administration began to argue that "Iraq can pay for its own reconstruction." The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited, because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

In a February 2003 White House briefing, Ari Fleischer argued that "Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

In March, Defense Secretary Rumsfeld told the House Appropriations Committee, "I don't believe the United States has a responsibility for reconstruction, in a sense . . . [Reconstruction] funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things, including the Oil for Food program, which has a very substantial number of billions of dollars in it."

At the same hearing, Deputy Secretary of Defense Paul Wolfowitz said, "The oil revenues could bring in between $50 and $100 billion over the course of the next 2 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon."

Also, at that same hearing, Deputy Secretary of State Richard Armitage said, "This is not Afghanistan . . . When we approach the question of Iraq, we realize there is a country which has a resource. And it's oil. And it can bring in and does bring in a certain amount of revenue each year . . . $10, $15, even $18 billion . . . this is not a broke country."

What the Nation heard was clear: Don't worry about the cost. Iraq can finance its own reconstruction.

In fact last March, the administration was so confident of this that it put a $1.7 billion price tag on the reconstruction effort in Iraq. Shortly after the war began that month, Administrator Andrew Natsios of the Agency for International Development confidently proclaimed:

> The rest of the rebuilding in Iraq will be done by other countries who have already made pledges—Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . . The American part of this will be $1.7 billion. We have no plans for any further-on funding of this.

The administration embraced the Iraqi self-sufficiency argument as recently as the end of July, when OMB Director Josh Bolten testified that the administration did not "anticipate requesting anything additional for the balance of this year" with regard to Iraq operations or reconstruction.

Just 5 weeks later, President Bush stunned the Nation by saying that $87 billion in additional funding—including $20 billion for reconstruction—was needed.

Why the change? Ambassador Bremer says Iraq has an unsustainable level of foreign debt—nearly $200 billion—left over from Saddam which would prevent use of Iraq's oil wealth to pay for the reconstruction.

Iraq's enormous debt was already well-known. But the administration chose to ignore it in order to convince the public that the costs of reconstruction would be low.

The architect of much of the Iraqi war plan, Deputy Secretary of Defense Paul Wolfowitz, is now saying that we knew all along the war would be expensive. Despite earlier claims that Iraq could pay for its reconstruction and relatively soon, Secretary Wolfowitz told the Senate Armed Services Committee on September 10: "No one said we would know anything other than this would be very bloody, it could be very long, and by implication, it could be very expensive."

Secretary Wolfowitz never told the American people it could be very expensive. Until this month, no one in the administration—other then Larry Lindsey—said it would be expensive.

This is worse than fuzzy math, and the American people have a right to be furious about it.

And they will be even more furious about it as they learn what we are being asked to fund: $400 million for maximum-security prisons. That's $50,000 a bed; $800 million for international police training for 1,500 officers, that's $530,000 an officer; Consultants at $200,000 a year. That's double normal pay. It is double their profit margin too? And $164 million to develop a curriculum for training Iraqi soldiers. Why does it cost that much to develop a curriculum? And $1.4 billion to reimburse cooperating nations for logistical, military and other support provided to U.S. military operations; $100 million for the "United States Emergency Fund for Complex Foreign Crisis"; $15.5 million to the European Command for countries directly supporting the war on terror.

Before Congress rubber-stamps the administration's $87 billion request, we need answers. We need accountability.

We need the truth. The amount of money is huge. It is more than the combined budget deficits of all 50 States for 2004. It is 87 times what the Federal Government spends annually on afterschool programs. It is 2 years worth of unemployment benefits. It is enough to pay each of the 3.3 million people who have lost their jobs in the past 3 years more than $25,000.

It it seven times what President Bush proposed to spend on education for low-income schools in 2004—seven times the amount. It is nine times what the Federal Government spends on special education each year. It it eight times what the Government spends on Pell Grants to help middle and low-income students go to College. And it is larger than the total economy of 166 nations.

Clearly, we need to require competitive bidding for Iraqi contracts. Left to its own devices, the administration will continue to make sweetheart deals with American contractors at the taxpayer's expense.

A third of the $3.9 billion monthly cost of the operations in Iraq is quietly flowing to private contractors. Halliburton alone has already received more than $2 billion in contract awards—an amount that exceeds Administrator Natsios' original $1.7 billion estimate for the total U.S. cost of the reconstruction of Iraq. More than $1.2 billion was awarded in noncompetitive bidding. The Iraqi people deserve the benefits of peace, but instead, the administration's friends in corporate America are divvying up the spoils of war.

Is Halliburton the company best able to get the job done efficiently for the U.S. in Iraq?

In 1997, the General Accounting Office found that Halliburton's construction subsidiary in the Balkans had billed the Army $85 a sheet for plywood that actually cost $14 a sheet; In 2000, the agency found that the company was charging the Pentagon four times what it should have been charging for office cleaning; In 2002, the company paid the U.S. "$2 million to settle fraud claims at Fort Ord." At a minimum, all contracts should be provided on a competitive basis—no exceptions.

Why not scale back the lavish resources being provided to contractors and consultants and provide larger sums directly to the Iraqi people? It is their country. They have the greatest stake in the success of their reconstruction, and involving them will enhance the prospects for success.

In some areas of Iraq, military officials have already been able to achieve impressive results with small amounts of money. One former military official told me that the U.S. military funded the building of a cement factory for just $100,000. The bid by an American contractor for the same project was in the millions.

Iraq has many of the best trained oil engineers in the world. Why not give them—rather than large American companies—a larger role in rebuilding the industry?

As the Congress debates this funding, we will be looking for answers from the administration to these questions. We will be insisting on accountability. The administration cannot continue to low ball the cost and make up its plan day by day. It can no longer cook the books.

The administration's failure to have a plan is costing too many lives and too many dollars. It would be irresponsible for the Congress to write an $87 billion blank check for the administration, without demanding an honest plan to achieve stability in Iraq, involving the international community in the rebuilding, and preventing the disaster in the making we have caused.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, within the past hour or so the Senate Appropriations Committee finished its work on the supplemental appropriations request that President Bush has made for Iraq and Afghanistan. We had a rather lengthy session today starting at 10 this morning. We had a series of votes on a range of important issues. I wanted to comment about what we can expect on the floor of the Senate. I offered some amendments. I want to describe one of them for a moment because I intend to offer it tomorrow morning.

The supplemental appropriations bill that is necessary for Iraq is an important issue. The President has asked for $87 billion in additional funding, immediate and urgent funding on an emergency basis for Iraq. Roughly $65 billion, close to 66, is for the military, and another $20.3 billion is for reconstruction in Iraq. I want to talk about the reconstruction issue because that is critically important.

The question is this: Should the United States taxpayer bear the burden of $20 billion for reconstruction of Iraq? Among the list of items of reconstruction in a 55-page document from the administration are the following: $9 million to create a ZIP Code system, the purchase of a fleet of garbage trucks at $50,000 a truck, creating 2 prisons with 4,000 beds at $50,000 a bed, and the restoration of marshlands—and I could go on.

Many of these things may be desirable, but they are not urgent.

Let me also say that in our recent military campaign in Iraq, the so-called Shock and Awe campaign—a devastating military campaign that very quickly crushed Saddam Hussein's army—we deliberately avoided damaging the infrastructure of Iraq. We deliberately did not target the electric grid, the powerplants, roads, dams.

So while reconstruction for Iraq may be necessary, it is not because this country damaged Iraq's infrastructure. Instead, Saddam Hussein for many years took from the economy of Iraq and provided to his military. He starved Iraq's economy, and the economy is in pretty tough shape.

Now, Iraq is a country of about 24 million people, something close to the size of the State of California. It is not an impoverished country flat on its back with no hope and no resources. This is a country that has the second largest oil reserves in the entire world, with liquid gold under its sands. It has the capability, Ambassador Bremer said, of pumping 3 million barrels of oil a day beginning in July next year. Three million barrels a day means Iraq will produce $16 billion a year of net export value of oil, conservatively. That is $160 billion in net export of oil in the next 10 years or $320 billion in 20 years.

Members of the Iraq Governing Council were in town today, and the chairman of the Iraq governing authority said: It is not 3 million barrels, we are going to produce 6 million barrels a day, and we have the largest oil reserves in the world.

Now, I don't know who is right about that. But this country of 24 million people has massive oil reserves, the pumping of which will produce substantial revenue that ought to be used to reconstruct Iraq.

So it is incomprehensible to me that the Administration would be requesting that the cost of reconstruction be born by the American taxpayer.

Do you want to know who said it was not the American taxpayers' job to reconstruct Iraq? Paul Wolfowitz, the Assistant Secretary of Defense.

He said: This will be paid for with oil revenue.

Vice President DICK CHENEY also said: Oil revenue will help pay for the reconstruction.

Mr. Natsios, the head of USAID, said reconstruction in Iraq would cost $1.7 billion, and that would be the total cost to the American taxpayers for the reconstruction of Iraq. He said this 5 months ago, and he said it three times on the same Ted Koppel program.

To a person, the folks in this administration who spoke to this issue have said the reconstruction of Iraq should be done with the use of Iraqi oil proceeds.

Now, I offered an amendment in committee today. It lost by a vote of 14 to 15. It lost by just 1 vote. My amendment directed Ambassador Bremer, working in consultation with the Iraqi

Governing Council, to establish an Iraq Reconstruction Finance Authority. The amendment said that this Authority's mission would be to sell securities against future oil revenues, to raise the money to reconstruct the country of Iraq. I mentioned that Iraq could earn $160 million from oil over 10 years. If that Reconstruction Finance Authority would borrow $30 billion at 6 percent for 10 years, they would repay it at $4 billion a year.

That is an easily achievable goal for the country of Iraq. And it would mean, simply, that Iraqis would use their oil to finance the reconstruction of their own country.

When this amendment failed in committee today, we were told that, instead, the American taxpayers should pay this bill.

Let me talk just for a moment about how my amendment—which I will offer again on the floor of the U.S. Senate—would work. I am not suggesting we loan money, I am not suggesting we have a guaranteed loan, I am not suggesting the American people take the Iraqi oil and sell it and use the proceeds. I am suggesting the Iraqis construct an Iraqi-controlled authority, called the Reconstruction Finance Authority, and that that authority use Iraqi oil as collateral for loans, or as security for bond issues. That financing would then be used to reconstruct Iraq. This is Iraqi people, using Iraqi oil, to invest in Iraq. It has nothing to do with the United States getting its hands on Iraq oil. But it does have to do with relieving the burden on the shoulders of the American taxpayers, the responsibility to pay $21 billion for the reconstruction of Iraq.

When I asked Ambassador Bremer about this, I said: Mr. Ambassador, why can we not collateralize or securitize Iraqi oil, and let Iraq oil pay for the reconstruction of Iraq? His answer was: Senator, Iraq has a very substantial foreign debt. It owes a lot of money to other countries, such as Russia, France, and Germany, he said. Therefore, it can't pay for the reconstruction.

After the hearing, I did some research on Iraq's debts. I discovered, in fact, that Iraq does owe a fair amount of money. It was Saddam Hussein, of course, who committed his people to those loans and other things. Saddam Hussein's government doesn't exist now; he is not there; he has vanished. But it is true that Saddam Hussein had foreign debt. The largest debt, however, is not—as Mr. Bremer suggested—to Russia, France, or Germany. The largest debt the country of Iraq owes is to Saudi Arabia and Kuwait. Oh, they owe some to Russia, France, Germany, and others, to be sure. But the largest debt is to Saudi Arabia and Kuwait.

Wouldn't it be perverse if, as Ambassador Bremer suggested, Iraq oil had to be pumped out of the ground to provide the cash that would allow Iraq to send money to Saudi Arabia and Kuwait—two of the wealthiest countries in the world—so that the U.S. taxpayer could come in on the back side and reconstruct Iraq? In other words, does it make sense for the American taxpayer to ante up the money to reconstruct Iraq because Iraq's oil has to be used to send checks to the Saudis?

I am sorry, I came from a really small town, but I recognize something really stupid when I see it. Has this town lost all common sense?

Perhaps we can pump a little common sense back into this system when we have this debate on the floor of the Senate tomorrow. I intend to offer the same amendment tomorrow on the floor of the Senate, and I intend to get a vote on it. I know it will be second-degreed and we will have all kinds of machinations. I intend to hang in there and get a vote eventually on the amendment I offered in the Appropriations Committee.

I intend to ask this question on behalf of the American taxpayers: Do you really think this burden ought to belong to the American taxpayer? Don't you believe a country with the vast resources that exist in Iraq ought to be able to produce these resources from their oil and invest back into that country? The answer is clear to me, and I think it is clear to a lot of Americans.

We have debates on a lot of issues here, and I find it interesting that sometimes there is an issue of $2 million, sometimes $20 million, sometimes $200 million, or perhaps $2 billion, and we spend countless hours debating that. Well, this is $20 billion. This is a $20 billion "urgent emergency" that is being moved without a lot of debate.

The Administration has proposed a whole list of things for Iraq as part of this $20 billion request, including English as a second language training, advanced business classes, computer literacy training. The Administration wants to improve Iraq's sewer systems, because only 6 percent of Iraqis have good plumbing. Under the Administration's proposal, about 12 percent of Iraqis would have good plumbing.

Another interesting item the Administration is proposing is marshland restoration in Iraq. I find it really interesting that they would describe marshland restoration as an "emergency."

There are so many things in this 55-page document, that I hope all of my colleagues will read, which represent the urgent menu for reconstruction in Iraq, and the question that will be asked, or should be asked, is: who bears the burden?

I am not suggesting reconstruction is not necessary. It is very likely that when Iraq has this reconstruction—and perhaps that should happen sooner than later—Iraq will be a safer and a better place with an expanded economy, and perhaps we will be able to bring our troops home earlier. And I obviously want American troops to be able to come out of Iraq as soon as possible and let Iraq control Iraq's destiny.

I believe reconstruction will be a part of the key to doing a lot of important things in the future of Iraq.

But I believe the question of how do you function with this reconstruction issue hanging over our head, as to who should finance it—I think that is a critical question.

I cannot tell you how many times we have come here to talk about joblessness in this country, people losing jobs. My colleague, the other day, talked about Huffy bicycles. I went to one of these big department stores—I will not describe the one I was at—and I saw a big row of Huffy bicycles. They used to be made in Ohio. Not anymore. All of those jobs are now Chinese jobs. They flat out moved all of those jobs. So if you buy a Huffy bicycle, you are buying a Chinese bicycle. Why? There are lower wages over there.

We have all these issues about job training, joblessness, trade, promotion of U.S. products and commodities, and so on. But when we offer an amendment, we are told we just don't have the money, we are deep in debt. But all of a sudden, when it is Iraq reconstruction, it is Katie bar the door; we have as much money as you need; it doesn't matter. All of it has to go for that; you cannot take one piece out because it is part of a package, it is symmetrical. Boy, it is one of these things where, when you pull a loose string on a cheap suit, the arm falls off.

So I think we need to rethink the Administration's request with respect to reconstruction.

Now, let's make sure we support our troops. This country should not send its sons and daughters to war and then say we won't support them.

But on the issue of reconstruction of Iraq, let's make a better decision and a different decision, especially with respect to the use of oil revenues and the resources that exist in Iraq.

I will speak tomorrow on that amendment. I see my colleague from Alaska is here. He sat in the chair from 10 o'clock to 5 o'clock this afternoon chairing the Appropriations Committee. While we had some disagreements and perhaps raised our voices a couple of times today, he is a chairman for whom I have the greatest respect. The way he handled that committee today demonstrates his skill in this Chamber. I only wish he would support my amendment. It would be a whole lot easier to adopt it. It probably would not even have a recorded vote if he were supporting it.

I thank him for his leadership in the committee. I hope we will have an aggressive and full debate about these issues tomorrow when he brings the bill to the floor. I will pledge this: I know they want to move along to deal with these issues, so I will come to the floor early and offer my amendments. I want to have a full opportunity to discuss and debate them. The chairman will not have to inquire about whether I am going to come to the floor at some point soon. I will be here when we bring the bill to the floor tomorrow and hope to play a constructive role in improving the bill.

Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, after a lot of discussion over the course of the day, a lot of progress having been made due to the chairman and ranking member on the Appropriations Committee, the Democratic leader and I wanted to come to the floor and clarify and share with our colleagues how we see the next several days, and actually the first few days after our recess, play out in the sense that our mutual goal is that we address the Iraq and Afghanistan emergency supplemental bill in a way that allows adequate time, appropriate time for debate, discussion, amendments, and voting.

Knowing this Iraq supplemental would be delivered to us about a week and a half ago, we set out with the plans of last week being very intensive in terms of hearings, the flow of information, with the goal this week of addressing this bill on the floor of the Senate.

Today, a few minutes ago, the chairman and ranking member reported out the supplemental bill through the Appropriations Committee and thus it is ready to be brought to the floor, which we expect to be tomorrow. We will be propounding a unanimous consent here shortly in that regard.

We would see that bill be debated on tomorrow, the next day, and Friday—for the next 3 days—again with adequate time for amendment and debate. Then at the close of business Friday we would begin our recess and spend that next week on the recess, which is through the 13th, and on Tuesday the 14th return and continue with that debate over that week.

The agreement is essentially that we would complete action on that supplemental bill by the end of that week, the week of October 14th through the 17th, by close of business October 17.

In coming to this agreement, it is with a lot of good faith on everybody's part that we will be able to consider all amendments that pertain to the supplemental request, recognizing there will be a lot of amendments on both sides of the aisle and that we deal with those in a way that is fair to both sides. That is the general framework, and I will turn to the Democratic leader to further elucidate on what this general understanding is.

Mr. DASCHLE. Mr. President, I would simply acknowledge that the majority leader has described our understanding very accurately. I believe we are in a position now to agree to the motion to proceed. It would be our expectation we could take the bill up tomorrow morning. I understand the majority leader has suggested maybe an hour of morning business and then we would take up the bill and begin the debate with amendments to be offered by colleagues on both sides.

It is our expectation that we will have an opportunity to offer these amendments and get votes, either on or in relation to—that is a tabling or an up-or-down vote—on these amendments. But it is also our understanding that we will work to finish this bill, as the majority leader has described, by I believe it is October 17, which is that Friday after we return. I think that gives the Senate adequate time to address the bill, to consider amendments. Obviously we need cooperation from Senators on both sides of the aisle with regard to the time requirements because, as the majority leader noted, there are a number of amendments to be offered. The only way we can assure Senators have a voice and have the opportunity to be heard is to accommodate all of those who wish to offer amendments by limiting some of the time that will be required for the debate on these amendments.

So it is my hope that working through our managers and my extraordinary partner, the assistant Democratic leader, we can orchestrate the debate with amendments in a way that will accommodate this schedule.

But it is a fair schedule, it is an appropriate schedule, and I think we have the basis of experience now from which to draw the confidence that we can make this work. We have tried this now on several appropriations bills with success without exception. I am hopeful we can demonstrate once again that we can be successful in this—I think the majority leader used the right phrase—good-faith understanding of the way this bill is going to be considered.

I strongly support the effort and hope we can have the good debate we anticipate and expect the cooperation of all Senators as we enter into this arrangement.

I yield the floor.

Mr. FRIST. Mr. President, I will simply close and say it is important for our colleagues to understand that the Democratic leader and I and our assistant leaders and the managers have all worked very closely to come to this understanding, working with good faith as we go forward. I appreciate the cooperation on both sides of the aisle in that regard.

With regard to tomorrow, I do ask unanimous consent that on Wednesday, October 1, at 10:30 a.m., the Senate proceed to the consideration of the supplemental appropriations bill for Iraq and Afghanistan, provided further that it be for debate only until the hour of 12:30, and that the time be equally divided until that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, with that being the case, I think we have a good outline and good plan to address this very important issue, where the difference in philosophies will be expressed and where we can improve where this particular bill needs to be improved.

With that understanding, I think we could announce no more votes for tonight.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA BILL

Mr. REID. Mr. President, the Congress, through legislation, has demanded that airport baggage screeners must be public employees. That was a conscious decision made by this Congress, and it was signed by the President.

As a government, we should be equally clear that air traffic controllers should also be public employees accountable to the people they serve.

Acting responsibly, the House and Senate both passed provisions in their respective FAA bills that would retain the inherent "governmental function" of the FAA air traffic control towers and employees. But instead of affirming that the safety of air travelers is the responsibility of the U.S. Government, members of the conference committee, at the urging of this administration, passed a conference report that allowed for immediate privatization of 69 air traffic control towers, some of them among the busiest in the country. This was a failure of policy and a failure of process.

Recognizing the committee's mistake, the House of Representatives has now moved to recommit the bill to conference. Hopefully, the conference committee will follow the mandate of the

Senate and House and restrain from trying to privatize air traffic controllers.

This is something that boggles the mind of the people of Nevada and I am sure the people of Tennessee and around the country. When the House and the Senate pass a measure by large votes and it goes to a conference committee, which is made up of just a few members, they should not completely change what the Congress did. That is what they have done here, and it is wrong.

In addition, it will be important for the conference committee to readdress issues dealing with the essential air service, cabotage, and flight attendant security training.

It would be a mistake for the House to hastily convene a conference committee that simply strips language dealing with privatization. The conference report must contain language that blocks an administration directive to reclassify air traffic control services as "commercial." This simply clears the way for private contractors to take over.

Keep in mind that private contractors putting things out for bid at the lowest possible price and looking for profit are going to be controlling air traffic in and out of airports. I don't think that is a good idea.

The people who direct air traffic in and out of our airports are performing critical public safety functions. I hope our colleagues in the House will understand that a conference report that simply strips privatization language will not pass the Senate.

This is in no way to threaten or cajole. In fact, it is just the opposite. It is an effort to beg the House of Representatives to do the right thing.

This FAA bill is important. We want to pass an FAA bill. But the conference report will not come out of this body if it doesn't have privatization language in it.

This will only lead to further delays in funding essential airport infrastructure and security programs so vital to the safety of the flying public and our economy.

The FAA bill is a jobs and air safety bill, which Congress must pass. We can do this the hard way or the easy way. Of course, I prefer the easy way because it is the right answer for America.

I urge our colleagues to work with us to craft a revised FAA conference report that honors the overwhelming sentiment in Congress against privatization of air traffic control operation and maintenance, protects the U.S. aviation industry from unfair foreign competition, and ensures that the Nation's flight attendants receive mandatory antiterrorism training.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT REAUTHORIZATION

Mr. DODD. Mr. President, later today, or at some point, I gather that the Defense Production Act reauthorization bill will be before the body. It expires today, so there is a sense of urgency, I gather, in getting this bill done.

When the bill comes up, my intention is to offer an amendment to the Defense Production Act, the reauthorization bill, for the consideration of my colleagues. I gather from conversation my staff and others have had that there will be possibly some objections to this amendment over jurisdictional grounds.

My hope is something can be worked out on this amendment, so that we can avoid that particular situation. Let me tell you why I say that. This bill, if reauthorized, would reauthorize the Defense Production Act for 5 years.

Presently there is a system in place which allows defense contracts to go to prime contractors, where, as a result of a provision that existed since World War II, offset agreements are permitted in such a way that despite the amount of money we will allocate for these defense contracts, these offset agreements basically wipe out the dollar amounts that would go to subcontractors and others. The net result is that each year we are losing about 10,000 jobs in the manufacturing sector because of these offset agreements, which were written primarily—I am almost quoting—to provide assistance to war-torn Europe at the end of World War II. It made a lot of sense to try to get resources into those struggling countries so they could get on their feet after the devastation that occurred during World War II.

So these offset agreements were principally designed to assist struggling nations to get back on their feet. There are a lot of ways you might want to describe the European Community today but "war-torn" is hardly one we would use to describe it. These provisions have existed for almost 50 years, and their usefulness is long over.

This really hurts smaller contractors in the U.S. I want to lay out what this amendment will do, if I get a chance to offer it today. I would have offered it in committee but I was told to wait until we got to the floor to have an opportunity to offer it here. Now I am being told I cannot offer it here because we must get the bill done, it expires today, and we don't have time to deal with it.

If I have to wait 5 more years to bring this up, and if we are losing 10,000 jobs in the manufacturing sector each and every year as a result of that, not to mention the dollar loss, and losing subcontractors on a manufacturing base, then I am hard pressed to understand why we would not find a way to accommodate that which is rather modest language here in this proposal. I will explain why.

The amendment is about one thing—saving jobs. Since the Banking Committee began consideration of this important legislation, I have been discussing an issue of great importance to manufacturers in my State of Connecticut and around the country.

I am referring to the issue of foreign offset contracts. Under these arrangements, a foreign nation will agree to buy products from U.S. defense companies only if our manufacturers outsource a considerable amount of work to that country's labor force. This goes back to the end of World War II, as I mentioned. On the face of it, these arrangements might seem relatively benign, promoting a prosperous defense trade among the U.S. and its military allies.

However, as I have learned over the last number of months, these arrangements may, in fact, be weakening the U.S. defense industrial base and producing considerable job losses throughout our Nation. These arrangements are a relic of World War II, when our Nation decided that offset arrangements were one aspect of rebuilding war-torn Europe. I do not think anybody could call me bold or rash if I were to say that the economic infrastructure of Europe as a whole is no longer war-torn in the beginning of the 21st century. On the contrary, it is highly developed and very advanced.

Yet some of our allies on that continent continue to insist that offset arrangements remain a condition of contracting with American firms, particularly defense firms. This is not an issue of trade or protectionist policies. As most colleagues are aware, I have long supported both bilateral and multilateral trade agreements, such as the ratification of GATT and the establishment of fast-track authority for the American President. I am a believer in international trade. That is not what this amendment is about.

This amendment is about outdated practices that, by and large, have caused needless transfer of a countless number of U.S. jobs to our trading partners and our allies, particularly in Europe.

I must confess that when I first began to look at this issue, I was a skeptic. I thought this migration of American jobs abroad was simply the painful but unavoidable byproduct of international trade, and I thought these losses were outweighed by the benefits of trade. But upon further study, I have come to the conclusion that these offset agreements are resulting in the needless loss of American jobs with little or no compensating benefits. Let me explain why.

What impact do these agreements have on our country, on our businesses, and on our workers? The answer is, by and large, a highly negative one. This is not just the opinion of this Senator. It is the well-considered conclusion of nonpartisan, highly informed sources at the General Accounting Office and the Department of Commerce under this administration, I might add. It is also the opinion of business leaders, many of whom think offset agreements are little more than a form of coercion. Business leaders in my own State have told me they see offsets as no better than a necessary evil, a tax on their ability to export their goods and services.

The Commerce Department recently reported that in the year 2000—I hope my colleagues will listen to this—the Commerce Department reported in the year 2000, out of $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was offset by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value.

In the year 2002, 2 years later, and 2003, this year, the total value of offsets is projected to be close to 100 percent by the Department of Commerce on the value of these contracts, virtually eliminating any gains from U.S. exports of these goods.

Moreover, the Commerce Department says offsets are displacing between 9,000 and 10,000 American workers annually, and that is a conservative estimate, I might add. With these kinds of figures, it is difficult to see how the United States could benefit at all from these offset contracts.

Let me repeat the numbers. According to the Department of Commerce, of the $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was offset by arrangements to these countries. Lately, in 2002 and 2003, the Department of Commerce estimates that close to 100 percent of the value of these contracts will be eliminated, the gains will be eliminated from the export of these goods, and losing almost 10,000 jobs a year is something that ought to concern each and every Member.

What makes this issue even more distressing is that as a result of these arrangements, we are not only losing these jobs unnecessarily, in my view, given the long outdated necessity for offset agreements with the European Community, but we are losing our Nation's military industrial capacity, and that ought to be a serious matter to all of us here. We need to be vigilant in maintaining an industrial base when we can in these critical industries.

Essentially, U.S. contractors are helping other nations build up their strategic industries at the expense of the United States's defense manufacturing base, and the U.S. Government is doing nothing, unfortunately, to stop this from happening. Our prime contractors admit this is an unfortunate trend and insist they are being forced to follow these arrangements to stay competitive in their foreign contract bids.

As I see it, these offsets amount to unfair trade practices, plain and simple. While U.S. prime contractors may be selling their defense system abroad, they are being coerced—against their wishes—into laying off U.S. workers and domestic suppliers in favor of foreign workers and suppliers. In turn, as the U.S. Defense Department decides to buy these same weapons systems, we are now even more frequently turning to these newly established foreign suppliers.

In several recent reports, the General Accounting Office and the Commerce Department have repeatedly tried to alert Congress to the disastrous effects these arrangements are having on America's economic and defense security, but their warnings have gone unheeded. In fact, the two major governmental bodies established by the Defense Procurement Agency to monitor and coordinate U.S. policy on foreign offsets have been effectively dissolved. The most important of these bodies is the interagency team on foreign offsets whose job it was—is or was—to engage with foreign countries in an effort to mitigate the effects of these offsets.

My colleagues should be alarmed to know that this interagency team, headed by the Department of Defense, has reported no activity since the year 2000. In fact, this team has been stripped of resources and staff. They don't exist.

Certainly, we all understand that the Defense Department has been preoccupied with other priorities—I understand that—over the last couple of years; namely, the effort to wage and win wars in Afghanistan and Iraq. No one can seriously claim the Department of Defense should have any higher priorities than those. That is not my point. That is why I think this amendment is critically important to shift to the Department of Commerce the principal responsibility of monitoring and mitigating these offset arrangements.

It is an economic issue fundamentally, and the fact the Defense Department has not financed or staffed this interagency team says to me we ought to shift that responsibility, considering the economic implications of not trying to reduce these archaic and outdated offset arrangements with the European nations and others.

For this reason, my amendment would transfer the authority over the interagency team—this is what the amendment does; it is not a radical amendment at all. The amendment would transfer the authority over the interagency team to the Commerce Secretary and would require the Secretary to negotiate with foreign countries toward the reduction and eventual elimination of all foreign offsets.

In addition, it would expand the Commerce Department's data collection system to include the effects of offset on America's second- and third-tier subcontractors. I believe these provisions would greatly enhance America's response to the growing specter of foreign offset arrangements and provide a clear picture of the total impact these arrangements are having on our economy. But I think we ought to do something more.

As I said before, offset arrangements have essentially allowed foreign governments to coerce U.S. contractors into laying off American workers and shifting their jobs to foreign employees. This is an unfair trade practice, in my view, and must be addressed as such. For this reason, this amendment further directs the U.S. Trade Representative to designate offsets that exceed the total value of the underlying contract as unjustifiable and burdensome on U.S. commerce, subjecting the country to U.S. sanctions accompanying such a designation.

Already various important policy and trade organizations and associations have expressed their support for the proposal I wish to offer to the Defense Production Act, including the International Association of Machinists and Auto Workers, the American Shipbuilding Association, the AFL–CIO, the Manufacturing Alliance, as well as the Aerospace Components Manufacturers. This is a unique combination of industries, business, and labor saying this World War II proposal is no longer justified.

Let me explain how it works. These offset agreements they insist on—Holland is the biggest offender, by the way. They say to a corporation in the United States: You want to sell your products. Fine. But you have to provide a certain amount of workers here. So instead of looking around for the best subcontractor to provide, say, ball bearings by a firm in Ohio or Connecticut, they then have to hire the firm in Holland or some other European country. This was designed, as I say, to help Europe at the end of World War II. It made a lot of sense. But 70 years later, the idea that I have to say to a manufacturer in the United States you cannot get this bid because I have to do it to win the contract in Holland—if it was 5 percent or 10 percent, I might think that is unfair. But they are getting 300 percent in Holland—300 percent.

According to the Department of Commerce, the average is now between 90 and 100 percent in every European country. If I thought this bill was going to be authorized for 3 months, I would wait and try to build support. This bill is a 5-year authorization bill. Almost 10,000 jobs a year are going to be lost, not to mention small manufacturing firms that go out of business.

Then when we need those ball bearings, to use that example, we no longer have a firm in Ohio or Connecticut, and I have to deal with a firm in Holland or Sweden or some other place. It is dangerous to lose that industrial base in critical technologies.

This provision of offset contracts has no relevancy in today's world, particularly with the European community. It did maybe 50, 60, or 70 years ago, but not today. I am being told I cannot offer the amendment because I am dealing with a proposal on trade, but if I do not do it here, where do I do it? I have to wait until some trade bill comes along?

Normally, a Senator cannot offer amendments on trade bills. So when do I do it and where do I do it, if I want to make a point? Maybe the proposal will get defeated, but at least I would like to raise the awareness of my colleagues. If there are provisions that do not make sense, let somebody bring up a better idea, but I think it is wrong to continue a situation where 10,000 American jobs get lost because we are sitting around with an archaic idea that has no value and no relevancy.

The manufacturers will tell us that and labor tells us that. They do not like doing it. It is like the Foreign Corrupt Practices Act where we were told over and over we have no choice, but our firms in the United States do not like having to do this. They are being forced to do it in order to win these contracts.

We need to have some ability to negotiate the elimination of these deals, and when they cannot get rid of them, at least to consider it as an unfair trade practice so we can try to work it out so we do not have to rely on them any longer. That is really what the amendment would do.

Again, this whole Defense Production Act goes out of existence tonight, I am told. As I said earlier, I wanted to offer this amendment in the committee, but I was told not to do it there, to wait until we go to the floor. Now I am on the floor and I am being told do not do it here. So I am sort of stuck in a way. I do not want to tie up a bill. I think defense production is important, but to have to wait 5 more years to come back with this idea is something I do not want to do, either. So I am using this time to encourage people who may have a better idea on how we can resolve this to make some suggestions so we can avoid holding up this legislation.

I do not need to remind my colleagues, I would just say at the end of all of this, that since 2001 we have lost 2.7 million manufacturing jobs in the United States. In Connecticut, we have lost more than 14 out of every 100 manufacturing jobs in the past 3 years. I have 5,400 small manufacturers in my State of over 240,000 people. A lot of them are what we call mom and pop, with 5, 6, 8, 10 people. Some of them are second and third generation.

I see my colleague from New Hampshire, as well as my colleague from Ohio. They have similar situations with small firms in their own States. Many of them provide critical technologies to our major defense contractors. If I thought the offset agreements had some great relevancy today, I would be the first to say we have to live with this; it is an unfortunate reality. But taking an idea we used at the end of World War II to help our allies get on their feet and to still perpetuate it in the year 2003 I think is wrong.

We better say something about it soon and try to do something about it before we just continue the way we are going and seeing a further loss of jobs and a loss of a manufacturing base in critical technologies which I think we will regret deeply in the years to come.

When this bill comes up, if it does come up, I would like to offer the amendment or have someone work out something so we might address this issue in some way that would not delay the enactment of the Defense Production Act but would give me some sense of hope that we could resolve this kind of problem.

I yield the floor.

BIRTHDAY WISHES TO GEORGE GOLSON

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to George Golson on the occasion of his 90th birthday. A devoted husband, a father of four children, an industrious businessman, an accomplished jurist, and a veteran of World War II, George Golson has led a distinguished life.

Born on October 24, 1913, George received his undergraduate education at the University of Columbia, NY, and his legal education at St. John's University. After practicing law for several years in New York, he served his country proudly for 4 years during World War II in the Judge Adjutant General office in Liverpool, England.

Upon his return from military service, George Golson built a new home in Columbia, SC, and launched a new career in business. He returned to legal practice in 1958 as a member of the South Carolina Bar, and in 1973 was admitted to serve as Attorney of Law in the Supreme Court of the United States.

In 1980, George Golson established an office in Las Vegas to provide consulting services on legal matters in the field of real estate planning. He became a respected and beloved member of the southern Nevada community, and his work contributed to the dramatic growth and development of the State.

Throughout his long and productive life, George has made the most of his free time. He has challenged himself both intellectually and athletically by writing short stories, composing ballads, music, and lyrics, fishing, and playing racquetball.

Please join me in wishing George Golson the happiest of birthdays.

VOTE EXPLANATION

Mr. REED. Mr. President, I was unable to participate in last evening's vote on the nomination of Carlos Bea to be a U.S. Circuit Judge for the Ninth Circuit due to my participation in a memorial service for Rhode Island National Guardsmen killed while serving in Iraq.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Houston, TX. On May 25, 2003, a Houston high school student was attacked by a teacher's aide in class because he is gay. The teacher's aide, also an assistant coach at the school, allegedly taunted the student with comments about his sexual orientation over the course of the school year. The incident was in full view of the class and was later corroborated by seven or eight other students.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO THE HONORABLE ERNEST F. HOLLINGS

Mr. INOUYE. Mr. President, it has come to my attention that Mr. Mark

Shields, whose syndicated column appears in more than 100 newspapers, including The Washington Post and the St. Petersburg Times, paid tribute in a recent column to our dear friend and colleague, the Honorable ERNEST F. HOLLINGS.

That column was most insightful, as it examined the character of Senator FRITZ HOLLINGS, who, unfortunately, has announced that he will not be seeking reelection to the U.S. Senate after nearly four decades of service in this Chamber.

I hope that throughout the history of our Nation there will always be a FRITZ HOLLINGS. As Mr. Shields noted in his column, FRITZ HOLLINGS "was a leader of uncommon courage and uncommon candor." Indeed, FRITZ HOLLINGS' leadership, courage, and candor will be sorely missed.

I ask unanimous consent that Mr. Shields' column, as it appeared on September 5, 2003, in The State, one of the newspapers in Senator HOLLINGS' home State of South Carolina, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A CANDIDATE WITH THAT RAREST OF ATTRIBUTES: CANDOR

(By Mark Shields)

On Oct. 6, 1983, in a televised debate among Democratic presidential candidates, one candidate said the following about the 1,800 U.S. Marines whom the Reagan administration had then sent to warring Lebanon: "If they were sent there to fight, they were too few. If they were sent there to die, they are too many."

Less than three years later in Beirut, just before dawn on Oct. 23, a terrorist driving a truck loaded with thousands of pounds of explosives plowed into the Marine barracks and killed 241 Americans.

That same presidential candidate went on Nov. 4, 1983, to Dartmouth College, a prestigious Ivy League school with an advantaged student body, and shocked the undergraduates: "I want to draft everyone in this room for the good of the country."

He was not advocating the "old Vietnam-style draft, where if you had enough money, you were either in college or in Canada." His campus audience gasped at the man's discomforting bluntness: "Conscience tells us that we need a cross-section of America in our armed forces. Defense is everybody's business . . . everybody's responsibility. A professional army is un-American. It is anathema to a democratic republic—a glaring civil wrong."

You like candor in your political leaders? This Democrat truly brimmed with the stuff.

That July, to a Washington gathering of the National Council of Senior Citizens—a group with political clout in its membership and Social Security and Medicare benefits on its agenda—he refused to coddle.

Instead, in the face of runaway federal budget deficits, he reminded the seniors, not of the obligations owed to them, but of the seniors' own obligation "to your children and grandchildren." He, alone, would say, "If I'm elected, I will freeze your cost-of-living adjustments for a year."

To a Capitol Hill meeting of defense contractors, pleased and prosperous with President Reagan's doubling of the Pentagon budget, the candidate, himself a combat veteran of World War II, had been frank: "If I'm elected president, I will freeze the defense budget at 3 percent real growth and do away with the MX (missile) and the B-1."

Exempted from his proposed spending freeze? Food stamps and assistance to the disabled.

We in the press corps are forever lamenting the lack of candor in our political debates and the lack of courage in our presidential candidates, who are unwilling to ask us to sacrifice even the slightest personal comfort for the national well-being.

But when we do encounter the brand of straightforwardness that this 1984 Democratic candidate practiced, we do not applaud or praise it. Doubts are predictably recorded about "the discipline," the "presidential temperament," even the rashness of the fellow.

That's mostly the press treatment Sen. Ernest "Fritz" Hollings, D-S.C., received when he ran for president and publicly said all of the above and again, earlier this month, when he announced that he would retire after 38 years in the Senate.

True, Hollings gave us a lot to work with. While President Bush was furiously trying to publicly distance himself from the disgraced chief of Enron, Hollings quipped, "I did not have political relations with that man, Ken Lay."

That was a take-off on a discredited disclaimer by President Clinton—of whose then-improving poll ratings, Hollings had quipped, "If they reach 60 percent, then he can start dating again."

When his own presidential campaign failed, Hollings reported that "Thomas Wolfe was wrong—'You can go home again.' I know. That's what the people of New Hampshire told me to do."

But let it be recorded that in 1963, when the states of Alabama and Mississippi, governed respectively by George Wallace and Ross Barnett, were battlefields of bloodshed and bayonets in the struggle for civil rights, a young South Carolina governor delivered a much different message to his state and its Legislature: "(T)his General Assembly must make clear South Carolina's choice, a government of laws rather than a government of men. . . . We of today must realize the lesson of 100 years ago, and move on for the good of South Carolina and our United States. This should be done with dignity. It must be done with law and order."

Fritz Hollings was no plaster saint. His tongue was sometimes too sharp. His temper was sometimes too short. But his departure will leave a lonesome place against the sky. He was a leader of uncommon courage and uncommon candor.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I have risen on numerous occasions in the past 6 months to pay tribute to the men and women who are fighting in Iraq and elsewhere in the war on international terror. Today I rise once again to pay tribute and to honor a young man who was recently killed in action in Iraq—Master Sergeant Kevin Morehead, a native of Little Rock, AR, and a soldier in the U.S. Army 5th Special Forces Group. MSG Morehead was killed September 12 in the early morning raid in Ar Ramadi, an Iraqi city about 70 miles west of Baghdad.

Keven Morehead graduated from Central High School in Little Rock in 1987. After attending the University of Arkansas, Kevin opted for a military career, enlisting in the U.S. Army in 1989. In 1994, he joined the elite Special Forces. His service over his 14-year career in the Army was exemplary, earning him a number of commendations, including the Bronze Star, the Silver Star, and the Purple Heart. In the last 2 years, he served with distinction in the Middle Eastern theater, first in Afghanistan, where he served as an adviser to the Northern Alliance in the fight against the Taliban extremists. In Afghanistan from October 2001 to February 2002, MSG Morehead called in airstrikes on Taliban positions, and his actions reportedly saved the lives of hundreds of men. MSG Morehead was sent to Iraq in January of this year, where he served with further distinction. Although his unit had already returned from service in Iraq, MSG Morehead had stayed behind to help with orientation for his unit's replacements.

Keven was buried on September 21 in Bald Knob, AR, in a grave on a hilltop next to that of his grandfather. Our condolences and our prayers go out to Kevin's wife Theresa; to his stepdaughters, Kirsten Inman and Kaylyn Council, to his sister, Kristen Wright; to his grandmother, Zelda Guthrie; and to his parents, James and Jeanette Morehead, of Benton, AR.

One attendee at his funeral was quoted in our State's newspaper, the Arkansas Democrat-Gazette, as saying that Master Sergeant Kevin Morehead "did not die in vain. Hopefully, by his actions the world will be a better place for all mankind." The mission continues in Iraq, and we remain confident that, as coalition troops move to secure and stabilize the country, Iraq will emerge as a democracy in the Middle East, and that Kevin Morehead's courage and sacrifice will prove to have been given in a worthy cause.

RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Mr. DEWINE. Mr. President, I rise today to speak about the Advancing Justice Through DNA Technology Act of 2003. This bill contains several important provisions. I am especially pleased with title I of the bill—the Rape Kits and DNA Evidence Backlog Elimination Act, which mirrors the bill of the same name that I introduced earlier this year. The purpose of this title and our original bill is to extend more Federal funding to States and localities to fight crime with DNA technology, expand our national database of DNA profiles from criminals, and train sexual assault examiners.

While the overall violent crime rate has decreased in recent years, the occurrence of rape has only increased.

Tragically, somewhere in America, a woman is sexually assaulted every 2 minutes. In other words, by the time I conclude my remarks, at least five women will have been assaulted. It has been estimated, as well, that 1 in 6 women and 1 in 33 men in the United States have been the victim of a completed or attempted rape. These statistics are truly staggering, especially considering that rape is a chronically underreported crime. Experts contend that rape could be much more prevalent than even these statistics reflect.

The majority of sexual assault victims who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment—in many cases, to see doctors or nurses who have not received specialized training in dealing with assault victims and who lack the proper forensic tools for evidence collection. As you can imagine, the collection of forensic evidence can be a very invasive process for a rape victim. But in many cases, this is where the investigation stops. In cities across the country, hundreds of thousands of rape kits are sitting untested in police department evidence rooms. While these kits contain vital DNA evidence that could lead to the arrest of rapists, many rape kits have gone untested for more than a decade due to a lack of funding.

In my own home State of Ohio, officials estimated in May 2002 that at least 3,000 kits with rape evidence—and maybe even more—remained unanalyzed, despite recent strides in science that allow DNA evidence from rapes and other violent crimes to be compared against DNA profiles in the Combined DNA Index System, CODIS, our national DNA database. Laboratory researchers at the Ohio Bureau of Criminal Identification and Investigation report that they have a high success rate in matching unknown DNA collected from crime scenes to either the DNA of offenders on file or to other crime scenes. That would mean that if all 3,000 unexamined Ohio rape kits contained extractable DNA, several kits very likely could yield evidence leading to the identity of rapists.

We now have both the technology to analyze DNA evidence and a growing database of DNA profiles with which to compare this evidence. This system works, and it catches criminals. Let me share an example of how evidence from rape kits has led to the arrest of a rapist in Ohio. Last year, a Hamilton, Ohio man was convicted and sentenced to 25 years in prison for an April 1998 attack on a woman in a grocery store parking lot. Although a DNA sample from this rape was sent to the State crime lab 3 days after the attack, it took until November 2001—nearly 3½ years later—for scientists to analyze the sample and add it to the State's DNA database. Once this sample was added, a positive match was made and this rapist was prosecuted and put behind bars. Unfortunately, this victim had to wait 3 years for justice, while her rapist remained on the street. While this is an excellent example of how DNA has been used successfully to catch rapists, it also shows the critical need to promptly analyze the kits we have on hand. The longer this evidence sits around unanalyzed, the longer sex offenders will remain free—and free to potentially harm more victims.

The Rape Kits and DNA Evidence Backlog Elimination Act would help to address the issues I have just outlined, particularly those involving the collection and processing of DNA evidence. We owe it to rape victims, as well as to our society as a whole, to do all we can to apprehend and prosecute sex offenders. To this end, title I would do several important things. Specifically, and perhaps most importantly, this bill would extend the authorization for the DNA Analysis Backlog Elimination Act of 2000. This law, of which I was one of the chief Senate sponsors, aims to reduce the backlog of unanalyzed DNA samples in forensic laboratories across the United States. Unfortunately, the authorization for the grant programs established under the act will expire soon, but many States still have a long way to go to clear their DNA evidence backlogs. The Rape Kits and DNA Evidence Backlog Elimination Act would extend that authorization, while also increasing the funds authorized for grants under the Act. This would help States to further reduce their DNA evidence backlogs, processing crucial evidence that could bring criminals to justice.

Furthermore, title I would expand CODIS, our national DNA database. The expansion of this database is important, since the larger the database, the more likely it is that State crime laboratories will be able to match DNA evidence to offenders. Under the Rape Kits and DNA Evidence Backlog Elimination Act, the FBI could accept for inclusion in CODIS any DNA sample submitted by the States for inclusion in the database, including DNA samples from all felons convicted of Federal crimes. Given the high rate of recidivism among sexual offenders, this last addition may prove very useful to law enforcement as they utilize CODIS. The U.S. Department of Justice has expressed support for expanding the DNA database in this manner.

In addition to providing funds to help States and localities process evidence, we also must improve the way that DNA evidence is collected and used. To this end, title II of the Advancing Justice through DNA Technology Act also contains many components of the bill I introduced earlier this year involving important training programs. This title would provide Federal resources to support a new training program for Sexual Assault Forensic Examiners, known as SAFEs. This program is modeled on a separate bill that Senator SCHUMER and I introduced during the 107th Congress. As I discussed before, many rape victims first report their crimes in a hospital emergency room, where they are treated by inexperienced staff, many of whom have no training in the proper use of a rape evidence kit. SAFEs, by contrast, are well-trained in the collection of forensic evidence and are able to give competent and sensitive treatment to rape victims at a time when they are most vulnerable—immediately after their attack. Furthermore, the intervention of SAFEs in a sex crime case bolsters the odds of prosecution and conviction of offenders, as their expertise generally renders them better witnesses than most emergency room personnel during trials. While these programs have proven to be effective, only a few hundred SAFE programs currently exist in the United States, treating a minute number of sexual assault victims. These nurse examiners provide an important service, both to the victim and to justice system, and I strongly advocate funding more training programs for them.

Finally, title II would make two changes in the criminal code to better protect victims of crimes in which DNA evidence is recovered. It would extend or "toll" the statute of limitations under Federal law for prosecuting many crimes in which DNA evidence is recovered, but the identity of the perpetrator is unknown. Also, this title would amend the Violence Against Women Act to include legal assistance for victims of dating violence.

In closing, I strongly encourage my colleagues to support the Advancing Justice through DNA Technology Act of 2003. This bill is a good one, and one deserving of the Senate's support. It can do a great deal to help rape victims, as well as to prosecute sexual offenders.

FREEDOM'S ANSWER

Mr. ALEXANDER. Mr. President, just recently the Senate approved the Labor, HHS Appropriations bill for fiscal year 2004. During the same time period we paused to remember the tragic events of September 11. So it is a good moment to bring to the attention of my Senate colleagues and of the Department of Education the nonpartisan, nonprofit Freedom's Answer project which is a direct result of the 9/11 experience—and which seeks to engage high school students across America in the elections process even before they are old enough to vote.

At a time when Senator KENNEDY and I, along with many other Members of the Senate, are convinced that restoring civics education to schools should get a high priority, Freedom's Answer is one effort that is doing just that. It should have the highest priority for funding by the Department of Education within the discretionary funds of the Fund for Innovation in Education, the Character Education Program, the Civics Education program, or the Fund for Improvement in Post-Secondary Education.

Freedom's Answer is a totally nonpartisan program, begun by long-time political professionals Mike McCurry and Doug Bailey. Its National Advisory Council is co-chaired by the Republican Leader in the Senate, BILL FRIST, and the Democratic Leader in the House, NANCY PELOSI. The chairs of the Republican and Democratic National Committees both sit on its National Advisory Council.

Started after the 9/11 tragedy, Freedom's Answer urged high school students in over 2,500 high schools throughout the country to seek 10 voting pledges each in the 2002 election, not for any particular party or candidate, but rather to honor the servicemen and women serving our country and risking their lives daily for our freedom.

These students didn't just help set a mid-term voter turnout record—nationally and in 27 different states—they learned first hand the power of political involvement. Even before they could vote, they learned the power not just of each and every vote, but also of collective involvement in the political process. It may well have been as good a civics lesson as they could ever receive—one certain to make them voters in the years ahead.

Our young people owe it to us to be part of America's democracy. And we owe it to our young people, regardless of party, philosophy, religion, income, race or State to enable them both to know how the system works and how to be part of it. Freedom's Answer is a powerful way we can meet that commitment, and I join my colleagues in encouraging the Department of Education to consider using discretionary funds in the 2004 budget we will pass to help make this wonderful civics lesson come alive in every high school in the land.

Mr. KENNEDY. I commend the leadership of my colleague from Tennessee. He's a strong advocate for better education in both history and civics. We need to do much more to broaden students' understanding of American history and encourage them to participate in the democratic process.

Freedom's Answer is an excellent model. It is a nonpartisan program founded by Mike McCurry and Doug Bailey to involve high school students in elections. The mission of Freedom's Answer is "to turn today's students into tomorrow's voters."

The program was launched after the tragic events of 9/11. It was organized in over 2,500 high schools across the Nation, asking each student to line up 10 pledges from others to vote in the 2002 election—not for a particular candidate or party, but in tribute to the servicemen and women serving abroad whose commitment to our country is safeguarding our national security.

Their participation was a worthwhile factor in enhancing voter turnout in the 2002 elections. These young students learned the power of each individual vote, as well as the importance of greater involvement in the political process. It was an extraordinary civics lesson for them and for their families and neighbors, too, and it will encourage them to vote as soon as they become eligible to do so.

I'm confident that this program will generate even greater election participation in coming years. Their participation will enrich our country and help to inspire the next generation of leaders.

Freedom's Answer is the kind of innovative and practical idea that will strengthen our democratic process and the Nation as a whole, and it deserves our strong support. I commend Senator ALEXANDER for his impressive leadership on this impressive initiative.

NOMINATION OF JOSEPH KELLIHER TO THE FEDERAL ENERGY REGULATORY COMMISSION

Mr. WYDEN. Mr. President, earlier this year, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Joseph Kelliher to the Federal Energy Regulatory Commission. I did this because at the time, Mr. Kelliher had not convinced me that he fully understood the impact of west coast market manipulation on northwest ratepayers or the problems that the Commission's standard market design proposal could create for the northwest electric power grid.

Today I received a letter from Mr. Kelliher expressing his views on these subjects. It is clear from his letter that Mr. Kelliher has done his homework about energy issues critical to the west in general and the northwest in particular. From opposing a final standard market design rule to supporting voluntary regional transmission organizations and making market manipulation illegal, Mr. Kelliher's letter reflects he now has a better understanding and appreciation of the northwest energy markets and transmission systems and the particular challenges northwest ratepayers face.

Based on his letter, I will no longer object to any unanimous consent request for the Senate to take up Mr. Kelliher's nomination.

I ask unanimous consent that a copy of Mr. Kelliher's letter to me be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 30, 2003.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: I am writing to clarify my views on two issues of importance to you: Standard Market Design and market manipulation.

You have forcefully stated your opposition to the Commission's Standard Market Design. In particular, you have expressed concern that market rules developed in other regions of the country may not work in the Pacific Northwest, and emphasized the potential economic impact of the proposal on your region.

I recognize electricity markets are not national, but regional. There are significant differences among the regions—the transmission grids are different, the generation mixes are different, and the market structures are different. There are also significant legal differences—the role of nonjurisdictional utilities such as the Bonneville Power Administration and municipal utilities is more significant in the Pacific Northwest than other regions. It is essential that market rules reflect these important regional differences.

For these reasons, I do not believe imposition of uniform national market rules on your region is appropriate. I support regional flexibility, and if confirmed by the Senate I would give great deference to the views of your region. Further, I am not convinced there is a need for a final rule on Standard Market Design. A better means of achieving regional flexibility may be through regional proceedings.

Because of the unique regional characteristics in the Pacific Northwest, I believe any effort to form a regional transmission organization should be voluntary. In my view, the Commission could not successfully mandate the establishment of a regional transmission organization for the Pacific Northwest, nor should it attempt to do so.

Markets that are subject to manipulation cannot operate properly. For that reason, I believe there is an urgent need to proscribe manipulation of electricity markets. There is no express prohibition of market manipulation in the Federal Power Act. That stands in contrast with the regulatory laws governing other industries, such as securities and commodities. Market manipulation should be expressly prohibited.

In addition, penalties must be sufficient to discourage market manipulation. Well before the Western electricity crisis I advocated tougher criminal and civil penalties. In my view, the penalties set by Congress in the Federal Power Act are no longer adequate to discourage criminal behavior. They need to be increased.

The Commission has some ability to address market manipulation absent Congressional action. In my opinion, the Commission has legal authority to proscribe certain market manipulation practices by jurisdictional utilities. The Commission also has discretion to revoke authorization of a public utility to sell power at market-based rates as a remedy for market manipulation. I would support exercise of this authority.

In the past, you discussed the relationship between spot markets and long-term markets. As you know, in its "Final Report on Price Manipulation in Western Markets" the Commission staff concluded spot prices influenced forward prices. As a general matter, I acknowledge there is a relationship between spot markets and forward markets.

There is no question the Commission has legal authority to reform contracts. In the right circumstances, contract reform is appropriate. If it can be demonstrated that any Pacific Northwest contracts impose an excessive burden on consumers or are unduly discriminatory, or that fraud or duress were present at the time of contract formation, then I believe contract reform would be appropriate. You have expressed your strongly-held view that the just and reasonable standard should govern in contract reform cases. I respect your view, and note there is legal precedent supporting your position. I have not prejudged which legal standard should govern in contract reform cases, and Federal courts have applied both the public interest standard and the just and reasonable standard. As you know, the Commission applied the public interest standard in recent contract reform cases. I have not prejudged whether these cases were correctly decided.

I appreciate the opportunity to share my views with you on these matters.

Sincerely,

JOSEPH T. KELLIHER.

ON THE PASSING OF JOJI KONOSHIMA, PRESIDENT, U.S.-ASIA INSTITUTE

Mr. INOUYE. Mr. President, on September 17, 2003, America lost one of its true Ambassadors of Friendship, Mr. Joji Konoshima, President and cofounder of the U.S.-Asia Institute.

Mr. Konoshima was well known at home and abroad for his efforts to promote understanding and dialog between the United States and East Asian nations. His career as an educator, labor organizer, political advisor, and diplomatic mentor spanned more than 40 years.

Born in Tokyo, Japan, Mr. Konoshima immigrated with his family to the United States at the age of six years and settled in California. He was a student at the University of California, Berkeley, when he and his family were evacuated during World War II to the Heart Mountain Relocation Center in Wyoming. After the war, he received a Bachelor of arts degree in Political Science from the University of California, Berkeley, in 1953, and a Master of Arts degree in Education from New York University in 1960. Mr. Konoshima taught social studies and Japanese language in New York City, and was an adjunct assistant professor at New York University for more than a decade.

In 1973, Mr. Konoshima organized the Manhattan teachers' union in backing the successful candidacy of Mayor Abraham Beame. He then served as the labor coordinator for New York gubernatorial candidate Hugh Carey in 1974, and was the union liaison for Governor Carey after his election. In 1974, Mr. Konoshima traveled to Hawaii to organize the teachers' union. In 1976, he became the New York labor coordinator for the Presidential campaign of Jimmy Carter, and went on to join the national Carter-Mondale campaign as labor liaison. After the election, Mr. Konoshima became the National Director of the Asian Pacific Affairs Unit of the Democratic National Committee. He accompanied Vice President Walter Mondale to Japan, and traveled to Japan and Korea with President Carter. He played a key role in the historic visit of Chinese Premier Deng Xiaoping to the United States in 1978, traveling with him to New York, Houston and San Francisco.

In 1979, Mr. Konoshima co-founded, with his colleague Esther Kee, the U.S.-Asia Institute, an organization dedicated to fostering better relations between the U.S. and the countries and people of East Asia. During his tenure as President of the U.S.-Asia Institute, Mr. Konoshima personally escorted Members of Congress on visits to the People's Republic of China, as well as delegations of Congressional staff. Mr. Konoshima led more than 85 Congressional staff and trade delegations to China, Japan, Indonesia, the Philippines, Korea, Malaysia, Singapore, Thailand and Brunei. He also hosted seven international conferences in cooperation with the U.S. Department of State, and a multitude of briefings on issues of interest and concern to the U.S. and East Asian nations. Mr. Konoshima was an advisor to political, business and diplomatic leaders on both sides of the Pacific.

Joji Konoshima will be missed by all whose lives he touched, but his extraordinary efforts in support of U.S.-Asia relations shall never be forgotten.

ON THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Mr. President, I want to speak today on the Community Oriented Policing Services, or COPS, program. In my twenty years as a public servant, I have seen only a very small number of federally funded programs that have had such a measurable and immediate effect on local communities as the COPS program.

The Community Oriented Policing Services Program, commonly known as COPS, was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then-President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation, resulting in real, tangible crime reduction in cities such as Green Bay, Wisconsin's third-largest city, as well as in small, rural areas across Wisconsin and the country. This program has been a shining example of an effective partnership between local and Federal governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives. It also provides Federal dollars directly to police departments and local communities.

To date, the COPS program has facilitated the hiring and training of over 118,000 police officers who help keep our communities safe. In the State of Wisconsin alone, COPS has funded over 1,330 new officers by contributing over $100 million to communities. COPS funds have also provided over $20 million worth of crime-fighting technologies to Wisconsin law enforcement agencies. As Green Bay Police Chief Craig Van Schyndle told me last week, these funds have had a very positive and measurable impact on policing in Green Bay. Crime rates have gone down, school security has been enhanced, and more officers have gotten out from behind their desks and into the communities they protect.

But the Chief also expressed his fear that proposed cuts to the COPS program will result in devastating consequences for the Green Bay Police Department. The proposed drastic funding cuts will set many police departments back decades. Already outdated equipment will become the norm, and what's worse, our communities will see a reduction in officers patrolling our neighborhoods. The Green Bay Police Department and so many other local law enforcement agencies in Wisconsin and across the country are already crunched for resources due to the stressed state budgets in many of our home States. Due to these fiscal constraints, COPS funds that we have praised as beneficial have become absolutely crucial. If we allow the proposed cuts to the COPS program, many departments will have no choice but to cut wages and reduce personnel.

It is important to note in the post-September 11 world that when we lose our community-oriented officers, we lose first responders. This year, for the first time, COPS dollars are being used to hire community policing officers who will be engaged in homeland security efforts, and to pay for overtime costs associated with homeland security. They are also helping to provide inter-operable communications technology in communities to better help our first responders communicate during times of crisis. Many of us have heard from first responders in our home States about how important, and how lacking, this communications technology is on the front lines of the fight against terrorism.

The administration and Congress simply cannot tell the American people that we want them to feel secure and tell our local law enforcement officers how they are, while at the same time cutting funding for those officers. We must not short-change our police officers. As the tragic events of September 11th reminded our Nation, police officers play a vital role in protecting and securing our communities. In the past 2 years, the words "security" and "safety" have taken on new significance for Americans. The COPS program helps to give those words meaning. The officers who are hired and trained and funded by the COPS program are our neighbors, our first responders, our drug educators, and, in some cases, as in the COPS in Schools program, the mentors for our children. We must give them the support they need so that they can continue to keep us safe and secure.

No police department should have to choose between having up-to-date communications devices and having sufficient law enforcement officers in its community, or decide whether to continue its school crossing guard program or to fund its successful crime-reduction programs. And yet, that is exactly what is happening to local law enforcement agencies in Wisconsin and across the country as they watch funding levels for the COPS program drop.

I might add that unlike other important law enforcement grant programs, COPS delivers grant funding directly to chiefs and sheriffs. There are no overhead costs for States because the grant administration is facilitated directly by the Federal Government. Communities of all sizes are eligible to apply for COPS grants, and the payoffs are invaluable. Ensuring funding in the COPS program is an investment in our Nation's security, an investment in our children, and an investment in community safety.

As we consider appropriations for the many Federal programs that make a difference at home, I urge my colleagues to send a strong message of support to our local law enforcement officers: As we ask more of them, we must understand the fiscal pressure they face and help them bridge their funding gap so they can continue the level of excellence at which they operate. There is no question that community-oriented policing is integral to the protection and safety of all Americans.

Again, I want to applaud Senator BIDEN for his leadership on this issue. I urge my colleagues, especially those on the Appropriations Committee, to work to ensure that the COPS program is fully funded before we adjourn. Thank you, Mr. President.

I yield the floor.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO DORIS HANSEN

• Mr. BURNS. Mr. President, I would like to voice my support for a woman who was recently named the American Trucking Association's National Driver of the Year, and resides in Lavina, MT.

Since Doris Hansen started driving semi trucks in 1967, she has logged more than 3 million miles. Beginning at the age of 19 as a driver for her father-in-law, Doris has preserved an accident-free driving record, with a personal commitment to safety for over 35 years. While Doris and her husband John sometimes drove as a sleeper team, she has logged most of her hours as a solo driver at a time when women were rare in the business. When Doris began her career, some companies did not offer separate shower facilities and break rooms, while others denied women access altogether.

Doris is currently leased to Quality Transportation, Inc. stationed in Baker, MT. Since signing with Quality in 1987, she has never lost a single cargo or filed a damage claim. She currently operates a conventional three-axle tractor and a 48-foot flatbed trailer, hauling general freight in "the lower 48." She has also logged the last 13 summers in-State pulling belly-dump trailers on road construction projects, winning numerous safety and industry awards, including Montana Motor Carriers 2002–03 Driver of the Year. Although her job keeps her on the road, she and John have raised two children. Danielle is now a nurse in Big Sandy, MT, and J.J., who shares Doris' love of the road, is a truck driver as well.

Doris has been named American Trucking Association's first woman, and first Montanan, National Driver of the Year for 2003. Doris will be honored at American Trucking Association's 2003 Safety and Loss Prevention Management Council's Fall Conference in Jacksonville, FL tomorrow, and again at the American Trucking Association Management Conference and Exhibition in San Antonio, TX on October 20. I applaud Doris for her continued commitment to safe driving, and hope that she will keep up the good work.•

IN CELEBRATION OF PHILLIP C. SHOWELL ELEMENTARY SCHOOL

• Mr. CARPER. Mr. President, I rise today to celebrate the selection of Phillip C. Showell Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to schools that meet one of two criteria. The nominated school must have at least 40 percent of their student population from disadvantaged backgrounds and have each segment—including whites, blacks, Hispanics, low-income and special education students—show scholastic improvement, or the school must score in the top 10 percent on State assessment tests in reading, writing, math, social studies and the sciences. Phillip C. Showell Elementary School was successful in meeting both of these criteria. Not only did each segment show adequate yearly progress, but the scores of students from Phillip C. Showell's have shown steady improvement on State assessment tests over the past several years. This is a remarkable honor for Phillip C. Showell Elementary School, attesting to the many achievements and the commitment this school, as well as the First State, has for educating our youth.

Located in the small town of Selbyville, DE, Phillip C. Showell Elementary School is home to many low-income and disadvantaged students. Approximately 47 percent of Phillip C. Showell Elementary School students come from a disadvantaged socio-economic background. Many students come to the school with English as a second language. To many teachers and faculty, these factors can be extremely frustrating. However, the dedicated staff at Phillip C. Showell Elementary School prides themselves on their commitment to successfully educating and impacting the lives of these underprivileged children.

Known as "The little school that's big on learning," Phillip C. Showell Elementary School provides an environment that allows its faculty to work closely with students. As one of the smallest elementary schools in the State, Phillip C. Showell Elementary is described as a close-knit family. The welcoming atmosphere makes students feel accepted and special.

As a title 1 school, Phillip C. Showell Elementary is able to receive funding and resources which allow them to provide for students. A teacher who specializes in writing and reading provides Early Success and Soar to Success programs for additional support to students. There are after school opportunities for identified students who can benefit from extra reading and math help. In addition, a reading specialist coordinates with other faculty members to identify kindergarten and new students who are in need of extended kindergarten. This extra half-day of learning provides language, arts and reading skills that will be essential to these students throughout their academic career. These programs were created to identify and assist students in need of extra help. The committed faculty, staff, and administrators offer students the chance to fulfill their potential. These children are inspired not only to reach their potential, but to strive for excellence.

Delaware is a small State, but we are building a growing record of achievement in public school education. The students at Phillip C. Showell Elementary School set the standard for elementary school students across the country. They truly are an inspiration to other schools and communities throughout the Nation.•

TRIBUTE TO COMMANDER ELIZABETH McDONALD MOORING

• Mr. LAUTENBERG. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for over 22 years in the U.S. Navy Nurse Corps: Commander Elizabeth McDonald Mooring. She was born in Rahway, NJ, and grew up in Bridgewater, NJ. CDR Mooring began her military career as a staff nurse at National Naval Medical Center, Bethesda, MD. She quickly rose through the ranks and served at naval bases throughout the world, including Naval Hospital Newport, RI; Naval Hospital Okinawa, Japan; Branch Medical Clinic, Sewells Point, Norfolk, VA; and varied assignments at the Naval Medical Center Portsmouth, VA. Following in her father's footsteps, Seaman Eugene Bernard McDonald, CDR Mooring and her sister, Patricia, joined the Navy Nurse Corps, while her brother Sean joined the Seabees in the Naval Reserve.

CDR Mooring adeptly served as the medical officer recruiter at the Commander Naval Reserve Force, Philadelphia, PA. For 2 years she consistently achieved her medical recruiting goal for the States of New Jersey and Pennsylvania. For 2 years CDR Mooring served in the Naval Reserve and drilled at Naval Air Station, Willow Grove, NJ. She was one of the first women to serve aboard the USS *John F. Kennedy*, CV–67, and provided medical support during the rededication of the Statue of Liberty. Because of her clinical excellence and professionalism she was assigned to the presidential support team for President Ronald Reagan.

It is only fitting that for her final assignment, she came home to New Jersey. CDR Mooring served as the Officer in Charge of the Branch Medical Clinic at Naval Air Engineering Station Lakehurst, NJ, and Assistant Officer in Charge at the Branch Medical Clinic, Naval Weapons Station Earle, Colts Neck, NJ. She was integral to the critical medical support mission of the Naval Weapons Station during Operation Enduring Freedom and Operation Iraqi Freedom. During Operation Iraqi Freedom, 83 percent of all weapons used, were loaded from the Naval Weapons Station Earle, NJ.

In each assignment, CDR Mooring excelled and met every challenge, and was rewarded with greater responsibilities and opportunities. She is an experienced leader, administrator, clinician, educator, and mentor. Throughout her career she has been instrumental in providing navy medicine with the fine cadre of navy nurses, physicians, Medical Service Corps officers and hospital corpsmen serving today.

Above all, she is a stellar officer and leader who always put the welfare of her staff and patients first. CDR Mooring always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Commander Elizabeth McDonald Mooring, on behalf of the United States, for her over 22 years of dedicated military service. Congratulations CDR Mooring and let me be one of the first to welcome you home to the State of New Jersey.•

TRIBUTE TO LIEUTENANT COLONEL TIMOTHY W. COY

• Mr. ALLARD. Mr. President, on the occasion of his retirement from the U.S. Air Force, I wish to recognize LTC Timothy W. Coy for his 27 years of dedicated service to our country. In his most recent assignment he served as the Chief, Congressional Inquiry Branch, Congressional Inquiry Division, Secretary of the Air Force Office of Legislative Liaison, where he served as liaison between the Air Force and Congress on their constituent issues.

Lieutenant Colonel Coy was born in 1958 at Bolling AFB, Washington, DC. He graduated from Tabb High School in Yorktown, VA, in 1976. He holds a masters degree in public administration from the University of Wyoming, a bachelor of arts degree from Saint Leo College, and a certificate in legislative studies from Georgetown University. He is also a graduate of Air Command and Staff College, the Armed Forces Staff College, Squadron Officers School, Noncommissioned Officer Leadership School, and the Air Force Legislative Fellowship program.

In August 1976, Lieutenant Colonel Coy enlisted in the Air Force and completed basic training at Lackland AFB, TX, in September 1976, and performed duties as an administrative specialist. During his 7-year enlisted tour, he attained the rank of technical sergeant, and was assigned to headquarters, Tactical Air Command, TAC, where he held positions in the TAC Directorate of Administration and the TAC Command Section. In 1981, he was selected as one of the first members of the 4450th Tactical Group, Nellis, AFB, NV, the unit responsible for the operation of the ten-top secret F–117A "Stealth Fighter."

In 1982, following a short stint as noncommissioned officer in charge, NCOIC, of the Tactical Fighter Weapons Center, TFWC Command Section, then-Staff Sergeant Coy was selected for assignment to the USAF "Thunderbirds" Aerial Demonstration Team, where he performed duties as NCOIC of Thunderbird administration. After attaining the rank of technical sergeant in 6 years, he received his commission through Officers Training School (OTS) in 1984.

Following OTS graduation, Lieutenant Colonel Coy completed Minuteman III training at Vandenberg AFB, CA, as a "Top Performer," and was assigned to the 320th Strategic Missile Squadron at F.E. Warren, AFB, WY. He performed duties as a standardization and evaluation missileer, and following his upgrade to crew commander, was selected to become the aide-de-camp for then BG Arlen D. Jameson, commander of the 4th Air Division. This job took him back to Vandenberg AFB as aide-de-camp and executive officer for Maj. General Jameson at the 1st Aerospace Division. In January 1990, he was selected as one of Strategic Air Command's top missileers for assignments to the TOP HAND Program. Lieutenant Colonel Coy served as launch director and test manager, and was involved in 20 Minuteman III and Peacekeeper test launches.

In June 1992, he was selected as part of the initial cadre of personnel in the newly established Headquarters Air Combat Command at Langley AFB, VA, where he served in the deputy chief of staff, Plans and Programs as chief of the ICBM Plans Section. When the ICBM mission moved to Colorado Springs, CO, at the Air Force Space Command in June 1993, Lieutenant Colonel Coy became the force applications mission area planner for the Directorate of Plans. In June 1966, he moved to the 21st Space Wing Plans Office where he became the chief of the Future Systems Branch. His office was responsible for SBIRS planning, the Clear Radar Upgrade, and conducted planning in support of National Missile Defense and other programs totaling over $14 billion.

He was then selected for assignment to the Joint Staff J–3 Defense Space Operations Division, DSOD, in December 1997. Lieutenant Colonel Coy assumed his duties in the Theater Missile and Air Defense branch, which included the National Missile Defense program, and participated in development of a common operating picture for the warfighter. He was also a qualified space surveillance officer in the National Military Command Center.

In 1998, Lieutenant Colonel Coy was selected as one of nine Air Force legislative fellows, and served as my Air Force fellow in my Washington, DC office. He worked defense issues, specifically space issues. His insight and knowledge was invaluable as a new member of the Senate Armed Services Committee.

In November 1999, he returned to the Pentagon as the chief of legislative affairs for the United States Joint Forces Command, where he advocated JFCOM programs on Capitol Hill. In July 2001, Lieutenant Colonel Coy was given the additional responsibilities as the director of the Washington Liaison Office, and U.S. liaison officer to the Supreme Allied Commander, Atlantic. On November 1, 2002, he assumed his current position as the chief of the Congressional Inquiry Branch.

A master space and missile operator, Lieutenant Colonel Coy's decorations include the Defense Meritorious Service Medal, five Meritorious Service Medals, the Air Force Achievement Medal with two oak leaf clusters, the Joint Service Commendation Medal, and the Air Force Commendation Medal with four oak leaf clusters. Additionally, he was awarded the Colorado Meritorious Service Medal by the Adjutant General, Colorado National Guard.

Tim was married for 20 years to the late Barbara L. Suiter and has two children; Brian, a sophomore at James Madison University in Harrisonburg, VA, and Laura, a senior at Woodbridge Senior High School. He has proven himself to be a top officer, loving husband, and a caring father. I am very proud to call Tim "one of my own" and wish him the best as he moves on to his next journey.●

PAUL STACKE

● Mr. COLEMAN. Mr. President, I would like to take a moment to recognize Paul Stacke, a widely respected figure of Minnesota radio who is retiring today after 48 years in the business.

Paul began his broadcasting career in 1955. Since that time, he has worked at radio stations in cities throughout Minnesota, including Albany, Morris, Duluth, and St. Cloud, where he was a member of the award-winning news staff of AM 1240 WJON.

While he has had a few different responsibilities over the years, Paul's most notable contribution was at WJON as the station's political reporter. In this position, Paul brought the latest to his listeners by covering the senators, governors, and State and local leaders in Minnesota politics and asking them the tough questions people wanted answered.

Paul also brought national politics back home through interviews with political figures who serve the people here in Washington, from a speaker of the House to a President of the United States.

There are many people in the media who have the skills to take themselves to a successful career. Paul is qualified in this way, but he is also more. Besides being a professional, Paul is genuine.

Bringing this quality into an interview is what makes him a one-and-only. In doing so, he compels the people he is interviewing to show the same side of themselves.

In interviews with political leaders, the result is that his listeners got to hear the "real" person who represents them.

This is why Paul is a respected man in Minnesota, and why his contribution to Minnesota radio will be missed. The entire State of Minnesota—especially the St. Cloud area—was fortunate to have him on the air.

Unfortunately, our work here in the Senate keeps me from attending his retirement party this evening back in St. Cloud, MN. But if I were in attendance there tonight—among Paul, his wife Carol, and his family, friends, and colleagues—I would thank him for his inestimable contribution to keeping me and so many other Minnesotans informed.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES REFERRED—September 29, 2003

The following bill was reported from Committee and referred as follows:

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4412. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations" (RIN2137-AD71) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4413. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Approval Program for Certain Persons Performing Visual Requalifications of DOT Specification Cylinders; Extension of Compliance Date" (RIN2137-AD86) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4414. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Matter Incorporated by Reference" (RIN2137-AD83) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4415. A communication from the Chief of Staff, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991" (CG Doc. No. 02-278) received on September 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4416. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Further Regulatory Review Gas Pipeline Safety Standards" (RIN2137-AD01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes; Doc. No. FAA-200-7909" (RIN2120-AG91) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4, B4-600, B4-600R, F4-600R; A130, 319, 320, 321, 330; and A340 Series Airplanes; Equipped with PPG Aerospace Windshields, Doc. No. 2002-N-50" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 and MD 11F Airplanes; Doc. No. 2002-NM-74" (RIN2120-AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Air Traffic Rules in the Vicinity of Los Angeles International Airport; Doc. No. FAA-2002-14149" (RIN2120-AH92) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revised Requirement for Material Strength Properties and Design Values for Transport Airlines; Doc. No. FAA-2002-11345" (RIN2120-AH36) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reports by Carriers on Incidents Involving Animals During Air Transport; Doc. No. FAA-2002-13378" (RIN2120-AH69) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4423. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disposition of Comments to Final Rules: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia" (RIN2120-AI01) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robert E Rust Models Dehavilland DH C1 Chipmunk 21, 22, and 22A Airplanes; Doc. No. 2000–CE–64" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Federal Airways V–13 and V–07; Harlingen, TX" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26) Amendment No. 3070" (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (43) Amendment No. 3069" (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (77) Amendment No. 3071" (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12) Amendment No. 3072" (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (124) Amendment No. 3073" (RIN2120–AA65) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Dynamics (Corvair) Model P4Y–2 Airplanes, General Dynamics (Consolidated-Vultee) (Army) Model LB–30 Airplanes, and General Dynamics (Consolidated) (Army) Model C–87A Airplanes" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4432. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders" (RIN2120–AA64) received on September 25, 2003 ; to the Committee on Commerce, Science, and Transportation.

EC–4433. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRARER) Model EMB–135 and 145 Series Airplanes Doc. No. 2002–NE–88" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4434. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Trent 768–60, Trent 772B–60 Turbofan Engines Doc. No. 2003–NE–29" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4435. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes Equipped with General Electric Model CF6 Series Engines Doc. No. 2002–NM–128" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4436. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc. RB211–535 Turbofan Engines Doc. No. 2002–NE–16" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4437. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA315B, SA316C, and SA319B Helicopters Doc. No. 2003–SW34" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4438. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Window Rock, AZ Final Rule; Confirmation of Effective Date; Doc. No. 03–AWP–9" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4439. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wichita ModContinent Airport, KS, Correction Doc. No. 03–ACE–52 " (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4440. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Piaggio Aero Industries S.p.A. Model P180 Airplanes Doc. No. 2003–CE–30" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4441. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series Airplanes Doc. No. 2000–CE–17" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4442. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce RB211 Series Turbofan Engines Correction Doc. No. 2003–NE–13" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4443. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. Model 369A, D, E, H, HE, HM, HS, F, and FF Helicopters; Correction Doc. No. 2003–SW–17" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4444. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D–200 Series Turbofan Engines Doc. No. 2002–NE–41" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4445. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 155B, SA–365N, and N1, AS–365N2, and AS 365N3 Helicopters Doc. No. 2002–SW–53" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4446. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Wytwornia Sprzetu Komunikacyjnego (WSK) PZL–10W Turboshaft Engines Doc. No. 2003–NE–90" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4447. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes Doc. No. 2003–NM–141" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4448. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet 45 Model Airplanes Doc. No. 2003–NM–142" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4449. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McCauley Propeller Systems, Inc. Propeller Hum Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 Doc. No. 2003–NE–32" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4450. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Deutschland Ltd & Co KG Dart 528, 529, 529D, 531, 532, 535, 542, and 552 Series Turboprop Engines Doc. No. 2003–NE–10" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc., Model 600 N Helicopters Doc. No. 2003–SW–04" (RIN2120–AA64) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4452. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Corning, IA Doc. No. 03–ACE–69" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4453. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clarion, IA Doc. No. 03–ACE–68" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4454. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chariton, IA Doc. No. 03–ACE–67" (RIN2120–AA66) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4456. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Retention Limit Adjustment" (ID082203D) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4457. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Partial Approval of Amendment 75 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area" (RIN0648–AQ78) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4458. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment Opening B Season for Atka Mackerel with Gears Other Than Jig" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4459. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amounts of Bering Sea Subarea Pollock from the Incidental Catch Account to the Directed Fisheries" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4460. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Correction to Figure 6 to Part 679; Changes in Length Overall of a Vessel at Section 679.2" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4461. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notification of Atka Mackerel Assignments for the 2003 B Season Atka Mackerel Fishery in HLA 542 and/or 543; BSAI" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4462. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4463. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment; Pacific Sardine Fishery" (RIN0648–AP88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4464. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4465. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4466. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4467. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648–AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4468. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648–AN40) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4469. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648–AP68) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4470. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648–AN88) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4471. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4472. A communication from the Acting Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4474. A communication from the General Counsel, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Confirmation of Effective Dates of Rules Declaring Metal-Cored Candlesticks Containing Lead and Candles With Such Wicks to be Hazardous Substances and Banning Them" (FR Doc. 03–16243) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4475. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")" (RIN3084-AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4476. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Roadway Maintenance Machine Safety" (RIN2130-AB28) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4477. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Recommendations to Change the Hazardous Liquid Pipeline Safety Standards" (RIN2137-AD10) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4478. A communication from the Director of Industry Programs, Office of Policy, International Trade Administration, transmitting, pursuant to law, the report of a rule entitled "Steel Import Licensing and Surge Monitoring" (RIN0625-AA60) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4479. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations" (RIN0648-AQ54) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4480. A communication from the Deputy Director, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA" (RIN0648-AQ61) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4481. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Industry and Security Programs" (RIN0694-xx21) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4482. A communication from the Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife: Sea Turtle Conservation Requirements" (RIN0648-AR34) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4483. A communication from the Patent Counsel, Office of General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing of Government Owned Inventions" (RIN0692-AA17) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4484. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption, . . . etc. ("Appliance Labeling Rule")—(Dishwasher and Central Air Conditioner Ranges, 2003)" (RIN3084-AA74) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. No. 108-156).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 622. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes (Rept. No. 108-157).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

By Mr. SHELBY:

S. 1680. An original bill to reauthorize the Defense Production Act of 1950, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; considered and passed.

By Mr. BUNNING:

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself, Mrs. MURRAY, and Mr. CORZINE):

S. 1684. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1685. A bill to extend and expand the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr. DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 1689. An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 875

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1082

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1082, a bill to provide support for democracy in Iran.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1246

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Montana (Mr. BURNS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1548

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1549

At the request of Mrs. DOLE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1558

At the request of Mr. ALLARD, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr . COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1558, a bill to restore religious freedoms.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 1660

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1660, a bill to improve water quality on abandoned and inactive mine land, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1670

At the request of Mr. DAYTON, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. CON. RES. 56

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1678. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act. This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum (Museum), in Vernal, UT. The facility would be co-located with the Museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts. At present, Dinosaur National Monument has more than 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of $6.5 million dollars. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the City of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately $1.5 million dollars. The Park Service estimates the total cost of adding the research and curatorial center to be $8.7 million dollars.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

It is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the City of Vernal, and Uintah County of which this Congress ought to applaud and support.

By Mr. BUNNING:

S. 1679. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Realistic Roofing Tax Treatment Act of 2003 which would amend the Internal Revenue Code to provide a more realistic depreciation schedule for commercial roofs.

In 1981, Congress eliminated component depreciation and put into place a general depreciation period of 15 years for all building components. In 1993, the recovery period for nonresidential property was extended to 39 years in order to raise revenue. The current 39-year depreciation period is not a realistic measure of the average life span of a commercial roof. It is a disincentive for building owners to replace nonperforming roofs, because replacing failing roofs more frequently than 39 years means carrying the burden of roofs that no longer exist on the books.

A study by Ducker Worldwide, a leading industrial research firm, found the current aggregate commercial roof life span is 17.45 years. Ducker estimates that a shortened depreciation schedule will stimulate economic activity and generate 30,000 new jobs in a two-year period. I am particularly concerned that we help America's manufacturers and this legislation will provide them immediate tax relief. It will also provide relief to America's small businesses, which find it more difficult to absorb the impact of capital improvement expenditures than larger entities.

Congressman FOLEY will shortly be introducing similar legislation in the House of Representatives. I am pleased that this proposal has the support of the United Union of Roofers, Waterproofers and Allied Workers, and I urge my colleagues to support this important piece of legislation when it comes before the Senate.

By Mr. BUNNING.

S. 1681. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. BUNNING. Mr. President, today, I am pleased to introduce a bill that will address an issue of inequity in the U.S. Tax Code. Current tax law requires that certain production expenses of a product for sale by a manufacturer be capitalized into the inventory cost of that product. One such expense is the allocable portion of interest expenses that are attributable to equipment used in that production. However, this capitalization requirement only applies when the product being produced has a production period in excess of 2 years.

The bill I am introducing today will clarify that, for the production of distilled spirits, the production period for purposes of this capitalization rule includes only the distilling of the liquor—it does not include time that the liquors are naturally aged following the distillation.

This is an important clarification to insure that distilled spirits that are aged for long periods of time—in some cases many years—do not face adverse tax consequences merely due to this aging process. The clarification of this inequity will aid many small distilleries located in the United States by not forcing them to carry additional inventory costs over long periods of time.

I urge my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 1682. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, today I want to introduce legislation to direct the Census Bureau to develop a test census of Americans living abroad in 2004. The long-term goal is to develop methods to include Americans living overseas in our next decennial census in 2010.

There are approximately 3 million to 6 million private American citizens living and working overseas, and many of them continue to vote and pay taxes in the United States. These citizens help increase exports of American goods, because they traditionally buy American, sell American,and create business opportunities for American companies and workers. Their role in strengthening the U.S. economy, creating jobs in the United States, and extending U.S. influence around the globe is vital to the well-being of our Nation.

I believe that Americans abroad deserve to be counted, and to achieve this goal we must begin with a test census next year.

For many years, I have been proud to work on policies to ensure that Americans living abroad are treated fairly.

By Mr. VOINOVICH:

S. 1683. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Governmental Affairs

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Pay and Benefits Parity Act of 2003".

SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.

(a) DEFINITION.—In this section, the term "law enforcement officer" means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.

(a) DEFINITIONS.—In this section—

(1) the term "employing agency" means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term "participating employee" means an employee who is participating in the Program; and

(3) the term "Program" means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(d) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

By Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BAUCUS, Mr. DEWINE, Mr. LEVIN, Mr. INHOFE, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mrs. CLINTON, and Mr. JEFFORDS):

S. 1686. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Senator LANDRIEU, Senator BUNNING and I are happy to introduce the Adoption Promotion Act of 2003, a bill that would extend and improve the Adoption and Safe Families Act of 1997. Across the country there are thousands of children of all ages and needs who are waiting to be adopted into stable families. This legislation provides a reward to States that place an emphasis on finding loving homes for children who are in foster care.

The Adoption and Safe Families Act of 1997 rewarded States with cash incentives for increasing the number of adoptions of children in foster care, concentrating on children with special needs. Adoption levels were on the rise before the introduction of this legislation, but grew even faster after implementation of the program. Studies project that an additional 34,000 children were adopted during the first 3 years of the program. Currently each of the 50 States, the District of Columbia, and Puerto Rico have received incentive payments from the increased number of adoptions. My home State of Iowa just received a payment of $524,000 because of its success in finding children in foster care permanent homes. The results are clear, adoption incentives are working.

There are many people in this country who have opened their arms to children that do not fit the typical mold. The Lippert family of Council Bluffs, IA is just one example. Over the last 25 years, they have adopted 16 children, in addition to their two biological children. Their doors are still open to children in need. Within the next 6 months their nest will become even larger; they have three teenage girls who are in the process of being adopted. All but one of these children have special needs, ranging from emotional to physical disabilities. None of these challenges have stopped the Lippert family from helping their children become successful members of the community. The Lippert family has given these children a chance to be part of a loving and permanent family, an opportunity they would otherwise not have had.

But much remains to be done. While adoption incentives have helped states place a large number of children in families, there are still thousands of children without such luck. The incentive program helps to promote the needs of children for whom it is challenging to find an adoptive home. Take for example, children over the age of 9. The probability that these children will ever find a permanent home exceeds the probability they will be adopted into a loving family. This legislation adds an incentive for States to increase the number of older children adopted out of foster care.

Adoption is a positive life-changing experience. My bill builds upon the success of the Adoption and Safe Families Act of 1997. It recognizes these successes and continues to challenge States to remove children from foster care and place them with a permanent family. Adoptions give children a loving home and families an opportunity to share their love with a child in need. I encourage the Senate to consider this important piece of legislation and continue to reward States that are working to place children in permanent homes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Promotion Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1997, the Congress passed the Adoption and Safe Families Act of 1997 to promote comprehensive child welfare reform to ensure that consideration of children's safety is paramount in child welfare decisions, and to provide a greater sense of urgency to find every child a safe, permanent home.

(2) The Adoption and Safe Families Act of 1997 also created the Adoption Incentives program, which authorizes incentive payments to States to promote adoptions, with additional incentives provided for the adoption of foster children with special needs.

(3) Since 1997, all States, the District of Columbia, and Puerto Rico have qualified for incentive payments for their work in promoting adoption of foster children.

(4) Between 1997 and 2002, adoptions increased by 64 percent, and adoptions of children with special needs increased by 63 percent; however, 542,000 children remain in foster care, and 126,000 are eligible for adoption.

(5) Although substantial progress has been made to promote adoptions, attention should be focused on promoting adoption of older children. Recent data suggest that half of the children waiting to be adopted are age 9 or older.

SEC. 3. REAUTHORIZATION OF ADOPTION INCENTIVE PAYMENTS PROGRAM.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

"(2)(A) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; or

"(B) the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year;".

(B) in paragraph (4), by striking "and 2002" and inserting "through 2007"; and

(C) in paragraph (5), by striking "2002" and inserting "2007";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS BASED ON AFCARS DATA.—The Secretary shall determine the numbers of foster child adoptions, of special needs adoptions that are not older child adoptions, and of older child adoptions in a State during each of fiscal years 2002 through 2007, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.";

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B)—

(i) by inserting "that are not older child adoptions" after "adoptions" each place it appears; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) $4,000, multiplied by the amount (if any) by which the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year.";

(4) in subsection (g)—

(A) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to fiscal year 2003, the number of foster child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.";

(B) in paragraph (4)—

(i) in the paragraph heading, by inserting "THAT ARE NOT OLDER CHILD ADOPTIONS" after "ADOPTIONS"; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to fiscal year 2003, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of special needs adoptions that are not older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year."; and

(C) by adding at the end the following:

"(5) BASE NUMBER OF OLDER CHILD ADOPTIONS.—The term 'base number of older child adoptions for a State' means—

"(A) with respect to fiscal year 2003, the number of older child adoptions in the State in fiscal year 2002; and

"(B) with respect to any subsequent fiscal year, the number of older child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 2002 and ends with the fiscal year preceding that subsequent fiscal year.

"(6) OLDER CHILD ADOPTIONS.—The term 'older child adoptions' means the final adoption of a child who has attained 9 years of age if—

"(A) at the time of the adoptive placement, the child was in foster care under the supervision of the State; or

"(B) an adoption assistance agreement was in effect under section 473 with respect to the child.";

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) $43,000,000 for each of fiscal years 2004 through 2008."; and

(B) in paragraph (2)—

(i) by inserting ", or under any other law for grants under subsection (a)," after "(1)"; and

(ii) by striking "2003" and inserting "2008";

(6) in subsection (i)(4), by striking "1998 through 2000" and inserting "2004 through 2006"; and

(7) by striking subsection (j).

(b) REPORT ON ADOPTION AND OTHER PERMANENCY OPTIONS FOR CHILDREN IN FOSTER CARE.—Not later than October 1, 2004, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on State efforts to promote adoption and other permanency options for children in foster care, with special emphasis on older children in foster care. In preparing this report, the Secretary shall review State waiver programs and consult with representatives from State governments, public and private child welfare agencies, and child advocacy organizations to identify promising approaches.

SEC. 4. AUTHORITY TO IMPOSE PENALTIES FOR FAILURE TO SUBMIT AFCARS REPORT.

Section 474 of the Social Security Act (42 U.S.C. 674) is amended by adding at the end the following:

"(f)(1) If the Secretary finds that a State has failed to submit to the Secretary data, as required by regulation, for the data collection system implemented under section 479, the Secretary shall, within 30 days after the date by which the data was due to be so submitted, notify the State of the failure and that payments to the State under this part will be reduced if the State fails to submit the data, as so required, within 6 months after the date the data was originally due to be so submitted.

"(2) If the Secretary finds that the State has failed to submit the data, as so required, by the end of the 6-month period referred to in paragraph (1) of this subsection, then, notwithstanding subsection (a) of this section and any regulations promulgated under section 1123A(b)(3), the Secretary shall reduce the amounts otherwise payable to the State under this part, for each quarter ending in the 6-month period (and each quarter ending in each subsequent consecutively occurring 6-month period until the Secretary finds that the State has submitted the data, as so required), by—

"(A) ⅙ of 1 percent of the total amount expended by the State for administration of foster care activities under the State plan approved under this part in the quarter so ending, in the case of the 1st 6-month period during which the failure continues; or

"(B) ¼ of 1 percent of the total amount so expended, in the case of the 2nd or any subsequent such 6-month period.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator GRASSLEY and a bipartisan coalition in sponsoring the Adoption Promotion Act of 2003. This legislation will reauthorize and expand on the adoption bonuses created as part of the 1997 Adoption and Safe Families Act.

The Adoption and Safe Families Act stated clearly that a child's health and safety are paramount, and that every child deserves a permanent home. Key policy changes were made to promote permanency, including streamlining the process and creating incentives for adoption. Since 1997, the number of adoptions from foster care increased by 64 percent, and the number of adoptions of children with special needs increased by 63 percent. This is wonderful news for the children and families. But over 500,000 children are still in foster care, and 126,000 of those children have adoption as a goal.

This legislation would reauthorize the existing adoption bonuses, and it would create a new bonus for children over the age of 9 who represent almost half of the children waiting for adoption. The Adoption Promotion Act is an important next step to improving our child welfare system.

In West Virginia, over 900 children have been adopted from the foster care system since enactment of the Adoption and Safe Families Act. This is good news for the children and families, but many more children in my State and across the country are waiting for a safe, permanent home.

Adoption is a wonderful event that changes a child's life and creates a special family. Today, in addition to introducing this legislation, the Congressional Adoption Caucus will celebrate its Angels in Adoption Award, including an award to a very special West Virginian, Millie Mairs, who has worked on adoption issues in my State for almost 30 years at the West Virginia Children's Home Society. Her work has helped to change many lives.

This legislation is key, but it is only part of the puzzle to improving our foster care system which, according to the findings of the Child and Family Service Reviews, needs to be strengthened. As more children move into adoption, especially older children, we must become more aware and respond to the needs for post-adoption services. I hope that future action on child welfare reform will be bipartisan, like the Adoption Promotion Act. It is encouraging to know that the Pew Commission on Children in Foster Care is working to develop recommendations regarding child welfare financing and the role of the courts in child welfare policy. Hopefully, these recommendations can help forge bipartisan consensus for future changes that will enhance the lives of our most vulnerable children, those in foster care.

Mr. INHOFE. Mr. President, I rise today to join my colleagues in introducing this bill to reauthorize the Adoption Incentives Program.

The Adoption Incentives Program was created in 1997 as a part of the Adoption and Safe Families Act to encourage and expedite adoptions for children in foster care.

Under the current program, States are given incentive payments for increased adoptions of all foster children, as well as for adoptions of children with special needs. This reauthorization bill will continue that program, while offering new, targeted incentives for adoptions of older children.

There is an overwhelming need for adoption of foster children. Over 550,000 children are currently languishing in foster care in the United States. Of this number, more than 165,000 are children who will never be adopted.

Only half of the children in foster care graduate from high school and only 11 percent of that number go to college. Within 1 year of leaving foster care, 49 percent of these young people are unemployed and within 3 years of leaving foster care, up to 45 percent have been arrested and almost 75 percent have been arrested at least once.

Providing these children with a permanent, stable family helps them become successful, contributing members of society. I am proud to lend my support to this important legislation that will help give these young people a home.

Mr. BUNNING. Mr. President, I would like the opportunity to talk for a few minutes with my colleague from Iowa about the important role of adoption and foster care. Today, I am proud to be supporting legislation that the Senator from Iowa is introducing to reauthorize the Adoption Incentive Program. This is an important program that encourages States to do all they can to find permanent homes for children in foster care.

Mr. GRASSLEY. I appreciate that the Senator from Kentucky has worked so hard with me on the reauthorization of the Adoption Incentive Program. I also appreciate the lead the Senator took several months ago when he introduced the original legislation to reauthorize this program, which was based on the administration's proposal. This was an important step to help get the ball rolling on this program's reauthorization.

Our legislation builds upon the Adoption Incentive Program created in the Adoption and Safe Family Act of 1997. This bill sets the authorization level for this program at $43 million for each of fiscal year 2004 through fiscal year 2008. Through this legislation, States would continue to be rewarded for all increased adoptions of children in foster care.

States that earn incentive payments for increased adoptions of foster children would also continue to be rewarded for increased adoptions of special needs children. However, the special needs payment would be limited only to adoptions of special needs children who are under age 9 at the time the adoption is finalized.

Senator BUNNING, as you well know, our bill would create a third incentive payment, for each increased adoption of all children in foster care who are age 9 or older at the time of adoption. This is important because children over the age of nine are less likely to find a permanent adoptive home. In fact, the probability that these children never find a permanent home exceeds the probability they will be adopted into a loving family.

Mr. BUNNING. I am pleased that we are continuing the bonuses for States that increase the number of adoptions each year, along with keeping the additional incentive for adoptions of special needs children and providing a new incentive for States to focus on the adoptions of older children.

I am proud to say that Kentucky has also done fairly well under the Adoption Incentive Program over the years, and I am glad we are continuing the program. From 1998 to 2001, Kentucky received $1.6 million adoption incentives. For 2002, the Department of Health and Human Services recently announced that my State will receive $204,000 in adoption incentives.

Mr. GRASSLEY. My home State of Iowa and its child welfare program has also benefited from this program. Last year, Iowa received a payment of $524,000 because of its success in finding children in foster care, permanent homes. Our States' successes underscore the results of this program; adoption incentives are working.

Mr. BUNNING. I am sure the Senator from Iowa will agree with me that we need to make it as easy as possible for loving families to either adopt or become foster parents for children in need. There is nothing more special than a family opening up their home to a child and providing a safe and supportive environment. This is why I have worked on adoption and foster care issues for so long in Congress.

In fact, last year I was pleased that one of my foster care initiatives was passed as part of the 2002 economic stimulus bill. Many families who take in foster care children receive stipends from the placement agency which helps pay for food, clothes and other expenses.

In the past, some of these stipends were tax-free for families, while others were taxable. I didn't feel that was fair, so my provision made all stipends that foster care families receive to be tax free. This provision corrected an inconsistency in the tax code that unfairly punished foster care families and the children for whom they care, and I was happy we could finally correct this problem.

Mr. GRASSLEY. In the recent past, Congress has also taken some positive steps to promote adoption through tax credit. In 2001, as chairman of the Finance Committee, I extended and expanded two important provisions which provide tax relief for adoptive families.

The 2001 tax bill ensured that neither adoption tax credit, nor the exclusion from income for qualified employer-paid adoption expenses expired. In addition, the amount of each of these benefits was doubled—i.e., from $5,000 to $10,000 per qualifying child. Finally, in the case of special needs adoptions, Congress eliminated expense reporting requirements thus ensuring that the families who take special needs children into their homes receive the maximum relief possible under these provisions, while minimizing their administrative burdens.

Mr. BUNNING. I certainly agree with you that the adoption tax credits are good policy, and I am very familiar with them. In fact, back in 1996, I worked as a Member of the Ways and Means Committee to pass the original legislation providing for the tax credits to help families afford to adopt children. We finally got this credit passed as part of the Small Business Job Protection Act which passed over seven years ago. I was very supportive of the provisions in the 2001 tax bill to expand these credits, but would like to take them one step further.

Within the next couple of weeks, I will be introducing legislation to make these tax credits permanent. If we don't eliminate the sunset which was built into the tax bill, then the current maximum credit of $10,000 will be reduced back down to $5,000 in 2010. To me, this seems like a common-sense change that needs to be made.

I introduced a similar bill in the 107th Congress, and I am hopeful that we can get this bill passed before the end of the 108th Congress.

Mr. GRASSLEY. I look forward to working with you on this issue in the near future.

Mr. BUNNING. Finally, I would like to say a few words about the importance of promoting interracial adoptions. In the past, many times there were barriers to families adopting minority children. This isn't fair to the family or the child. That is why in 1996, I pushed for legislation stopping discrimination against minority children in order to make it easier for them to move from foster care into a loving, permanent home.

All of these initiatives are designed to help find permanent or temporary homes for our Nation's children. Today, we are taking another important step by reauthorizing the Adoption Incentive Program, and I hope that we can get this bill through the Senate and onto the President's desk soon.

Mr. GRASSLEY. It is also my hope that we can get this bipartisan bill through Congress and allow it to become law. I would like to thank you, Senator BUNNING, and the other members of the Senate who have worked so hard on this legislation.

By Mr. BINGAMAN (for himself, Ms. CANTWELL, and Mrs. MURRAY):

S. 1687. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan

Project for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce the Manhattan Project National Historical Park Study Act. This bill authorizes the National Park Service, in coordination with the Secretaries of Energy and Defense, to undertake a special resource study to assess the national significance, suitability, and feasibility of designating various Manhattan Project sites and their facilities as a National Historical Park. Specifically, the study will evaluate the historic significance of the Manhattan Project facilities of Los Alamos and the Trinity Site in the State of New Mexico, of the Hanford Site in the State of Washington, and of Oak Ridge in the State of Tennessee. I am pleased that my distinguished colleagues from the States of Washington, Senators CANTWELL and MURRAY, are cosponsoring this bill.

The significance of the Manhattan Project to this Nation—and indeed the World—would be difficult to overstate. The project was initiated as a desperate effort in the middle of World War II to beat Nazi Germany to the construction of the first nuclear bomb. The effort was of a magnitude and intensity not seen before or since: in a mere three years, 130,000 men and women went to work on a $2.2 billion mission that furiously pushed science, technology, engineering, and society into a new age.

The magnitude of the effort is easily matched by its legacy. This legacy includes an ending to the Second World War, as well as the foundation for nuclear medicine and great advances in physics, mathematics, engineering, and technology. A number of scholars have argued that it also includes a dramatic change to a sustained era of relative world peace. But this legacy also includes the deaths of hundreds of thousands of Japanese, and the sacrifices of the homesteaders that were forced off of the sites to make way for the project, its thousands of workers and their families, and the uranium miners, "down-winders", and others. This legacy has been the subject of hot debate for decades, and this debate continues today—as it must.

There are historic facilities at the four Manhattan Project sites that are absolutely essential resources for informing this important debate, and there should be no question that they are of great national and international significance. Pulitzer Prize-winning Manhattan Project author Richard Rhodes has said that "the discovery of how to release nuclear energy was arguably the most important human discovery since fire—reason enough to preserve its remarkable history."

But while the enormous significance of the Manhattan Project makes our obligation to preserve and interpret this history abundantly clear, it makes it equally challenging. The greatest challenge has been—and will continue to be—interpreting this history in a sensitive and balanced way. This Nation is blessed with historic assets that praise the best of humanity and some that mourn the worst, some that grace us with glory and some that humble us with anguish, some that impress us with brilliance and some that embarrass us with senselessness, some that manifest beginnings and some that mark ends, some that inspire us with awe and some that fascinate us with curiosities, and some that grip us with the fear of destruction and some that give us the hope of creation. But I don't know of any others that challenge us with legitimate passions for all of these.

Preserving and interpreting this history also includes the challenge of respecting the ongoing missions and responsibilities of the Department of Energy and the Department of Defense at the Manhattan Project sites. Access to some of the historic facilities must be restricted—to some prohibited—and other precautions also may be necessary. The Departments of Energy and Defense have begun to take on these challenges, and they deserve much credit for doing so. The Bradbury Museum in Los Alamos is a good example, as are the biannual tours of the Trinity Site on White Sands Missile Range. They have recognized that preserving this history offers great opportunities not only for the public, but for their employees. Employees who better appreciate this history will be more likely to appreciate their careers, and they certainly will appreciate the boost interested tourists give to their local economies.

This bill asks the question whether we will do better to preserve and interpret the important history of the Manhattan Project by unifying and promoting the various efforts at these sites as a National Historical Park. It is appropriate that our Nation's leader in historic preservation and interpretation—the National Park Service—lead the effort to answer this question. In doing so, they will consult with the Secretaries of Energy and Defense, as well as State, tribal, and local officials, and representatives of interested organizations and members of the public. The Park Service's expertise, experience, and enthusiasm is critical to the endeavor.

In asking this question we are neither celebrating the Manhattan Project nor lamenting it. But we are recognizing our responsibility to society to ensure it is neither forgotten nor misunderstood.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manhattan Project National Historical Park Study Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Manhattan Project, the World War II effort to develop and construct the world's first atomic bomb, represents an extraordinary era of American and world history that—

(A) included remarkable achievements in science and engineering made possible by innovative partnerships among Federal agencies, universities, and private industries; and

(B) culminated in a transformation of the global society by ushering in the atomic age;

(2) the Manhattan Project was an unprecedented $2,200,000,000, 3-year, top-secret effort that employed approximately 130,000 men and women at its peak;

(3) the Manhattan Project sites contain historic resources that are crucial for the interpretation of the Manhattan Project, including facilities in—

(A) Oak Ridge, Tennessee (where the first uranium enrichment facilities and pilot-scale nuclear reactor were built);

(B) Hanford, Washington (where the first large-scale reactor for producing plutonium was built);

(C) Los Alamos, New Mexico (where the atomic bombs were designed and built); and

(D) Trinity Site, New Mexico (where the explosion of the first nuclear device took place);

(4) the Secretary of the Interior has recognized the national significance in American history of Manhattan Project facilities in the study area by—

(A) designating the Los Alamos Scientific Laboratory in the State of New Mexico as a National Historic Landmark in 1965 and adding the Laboratory to the National Register of Historic Places in 1966;

(B) designating the Trinity Site on the White Sands Missile Range in the State of New Mexico as a National Historic Landmark in 1965 and adding the Site to the National Register of Historic Places in 1966;

(C) designating the X-10 Graphite Reactor at the Oak Ridge National Laboratory in the State of Tennessee as a National Historic Landmark in 1965 and adding the Reactor to the National Register of Historic Places in 1966;

(D) adding the Oak Ridge Historic District to the National Register of Historic Places in 1991;

(E) adding the B Reactor at the Hanford Site in the State of Washington to the National Register of Historic Places in 1992; and

(F) by adding the Oak Ridge Turnpike, Bear Creek Road, and Bethel Valley Road Checking Stations in the State of Tennessee to the National Register of Historic Places in 1992;

(5) the Hanford Site has been nominated by the Richland Operations Office of the Department of Energy and the Washington State Historic Preservation Office for addition to the National Register of Historic Places;

(6) a panel of experts convened by the Advisory Council on Historic Preservation in 2001 reported that the development and use of the

atomic bomb during World War II has been called "the single most significant event of the 20th century" and recommended that various sites be formally established "as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service";

(7) the Advisory Council on Historic Preservation reported in 2001 that the preservation and interpretation of the historic sites of the Manhattan Project offer significant value as destinations for domestic and international tourists; and

(8) preservation and interpretation of the Manhattan Project historic sites are necessary for present and future generations to fully appreciate the extraordinary undertaking and complex consequences of the Manhattan Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY.—The term "study" means the study authorized by section 4(a).

(3) STUDY AREA.—The term "study area" means the following Manhattan Project sites:

(A) Los Alamos National Laboratory and townsite in the State of New Mexico.

(B) The Trinity Site on the White Sands Missile Range in the State of New Mexico.

(C) The Hanford Site in the State of Washington.

(D) Oak Ridge Laboratory in the State of Tennessee.

(E) Other significant sites relating to the Manhattan Project determined by the Secretary to be appropriate for inclusion in the study.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.— —

(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating the various historic sites and structures of the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with the Secretary of Energy, the Secretary of Defense, State, tribal, and local officials, representatives of interested organizations, and members of the public; and

(B) evaluate, in coordination with the Secretary of Energy and the Secretary of Defense, the compatibility of designating the study area, or 1 or more parts of the study area, as a national historical park or national historic site with maintaining security, productivity and management goals of the Department of Energy and the Department of Defense, and public health and safety.

(b) REPORT.—Not later than 1 year after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Ms. CANTWELL. Mr. President, I rise today as a cosponsor, along with my colleagues, Senators BINGAMAN and MURRAY of the Manhattan Project National Historical Park Study Act.

This bill authorizes a special resource study to determine the suitability and feasibility of developing a national park site at one or more of the facilities that playing a major role in the Manhattan Project—the Federal Government's top-secret effort during World War II to develop nuclear weapons before its opponents, an initiative that changed the course of world history. I believe it is tremendously important for the citizens of our Nation to learn about the important functions the various Manhattan Project sites served in defending our Nation, from World War II through the cold war, and to recognize and understand the complicated and weighty issues arising from the production and use of nuclear weapons, their impact on world history as well as their human and environmental costs.

In January of 1943, Hanford, WA was selected by the War Department to serve as a part of President Franklin Delano Roosevelt's Manhattan Project plan. The site was selected for several reasons: It was remotely located from population centers, which fostered security and safety; the Columbia River provided plenty of water to cool the reactors; and cheap and abundant electricity was available from nearby Federal dams.

The history of this era is a complicated one—as farmers and tribes were displaced, given 30 days to move from their homes in central Washington. By March 1943, construction had started on the site, which covers about 625 square miles. At the time, the priority facility on the Hanford Reservation was the B reactor. Built in just 11 months as American scientists and their allies engaged in what was then perceived as a race with the Germans to develop nuclear capability, B reactor was the world's first large-scale plutonium production reactor.

The need for labor for the project turned Hanford into an atomic boomtown, with the population reaching 50,000 by the summer of 1944. Workers at the sprawling Hanford complex were not even sure of what they were producing, and tales of German rockets used during battles led many workers to believe they were producing rocket fuel. In fact, this secrecy continued even after the atomic bombs were dropped. One worker recalled that many children who lived in the area didn't even know what their parent who worked at Hanford did on the job.

Clearly, the B reactor at Hanford made significant contributions to U.S. defense policies during its production run, from 1944 through 1968. Plutonium from the B reactor was used in the world's first nuclear explosion, called the Trinity Test, in New Mexico on July 16, 1945. B reactor plutonium was also used in the "Fat Man" bomb dropped on Nagasaki, Japan on August 9, 1945. The blast devastated more than two square miles of the city, effectively ending World War II. The B reactor also produced plutonium for the cold war efforts until 1968.

The B reactor is simply a stunning feat of engineering. Built in less than a year, the reactor consisted of a 1,200-ton graphite cylinder lying on its side, which was penetrated through its entire length horizontally by over 2,000 aluminum tubes. Two hundred tons of uranium slugs the size of rolls of quarters went into the tubes. Cooling water from the Columbia River, which first had to be treated, was pumped through the aluminum tubes at 75,000 gallons per minute. Water consumption approached that of a city with a population of 300,000. The B reactor was one of three reactors that had its own auxiliary facilities that included a river pump house, large storage and settling basins, a filtration plant, huge motor-driven pumps for delivering the water, and facilities for emergency cooling in case of a power failure. It was the first of an eventual nine nuclear reactors that remain on the banks of the Columbia River—a potent reminder of both the war effort and the environmental burden with which we must contend.

The people of Washington State, and especially the residents of the tri-cities, are proud of their contributions to the World War II and cold war efforts. We are left with these irreplaceable relics of the Manhattan Project—such as the B reactor—which are incredibly important in understanding the engineering achievements that propelled this country into the nuclear age, with all of the complicated moral issues it poses for the possessors of such technology. As the Department of Energy continues its work to clean up the Hanford site, the country's most contaminated nuclear reservation, it is important that we also honor the achievements of the important work done here, as well as commemorate the tremendous sacrifices made by workers, displaced families and tribes, and this era's environmental legacy.

There is already strong support in the communities that surround Hanford for preserving the history of the Manhattan Project, and I would like to commend the B reactor Museum Association and Bechtel Hanford, Inc. for all this work to date. In recent years, they have worked hard to decontaminate, clean, inventory, and spruce up B reactor's interior so that people can walk in to see three chambers. But more work needs to be done if we want to preserve the reactor for future generations, which must learn about the Manhattan Project and its impact on world history.

One such way to do that is to look into the possibility of adding the B reactor as well as Manhattan Project sites in other parts of the country as a new National Park unit.

I look forward to working with my colleagues to ensure passage of this bill, as the study it authorizes is a much-needed first step in determining the best options for preserving this important piece of American history.

By Mr. ROCKEFELLER:

S. 1688. A bill to amend the Internal Revenue Code of 1986 to repeal the exclusion for extraterritorial income and provide for a deduction relating to income attributable to United States production activities, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I would like to draw your attention to a few very troubling statistics. Manufacturing employment in the United States has now fallen to its lowest level in 41 years. In the last five years, we have lost 16 percent of all our factory jobs. In the last 2 years alone we have lost approximately 2.5 million manufacturing jobs.

These are frightening statistics. They ought to jolt every Member of the Senate and prompt an urgent call for action. A vibrant manufacturing base is essential to our standard of living. For generations, factory jobs have been the path to the middle class, providing good wages, health insurance, and pension benefits. Advances in manufacturing technology accounts for most of our economy's increased productivity. And every dollar spent on finished manufactured goods is estimated to produce $2.43 of economic activity. Simply put, we cannot become a service-only economy and expect to maintain our high standard of living. We ought to act swiftly to ensure that Americans still produce steel and computers and cars and pharmaceuticals.

We ought not be timid in the face of the devastating statistics I cited. Piecemeal efforts will not revitalize our industrial base. Therefore, today I am introducing the Securing America's Factory Employment (SAFE) Act. This bill will offer relief to American manufacturers on several fronts. First, my legislation would provide a tax deduction to any company that offers manufacturing jobs in the United States. Second, this bill helps companies cover the cost of providing health care for retirees, a crippling obligation for many of our once proud industries. And third, I propose that we strengthen our trade laws to ensure that they offer the protections that our domestic industries deserve from unfair and illegal trade practices.

Let me take a moment to explain in greater detail how these proposals can help our domestic manufacturing base. This Congress is compelled to repeal the Foreign Sales Corporation/Extraterritorial Income provisions of the U.S. Tax Code in order to avoid $4 billion in trade sanctions authorized by the World Trade Organization. Regardless of my opinion of the WTO's decision in this matter, I recognize that it may be that to protect our economy from a trade war we must update our Tax Code. We can do so and still encourage manufacturing by reducing the overall effective corporate income tax rate on domestic manufacturing.

The SAFE Act provides a 9-percent deduction for profits derived from manufacturing activities in the United States; this is the equivalent of lowering the corporate income tax rate from 35 percent to 32 percent for the portion of profits that can be directly linked to U.S. factories, mining operations, and the like. This straightforward tax break will lower the cost of doing business in the United States and will help companies that employ Americans compete in the global marketplace.

In addition, this bill includes a tax credit to employers to encourage them to retain their retiree health insurance coverage. As you know, employers and other health plan sponsors continue to restructure how they provide health care benefits for both workers and retirees. The percent of employers offering retiree health benefits has declined substantially over the past 15 years. Two-thirds of all firms with 200 or more workers sponsored retiree coverage 15 years ago. According to the most recent data, only 38 percent of such employers provide retiree benefits today. Despite these reductions, the employer-sponsored health care system is the largest source of health care coverage in this country today. The SAFE Act would provide employers with a tax credit to cover 75 percent of the costs associated with providing health care coverage to their retirees in order to protect existing coverage and reverse the current trend.

Finally, my legislation would strengthen our trade protections. Our antidumping and countervailing duty (AD/CVD) trade law are often the first and last time of defense for U.S. industries injured by unfairly or illegally traded imports. These laws are absolutely essential to the survival of our manufacturing sector in an increasingly global market—but some of their provisions have become antiquated by recent changes in our global economy and the new structure of international trade. The Americans steel crisis has made it clear that these trade laws need to be strengthened. Companies, workers, families and communities rely heavily on these laws to prevent the ill-effects of unfair trade. Our antidumping and countervailing duty laws need to be updated and amended so they work as intended, and as permitted, under the rules of international trade.

For example, the SAFE Act includes a provision that allows us to consider whether or not an industry is vulnerable to the effects of imports in making antidumping and countervailing duty determinations. Another provision in this bill will make it tougher for our trading partners to circumvent antidumping or countervailing duty orders by clarifying that AD/CVD orders include products that have been changed in only very minor respects. This will help prevent foreign nations from making slight alterations to products that they are exporting to us to in order to skirt existing AD/CVD orders.

Another clear problem under our current trade laws is that foreign producers and exporters of subject merchandise may avoid AD/CVD duties by using complex schemes that mask payment of countervailing duties resulting in the understatement of duty rates. My legislation would restrict such practices by requiring the importer, if affiliated with the foreign producers or exporters, to demonstrate that the importer was in no way reimbursed for any AD/CVD duties paid. There are certainly other changes we should consider to update our trade remedy laws. These provisions are by no means an exhaustive list of needed reforms. But we do need to get the debate started, and I offer this bill as a way to re-energize the debate.

The SAFE Act addresses several of the most dire needs of our manufacturing companies. It improves our trade laws, helps with the burden of retiree health care costs, and effectively lowers the corporate tax rate on manufacturing activities. This package of reforms is an effective plan to stem the flow of good manufacturing jobs overseas. If we are serious about revitalizing our economy and maintaining our standard of living, we must act quickly to shore up our manufacturing base. I hope that my colleagues will join me in this effort.

I ask that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Securing American Factory Employment (SAFE) Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—PROVISIONS RELATING TO REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking "or under section 114".

(4) Section 275(a) is amended—

(A) by inserting "or" at the end of paragraph (4)(A), by striking "or" at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

"(3) Tax-exempt assets not taken into account.—

"(A) In general.—For purposes of"; and inserting:

"(3) Tax-exempt assets not taken into account.—For purposes of", and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking "114, 164(a)," and inserting "164(a)".

(7) Section 999(c)(1) is amended by striking "941(a)(5),".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) Binding contracts.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) Revocation of Section 943(e) Elections.—

(1) In general.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may, during the 1-year period beginning on the date of the enactment of this Act, revoke such election, effective as of such date of enactment, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of such date of enactment) all of its property to a foreign corporation in connection with an exchange described in section 354 of such Code, and

(ii) no gain or loss shall be recognized on such transfer.

(2) Exception.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) General Transition.—

(1) In general.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, a current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) Current FSC/ETI beneficiary.—The term "current FSC/ETI beneficiary" means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2002 with respect to which FSC/ETI benefits were allowable.

(3) Transition amount.—For purposes of this subsection—

(A) In general.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) Phaseout percentage.—

(i) In general.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

Years:	**The phaseout percentage is:**
2004	80
2005	80
2006	60.

(ii) Special rule for 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) Special rule for fiscal year taxpayers.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) Base period amount.—For purposes of this subsection, the base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2002.

(5) FSC/ETI benefit.—For purposes of this subsection, the term "FSC/ETI benefit" means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) Special rule for farm cooperatives.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 250(h) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) Certain rules to apply.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) Coordination with binding contract rule.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2), except that for purposes of this paragraph the phaseout percentage for 2003 shall be treated as being equal to 100 percent.

(9) Special rule for taxable year which includes date of enactment.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 102. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 199. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

"(a) In General.—There shall be allowed as a deduction an amount equal to 9 percent of the qualified production activities income of the taxpayer for the taxable year.

"(b) Phasein.—In the case of taxable years beginning in 2004, 2005, 2006, 2007, or 2008, subsection (a) shall be applied by substituting for the '9 percent' the transition percentage determined under the following table:

"Taxable years beginning in:	**The transition percentage is:**
2004	1
2005	2
2006	3
2007 or 2008	6.

"(c) Qualified Production Activities Income.—For purposes of this section, the term 'qualified production activities income' means an amount equal to the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities.

"(d) Determination of Income Attributable to Domestic Production Activities.—For purposes of this section—

"(1) In general.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

"(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

"(B) the sum of—

"(i) the costs of goods sold that are allocable to such receipts,

"(ii) other deductions, expenses, or losses directly allocable to such receipts, and "(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

"(2) Allocation method.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

"(3) Special rules for determining costs.—

"(A) In general.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

"(B) Exports for further manufacture.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

"(4) Modified taxable income.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

"(e) Domestic Production Gross Receipts.—For purposes of this section, the term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(1) any sale, exchange, or other disposition of, or

"(2) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

"(f) Qualifying Production Property.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any property described in section 168(f) (3) or (4).

"(2) Exclusions from qualifying production property.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

"(B) electricity,

"(C) water supplied by pipeline to the consumer,

"(D) utility services, or

"(E) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

"(g) Definitions and Special Rules.—

"(1) Treatment of pass-thru entities.—The Secretary shall prescribe rules for the proper application of this section in the case of pass-thru entities other than cooperatives to which paragraph (2) applies and subchapter S corporations.

"(2) Exclusion for patrons of cooperatives.—

"(A) In general.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

"(i) is received by a person from an organization to which part I of subchapter T applies, and

"(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(a),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

"(B) Special rules.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

"(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

"(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

"(3) Coordination with minimum tax.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

"(4) Ordering rule.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

"(5) Coordination with transition rules.—For purposes of this section—

"(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 101(c)(2) of the Securing American Factory Employment (SAFE) Act applies to such transaction, and

"(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.".

(b) Deduction Allowed to Shareholders of S Corporations.—

(1) In general.—Section 1363(b) (relating to computation of S corporation's taxable income) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the deduction under section 199 shall be allowed to the S corporation."

(2) Increase in basis.—Section 1367(a)(1) (relating to increases in basis) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) any deduction allowed under section 199."

(c) Minimum Tax.—Section 56(g)(4)(C) (relating to disallowance of items not deductible in computing earnings and profits) is amended by adding at the end the following new clause:

"(v) Deduction for domestic production.—Clause (i) shall not apply to any amount allowable as a deduction under section 199."

(d) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 199. Income attributable to domestic production activities."

(e) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Application of section 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE II—EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH CARE TAX CREDIT

SEC. 201. TAX CREDIT FOR 75 PERCENT OF EMPLOYER-PROVIDED RETIRED EMPLOYEE HEALTH PREMIUMS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45G. RETIRED EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) General Rule.—For purposes of section 38, in the case of a qualified employer, the retired employee health insurance expenses credit determined under this section is an amount equal to 75 percent of the amount paid by the taxpayer during the taxable year for qualified retired employee health insurance expenses.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified employer.—The term 'qualified employer' means any employer which is eligible for the deduction allowable under section 199 for the taxable year.

"(2) Qualified retired employee health insurance expenses.—

"(A) In general.—The term 'qualified retired employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any retired employee and such retired employee's spouse and dependents.

"(B) Exception for amounts paid under salary reduction arrangements.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) Health insurance coverage.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

"(3) Retired employee—The term 'retired employee' means an individual who has met any years of service or disability requirements under an employee benefit plan of the employer.

"(c) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(d) Denial of Double Benefit.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified retired employee health insurance expenses taken into account under subsection (a).

"(e) Termination.—This section shall not apply to taxable years beginning after December 31, 2003.".

(b) Credit To Be Part of General Business Credit.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following:

"(16) the retired employee health insurance expenses credit determined under section 45G.".

(c) No Carrybacks.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(11) No carryback of section 45G credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the retired employee health insurance expenses credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45G. Retired employee health insurance expenses.".

(e) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2003.

TITLE III—AMENDMENTS TO TITLE VII OF THE TARIFF ACT OF 1930

SEC. 301. CAPTIVE PRODUCTION.

Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended to read as follows:

"(iv) Captive production.—If domestic producers transfer internally, including to affiliated persons as defined in paragraph (33), significant production of the domestic like product for the production of a downstream article and sell significant production of the domestic like product in the merchant market, then the Commission, in determining market share and the factors affecting financial performance set forth in clause (iii), shall focus primarily on the merchant market for the domestic like product.".

SEC. 302. PRICE.

Section 771(7)(C)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended by adding at the end the following flush sentence:

"Imports of the subject merchandise may have a significant effect on prices irrespective of whether the magnitude of, or change in the volume of, imports of the subject merchandise is significant.".

SEC. 303. VULNERABILITY OF INDUSTRY.

Section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended in the last sentence by striking the period at the end and inserting ", including whether the industry is vulnerable to the effects of imports of the subject merchandise.".

SEC. 304. CAUSAL RELATIONSHIP BETWEEN IMPORTS AND INJURY.

Section 771(7)(E)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(E)(ii)) is amended by adding at the end the following: "The Commission need not determine the significance of imports of the subject merchandise relative to other economic factors.".

SEC. 305. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

"(3) Special rule.—The administering authority shall apply paragraph (1) with respect to altered merchandise excluded from, or not specifically included in, the merchandise description used in an outstanding order or finding, if such application is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.".

SEC. 306. FULL RECOGNITION OF SUBSIDY CONFERRED THROUGH PROVISION OF GOODS AND SERVICES AND PURCHASE OF GOODS.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: "If transactions in the country which is the subject of the investigation or review do not reflect market conditions due to government action associated with provision of the good or service or purchase of the goods, determination of the adequacy of remuneration shall be through comparison with the most comparable market price elsewhere in the world.".

SEC. 307. PROHIBITION ON MASKING REIMBURSEMENT OF DUTIES.

Section 772(d) of the Tariff Act of 1930 (19 U.S.C. 1677a(d)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(4) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the dumping margin calculated under section 771(35)(A), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any antidumping duties paid; and

"(5) if the importer is the producer or exporter, or the importer and the producer or exporter are affiliated persons, an amount equal to the net countervailable subsidy calculated under section 771(6), unless the producer or exporter is able to demonstrate that the importer was in no way reimbursed for any countervailing duties paid.".

SEC. 308. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting "(including countervailing duties imposed under this title)" after "duties".

SEC. 309. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this title shall apply with respect to goods from Canada and Mexico.

SEC. 310. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to determinations made under title VII of the Tariff Act of 1930 that—

(1) are made with respect to investigations initiated or petitions filed after the date of enactment of this Act; or

(2) have not become final as of such date of enactment.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1790. Mr. SCHUMER (for himself, Mr. Daschle, Mr. Reid, Ms. Mikulski, Mr. Rockefeller, Mr. Leahy, Mr. Levin, Mr. Nelson of Florida, Mr. Kennedy, Mr. Durbin, Mr. Baucus, Mr. Harkin, Mr. Bayh, Mr. Hollings, Mr. Biden, Mr. Lautenberg, Mr. Sarbanes, Mr. Bingaman, Mr. Kerry, Mr. Wyden, Mr. Graham of Florida, Mrs. Boxer, Mr. Lieberman, and Mrs. Feinstein) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1792. Mr. McCONNELL (for Mr. Shelby (for himself and Mr. Sarbanes)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes.

SA 1793. Mr. McCONNELL (for Mr. Grassley) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

TEXT OF AMENDMENTS

SA 1790. Mr. SCHUMER (for himself, Mr. Daschle, Mr. Reid, Ms. Mikulski, Mr. Rockefeller, Mr. Leahy, Mr. Levin, Mr. Nelson of Florida, Mr. Kennedy, Mr. Durbin, Mr. Baucus, Mr. Harkin, Mr. Bayh, Mr. Hollings, Mr. Biden, Mr. Lautenberg, Mr. Sarbanes, Mr. Bingaman, Mr. Kerry, Mr. Wyden, Mr. Graham of Florida, Mrs. Boxer, Mr. Lieberman, and Mrs. Feinstein) proposed an amendment to the bill H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) Findings.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) Sense of Congress.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

SA 1791. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following:

SEC. . (a) The Secretary of Defense shall expand the United States Central Command Rest and Recuperation Leave program to provide a member of the Armed Forces participating in the program with travel and transportation allowances for travel at the expense of the United States between the original airport of debarkation for the member and the member's permanent station or home if the member elects to travel to such destination.

(b) The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code, except that no per diem allowance may be paid to a member for a period that the member is at the member's permanent station or home.

(c) Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) This section shall apply with respect to travel under the United States Central Command Rest and Recuperation Leave program that is commenced before, on, or after the date of the enactment of this Act.

(e) In this section:

(1) The term "United States Central Command Rest and Recuperation Leave program" means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term "original airport of debarkation" means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

(f) Of the amount appropriated under title for the Iraqi witness protection program, $60,000,000 is hereby transferred to the Secretary of Defense for payment of travel and transportation allowances provided under this section.

SA 1792. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the bill S. 1680, to reauthorize the Defense Production Act of 1950, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.".

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) DEFINITIONS.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SA 1793. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; as follows:

At the end of title IV, insert:

SEC. . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 548) are each amended by striking "September 30, 2003" and inserting "March 31, 2004".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 2:30 p.m., in open session, to receive testimony regarding investigations into allegations of sexual assault at the United States Air Force Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 30, 2003, at 10 a.m. to conduct a hearing on "The State of the Securities Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 30, 2003, at 9:30 a.m. on Do-Not-Call.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 9:30 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 9 a.m. for a hearing to consider the nominations of Dale Cabaniss to be Chairman, Federal Labor Relations Authority; Craig S. Iscoe to be Associate Judge, Superior Court of the District of Columbia; and Brian F. Holeman to be Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m. in room 366 of the Dirksen Senate Office Building to conduct a joint hearing with the Senate Energy and Natural Resources Committee, Subcommittee on Water and Power, on S. 437, the Arizona Water Settlement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 30, 2003, at 4 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. S. 1131, a bill to increase, effective as of December 1, 2003, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

2. Committee Print of S. 1132, a bill to improve and enhance certain benefits for survivors of veterans, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 257, S. 517, S. 1133, S. 1156, S. 1188, S. 1213, S. 1239, S. 1281, and S. 1360.

3. Committee Print of S. 1156, a bill to improve and enhance the provision of long-term health care for veterans, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes, as amended, to incorporate, in addition, original provisions and provisions derived from S. 548, S. 615, S. 1144, S. 1213, S. 1283, S. 1289, S. 1341, and S. 1572.

4. Committee Print of S. 1136, a bill to restate, clarify and revise. The Soldiers and Sailors Civil Relief Act of 1940, as amended.

5. H.R. 1516, a bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries of the National Cemetery System, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, September 30, 2003, at 10 a.m., for a hearing entitled "Privacy & Piracy: The Paradox of Illegal File Sharing on Peer-to-Peer Networks and the Impact of Technology on the Entertainment Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT LIABILITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs and Product Liability be authorized to meet on Tuesday, September 30, 2003, at 2:30 p.m., on the Obesity War: Are our Dietary Guidelines Losing?

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on "Visa Issuance: Our First Line of Defense for Homeland Security" on Tuesday, September 30, 2003, at 2 p.m. in SD226.

WITNESS LIST:

The Honorable Asa Hutchinson, Undersecretary for Border and Transportation Security Directorate, Department of Homeland Security, Washington, DC.

The Honorable Marua Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Underage Drinking: Research and Recommendations during the session of the Senate on Tuesday, September 30, 2003, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs be authorized to meet jointly during the session of the Senate on September 30, 2003, at 10 a.m.

The purpose of this hearing is to examine S. 437, the Arizona water settlements acts, which is a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community Water Rights Settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JOHN E. DOLIBOIS FOR DEDICATION TO HIS COUNTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 199 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 199) commending John E. Dolibois for dedication to his country, contributions to global education, and more than a half century of service to humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas John Dolibois was born in Luxembourg and when he arrived in the United States of America at 12 years of age, he was not able to speak English, but learned it quickly and added it to his fluency in German and French;

Whereas John Dolibois became a naturalized citizen in 1941;

Whereas John Dolibois' service as a captain in United States Army intelligence called on his highly developed personal skills to make him a prime interrogator of 86 top Nazi prisoners, in preparation for and during the International War Crimes Trial in Nuremberg after World War II;

Whereas John Dolibois contributed to spreading the understanding of World War II atrocities by speaking publicly for decades about his experiences following the War Crimes Trial, including speaking engagements this year;

Whereas John Dolibois served Miami University in Oxford, Ohio for 34 years, including service as vice president for university relations from 1967 to 1981, and while in that role he was instrumental in the University establishing an overseas campus in Luxembourg, named the John E. Dolibois European Center;

Whereas John Dolibois was responsible for funds raised in the late 1940s through early 1980s that helped build Miami University's art museum, conference center, chapel, and alumni center, and helped provide numerous scholarships;

Whereas John Dolibois authored major sections on alumni programming and college public relations in the International Encyclopedia of Higher Education and contributed articles to the State Department's "Exchange Magazine" on international education;

Whereas John Dolibois received the Miami University's highest honor, the Benjamin Harrison Medal, and the "Citizen of the Year" award from an Oxford, Ohio, committee of residents in 1963, in part for his service as a trustee to the Lane Public Library and as a director of the Community Chest;

Whereas John Dolibois was 1 of 12 United States citizens named by President Richard Nixon to the Board of Foreign Scholarships, which he served on for 3 terms, supervising the Fulbright Program and playing a major role in the development of the Fulbright Alumni Program;

Whereas John Dolibois' personal and diplomatic skills further distinguished his ability to communicate effectively, allowing him to serve as the United States Ambassador to Luxembourg from 1981 to 1985, upon the request of President Ronald Reagan;

Whereas John Dolibois, as a member of Luxembourg's Board of Economic Development, encouraged United States business in Luxembourg and stimulated trade between Luxembourg and Ohio;

Whereas John Dolibois has been decorated twice by the Grand Duchy of Luxembourg for his wartime service and his contributions to international education and tourism;

Whereas John Dolibois has stayed connected to youth via 50 years of activity with the Boy Scouts, including becoming an Eagle Scout, serving as a vice president for the Dan Beard Scout Council in Cincinnati, and receiving scouting's highest honor, the Silver Beaver Award;

Whereas John Dolibois earned critical acclaim for his memoir, "Pattern of Circles", in which he professed his gratitude for the United States of America, his adopted country; and

Whereas John Dolibois was inducted into Ohio's Veterans Hall of Fame in 1998 and has been noted in "Who's Who in America" and "Who's Who in the World": Now, therefore, be it

Resolved, That the Senate—

(1) commends John E. Dolibois for superior lifetime achievements, an indisputable resolve to contribute, and an inspirational legacy of service to this country and to the global community; and

(2) expresses its appreciation for his lifelong service.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1925 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and Missing Children's Assistance Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. I urge the Senate to take up and pass H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act. The Senate version of this bill—which was identical—passed unanimously in the Judiciary Committee last Thursday, and this bill deserves the support of every Senator. I joined with Senator HATCH in introducing the Senate legislation to reauthorize and improve the Runaway and Homeless Youth Act, and to extend the authorization of the Missing Children's Assistance Act. This bill follows in the footsteps of the recently enacted PROTECT Act legislation and presents another milestone in our efforts to safeguard all of our children.

In the 29 years since it became law, the Runaway and Homeless Youth Act has helped some of the most vulnerable children in our country. I have worked in the past to extend the program, most recently in the 106th Congress, when I cosponsored S. 249, the Missing, Exploited, and Runaway Children Protection Act, which extended the Act through this year. I am pleased to help extend it once again.

A Justice Department report released last year estimated that 1.7 million young people either ran away from or were thrown out of their homes in 1999 alone. Other studies have suggested an even higher number. This law and the programs it funds provide a safety net that helps give these young people a chance to build lives for themselves. It is slated to expire at the end of this fiscal year, and we should not allow that to happen.

In my State, both the Vermont Coalition for Runaway and Homeless Youth and Spectrum Youth and Family Services in Burlington receive grants under this law, and they have provided excellent services both to young people trying to build lives on their own and to those who are struggling on the streets. Reauthorizing this law will allow them to continue their enormously important work.

This bill would improve the law by extending the period during which older homeless youth can receive services under the Transitional Living Program, to ensure that all homeless youth can take advantage of services at least until they turn 18. The bill would also make permanent the Secretary of Health and Human Services' authority to make grants explicitly to help rural areas met the unique stresses of providing services to runaway and homeless youth. Programs serving runaway and homeless youth have found that those in rural areas are particularly difficult to reach and serve effectively, and this bill recognizes that fact.

The improvements proposed in this bill to the Missing Children's Assistance Act build on provisions included in the PROTECT Act legislation that we enacted earlier this year. In that bill, we authorized National Center for Missing and Exploited Children, NCMEC, activities through 2005 and authorized the center to strengthen its CyberTipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution. This bill would extend NCMEC through 2008. Now more than ever, it is critical for Congress to give the Center the resources it needs in order to pursue its important work. A missing or abducted child is the worst nightmare of any parent or grandparent, and NCMEC has proved to be an invaluable resource in Federal, state, and local efforts to recover children who have disappeared.

Although this is a good bill on the whole, I am disappointed that it includes a provision that prohibits grantees from using any funds provided under this program for needle distribution programs. This is a superfluous provision that simply repeats what is already law. In addition, it is unnecessary because no grantee under this program operates needle exchange programs or has expressed interest in doing so. I ask Senator HATCH to leave it out of the Senate version of this bill, and was disappointed when he refused. The inclusion of this needless provision, however, does not change the fact that this is still a very good bill.

The Runaway and Homeless Youth Act programs have received tremendous bipartisan support over the years. The House passed this bill by a vote of 404–14, and the Senate bill passed by unanimous consent last Friday. I urge the Senate to pass H.R. 1925 and send it to the President today.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1925) was read the third time and passed.

DEFENSE PRODUCTION REAUTHORIZATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1680, an original bill reported by the Banking Committee.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1680) to reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I rise today in support of passage of the Defense Production Reauthorization Act of 2003. This bill will reauthorize the Defense Production Act of 1950 for an additional 5 years.

Mr. President, the Defense Production Act of 1950 was originally passed in response to the outbreak of war on the Korean Peninsula. The U.S. defense industrial base that had provided the fighter planes, tanks and ships that were so crucial to the outcome of World War II had been largely scrapped following the end of that horrific conflict. The prevailing view, of course, was that such an industrial base was no longer needed in light of the defeat of Nazi Germany and Imperial Japan and the introduction into the American arsenal of atomic weapons.

As we learned literally within hours of the crossing of the 38th Parallel by the first North Korean Army units, that view was catastrophically wrong. The Defense Production Act was the recognition by the executive and legislative branches of Government that a large industrial base oriented toward national defense was still vital to our national security and that the usual process by which weapons and other equipment are procured would not suffice in a genuine crisis.

As in June 1950, the United States remains dependent upon the ability to respond to crises in a manner appropriate to the circumstances. That is where the Defense Production Act of 1950 continues to play a vital role in providing for the national defense. Its authorities allow the President to prioritize and reallocate contracts when the United States is confronted by an imminent threat to its well-being, and to respond to those threats after they've materialized. It provides the authority for the Department of Defense to go into factories that can not afford to maintain a critical capability due to insufficient demand and provide the means for that factory to continue to produce the required item. It indemnifies contractors against legal actions taken as result of U.S. Government directives issued under Defense Production Act authorities, as was needed during the first Persian Gulf War when Civil Air Reserve commercial aircraft were drafted into the war effort at the expense of their commercial obligations.

Over time, the Defense Production Act has been expanded to include natural disasters as well as man-made events like terrorist attacks, and disasters resulting from accidents and equipment failures that can result in large sections of the United States being blacked-out by a major utility failure. In short, it is an emergency capability that we keep in our back pocket and hope it is never needed.

But the Defense Production Act is routinely needed. I have alluded to the Transportation Security Administration's use of it in the wake of the terrorist attacks of September 11, 2001. It has also been used by the Department of Defense in support of Operation Enduring Freedom in Afghanistan to procure vital military equipment like Predator UAVs and military satellite communications technology vital for the conduct of joint operations. And with the scale of contraction in the U.S. defense industrial base over the past decade, the act's authorities will remain as vital as ever for the foreseeable future.

In drafting reauthorizing legislation, it was the committee's intent to modernize the Defense Production Act to take into account the dramatic changes that occurred since the act's last update in 1994. The emergence of terrorism, evident in the U.S. Embassy bombings in East Africa, the attack on the USS Cole in the Gulf of Aden, and the tragic events of 9–11, as the central focus of U.S. national security planning has created an imperative that the Defense Production Act be adapted to that reality. That is why the Banking Committee-passed bill includes new findings and a declaration of policy: because the war on terrorism and the growth in scale of threat to the nation's critical infrastructure of telecommunications, transportation, energy, banking, and other sectors of society the security of which are vital to our national security and our economic and social well-being.

The committee-passed bill, in line with the recommendations of the President's Report to Congress on the Modernization of the Defense Production Act and the Report of the President's Commission on Critical Infrastructure Protection, included in its findings and declaration of policy this emphasis on the war on terrorism and critical infrastructure protection. In addition, language was added intended to further strengthen the linkage between critical infrastructure and the authorities provided by the Defense Production Act during committee consideration of this bill.

Unfortunately, this modernization of the act was more than the other chamber could swallow right now. That is why the ranking member of the Banking Committee, Senator SARBANES, and I will offer an amendment in the nature of a substitute. Because the Defense Production Act expires today, there would be no time for a protracted conference. Consequently, the Banking Committee and its House counterpart have agreed to a more modest update of the Act. The amendment by the ranking member and me does the following:

Reauthorizes the Defense Production Act for five years, as requested by the Defense Department;

Provides funding the department requested for hardening electronics against the effects of radiation;

Clarifies the President's authority to obtain information needed for the performance of assessments of the U.S. defense industrial base—a provision requested by the Department of Commerce; and

Formally incorporates the concept of critical infrastructure protection under Defense Production Act authorities by including it under the definition of "national defense."

Mr. President, I cannot emphasize enough the importance of the Senate passing the amendment in the nature of a substitute and then voting on final passage as soon as possible. The minute the Defense Production Act lapses, vital authorities for the conduct of military operations in Afghanistan and Iraq disappear. I urge my colleagues' support for the amendment and for final passage of the bill.

Mr. SARBANES. Mr. President, I rise in support of the Defense Production Act Reauthorization of 2003.

The Defense Production Act provides the President with important authorities to ensure the availability of industrial resources to meet national security needs and to deal with domestic civil emergencies. This is obviously a period in which the authorities of the DPA are being actively utilized. The DPA expires today, September 30. The Administration has made clear that the reauthorization of the DPA is a high priority.

The Committee on Banking, Housing, and Urban Affairs marked up and reported out this bill last week by unanimous consent. The House Financial Services Committee, our counterpart Committee, has also reported out a reauthorization of the DPA that is pending on the House floor. Both bills are essentially simple extensions of the DPA with minor changes requested by the Administration. The imminent expiration of the authorities of the DPA led the staff of the two committees to meet last week to reconcile the few differences between the two bills. That has been accomplished, and Senator SHELBY and I will shortly offer an amendment in the nature of a substitute reflecting that agreement.

Both bills contained provisions requested by the Administration to correct the industrial resource shortfall for radiation-hardened electronics, and to clarify the President's authority under the DPA to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.

The Senate bill also contained a provision sponsored by Senator Bennett, which makes explicit that the authorities of the DPA can be used to protect and restore critical infrastructure. This authority takes on a heightened sense of importance in the aftermath of 9/11, and is retained in the substitute amendment with the strong support of the Administration. The Senate bill provides for a 5 year authorization, as requested by the Administration, and the House bill provides for a 4 year authorization. Senator DODD has raised a concern about the need to address the issue of offsets, which falls under the authority of the DPA. As a result, the substitute will provide for a 1 year authorization. This is essentially the package.

I would like to commend Chairman SHELBY and his staff for working cooperatively to bring this bill and the substitute amendment before the Senate today. I hope the Senate can act promptly to pass this legislation and send it over to the House. I believe the House will then be in a position to take up the Senate bill, pass it, and send it to the White House for the President's signature. That would ensure the continued availability of the important authorities of the Defense Production Act.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Banking Committee for all his efforts to bring the reauthorization of the Defense Production Act to the floor. It is excellent legislation, and I support it wholeheartedly. I particularly want to express my appreciation for the agreement that was reached to reconsider this piece of legislation in 1 year. That will allow the Defense Production Act to continue uninterrupted, while also providing us with the opportunity to address the very grave concerns that are shared by many Senators about the issue of foreign offset arrangements over the next year.

According to the General Accounting Office and Department of Commerce, these arrangements serve no positive purpose. And yet, offsets are displacing 9,500 American workers annually. In 2000, the Commerce Department reports that out of $5.6 billion exported by the U.S. aerospace and defense industries, $5.1 billion was "offset" by these arrangements. In other words, offset arrangements imposed on contracts with American firms amounted to nearly 90 percent of their export value. And in the years 2002 and 2003, the total value of offsets are projected to be close to 100 percent of the value of those contracts—virtually eliminating any gains from U.S. exports of these goods.

Once again, I appreciate the willingness of the chairman and ranking member of the Banking Committee for agreeing to work with me on this issue as we assess additional reauthorization legislation for the Defense Production Act in the coming months.

Mr. SHELBY. Mr. President, I appreciate the words of the distinguished Senator from Connecticut and look forward to continuing work with my colleagues on these important issues concerning the needs of our military industrial base. The Defense Production Act is an important piece of legislation that provides vital authorities to the Departments of Defense, Homeland Security, Commerce, and Energy to prepare for and respond to crises. These provisions are particularly important during this time as the nation prosecutes its war on terror. The act's authorities allow government agencies to allocate contracts and re-prioritize contracts to meet emergency requirements. And it also provides authority to these agencies, especially the Defense Department, to work with private industry to ensure they have the industrial capabilities required to meet national security requirements that economics alone would otherwise allow to atrophy.

I am pleased the Senate will act on this legislation before it expires at midnight tonight. My hope is that it will be passed by the other body and signed into law by the President shortly.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1792) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Reauthorization of 2003".

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed $200,000,000.

(b) REPORT BY THE SECRETARY.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.".

SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Critical infrastructure.—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) Report Required.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) Contents of Report.—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) Definitions.—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The bill (S. 1680), as amended, was read the third time and passed.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3146, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program and certain tax and trade programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I thank the majority leader for his work on the extension for the Temporary Assistance for Needy Families program. Unfortunately, this program has had to be extended several times while the Senate finance Committee worked to complete a very ambitious agenda.

Happily, though, the Senate finance Committee was able to report a welfare reauthorization bill on September 10, 2003. I plan to file the committee bill shortly. It is critical that the Senate act swiftly to complete action on this legislation. This program has languished, unauthorized, for a year. States need to make plans to adjust to the new provisions. Recipients need some assurances that the program will continue.

It was my preference that Senate action on the welfare bill take place this fall, but I understand that the time frame for adjournment is fluid and this impacts what the Leader is able to bring to the floor. Additionally, I would have preferred a shorter extension, in order to keep the process moving forward. I do not want to send the signal that since we are passing a 6-month extension, this means that there will be no action on this legislation until March next year. If that should occur, we would find ourselves in the position of having to seek yet another extension. This is a situation which can only be avoided, in my view, by prompt action on this legislation.

I understand why the majority leader wants a 6-month extension because I recognize that it is nearly impossible to envision a scenario in which the Senate passes a bill, the House and Senate have a conference, a conference report is drafted and filed and the measure goes back to both houses for a final vote, prior to a possible adjournment date in late November. But if it becomes at all possible for the Senate to act on the legislation in what remains of this session, leaving conference committee consideration for early next year, we should certainly do that.

It is my intention, if a window of opportunity does open up before we adjourn for the year, to work with the Leadership to bring this legislation up for consideration. In the event that such a window of opportunity does not open up in what remains of this session, I am confident that this bill will be among the first pieces of legislation brought up for consideration as soon as we reconvene next year.

MONTANA'S WELFARE WAIVER

Mr. BAUCUS. Mr. President, as we have worked over the last 2 years to reauthorize the 1996 landmark welfare reform law, I have often talked with pride about the welfare reform program in my own State of Montana. Montana was a welfare reform pioneer, embarking on reform under a waiver before 1996. We have continued to operate a program under that waiver and it has served us well.

The number of Montana families receiving monthly welfare checks is down sharply since the early 1990s. Under the waiver program, Montana achieved a participation rate of 84 percent in fiscal year 2002, despite a struggling economy. Montana is a regular recipient of "high performance" bonus awards, especially for the key criteria of moving welfare recipients quickly into jobs. An independent study by Abt Associates concluded that under Montana's program "a Work First model has been implemented effectively in varied rural settings, including Indian reservations and remote areas" and that it reflects an "efficient and successful" strategy. In other words, we're on the right track.

However, the waiver expires on December 31. We would like it extended. Given our track record, we think it is only common sense to continue a successful model. Others, unfortunately, have opposed such an extension. It is an issue we expect to be debated during consideration of the full 5 year reauthorization bill.

As we extend the Temporary Assistance for Needy Families, or TANF, program for 6 months, I want to confirm with the distinguished chairman of the Finance Committee, that he is willing to work with me to ensure that the welfare reauthorization bill allows Montana to maintain the successful direction of the program it has operated under its waiver. Given his efforts to work in a bipartisan manner, I am optimistic we will be able to reach an understanding on these policies.

Mr. GRASSLEY. Mr. President, I understand the concerns of the Senator from Montana, and look forward to continuing to work with him to reauthorize the TANF program in the coming months. I appreciate his concern for the need for Montana to pursue welfare policies it believe make sense in that State. I agree that we will discuss these and other issues as we reauthorize the TANF program and am also optimistic we will be able to reach an understanding on these policies.

Mr. President, current law penalizes rural and small urban facilities by paying them 1.6 percent less on every inpatient discharge than their counterparts in urban areas of a million or more people. This is one reason for MedPAC's finding that Medicare inpatient profit margins are substantially worse for rural and small urban facilities than for those located in large urban areas.

The provision raises the inpatient base rate for hospitals in rural and small urban areas to the same rate as that in large urban areas from October 1, 2003 through March 31, 2004. Every State except Rhode Island has rural or small urban hospitals, so 49 States will benefit from this provision.

The fiscal year 2003 omnibus Appropriations bill included a 6-month version of this policy. The policy ends on September 30, 2003. A permanent version of this policy was included in the Senate- and House-passed prescription drug bills this summer. MedPAC has endorsed a permanent version of this policy in its 2003 recommendations.

The cost of the provision is $300 million, for the 6-month period beginning October 1, 2003 and ending March 31, 2004, according to preliminary scores from CBO.

I ask unanimous consent to print in the RECORD the preliminary CBO estimates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-2008	2004-2013
CHANGES IN DIRECT SPENDING												
Title I: Family assistance Provisions												
Fund Supplemental Grants for 2 quarters:												
Budget Authority	191	0	0	0	0	0	0	0	0	0	191	191
Outlays	96	38	19	19	19	0	0	0	0	0	191	191
Increase Transfer Authority to 10 percent for 2 quarters:												
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Outlays	77	-14	-28	-15	-15	-5	0	0	0	0	5	0
Extend TMA through March 2004:												
Budget Authority	86	135	19	4	0	-1	0	0	0	-1	244	242
Outlays	83	130	20	5	0	0	0	1	0	0	238	239
Extend Abstinence Education Grants for 2 quarters:												
Budget Authority	25	0	0	0	0	0	0	0	0	0	25	25
Outlays	7	9	3	2	1	0	0	0	0	0	22	22
Extend TANF Research Funding for 2 quarters:												
Budget Authority	8	0	0	0	0	0	0	0	0	0	8	8
Outlays	1	3	4	0	0	0	0	0	0	0	8	8
Extend Child Welfare Research Funding for 2 quarters:												
Budget Authority	3	0	0	0	0	0	0	0	0	0	3	3
Outlays	(1)	1	2	0	0	0	0	0	0	0	3	3
Subtotal Title I:												
Budget Authority	313	135	19	4	0	-1	0	0	0	-1	471	469
Outlays	264	167	20	11	5	-5	0	1	0	0	467	463
Title III: Trade Provisions												
Extend Custom User Fees through March 2004:												
Budget Authority	-698	0	0	0	0	0	0	0	0	0	-698	-698
Outlays	-698	0	0	0	0	0	0	0	0	0	-698	-698
Title IV: Medicare Cost-Sharing Provisions												
Extend Medicare Cost-Sharing through March 2004:												
Budget Authority	42	0	0	0	0	0	0	0	0	0	42	42
Outlays	42	0	0	0	0	0	0	0	0	0	42	42
Extend Inpatient Hospital SPA Equalization through March 2004:												
Budget Authority	292	0	0	0	0	0	0	0	0	0	292	292
Outlays	292	0	0	0	0	0	0	0	0	0	292	292
Subtotal Title IV:												
Budget Authority	334	0	0	0	0	0	0	0	0	0	334	334
Outlays	334	0	0	0	0	0	0	0	0	0	334	334
Total Direct Spending:												
Budget Authority	-51	135	19	4	0	-1	0	0	0	-1	107	105
Outlays	-100	167	20	11	5	-5	0	1	0	0	103	99
CHANGES IN REVENUE												
Title II: Tax Provisions	33	8	0	0	0	0	0	0	0	0	41	41
Net Effect on Deficit/Surplus	-133	159	20	11	5	-5	0	1	0	0	62	58

Notes: TANF=Temporary Assistance for Needy Families. TMA=Transitional Medical Assistance. SPA=Standardized Payment Amount.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1793) was agreed to, as follows:

(Purpose: 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System)

At the end of title IV, insert:

SEC. . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 548) are each amended by striking "September 30, 2003" and inserting "March 31, 2004".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE

CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

The bill (H.R. 3146), as amended, was read the third time and passed.

CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 1261.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1261) to reauthorize the Consumer Product Safety Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Consumer Product Safety Commission Reauthorization Act of 2003".

[SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

[Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

["(1) $60,000,000 for fiscal year 2004;

["(2) $66,800,000 for fiscal year 2005;

["(3) $70,100,000 for fiscal year 2006; and

["(4) $73,600,000 for fiscal year 2007.".

[SEC. 3. FTE STAFFING LEVELS.

[Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

["(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.".

[SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

[So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g) as precedes paragraph (2) is amended to read as follows:

["(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of Hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.".]

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"(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.".

SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(1) as precedes subparagraph (B) is amended to read as follows:

"(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of Hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.".

SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.

Section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) is amended by adding at the end the following:

"(i) COMMISSION-FINANCED RECALLS.—

"(1) IN GENERAL.—The Commission may take the actions otherwise required of a manufacturer, retailer, or distributor under subsection (c)(1), (2), and (3) with respect to a product if the Commission—

"(A) staff makes a preliminary hazard determination that a product presents a substantial product hazard classified as a Class A or B product hazard (as defined in the Commission's Recall Handbook) or the Commission makes a substantial product hazard determination classified as a Class A or B product hazard (as defined in the Commission's Recall Handbook) with respect to such a product; and

"(B) finds that—

"(i) notification of the hazard is in the public interest; and

"(ii) the manufacturer, retailer, or distributor is financially unable to provide adequate notification.

"(2) IMPLEMENTING REGULATIONS.—Not more than 120 days after the date of enactment of the Consumer Product Safety Commission Reauthorization Act of 2003, the Commission shall prescribe regulations to implement paragraph (1). In promulgating such regulations, the Commission shall establish strict standards for ensuring that Commission funding is expended only on the product recall notifications of manufacturers, retailers, or distributors that are financially unable to effect adequate notifications required by this section.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each fiscal year $2,000,000 to carry out this subsection.".

SEC. 6. INCREASE IN CIVIL PENALTIES.

Section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is amended by striking "$1,250,000" each place it appears and inserting "$20,000,000".

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1261), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 1, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 1. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the first half of the time under the control of the minority leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee; provided further, that at 10:30 a.m., the Senate begin consideration of the supplemental appropriations bill for Iraq and Afghanistan, as under the previous order, with the time under the control of the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, tomorrow morning, following morning business, the Senate will begin consideration of the Iraq supplemental appropriations bill. Amendments are possible as early as 12:30 p.m. Therefore, rollcall votes are expected throughout the day. As always, Senators will be notified when the first vote is expected.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the distinguished Senator asks that the Senate be closed, I was thinking that the Senate is a great institution. To think we are at the point we are tonight, with peace and quiet in the Senate, after having faced lots of procedural problems, the two leaders are to be commended for having arrived at the point where we can civilly approach this most important legislation and have amendments offered. It is going to be good for the Senate and good for the American people.

Mr. McCONNELL. Mr. President, I thank the assistant Democratic leader for his role in helping us get to the place where we arrived today. I, too, share his optimism that we will be able to move forward on this very important legislation this week and then wrap it up the week after the recess.

AUTHORITY TO SIGN DULY ENROLLED BILLS

Mr. McCONNELL. Mr. President, I ask unanimous consent that until the Senate reconvenes tomorrow, it be in order for the majority leader, the assistant majority leader, or the junior Senator from Missouri to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, October 1, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate September 30, 2003:

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 2003:

THE JUDICIARY

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA.

HOUSE OF REPRESENTATIVES—*Tuesday, September 30, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 30, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2691) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BROWNBACK, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1244. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 1375. An act to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes.

S. 1451. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

TRIBUTE TO LOU ROTTERMAN

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a man who was part of our Nation's Greatest Generation, Lou Rotterman, who was called home by his Maker in July of this year.

Lou was a fixture on the Hill and in Washington for over 30 years. He was an old-school press secretary and speech writer who worked behind the scenes to put the people he believed in into the spotlight.

Like former President Reagan, he believed that much could be done when you did not worry about who got the credit.

Indeed, Lou Rotterman worked as an executive assistant and press secretary for Jack Kemp from 1972 until 1981, a period in which the New Yorker went from being a freshman Congressman, best known from his days as a Buffalo Bills football great, to one of the conservative intellectual powerhouses of the modern Republican Party. Kemp, as we all know, championed the Kemp-Roth across-the-board tax cuts signed into law by Ronald Reagan in 1981. Lou Rotterman, along with his counterpart Jim Brady, who worked with then-Senator Bill Roth's office, helped mobilize support for that historic measure.

As David King of the American Conservative Union wrote in The Hill newspaper, "Kemp would not have succeeded without Lou Rotterman, and Reagan would not have been the President he was without the ideas that the two promoted."

As respected as Rotterman was among Congressional press secretaries, he was far more than a Capitol Hill fixture.

Like many in his generation, he volunteered to fight in World War II. At the Battle of Leyete Gulf, Rotterman was a tail gunner on a crew that had to ditch in the ocean. For his bravery in that battle, Lou Rotterman was awarded the Distinguished Flying Cross for what was called a valiant attack on a large task force of Japanese. In the citation, Rotterman was hailed for his bravery, coolness, and determination displayed. His superior magnificent teamwork was also noted, a hallmark of Lou Rotterman's professional life.

Recently a journalist friend of Rotterman's said, "You can judge the measure of a man by how he treats those who aren't in a position to help him." The journalist said, "Lou was that way towards me."

Prior to working on Capitol Hill, Rotterman had a distinguished career in journalism with the Dayton Daily News. During that time, he interviewed both Richard Nixon and John Kennedy during the 1960 Presidential campaign.

Rotterman never ducked a challenge. In the beginning of his career as a beat reporter, he once posed as a minister and walked out on a rain-soaked edge of an office building with a policeman to lure a suicidal man back to safety.

Lou Rotterman was the product of an earlier generation. He went to war, served his country, and raised a family.

Lou Rotterman is gone, but his successors are out there today working just as hard as he did. We do not read their names in the paper, because they are not in it for the glory. But they do their part to make the world a better place for all of us.

Simply put, Lou Rotterman was part of the Greatest Generation that understood sacrifice, duty, honor, and country. He will be missed by all that knew him.

Mr. Speaker, I close by asking God to please bless America, and bless our men and women in uniform.

DOWNED ANIMALS POSE THREAT TO FOOD SUPPLY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, to make our communities livable, to make our families safe, healthy and economically secure, we must deal with the issues of food safety. 76 million Americans are ill every year from unsafe food, 325,000 are hospitalized, 5,000 die.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A century ago, Upton Sinclair's epic novel "The Jungle" exposed the scandal in America's meatpacking industry; and yet a century later, we still do not have it right.

Despite telling journalism and concerns from experts in food safety and animal welfare, the cattle industry and some of their key Congressional allies fight to continue allowing almost 200,000 unhealthy animals a year into our food supply. These animals are called "downers" because they are so sick they are unable to stand or walk. They are dragged to slaughter facilities around the country, and most of these sick animals end up in our food supply.

What difference does it make? Downed animals are often afflicted with many, sometimes fatal, illnesses. Sending these sick animals to slaughter facilities where they will mix with healthy animals is exceedingly dangerous.

Many afflicted animals that should have been euthanized at the farm were sent to auction markets and slaughter facilities where they could contaminate healthy animals.

A study of USDA slaughterhouse facilities in almost 1,000 packing plants in the northeast United States found that 73 percent of downed animals ended up passing inspection and entering the food chain. These animals had afflictions such as gangrene, lymphoma, hepatitis, and pneumonia.

A study by the Livestock Conservation Institute revealed that 14 percent of the downed cows were salmonella positive. One cow even tested positive for a variant of salmonella that kills almost 1,000 Americans each year. This animal passed inspection and entered the food supply.

Another area of concern is mad cow disease, not just because of the dangers to humans, but because of the devastating effect that it can have on the cattle industry itself. Recently, a single infected animal in Canada shut down their entire industry. Perhaps the reason we have not found mad cow disease in the United States is because the American consumer is eating the evidence.

The Federal Government has started to react. The USDA recently added regulations, which Congress would not, to protect the ground beef that goes into school lunches from containing meat from downed animals.

Earlier this year, the USDA began circulating a proposed rule that specifically notes the health hazard for downed animals for consumers. Some fast-food leaders like Jack in the Box, and Burger King and Wendy's have responded to past tragic incidents by raising their standards.

But Congress has not just been "missing in action" to protect the American consumer from tainted beef; some have actually been leading the charge to keep those animals on your table. Some people put the convenience and profit of the cattle industry ahead of public safety.

Last year's agricultural bill passed both bodies of Congress with language to keep the downed animals out, yet in conference the conferees stripped away the language. They led a battle in this year's agriculture appropriations bill against an amendment that would have kept downed animals out of the food supply.

This is serious business. All independent experts know that downed animals are dangerous. Responsible producers understand the problem. Some State regulators have stepped up to deal with protecting their facilities. They are sending the right message, but they only deal with a small part of the overall food chain.

Congress and the Federal Government must act. The downed animals end up as hamburger in America's grocery stores because they are processed in just a few huge centers where the animals are ground up, they disappear into the food chain. The same child that is now safer in school goes home to the family dinner table, where the entire family is at risk.

It is time for Congress to withstand the pressures of the huge packers and their apologists and allies in Congress. Until the agriculture appropriations bill has finally passed both Chambers, it is possible for the conferees to include provisions protecting the food supply, provisions, as I said, that have passed both Chambers last Congress.

Every single Member of Congress should sign on the critical bipartisan legislation led by the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. ACKERMAN), and the gentlewoman from Ohio (Ms. KAPTUR) that would prohibit downed animals from entering the food supply. This legislation already has the support of 119 Democrats and Republicans in Congress.

It is supported by people who care about animal welfare, food safety, to join with the State health officials and responsible members of the cattle industry. All these people know that our Nation needs to produce meat in a humane and safe manner. Continuing to process downed animals for human consumption is not part of the recipe.

COMPREHENSIVE SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized.

Mr. DELAY. Mr. Speaker, it is another week of major activity in the war on terror. The President will sign the first annual Department of Homeland Security spending bill in American history. The House will continue our consideration of the President's spending request for military and democracy-building operations in Iraq and Afghanistan. American and Coalition Forces will continue their work around the globe to ensure the security of our people and the success of our cause.

None of these actions would be relevant or even possible without the others, because without bolstering our civil defense here at home, our anti-terror activities around the world would be useless; without our aggressive actions to root out and destroy terrorist cells where they live and plan, all of the Homeland Security spending in the world would be useless; and, finally, without an intense commitment to build viable and tolerant democracies in former terrorist states, neither our national nor domestic security goals could be met.

The results speak for themselves. Since 9/11, no terrorist attack has scarred our soil. Two tyrannical regimes have been replaced by fledgling democracies. And threats, be they terrorist states, networks or individuals, have been captured or destroyed, no longer to threaten innocent Americans.

The comprehensive security strategy of the Bush Doctrine that folds in homeland, national and international security priorities is working. Because of that comprehensive strategy, the United States has successfully combatted terrorism abroad and repelled it at home for more than 2 years.

The lesson of the Bush Doctrine is very clear: You cannot separate homeland and national defense. They are one and the same comprehensive and indivisible security policy.

Critics can complain about one application of this policy or another, but given its overwhelming success and the absence of an alternative, these critics do so to the detriment of their own credibility. Without an alternative policy, these critics must be supporting the weak and indecisive foreign policy of the past.

This week, America's war on terror will move forward with strength and confidence, as always, with one objective in mind, and that is victory.

I commend the President for his leadership and urge him to stay bold in his defense of American lives and human freedom.

COMMENTS FROM THE HOME FRONT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in 1838 a former President, John Quincy Adams, was a Member of this House of Representatives. Congress in those days, conservatives in Congress, had passed a House rule saying that slavery, believe it or not, could not be debated or discussed on the floor of the House of Representatives.

John Quincy Adams decided that he wanted the people of his district and other districts in Massachusetts to be heard, so he brought to the floor, every day or a couple of times a week, letters from his constituents protesting that slavery could not be discussed on the floor and supporting the ending of slavery in the United States.

Today, we are faced with a serious issue, perhaps not the seriousness quite of slavery in our country, the biggest blot in our history, but we are faced with the issues of what we do in Iraq and what we do with Iraq.

Debate in this House has not been particularly open or forthcoming, so I have chosen today, as John Quincy Adams did, to bring letters from constituents about Iraq to the House floor. I have received literally hundreds of them, as have my colleagues, questioning our intentions and the President's intentions, questioning the veracity of the administration, whether the administration has been straightforward with the American people. I would like to share some of those letters with you.

Patty from North Royalton, Ohio, said, "All of the worst case possibilities with Iraq, with the exception of the weapons of mass destruction, of course, and the truth of the administration, have proven true, and the American public is being asked to foot the bill.

"I suggest a proposal to break apart the military spending from the rebuilding. Focus this administration on the bare necessities for now. We are trying to do way too much at one time."

Mary Lu wrote, "U.S. out, UN in. We should pull our soldiers out and turn the rebuilding process over the United Nations. Congress should vote no on the $87 billion until the President works it out with the United Nations. Roll back the tax cuts to pay for the war. The only way we could responsibly pay for Iraq's reconstruction is by rolling back President Bush's tax cuts for the wealthy. If we roll back the tax cuts on the top 1 percent, we could pay for the $87 billion and have money left over for other programs, like prescription drugs for the elderly."

Jay of Richfield, Ohio, writes, "If we assume there are 290 million men, women and children in the U.S., that means that every man, woman and child in America will be contributing $300 to the reconstruction of a country we will never visit, and whose welfare would have never affected us but for the lies of the Bush administration."

Janet from Norton, Ohio, writes, "Please do not vote for one more cent to be spent on this losing proposition in Iraq. Enough is enough."

Judith writes, "Our President has arrogantly put us into a position where we stand, in many ways, alone, and we are making a huge mess of things. We do have an obligation to the Iraqis, but they aren't happy with our presence there and are crippling our ability to help them. The most effective thing we can do is turn over control of the operation to the United Nations."

Helen writes, "Wealthy Republicans who voted for Bush do not send their kids to die in Iraq, and wealthy Republicans made sure their tax money was given to them before presenting the bill in Iraq. The rest of the tax money isn't theirs to spend on defense contracts. It is ours.

"The U.S. kleptocrats want to profit from Iraq," talking about Halliburton and many of the President's friends who are getting the unbid contracts. "They can only do it by keeping the UN out."

I found in these letters, Mr. Speaker, literally dozens of them questioning the fact we are spending $1 billion a week right now, before the President asked for $87 billion more. A third of that money is going to private contractors, many of them contributors to the President, most of those contracts unbid, and many of them going to a company called Halliburton, from which Vice President CHENEY is still drawing a $13,000 a month benefit check.

Andrew writes, "I believe the Bush administration should be required by law to submit to the following conditions before his request for $87 billion is approved. The $87 billion should be funded by the immediate cancellation of the recently-passed tax cut for the wealthy, where 43 percent of the tax benefit goes to the richest 1 percent of Americans."

It is clear there is a theme here. The American people in this mail, and in the mail that literally every Member of this Congress is getting, the people of this country are concerned that this $87 billion is only a start, that it is going to be a lot more in the future. There is no plan. The American people need to continue to speak out.

IRAQI SUPPLEMENTAL SHOULD INCLUDE LOANS, NOT JUST GRANTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, we will soon be asked to provide an additional $87 billion in order to continue our efforts abroad in Iraq and Afghanistan.

Now, many, as you just heard, are complaining about the costs in Iraq and the billions that will be needed to maintain a stable Iraq into the future. One question I ask for my colleagues and the American people to consider is, what is the cost if we do not act? In reality, very few Members of Congress will vote against the President's supplemental request, but we do not need to blindly cast our vote without providing options on how to at least partially offset the cost for this reconstruction.

I recently had town meetings in my Congressional District. Some of the questions that some of the constituents asked centered on why the American taxpayer has to foot the entire bill for Iraq reconstruction? Why can Iraq not provide funding for reconstruction and security themselves? I think all of my colleagues would agree this is a valid question.

However, with the decrepit state of Iraq's infrastructure and economy, such a contribution from a people just emerging from decades of oppression and neglect, it is impossible to expect Iraq to provide much in the way of reconstruction funding in the near future.

The American people are generous people. They understand that it is for the greater good to help someone help themselves. But they also recognize we cannot continue to provide open-ended monetary assistance if we do not receive something in return. It is a meet-us-halfway approach, if you will.

Why not provide loans for reconstruction, or at least for rebuilding some of the infrastructure, to include electric and water, et cetera? I think that we should consider this as an alternative to the grantmaking that the administration is requesting.

Specifically, these loans should be linked to potential future Iraqi oil revenues. As we know, Iraq has the world's second largest oil reserve, 11 percent of the world's total. However, only 17 of 80 oil fields have been developed. In addition, Iraq has a sizable amount of natural gas reserves that have yet to be developed. Given the substantial amount of revenues that Iraq could generate into the future, there exists a means to repay some of the costs of this reconstruction.

Now, the Coalition Provisional Authority is working on an Oil Trust Fund, a plan hoping to begin operation in early 2004. It would appear sensible to use such a fund in concert with a loan program to allow Iraq to repay some of these construction costs.

Of course, Iraq has already been saddled with billions in debt. However, Mr. Speaker, as we have learned in recent hearings on Iraq's future, much of the debt is owed to countries that refused to lift a finger to help the Iraqi people free themselves from oppression and a destitute existence. Instead, these countries thought it better to put Americans at risk to bring freedom to these oppressed people. So why should the United States and those countries that have allied with us remain concerned with those countries, that they get repaid first?

The American people have been asked to sacrifice much. Three thousand innocent lives were lost in 2001.

We have lost more Americans in the ensuing war on terrorism, and families continue to endure the separation of loved ones and the economic hardships of Guard and Reserve members leaving their civilian jobs to serve in Operation Iraqi Freedom.

Are we asking too much for the administration to provide an opportunities for American generosity, persistence, patience and sacrifice to be acknowledged, appreciated and repaid? I think not. Americans will not shy away from the mission it has been tasked to complete. We are making progress every day, and our troops, while facing danger, are at the same time offering their time, money, and supplies to assist the local Iraqi people.

Once this supplemental is passed, we must support the seven necessary steps towards a new Iraq.

One, the appointment of the Iraqi Governing Council in July.

Two, in August the Governing Council named a Preparatory Committee for writing Iraq's new, permanent constitution.

Three, this month, the Governing Council appointed ministers to run the day-to-day affairs of Iraq.

Four, writing the Constitution.

Five, popular vote on ratifying Iraq's Constitution.

Six, finally electing a new government.

Seven, transferring sovereignty from the coalition to the new government.

Mr. Speaker, we will give the President the funds our country needs to protect and sustain our troops and rebuild a country whose people want to live proud and free again. All we are seeking is some measure to ensure that the American people aren't permanently footing this bill.

PAST COMMENTS ABOUT COST OF IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, during the lead-up to the war in Iraq, we had great assurances from the President and his staff that in the aftermath the United States would not be tagged with the bill.

Press Secretary Ari Fleischer: "It is a rather wealthy country. Iraq has to be able to shoulder much of the burden of their own reconstruction."

Deputy Defense Secretary Paul Wolfowitz, arguably the godfather of this policy: "There is a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. The oil revenues of that country could bring between $50 billion and $100 billion over the course of the next 2 or 3 years. We are dealing with a country that can really finance its own reconstruction, and relatively soon."

Then, of course, the wonderful Defense Secretary, Donald Rumsfeld: "I do not believe the United States has responsibility for reconstruction. In a sense, funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of others things, including the Oil for Food program."

Well, what a difference a few months makes. The President has presented the second bill for Iraq, $70 billion last April, and now another $87 billion that he wants this Congress to borrow on behalf of the American people to spend for the ongoing conflict and to rebuild that country.

That is right, borrow. We are going to obligate Americans for the next 30 years to pay for the rebuilding of Iraq. Apparently, it is necessary when creating a democratic and civil society that there be massive investment in public works, public infrastructure, schools, hospitals, universal health care, telecommunications, ports, rail, water, all those things; and the American people should borrow the money, according to the President, to do those things so that the Iraqi people can move toward a democratic and civil society.

But, unfortunately, according to the President, it is not necessary to do those things and pay for those things and not advisable to borrow the money to do those things to pay for the continuance of a democratic and civil society here in the United States of America.

Yes, he says we can borrow $20.3 billion to do all those things in Iraq, but we cannot afford it here. We are borrowing money to pay tens of thousands of Iraqis to have no-show, no-work jobs, to provide stability, but the President says we cannot draw on the Unemployment Trust Fund, the $16 billion balance on taxes we have paid, to give extended unemployment benefits to Americans.

On a per capita basis, the United States is going to spend ten times as much per citizen in Iraq on drinking water as it will in the United States, despite the D-minus grade that our water infrastructure has, despite the unfunded mandates on rural communities that cannot afford to meet those Federal requirements. Two times as much for water resource projects, ten times as much for sewer and drinking water.

Iraqis will receive 300 times as much to put together a reliable electricity system in their country. Did the President not notice, I guess they have generators at the White House and Camp David, he did not notice that the lights went out in the eastern United States, but they did because of a crumbling and underinvested infrastructure. We are going to spend 300 times as much per citizen in Iraq. Thirteen times as much for medical infrastructure.

In the little port of Umm Qasr over there, we are about to borrow from the American people another $45 million to further upgrade that port, at the same time that the President cannot find $8 million to dredge ports in Southern Oregon. We just do not have the money to keep those ports open, he says, but we can borrow $45 million to further improve Umm Qasr, into which we have already dumped $50 million.

Then there is the Mawizeh marsh. The President wants to borrow on behalf of the American people $50 million to restore a marsh. Well, we have big huge controversy over the Klamath marsh and that area in Oregon, and we need $25 million to move toward resolving that controversy. But the President says that money is not here in the United States of America, but he will borrow $50 million to restore a marsh in Iraq.

Then there is the horrible problem of Basra and Umm Qasr. Their water supply comes through an open ditch, only half of which is lined. Of course, my city of Albany gets its water through an open ditch, none of which is lined. So it is an emergency that the American people borrow $200 million for Umm Qasr and Basra so they can have a modern water supply system, but, sorry, there is no money for Albany, Oregon, and hundreds of other communities across this country.

Apparently it is necessary, the President says, to borrow these funds on behalf of this generation and future generations of Americans so that Iraqis can live a better life, but we cannot afford to do similar projects here in the United States of America, to put Americans to work. If that money were spent here in the United States of America, it would put 1 million people to work, but that is not on the President's radar screen.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am going to talk for 5 minutes on the challenge that faces this Congress and America in terms of the growing debt and the growing unfunded liabilities. "Unfunded liabilities" means the promises that government has made, but it needs money to come from someplace to keep the promises we have made, and Social Security is one of those promises.

We started Social Security in 1934, and Congress in effect said that instead of people going over the hill to the poorhouse, like they did after the Great Depression money should be saved for retirement. Franklin Delano

Roosevelt said let us have a program where we have forced savings during your working years, and that will give you more security, "social security," in your retirement years.

So we started the program in 1935, and it was based on current workers paying in their taxes to pay for benefits for current retirees, sort of a pay-as-you-go program. I like the cartoon where Uncle Sam was explaining this to a young worker how Social Security worked, and said, "Well, now, here is a list of names. You put your name on the bottom of the list. You pay everybody on the top of the list, and eventually your name will be on the top of the list and everybody below you will be sending you a check in your retirement."

It is a pay-as-you-go program, sort of like a chain letter. But the problem is, there are fewer and fewer names under that top name on the list as we are looking at a declining birth rate and a longer lifespan.

The number of people working, for example, in 1940 was 47 people working, paying in their Social Security tax, for every one retiree. Today we are down to three people working paying in their Social Security tax for every one retiree.

So what we have done of course, is over the years every time we hit a problem of not having enough money, we do one of two things, or sometimes both. We either reduce benefits or increase taxes or a combination. That is what we did in 1983. We reduced benefits and increased taxes, so temporarily we have a little surplus coming in for Social Security.

This chart shows what I think should be everybody's goal as we look at saving Social Security. Number one, continue to provide retirement security for the elderly; number two, give young people an opportunity to improve their retirement prospects; number three, benefit the economy instead of burdening it. That is what my bill does.

It seems like every Member of Congress, the House, the Senate and White House, should be willing to agree to this kind of a change, because what we are heading for is insolvency of Social Security. In fact, in 4 years that part of Social Security, the trust fund that pays disability benefits, if you get hurt on the job, is going to be broke. There is not enough money coming in. Just 4 years. In 12 years, we are going to not have insufficient money coming in from the payroll tax to pay promised retirement benefits.

Now, people give complicated explanations of what we might do to save the program, but really there is, again, one of two choices, or a combination. You either increase the money coming in, or you decrease the money going out, or a combination.

That is what I am doing in my Social Security bill that I just introduced. It reduces the money going out, number one, by changing wage inflation for calculating future retiree benefits to a CPI, normal inflation. It slows down the increase in benefits for high-income retirees. For income, instead of the average 2.7 percent return that the average retiree is going to get on Social Security, we increased that to a minimum of 3.7 percent.

I think probably the challenge that we have ahead of us is somehow convincing Americans that there is a real problem. It is a problem that is demagogued over the years. We have got to deal with it. We have to stand up to the issue. I am disappointed that there are only 26 Members of the House and Senate that have ever signed on to a Social Security bill that keeps Social Security solvent. It is an important program.

We have almost 80 percent of our retirees today that depend on Social Security for a majority of their retirement income. It is something that we cannot afford to let go broke.

Look, we are digging some deep holes for ourselves in terms of overspending every year. We are overspending this year $540 billion. It is going to be over $700 deficit spending next year. You add that on to approximately $11 trillion of unfunded liability for Social Security and the other promises that we have made to veterans, the other promises we have made to civil servants and people working for government, and you must agree it is time Congress stood up to the issue. It is time, Mr. Speaker, that everybody looking at a congressional candidate this next election asks them how they are going to save Social Security.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, this week the other body takes up the President's request for $87 billion in supplemental aid for Iraq and Afghanistan. The supplemental appropriation should do more to support our troops who have been deployed in Iraq and Afghanistan. Specifically, to support our troops and their families who are under increasing duress, Congress should grant a $1,500 bonus to all those who serve in Iraq and Afghanistan. Not since Vietnam have such a large number of troops received such long deployments. This puts tremendous pressure on our troops and their families.

This summer, the Department of Defense upped deployments for troops serving under Operation Iraqi Freedom and Operation Enduring Freedom to one year, and not until last week did the Department of Defense offer these troops, largely living under very primitive, highly stressful conditions, a 2-week leave.

Tragically, this month, our U.S. casualties in Iraq surpassed the number of those killed in the first Gulf War, Desert Storm. We have lost more than 308 people in Iraq.

Recognizing the increasing gravity of U.S. military involvement along, my legislation, H.R. 3051, qualifies all active duty military personnel deployed for any length of time under Operation Iraqi Freedom or Operation Enduring Freedom for a $1,500 bonus. This bonus should be made part of the supplemental appropriations for Iraq.

Although as Members of Congress we may have different ideas about U.S. policy in Iraq, we can all agree that our servicemen and women deserve our sincere commendation for their courageous efforts. $1,500 will not only help boost morale but will send a strong bipartisan message to our troops that Congress is unified behind them.

The present administration wants to talk about its proposed $21 billion in direct grants to support infrastructure development in Iraq. In this $87 billion supplemental appropriation, there is another part, $66 billion for military operations. I see no reason why these two parts, the $21 billion and the $61 billion, cannot be separated out and why we cannot require the use of Iraqi oil to be used as collateral for international loans to at least pay for the $21 billion for the infrastructure improvements in Iraq and ensure the reconstruction contracts are competitively bid to all companies internationally.

We should also consider using Iraqi oil reserves to pay down Iraq's $200 billion international debt. Either way, American citizens should not be expected to support Iraqi development, while many Americans here at home face shortfalls in funding for health care needs, prescription drugs, school construction and critical infrastructure needs we find throughout this country.

Congress must continue to work to restore Iraq to a stable and self-governing state but not at the expense of the American people here at home and our troops abroad.

I also question several items contained in the administration's supplemental appropriation for Iraq, like $4 million to develop a set of telephone numbers, $100 million to build seven planned communities with 3,258 houses, $10 million to finance 100 prison building experts, $50,000 for garbage trucks. How about $850 million for health construction and medical equipment, $20 million for Afghanistan consultants, whatever they are, and $900 million to import petroleum products such as kerosene and diesel to a country with the world's second largest oil reserves?

Some of these requests do not make sense. Instead of again dipping into the pockets of working Americans and risking veteran benefits for our troops when they return home, I support proposals to suspend the tax cuts for the top 1 percent of income earners to pay for the President's $87 billion request for Iraq; and I urge Congress to consider my bill, H.R. 3051, to include support for our troops in this supplemental package on Iraq.

Again, my bill provides for a $1,500 bonus to military personnel who served under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard or Reserves in a combat zone under Operation Iraqi Freedom or Operation Enduring Freedom.

In the coming year, in this coming year, an estimated 150,000 young men and women will not see their families. A record number of Reservists and Guardsmen and women will put their private sector opportunities and employment on hold, and thousands of children every night will say a prayer for their parent's safe return. These extraordinary times deserve extraordinary measures. I urge Members to support my bill, H.R. 3051, to provide our troops in Iraq and Afghanistan a $1,500 bonus, a bonus they certainly deserve, and make this part of the supplemental appropriation bill.

HEALTH DISPARITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this afternoon I would like to discuss the issue of health disparities.

Unfortunately, Mr. Speaker, we have a system of delivering health care in the United States that has resulted in severe disparities along racial and ethnic lines in health care access, quality of care, and also health outcomes. All Americans deserve equal treatment in health care, and in an effort to appropriately address this issue, Democrats will soon offer legislation to eliminate these racial and ethnic health disparities.

Mr. Speaker, there are several principles that I would like to highlight that will be reflected in the Democrat's bill. I emphasize that Democrats are committed to ensuring that minority communities aren't burdened by higher prevalence or incidence of disease and illness than the general population.

Some of these principles involve expanding the health care safety net. There is a lack of health insurance for many minorities and also access to adequate health services. This results in significant declines in health status within racial and ethnic minority communities.

Also, we need, and this is the second principle, to diversify the health care workforce. Efforts must be made to recruit and train health care professionals from underrepresented groups.

Third, we have to ensure that health care access is made in compliance with civil rights laws. There are many people with limited English proficiency in the country that have a difficult time accessing federally conducted and supported programs. Persons with limited English proficiency should not be inhibited from accessing vital health care services, paid for often by their families and their own personal Federal income taxes.

Fourthly, we have to promote the collection and dissemination of data that is helpful to give indication of disparities amongst minorities. In order to fully understand the scope of health care disparities, it is necessary to have data on an individuals' health care access and utilization that includes race, ethnicity, primary language, immigration status and socioeconomic status.

Fifth, Mr. Speaker, we have to combat diseases that disproportionally affect racial and ethnic minorities. Existing research has illustrated that diseases such as diabetes, obesity, heart disease, asthma and HIV/AIDS disproportionately impact racial and ethnic minorities.

Federal initiatives should focus on preventing and treating these diseases, educating all communities about their impact, and identifying the behavioral, emotional and environmental factors that contribute to these diseases.

Next we have to enhance medical research that benefits these communities. It is important that Federal medical research be conducted by and on behalf of racial and ethnic minorities.

Lastly, I want to emphasize, Mr. Speaker, prevention and behavioral health. Estimates suggest that as much as 50 percent of health care costs are caused by behavior-related illnesses, including heart disease, high blood pressure, obesity and substance abuse. Cultural and social factors can contribute to the behavioral patterns underlying these illnesses, and intervention is necessary to prevent such illnesses and save billions of dollars in health care costs.

Now, Mr. Speaker, I wanted to talk about in the context of the overall issue of disparities and the principles that the Democrats seek to initiate in this legislation that we are soon to introduce, I wanted to pay particular attention to the problems of Native Americans because I am the vice chair of the Native American Caucus.

And Democrats feel that, in particular, when we address health care disparities, we cannot leave out Native Americans. Native Americans have been subject to extreme discrimination in health care access and, as a result, they are a population with overall low health status.

Some of these issues will be addressed in not only the legislation I mention, but also in a hearing tomorrow in the House Committee on Resources where we will be holding a hearing on the Indian Health Care Improvement Act which is vital, I think, to the health care and well-being of American Indians as well as Alaskan natives.

The focus of the hearing tomorrow will be on Title I of the Indian Health Care Improvement Act which deals with Indian health, human resource, and development in an effort to address the need for an adequate supply of health care professionals in the Indian health system and creating more opportunities for Native Americans to pursue health careers.

I want to emphasize, Mr. Speaker, that Congress has never funded Indian health care at a level that would result in health services that are comparable to services received by other Americans. So the big problem in the disparity issue, with regard to Native Americans, is making sure there is adequate funding for the Federal Indian Health Service Program.

The Native American population is approximately 40 percent rural and predominantly lives in geographically dispersed areas with low population density. And this demographic aspect makes access to health care more difficult. There are Indian Health Service facilities available throughout the country, however, there are still some States that completely lack any Indian Health Service facilities.

Overall, Mr. Speaker, I believe access to primary health care and prevention services is good amongst Native Americans. However, beyond primary care, the situation quickly gets worse. For example, speciality services are sparse. What services are available are typically overcrowded and patients are often prioritized.

So we must address these issues, and I hope they can be addressed both in the Democratic health disparities legislation and in the hearing we have tomorrow on the Indian Health Care Improvement Act.

RECESS

The SPEAKER pro tempore (Mr. CHOCOLA). There being no further requests for morning hour debates, pursuant to clause 12(a), rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 18 minutes p.m.) the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and earth, You love all You have created. Fill this Chamber of the House of Representatives with Your presence and love.

Guide the Members and their staffs to live and work in a manner worthy of their calling.

Let all atone for mistakes of the past and rectify the governing of Your people.

It is Your Divine Providence, O Lord, which has brought us together at this time; to accomplish great deeds in the name of this country we choose to love and serve, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMEMBERING THE HISTORIC LIFE OF ALTHEA GIBSON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, an American hero, Althea Gibson, died Sunday at the age of 76. Gibson was a champion tennis player, the first black athlete to compete in the U.S. Open, in 1950, and at Wimbledon, in 1951. She went on to win major tournaments, including the Wimbledon and U.S. Opens in 1957 and 1958, the French Open, and three doubles titles at Wimbledon. In golf, she was the first African-American woman on the LPGA tour.

Althea Gibson was born in South Carolina, raised in Harlem, New York, and went on to become an outstanding professional tennis and golf player. She carried herself with grace and dignity and is a role model for millions of young Americans learning to break down racial barriers.

Althea Gibson's tremendous character and talent allowed her to make great progress for civil rights while playing tennis and golf, much in the same way Jackie Robinson did in baseball. She will always be remembered and is greatly missed.

In conclusion, God bless our troops.

LACK OF A GOOD HEALTH CARE SYSTEM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a nurse by professional training, I have spent much of my public career working to ensure that the Nation's health care system is affordable and provides the best possible services for all Americans. While Americans still have a world class health care system, there are those whose lives have been threatened by a focus on profits over healing.

Mr. Speaker, nearly a quarter of the residents in Texas, my home State, lack health coverage. That is a larger percentage than any other State. The situation has been getting worse, according to a U.S. Census Bureau report to be released today. The survey shows 24.7 percent of the State's residents had no insurance during the 2-year period ending last December. Texas also had the Nation's highest proportion of uninsured in 2000 and 2001.

I support a plan that would expand Medicare coverage for prescription medications. However, there must be some cost containment agreement with manufacturers and a streamlining of the Federal administrative structure to reduce costs to beneficiaries. Mr. Speaker, now is the time for all Americans to have access to quality health care and meaningful patient protection. Our citizens deserve and expect nothing less.

NEW IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a recent poll showed that two out of three residents in Baghdad believe that they are better off today than they were under Saddam Hussein. Less than 15 percent would rather live under repression. We are starting to hear more and more stories of Iraqis pointing us in the right direction in Iraq. A tip from an Iraqi led to a discovery of a priceless mask, thousands of years old. Another tip led to a buried cache of weapons. We do not hear much about these successes in the media, but Iraqi public opinion is with us.

This week, Congress will begin consideration of the Iraq supplemental. As we move forward, we should encourage Iraqis to step forward and take control of their own country. But we should not, as some in this body suggest, turn over full control of that country before democracy has taken root, before we can ensure that a new Iraq will not become a haven for terrorists and Saddam's murderous followers. Iraq's future and our safety hang in the balance.

CALL FOR A PARTNERSHIP IN REBUILDING IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Operation Iraqi Freedom has been a historic success, a military victory of astonishing proportions in its decisiveness as well as its compassion on the civilian population. In the next 2 weeks, the President of the United States has come to Congress to ask for some $87 billion to continue the work, and well we should. Extending every dollar to make sure our troops have the resources they need to get the job done and come home safe should be Congress' top priority. But with regard to the investment in civil society, the reconstruction dollars, some $20.3 billion, I rise respectfully, Mr. Speaker, to say that we should ask the people of Iraq and their future generations to partner with us, to structure reconstruction dollars as a loan, and give the Iraqi people the opportunity to invest along with us in their own peace and stability and democracy as full partners in their future.

NO MORE DOLLARS FOR IRAQI FREEDOM

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, I had not come to the floor prepared to say anything; except when I heard my colleagues from the other side of the aisle talking about the success of Iraqi Freedom, I just have to remind the Congress of the United States that we have been asked for $87 billion to continue this war that was a preemptive strike that most of us, or many of us, did not agree with.

The fact of the matter is we are finding out every day that we have been misled, that we have been told stories that are not true. They have still not found the weapons of mass destruction, and now we are asked not only to support our soldiers, but we are now asked to rebuild Iraq. Most of us are certainly in support of our soldiers, and we are very upset that they have not had the equipment and the supplies and other kinds of things good planning would have caused any army to have. But most of us are not satisfied with the fact that we are asked to rebuild Iraq when, in fact, this administration told us that they were going to get the money from the oil wells, the oil wells that they secured when they first went in, to pay for the rebuilding of Iraq; $87 billion, not now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2003

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2086) to reauthorize the Office of National Drug Control Policy, as amended.

The Clerk read as follows:

H.R. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2003".

(b) Amendment of Office of National Drug Control Policy Reauthorization Act of 1998.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq.).

(c) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Amendments to definitions.
Sec. 3. Amendments relating to appointment and duties of Director and Deputy Directors.
Sec. 4. Amendments relating to coordination with other agencies.
Sec. 5. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 6. High intensity drug trafficking areas program.
Sec. 7. Funding for certain high intensity drug trafficking areas.
Sec. 8. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 9. Repeals.
Sec. 10. National Youth Antidrug Media Campaign.
Sec. 11. Authorization of appropriations.
Sec. 12. Extension of termination date.

SEC. 2. AMENDMENTS TO DEFINITIONS.

(a) Amendments to Definitions.—Section 702 (21 U.S.C. 1701) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

"(H) interventions for drug abuse and dependence; and

"(I) international drug control coordination and cooperation with respect to activities described in this paragraph.".

(2) in paragraph (9), by striking "implicates" and inserting "indicates";

(3) in paragraph (10)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) domestic drug law enforcement, including law enforcement directed at drug users."; and

(4) in paragraph (11)—

(A) by inserting before the semicolon in subparagraph (A) the following: "(including source country programs, and law enforcement outside the United States)";

(B) by inserting "and" after the semicolon in subparagraph (B);

(C) by striking "; and" at the end of subparagraph (C) and inserting a period; and

(D) by striking subparagraph (D).

(b) Conforming Amendments.—Section 703(b)(3) (21 U.S.C. 1702(b)(3)) is amended—

(1) in subparagraph (A), by striking "(G)" and inserting "(H)"; and

(2) in subparagraph (C)—

(A) by striking "(C)" and inserting "(D)"; and

(B) by striking "and subparagraph (D) of section 702(11)".

SEC. 3. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) Designation of Other Officers.—Section 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

(1) by striking "permanent employee" and inserting "officer or employee"; and

(2) by striking "serve as the Director" and inserting "serve as the acting Director".

(b) Responsibilities of Director.—Section 704(b) (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (4), by striking "Federal departments and agencies engaged in drug enforcement," and inserting "National Drug Control Program agencies,";

(2) by inserting "and" at the end of paragraph (12);

(3) by striking paragraphs (13) and (14); and

(4) by redesignating paragraph (15) as paragraph (13).

(c) Review and Certification of National Drug Control Program Budget.—Section 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Specific requests.—The Director shall not confirm the adequacy of any budget request that—

"(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

"(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

"(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

"(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

"(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

"(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director; or

"(vii) requests funding for fiscal year 2005 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance.";

(3) in subparagraph (D)(iii), as so redesignated, by inserting "and the authorizing committees of Congress for the Office" after "House of Representatives"; and

(4) in subparagraph (E)(ii)(bb), as so redesignated, by inserting "and the authorizing committees of Congress for the Office" after "House of Representatives".

(d) Reprogramming and Transfer Requests.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking "$5,000,000" and inserting "$1,000,000".

(e) Powers of Director.—Section 704(d) (21 U.S.C. 1703(d)) is amended—

(1) in paragraph (8)(D), by striking "have been authorized by Congress;" and inserting "authorized by law;";

(2) in paragraph (9)—

(A) by inserting "notwithstanding any other provision of law," after "(9)"; and

(B) by striking "Strategy; and" and inserting "Strategy and notify the authorizing Committees of Congress for the Office of any fund control notice issued;";

(3) in paragraph (10), by striking "(22 U.S.C. 2291j)." and inserting "(22 U.S.C. 2291j) and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–1);";

(4) by adding at the end the following new paragraphs:

"(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the authorizing Committees of Congress for the Office, that—

"(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961;

"(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

"(C) provides the Director's assessment of whether application of procedures set forth in section 490(a) through (h) of the Foreign Assistance Act of 1961, as provided in section 706 of the Department of State Authorization Act for Fiscal Year 2003, is warranted with respect to countries the Director assesses have not cooperated fully; and

"(12) appoint a United States Interdiction Coordinator under subsection (i).".

(f) United States Interdiction Coordinator.—Section 704 (21 U.S.C. 1703) is further amended by adding at the end the following:

"(i) United States Interdiction Coordinator.—

"(1) In general.—There shall be in the Office a United States Interdiction Coordinator, who shall be appointed by the Director and shall perform duties determined by the Director with respect to coordination of efforts to interdict illicit drugs from the United States.

"(2) Appointment.—

"(A) In general.—Notwithstanding any other provision of law (except subparagraph (B)), the Director may appoint any individual to serve as the United States Interdiction Coordinator.

"(B) Limitation.—The Director may not appoint to such position any individual who concurrently serves as the head of any other Federal department or agency or any subdivision thereof with responsibility for narcotics interdiction activities, except the counternarcotics officer of the Department of Homeland Security appointed under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).".

(g) Requirement for South American Heroin Strategy.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin.

(2) Contents.—The strategy shall—

(A) include opium eradication efforts to eliminate the problem at the source to prevent it from reoccurring before the heroin enters the stream of commerce;

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

(D) provisions that ensure the maintenance at current levels of efforts to eradicate coca in Colombia; and

(E) assessment of the level of additional funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Colombian coca.

SEC. 4. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

Section 705 (21 U.S.C. 1704) is amended—

(1) in subsection (a)(1)(A), by striking "abuse";

(2) by amending paragraph (3) of subsection (a) to read as follows:

"(3) Required reports.—

"(A) Secretaries of the interior and agriculture.—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director and the authorizing Committees of Congress for the Office an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

"(B) Attorney general.—The Attorney General shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number and type of—

"(i) arrests for drug violations;

"(ii) prosecutions for drug violations by United States Attorneys; and

"(iii) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures.

"(C) Secretary of homeland security.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding—

"(i) the number and type of seizures of drugs by each component of the Department seizing drugs, as well as statistical information on the geographic areas of such seizures; and

"(ii) the number of air and maritime patrol hours undertaken by each component of the Department primarily dedicated to drug supply reduction missions.

"(D) Secretary of defense.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the authorizing Committees of Congress for the Office information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense."; and

(3) in subsection (b)(2)(B), by striking "Program." and inserting "Strategy.".

SEC. 5. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

Section 706 (21 U.S.C. 1705) is amended to read as follows:

"SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

"(a) Timing, Contents, and Process for Development and Submission of National Drug Control Strategy.—

"(1) In general.—Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for reducing illicit drug use and the consequences of illicit drug use in the United States by reducing the demand for illegal drugs, limiting the availability of illegal drugs, and conducting law enforcement activities with respect to illegal drugs.

"(2) Contents.—

"(A) In general.—The National Drug Control Strategy submitted under paragraph (1) shall include—

"(i) comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;

"(ii) annual objectives and strategy for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals;

"(iii) a strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States;

"(iv) an assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including—

"(I) a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy; and

"(II) an assessment of the availability and purity of illegal drugs and the level of drug-related crime in the United States;

"(v) notification of any program or budget priorities that the Director expects to significantly change from the current Strategy over the next five years;

"(vi) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government;

"(vii) such statistical data and information as the Director deems appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences thereof, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy; and

"(viii) a supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

"(B) Classified information.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

"(C) Selection of data and information.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

"(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

"(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

"(3) Process for development and submission.—

"(A) Consultation.—In developing and effectively implementing the National Drug Control Strategy, the Director—

"(i) shall consult with—

"(I) the heads of the National Drug Control Program agencies;

"(II) Congress;

"(III) State and local officials;

"(IV) private citizens and organizations with experience and expertise in demand reduction;

"(V) private citizens and organizations with experience and expertise in supply reduction;

"(VI) private citizens and organizations with experience and expertise in law enforcement; and

"(VII) appropriate representatives of foreign governments;

"(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

"(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

"(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

"(B) Recommendations.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

"(C) Inclusion in strategy.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

"(4) Submission of revised strategy.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

"(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

"(B) if a new President or Director takes office.

"(b) Performance Measurement System.—Not later than February 1 of each year, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that includes performance measures for the National Drug Control Strategy and activities of National Drug Control Program agencies related to the National Drug Control Strategy.".

SEC. 6. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) In General.—Section 707 (21 U.S.C. 1706) is amended to read as follows:

"SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

"(a) Establishment.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the 'Program').

"(b) Purposes.—The purposes of the Program are the following:

"(1) To reduce drug availability and facilitate cooperative efforts between Federal, State, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the Nation.

"(2) To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.

"(c) Designation.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

"(d) Factors for Consideration.—

"(1) In general.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

"(A) the area is a major center of illegal drug production, manufacturing, importation, or distribution for the United States as compared to other areas of the United States;

"(B) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

"(C) drug production, manufacturing, importation, or distribution in the area is having a significant harmful impact in other areas of the United States; and

"(D) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

"(2) Considerations.—For purposes of paragraph (1)(A), in considering whether an area is a major center of illegal drug production, manufacturing, importation, or distribution as compared to other areas of the United States, the Director shall consider—

"(A) the quantity of illicit drug traffic entering or transiting the area originating in foreign countries;

"(B) the quantity of illicit drugs produced in the area;

"(C) the number of Federal, State, and local arrests, prosecutions, and convictions for drug trafficking and distribution offenses in the area;

"(D) the degree to which the area is a center for the activities of national drug trafficking organizations; and

"(E) such other criteria as the Director considers appropriate.

"(e) Southwest Border.—The Director may not designate any county contiguous to the international land border with Mexico as part of any high intensity drug trafficking area other than as part of a single Southwest Border high intensity drug trafficking area.

"(f) Removal From Designation.—The Director may remove an area or portion of an area from designation as a high intensity drug trafficking area under this section upon determination that the area or portion of an area no longer is a high intensity drug trafficking area, considering the factors in subsections (d) and (e) in addition to such other criteria as the Director considers to be appropriate.

"(g) Authority of the Director.—After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

"(1) obligate such sums as appropriated for the Program, in accordance with subsection (h);

"(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

"(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas.

"(h) Allocation of Funding.—In obligating sums appropriated for the Program, the Director shall comply with the following:

"(1) 30 percent set aside.—The Director shall expend no less than 30 percent of the amounts appropriated under this section in the seven high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the greatest impact on reducing overall drug traffic in the United States.

"(2) 25 percent set aside.—The Director shall expend no less than 25 percent of the amounts appropriated under this section in nine other high intensity drug trafficking areas (excluding the Southwest Border high intensity drug trafficking area) for which the Director determines that Program activities with respect to such areas will have the next greatest impact on reducing overall drug traffic in the United States.

"(3) Southwest border area.—

"(A) 20 percent set aside.—The Director shall expend no less than 20 percent of the amounts appropriated under this section in the Southwest Border high intensity drug trafficking area.

"(B) Reallocation within area.—The executive committee of the Southwest Border high intensity drug trafficking area may reallocate up to five percent of the total funds allocated to that area among its components, with the approval of the Director.

"(4) Remaining areas.—The Director shall expend no less than 10 percent of the amounts appropriated under this section in the remaining high intensity drug trafficking areas.

"(5) Discretionary expenditures.—

"(A) In general.—In addition to the amounts allocated under paragraphs (1) through (4) the Director may expend 15 percent of the amounts appropriated under this section on a discretionary basis.

"(B) Consideration of impact.—In allocating funds under this paragraph, the Director shall consider—

"(i) the impact of activities funded on reducing overall drug traffic in the United States;

"(ii) performance measures of effectiveness; and

"(iii) such other criteria as the Director considers appropriate.

"(i) Use of Funds.—

"(1) Limitation.—No funds appropriated for the Program shall be expended for drug treatment programs.

"(2) Limitation on applicability.—Paragraph (1) shall not apply with respect to the Baltimore/Washington high intensity drug trafficking area.

"(j) Terrorism Activities.—

"(1) Assistance authorized.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively where such investigations are related to drug trafficking.

"(2) Limitation.—The Director shall ensure—

"(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

"(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism.

"(k) Board Representation.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership under the Program, if the executive board or equivalent governing committee with respect to such area or partnership is not comprised of equal voting representation between representatives of Federal law enforcement agencies and representatives of State and local law enforcement agencies.

"(l) Role of Drug Enforcement Administration.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

"(m) Authorization of Appropriations.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

"(1) $230,000,000 for fiscal year 2004;

"(2) $240,000,000 for each of fiscal years 2005 and 2006; and

"(3) $250,000,000 for each of fiscal years 2007 and 2008.".

(b) Review of Current Areas.—Within one year after the date of enactment of this Act, the Director of National Drug Control Policy shall—

(1) review each of the areas currently designated as a high intensity drug trafficking area to determine whether it continues to warrant designation as a high intensity drug trafficking area, considering the factors in section 707(d) of the Office of National Drug Control Policy Reauthorization Act of 1998, as amended by this section, in addition to such other criteria as the Director considers to be appropriate; and

(2) terminate such description for an area or portiòn of an area determined to no longer warrant designation.

SEC. 7. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) Short Title.—This section may be cited as the "Dawson Family Community Protection Act".

(b) Findings.—Congress finds the following:

(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification of police about persistent drug distribution activity in their East Baltimore City neighborhood.

(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) Funding for Certain High Intensity Drug Trafficking Areas.—Section 707 (21 U.S.C. 1706) is further amended in subsection (h) by adding at the end the following new paragraph:

"(6) Specific purposes.—

"(A) In general.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $1,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

"(B) Required uses.—The funds used under subparagraph (A) shall be used—

"(i) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

"(ii) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.".

SEC. 8. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) Chief Scientist.—Section 708(b) (21 U.S.C. 1707(b)) is amended—

(1) in the heading by striking "Director of Technology.—" and inserting "Chief Scientist.—"; and

(2) by striking "Director of Technology," and inserting "Chief Scientist,".

(b) Additional Responsibilities of Director.—Section 708(c) (21 U.S.C. 1707(c)) is amended to read as follows:

"(c) Additional Responsibilities of the Director of National Drug Control Policy.—

"(1) In general.—The Director, acting through the Chief Scientist shall—

"(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems, and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

"(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

"(i) improving treatment through neuroscientific advances;

"(ii) improving the transfer of biomedical research to the clinical setting; and

"(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

"(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

"(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

"(E) oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

"(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

"(2) Priorities in transferring technology.—In transferring technology under the authority of paragraph (1)(E), the Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

"(3) Limitation on authority.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.".

(c) Assistance From Secretary of Homeland Security.—Section 708(d) (21 U.S.C. 1707(d)) is amended by inserting ", the Secretary of Homeland Security," after "The Secretary of Defense".

SEC. 9. REPEALS.

The following provisions are repealed:

(1) Sections 709 and 711 (21 U.S.C. 1708 and 1710).

(2) Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509).

SEC. 10. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) In General.—The Act is further amended by inserting after section 708 the following:

"SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

"(a) In General.—The Director shall conduct a national media campaign in accordance with this section for the purpose of reducing and preventing illicit drug use among young people in the United States, through mass media advertising.

"(b) Use of Funds.—

"(1) In general.—Amounts made available to carry out this section for the media campaign may only be used for the following:

"(A) The purchase of media time and space.

"(B) Creative and talent costs.

"(C) Advertising production costs.

"(D) Testing and evaluation of advertising.

"(E) Evaluation of the effectiveness of the media campaign.

"(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee for purposes otherwise authorized in this section.

"(G) Partnerships with community, civic, and professional groups and government organizations related to the media campaign.

"(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(I) Operational and management expenses.

"(2) Specific requirements.—

"(A) Creative services.—

"(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

"(ii) No more than $1,000,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the media campaign with advance approval from the Committee on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the media campaign.

"(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in an fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the media campaign.

"(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the media campaign under paragraph (1)(E), the Director shall—

"(i) designate an independent entity to evaluate annually the effectiveness of the national media campaign based on data from—

"(I) the 'Monitoring the Future Study' published by the Department of Health and Human Services;

"(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

"(III) the National Household Survey on Drug Abuse; and

"(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(ii) ensure that the effectiveness of the media campaign is evaluated in a manner that enables consideration of whether the media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

"(3) PURCHASE OF ADVERTISING TIME AND SPACE.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the media campaign, subject to the following exceptions:

"(A) In any fiscal year for which less than $125,000,000 is appropriated for the media campaign, not less than 82 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the media campaign.

"(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 72 percent shall be used for advertising production costs and the purchase of advertising time and space for the media campaign.

"(c) ADVERTISING.—In carrying out this section, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the goals of the campaign.

"(d) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant current antidrug community-based coalitions.

"(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

"(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Amounts made available under subsection (b) shall be matched by an equal amount of non-Federal funds for the media campaign, or be matched with in-kind contributions of the same value.

"(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the media campaign.

"(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

"(f) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

"(1) audits and reviews of costs of the media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) an audit of the cost of the media campaign described in section 306 of such Act (41 U.S.C. 256).

"(g) STRATEGIC GUIDANCE AND DONATIONS.—The Partnership for a Drug Free America shall serve as the primary outside strategic advisor to the media campaign and be responsible for coordinating donations of creative and other services to the campaign, except with respect to advertising created using funds permitted in subsection (b). The Director shall inform the Partnership for a Drug Free America of the strategic goals of the campaign and consider advice from the Partnership for a Drug Free America on media campaign strategy.

"(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

"(1) the strategy of the media campaign and whether specific objectives of the media campaign were accomplished;

"(2) steps taken to ensure that the media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the media campaign;

"(3) plans to purchase advertising time and space;

"(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

"(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the media campaign.

"(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

"(j) PREVENTION OF MARIJUANA USE.—

"(1) FINDINGS.—The Congress finds the following:

"(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

"(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

"(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

"(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

"(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

"(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

"(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

"(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

"(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

"(J) Federal law enforcement agencies have identified possible links between trade in marijuana and financing for terrorist organizations.

"(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2004 and 2005 and $210,000,000 for each of fiscal years 2006 through 2008.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 714 (21 U.S.C. 1711) is amended—

(1) by striking "title," and inserting "title, except activities for which amounts are otherwise specifically authorized by this title,"; and

(2) by striking "1999 through 2003" and inserting "2004 through 2008".

SEC. 12. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking "September 30, 2003, this title and the amendments made by this title are repealed" and inserting "September 30, 2008, this title is repealed".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the abuse of illegal narcotics and its silent, everyday impact on the health and safety of families and the stability of every community across the country continues to be one of the most pressing issues facing the United States. This bill, introduced by myself and the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the full committee, is a forceful and bipartisan recommitment to our diverse national efforts to control drug abuse and to renew our support for a strong Office of National Drug Control Policy, to plan and coordinate the President's strategy to measurably reduce drug use by American youth and to control drug abuse and its consequences.

Mr. Speaker, most people driving on two-lane highways throughout the farmland of northeast Indiana would probably find it hard to believe that the plague of illegal narcotics hits home even there, but drug use and abuse is not unique to the big cities on the coasts. In 1996, Indiana law enforcement knew of only a single methamphetamine lab in the entire State. Only 5 years later, there were 499. That number dropped to 375 in 2002, but it is still an indication of the kinds of challenges places like Indiana face when it comes to illegal drugs.

Meth is not the only problem in Indiana. Fort Wayne is not a huge city, about 225,000, but there have been some huge cocaine busts there this year. This summer alone, two separate stings in Fort Wayne yielded 50 pounds of cocaine with a street value of $2.3 million. We thought cocaine was nearly gone. We were wrong.

Mr. Speaker, almost half of the 12th graders in Indiana say they have used marijuana in the last year. Almost 9 percent say they have used powdered cocaine; 15 percent have used methamphetamines, but that is not the worst of it. Almost four in 100 sixth graders in Indiana say they have used marijuana in the last year. One in 200 have used powdered cocaine. These are 11- and 12-year-olds.

Consequently, one might ask, is there any point in fighting this battle at all? I am frequently asked whether we believe we can ever completely eliminate illegal drug use. The simple answer to that question is no. We cannot eliminate sin. But that does not mean we cannot and should not try, any more than we would give up on spouse abuse or child abuse. It does mean that we can make a difference in some cases.

The current administration has made a real effort to fight the scourge of illegal drugs, and that effort has shown results. Usage statistics that peaked in the late 1990s are now making a slow but steady decline, both nationwide and in my home State of Indiana. The numbers I cited above are too high, but they are improvements over statistics just a few short years ago.

What does that mean? That means there is a long fight ahead, but things are far from helpless. We can make a difference in people's lives, and that is why this bill is so important. This bill does not and cannot address each of the many specific national programs involved in our coordinated strategies to reduce demand for illegal drugs, the prevention and treatment, reduce the supply of narcotics through source-country programs, and interdiction and to disrupt and dismantle drug trafficking organizations and control the consequences of drug-related crime through coordinated law enforcement. The details of these programs continue to be dealt with by each of the separate authorizing committees of jurisdiction. It does, however, provide a cornerstone and ensure that these programs will be coordinated and effective through the broad guidance and coordination of the Office of National Drug Control Policy on behalf of the President.

The legislation reauthorizes ONDCP and its programs for 5 years. It makes some significant revisions to current law that will enhance the effectiveness and accountability of the National Drug Control strategy and its programs, streamline and simplify the process for its development, and provide increased flexibility to the ONDCP Director to respond to changing circumstances.

For example, we have replaced an inflexible legal requirement for a bloated 5-year strategy, guided by pages of outdated statutory mandates, with a flexible and responsive annual strategy that still follows the same basic principles to ensure a comprehensive and responsible drug strategy. We have also worked in many areas to improve performance measurement for the annual strategy, Federal drug control programs, ONDCP programs, and even some private sector efforts to ensure that these programs will be effective and accountable. For example, we are now requiring that the director conduct a specific evaluation of the performance of each Federal agency in carrying out its responsibilities under the strategy each year and have mandated, for the first time ever, that a uniform system be developed to evaluate the effectiveness of the drug treatment programs in the United States.

□ 1415

The bill also provides for direct evaluation of the effectiveness of the media campaign in its individual ads.

Another key theme of the bill is our efforts to ensure that ONDC programs, most notably the HIDTA program and the media campaign, remain directed to their original intent and purpose in areas where our oversight activities have clearly demonstrated some lack of focus.

Finally, the bill is intended to ensure that the Federal Government maintains appropriate attention and resources directed to drug control, which has recently too often been subjugated to other purposes and policies.

This bill is a true bipartisan effort passed by unanimous vote in subcommittee and authorizing subcommittee, and by voice vote in the full committee, and represents the outcome of ongoing consultation and discussions with the minority.

The bill contains a complete text of the Dawson Family Community Protection Act that was introduced by the distinguished ranking member of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS), to address witness and community protection initiatives in the wake of the tragic death of the Dawson family in Baltimore at the hands of violent drug dealers.

The bill reported from the committee also contains a number of items requested by the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the full committee, many of which reflect a clear bipartisan agreement that the media campaign should not be used for political purposes.

The bill also contains many suggestions from Members on both sides of the aisle including the work of the gentleman from Ohio (Mr. PORTMAN) on the media campaign and changes to the current law requested by Director Walters in the administration.

It incorporates suggestions and ideas from key outside groups including the Community Anti-Drug Coalitions of America, drug treatment providers, the Partnership for Drug Free America, and members of the Federal, State, local and tribal law enforcement participating in the HIDTA and CTAC programs, most notably the Drug Enforcement Administration.

While no one is necessarily completely happy with this bill, the final result was a bill that achieved nearly unanimous bipartisan support in the committee. This is a strong bipartisan bill to send to the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2086, the Office of National Drug Control Policy Reauthorization of 2003.

Mr. Speaker, there is no greater problem in America than drug abuse. Illegal drugs contribute to an estimated 50,000 deaths in the United States each year. Nineteen thousand of these deaths are a direct result of illegal drug use.

According to the National Household Survey on Drug Abuse, 16 million Americans used an illegal drug on at least a monthly basis in 2001, including 6.1 million who needed treatment. In Baltimore City alone there are some 50,000 people addicted to drugs.

Most crime in the United States has an illegal drug nexus; and most of the prisoners sitting in the United States' prisons, jails, and detention facilities are there because of illegal drug activity.

These facts paint an ugly picture of the impact of drugs on American society; but they do not begin to describe the tragic harm done to individuals, families, and communities by drugs and drug-related crimes. In neighborhoods in Baltimore and Howard counties, I cannot escape seeing every day the devastating, destructive impact that drugs and drug-related crime, including violent crime, exact on communities. So it is with great seriousness that I approach this legislation reauthorizing the Office of National Drug Control Policy and related drug control programs.

The Office of National Drug Policy plays a central role in shaping and coordinating our Nation's policy and programs relating to illegal drugs. Established in 1988 and last reauthorized in 1997, ONDCP has the lead responsibility in the executive branch for establishing policies, priorities, and objectives relating to the demand for, and the supply of, illegal drugs in the United States.

The director of National Drug Control Policy, or the drug czar, will have strong influence over the shape, direction, and implementation of Federal drug policy by certifying the drug control budgets of Federal departments and agencies that contribute to the national drug control strategy.

In addition to its policy and coordination functions, the ONDCP directly administers the High Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, the Counterdrug Technology Assessment Center, and the Drug Free Communities program. Each of these programs plays an important role in implementing the national drug control strategy's goal of preventing drug use before it starts, healing America's drug users, and disrupting the market for illegal drugs.

H.R. 2086 would reauthorize for 5 years not only the Office of National Drug Control Policy, but also the HIDTA program, the CTAC, and the media campaign. And I believe that the office and these programs should be reauthorized.

This bill is not perfect, and I would agree with Mr. SOUDER that no one is completely happy with it. It is not the bill that I would have written. I know that some of my Democratic colleagues have strong concerns in certain areas, and I share some of those concerns. But we have worked in the Committee on Government Reform to make this bill better than it was. And through bipartisan negotiations with the gentleman from Virginia (Mr. TOM DAVIS), chairman of the drug control policy subcommittee, and the gentleman from Indiana (Mr. SOUDER), the gentleman from California (Mr. WAXMAN) and I were able to make significant improvements in key areas.

In particular, my colleagues who serve on the Committee on the Judiciary have raised legitimate concerns about language in the bill prohibiting the use of High Intensity Drug Trafficking Area program funds for treatment and prevention. The gentleman from California (Mr. WAXMAN) and I have tried over the past several weeks to address this concern with Chairman DAVIS and Chairman SOUDER.

The majority and ONDCP were not receptive to ideas we proposed that would have allowed additional HIDTAs to establish new treatment initiatives. We were able to achieve, however, an agreement to return to lift the restriction on HIDTA funds used for prevention, and we will continue to work through conference to restore the ability of HIDTAs that already have limited treatment programs to continue their treatment initiatives.

I hope that eventually we will see fit to allow additional HIDTAs the opportunity to implement new treatment initiatives as part of a strategy to reduce the public safety threat posed by offenders who use drugs and commit drug related crimes, including violent crimes.

I would point out that the Washington-Baltimore HIDTA's innovative use of treatment as a crime control tool in direct support of law enforcement initiatives has resulted in substantially reduced recidivism and rearrest rates for offenders who have participated in HIDTA-funded treatment programs. In other words, our HIDTA law enforcement efforts are more effective because they are linked with HIDTA-funded treatment initiatives that are specifically designed to support them. Other HIDTAs should have the ability to invest in this approach which shows that law enforcement and treatment work best when they are pursued in a closely coordinated fashion.

Our negotiations with the majority also resulted in the elimination of a provision that would have opened the door to partisan political use of a national anti-drug media campaign with respect to anti-legalization efforts by the ONDCP director. As a result of our negotiations, the current bill would, one, maintain the existing prohibition on partisan political use of the media campaign; two, bar the use of media campaign funds to support advocacy against or in favor of any candidate, ballot initiative, or legislative or regulatory proposal, even if the candidate or measure is not partisan in nature; and finally absolutely prohibit the appearance of highly visible Federal officials in media campaign advertising.

Together, these provisions reflect a bipartisan agreement that the media campaign should place its focus on the goal of preventing youth drug use and that it should stay out of the business of influencing elections and legislative or regulatory proposals involving medical marijuana or any other extraneous issue.

The current bill also does not contain a provision that sought to punish State and local law enforcement in high-intensity drug trafficking areas in which States have adopted medical marijuana laws. The bill before us does include H.R. 1599, the Dawson Family Community Protection Act, legislation I introduced in response to one of the most tragic drug-related crimes in memory. The bill commemorates the lives of a courageous mother and a devoted father and five precious children who were senselessly murdered when their home was set ablaze in the middle of the night on October 16 of last year, apparently in retaliation for Angela Dawson's repeated complaints to police about drug distribution in her East Baltimore neighborhood.

This legislation would direct the drug czar to fund HIDTA initiatives aimed at increasing neighborhood safety and facilitating witness cooperation in communities ravaged by rampant drug trafficking activity and related violence.

I thank the gentleman from Indiana (Chairman SOUDER) again for his cosponsorship of H.R. 1599 and for including it in this reauthorization package.

Amendments that I offered and were adopted with the gentleman from Indiana's (Chairman SOUDER) support in subcommittee were slightly modified in full committee but remain mostly intact. This bill says the director must ensure through his budget certification authority that the administration's proposed funding of drug treatment programs will be adequate to enhance Federal treatment programs and capacity. Most of our States are suffering through fiscal crises, and cutbacks in State funding for drug treatment are widespread. Maintaining and expanding access to treatment on demand despite this economic trend is indeed vital.

With that, Mr. Speaker, I would like to thank the gentleman from Virginia

(Mr. Tom Davis), the gentleman from Indiana (Chairman Souder), and the gentleman from California (Mr. Waxman) for their cooperation of collaborative approach in working with us to resolve the matters of sharpest disagreement between the majority and the minority. I would also like to commend the gentleman from California (Mr. Waxman), ranking member, again for his leadership in representing the interests of the minority in this legislation and concerning a multitude of other issues that have come before the Committee on Government Reform and this great House.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. Mica), the former chairman of the subcommittee.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in support this afternoon of one of the most important reauthorization pieces of legislation that will be addressed by this Congress, and that is the reauthorization of the Office of National Drug Control Policy.

Unfortunately, this is an issue that sometimes gets shoved below the radar screen in Congress and in our society, but I can tell the Members that there are very few social issues facing this Nation like the problem of illegal narcotics. In the latest report I have, the deaths that were drug related in this country in the year 2000, this is 3 years old, were 19,698. That is almost 54 human beings, 54 citizens in our country that die from drug-related deaths each day in the United States, an incredible number. And that is not to mention those who lose their lives such as the tragic death of those who were murdered in a drug-related crime in Baltimore, the Dawson family. Drug deaths now exceed homicides in the United States, and I would venture to say that nearly half of the homicides in the United States are drug related.

One of the issues that has been raised if this reauthorization is putting more money in treatment, and when I was chairman I supported a good balanced approach, and I think the gentleman from Indiana (Mr. Souder) and the gentleman from Maryland (Mr. Cummings) have tried to do that, and certainly the administration has. We have to understand that in the previous fiscal year 2002, the Federal Government spent nearly half, 45 percent, of all of its drug control policy budget on treatment and prevention. And it is not always how much we spend. It is very important how we spend that money, that it is spent effectively.

□ 1430

If we have learned nothing else in our experience over the years on this major social problem facing us, it is that a balance of education and prevention, of treatment, of interdiction, of enforcement, and all of these elements put together in a balanced approach will make a difference. That is why this is a good, balanced approach.

We have seen what has happened when we have good enforcement and when we do not have good enforcement. The gentleman from Maryland (Mr. Cummings) has experienced that himself in Baltimore, one of our Nation's great cities, where the death toll was way over the 300 mark and they had lax enforcement. Mayor O'Malley went in, with the guidance of the gentleman from Maryland (Mr. Cummings), and with attention from the Federal Government and others, we have reduced the tragedy of deaths in that city.

We saw in New York City under the Giuliani plan deaths and homicides exceeded 2,000 in New York City. With a tough enforcement plan, that was reduced to between 600 and 700; and we still see the results of that tough enforcement. So we cannot make the mistake of imbalancing our approach, and that is why this is a good approach.

Mr. Speaker, I want to salute the chairman and ranking member. The President of the United States has taken a personal interest in the leadership of John Walters, the head of the Office of Drug Control Policy. They have a plan. It is working, it is effective, and it is a balanced approach and the right approach.

So, Mr. Speaker, I urge my colleagues to pass this important reauthorization.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. Davis), a member of the subcommittee.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Indiana (Chairman Souder) and the gentleman from Maryland (Ranking Member Cummings) for the tremendous amount of work that has gone into the development of this legislation. In addition to that, I want to commend them for the overall work that has been done on this issue. We have attended hearings in many places throughout the country, well attended, as an indication of the tremendous amount of interest that people have in one of the most pernicious issues facing our society.

Out of respect for the bipartisan efforts that have taken place to try and reach agreement, I am very pleased that this legislation is on the floor. I am in agreement with those who suggest that not enough emphasis, though, is placed upon treatment. While all of the components of trying to wrestle with the drug problem are necessary and essential and while they must be balanced, I, for one, believe that we need to place more emphasis and put more resources into treatment for those individuals who are, in fact, addicted. As a matter of fact, I am a proponent of what I call treatment on demand. That is, whenever a person who is addicted presents himself or herself seeking treatment, they ought to be able to receive it.

I am also concerned that in this country, while it is not necessarily a part of this legislation or covered in this bill, that there are individuals who are denied the opportunity to receive a Pell grant to go to college because they have been convicted of a drug offense. While that may seem rational and logical and wholesome and healthy and good because there are never enough resources to go around for everybody in our country to receive what they need, I think there are some situations where, rather than aiding the situation and helping it to change, that we actually retard the growth and development of individuals. Or the fact that there are individuals who, when convicted of drug offenses, can be denied food stamps. While, again, that does not diminish in any way the work that this subcommittee has done or the work that the full committee has done, those are realities of our society and realities of our times and issues that I think must be addressed.

Notwithstanding that, I commend the gentleman from Virginia (Chairman Davis), the gentleman from California (Ranking Member Waxman) and, again, the gentleman from Indiana (Mr. Souder) and the gentleman from Maryland (Mr. Cummings) for the work that they have done.

Mr. SOUDER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. Tom Davis), the chairman of the full committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, first of all, let me thank the gentleman from Indiana (Chairman Souder) for his leadership on this issue, as he has made a career of this since he came to Congress, and to his ranking member, (Mr. Cummings) of Maryland. I appreciate them working together. To my ranking member on the full committee, the gentleman from California (Mr. Waxman), we appreciate his input here to reach this compromise we have here today.

Since its inception in 1988, the Office of National Drug Control Policy has been the cornerstone of drug policy in America, improving the lives of all Americans by reducing the presence of drugs in our society. This office has been producing the results our Nation needs: Teen drug use is on the decline, and that is just one of many positive advancements which have been made by ONDCP in the last couple of years.

The many positive signs and trends that Director Walters reported in this year's National Drug Control Strategy clearly demonstrate the difference the office can make when strong and effective leadership is merged with sound policy.

Drug use and abuse is a national crisis that affects the health of our citizens and, in turn, our country. To win the war on drugs, we need to address the problem of drugs in our society from every angle. This legislation gives ONDCP the appropriate resources to stop drug use before it starts, to heal drug users, and disrupt drug markets.

We all know that drugs affect people from all walks of life. Rich, poor, whatever race, addiction does not discriminate. A strong national drug policy is in the interests of every American.

Mr. Speaker, the bill we bring to the floor today is bipartisan in the best sense of the word. It is the product of careful negotiation and strong bipartisan agreement. In crafting this important piece of legislation, we aimed to provide the best possible support for the administration and Director Walters in implementing the President's strategy. We sought to make ONDCP more efficient by reducing outdated reporting and structural requirements that are in the current law. We also gave significant attention to reforms of the Media Campaign and the HIDTA program to ensure that they are effective and true to their original aims. Both of these programs have grown in ways that were not originally intended, and the bill reflects the desire to ensure that the programs remain accountable and dedicated to their core purposes.

Again, I want to thank the gentleman from Indiana (Chairman SOUDER) and the subcommittee ranking member, the gentleman from Maryland (Mr. CUMMINGS), and my full committee counterpart, the gentleman from California (Ranking Member WAXMAN) for their leadership, dedication, and hard work on this authorization legislation. I am happy that we could reach a bipartisan agreement on this bill. It is too important to play politics with, and there is no place for partisanship in protecting our children against drugs. This bipartisanship was reflected in the unanimous vote to pass the bill out of our committee.

Mr. Speaker, I am confident that we have put together a cohesive, effective piece of legislation to maintain and provide ONDCP with the necessary tools to reduce illicit drug use, manufacturing, and trafficking, and drug-related crime and violence, and drug-related health consequences.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Ms. WATERS), a Member who has worked a long time on the drug issue and the problems of drugs in this country and abroad.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time. I know how hard he and others have worked on the bill, and I certainly know what they are attempting to do. I just feel as if I would be derelict in my duty if I did not speak to some of the issues that I have spent so many years working on. The gentleman from Maryland (Mr. CUMMINGS) did not have to allow me this time, knowing that I oppose the bill, and I am extremely appreciative for that.

Mr. Speaker, I rise in strong opposition both to the process that has brought this bill to the floor under suspension of the rules and to the substance of the underlying bill, H.R. 2086, the reauthorization bill for the Office of National Drug Control Policy, the so-called Drug Czar's Office.

Mr. Speaker, why is this bill before us today under suspension of the rules with only 20 minutes of debate for each side and no opportunity for Members to offer amendments? Is there anyone who truly believes that this bill could not be improved if we had a full and fair debate on the many issues raised by H.R. 2068 and if Members had the opportunity to offer amendments to the bill?

The Director of the ONDCP manages a Federal drug control budget of almost $20 billion. The Federal drug control budget for the last 5 fiscal years alone was almost $100 billion. ONDCP is tasked with managing an enormous Federal drug control budget. What is the return on the investment? Where is the bang for our Federal dollars? Surely, something more than such cursory floor consideration is in order for these major issues.

The war on drugs is a joke. It is ineffective, and it is a waste of taxpayers' money. This money should be spent on prevention, treatment, and rehabilitation. During proceedings in the Committee on the Judiciary, I certainly tried to offer amendments to defund this program altogether. We need to start all over again.

Mr. Speaker, the nationwide prison inmate population today is about 2.1 million people, over 160,000 of them in my State of California alone. Many of the inmates are serving time for drug offenses. Nationwide, more than 40 percent of the prison population consists of African American inmates. About 10 percent of the African American men in their mid to late 20s are behind bars. In some cities, more than 50 percent of young African American men are under the supervision of the criminal justice system. Given the role of mandatory minimum sentencing for drug offenses in producing these statistics, we need to have a serious debate about the efficacy and soundness of the war on drugs and on mandatory minimum sentencing.

Mr. Speaker, Americans need real help in diverting their children from drug use. Families need rehabilitation to save and unite families. This so-called war on drugs is merely a joke, and I believe that we can do better.

Supreme Court Justice Anthony Kennedy observed in a major speech this summer to the annual meeting of the American Bar Association on mandatory minimum sentencing, he said, "Our resources are misspent." This is a Supreme Court Justice. "Our punishments too severe, our sentences too long. The Federal sentencing guidelines should be revised downward. I can accept neither the necessity nor the wisdom of Federal mandatory minimum sentencing. In too many cases, mandatory minimum sentences are unwise and unjust."

These task forces go out into these poor communities and find some misguided kid with one gram of crack cocaine. They spend all this time locking them up, taking them to court, getting mandatory minimum sentencing where they spend 5 years or more under mandatory minimum sentencing. The judge has no discretion. It does not make any difference whether they have ever been in trouble before. It does not make any difference that their families are good, they are professionals. The child makes one mistake. They are not cracking the big drug czars. They are not getting the people who are really responsible for putting the drugs on the streets. They will lock up anybody that they can easy so that they can get some more drug task force money.

I just had all the defendants here at the Congressional Black Caucus Foundation weekend from Tulia, Texas, where they arrested 10 percent of all of the African American men in the town of Tulia, Texas, arrested them on the testimony of one lying guy, one man who was a part of the drug task force, the drug agent, Mr. Thomas Coleman, who is now, by the way, under indictment for his misconduct in Tulia. He just simply lied. And he went to the judge, no jury, they gave people sentences from anywhere from 4 or 5 years to 20 and 30 years. They had to take an army of pro bono lawyers from the big law firms and from the NAACP and from the ACLU to go out and get these sentences overturned. This is a joke, and it needs to be stopped.

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Mr. SOUDER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I wanted to clarify one of the matters from the gentlewoman from California (Ms. WATERS) because under President Bush, in 2 straight years of requests, he has had larger increases in treatment than in supply reduction. And it is good to see that she at least agrees with the President and House leadership on that matter. While we may have other disagreements, we all agree that we need to focus increasing amounts on treatment.

I also wanted to clarify that the purpose of this particular bill and HIDTAs was to have these high-intensity drug treatment areas where local and State law enforcement could tap into the Federal law enforcement, so rather than just going after the user on the street, we could actually have local and State law enforcement move up through the system to find the networks, to try to get the major drug dealers. That has not stopped all the street-level arrests, but it has made differences in Los Angeles and in Indiana, where we now see us able to go up the chain and try to get the big people behind those who are abusing the people in our neighborhoods on the street.

I also would like to clarify one other thing that has been sent out to some offices that has some false information from one of the conservative groups that has a false allegation about the amount of money being spent in this bill. This bill is a freeze for the next 2 years. In the third, fourth and fifth year, there is a $15 million increase in a $1 billion bill.

We have worked hard to try to manage this financially, and it is incorrect to imply that this bill is anything other than a freeze for the next few years. I think the wording is confusing on the criticism.

Furthermore, it proposes to criticize the one major prevention program we have, the media campaign, because of an OMB study. We have addressed a number of the things in this bill that OMB has asked for which was more restrictions. The letter also confuses authorizing and appropriations bills and also has false data in it on whether the ad campaign has been effective. In fact, it is accurate, but there is a misleading thing. It implies, it says that the media campaign has been ineffective, but then in its wording says "among certain age groups," meaning it has been effective in most categories with most drugs, but among a few it has not.

Therefore, they sent out a memo falsely implying that we increased the spending and falsely attacking the ad campaign, and that did not do this group justice which has been a great crusader for responsible spending.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield the balance of our time to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform. The gentleman has worked very hard on this legislation, and I would like to thank him.

Mr. SOUDER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time, the senior member on our subcommittee that handled this legislation.

Mr. Speaker, I want to thank the chairman of our committee and the ranking member of the subcommittee for the constructive way that this bill has been processed by our Committee on Government Reform.

The problem of drug abuse is a serious problem. This legislation reauthorizes the work at the Office of National Drug Control Policy. The introduced version of the bill had a number of problems which I am pleased that we were able to work through. It provided that the possibility that the media campaign could be used for partisan political purposes and imposed limitations on the funds that could be used by the drug czar for free media campaigns.

On a bipartisan basis, we changed that, and the bill now ensures that the media campaign cannot be used for partisan political activities, and it adds a new provision banning the use of the media campaign to advocate for or against a ballot initiative, draft legislation, or regulatory proposal.

We also struck controversial language allowing the director to take resources away from the States that have medical marijuana laws. We dropped language limiting the ability of the ONDCP to engage in nontraditional forms of outreach and education. We deleted language overturning a unanimous ruling of the FCC requiring ONDCP advertisements to be identified as paid for by the ONDCP. We made progress in requiring that 80 percent of the media campaign dollars must go to media buys. The present requirement is now 77 percent. I would prefer that there be no requirement at all, but I think this is an improvement.

We were able to address many problems during the committee process, and the result is a much better product. I want to point out that this bill is not a perfect bill. And one of the remaining problems concerns the use of HIDTA, the HIDTA funds, for treatment. Further work need to be done to address the need for more drug treatment, and I have talked to the gentleman from Indiana (Mr. SOUDER) about that matter. And based on his promise that we will continue to talk about it and look further at this issue, I am not going to oppose the bill on that basis. But I do hope that when the bill goes through to a conference or comes out of the Senate, that we will do more in the area of treatment.

Mr. Speaker, it is a bill that I urge my colleagues to support. I hope that we can work to make ONDCP even better in the future.

Mr. SOUDER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WHITFIELD). The gentleman from Indiana (Mr. SOUDER) has 3 minutes remaining.

Mr. SOUDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to make sure that Members understood there was one program we have not talked about at all today which is CTAC, the Counter-Drug Technology Assessment Center, which has a technology transfer program that is so important to so many of our local and State programs; 5,356 local and State agencies across the United States have tapped into this technology.

I also wanted to point out for those who are somewhat confused about HIDTAs that, for example, in New York City, Detroit and Los Angeles, over half of the members of that HIDTA are local law enforcement and two-thirds are State and local law enforcement. This was a program that said rather than just have Federal law enforcement, let us build and leverage the resources of the State and local communities by working together.

If we do not adequately fund this program, every city has pretty much told us that they will pull out because they have to use their State and local dollars to join with these HIDTAs, and it is a very marginal decision to do so, but they believe putting two-thirds of the officers in has been beneficial in reducing crime in their area.

In New York City, the HIDTA there is referred to as the U.N. of law enforcement because after 9/11, they have consolidated not only the narcotics, but the anti-terrorism efforts to make sure that New York remains safe because it has been on orange alert since 9/11. It is on orange alert when the rest of us are on elevated alert. And to cut back the HIDTA, or eliminate the HIDTA, in New York City would be devastating to anti-terrorism protection as well.

Lastly, I want to point out that I have had excellent discussions with the ranking member, the gentleman from Maryland (Mr. CUMMINGS) and with the ranking member of the full committee, the gentleman from California (Mr. WAXMAN). We have continued to disagree, but understand that we need to work out some kind of additional language that gives flexibility on drug treatment, although that should not be the primary function, and HIDTA dollars should not be used for that effect. We continue to talk about the grandfathering in of the two programs that are not grandfathered in under this and if, whether that money could be used like it is in the Washington-Baltimore HIDTA to work on drug treatment, and I pledged that I would continue to work on this as we move through conference.

So I hope that given the many changes, this bill makes a very strong statement to drug dealers across America, that we are not going to back off. It makes a very strong statement on marijuana use and the dangers of marijuana. It talks about how to tighten the Safe and Drug-Free Schools program to make sure it has a clear anti-drug message. It includes efforts to make sure that the HIDTAs focus on national drug trade and not just at the local level where we lock people up but how do we get into the systems. On the supply side, we have also asked for new assessments on the accelerating problem of Columbian heroine.

I believe that in the end this bill represents a bipartisan approach to a balanced, coordinated and effective strategy to address the serious problem of drug abuse and its many effects across our country. I urge all Members to support H.R. 2086.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003. This legislation also reauthorizes the National Youth Anti-Drug Media Campaign—a critical component of our Nation's drug control strategy.

We know that one important way to get the drug prevention message across is through the media: television, radio and newspapers. I am a firm believer that an effective media campaign can help prevent and delay the onset of substance abuse among youth. The Partnership for a Drug-Free America operated a successful media campaign long before the Federal Government became involved. Congress understood the importance of the anti-drug media message and wanted to ensure that it would continue as public service campaigns have the proven ability to change attitudes and behavior.

Since 1998, the Office of National Drug Control Policy has run a National Youth Anti-Drug Campaign. With the help of the Partnership for a Drug-Free America, the Campaign has created more than 200 commercials.

We know that the Media Campaign is working. The Media Campaign helps parents realize that they play a vital role in preventing their kids from using drugs. Results clearly show that the Campaign helps initiate conversations about substance abuse between parents and their children. We also know that the ads have helped parents set rules and clear standards about drug use.

Survey results released this month confirm that youth are getting the right messages about drug use. The ads have contributed to a climate of disapproval of drug use that is imperative to reducing the human, social, and financial costs of this deadly disease. The Campaign reaches 90 percent of the youth audience 4 times a week; and 74 percent of the parent audience 3.5 times a week.

Drug use behaviors are beginning to show positive effects from youth exposure to the Media Campaign. For example, almost half (49 percent of youth with high exposure to the marijuana ads said the ads made them less likely to try or use drugs versus 38 percent of the youth who had little or no exposure to the ads. A strong correlation was found between high exposure to the ads and increased perceptions of risk associated with marijuana use that have been specifically highlighted by the Campaign. Recent data also indicates that kids who see or hear anti-drugs ads at least once a day are less likely to do drugs than other adolescents who don't see or hear ads frequently.

I have seen first-hand in my own community the positive results that can be gained through an effective media campaign.

The Coalition for a Drug-Free Greater Cincinnati, which I founded, recently conducted a survey that showed a decline in teen drug use in our region for the first time in 12 years. Marijuana use by teens is down 13 percent, alcohol use is down 24 percent, and cigarette use is down 28 percent.

The media component of the community coalition in Cincinnati plays a critical role in the coalition's overall success. The Coalition helps run an extensive local media campaign through television, radio and print. In fact, the local media in southwest Ohio have generously donated over $1 million in anti-drug ads on an annual basis for the last three years. The survey data tells us that the media campaign is helping bring these numbers down. Based on our survey, kids who have seen anti-drug ads on a regular basis are 20 percent less likely to use drugs. These results indicate that prevention and education tools like the media campaign work.

The key is that we work together—on a bipartisan basis—to keep these ads on the air as part of a comprehensive drug prevention effort. Passage of this bill, the Reauthorization of the Office of National Drug Control Policy, will help to improve the effectiveness of the media campaign and the reduction of drug abuse among our Nation's adolescents. I encourage all of my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation as amended in a markup session before the Judiciary Committee.

The Office of National Drug Control Policy (ONDCP) has been the leader of federal drug policy in the United States since its inception in 1988. The Director of ONDCP serves as the President's primary advisor for drug control policy and has responsibility for implementing the ONDCP's mission of coordinating the Nation's efforts to reduce the use, manufacture, and trafficking of illicit drugs and reducing the associated crime, violence, and health consequences of illicit drugs. The Director is also responsible for advising the President on national and international drug control policies and strategies, formulating the National Drug Control Strategy, reviewing and certifying the budgets of National Drug Control Program Agencies, and for ensuring that federal drug programs are adequately funded. The Director reviews the annual budget request for each federal department and agency charged with implementing a federal drug control program and is empowered to set forth funding requirements and initiatives that he or she believes are sufficient to meet those goals.

Given the ongoing problem of drug trafficking, use, and addiction in our country, the importance of reauthorizing the ONDCP is obvious. However, as we consider funding this important federal office, it is necessary to ensure that federal funds are allocated to the proper programs.

As it is presently drafted, H.R. 2086 directly undermines the use of important tools such as drug prevention and treatment programs that have been proven to considerably reduce the use of unlawful drugs. For example, ONDCP designates certain cities in America particularly burdened by narcotics as High Intensity Drug Trafficking Areas (HIDTA). Under the provisions of the bill, HIDTA program participants are prohibited from using any of the funds they receive on prevention or treatment. The only HIDTA excluded from this prohibition is the Baltimore/Washington HIDTA.

In addition to the HIDTA prohibitions, H.R. 2086 inadequately advances prevention and treatment programs by failing to require the Director to certify, prior to approval of the budget, that federal drug treatment program funding is adequate. For instance the Department of Health and Human Services implements several drug treatment and prevention programs, such as the Substance Abuse Prevention and Treatment and Block Grant Program and the Targeted Capacity Expansion grant program. Under H.R. 2086, the Director is not required, as part of the National Drug Control Program budgeting process, to certify adequate funding of these programs prior to approval of the budget.

Another flaw in H.R. 2086, is the failure to break down statistical data by demographic group. The provisions of the bill include annual reporting requirements but the current provisions fail to include language that would require ONDCP to conduct and assess state and federal prevention and treatment programs to ensure the unique needs of minority groups, women, and youths are met. In addition, the reporting provisions fail to require that the drug-related crime information is required to be reported broken down by racial, ethnic, age, and gender lines. This information is useful to guarantee that the populations most affected by illicit drug use are allocated the greatest resources, to determine which localities to certify as HIDTAs, and to determine disparate treatment by law enforcement officials.

The ONDCP is a vital federal resource for minimizing the impact of drug crime and use in America. It is important to ensure that the ONDCP is authorized past its September 30, 2003 expiration date. However, we must not be hasty in reauthorizing the ONDCP. We must ensure that the reauthorization bill will allocate ONDCP resources to treatment and prevention programs as readily as law enforcement programs. We must ensure that there is data reporting that gives a thorough picture of our drug control efforts.

Mr. Speaker, I support the efforts of the ONDCP and believe it is important that my colleagues pass this legislation to authorize this federal agency to continue its mission. However, the flaws in H.R. 2086 must be corrected. I hope that all amendments that propose to address these flaws offered today will be given full consideration.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 2086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE NEW YORK YANKEES ON THE OCCASION OF THEIR 100TH ANNIVERSARY

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) congratulating the New York Yankees on the occasion of their 100th anniversary.

The Clerk read as follows:

H. RES. 306

Whereas the New York Yankees were officially acquired in 1903 and are celebrating their 100th anniversary in 2003;

Whereas what would become the most successful team in sports history actually began as the Baltimore Orioles in 1901. When that franchise folded after only two seasons, it was purchased for $18,000 by two colorful New Yorkers, Frank Farrell and Bill Devery;

Whereas New York's third Major-League team, joining the New York Giants and Brooklyn Dodgers of the National League, would play its home games in a hastily constructed, all-wood park at 168th Street and Broadway. Because the site was one of the highest spots in Manhattan, the team was named the "Highlanders" and their home field "Hilltop Park." They played their inaugural game on April 22, 1903, losing 3–1 to the Senators at Washington. New York recorded the first win in franchise history the next day, a 7–2 decision at Washington;

Whereas the Highlanders nearly captured the American-League pennant in 1904—only their second season—as they finished only 1.5 games behind the Boston Pilgrims in the first of three second-place finishes from 1904 to 1910;

Whereas after a spectacular fire severely damaged the Polo Grounds in 1911, the Highlanders' owners invited the Giants to share Hilltop Park. Two years later the Giants returned the favor and allowed the Highlanders to move into their rebuilt and vastly superior park. With the move, the Highlanders officially changed their nickname to "Yankees (by which they had actually been known for most of their history)." Two years after the move—on January 11, 1915—Colonel Jacob Ruppert and Colonel Tillinghast L'Hommedieu Huston purchased the franchise from its by-now disgruntled owners;

Whereas from 1911 to 1919, the Yankees won as many as 80 games in a season only twice, but the franchise's fortunes would change forever on January 3, 1920. On what is perhaps the most significant date in club history, the Yankees purchased the contract of George Herman "Babe" Ruth from the Boston Red Sox for $125,000 and a $350,000 loan against the mortgage on Fenway Park;

Whereas Ruth's impact was immediate. The Yankees won 95 games in 1920, their highest victory total to date, and captured their first American-League pennant a year later. Their attendance at the Polo grounds doubled to 1,289,422 in 1920 and, in 1921, the Giants notified their tenant to vacate the Polo grounds as soon as possible. Now bitter rivals, the two teams squared off in the World Series in 1921 and 1922 with the Giants winning both times;

Whereas with their departure from the Polo Grounds inevitable, the Yankee owners set out to build a spectacular ballpark of their own. Baseball's first triple-decked structure with an advertised capacity of 70,000, it would also be the first baseball facility to be labeled a "stadium";

Whereas construction began on May 5, 1922 and, in only 284 working days, Yankee Stadium was ready for its inaugural game on April 18, 1923 vs. the Boston Red Sox. An announced crowd of 74,200 fans packed Yankee Stadium for a glimpse of Baseball's grandest facility while thousands milled around outside after the fire department finally ordered the gates closed. Appropriately, Ruth christened his new home with a three-run homer to cap a four-run inning as the Yankees coasted to a 4–1 win;

Whereas because it was widely recognized that Ruth's tremendous drawing power made the new stadium possible, it would immediately become known as "The House that Ruth Built". Later that season, the Stadium hosted the first of 36 World Series and the Yankees won their first World Championship over their former landlord, the Giants. Of course, as the Stadium became the stage for a staggering number of World titles—now totaling 26—it would also become known as "The Home of Champions";

Whereas on June 1, 1925 in a 5–3 loss vs. Washington, Manager Miller Huggins inserted a 21-year-old rookie first baseman as a pinch hitter for light-hitting shortstop Pee Wee Wanninger. No one could have imagined at the time that this appearance would be the first of 2,130 consecutive games played by Lou Gehrig, who, with Babe Ruth and later Joe DiMaggio, anchored some of the greatest ball clubs of all time;

Whereas after a disheartening loss to the St. Louis Cardinals in the 1926 World Series, the Yankees rolled to World Championships in both 1927 and 1928, sweeping the Series both years. The 1927 club, the first Yankee team to be labeled "Murderers' Row", became the yardstick by which athletic greatness is measured. During that season, Ruth shattered his own single-season home run record with his 60th on the season's final day on September 30, 1927;

Whereas in his 15 seasons in pinstripes, Ruth helped build a tradition of winning with seven American-League pennants and four World Championships. He finished his unparalleled career (with the Boston Braves in 1935) with 714 home runs, 12 American-League home-run titles and six RBI crowns, including five seasons with more than 150. A charter member of Baseball's Hall of Fame, he remains widely regarded as the greatest player of all-time;

Whereas after the 1934 season, Ruth's last in New York, the Yankees purchased the contract of a budding star named Joseph Paul DiMaggio from the San Francisco Seals of the Pacific Coast League. Two years later, DiMaggio made his debut in pinstripes and helped the Yankees to an incredible string of four consecutive World Championships under Manager Joe McCarthy from 1936 through 1939. The decade of the thirties also produced one of the game's greatest lefty-righty pitching combinations in future Hall of Famers Lefty Gomez and Red Ruffing. A four-time 20-game winner-including 24–7 in 1932 and 26–5 in 1934—Gomez was also 6–0 in five World Series. Ruffing posted seasons of 20, 20, 21 and 21 wins on four World-Championship clubs from 1936–1939;

Whereas sadly, in 1939, Gehrig was diagnosed with a crippling disease and his streak of 2,130 games came to an end on May 2 when he did not appear in a 22–2 Yankees' win at Detroit. On July 4, the Yankees honored their captain with an emotional "Lou Gehrig Appreciation Day" at Yankee Stadium and his uniform number (4) became the first in Baseball to be retired. He died on June 2, 1941;

Whereas with the departure of Gehrig, DiMaggio became the pillar of the next generation of Yankee champions. In his 13 seasons in pinstripes, the Yankees played in the World Series in all but two years and won 10 World-Series titles. The legendary "Yankee Clipper" compiled one of the game's most remarkable—and perhaps unbreakable—records in 1941 when he hit safely in a record 56 consecutive games;

Whereas the Yankees also made a seamless transition after DiMaggio's retirement at the age of 37 after the 1951 season. With Whitey Ford and Mickey Mantle joining future Hall of Famers Yogi Berra and Phil Rizzuto, the Yankees won eight American-League pennants and six World Championships under Manager Casey Stengel during the 1950's. Their streak of five consecutive World-Series titles from 1949 through 1953 remains a Major-League record with no other winning as many as four straight;

Whereas Mantle would achieve greatness despite an arrested case of osteomyelitis and numerous injuries. The powerful switch-hitter belted 536 home runs, collected 2,415 hits and batted .300 or more 10 times in an 18-year career. In his first 14 seasons in pinstripes, the Yankees missed the World Series only twice (in 1954 and 1959);

Whereas Ford's lifetime record of 236–106 gives him the best winning percentage (.690) of any 20th century pitcher and he paced the American League in victories three times and in ERA and shutouts twice. He still holds many World Series records, including 10 wins, 33 consecutive scoreless innings and 94 strikeouts;

Whereas the heart of the Yankees for 18 seasons, Berra played on an incredible 14 pennant winners and 10 World Champions. He was a three-time MVP and was selected to the All-Star team in every season from 1948 through 1962;

Whereas Rizzuto was recognized as the glue of 10 pennant winners and eight World-Series Champions from 1941–56 and captured the league's MVP award in 1950, batting .324 with 200 hits and 125 runs scored;

Whereas not every contributor to Yankee—and Baseball history was a future Hall of Famer. In Game Five of the 1956 World Series vs. the Brooklyn Dodgers on October 8th at Yankee Stadium, right-hander Don Larsen authored what is perhaps the game's greatest pitching performance when he retired all 27 Dodger batters for the only perfect game in World Series history;

Whereas the Yankees opened the decade of the sixties in their usual fashion, winning pennants in the first five seasons (1960–64) and World Series titles in 1961 and 1962. Incredibly, in the 29 seasons from 1936 to 1964, the Yankees won a remarkable 22 pennants and 16 World Championships. The 1961 club is still regarded as one of the best teams in Baseball history. With Mantle and Roger Maris embroiled in a season-long race to break Ruth's single-season home-run record, the Yankees rolled to 109 wins en route to the World Championship. Maris smashed Ruth's record when he belted his 61st home run on October 1 at Yankee Stadium in the last game of the season;

Whereas but age finally caught up with the ball club after a seven game Series loss to the St. Louis Cardinals in 1964. The Yankees would finish in the first division only once in the next nine seasons and actually plummeted to last place in 1966 for the first time in 53 years;

Whereas the team's fall from grace ended on January 2, 1973, when the most storied franchise in sports history was sold by CBS to a group headed by George M. Steinbrenner III. With the addition of Catfish Hunter—Baseball's first marquee free agent—shrewd trades which brought Ed Figueroa, Mickey Rivers, Chris Chambliss and Willie Randolph and a strong nucleus which included Thurman Munson, Graig Nettles, Roy White, and Sparky Lyle, the Yankees would make their first post-season appearance in 12 years in 1976 by winning their first American-League-East title. Then on October 14, 1976, in the deciding fifth game of the League Championship Series vs. the Kansas City Royals, Chambliss launched a ninth-inning, pennant-winning home run to put the Yankees back in the World Series;

Whereas after a disheartening four-game sweep vs. the Cincinnati Reds in the 1976 World Series, the Yankees introduced Reggie Jackson—the most prolific slugger of his era—as the club's newest free-agent acquisition. Jackson then capped an exciting 1977 season with one of Baseball's greatest individual performances. In Game Six of the World Series vs. the Los Angeles Dodgers at Yankee Stadium on October 18, "Mr. October" belted three home runs on three swings of the bat;

Whereas in 1978, the Yankees overcame a 14.0-game deficit in the American League East to force a one-game playoff with the Boston Red Sox at Fenway Park to decide the American-League pennant. Shortstop Bucky Dent erased a 2–0 Red Sox lead in the seventh inning with a dramatic three-run homer and the Yankees went on to a 5–4 win en route to a second straight World Championship;

Whereas the '78 season also saw the emergence of Ron Guidry as one of the franchise's greatest pitchers. A four-time American-League All-Star, Guidry compiled one of the most dominating seasons in baseball history in 1978 and became known as "Louisiana Lightening". He went 25–3 with a 1.74 earned run average in leading the Yankees to their dramatic comeback, compiling a club-record 248 strikeouts and nine shutouts en route to a unanimous selection as the A.L.'s Cy Young Award recipient. On June 17, 1978 vs. the California Angels at Yankee Stadium, Guidry shattered the club record for strikeouts with 18. The Yankees' co-captain—with Willie Randolph—from 1986 through 1988, Guidry also won 20 games in 1983 (21–9) and 1985 (22–6);

Whereas the seventies ended with tragedy as Thurman Munson, the Yankees' first captain since Gehrig, was killed in the crash of his private jet on August 2, 1979. Only 32 at the time of his death, Munson was the undisputed leader of the clubs that won three consecutive pennants and two World Championships. After their Captain's death, the Yankees would make only one more World-Series appearance (1981) in 17 years despite compiling the best record in the Major Leagues during the decade of the eighties;

Whereas the eighties also saw the development of one of the franchise's greatest and most popular players, Don Mattingly, "Donnie Baseball," the team captain from 1991 through 1995, batted .307 in his Yankee career (1982–95) and compiled an incredible six-year stretch from 1983–89. During those years, he batted .327 and topped 100 RBI five times, including a career-high 145 in 1985 when he captured the A.L. MVP award. A year earlier, he outdueled teammate Dave Winfield on the final day of the season for the league's batting crown (.343 to .340);

Whereas Winfield, who came to the Yankees as the game's most-sought-after free agent in 1981, compiled Hall of Fame credentials in his eight-plus seasons in pinstripes (1981–90). He belted 205 home runs for the Yankees with 818 RBI and won five gold gloves;

Whereas after an absence of 13 years, the Yankees returned to post-season play in 1995 as the American League's first-ever "Wild-Card" entry. A devastating five-game loss to the Seattle Mariners in the Division Series was only the start of an incredible run for eight consecutive post-season appearances, a record shared only by the Atlanta Braves;

Whereas in 1996, under new skipper Joe Torre, the Yankees returned to the World Series and would win four of the next five World Championships, including three straight from 1998 through 2000. Their 114 victories in 1998 shattered the 44-year-old American-League mark of 111 wins by the 1954 Cleveland Indians (was broken by Seattle in 2001) and their 125 total victories (with 11 post-season wins) remains Baseball's best single-season total;

Whereas the Yankees' most-recent era of greatness featured a consistent lineup of great homegrown and acquired players to rival any period in franchise history. Since the arrival of Bernie Williams in 1991, the Yankees' farm system has produced All-Stars Derek Jeter, Andy Pettitte, Jorge Posada and Mariano Rivera. In addition, shrewd trades and free-agent acquisitions have brought such All-Stars as Wade Boggs, Scott Brosius, Roger Clemens, David Cone, Jason Giambi, Tino Martinez, Mike Mussina, Paul O'Neil, Mike Stanton and David Wells;

Whereas in 2001, the Yankees failed to become only the second team in history to win four consecutive World-Series titles, but captured the hearts of the nation in the aftermath of the September 11th attacks. The Yankees dropped the first two games of the Series vs. the Arizona Diamondbacks at Bank One Ballpark, but rallied to win the next three at Yankee Stadium behind dramatic ninth-inning comebacks in both games Three and Four. On consecutive nights, Tino Martinez and Scott Brosius erased two-run, ninth-inning Diamondback leads with the Yankees winning both games in extra innings. It marked the first time in World Series history that a team won two games in the same series when trailing by at least two runs in the ninth inning;

Whereas as the Yankees begin their second century in 2003, they seek to extend their franchise record of consecutive post-season appearances to nine (a record matched only by the Atlanta Braves, 1995–02). They will do so by expanding upon the kind of innovation that set their first century—and its 26 World Championships—in motion. One hundred years ago, the original 1903 team was built with stars from no fewer than eight different Major-League teams. The 2003 Yankees—with the additions of Cuban All-Star pitcher Jose Contreras and three-time Japan Central League MVP Hideki Matsui—will be comprised of stars from no fewer than six nations;

Whereas the Yankees recorded their 41st first-place finish in team history in 2002, the most of any professional sports franchise . . . they are followed by the Montreal Canadians (32), Minneapolis/Los Angeles Lakers (27), Boston Celtics (24), Brooklyn/Los Angeles Dodgers (24), Boston/Milwaukee/Atlanta Braves (23), New York/San Francisco Giants (21), Philadelphia/Kansas City/Oakland A's (20) and New York (football) Giants (20) . . . the Yankees' first-place total includes the strike-shortened 1981 season when they won the first half title; and

Whereas the Yankees have won 26 of the 97 World Series' played (27 percent) . . . they have won 38 of the 101 American League Pennants (38 percent). Since 1921, the Yankees have been a participant in 38 of the 81 World Series' played (47 percent). The Yankees have won a total of 127 games in the World Series . . . no other team has even played in that many World Series games: Now, therefore, be it

Resolved, That the House of Representatives and the American people extend heartfelt congratulations to the New York Yankees on the occasion of its 100th anniversary, and express the sincerest gratitude to the entire organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 306.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution congratulates Major League Baseball's New York Yankees for their 100th anniversary. Let me make it clear at the outset, as my colleague from Illinois may as well, I am not a Yankees fan. My favorite year for the Yankees was 1959 when the White Sox won the American League Pennant, not all these Yankee championships. But I, like most Americans, give begrudging respect to the Boston Celtics and the University of Notre Dame football, for over the years, like the New York Yankees, they have been able to retain a remarkable tradition of winning. And the Yankees have the most extraordinary history of any professional sports team.

It is one thing to win a few, but it is another thing to do it decade after decade as the New York Yankees have done. The Yankees franchise has won 38 American League pennants and 26 World Series championships in its history, both are the most of any major league baseball team.

In January of 1903, two New York businessmen named Frank Farrell and Bill Devery purchased the failing Baltimore Orioles franchise for a mere $18,000. At the same time, the American League operated the Orioles, similar to Major League Baseball's management of today's Montreal Expos.

The team's new stadium in New York was located on a hill overlooking the Bronx. Consequently, the team was renamed the Highlanders. The team became the Yankees and moved to the Polo Grounds in 1913. Also, the team added its famous navy blue pinstripes in 1912. The team's ascension to greatness perhaps commenced on January 3, 1920 when the Yankees acquired from the Boston Red Sox, something which

Boston has forever regretted, a rising star by the name of Babe Ruth.

During his first year with the Yankees, Ruth hit 54 home runs and the Yankees won 95 games. In 1923, the Yankees began playing at the newly-constructed Yankee Stadium, and they won their first World Series against the cross-town Giants.

The Yankees won 19 more World Series through the 1964 season. The franchise only won two more titles in 1977 and 1978 prior to 1996. But since 1996, the Yankees have been to five World Series and won four, in 1996, 1998, 1999 and 2000. The Yankees have now won six straight American League Eastern Division titles and seven in manager Joe Torre's 8-year tenure in the Bronx.

On Sunday, the Yankees finished the season tied with the Atlanta Braves for having the best record in baseball, 101 wins and 61 losses.

Mr. Speaker, I congratulate the gentleman from New York (Mr. SERRANO) for his work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have never really been a Yankee fan. As a matter of fact, I grew up as a Dodger fan; and, of course, the Yankees generally got the best of that competition. But over the past 100 years, the New York Yankees have spun memorable personalities and indelible moments.

The Yankees franchise is defined by team success and excellence. New York has won an American League pennant and appeared in a World Series in every decade since the 1920s, however, that was not always the case.

The Yankee franchise formed in 1901 in Baltimore, Maryland as the Baltimore Orioles. They played their first game on April 26, 1902 in Oriole Park.

In 1903, the franchise moved to New York and was renamed the New York Highlanders. From 1905 to 1919, the club was a regular inhabitant of the second division, seldom posted a winning record and lost 100-plus games twice. In 1913, they were renamed the New York Yankees. In 1923, they moved in to Yankee Stadium in the Bronx, New York.

After spending their first 18 seasons, a cumulative 41 games, under the .55 percent, the Yankees swaggered into the Nation's consciousness with their first American League pennant in 1921. The legendary Yankee dynasty of the 1920s and 1930s won 11 pennants and eight World Series championships with players such as outfielders Babe Ruth, Earle Combs, and Joe DiMaggio; first baseman Lou Gehrig; infielder Tony Lazzeri; pitcher Waite Hoyt.

□ 1500

From 1941 to 1947, New York continued its success, winning four pennants and three World Series titles.

Manager Casey Stengel guided the Yankees from 1948 through the 1960s, the team's most overpowering era. During this period, the club won 10 American League pennants and seven World Series championships, including five straight championships from 1949 to 1953, a major league record. The teams Stengel managed featured Joe DiMaggio, catcher Yogi Berra, pitcher Whitey Ford, and outfielders Mickey Mantle and Roger Maris. The Yankee dynasty continued through the early 1960s as the team won the American League pennant from 1961 to 1964 and World Series crowns in 1961 and 1962.

The next period of greatness came in the 1970s, after businessman George Steinbrenner bought the franchise and hired former Yankee Billy Martin as manager. Led by outfielder Reggie Jackson, the Yankees won three straight pennants from 1976 through 1978, going on to win the World Series in 1977 and 1978. The Yankees won another American League pennant in 1981. After a relative dry spell, the franchise returned to dominance in the late 1990s, winning the World Series in 1996, 1998, 1999, and 2000.

Yes, the Yankees are indeed the pride of millions of New Yorkers and millions of Americans who love the game of baseball, the great American pastime. I commend and congratulate them.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

As I earlier mentioned, the famous Yankees dynasty compares like to the Boston Celtics who had Larry Bird from Indiana as one of their anchors and the University of Notre Dame which, of course, is based in Indiana, although most people do not realize that.

I do want to pay tribute to two Yankee ties who clearly show that even the Yankees have Hoosier ties, which partly makes them successful. Don Mattingly will not be remembered in the same light as Ruth, Mantle, and DiMaggio given his lack of World Series rings; but this Evansville-native-turned-New York Yankees legend has made a claim to be one of the best pure baseball players the Yankees ever had. During his prime in the 1980s, he had an on-base slugging of over .900, bettered only by Wade Boggs. On top of his outstanding hitting, he also tied for having the best fielding percentage of any first baseman ever to play the game. Between 1985 and 1989, he won a Yankee record for five consecutive Gold Glove awards at first base. Indiana is proud to be the home of this Yankee legend.

The second Yankee I want to highlight with Hoosier ties is a man who never played a game for this proud organization. George Steinbrenner, better known as The Boss, has been called many things by his critics. Unsuccessful will never be one of them. During his tenure as the principal owner of the Yankees, he has guided this franchise to six World Series titles and put them back on top as the most recognized sports franchise in the world. I highlight this because Steinbrenner was a 1948 graduate of the Culver Military Academy in Culver, Indiana. The Steinbrenners are a three-generation Culver family. George Steinbrenner's father, Henry, was a 1919 Culver Summer Schools graduate, and each of his children graduated from the academy as well.

So I not only pay tribute to the New York Yankees but some of their Hoosier roots with the New York Yankees.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from New York (Mr. SERRANO), a tremendous Yankee fan and the author of this resolution.

Mr. SERRANO. Mr. Speaker, I thank both gentlemen for the time and for bringing this resolution to the House floor. I cautiously stand to celebrate and with great joy 100 years of Yankee baseball. I do that because the gentlemen were very clear that they are not Yankee fans, that they are just carrying on their legislative duties today.

I am a very happy man. As a lover of music and of baseball, today's a great day for me. We will celebrate Johnny Cash later on and Bob Hope, and now we celebrate 100 years of Yankee baseball.

I grew up in the Bronx, coming from Puerto Rico; and if you grow up in the Bronx, you, of course, are aware of the fact that the Bronx Bombers reside within your neighborhood. I am a fortunate man still. I reside a few city streets, or as we call them city blocks, from Yankee Stadium; and my office is a few city blocks from Yankee Stadium.

In that stadium for 100 years now, some of the best and most successful baseball has been played. If you are a Yankee fan, you deal with the fact that you have people who are very passionate about the Yankees and others who would want nothing more than to see them lose, starting today, they are playing right now, and never win again; and I understand that.

What we do here today, and I know the gentlemen have said that, is to celebrate America's pastime, baseball, and in so doing, celebrate the most successful franchise within that sport.

The Yankees have had, as has been stated here, many eras; and when you get into overlapping eras, you run the risk of leaving people out, but there was a Ruth-Gehrig era. There was the overlapping DiMaggio era. There was the area of Mantle and Berra and Rizzuto, Ford and Maris. There was later the exciting era for my children, where they became aware of baseball, with Jackson and Mattingly and Winfield and Guidry; and lately, we have the Williams-Posada-Jeter-Pettite era, joined very recently by, and I am sorry to say this for our Yankee and Orioles fans, by Clemens, Mussina, Wells, Giambi, Soriano and, of course, Joe Torre.

Just think of it, when the Yankees first started out they were made up of players from different baseball teams. This year, the winning Yankee team is made up of players from no fewer than six nations, including our latest additions of Cuban All Star pitcher Jose Contreras and Japanese Central League MVP Hideki Matsui.

Yankee baseball is, therefore, the American Dream personified. It is success on the field. It is a behavior for most of the time outside the field, off the field, which typifies how we are as a people and how we care for each other; but to celebrate the Yankees without speaking to some of their stats would be totally improper. So at the expense of being driven out by the chairman and the ranking member, let me just remind my colleagues of a few.

This was the Yankees' 42nd first-place finish. Of the 97 World Series played, the Yankees have won 26 of them or 27 percent. They have won 38 of 101 American League pennants. Since 1921, they participated in 38 of the 81 World Series seasons, played 47 percent, and they have won 127 World Series games. That is more victories than any other team has played in the World Series, and this will not end. Trust me, I just spoke to The Boss this morning; and there are a lot of Yankee players available, either through free agency or in the minor leagues.

This is, again, the beginning of another play-off season; and we celebrate this team's success, and we celebrate what the Yankees mean to America, to the world now, to New York and to the Bronx.

At different times in the history of my congressional district, at different times in the history of the Bronx, some negative things have been said about our neighborhoods; but never has anyone questioned the success of the Yankees, and these new Yankees, the Yankees who take players from all over the world, personify truly what the Bronx is. It is a place where people come together to work, to live, to be patriotic, and to enjoy baseball.

So let this Yankee fan in the most diplomatic way, not to anger any Boston or Oriole fan, say that we are happy to celebrate 100 years of the Bronx Bombers, 100 years of New York Yankees baseball, and as the great Ernie Banks used to say, let us play two today, let us play three, and that is how many we can watch on TV today.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the gentlewoman from California (Ms. WATSON) control the rest of the time for this side.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman for yielding the time.

Mr. Speaker, I understand the levity in which we all rise here today; and I think in the best of spiritedness, the question for us that this would be a time for the House of Representatives to pass a resolution congratulating just a single baseball team. Major league baseball is currently in the midst of a play-off series including the Yankees as well as seven other teams that are worthy of our praise and our congratulations. In the middle of the baseball play-offs, I think we will all be rooting for our own respective teams and promoting team unity and sportsmanship.

There are many other baseball teams that deserve our praise and congratulations, in particular the Boston Red Sox. In fact, this year the Red Sox are celebrating the 100th anniversary of their victory in the first-ever World Series. Red Sox history is peppered with record-setting victories, triumph over adversity, and the dedication of Red Sox players, coaches, and fans.

Now, it is true, Mr. Speaker, it is very true that in the long tradition of buying their way to the top, the Yankees were bought 100 years ago; but if we are to recognize any team for its 100th anniversary, we ought to congratulate the Red Sox for their World Series, not just congratulate a team simply for being acquired.

I have prepared an amendment to offer to this resolution to include congratulations to the Red Sox on the 100th anniversary of their victory in the first World Series; but I understand that since the bill was brought to the floor on the suspension calendar, that cannot be done. So I instead, Mr. Speaker, I will enter the amendment text in the RECORD at this point.

Amendment to H. Res. 306, Offered by Mr. Tierney of Massachusetts:

After "Congratulating the New York Yankees on the occasion of their 100th anniversary" insert "and the Boston Red Sox on the 100th anniversary of their victory in the first ever World Series:

Whereas the Boston Pilgrims (who would become the Boston Red Sox in 1907), in 1903 met the Pittsburgh Pirates in the first ever World Series in 1903 after winning the American league pennant by an unprecedented 14½ games;

Whereas Denton True "Cy" Young pitched a dramatic 11–2 win in Game 5 of the best-of-nine series, yielding only six hits and himself driving in three runs;

Whereas Bill Dinneen struck out Honus Wagner, widely considered the best player in the game at the time, to win the 1903 World Series;

Whereas Denton True "Cy" Young played for Boston from 1901 until 1908, beginning at age 34, and finished his eight years in Boston with a 192–112 record. In his first year with the Pilgrims, Young posted a 33–10 record, a 1.62 ERA, 5 shutouts and 158 K's, walking a mere 37 batters in 371 innings. In addition, Young was the only pitcher in baseball's first 100 years to win 500 games, including three no-hit shutouts and a perfect game on May 5, 1904;

Whereas in 1908 the Red Sox acquired from Kansas City "Smokey" Joe Wood, who was known as the successor to the great Cy Young. By the 1911 season, Wood was smoking and he showed his golden arm for the baseball world to see. His 23–17 record that year included a no-hitter against the St. Louis Browns on July 29. He also recorded 15 strikeouts in the game—a record that wouldn't be broken until Boston's Bill Monbouquette fanned 17 in 1961. In 1912, Wood's 34–5 record was the best in the league;

Whereas "Smokey" Joe's most memorable game came on September 6, 1912. Carrying a 13-game winning streak, the Washington Senators came to town and challenged the Red Sox to throw their bright, young talent a day ahead of his scheduled start against their staff's ace: Walter "Big Train" Johnson. Johnson's record-setting 16-game consecutive win streak had just been snapped. Wood accepted the challenge and the newspapers went wild. They compared the two hurlers to prize fighters. In the sixth inning, Tris Speaker and Duffy Lewis traded doubles off of Johnson and scored a run. It would be the only time either team crossed the plate that afternoon as Wood won his 14th straight. Wood went on to notch two more wins, tying Johnson's 16-game record, before losing;

Whereas in 1912 the Boston Red Sox moved from the Huntington Avenue Grounds to Fenway Park, the new stadium built specifically for the Red Sox. The season opener against the New York Highlanders (later known as the Yankees) was delayed two days by rain, but 27,000 "Fenway Faithful" showed up on April 20 to watch what turned into a three hour and 20 minute game that went into the 11th inning, when Red Sox player Tris Speaker knocked in second baseman Steve Yerkes to win the game 7–6. The spectacular win was kept off the front page due to the sinking of the Titanic;

Whereas the 1912 Red Sox went on to post their best record ever: 105–47, (a mark which stands today). They also beat the New York Giants that year in the first "true" World Series match of the National and American League champions;

Whereas the Red Sox acquired Lefty Grove from the Philadelphia Athletics in 1934. He led the American League in strikeouts for seven consecutive years (1925–1931). Nine times he led AL pitchers with his stingy ERA in his 17-year career. Only two other pitchers led the league in ERA as many as five times. After a year plagued by arm problems that led him to pitch an 8–8 record, the first time he failed to win 20 wins since 1926, Grove was back to form in 1935, posting a 20–12 mark and a league-leading 2.70 ERA. Grove went 17–12 in 1936 for Boston 17–9 in 1937, 14–4 in 1938 and 15–4 in 1939. In four of his eight years with the Red Sox he led the league in ERA. On July 25, 1941, at 41 years old, Lefty Grove put the finishing touches on his spectacular career. Pitching through nine innings and 90-degree heat, Grove notched his 300th win in a 10–6 win over Cleveland and became the fifth all-time winningest pitcher in baseball history;

Whereas in just his third year, at only 23 years of age, Ted Williams went into the last day of the 1941 season hitting .3996, an average that officially rounds up to .400. The last major leaguer to hit over .400 was Bill Terry in 1930 and the last American League player was Harry Heilmann in 1923;

Whereas on June 18, 1953, the Red Sox scored 17 runs in one inning against the Detroit Tigers with 14 hits and six walks in the record-setting inning. The Red Sox broke or tied 17 major league records that day, including the most runs in one inning (17) and the most hits in a game (27);

Whereas on September 28, 1960 Ted Williams ended his Hall of Fame career when he sent 10,454 fans into a frenzy by launching a 1–1 pitch from Baltimore Orioles' pitcher Jack Fisher high into the damp gray sky and into the Red Sox bullpen for his 521st home run;

Whereas in 1961 Carl Michael Yastrzemski, later known simply as "Yaz," joined the Red Sox, replacing Ted Williams in left field. Yastrzemski tops the Red Sox charts for runs batted in, hits, games, at-bats, runs scored, extra base hits and total bases. He holds a top-ten rank in eight of baseball's offensive categories and became the first American Leaguer to reach the 3,000-hit and 400-home run milestone;

Whereas in 1967 Yastrzemski led "The Impossible Dream," He took a Red Sox team that led the majors in losses the previous season and guided it on one of sport's most engaging turnarounds. A .326 average, 44 home runs and 121 RBI gave "Yaz" the American League Triple Crown;

Whereas Carl Yastrzemski, at age 40, notched his 3,000th hit on September 12, 1979;

Whereas in 1964 Tony Conigliaro, known as "Tony C" to his fans, burst onto the baseball scene in Fenway Park, taking 24 homers over the "Green Monster" in 111 games while batting .290. In his second year with the Sox, Conigliaro belted 32 home runs, leading the American League. At 20 years old, Conigliaro became the youngest home-run leader in baseball history. He followed that effort in 1966 with 28 home runs;

Whereas on August 18, 1967, Conigliaro was gravely injured by a rising, inside fastball from California's Jack Hamilton. After missing the remainder of the 1967 season and all of 1968, Conigliaro surpassed remarkable odds and returned in 1969. He batted .255, hit 20 homers and won the "Comeback Player of the Year" award. He improved in 1970 when he belted 36 home runs and 116 RBI;

Whereas the Fenway Park fans showed great passion and sensitivity by avoiding wearing light-colored clothing in the center field bleachers to help Conigliaro see pitches;

Whereas Carlton Fisk, known as "Pudge," joined the Red Sox in 1972. In his rookie year he batted .293, hit 22 home runs and finished tied for the league lead with nine triples, marks which earned him the season's "Rookie of the Year" award. His most memorable moment turned into a scene that encompasses the tradition and faith of all Red Sox fans. The dominating catcher stepped to the plate in the bottom of the 12th inning of World Series Game Six in 1975. After Bernie Carbo's three-run pinch hit homer tied the game in the eighth and Dwight Evans' stunning catch gave the team life in the eleventh, Fisk was ready to close the door on a night of heroes. The catcher jumped on the second offering from Pat Darcy and lifted a high blast down the left field line that seemed to turn one of baseball's greatest games into a slow motion dream. Fisk stood at home plate, waving the ball fair like a man controlling the winds and leaped in elation as the game winning home run bounced off the foul pole, opening the gates for a wild celebration guided by a home run dance around the bases. It was a moment that typified a great career;

Whereas through 10-plus seasons in Boston, Fisk accumulated 162 home runs while compiling a .481 slugging percentage—tenth in club history. Fisk is among the leaders in three other offensive categories and is remembered for his uncanny stature in the field. For his career, Fisk caught more games (2,226) and hit more home runs (351 of his career 376) than any player at his position ever;

Whereas in 1975, a rookie named Fred Lynn made baseball history by earning both the 1975 Rookie of the Year and Most Valuable Player Awards, an accomplishment that had neither been done before. Lynn also earned a batting championship and four gold gloves, played in six All-Star games and led the league in slugging percentage twice and doubles once;

Whereas outfielder Dwight "Dewey" Evans entered the big leagues in 1972 with the Red Sox and at the end of his career placed in the top five of ten offensive categories in the club's records, the most notable being the 379 home runs and 1,346 RBI that put him fourth, behind Ted Williams, Carl Yastrzemski, and Jim Rice. Evans also finished his career with the second most games played and at-bats in Boston history;

Whereas Jim Rice joined the Red Sox in 1974 after securing the International League's triple crown and in his first full year with the team batted .309 with 22 home runs and 102 RBI, leading the Sox to the American League pennant and the 1975 World Series. In 1978 he was named the A.L.'s MVP after setting staggering marks including major league leading totals of 46 homers, 139 RBI, 15 triples, 406 total bases, 213 hits and a .600 slugging percentage;

Whereas Roger Clemens warmed up a cannon before a Tuesday night game in April of 1986 and shot down 20 Seattle Mariners by night's end to break the Major League record for strikeouts in a nine inning game. It was an exhibition of sheer power and by the time the smoke cleared, the "Rocket" had fanned the side three times and during one stretch sat down eight Mariners in a row. He looked unhitable. Seventy percent of his pitches were strikes, many of which topped the radar gun at 95 mph and higher;

Whereas in 1997 the Red Sox were treated to the arrival of a rookie named Nomar Garciaparra, who immediately turned into a superstar. The dynamic shortstop won "Rookie of the Year" honors by hitting .306 with 122 runs, 209 hits, 44 doubles, 11 triples, 30 homers, 98 RBIs and 22 stolen bases;

Whereas in 1998, after acquiring star right-hander Pedro Martinez, the Red Sox produced their first 90-win season since 1996. The 92–70 finish was good enough to vault them into the playoffs as the AL Wild Card. Nomar Garciaparra finished second in AL MVP balloting. The Red Sox snapped their postseason losing streak of 13 games by beating the Indians 11–3 in Game 1;

Whereas in 2000 Nomar Garciaparra earned his second consecutive batting title and Pedro Martinez earned his third Cy Young award in four years. Garciaparra's .372 batting average was the best batting average for a right-handed hitter in the past 50 years;

Whereas in 2001 the Red Sox signed superstar slugger Manny Ramirez off the free agent market, who clubbed a three-run homer in the first pitch he saw in a home uniform at Fenway Park;

Whereas on April 4, 2001, Hideo Nomo pitched Boston's first no-hitter since 1965. The start against the Orioles at Camden Yards was Nomo's first in a Boston uniform;

Whereas in 2002 the Red Sox began a new era, as the ownership group led by John Henry, Tom Werner and Larry Lucchino officially took over on Feb. 27. The Red Sox went 93–69 under new manager Grady Little, but missed the playoffs for the third straight year. Pedro Martinez and Derek Lowe gave the Sox their first 20-win tandem since 1949. The highlight of the season was Lowe's no-hitter at Fenway on April 27 against the Devil Rays. Manny Ramirez, despite missing six weeks with a fractured left index finger, won his first batting title;

Whereas Red Sox have appeared in the post-season seven times (1986, 1988, 1990, 1995, 1998, 1999 and 2003) since 1986;"

After "*Resolved*, That the House of Representatives and the American people extend heartfelt congratulations to the New York Yankees on the occasion of its 100th anniversary, and express the sincerest gratitude to the entire organization." Insert "*Resolved*, That the House of Representatives and the American people extend heartfelt congratulations to the Boston Red Sox on the occasion of the 100th anniversary of its victory in the first World Series and express the sincerest gratitude to the entire organization."

So I join, Mr. Speaker, the Red Sox nation in congratulating the Red Sox on the 100th anniversary of their victory in the first World Series and for their recent wild-card victory in the 2003 play-offs. On behalf of the Red Sox fans across the country and the world, I hope that the 85th time is a charm and it is this year. Good luck for all the teams in the play-offs and the Red Sox in particular, as well as the Yankees.

Mr. YOUNG of Florida. Mr. speaker, I rise in strong support of House Resolution 306, which congratulates the New York Yankees on their 100th anniversary.

Others who have spoken before me, and will speak after me, will have talked about the Yankees' prowess on the baseball field. Certainly their 26 World championships and 38 American League Pennants are unsurpassed in all of professional sports.

With my time today, however, I want to speak about one of the legendary New York Yankees, a man who has left his mark on this organization without ever taking to the field. That is George Steinbrenner, who bought the Yankees in January 1973 and has since then made it the most valuable sports franchise in the world.

Sports fans and non-sports fans alike know of George Steinbrenner's pride in the Yankees and his drive and desire to win the World Championship. Few people, however, know of his compassion and willingness to come to the aid of those most in need.

George Steinbrenner and his son Hal Steinbrenner devote much of their personal time in support of the Warrior Foundation, a nonprofit organization that assists the families of U.S. Special Operations Forces who make the ultimate sacrifice in defense of freedom. The Foundation provides scholarships for the children of these brave warriors who serve our Nation in anonymity.

George Steinbrenner and the New York Yankees also show their support of our troops throughout the season, by regularly honoring them at Yankee Stadium. During New York's Fleet Week, the Yankees honor thousands of sailors, soldiers, marines, airmen, and Coast Guardsmen while hosting them at baseball games. The Yankees regularly pay personal visits to our troops when they are hospitalized with injuries, and they honor those who are able to travel to Yankee Stadium.

Few people will ever forget the special bond that developed between the Yankees and the fire and police departments of New York City following the tragic events of 9/11. Our Nation will never forget the spiritual and emotional lift that those same Yankees gave our Nation with their never say die effort during the 2001 World Series.

Back home in the Tampa Bay area that I have the honor to represent, George Steinbrenner annually sponsors of series of holiday shows with the Florida Orchestra for underprivileged youth. Having participated in many of these shows, I can tell you that he brings greater happiness to thousands of children at these events each year.

He also reaches out to lend a helping hand to individuals and families with special needs throughout our community. He does not seek publicity for his efforts, he just does it because it's the right thing to do.

Mr. Speaker, George Steinbrenner is an American icon for his success as the owner of a professional sports team. For me, however, he is a true hero for his selfless acts to support our service members and our neighbors most in need. This is the side of George Steinbrenner few will ever see or read about but for which thousands are thankful and eternally grateful.

As we celebrate the 100th anniversary of this storied sports franchise, let us also say thank you to a great American with the heart of a champion. He has given our Nation much to cheer both on and off the playing field.

Mrs. MALONEY. Mr. Speaker, to the city of New York, the New York Yankees are truly more than just a baseball team.

For 100 years, they have captured the imagination, brought New Yorkers together and given our city of champions a championship spirit.

The numbers speak for themselves: 26 World Series won. 38 Hall-of-Famers. 6 consecutive division titles—and counting.

From Manhattan to Moscow, The Bronx to Beijing, you're likely to see someone wearing the distinctive Yankees ball cap wherever you go.

The world over, everyone knows the Yankees. But my most cherished Yankees memory, and the one that confirmed the uplifting, inspirational power the Yankees have was in the aftermath of the tragic attacks of 9/11.

It was the City's darkest hour and New Yorkers' most harrowing experience. Collectively, New Yorkers rallied around their neighbors, their leaders—and their championship teams.

That year, the Yankees put on an exhilarating, magical performance in the World Series, constantly fighting back from the brink of defeat to push the series to the limit.

That year, the Yankees' post-season performance was the first bit of good news many New Yorkers had received in weeks.

For that, and so many other memories, I am thrilled to join with my colleagues here and millions of New Yorkers back home in congratulating the New York Yankees for 100 years of thrills, excitement and excellence.

Ms. WATSON. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 306.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

BOB HOPE POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3011) to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

The Clerk read as follows:

H.R. 3011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOB HOPE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, shall be known and designated as the "Bob Hope Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bob Hope Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, this House justifiably honors numerous Americans each Congress, many of whom we know well and others who are less famous; but we may never pay tribute to anyone who selflessly devoted more time and energy toward promoting the general welfare in this country than the incomparable Bob Hope.

This legislation, H.R. 3011, introduced by the gentleman from California (Mr. SCHIFF), designates the postal facility in Burbank, California, as the Bob Hope Post Office Building, and all 53 members of the California State delegation have signed on as cosponsors of this legislation.

Bob Hope lived a wonderful life that spanned one full century. Towards the end of his life he was perhaps the biggest giant in the American entertainment industry; and whether it was vaudeville or Broadway, TV, movies or radio, America grew up with Bob Hope during the 20th century, and we laughed all the way.

□ 1515

The legendary star of radio, television and film was born in Eltham, England, on May 29, 1903. The Hope family moved to Cleveland, Ohio, when Bob was 4, and he became a United States citizen in 1920. With his passing on July 27, 2003, the country that he loved and gave so much to mourned.

This Nation can never repay Bob Hope or his family for his commitment or his love of country. But with the passage of H.R. 3011, this House can speak for the citizens of this land in saying, "You were a great American, Bob Hope. Thank you."

The son of a stonecutter and an aspiring singer and entertainer, Bob Hope exemplifies the American Dream. To supplement his income when he began working in his teenage years, Bob began to follow in his mother's footsteps by doing some singing in nearby restaurants. Finally, he learned the art of vaudeville, and by 1928 he had adopted his stage name Bob Hope.

Bob eventually secured a variety show on NBC radio that lasted 18 years. By 1940, it was the most widely listened-to show in America. In 1950, he signed an exclusive TV deal which spawned a partnership that lasted more than 40 years and produced hundreds of programs and specials. On the big screen, he costarred with Hollywood legends like Bing Crosby, Shirley Ross, Paulette Goddard, and Dorothy Lamour during his movie career that lasted from the late 1930s through the Forties and Fifties. Before it was all over, he had starred in 75 motion pictures, nearly 500 television shows, and literally thousands of radio programs.

However, most Americans remember Bob best for his performances for the U.S. troops through the United Service Organization. During the early years of World War II, in 1941, he visited troops stationed in California to tape his radio show. After doing both radio and television shows over nearly five decades for U.S. troops located all over the globe, Bob Hope performed in front of troops for the last time in 1990 for servicemen and women readying to fight in the Persian Gulf War. Over the years, he traveled to bring a little bit of home to American soldiers abroad in Europe, North Africa, the Middle East, and Asia.

The gift that Bob Hope gave to the soldiers defending our freedom is priceless. In a time of great danger, the soldiers were entertained and were able to escape the trying times of their lives just for a moment. Mr. Speaker, Bob Hope expressed the love of a Nation for the men and women risking their lives for all of us back at home. He touched the lives of these brave men and women because he knew that they were fighting for us, for our freedoms.

Bob Hope passed away at 100 years of age, and we all greatly miss him. But he passed away serenely one evening. In fact, to quote his daughter, Linda, she said, "I don't think you could have asked for a more peaceful, beautiful death. And I think all the good vibes my father put out during his lifetime came back to take him up."

There is little that can be said that has not been said about what a wonderful person Bob was. He was given 54 honorary doctorates, the Congressional Medal of Honor, the Presidential Medal of Freedom, was inducted into the Television Hall of Fame, and was even knighted by his native Great Britain. But today, I am sincerely proud that we have a chance to say just a few more words about Bob and his legacy.

Every American owes Bob a little something for his contributions to the fabric of this Nation. It is certainly appropriate that this House give at least a little bit back to Bob Hope by naming after him this post office in Burbank, California, where the NBC Studios are located, a place we all know he spent much of his career.

Mr. Speaker, I urge all Members to vote for the passage of H.R. 3011 that commemorates the matchless life of Bob Hope, and I congratulate the gentleman from California for his work on this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume, and I rise to support H.R. 3011, that will designate the facility of the United States Post Office located at 135 East Olive Avenue in Burbank, California, as the Bob Hope post office building.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 3011, legislation naming this post office after Bob Hope. The bill was sponsored by the gentleman from California (Mr. SCHIFF) on September 4, 2003, and it has met the policy of the Committee on Government Reform and has been cosponsored by the entire California delegation.

Bob Hope was born Leslie Townes Hope in 1903 in Eltham, England. He emigrated to America 4 years later. For more than 60 years, Bob Hope traveled around the world entertaining and supporting our military personnel. From World War II, to the Korean War, to the Vietnam War, and the Persian Gulf War Bob sang, danced, joked, comforted, and took picture after picture with our men and women who were fighting for our country. But Bob Hope did not just give of his time and his talent, he also gave from his heart and his pocket. Throughout his career he raised more than $1 billion for war relief and various other charities.

Sadly, Bob Hope, the friend of presidents and a living legend in radio, TV, film, and on Broadway died at his home on July 27, 2003. However sad it was, he met the century figure, 100 years.

Mr. Speaker, I commend my colleagues for seeking to honor the late Bob Hope in this manner; and, as a representative of Hollywood, we will all cherish his memory and his works and hope that we can give back to humankind what he did. I urge the swift adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume to simply say that this is truly a worthwhile measure, and I want to again commend the gentleman from California for his work on it. I certainly urge all my colleagues to support the passage of this measure.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am pleased to rise today in support of the Bob Hope Post Office Building Designation Act (H.R. 3011). First I would like to thank my colleagues ADAM SCHIFF and HOWARD BERMAN for introducing this bill.

On Sunday, July 27, 2003, the world lost one of its most beloved comic talents when Bob Hope died of pneumonia in Taluca Lake, CA. He was 100.

Though he was born in England and he grew up in Cleveland, OH, Bob Hope will always be a Californian. He expressed the California spirit that has captivated not only this country, but also the rest of the world in the century in which he lived.

Witty, self reliant, innovative and an entrepreneur wrapped together with impeccable timing, Bob Hope spoke to Americans on many levels. He made us laugh, he made us think and most importantly—he made us proud to be Americans.

Bob Hope's accomplishments in entertainment are well documented.

We will miss Bob Hope the entertainer, but during times like these, when every morning we are abruptly reminded of the conflict in Iraq and the sacrifices of American men and women in the Middle East, we desperately miss Bob Hope the American ambassador of good will, humanity and humor.

His contribution to our military will be irreplaceable. It was his gestures that have made the greatest impact to our troops, to our Nation and to all our citizens that applauded him as he entertained our troops overseas.

His decades of support to our troops, his presence oversees, made us all feel better back home. We couldn't be there, but Bob Hope was. He knew the sacrifices our men and women made and he let our brave men and women know that we supported them back home. Bob Hope is already missed.

Mr. SCHIFF. Mr. Speaker, I rise today to honor one of the most beloved and recognizable talents in the world. Bob Hope is regarded as a gifted entertainer, with an unmistakable ability to bring laughter and joy to persons of all ages; however, he was also an ambassador of hope to our men and women overseas.

It is with great honor that I stand before you today, and bring to the Floor, House Resolution 3011, a resolution cosponsored by all of my colleagues from California. This legislation will honor Bob Hope's many contributions to veterans, active duty troops, the field of entertainment and the greater Los Angeles community, by naming the Burbank, CA, Main Post Office for him.

Born in Eltham, England, on May 29, 1903, Bob Hope seemed to be destined to entertain. From impersonating Charlie Chaplin in front of the neighborhoods firehouse in Cleveland as a young boy, to celebrating an unprecedented 60 years with NBC in 1996, Hope's entertainment persona has been evident in every decade of the 20th century.

An avid golfer, Bob Hope had been quoted as saying, "Golf is my profession. I tell jokes to pay my green fees." Most notably, he developed and hosted the Bob Hope/Chrysler Classic, a pro am tournament held annually in Palm Springs, CA. Over four decades later, the Classic draws the most famous pros and celebrity amateurs, and it has gone on to raise over $35 million for the Eisenhower Medical Center and 70 other various charities.

What separated Bob Hope from other beloved celebrities was his unwavering commitment to bringing smiles and hope to American servicemen and servicewomen overseas. For nearly six decades, during times of war and peace, Hope traveled to countless countries to entertain the troops. Affectionately referred to as "G.I. Bob," Bob Hope became a fixture on the U.S.O. stage.

In May of 1941, Bob Hope performed for U.S. Troops at March Field, CA, beginning a legendary tradition of military performances. During World War II, he performed almost all of his weekly radio shows from American military bases around the U.S. and in the theaters of war. In his support of our troops, he traveled to England, Ireland, Africa, Sicily, and the South Pacific. After the war, he continued his commitment to freedom and humor with a Christmas show for troops supporting the Berlin airlift. During the 1970s, he brought joy to weary soldiers with Christmas shows at bases or veterans' hospitals throughout Vietnam. 1983 took him to Beirut, and in 1987 he traveled around the world to entertain troops in the Pacific, Atlantic, and Indian Oceans.

His globetrotting commitment to entertainment is unsurpassed, in peacetime or in war. The Navy has honored him with a class of ships in his name. Not to be outdone, the Air Force named a C–17 *The Spirit of Bob Hope*. When I was in Iraq in August, I visited a commissary named after Bob Hope and saw first hand how much his visits to the troops meant to them. Our Nation's only honorary veteran, Bob Hope's legacy will be that of a wartime and peacetime soldier, always fighting to bring a smile and a piece of home to U.S. troops around the world.

John Steinbeck once said of Bob Hope, "It is impossible to see how he can do so much, can cover so much ground, can work so hard and be so effective."

Former Burbank mayor Michael Hastings said to Hope, "He was as large in this community as he was in the world, and I think Burbank has been a great beneficiary." It seems only fitting that a city that served such an instrumental role in Bob Hope's life, return that honor by naming its historic post office after the entertainer.

Hope's ties to the city of Burbank, CA were numerous. In 1973, he was named the city's honorary mayor, and in 1989, the city renamed a portion of Catalina Street near NBC studios to Bob Hope Drive. In April of 1993, those studios were dedicated in honor of Hope's 90th birthday and his more than 50-year association with the network. Donating more than $1 million to the Providence St. Joseph Medical Center Foundation in Burbank, Hope also helped raise money to build a veteran's monument in the city, by performing at the Starlight Bowl in 1987.

By naming the Burbank, CA Main Post Office for Bob Hope, we will remember him for his talent and honor him for his extraordinary impact on the lives of our troops. With the release of his very first feature film, "The Big Broadcast of 1938," "Thanks for the Memory," became Hope's signature song. Earning an Academy Award, the song will forever remind us of the legendary Bob Hope. The classic Hope song ends with the words, "Aw'fly glad I met you, cheerio, and toodle-oo and thank you so much."

We thank you Mr. Bob Hope, for all the memories.

Mr. BERMAN. Mr. Speaker, I rise today in support of naming a post office for Bob Hope near his hometown of Toluca Lake. This is a small tribute for a man who has given so much to our country.

Bob Hope was a man who knew no boundaries. He certainly did not heed geographic borders, performing for soldiers in all corners of the world. Starting in 1941, he headlined USO shows in the South Pacific, Africa, Europe and the Middle East, entertaining millions of soldiers and bringing laughter to the most desolate places on Earth.

Bob Hope did not recognize boundaries of time, charming audiences of civilians and soldiers for over sixty years. His first "last Christmas tour" was in 1972, yet into the 1990's he could be found performing for troops in Saudi Arabia during "Operation Desert Storm." No other entertainer has given so much for so long.

Bob Hope's life also eclipsed the boundaries of entertainment. His career covered every field of entertainment, from vaudeville to Broadway, radio to television and film to stand-up. His signature song "Thanks for the Memories" won an Academy Award. Although he never won an Oscar himself, Bob Hope hosted the Oscars a record 18 times and was awarded two honorary Oscars.

On July 27, 2003, America mourned Bob Hope's death at the age of 100. Although he starred in more than fifty films, he may be most remembered for his role as an honorary veteran. This honor, the only one ever awarded, was bestowed on him for his commitment to our armed services. While America could never repay Bob Hope for his service to our country, H.R. 3011 will continue a fine tradition of honoring an exemplary citizen. I strongly encourage my colleagues to support this bill.

Mrs. MILLER of Michigan.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3011.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF BOB HOPE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) honoring the life and legacy of Bob Hope.

The Clerk read as follows:

H. RES. 357

Whereas Bob Hope was born Leslie Townes Hope on May 29, 1903, in Eltham, England, and immigrated to the United States in 1907 at the age of 4;

Whereas Bob Hope entertained America on the vaudeville circuit, the Broadway stage, and in over 1,100 radio shows, 75 movies, and 475 television programs;

Whereas for more than 5 decades Bob Hope entertained the Nation's troops overseas with the United Service Organizations (USO), putting on shows during World War II, the Korea War, the Vietnam War, and the first Persian Gulf War;

Whereas during his lifetime Bob Hope donated more than 1 billion dollars to hospitals, charities, and civic organizations;

Whereas Bob Hope received the Congressional Gold Medal in 1962, in recognition of his service to his country and the cause of peace, and the Presidential Medal of Freedom in 1969, in honor of his gifts of joy to all the American people;

Whereas Bob Hope's commitment to the Nation's troops was so great that he was the first person ever to be recognized by the United States Congress as an honorary veteran;

Whereas Bob Hope received the Distinguished Service Medal from each branch of the Armed Forces;

Whereas Bob Hope was awarded 5 special Oscars, the George Peabody Award, and more than 50 honorary degrees; and

Whereas, on July 27, 2003, America was greatly saddened by the death of Bob Hope: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Bob Hope for his legendary career as an entertainer, decades of dedicated service to the men and women of the Armed Forces, and his many philanthropic and humanitarian acts; and

(2) expresses condolences on his passing to his wife Dolores, their children, and grandchildren.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, of which I am a very proud cosponsor, honors the life and legacy of Bob Hope. He dedicated his life to the Nation he loved, and with House Resolution 357 we in Congress can honor his life.

Bob Hope not only entertained America, he contributed to the welfare of our society through his generosity. He donated more than $1 billion to hospitals and charities and civic organizations. He donated his time, and he risked his life for the benefit of his fellow citizens serving in the Armed Forces.

Throughout his life, he gave of himself to others. He represented the United States and its citizens selflessly. This Nation is blessed to have had the pleasure of knowing him. "Bob, thanks for the memories."

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER), the sponsor of this well-deserved resolution, and I commend him for his work on the resolution.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I rise today as the co-chair of the Congressional USO Caucus to mourn the loss of the legendary entertainer Mr. Bob Hope, who recently passed away July 27 at the age of 100.

The gentleman from Texas (Mr. REYES), who is the co-chair of the Congressional USO Caucus, and I drafted this resolution soon after Mr. Hope's death in July. Incidentally, Mr. Speaker, the gentleman from Texas (Mr. REYES) regrets he is not able to be present today for this resolution. However, he has submitted remarks for the CONGRESSIONAL RECORD.

Bob Hope had an illustrious career which included more than 1,100 radio shows, 75 movies, and 475 television programs. He has received numerous accolades, as we have already heard this afternoon, including five special Oscars, the George Peabody Award, and more than 50 honorary degrees. For his distinguished service, he has received the Presidential Medal of Freedom awarded in 1969 in honor of his gifts of joy to all the American people. Most notably, Mr. Hope will be remembered as a selfless entertainer who was beloved by our Nation's Armed Forces.

Mr. Hope told jokes and entertained our Armed Forces overseas and at home for more than five decades. He headlined the USO shows during World War II and the Persian Gulf Wars, as well as in Korea and Vietnam. For his unmatched commitment to our Nation's Armed Forces, Mr. Hope received the Distinguished Service Medal from each branch of the Armed Forces and is the only person, the only person to ever be recognized by the United States Congress as an honorary veteran.

Mr. Hope's legacy continues today as our troops overseas are treated to a variety of entertainment headlined by this country's star performers. As a matter of fact, Drew Carey, Bruce Willis, Wayne Newton, and others have completed USO tours in Iraq. The tour recently visited 13 camps, more than 7,300 troops, with four performances, and signed over 3,000 autographs. From visits by NFL Cheerleaders to comedians, to singers, Bob Hope was the catalyst for their participation. These celebrities are truly committed to continue USO tours, even in places such as Iraq. Our troops truly appreciate the participation, and it makes their difficult service to our Nation more comfortable.

Mr. Speaker, Bob Hope loved the USO and, more importantly, loved the American soldier. Bob Hope and the USO's commitment to be America's link with her men and women in uniform have withstood the test of time. With the continued dedication of the USO legion of volunteers and charitable support from individuals and corporations, the USO will provide its touch of home for as long as we have those in service to our country.

So to Bob Hope and the USO, I say, "Thanks for the memories."

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the son of a stonemason and an aspiring concert singer, Bob Hope had a career that stretched across the decades. His casual careers included a butcher's delivery boy, a soda clerk, shoe salesman, pool hustler and boxer, but it was the stage where he was most at home.

Bob Hope began performing in vaudeville in the 1920s, performing what he called songs, patter, and eccentric dancing. He made his Broadway debut in 1933 with the musical Roberta. He appeared in the 1935 production of the Ziegfeld Follies and starred with the legendary Ethel Merman in a production of Cole Porter's Red Hot and Blue.

In addition to his work on the stage, Hope landed a profitable stint hosting the popular Pepsodent show on NBC Radio. His program would air in some form or another from 1938 until the 1950s. Bob Hope's radio fame led him to Hollywood, where he appeared in his first film, The Big Broadcast of 1938. He starred in more than 50 films, but he is best known for the road movies with Bing Crosby and Dorothy Lamour.

Though Bob Hope never won a Best Actor Oscar, he has been awarded two honorary Academy Awards and a humanitarian award. He made his first appearance on television in 1947 when he headlined the inaugural broadcast of KTLA, the first TV station on the West Coast.

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In the early 1950s, he appeared frequently on "The Tonight Show" with Johnny Carson and alongside Lucille Ball on her sitcom "I Love Lucy."

Beginning in 1953, Hope hosted an annual Christmas television special, many of which were broadcast internationally for the sake of the United States troops stationed around the world. During World War II and the Korean and Vietnam wars and even during peacetime, Bob Hope toured with a number of USO shows, entertaining U.S. troops and earning the title of USO's Ambassador of Goodwill.

Over his lifetime, Bob Hope has been awarded more honors than any other entertainer, an achievement that earned him a place in the "Guinness Book of Records."

Since 1934, Bob Hope has been married to Delores Reade, whom he met when they appeared together on Broadway in "Roberta." The couple has four children.

Our condolences go out to the Hope family and his legion of fans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 357.

The SPEAKER pro tempore (Mr. SCHROCK). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. REYES. Mr. Speaker, on July 27th, America mourned the loss of one of its greatest citizens when Bob Hope passed away at the age of 100. Our Nation came to know Bob Hope for his great career that spanned stage, screen, and radio. But it was his unrivaled commitment to our troops that made him an American hero. Hope headlined USO shows during World War II and the Persian Gulf War, as well as in Korea and Vietnam. Bob Hope is recognized by the Guinness Book of Records as the most honored entertainer in the world. He has been honored by the entertainment industry, the educational community, every branch of our armed services, and the United States Congress. He has had more than 2,000 awards and citations for humanitarian and professional efforts including 54 honorary doctorate degrees, and the Presidential Medal of Freedom.

In 1997, by an act of Congress, Bob Hope was made an "honorary veteran." Upon receiving the award, Hope said, "I've been given many awards in my lifetime—but to be numbered among the men and women I admire most—is the greatest honor I have ever received."

As a combat veteran myself, I was proud to welcome Bob Hope among our ranks. Bob Hope was a great American. He will be missed.

Mr. Speaker, I am proud to have been able to work with my friend and colleague, Mr. MILLER, as a co-author and lead cosponsor of this resolution. He and I are the founding Members and co-chairs of the Congressional USO Caucus. I also have the benefit of serving on both the House Armed Services Committee and the House Veterans Affairs Committee with Mr. MILLER. As the 137 Members and Senators of the Congressional USO Caucus, it is my hope that we will be able to support the mission and goals of the USO in Congress in the spirit of Bob Hope.

I encourage my colleagues to support this resolution.

Mr. DREIER. Mr. Speaker, I join with my colleagues today to honor and remember the legacy of one of the greatest entertainers, humanitarians, and patriots this country has ever known, Bob Hope.

Whether it was his early vaudeville routines, his many movies, or his numerous television specials, Americans always knew they could count on Bob Hope for a good laugh. But perhaps more impressively, Bob Hope selflessly dedicated himself to nearly 50 years of entertaining our men and women in uniform. It is estimated that 'G.I. Bob' performed for over 10 million American soldiers between World War II and Operation Desert Storm, an astonishing number that speaks to the depth of his dedication to our troops. In 1997, in recognition of his unfaltering commitment, Congress unanimously voted to name Bob Hope an Honorary Veteran—the first individual so honored in the history of the United States.

I was privileged to have known Bob Hope, and have many memories of time spent with him and his wonderful wife, Dolores, and their family. When you were in his presence, you could not help but be in awe of an individual who was virtually unparalleled in his commitment to the United States of America.

During one of his many commencement addresses, Bob Hope reminded graduating seniors that they would soon take up the torch of freedom and knowledge and that, someday, they would pass that torch, burning stronger and brighter, on to others. Bob Hope carried that torch for over 100 years and has passed on to all of us a flame that continues to burn as a shining example of the virtues of humor, love, and patriotism.

Mr. Speaker, I urge my colleagues to join in honoring the life and legacy of Bob Hope.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support adoption of H. Res. 357. I congratulate the gentleman from Florida (Mr. MILLER) for shepherding this through the committee process, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUDGE EDWARD RODGERS POST OFFICE BUILDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2075) to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

The Clerk read as follows:

H.R. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE EDWARD RODGERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, shall be known and designated as the "Judge Edward Rodgers Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Judge Edward Rodgers Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will defer to my friends on the other side of the aisle to speak on this worthwhile legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am representing the gentleman from Illinois (Mr. DAVIS) as a member of the Committee on Government Reform, and I am pleased to join the gentleman in consideration of H.R. 2075, legislation naming a postal facility in West Palm Beach, Florida, after Judge Edward Rodgers.

H.R. 2075 was sponsored by the gentleman from Florida (Mr. HASTINGS) on May 13, 2003. The bill has met the Committee on Government Reform policy, and has been cosponsored by the entire Florida delegation.

Edward Rodgers has lived in West Palm Beach since 1950 when he married West Palm Beach native Gwendolyn Baker. Mr. Rodgers began his career as a teacher, later becoming an assistant principal. In reaction to the injustices of teaching in a segregated society, Mr. Rodgers became an attorney, graduating from Florida A&M University Law School in 1963.

He went on to become the first black county prosecutor and the first black judge in Palm Beach County. Judge Rodgers served on the bench for 22 years before retiring in 1995. On his first run for office in 1999, Judge Rodgers won a seat on the Riviera Beach City Council, where he presently serves as council chairman.

Mr. Speaker, Judge Rodgers has spent a lifetime working hard to assist those in need, championing the rights of those with drug addictions and those who are suffering from mental illness. Judge Rodgers has used his legal and judicial talent to improve his town, establishing a Saturday drug court, working as a mediator and court-appointed special master in arbitration and investigating back-room judicial appointments. Passage of H.R. 2075 maintains our tradition of recognizing those very special and deserving individuals.

I applaud our colleague for seeking to honor Judge Edward Rodgers in this manner, and I urge the swift passage of H.R. 2075.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for participating and allowing this to come to the floor.

Mr. Speaker, I rise today in support of H.R. 2075, a bill to name the Riviera Beach U.S. Post Office in honor of Judge Edward Rodgers. Eddie was born in Pittsburgh, Pennsylvania, and moved to West Palm Beach, Florida, in 1950, where he met his bride and now-deceased wife, who was also a friend of mine.

Although he studied political science as an undergraduate student, he became a teacher schooling soldiers at segregated Roosevelt High School in West Palm Beach. Before being promoted to assistant principal, Eddie found himself in the position of arguing before the school board for equal pay for black teachers, but support was not there. The tyranny of segregation at that time caused him to go to law school at Florida A&M University where I had the good fortune of meeting him and his wife and his children. They all came to law school together.

The reason I know that story very well is I was in Judge Rodgers' class, one of six of us that graduated in that class from Florida A&M University. He went on to become Palm Beach County's first black prosecutor and then Palm Beach County's first black Court of Competent Jurisdiction judge. He would serve in the civil, criminal, and probate courts before retiring in 1995, after 22 remarkable years on the bench.

His accomplishments are numerous, and I have outlined some of them which I will include for the RECORD. He retired in 1995 and then really did not retire because he went on to seek elected office in Riviera Beach and went to work to restore his hometown, which he loves so much, as president of the Riviera Beach City Council.

Eddie Rodgers is a man that is known for his compassion, for his fairness, and his strength. He is a man that is respected and loved by his peers. In the entire community of Palm Beach, throughout the State of Florida, and this Nation, he finds himself a loved individual. I am honored to recognize a humanitarian activist, a former colleague, but most importantly, a great friend by naming the Riviera Beach Post Office in his honor. I obviously would urge the adoption of this bill. I thank Members of the House of Representatives for participating and allowing this fine gentleman to be recognized. I wish him so many more honors because he is certainly deserving.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 2075, a bill to name the Riviera Beach U.S. Post Office in honor of Judge Edward Rodgers.

Born in Pittsburgh, Pennsylvania, Edward Rodgers moved to West Palm Beach, Florida in 1950 after he met and married Palm Beach County native Gwendolyn Baker.

Although he studied political science as an undergraduate student, he became a teacher, schooling soldiers at segregated Roosevelt High School before being promoted to assistant principal. Disturbed by the bureaucratic tyranny of teaching in the segregated South, Rodgers set his sight on becoming an attorney.

He attended Florida A&M University Law School and along with myself, was one in a six-person class to graduate in 1963. Within 2 short years, Rodgers was appointed the first black county prosecutor in Palm Beach county, then the first black judge, and he would serve in civil, criminal, and probate courts before retiring in 1995 after 22 remarkable years on the bench.

His accomplishments are many. However, some of his career highlights include helping former Governor of Florida Lawton Chiles investigate allegations that the Palm Beach County's Judicial Nominating Commission made back-room judicial appointments. Establishing a Saturday drug court in Riviera Beach, West Palm Beach, and Delray Beach to champion the rights of the mentally ill and drug addicted. Establishing the Gwen Baker Rodgers Memorial Fund to honor his late wife. Serving as Assistant State Attorney. And working as a mediator and a court-appointed special master in arbitration cases.

When he retired in 1995, Judge Edward Rodgers pledged to continue to work to restore his town. In fact on his first run for office in 1999, Rodgers won a seat on the Riviera Beach city council, where he presently serves as council chairman.

Mr. Speaker Judge Rodgers is a man that is known for his compassion, fairness, and strength. He is a man that is respected and loved by his peers and within his community. I am honored to recognize a humanitarian, activist, former colleague, but most importantly a great friend through naming the Riviera Beach post office in his honor. I urge the adoption of the bill.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2075.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the gentleman from Florida (Mr. HASTINGS) for having the House consider his bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2075.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ARTHUR "PAPPY" KENNEDY POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1882) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

The Clerk read as follows:

H.R. 1882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, shall be known and designated as the "Arthur 'Pappy' Kennedy Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Arthur "Pappy" Kennedy Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1882.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1882, introduced by the gentlewoman from Florida (Ms. CORRINE BROWN), designates this postal facility in Orlando, Florida, as the Arthur "Pappy" Kennedy Post Office Building. All of the Members of the Florida delegation have signed on as cosponsors of this measure.

Mr. Speaker, I am pleased that the House is taking up this legislation that honors Pappy Kennedy. He became the first black city commissioner in the city of Orlando's history when he was first elected in 1972. He was truly a devoted public servant, just the kind of person who ought to be honored by this House. Pappy Kennedy sadly passed away earlier this year on March 28. With passage of this legislation, this Congress can appropriately name a post office in Pappy's hometown that will forever celebrate his loyal service.

Mr. Speaker, I want to again recognize the thoughtful work on this legislation by the gentlewoman from Florida (Ms. CORRINE BROWN), and I am proud to be a cosponsor of H.R. 1882, which honors Arthur "Pappy" Kennedy, and I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1882 designates the facility of the United States Post Office located at 440 South Orange Blossom Trail in Orlando, Florida, as the Arthur "Pappy" Kennedy Post Office.

I am pleased to join with our colleagues in the consideration of this bill that will name the post office after Pappy Kennedy. The bill was sponsored by the gentlewoman from Florida (Ms. CORRINE BROWN) on April 30, 2003. The bill has met the Committee on Government Reform policies, and has been cosponsored by the entire Florida delegation.

Arthur "Pappy" Kennedy was born in River Junction, Florida, in 1913. Ten years later, Mr. Kennedy moved to Orlando. He attended high school and college in the Florida area, and returned to Orlando to work at the Orange Court Hotel.

□ 1545

A lifetime member of the NAACP, Mr. Kennedy volunteered with many organizations: Meals on Wheels, United Negro College Fund, among others. He served as a deacon in his church, Shiloh Baptist, and spent time working with young people.

In 1972, Mr. Kennedy was elected Orlando's first African-American City Commissioner and had the distinction of being elected by the largest percentage between contestants in the 101-year history of the city.

A tireless public servant and advocate, Arthur "Pappy" Kennedy passed away on March 28, 2003.

Mr. Speaker, I commend my colleague for seeking to honor the late Arthur "Pappy" Kennedy in this manner, and I urge the adoption of the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS.)

Mr. HASTINGS of Florida. Mr. Speaker, in light of the fact that the original sponsor of the bill has arrived, I would like to yield this time to her if she is ready, and then I will speak, time permitting, after her.

With that in mind, I yield to the gentlewoman from Florida (Ms. BROWN), my good friend, and the good friend of the gentlewoman from Florida (Ms. ROS-LEHTINEN.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me thank the gentleman from Florida (Mr. HASTINGS) for his support in helping to get this bill to the floor and the gentleman from Florida (Mr. CRENSHAW), in fact, the entire Florida delegation.

I am delighted to introduce this bill which designates the facility of the United States Postal Service located 440 South Orange Blossom Trail in Orlando as the Arthur "Pappy" Kennedy Post Office.

Arthur "Pappy" Kennedy was Orlando's first African-American City Commissioner. He was elected to the Orlando City Council in 1972, reelected in 1976, and served until 1980. Born in River Junction, Florida, in 1913, his family moved to Orlando where he attended the Johnson Academy and Jones High School. Upon graduation, he attended Bethune-Cookman College, a Historically Black College in my district in Daytona Beach.

There was no stronger advocate of higher education than Pappy Kennedy. A man always involved in the community, he was the organizer of the Orlando Negro Chamber of Commerce, president of the Jones High School Parent-Teacher Association, and instrumental in organizing of the Orange County Parent-Teacher Council. He also worked with many, many organizations including the Meals on Wheels, the United Negro College Fund, and the NAACP.

Yet, for all of his accomplishments, Arthur "Pappy" Kennedy is best known for being Orlando's first African-American City Commissioner.

And when elected, he had the distinction, according to the Orlando City Clerk's Office, of being elected by the largest percentage among contestants in the 101-year history of the city.

I am honored to recognize one of Florida's stellar native Floridians with this Post Office designation.

In closing, it is my understanding that the Kennedy family is in the Washington area, and I would like to welcome them and thank all of them for their inspiration and support in the life of this heroic civil rights leader, Arthur "Pappy" Kennedy.

I urge all of the Members to support the naming of this post office.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no other speakers. I want to again congratulate my colleague, the gentlewoman from Florida (Ms. CORRINE BROWN), for her work on this meaningful legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in tremendous support of H.R. 1882, a bill to name an Orlando, Florida, Post Office after Arthur "Pappy" Kennedy.

I am especially pleased because the bill recognizes the accomplishments of a political trailblazer for all of us in Florida, and, especially for African Americans. I am further pleased by virtue of the fact that among the great things that Arthur "Pappy" Kennedy produced, children of his that are friends of mine, including one of them, his son, who is named Arthur as well, is my chief of staff in my office here, where I am privileged to serve in the United States Congress.

While Pappy may not be with us today to see this honor bestowed upon him, I know that his son and daughter and six grandchildren and 11 great grandchildren, and I note that some of them are with us today, share in the joy and excitement of this historic day.

As previously mentioned, Pappy was born in River Junction, Florida. I know where River Junction is; most Floridians do not. The reason I know about little towns is I am from Altamont Springs, Florida, which is 10 miles north of where Pappy made most of his career. At the young age of 10, he moved to Orlando where he would attend high school and become a pioneer in breaking down racial barriers. Throughout his life, Pappy Kennedy spoke up for those who could not speak for themselves, motivated others to improve their lives and was a tireless advocate for the poor and oppressed.

In 1976, as previously mentioned, he became the first African American to be elected to the Orlando city council. His popularity amongst the voters was obvious by virtue of the strength of the vote that he pulled in his election and then in his reelection, the largest victory to date of any Orlando commissioner. His election to the city council ended a string of unsuccessful attempts by African Americans to gain representation in Orlando's political arena. His election also paved the way for many women to successfully run for political office in Orange County. While serving on the council, he led the fight for single-member districts in Orlando. That change in election procedure resulted in the number of African Americans serving on the city council to double and others to go on to serve on the county commission and school board and the State legislature.

Interestingly, the change in election procedure that he so tirelessly fought for actually placed his political future in jeopardy. Yet despite the risk, Pappy's popularity prevailed, and he served on the city council for a total of 7 years. In addition to politics, he was a civic activist in the truest sense. He helped organize the former Orlando Negro Chamber of Commerce and was an active volunteer for the United Negro College Fund, the NAACP, Meals on Wheels and the Chamber of Commerce. Mr. Kennedy also served as president or chairman of the Jones High School Parent-Teacher Association, the Orange County United Appeal, the Orange County Heart Fund and the Orange County Easter Seal campaign.

It has been said that the true success of a leader must not only be measured by what he or she accomplishes while they are in a position to lead, but also in the size of the footprint that they leave behind. The footprint Pappy Kennedy left remains visible today in Orlando and throughout the State of Florida. The walls broken down by Pappy Kennedy in 1976 helped open the doors of public service for African Americans throughout Florida. As someone who worked to break down the walls of racial injustice with Pappy Kennedy, the gentlewoman from Florida (Ms. CORRINE BROWN), Carrie Meek and others, it is an honor and privilege to speak on the floor of the House of Representatives today in support of this bill.

His life was one filled with political, religious and civic activism of the highest level. He inspired many, including myself, and the bill that this body is considering today is an appropriate tribute to a true American hero. I urge my colleagues to support H.R. 1882.

Ms. WATSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I would like to ask the gentleman from Florida (Mr. HASTINGS) a question. While we are all in the Third Congressional District very excited about the naming of the post office, I have gotten many comments about the status of this particular post office. I have contacted U.S. Postal personnel. I would like for the gentleman and other Members to work to get it upgraded so it can be the quality that we all want representing Pappy Kennedy.

Mr. HASTINGS of Florida. If the gentlewoman will yield, I can assure her that I will work tirelessly in that effort and the previous naming of a post office is of a post office in a very similar condition in Riviera. I rather suspect that they should be brought to the quality of all of the postal services, and the gentlewoman, myself and other members of the Florida delegation I am sure will do everything we can, especially for the one for Arthur "Pappy" Kennedy.

Ms. CORRINE BROWN of Florida. I thank the gentleman.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

I will work with my colleagues to see that the upgrading of this post office happens.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1882.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING HIGHER EDUCATION ACT OF 1965 WITH RESPECT TO QUALIFICATIONS OF FOREIGN SCHOOLS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 570) to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The Clerk read as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

"(i) in the case of a graduate medical school located outside the United States—

"(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United

States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.".

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 570.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of the bill, S. 570. The legislation is very simple in its purpose. It will correct a drafting error made years ago during the 1998 reauthorization of the Higher Education Act.

When drafting the legislation in 1998, an amendment intended to extend eligibility to a for-profit veterinary school inadvertently removed the eligibility of not-for-profit and public foreign veterinary schools from participation in the Title IV Federal Family Education Loan Program. S. 570 corrects the problem by clarifying that the in-State clinical training requirement, intended only for for-profit institutions, does not apply to not-for-profit or public foreign institutions. These institutions still must meet all other statutory and regulatory requirements to be eligible for participation. S. 570 simply makes clear that not-for-profit and public foreign veterinary institutions need not have their approved clinical training take place in the United States.

□ 1600

The legislation is noncontroversial. It is bipartisan, and this error should be corrected immediately. Students are now feeling the effects of this glitch, and it is unfairly hindering students seeking to complete their education. As they return to school, they should not have studies thwarted by a legislative drafting error. The effects of this problem are being felt by several of my constituents, one specifically being Ms. Beverly Breeden, a resident of Celina, Ohio, and a veterinary student at the Royal Veterinary College in London. She is extremely concerned that she may not be able to complete her studies should this legislation not pass. She has worked hard, and I want to ensure that she is able to return to school in October and finish her studies.

So I urge my colleagues to vote "yes" today on S. 570 and allow students to complete their education and training without unintended interruptions.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the chairman of the committee for bringing this bipartisan legislation to the floor of the House, and I am pleased to support this amendment to the Higher Education Act which corrects the mistake that, as the chairman said, was made as part of the 1998 Higher Education Act reauthorization. We heard the story about the chairman's constituent. Many others studying abroad now find themselves in a similar predicament and unable to pay for college. Many more find themselves cut off after years of investment, both financial and personal, and face the prospect of having to abandon their dream of becoming a veterinarian.

Currently, there are only 27 schools of veterinary medicine in the United States offering approximately 2,300 slots to first-year students. In the year 2000, more than 6,700 students applied for one of these limited slots. Many highly qualified applicants were denied admission to school in the United States and had to look elsewhere to complete their training. At the same time, the demand for veterinarians across our Nation is very high. In 2001, the typical recent graduate averaged almost three job offers upon graduation.

Clearly, reputable foreign veterinarian medical colleges are key to supplying the growing demand for highly qualified veterinarians. S. 570 would correct the error we made in 1998 and restore the ability of students studying at foreign veterinary medical colleges to apply for and, if eligible, receive Pell grants, student loans, and other Federal aid.

Today, more than 150,000 U.S. citizens studying at foreign institutions of higher learning receive $250 million in Federal student aid. American students attending foreign veterinary schools should also have access to Federal grants and student loans.

This legislation will correct the misstep we made in 1998 and allow hundreds of students to complete their degrees and realize their dreams. It has bipartisan support; and like the chairman of the committee, I urge my colleagues to support this legislation and ensure the fair treatment of all students.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 570, an Act to amend the Higher Education Act of 1965 with respect to qualifications of foreign schools. This amendment revises the requirements of the Higher Education Act of 1965 to allow students studying in nonprofit public veterinary schools abroad to participate in the Family Education Loan Program.

The higher education act of 1965 was signed into law on November 8, 1965 "to strengthen the educational resources of our colleges and universities and to provide financial assistance for student in post secondary and higher education." We must maintain the integrity of this important program. This amendment ensures that those students who choose to attend veterinary schools located outside the United States can still benefit from the all-important financial assistance provided by the Higher Education Act.

A substantial number of students studying abroad have been medical, dental, or veterinary students. These students are able to broaden their understanding of the medical practice and return home with an enlightened perspective that benefits those of us who will be treated here in the United States by these practitioners.

Traditionally, many medical students have hesitated to study abroad fearing that they would endanger their professional prospects. We now know that the experience gained by medical students who successfully study abroad considerably enhances their ability to move into their professional careers.

The Higher Education Act was and still is a response to the concern President Johnson expressed in 1965 about the need for more higher education opportunities for lower and middle-income families, program assistance for small and less developed colleges, additional improved library resources at higher education institution, and utilization of college and university resources to help deal with national problems like poverty and community development.

S. 570 allows veterinary students studying abroad in nonprofit public veterinary schools to participate in the Higher Education Act's Federal Family Education Loan Program. We must maintain the purpose of the Higher Education Act of 1965 and provide financial resources to those students who qualify whether they are at home or abroad.

Mr. VAN HOLLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF JOHNNY CASH

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 282) honoring the life of Johnny Cash, as amended.

The Clerk read as follows:

H. CON. RES. 282

Whereas Johnny Cash was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres;

Whereas Johnny Cash was born on February 26, 1932, in Kingsland, Arkansas, and moved with his family at the age of 3 to Dyess, Arkansas, where the family farmed 20 acres of cotton and other seasonal crops;

Whereas those early years in the life of Johnny Cash inspired songs such as "Look at Them Beans" and "Five Feet High and Rising";

Whereas Johnny Cash eventually released more than 70 albums of original material in his lifetime, beginning with his first recording in 1955 with the Tennessee Two;

Whereas Johnny Cash was a devoted husband to June Carter Cash, a father of 5 children, and a grandfather;

Whereas Johnny Cash received extensive recognition for his contributions to the musical heritage of the Nation, including membership in the Grand Ole Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and his receipt of numerous awards, including Kennedy Center Honors, 11 Grammy Awards, and the 2001 National Medal of Arts;

Whereas Johnny Cash embodied the creativity, innovation, and social conscience that define American music;

Whereas Johnny Cash was a vocal champion of the downtrodden, the working man, and Native Americans; and

Whereas the Nation has lost one of its most prolific and influential musicians with the death of Johnny Cash on September 12, 2003, in Nashville, Tennessee: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the life and accomplishments of Johnny Cash;

(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

(3) extends condolences to the Cash family on the death of a remarkable man.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 282.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 282, offered by the gentleman from Tennessee (Mr. COOPER). House Concurrent Resolution 282 honors the life and musical legacy of Johnny Cash, a man who was a poet, a scholar, and a world famous music icon, as well as a loving husband and father.

I would like to take this opportunity to commend the gentleman from Tennessee (Mr. COOPER) for introducing this important legislation. I would also like to thank Senator LAMAR ALEXANDER for introducing the Senate version, which was passed by that body on September 18, 2003.

It was no wonder that September 12 was a dark and dreary day in Nashville. It was the day we lost the Man in Black. Johnny Cash died early that morning at Baptist Hospital in Nashville from diabetes complications. He was an outlaw, he was a songwriter, he was a born-again Christian; and for 5 decades Johnny Cash entertained millions, millions of people around the world with songs of love and death and good times and bad. All of his career, Johnny Cash wrote songs for the common man. From his upbringing in rural northeastern Arkansas to the height of his stardom in the 1960s, Johnny Cash always connected with the common man.

Johnny's career began in Memphis alongside Elvis Presley. There, with legendary recording great Sam Phillips of Sun Records, he recorded "Cry! Cry! Cry!" and that put him on the map. By 1956 he was recognized as one of country music's rising stars when he joined the Louisiana Hayride and the Grand Ole Opry. Although he struggled through drug abuse, Johnny Cash found a soul mate in June Carter Cash. It was with her loving support that he was able to make it through those tough times. In 1968 he married this daughter of acoustic guitar great Mother Maybelle Carter, a member of "the first family of country music."

Johnny Cash's deep sense of reality pours out in that gravelly voice that we all loved with songs like "Folsom Prison Blues" and the legendary "Ring of Fire" co-written with June Carter Cash. He garnered 11 Grammys and at age 71 was in no way slowing down creatively. Just a few weeks ago, he was posthumously named the top honoree at the Americana Music Awards in Nashville.

His legacy is his music, and it will surely go on with hits like "I Walk the Line"; "Big River"; and the hit he cowrote with fellow outlaw Kris Kristofferson, "Sunday Morning Coming Down." Kris Kristofferson was right when he said Johnny Cash represented what was great about America. His profound faith, resiliency, and unwillingness to be labeled by the music industry will certainly shape the legacy of one of the greatest American artists. This American icon will be missed, but he will be remembered through his music.

I commend the gentleman from Tennessee for his leadership in offering this concurrent resolution to honor the life of Johnny Cash, and encourage my colleagues to adopt the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this concurrent resolution to honor the life and contributions of Johnny Cash. Johnny Cash, as we all know, had a long and distinguished music career, becoming one of the most imposing and influential figures in post-World War II country music. He is one of the only artists to be enshrined in the Rock and Roll and Country Music Hall of Fame.

Cash did not sound like Nashville, nor did he sound like honky-tonk or rock and roll. He created his own unique sound, his own type and blend of music, revolutionizing the world of country music. In creating that sound, he released over 70 albums. In addition, he was one of the most successful country artists of the 1950s and 1960s, scoring well over 100 hit singles. These are amazing feats that few musicians have accomplished and even fewer are likely to repeat.

Cash's career coincided with the birth of rock and roll. Johnny Cash was not just another musician, however. Rather, his later albums would show his deep sense of history. He illustrated his understanding with a series of historical albums. These albums were focused on the downtrodden, the common man, and also the plight of Native Americans in our country.

Johnny Cash has made an indelible mark on American society. While we have lost one of our great musical artists of the last 50 years, his songs will continue to impact generations to come.

Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee (Mr. COOPER), who has the great privilege of representing Nashville and who introduced this concurrent resolution; and I ask unanimous consent that he be allowed to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. COOPER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Maryland (Mr. VAN HOLLEN) for yielding me this time. We have a number of speakers on this side, and I would like to yield to them. I am particularly appreciative of the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Tennessee (Mr. GORDON).

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I thank the gentleman from Tennessee (Mr. COOPER) for bringing this very worthwhile concurrent resolution before us.

I was standing by my window
On a cold and cloudy day
When I saw the hearse come rollin'
For to take Johnny away.

Will the circle be unbroken?
By and by, Lord, by and by,
There's a better home a-waitin'
In the sky, Lord, in the sky.

I told the undertaker,
"Undertaker, please drive slow,
For this body you are haulin'
Lord, I hate to see him go."

Johnny Cash was a constituent of mine who lived in Hendersonville, Tennessee. I have listened to his music most of my life. He was a true legend who inspired countless musicians from all walks of life for nearly 5 decades. His music transcended traditional boundaries. He was as much an influence in rock and roll, pop, and alternative music, as he was in country music.

Johnny Cash is one of only a handful of artists to be inducted into the Country Music, Rock and Roll, and Nashville Songwriters Hall of Fame. The Man in Black's life began as the humble son of a sharecropper who toiled in the cotton fields of Arkansas, but he never forgot his simple beginnings even as he became one of the world's best-selling solo musicians.

Johnny Cash was just as comfortable performing in a maximum security prison as he was in receiving the 2001 National Medal of Arts award. He recorded more than 1,500 songs in his life and won 11 Grammys. Johnny Cash left this world on September 12, but his legacy lives on through his music and through those whom he has mentored in his 71 years of life. So, yes, the circle will be unbroken.

Mrs. BLACKBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), a gentleman who has joined us on the Committee on the Judiciary in fighting for our songwriters and also a gentleman who several years ago I had the opportunity to have as my guest at the Grand Ole Opry and to celebrate some of this wonderful country music that we are speaking of today.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding me this time.

Mr. Speaker, some years ago when I sat as a member of the House Committee on the Judiciary's Courts, the Internet, and Intellectual Property Subcommittee, we had an occasion to resolve a copyright matter, which of course brought many entertainers and performers to Capitol Hill that day. Johnny Cash and June Carter Cash, and I believe his agent was with him, came into my office prior to the meeting just to say hello. I left him in my office and went down to the meeting, and when he appeared as a witness, he proudly announced that he had just left my office where he had sat in my chair.

□ 1615

Well, I thought it was I who would be proud that he sat in my chair in my office, and I told him that. He was a very good witness; I remember it very vividly. And we resolved the copyright matter favorably for all concerned. It is one of those issues where neither side was ecstatic about it, but both sides could live with it.

Subsequently, I saw a replay of a Larry King interview, and perhaps many of my colleagues saw it when he interviewed Cash. Johnny Cash told King that night on the interview that he recalled one time when he had been arrested, I believe in Georgia, and spent the night in jail. And the jailer came the next day, and Johnny Cash said that the jailer threw the money and his clothes on the counter and said, I do not want to see you here any more. He said, my wife is a Johnny Cash fan; and she cried all night when I told her that you were in my jail. Now, you get out of here.

Tough love I think is what it amounted to. I think that jailer was saying to him, now, listen, pal, you caused me a tough night last night; my wife is upset at me for having you here. Get yourself squared away. I think he did. He obviously did get himself squared away.

Many years ago, perhaps many of my colleagues were with me here in Washington when the four outlaws, as the gentlewoman from Tennessee mentioned, Johnny Cash, Kris Kristofferson, Willie Nelson and Waylon Jennings, each of whom I am sure were regarded as outlaws by the profession, but they made one tremendous quartet here that night; and it was a sold-out crowd here in Washington. I vividly remember it.

As has already been said, the gentleman from Tennessee, the gentleman from Maryland and the gentlewoman from Tennessee have already said it, he was indeed an icon and will indeed be missed. The man in black, always standing up; always, almost without exception, standing up for the underdog, standing up for the other guy. He will indeed be missed.

Mr. COOPER. Mr. Speaker, many of our colleagues wish they could be here today, particularly our friend, the gentleman from Arkansas (Mr. ROSS). I yield such time as he may consume to our friend, the gentleman from Illinois (Mr. DAVIS), who is here today.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Tennessee for his introduction of this legislation. Though the gentleman from Arkansas (Mr. ROSS) could not be here, I, too, grew up in Arkansas; and I grew up listening to the Grand Ole Opry. I grew up as a tremendous fan of country music, but I grew up more of a fan of the gentleman that we revere and discuss today. Because of his "Folsom Prison Blues," as a matter of fact, the fact that here was a gentleman who did, in fact, represent the downtrodden but who took his music into the prisons; and as a result of the "Folsom Prison Blues," it caused people to begin to look at prisons and life in prison in a different way. As a matter of fact, right now, there are more than 2 million people who are incarcerated in this country, almost 1 million of them coming home each year.

Johnny Cash means more than just the music. He means part of a tradition in our country. I think I may not have 70 of those albums, but I must have at least 15 or 20, and whenever I want to really connect, I just sit back and listen. So Johnny has made a tremendous impact on the history and development of culture in our country.

Again, I commend the gentleman from Tennessee for the introduction of this legislation, I urge its swift passage, celebrating the life and legacy of Johnny Cash.

Mr. COOPER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman's kind remarks about the legacy of a truly great man.

It is not everyone who not only makes the front page of the hometown newspaper, the only front page I have ever seen entirely in black, but who also makes the front page of Time Magazine, People Magazine and, yes, no less than Rolling Stone itself.

There were some comments in here from some truly remarkable artists who have this to say about the passing of Johnny Cash.

Bob Dylan said, "Johnny was and is the North Star. You could guide your ship by him, and he is the greatest of the greats, then and now."

Merle Haggard said, "He was like Abraham or Moses, one of the great men who will ever grace the Earth. There will never be another man in black."

Kris Kristofferson pointed out he thought, "The power of his performance came from the tension between this man who was deeply spiritual and also a real wild man."

The fact of Johnny Cash's passing has been noted by people around the world with great sadness, but I thought one of the best obituaries in his honor was written by a noted music author, Peter Guralnick; and it appeared in The New York Times. He said as follows: "Only those who were there at the beginning can remember how different he really was. The records, when they first started coming out on the Sun label in 1955, in the wake of Elvis Presley's success, sounded 'so unusual,' said the Sun session guitarist Roland Janes, 'that I never would have dreamed he could have even gotten a record played on the radio. But he set country music on its ear.'

"It was the voice that compelled attention from the start. It was a voice that the founder of Sun Records, Sam Phillips, compared to the blues singer Howlin' Wolf's in its uniqueness, the unimpeachable integrity and originality of its sound. But it was the conviction behind the voice that really allowed Johnny Cash to create a body of work as ambitious in its scope as it was homespun in its sound.

"He carried that conviction with him from the time he first entered the tiny Sun studio in Memphis in the fall of 1954. He was just out of the Army, selling home appliances door-to-door and playing with a trio of musicians barely conversant with the instruments that they were playing: a guitarist who played one note at a time because he did not know any other way to do it, a base player who had just switched over from the guitar and had not yet learned how to tune his instrument, and a steel guitar player who would drop out of the picture altogether before they even made a record. They worked and worked until, after nearly 6 months, they finally came up with something that reflected the honesty, originality, and, above all, the spontaneity and emotional truth that both Sam Phillips and Johnny Cash particularly prized. This low-tech approach was the perfect vehicle certainly for the plain-spoken quality of Johnny Cash's message, but the method of delivery does not come close to explaining the majesty or the ambition of his art.

"To understand that, one has to factor in the power of imagination. John Cash, he was named 'Johnny' by Sam Phillips, grew up in the Federal 'colony' of Dyess, Arkansas, a social experiment with a socialist setup really, as Johnny Cash himself described it, that was done by President Franklin Roosevelt for farmers who had lost out during the Depression. One of the most vivid memories of Dyess was the day Eleanor Roosevelt came to town to decorate the library, a momentous occasion not simply for the glimpse it afforded of Mrs. Roosevelt but for the opportunity it subsequently afforded Johnny Cash to indulge in what would become a lifelong passion for reading. He read James Fenimore Cooper and Sir Walter Scott in particular at that time and everything he could find on the American Indian, not so much to escape as to enjoy the sense of discovery. He carried this exploratory spirit with him into the world, a world in which he achieved a degree of celebrity and fame far beyond anything he might ever have imagined and long past the point that most people would gladly have settled for the simple definition of success.

"He used his success, in fact, to provide a voice for the downtrodden, the lost souls and lost causes that might otherwise have found no place in the American dream. He used his knowledge and passion for every sort of music, for the blues of Robert Johnson, the gospel music of his fellow Arkansan, Sister Rosetta Tharpe, the Texas folk songs collected by J. Frank Dobie, to set out in new and inventive directions of his own. When he got a network television show in the late 1960s, he not only presented such unlikely countercultural figures as Bob Dylan and Pete Seeger to a predominantly country audience, he also regularly incorporated a vivid lesson in musical and social history in a filmed sequence called 'Ride This Train.'

"Johnny Cash's imagination took him along widely divergent paths. There was, as he often remarked, no safe harbor for the creative soul. He was tormented by demons that he could not always control, but he never sought excuses. He simply sought the truth.

"This was what continued to give Johnny Cash's music relevance over the years. Through imagination he possessed a gift for empathetic transference; unlike many artists, he was able to take on other voices and make them his own. His music celebrated the power of the individual, but his emphasis on directness and simplicity made a complex, and sometimes contradictory, message accessible to all. His, as Sam Phillips once said, was the truest voice because it was so irremediably his own, but it was a universal voice, too, for the very way in which it incorporated a constant sense of striving and struggle, an irreducible awareness, and embrace, of the human stain."

Mr. Speaker, Johnny Cash was like no other. As I mentioned earlier, his loss was mourned around this globe. From young people who like "Nine Inch Nails" and the song "Hurt" and who thrilled to the video, perhaps one of the best ever made, to the oldest of country music fans who remember tuning in to the Grand Ole Opry in their youth. So we appreciate this moment, and I appreciate the chance to join with my Tennessee colleagues and my colleagues from Arkansas and people around this great country who are in this Congress and who have come up to me in the last couple of weeks to honor the memory of the great Johnny Cash.

Mr. Speaker, I have no more speakers at this time, and I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Again, I commend the gentleman from Tennessee (Mr. COOPER) for his efforts, and the gentleman from Tennessee (Mr. GORDON) for his efforts in recognizing his constituent.

The gentleman from Tennessee (Mr. COOPER) spoke a little bit about Johnny Cash's ambitions for his music, and I think that we can see that, because we have people all across the spectrum, those who are young and old, who appreciate his music, and who learned from what he does.

I think it is important to note, too, that it was very important to Johnny Cash that he mentor others; and that was not lost on his children and his grandchildren and the talents that they possess and the talents that they are bringing forward in the music industry today.

We appreciate so much this body joining together to honor not only Johnny Cash's life and the impact that he had on the music industry but the legacy.

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the late Johnny Cash, one of our most well known singer/songwriters who was born in a little-known town in my district named Kingsland.

Kingsland, Arkansas is a little town of 449 residents that lies just west of the Mississippi Delta, the fertile ground out of which grows our nation's finest food and fiber. Out of this land also grows much hardship—it is sparsely populated by farmers whose fortune is subject to the whims of nature. It gave birth to the blues, and to Johnny Cash.

Cash was born in the wake of the Great Depression, the fourth of five children in a cotton farming family. He picked cotton with his hands, sang hymns at the Central Baptist Church, and sought higher ground at Pine Bluff when the great flood of 1937 sent the Mississippi's waters spilling into his family's cotton fields in Dyess, covering them with the black Mississippi mud that the next year produced the best cotton crop they'd ever seen—hardship and glory wrapped up in a busted levee that soaked his livelihood and sealed his fate as the champion of the downtrodden.

Johnny Cash's music transcended genres and generations to touch us all with stories of struggle—sometimes ending in triumph, but usually ending in trouble. His adventurous ballads and lamenting dirges could bring us down to the darkest depths of life at the same time his spirituals lifted us up to heaven.

He was bold. He was bad. He was brave. He made his peace with man and with God through his songs. He sang of outlaws and heroes, cowboys and killers, soldiers and lovers, and even a boy named Sue. He was country, folk, and rock and roll. Johnny Cash didn't sing to simply earn a living, he sang because he had much to tell.

From his life we learn to face adversity with wit and integrity, to fight back when pushed down, to hold duty and honor sacred, and to love and forgive. We lost one of our national treasures this month, but the legacy and the legend of the Man in Black will live on in the gift he gave us all.

Mrs. BLACKBURN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 282, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DECLARING EMPORIA, KANSAS, AS THE FOUNDING CITY OF VETERANS DAY HOLIDAY

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

The Clerk read as follows:

H. CON. RES. 159

Whereas in 1953, Alvin J. King of Emporia, Kansas, proposed that Armistice Day be changed to Veterans Day to recognize and honor all veterans from all wars and conflicts;

Whereas in 1953, Veterans Day was first organized and celebrated in Emporia, Kansas;

Whereas although Alvin King was only 15 years old when the United States went to war in 1917 and never served in the Armed Forces, he had a deep respect for veterans;

Whereas Alvin King's stepson, John Cooper, whom he had raised, was killed in action in Belgium during World War II while serving with Rifle Company B, 137th Infantry Regiment;

Whereas after World War II, Alvin King developed friendships with the surviving members of Rifle Company B, 137th Infantry Regiment;

Whereas in the early 1950s, Alvin King suggested either creating a special day to honor all veterans or adapting Armistice Day so that it was dedicated to all veterans since, at that time, Armistice Day honored the veterans of World War I;

Whereas by 1953, the community of Emporia, Kansas, had raised enough money to send Alvin King and his wife, Gertrude, to Washington, D.C. to garner support for an official veterans day;

Whereas Alvin King had a friend and supporter in Representative Ed Rees of Emporia, Kansas, who was strongly in favor of King's idea and said "it would give the holiday a new meaning and more widespread patriotic observance";

Whereas on June 1, 1954, President Dwight D. Eisenhower, who was raised in Kansas, signed into law the Act proclaiming November 11 as Veterans Day (Public Law 380 of the 83rd Congress);

Whereas on October 8, 1954, President Eisenhower issued a presidential proclamation concerning Veterans Day in 1954 in which he stated, "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain"; and

Whereas the first nationwide observance of Veterans Day was on November 11, 1954: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress hereby—

(1) encourages Americans to demonstrate their support for veterans on Veterans Day by treating that day as a special day of remembrance;

(2) declares Emporia, Kansas, to be the founding city of Veterans Day;

(3) recognizes Alvin J. King, of Emporia, Kansas, as the founder of Veterans Day; and

(4) recognizes that Representative Ed Rees, of Emporia, Kansas, was instrumental in the efforts to enact into law the observance of Veterans Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

☐ 1630

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this afternoon in support of House Concurrent Resolution 159, a bill that I introduced to encourage Americans to honor the duty and sacrifices of the members of our Armed Services by proclaiming Veterans Day as a special day of national remembrance.

In addition, this resolution recognizes the community of Emporia, Kansas for its efforts to pay tribute to our Nation's veterans and to declare Emporia, Kansas as the originating city of Veterans Day.

The resolution also recognizes the contributions of two native Kansans, Mr. Alvin J. King and the Honorable Edward J. Rees for the role each played in creating the legislation that established the national observance of Veterans Day on November 11 of each year.

Our country has had many wars in its history and generations of American service-men and -women have defended America's freedom and liberty. We are a free people today because of our Founders' principles and the willingness of our service-men and -women to defend those principles with their lives. We should be ever thankful that individuals of each generation have been willing to serve America, that they have been willing risk everything, to allow their children and grandchildren the opportunity to live in freedom.

Mr. Alvin J. King's abiding respect for veterans is attributed to the loss of his nephew, John Cooper, who was killed in action in Belgium during World War II. John Cooper was a member of Rifle Company B, 137th Infantry Regiment of the U.S. Army. After his nephew's death, Mr. KING remain devoted to the war effort at home and served as the Veterans Security Chairman for the American War Dads.

In 1953, Mr. King proposed that Armistice Day, a national observance since 1938, be changed to Veterans Day in order to recognize and honor all veterans from all wars and all conflicts. At that time, Armistice Day existed only to honor veterans of World War I. The community of Emporia, Kansas, under the leadership of Mr. King celebrated its first "All Veterans Day" on November 11, 1953.

Through the financial support of the Emporia community, Mr. King and his wife, Gertrude, took the idea of an official Veterans Day to Washington, D.C. to Representative Edward H. Rees, another Emporia resident, who served Kansas in the U.S. House of Representatives for 24 years. The Congressman was strongly in favor of King's idea and said, "It would give the holiday a new meaning and provide widespread patriotic observance."

Following the inaugural "All Veterans Day" celebration in Emporia, Representative Rees introduced H.R. 7786, to change Armistice Day to Veterans Day and to establish its observation on November 11 of each year. The House and Senate both approved this legislation, and with the signature of another Kansan, President Dwight D. Eisenhower, the bill became law on June 1, 1954.

Before the Nation's first celebration of Veterans Day on November 11, 1954, President Eisenhower issued the following proclamation: "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that all their efforts shall not have been in vain."

With the enactment and President Eisenhower's signature on H.R. 7786, Mr. King's dream to honor veterans of all conflicts was fulfilled. Every year since 1953, Emporia has honored our country's veterans, most recently with a week-long series of events that involves the entire community. Veterans Day is not just another holiday, not just a day off from work in Emporia, Kansas. The citizens of Emporia take very seriously their responsibility to honor our Nation's veterans.

Mr. Speaker, I am proud to sponsor House Concurrent Resolution 159, and I want to thank my colleagues on the Committee on Veterans' Affairs for their support. I ask my colleagues and my fellow Americans to join me on Veterans Day this year and every other day in recognizing the contributions and sacrifices that our Nation's veterans have made to protect this Nation and to defend our way of life.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 159 and thank the gentleman from Kansas (Mr. MORAN) for bringing this matter for consideration. All of us on the Committee on Veterans' Affairs appreciate the gentleman's hard work on this important committee.

Every November at Arlington National Cemetery and across the Nation we commemorate Veterans Day at the 11th hour of the 11th day, originally Armistice Day.

While it is appropriate for the Nation to honor the contributions of our World War I veterans, it became increasingly important to include veterans from all eras of service who have preserved our freedom.

I am pleased to support this important tribute to Mr. Alvin King and to Emporia, Kansas. This is an important recognition of their work, to make certain the immeasurable contributions and sacrifices of the Nation's veterans are annually remembered.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 159.

The SPEAKER pro tempore (Mr. SCHROCK). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for his very thoughtful and kind generous remarks.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership on this resolution and for their steadfast and committed efforts on behalf of all veterans.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 159.

Mr. MICHAUD. Mr. Speaker, I too rise in strong support of H. Con. Res. 159. I agree that recognition is due to the city of Emporia, Kansas and the Kansans who helped make Veterans' Day a national holiday honoring those who have served our Nation.

I believe as Members of Congress, we have a special obligation to honor those who have served by demonstrating our support for veterans every day we serve in these halls.

We do that not only by Concurrent Resolutions such as H. Con. Res. 159, but by also passing legislation, which provides the benefits and services our Nation's veterans have earned.

I would hope that before the next Veterans Day is celebrated, we would pass legislation removing the Disabled Veterans Tax from the burden born by our service-disabled military retirees.

I would hope that before the next Veterans Day is celebrated, we would pass legislation assuring veterans adequate funding to provide them with health care in a timely manner.

Today, we honor those who contributed to making Veterans Day a national holiday with our words.

Let us also honor them by our actions.

I urge all Members to support passage of H. Con. Res. 159. I urge all Members to support legislation which honors our Nation's disabled veterans by their deeds.

Mr. MORAN of Kansas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 38 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motions to instruct postponed last Thursday and the motion to suspend the rules postponed earlier today.

Votes will be taken in the following order:

Motion to instruct on H.R. 1, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

House Resolution 357, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The others in this series will be 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. SANDLIN) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 202, nays 205, not voting 27, as follows:

[Roll No. 524]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—205

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Boehlert
Brady (TX)
Capito
Crane
Culberson
DeMint
Dreier
English
Eshoo
Fattah
Fletcher
Fossella
Gephardt
Greenwood
Hinchey
Janklow
Lipinski
Murtha
Portman
Reyes
Ros-Lehtinen
Souder
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). There are 2 minutes remaining in this vote.

☐ 1857

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remaining votes in this series will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. PALLONE) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 207, not voting 25, as follows:

[Roll No. 525]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—207

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Boehlert
Brady (TX)
Cantor
Capito
Crane
Culberson
DeMint
Dreier
Eshoo
Fattah
Fletcher
Fossella

Gephardt
Greenwood
Lipinski
Murtha
Pickering
Portman
Reyes
Ros-Lehtinen
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1906

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF BOB HOPE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 357, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 526]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Boehlert
Brady (TX)
Cantor
Capito
Crane
Culberson
DeMint
Dreier
Eshoo
Fattah
Fletcher
Fossella
Gephardt
Greenwood
Lipinski
Murtha
Portman
Reyes
Ros-Lehtinen
Simpson
Stark
Sweeney
Thompson (MS)
Towns
Turner (OH)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SENSENBRENNER submitted the following conference report and statement on the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion:

CONFERENCE REPORT (H. REPT. 108-288)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3), to prohibit the procedure commonly known as partial-birth abortion, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 2003".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child's body until either the entire baby's head is outside the body of the mother, or any part of the baby's trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child's skull and removing the baby's brains) that the person knows will kill the partially delivered infant, performs this act, and then completes delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

(2) Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. As a result, at least 27

States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

(3) In Stenberg v. Carhart, 530 U.S. 914, 932 (2000), the United States Supreme Court opined "that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure" for pregnant women who wish to undergo an abortion. Thus, the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it placed an "undue burden" on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the "health" of the mother.

(4) In reaching this conclusion, the Court deferred to the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures.

(5) However, substantial evidence presented at the Stenberg trial and overwhelming evidence presented and compiled at extensive Congressional hearings, much of which was compiled after the district court hearing in Stenberg, and thus not included in the Stenberg trial record, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed and is outside the standard of medical care.

(6) Despite the dearth of evidence in the Stenberg trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not "clearly erroneous". A finding of fact is clearly erroneous "when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed". Anderson v. City of Bessemer City, North Carolina, 470 U.S. 564, 573 (1985). Under this standard, "if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently". Id. at 574.

(7) Thus, in Stenberg, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

(8) However, under well-settled Supreme Court jurisprudence, the United States Congress is not bound to accept the same factual findings that the Supreme Court was bound to accept in Stenberg under the "clearly erroneous" standard. Rather, the United States Congress is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

(9) In Katzenbach v. Morgan, 384 U.S. 641 (1966), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in "gaining nondiscriminatory treatment in public services," the Court stated that "[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations * * *. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case.". Id. at 653.

(10) Katzenbach's highly deferential review of Congress' factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the "bail-out" provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that "congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose". City of Rome, Georgia v. U.S., 472 F. Supp. 221 (D.D.C. 1979) aff'd City of Rome, Georgia v. U.S., 446 U.S. 156 (1980).

(11) The Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See Turner Broadcasting System, Inc. v. Federal Communications Commission, 512 U.S. 622 (1994) (Turner I) and Turner Broadcasting System, Inc. v. Federal Communications Commission, 520 U.S. 180 (1997) (Turner II). At issue in the Turner cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be "seriously jeopardized". The Turner I Court recognized that as an institution, "Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here". 512 U.S. at 665–66. Although the Court recognized that "the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,'" its "obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." Id. at 666.

(12) Three years later in Turner II, the Court upheld the "must-carry" provisions based upon Congress' findings, stating the Court's "sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'" 520 U.S. at 195. Citing its ruling in Turner I, the Court reiterated that "[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to "amass and evaluate the vast amounts of data" bearing upon' legislative questions," id. at 195, and added that it "owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power." Id. at 196.

(13) There exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a "health" exception, because the facts indicate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress was informed by extensive hearings held during the 104th, 105th, 107th, and 108th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. These findings reflect the very informed judgment of the Congress that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

(14) Pursuant to the testimony received during extensive legislative hearings during the 104th, 105th, 107th, and 108th Congresses, Congress finds and declares that:

(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, "there are very few, if any, indications for * * * other than for delivery of a second twin"; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.

(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

(C) A prominent medical association has concluded that partial-birth abortion is "not an accepted medical practice", that it has "never been subject to even a minimal amount of the normal medical practice development," that "the relative advantages and disadvantages of the procedure in specific circumstances remain unknown," and that "there is no consensus among obstetricians about its use". The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is "ethically wrong," and "is never the only appropriate procedure".

(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

(H) Based upon Roe v. Wade, 410 U.S. 113 (1973) and Planned Parenthood v. Casey, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery *process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child "in a state of being born and before actual birth," was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a "person" under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a "person". Thus, the government has a heightened interest in protecting the life of the partially-born child.*

(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are "ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb". According to this medical association, the "'partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body".

(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

SEC. 3. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

"Sec.
"1531. Partial-birth abortions prohibited.

"§1531. Partial-birth abortions prohibited

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the enactment.

"(b) As used in this section—

"(1) the term 'partial-birth abortion' means an abortion in which the person performing the abortion—

"(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

"(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus; and

"(2) the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

"(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

***"74. Partial-birth abortions** .... 1531".*

And the House agree to the same.

F. JAMES SENSENBRENNER,
HENRY HYDE,
STEVE CHABOT,
Managers on the Part of the House.

ORRIN HATCH,
RICK SANTORUM,
MIKE DEWINE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3), to prohibit the procedure commonly known as partial-birth abortion, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Section 1. Short title

Section 1 of the conference report is identical to Section 1 of the House amendment and Section 1 of the Senate bill. Section 1 states that the short title of this measure is the "Partial-Birth Abortion Ban Act of 2003."

Section 2. Findings

Paragraph (1) in Section 2 of the conference report is substantially similar, with clarifications, to paragraph (1) in Section 2 of the House passed bill and paragraph (1) in Section 2 of the Senate passed bill. In paragraph (1) Congress finds that a moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion—an abortion in which a physician deliberately and intentionally vaginally delivers a living, unborn child's body until either the entire baby's head is outside the body of the mother, or, any part of the baby's trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child's skull and removing the child's brains) that the person knows will kill the partially delivered living infant, performs this act, and then completes delivery of the dead infant—is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

Paragraph (2) in Section 2 of the conference report is identical to paragraph (2) in Section 2 of the House amendment and paragraph (2) in Section 2 of the Senate bill. In paragraph (2), Congress finds that rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. Congress also finds that as a result, at least 27 States banned the procedure as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses.

Paragraph (3) in Section 2 of the conference report is identical to paragraph (3) in Section 2 of the House amendment and paragraph (3) in Section 2 of the Senate bill. In paragraph (3), Congress finds that in *Stenberg* v. *Carhart*, 530 U.S. 914, 932 (2000), the United States Supreme Court, which did not have in front of it the extensive factual record compiled by Congress, construed the record in that case to support "the proposition that in some circumstances, [partial-birth abortion] would be the safest procedure" for pregnant women who wish to undergo an abortion. Congress also finds that as a result of having reached this conclusion the Court struck down the State of Nebraska's ban on partial-birth abortion procedures, concluding that it failed to include an exception for partial-birth abortions deemed necessary to preserve the "health" of the mother, and placed an "undue burden" on women seeking abortions.

Paragraph (4) in Section 2 of the conference report is identical to paragraph (4) in Section 2 of the House amendment and paragraph (4) in Section 2 of the Senate bill. In paragraph (4), Congress finds that the Court's decision was based on the Federal district court's factual findings that the partial-birth abortion procedure was statistically and medically as safe as, and in many circumstances safer than, alternative abortion procedures—findings which are contradicted by Congress's extensive factual record presented and compiled during the 104th, 105th, 107th, and 108th Congresses.

Paragraph (5) in Section 2 of the conference report is substantially similar, with clarifications, to paragraph (5) in Section 2 of the House passed bill and paragraph (5) in Section 2 of the Senate passed bill. In paragraph (5) Congress finds that substantial evidence presented at the *Stenberg* trial, and the overwhelming evidence that was presented and compiled at extensive Congressional hearings, much of which was compiled after the district court hearing in *Stenberg*, and thus not included in the *Stenberg* trial record, demonstrates that a partial-birth abortion is never necessary to preserve the health of a woman, poses significant health risks to a woman upon whom the procedure is performed, and is outside of the standard of medical care.

Paragraph (6) in Section 2 of the conference report is identical to paragraph (6) in Section 2 of the House amendment and paragraph (6) in Section 2 of the Senate bill. In paragraph (6), Congress finds that despite the dearth of evidence in the *Stenberg* trial court record supporting the district court's findings, the United States Court of Appeals for the Eighth Circuit and the Supreme Court refused to set aside the district court's factual findings because, under the applicable standard of appellate review, they were not "clearly erroneous." Congress also finds that a finding of fact is clearly erroneous "when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed" *Anderson* v. *City of Bessemer, North Carolina*, 470 U.S. 564, 573 (1985). Congress also finds that under this standard, "if the district court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently." Id. at 574.

Paragraph (7) in Section 2 of the conference report is identical to paragraph (7) in Section 2 of the House amendment and paragraph (7) in Section 2 of the Senate bill. In paragraph (7), Congress finds that in *Stenberg*, the United States Supreme Court was required to accept the very questionable findings issued by the district court judge—the effect of which was to render null and void the reasoned factual findings and policy determinations of the United States Congress and at least 27 State legislatures.

Paragraph (8) in Section 2 of the conference report is identical to paragraph (8) in Section 2 of the House amendment and paragraph (8) in Section 2 of the Senate bill. In paragraph (8), Congress finds that under well-settled Supreme Court jurisprudence, it is not bound to accept the same factual findings that the Supreme Court was bound to accept in *Stenberg* under the "clearly erroneous" standard. Congress also finds that it is entitled to reach its own factual findings—findings that the Supreme Court accords great deference—and to enact legislation based upon these findings so long as it seeks to pursue a legitimate interest that is within the scope of the Constitution, and draws reasonable inferences based upon substantial evidence.

Paragraph (9) in Section 2 of the conference report is identical to paragraph (9) in Section 2 of the House amendment and paragraph (9) in Section 2 of the Senate bill. In paragraph (9), Congress finds that in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Supreme Court articulated its highly deferential review of Congressional factual findings when it addressed the constitutionality of section 4(e) of the Voting Rights Act of 1965. Regarding Congress' factual determination that section 4(e) would assist the Puerto Rican community in "gaining nondiscriminatory treatment in public services," the Court stated that "[i]t was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. * * * It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support section 4(e) in the application in question in this case." Id. at 653.

Paragraph (10) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (10) in Section 2 of the House amendment and paragraph (10) in Section 2 of the Senate bill. In paragraph (10), Congress finds that *Katzenbach*'s highly deferential review of Congress's factual conclusions was relied upon by the United States District Court for the District of Columbia when it upheld the "bail-out" provisions of the Voting Rights Act of 1965, (42 U.S.C. 1973c), stating that "congressional fact finding, to which we are inclined to pay great deference, strengthens the inference that, in those jurisdictions covered by the Act, state actions discriminatory in effect are discriminatory in purpose." *City of Rome, Georgia* v. *U.S.*, 472 F. Supp. 221 (D. D.C. 1979), affd, 446 U.S. 156 (1980).

Paragraph (11) in Section 2 of the conference report is identical to paragraph (11) in Section 2 of the House amendment and paragraph (11) in Section 2 of the Senate bill. In paragraph (11), Congress finds that the Court continued its practice of deferring to congressional factual findings in reviewing the constitutionality of the must-carry provisions of the Cable Television Consumer Protection and Competition Act of 1992. See *Turner Broadcasting System, Inc.* v. *Federal Communications Commission*, 512 U.S. 622 (1994) (*Turner I*) and *Turner Broadcasting System, Inc.* v. *Federal Communications Commission*, 520 U.S. 180 (1997) (*Turner II*). Congress finds that at issue in the *Turner* cases was Congress' legislative finding that, absent mandatory carriage rules, the continued viability of local broadcast television would be "seriously jeopardized." Congress finds that the *Turner I* Court recognized that as an institution, "Congress is far better equipped than the judiciary to 'amass and evaluate the vast amounts of data' bearing upon an issue as complex and dynamic as that presented here." 512 U.S. at 665–66. Although the Court recognized that "the deference afforded to legislative findings does 'not foreclose our independent judgment of the facts bearing on an issue of constitutional law,'" its "obligation to exercise independent judgment when First Amendment rights are implicated is not a license to reweigh the evidence de novo, or to replace Congress' factual predictions with our own. Rather, it is to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence." Id. at 666.

Paragraph (12) in Section 2 of the conference report is identical to paragraph (12) in Section 2 of the House amendment and paragraph (12) in Section 2 of the Senate bill. In paragraph (12), Congress finds that three years later in *Turner II*, the Court upheld the "must-carry" provisions based upon Congress' findings, stating the Court's "sole obligation is 'to assure that, in formulating its judgments, Congress has drawn reasonable inferences based on substantial evidence.'" 520 U.S. at 195. Congress finds that, citing its ruling in *Turner I*, the Court reiterated that "[w]e owe Congress' findings deference in part because the institution 'is far better equipped than the judiciary to "amass and evaluate the vast amounts of data" bearing upon' legislative questions," Id. at 195, and added that it "owe[d] Congress' findings an additional measure of deference out of respect for its authority to exercise the legislative power." Id. at 196.

Paragraph (13) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (13) in Section 2 of the House amendment and paragraph (13) in Section 2 of the Senate bill. In paragraph (13), Congress finds that there exists substantial record evidence upon which Congress has reached its conclusion that a ban on partial-birth abortion is not required to contain a "health" exception, because the facts demonstrate that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. Congress also finds that it has been informed by extensive hearings held during the 104th, 105th, 107th, and 108th Congresses and passed a ban on partial-birth abortion in the 104th, 105th, and 106th Congresses. Congress finds that these findings reflect its very informed judgment that a partial-birth abortion is never necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care, and should, therefore, be banned.

Paragraph (14) in Section 2 of the conference report is substantively identical, with technical clarifications, to paragraph (14) in Section 2 of the House amendment and paragraph (14) in Section 2 of the Senate bill. In paragraph (14), Congress, pursuant to the substantial and credible testimony received during extensive legislative hearings during the 104th, 105th, 107th, and 108th Congresses, lists its declarations regarding the partial-birth abortion procedure:

Paragraph (14)(A) in Section 2 of the conference report is identical to paragraph (14)(A) in Section 2 of the House amendment and paragraph (14)(A) in Section 2 of the Senate bill. In paragraph (14)(A), Congress declares that a partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: an increase in a woman's risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, "there are very few, if any, indications for * * * other than for delivery of a second twin"; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child's skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death. Therefore, Congress concludes that those who express the view that partial-birth abortion may be a safer method of abortion in some circumstances have never examined the severe risks of the procedure to the health of the mother and have not demonstrated that this procedure is a safe, medically accepted, standard of care.

Paragraph (14)(B) in Section 2 of the conference report is identical to paragraph (14)(B) in Section 2 of the House amendment and paragraph (14)(B) in Section 2 of the Senate bill. In paragraph (14)(B), Congress declares that there is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. Congress also declares that no controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Congress further declares that there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Congress also declares that unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

Paragraph (14)(C) in Section 2 of the conference report is identical to paragraph (14)(C) in Section 2 of the House amendment and paragraph (14)(C) in Section 2 of the Senate bill. In paragraph (14)(C), Congress declares that a prominent medical association has concluded that partial-birth abortion is "not an accepted medical practice," that it has "never been subject to even a minimal amount of the normal medical practice development," that "the relative advantages and disadvantages of the procedure in specific circumstances remain unknown," and that "there is no consensus among obstetricians about its use." The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is "ethically wrong," and "is never the only appropriate procedure."

Paragraph (14)(D) in Section 2 of the conference report is identical to paragraph (14)(D) in Section 2 of the House amendment and paragraph (14)(D) in Section 2 of the Senate bill. In paragraph (14)(D), Congress declares that those who espouse the view that partial-birth abortion "may" be the most appropriate abortion procedure for some women in "some" circumstances, such as the plaintiff in *Stenberg* v. *Carhart* and the experts who testified on his behalf, have failed to identify such circumstances and base their opinion on theoretical speculation, not actual evidence that demonstrates the relative safety of this abortion procedure.

Paragraph (14)(E) in Section 2 of the conference report is identical to paragraph (14)(E) in Section 2 of the House amendment and paragraph (14)(E) in Section 2 of the Senate bill. In paragraph (14)(E), Congress declares that the physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

Paragraph (14)(F) in Section 2 of the conference report is identical to paragraph (14)(F) in the House amendment and paragraph (14)(F) in the Senate bill. In paragraph (14)(F), Congress declares that a ban on the partial-birth abortion procedure will advance the health interests of pregnant women seeking to terminate a pregnancy.

Paragraph (14)(G) in Section 2 of the conference report is identical to paragraph (14)(G) in the House amendment and paragraph (14)(G) in the Senate bill. In paragraph (14)(G), Congress declares that in light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. Congress also declares that in addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

Paragraph (14)(H) in Section 2 of the conference report is identical to paragraph (14)(H) in the House amendment and (14)(H) in the Senate bill. In paragraph (14)(H), Congress declares that based upon *Roe* v. *Wade*, 410 U. S. 113 (1973), and *Planned Parenthood* v. *Casey*, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises, in part, by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. Congress further declares that this distinction was recognized in *Roe* when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child "in a state of being born and before actual birth," was not under attack. Congress declares that this interest becomes compelling as the child emerges from the maternal body. Congress declares that a child that is completely born is a full, legal person entitled to constitutional protections afforded a "person" under the United States Constitution. Congress declares that partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a "person." Partial birth gives the fetus an autonomy that is separate and distinct from that of the mother. Thus, the government has a heightened interest in protecting the life of the partially-born child.

Paragraph (14)(I) in Section 2 of the conference report is identical to paragraph (14)(I) in Section 2 of the House amendment and paragraph (14)(I) in Section 2 of the Senate bill. In paragraph (14)(I), Congress declares that the distinction between a partial-birth abortion and other abortion methods has been recognized by the medical community, where a prominent medical association has recognized that partial-birth abortions are "ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb." According to this medical association, the " 'partial birth' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body."

Paragraph (14)(J) in Section 2 of the conference report is identical to paragraph (14)(J) in Section 2 of the House amendment and paragraph (14)(J) in Section 2 of the Senate bill. In paragraph (14)(J), Congress declares that a partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Congress further declares that a partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

Paragraph (14)(K) in Section 2 of the conference report is identical to paragraph (14)(K) in Section 2 of the House amendment and paragraph (14)(K) in Section 2 of the Senate bill. In paragraph (14)(K), Congress declares that by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

Paragraph (14)(L) in Section 2 of the conference report is identical to paragraph (14)(L) in Section 2 of the House amendment and paragraph (14)(L) in Section 2 of the Senate bill. In paragraph (14)(L), Congress declares that the gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

Paragraph (14)(M) in Section 2 of the conference report is identical to paragraph (14)(M) in Section 2 of the House amendment and paragraph (14)(M) in Section 2 of the Senate bill. In paragraph (14)(M), Congress declares that the vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. Congress further declares that it is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Evidence compiled by Congress demonstrates that fetuses on whom in utero surgery is performed for medical reasons feel pain from needles and instruments and are provided anesthesia. Pain management is an important part of care provided to infants cared for in neonatal units who are of the same gestational ages as those subject to partial-birth abortion. Partial-birth abortion is an extremely painful procedure for the fetus and, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

Paragraph (14)(N) in Section 2 of the conference report is identical to paragraph (14)(N) in Section 2 of the House amendment and paragraph (14)(N) in Section 2 of the Senate bill. In paragraph (14)(N), Congress declares that implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Congress further declares that as a result it has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

Paragraph (14)(O) in Section 2 of the conference report is identical to paragraph (14)(O) in Section 2 of the House amendment and paragraph (14)(O) in Section 2 of the Senate bill. In paragraph (14)(O), Congress declares that for these reasons, it finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.

Section 3. Prohibition on partial-birth abortions

Subsection (a) in Section 3 of the conference report is identical to subsection (a) in Section 3 of the House amendment and subsection (a) in Section 3 of the Senate bill. In subsection (a) of Section 3 Congress amends title 18 of the United States Code by inserting a new chapter 74 consisting of a new 18 U.S.C. 1531:

Subsection (a) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (a) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (a) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (a) prohibits any physician from, in or affecting interstate or foreign commerce, knowingly performing a partial-birth abortion and thereby killing a human fetus. A physician who does so shall be fined under this title or imprisoned not more than 2 years, or both. This paragraph does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This paragraph takes effect 1 day after the enactment.

Subsection (b)(1) of the new section 1531 contained in Section 3(a) of the conference report is substantively identical, with technical clarifications, to subsection (b)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (b)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (b)(1) states that a partial-birth abortion means an abortion in which the person performing the abortion deliberately and intentionally vaginally delivers an intact living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus and the person performing the abortion performs the overt act (such as the removal of the intracranial contents), other than completion of delivery, that kills the partially delivered intact living fetus.

Subsection (b)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (b)(2) defines the term "physician" as a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

Subsection (c)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (c)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(1) provides for a civil cause of action for the father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

Subsection (c)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and paragraph (c)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(2), in paragraph (A) provides that such relief shall include money damages for all injuries, psychological and physical, occasioned by the violation of this section; and in paragraph (B) that statutory damages equal to three times the cost of the partial-birth abortion.

Subsection (d)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (d)(1) allows a defendant accused of an offense under this section to seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

Subsection (d)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(2) of the new section 1531 proposed in Section 3 (a) of the House amendment and subsection (d)(2) of the new section 1531 proposed in Section 3 (a) of the Senate bill. Subsection (d)(2) provides that the findings on that issue are admissible on that issue at the trial of the defendant. It also provides that upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

Subsection (e) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (e) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (e) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (e) provides that a woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

Subsection (b) in Section 3 of the conference report is identical to subsection (b) in Section 3 of the House amendment and subsection (b) in Section 3 of the Senate bill. Subsection (b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18, after the item relating to chapter 73.

Section 4 of the Senate bill had no counterpart in the House amendment, and it is not included in the substitute agreed to by the managers.

F. JAMES SENSENBRENNER,
HENRY HYDE,
STEVE CHABOT,
Managers on the Part of the House.

ORRIN HATCH,
RICK SANTORUM,
MIKE DEWINE,
Managers on the Part of the Senate.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3193

Mr. PORTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3193. My name was added to the list of cosponsors inadvertently.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Nevada?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. CASE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare prescription drug bill.

The form of the motion is as follows:

Mr. CASE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 401(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medical disproportionate share hospital (DSH) payments).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Alabama. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the child tax credit bill.

The form of the motion is as follows:

Mr. DAVIS of Alabama moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. INSLEE. Mr. Speaker, pursuant to rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of House of Representatives with regard to "high-level radioactive waste" as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

IRAQ SUPPLEMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to draw my colleagues to a singular uniting factor, and that is that we all support United States troops that now are facing danger in Operation Iraqi Freedom. With that in mind, I am quite willing to support the expenditures requested by the administration solely to support our troops and the necessities that they require in order to protect their lives. But the American people deserve an answer, Mr. Speaker, and we should not vote in totality for the $87 billion. It is a sham if we do so without explaining to the American people, one, an exit strategy, two, what is the United Nations resolution that will require us to coalesce around the concept of allies helping us in the democratization and reconstruction of Iraq? How many troops will we get from our allies? How much money will they expend?

And, Mr. Speaker, we need a full accounting by the administration on what they have spent the money for. I will be filing legislation to separate out the vote, voting for the moneys for our troops without question, but demanding an explanation from this administration before we vote any moneys for reconstruction.

What are the oil revenues going for, Mr. Speaker? And I would say this, that we spent only $7.5 billion in the Gulf War. Why? Because we had a legitimate and solid alliance with our allies across the world. This is a mistake in the way we are doing this. We should not vote for the $87 billion in totality. We must separate out the vote, and I ask my colleagues to vote for this legislation.

IRAQ SUPPLEMENTAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I wanted to speak on the subject of the supplemental budget. Eighty-seven billion dollars is indeed a lot of money. Yet, building democracy in the Middle East, building an ally in the Middle East, another ally, would be very, very helpful to United States interests and to the big picture of world peace.

I hear from a lot of my Democrat friends that, well, I'm going to support the troops and cleverly just support that portion of the budget which goes directly to the troops, which would be about two-thirds of it, some 60-plus billion dollars. How can you support the troops and then not let them complete their task by trying to rebuild the country and the infrastructure? It does not make sense. If you are going to support the troops, you have to support their mission.

I would love any of my colleagues who have such doubts about the importance of what we are doing to come down to the Third Infantry Division in Hinesville-Fort Stewart, Georgia, and talk to some of the troops who have been there, who have spent 6 to 8 months of their lives there in the last year and look them in the eye and say, you know what, I do not like what you are doing. And you know what, I am going to support your expense, your room and board, but I am not going to help you rebuild this nation that you lost your friends over.

I just want to say, that is an open invitation to any Democrat or Republican if you want to come down and talk to people who have been on the ground.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise on the floor of the House today to share, sadly, yet another tragic story of another instance where senseless criminal acts, acts that could have been prevented and should have never happened, were allowed to take place because of our badly broken immigration system.

Mr. Speaker, for the last year, South Florida has been terrorized by a serial rapist. Beginning in September of last year, seven females in the Miami area, ranging between the ages of 11 and 79, have been victimized by a vicious, brutal criminal. Needless to say, the yearlong attacks have left most women who live in the Miami area fearing for their safety and on guard for these past 12 months.

Thankfully, the local law enforcement authorities in the area believe they now have their man. Earlier this month, Miami police arrested Reynaldo Rapalo. A citizen of Honduras, he is accused of raping the seven women I mentioned earlier, and trying to attack and rape four others during that same time.

The Miami police indicate that they have Mr. Rapalo's fingerprints, his DNA that links him to these dastardly crimes, and finally his confession. Tragically, Mr. Speaker, they also had Mr. Rapalo himself back in October of last year, before six of the rapes had been allowed to occur. He was arrested on molestation charges, and at the time Mr. Rapalo's C–1 visa had expired. He was living here then illegally.

Mr. Speaker, had the CLEAR Act been on the books last October, Reynaldo Rapalo would have been detained and deportation proceedings would have begun and, more importantly, the women who were subsequently brutally attacked would have never fallen victim.

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The sad fact is cases like this one are far too common, and our government has turned a blind eye to the criminal alien crisis in America for far too long.

Today within our borders, there are 400,000 illegal aliens with standing deportation orders that we cannot find. Among these are 80,000 criminal aliens like Mr. Rapalo, murderers, rapists, pedophiles and the like. These individuals were in the hands of law enforcement at one time but turned loose because of an immigration system that is unresponsive, unaccountable, and just plain broken.

Mr. Speaker, while our men and women wearing the badge continue to arrest and rearrest the same criminal aliens that our failed immigration system continues to put back on the streets, our Federal Government sends just 2,000 Bureau of Immigration and Customs Enforcement agents, BICE, in the field to enforce these immigration laws, telling those officers, the victims of crimes like those witnessed in south Florida over the last year, and the 80,000 criminal aliens this government cannot find, one simple thing: we are simply not serious about this crisis. This Congress is not serious about this crisis.

Earlier this summer, along with the gentleman from Florida (Mr. BOYD) and the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Georgia (Mr. DEAL), I introduced a bipartisan bill that would get serious about our Nation's growing criminal alien crisis. The bill, entitled the CLEAR Act, is a measure that would make clear that our Nation's 600,000 local and State law enforcement officers have the authority to enforce our Nation's immigration laws, and we would give them the training, access to data, and the resources that they need to get the job done. Finally, it would give some much-needed help to the 2,000 out-manned Federal agents we have enforcing immigration law today.

Mr. Speaker, today's broken and failed immigration system is simply unworkable and for this government and this Congress to stay on the sidelines and let 80,000 criminal aliens create more horror stories like those perpetuated by Mr. Rapalo is simply unacceptable behavior. I urge my colleague to get off the sidelines and support the CLEAR Act, get involved in this game, and let us get serious about America's criminal alien crisis.

THE BUSH ADMINISTRATION'S ECONOMIC POLICIES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, last February the President's Council of Economic Advisors forecast that, as a result of the economic policies of the Bush Administration, there would be 510,000 new jobs generated this year. Here we are on the advent of October; and in order for that prediction of last February to succeed, 947,000 jobs would have to be created between now and December 31, in other words, within the next 14 weeks. I wish the President's Council of Economic Advisors luck because this administration, aided and abetted by this Congress, has lost 437,000 jobs so far this year. We have had record job losses under this administration and that includes the 93,000 jobs that were lost in August alone. We do not yet have the figures of course for September, but it is likely that we will be seeing some similar amount of job loss.

This administration and this Congress have given us the worst economic performance in more than 70 years; 2.7 seven million jobs have been lost since the neoconservative Republicans have controlled both the White House and the Congress. They have also done other things which are huge in their consequences. They have given us the largest budget deficit in history, and they have also provided the Nation with a record national debt.

Just recently we learned from the Census Bureau that America is now poorer than it was last year, just as it was poorer last year than it was the year before. Median income of the average American family has dropped by more than $1,000 within the last year. America and its families are poorer today than they were this time last year. Poverty is up.

These are the statistics, bare statistics. They only begin to tell the difficult story that has fallen on American families all across this country. We need a reversal in these policies, and we need it quickly.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, the Washington Waste Watchers have been hard at work locating a vast range of government waste, fraud, and abuse. Unfortunately, these examples have not been hard to find, Madam Speaker. For some, however, examples of wasted taxpayers' money does not slow down their efforts to raise taxes. We have got a spending problem here in Washington; and waste, fraud, and abuse is a huge part of why we have that problem. For example, $366 million, $366 million in Pell grant awards was improperly disbursed because applicants understated their income on their applications last year. That resulted in over 84,000 Pell grants lost to waste, fraud, and abuse. And the Democrats want to raise taxes to pay for more of this?

The Veterans Affairs Inspector General, Madam Speaker, estimates that roughly 14,000 incarcerated veterans have been paid about $100 million nationwide because the Department has no method of identifying prisoners, never has, $100 million in wasted benefits that missed going to the needy, truly needy veterans in order to line the pockets of Washington's bureaucracy. And the Democrats, Madam Speaker, want to raise taxes to pay for more of this?

Over the last 4 years, the Department of Agriculture spent a total of $5.13 billion in food stamp overpayments. That is $5.13 billion wasted instead of helping low-income families who are unable to put food on their table. And again Democrats insist on wanting to raise the taxes of the hard-working American people to do more of this?

We do not need to raise taxes to improve government benefit programs; but Madam Speaker, we have to be willing to reach into the pockets of the bureaucracy and stop that system from spending the checks of our taxpayers' money.

Accounting schemes that send people to jail in the private sector do not even impact a normal promotion schedule for the bureaucracy in the Federal Government. It is not an issue here. See, it is time to hold those people responsible for wasting taxpayers' money; but we have got to be committed to fixing the broken systems, not just pouring more and more tax money from the hard-working people to keep the same programs going exactly the same and wasting the same amount of money as the Democrats would suggest.

The American taxpayers are not fooled, Madam Speaker. They know that their hard-earned tax dollars have paid for $106 billion in Medicare improper payments since 1996. Their dollars have paid for $233 million in improper payments within the Veterans Compensation and Benefit program. Their tax dollars have even bought a pet dog for a member of the bureaucracy with a government charge card. Billions of dollars are lost every single year to waste, fraud, and abuse. Taxpayers are sending their money here to Washington only to find that it is being wasted; and the Democrats again still want to raise their taxes, saying there is not enough money up here.

There is a clear path, Madam Speaker, to eliminate waste, fraud, and abuse throughout this Federal Government. We must find savings and not tolerate, I repeat, not tolerate, any level of wasted taxpayer dollars. Democrats have chosen to oppose those efforts time and time again and fight to raise taxes in order to pay for more of this business as usual.

Every week, Madam Speaker, the Washington Waste Watchers will keep reminding every person, every person in this Chamber of the impact of government waste, fraud, and abuse, not only to the taxpayers, Madam Speaker, but also to the beneficiaries who do not receive the benefits that they do deserve. Again, we will also remind our friends on the other side of the aisle that their constant attempts to raise taxes will only result in billions of additional dollars being lost to waste, fraud, and abuse at the expense of the hard-working American taxpayer.

ORDER OF BUSINESS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

LACK OF A GOOD HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as a nurse by basic profession, I have spent much of my public career working to ensure that the Nation's health care system is affordable and provides the best services possible to all Americans. While America still has a world-class health system, there are those whose lives have been threatened by a focus on profits over healing. I believe that a doctor and patient, not an HMO accountant, should make sensitive medical decisions. I also support a plan that would expand Medicare coverage for prescription medication. However, there must be some cost containment agreement with the manufacturers and a streamlining of the Federal administrative structure to reduce costs to beneficiaries.

The Current Population Survey, the CPS, is the primary source for data on Texas's uninsured population. It paints a picture for the state of health care in Texas. My home State currently has the second highest rate of uninsured in the United States behind New Mexico. CPS data shows that there were 4.5 million people without health insurance in Texas, which is about 21.4 percent of the total population.

The rates for the uninsured minority are also quite frightening. Blacks and Latinos are far more likely to be uninsured when compared to their Anglo, or white, counterparts. Nationally, 11.6 percent of the Anglo population, 20.1 of the African American population, and 34.8 percent of the Hispanic population are without health insurance; but in Texas, while 12 percent of whites are uninsured, 21.2 percent of the African Americans and 36.7 percent of Hispanics do not have medical coverage.

Finally, one of my most passionate fights has been an effort to expand health care for children. I am a principal supporter of the State Children's Health Insurance Program, CHIP, the program that represents the largest expansion in health care in over 30 years. CHIP covers children not eligible for Medicaid insurance. Unfortunately, the rates for children without health coverage are also reaching alarming numbers. In the United States today, one in five children is without health insurance. In fact, in my home State of Texas 1.6 million children depend solely on health insurance provided by Medicaid. Limited access to health care contributes to growing rates of disease among children.

Studies have shown that good health is a prerequisite for optimal learning, and schools can help children achieve academic success by participating in efforts that promote good health, including access to regular medical and mental health care.

Protecting the health care of children should be the number one priority of any great nation. An investment in the health care of our youth is one of the wisest investments we can make for this country. Now is the time for all Americans to have access to quality health care and meaningful patient protection. Our citizens deserve and expect nothing less.

REBUILDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, in 1838, John Quincy Adams, as a former President, came to this floor as a Member of the House of Representatives. In those days the conservatives in this Congress passed a rule banning the discussion of slavery on the House floor. Congressman John Quincy Adams, former President Adams, was outraged by that rule; but what he did was come to the House floor and a couple of times every week read letters from his constituents opposing slavery, demanding that slavery be abolished in the United States.

Today, 160-some years later, many of us in this Chamber feel an outrage towards what is happening with Iraq and especially that the leaders in this Chamber are unwilling to debate many of the issues around Iraq, how they propose to spend $87 billion, asking the President for his plans, wanting the President's contributors and contractors in Iraq who are literally receiving hundreds of millions of dollars a week to account for those dollars.

□ 1945

I thought tonight, in the tradition of John Quincy Adams, I would read letters from constituents of mine around the State who are expressing their views about Iraq.

Kim writes, "Why should we spend $87 billion when our own servicemen and women who were in Iraq only got one meal MRE, meal ready to eat, per day, went 30 days without showers, not enough heavy artillery or ammunition. They fought hard in Iraq and then come back and don't even get the GI Bill to pay for their educations and medical. Use the $87 billion to compensate our military personnel first." That is Kim.

A veteran, Jack, writes, "Just a very short few months ago, we were asked, no told, that we had to turn over $70 billion," that was the first $70 billion, "for the war in Iraq. That money was dispensed," Jack, a Vietnam vet writes, "on the backs of veterans in decreased benefits; schools, health care, Social Security, Medicare, redistribution of wealth through the Bush tax cuts, even the active duty military was not excluded from cuts. Now the administration is asking for another $87 billion. Who's going to get thrown out in the cold when the next round of cuts come if Bush is given his $87 billion," Jack, a Vietnam vet, writes.

Michele writes, "The way this grandmother sees it: for whatever the reasons, Bush wanted the war and misled the public to start it. Bush gave a tax cut to many of the wealthiest Americans, many of whom stated it was wrong. Bush has accumulated an unprecedented amount of campaign financing from these wealthy friends."

What these letters all home in on, Madam Speaker, is that we are today spending $1 billion a week in Iraq. $300 million of that $1 billion is going to private contractors, many of them going to Halliburton, one of the largest companies in the United States, a company which still pays Vice President CHENEY who used to work there, still pays him $13,000 a month, and people want these hundreds of millions of dollars of tax dollars going to these private contractors, people want them accounted for, as we can see in these letters.

Joseph writes, "We are between a rock and a hard place. We are over there because of lies and it looks as if we will be stuck there for many years to come. First, this administration should roll back the tax cuts for the wealthy."

If my colleagues recall, Congress passed, at the President's urging, tax cuts, literally hundreds of billions of dollars of tax cuts where 43 percent of those tax cuts went to the richest 1 percent of people in this country. That is what Joe is writing about.

"In order to increase their now questionable integrity, this administration should agree to turn over total control of Iraq and its oil supplies to the U.N. and cooperate with the U.N. and our other allies 100 percent."

Again, Joe who writes in is troubled by the fact that we are giving hundreds of millions of dollars a week to private contractors who are not accountable, many of them the President's contributors, most of them the President's friends, and one of those companies a company that is still paying Vice President CHENEY $13,000 a month.

The last letter I would like to read is from Joseph. "It appears we have no choice but to spend the $87 billion, but Congress should make sure that the money comes from a rollback of Mr. Bush's excessive tax cuts for the wealthy, which primarily benefits the rich in this country. I sincerely hope the Congress does not give the money to Mr. Bush without stipulations. Three million Americans have lost their jobs," actually about 3.5 million now. "Three million Americans have lost their jobs in the country since Mr. Bush moved into the White House. More Americans are suffering and dying because they are unable to pay for proper health care and health care insurance. Exactly how we can afford to spend $87 billion is something that I don't even understand." That is a letter from Joe.

Madam Speaker, I think it is clear what people in this country think. We need answers, we need accountability, and we really need to know the truth.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Madam Speaker, I rise tonight, along with my colleague, the gentleman from Florida (Mr. MARIO DIAZ-BALART), as cofounder of a new Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We call ourselves the "Washington Waste Watchers."

Do not be confused, the Washington Waste Watchers are not about counting calories. It is about counting the myriad of ways that the Federal bureaucracy routinely wastes the hard-earned money of the American family. We are here to look after the family budget by checking the growth of the Federal budget.

Madam Speaker, I am sure all of my colleagues are well aware of the size of our Federal deficit. It is large and getting larger every day; and, to compound the challenge, we are presently faced with a supplemental appropriation request of $87 billion to help fight the war on terror. I believe, after much debate and due diligence, that this body will pass most, if not all, of that request. I, for one, agree that it is far better to fight this war over there, as opposed to over here. And although I have concerns about portions of the request, I fundamentally believe that helping rebuild the infrastructure and the civil society of Iraq is just as important in winning this war as are additional combat troops and munitions.

So, faced with unparalleled homeland security needs and a growing budget deficit, what are we to do?

Democrats say the only way to cut the deficit is to yet again raise the taxes on the American family. Sound familiar? It is the same refrain we have heard from them for years.

We do have a large budget deficit, but it is not because the American people are undertaxed. It is because Washington spends too much.

Since I was born, the Federal budget has grown seven times faster than the family budget; seven times. This is unconscionable. And putting aside the war on terror, the Democrats, who claim to be concerned about budget deficits, have voted to spend almost $1 trillion more than our budget allows; $1 trillion more. There is a spending problem in Washington, not a taxing problem. Much of the spending in Washington is pure waste, fraud, and abuse; and by attacking it every day, we can begin to close this deficit.

For a moment, let us talk about the waste of duplication.

There are more than 90 programs across 11 different agencies to support the early development of children. For example, there are 9 Federal agencies and 69 different programs to educate and care for children under the age of 5. There are 29 different programs offering early education for children within the Department of HHS, itself having 4 separate programs to educate those from low-income families. And Democrats want to raise our taxes to pay for more of this?

The Federal Government operates 342 different economic development programs; 342. And, by the way, what does the Federal Government know about economic development anyway?

There are 86 different programs in 9 Federal agencies to assist teachers in improving their teaching skills. This is on top of the thousands that already exist at the State level. Also, if we already have a Department of Education, why do we need teaching programs spread over 9 different agencies? Yet Democrats want to raise our taxes to pay for more of this.

Madam Speaker, 12 different Federal agencies are responsible for food safety. For example, the Department of Agriculture inspects meat pizzas, while vegetarian pizzas are under the purview of the Department of Health and Human Services. Only in Washington, D.C., could this absurd result happen.

The Federal Government operates at least 70 programs dedicated to helping the disabled. About half of these duplicate programs cost taxpayers close to $110 billion annually. That is a quarter of the cost of the 10-year prescription drug bill for our seniors. And Democrats want to raise our taxes to pay for more of this?

Madam Speaker, these are just a few of the examples of rampant duplication and waste throughout our Federal Government. After we begin to look closely, it is easy to see that many Federal programs routinely lose 10, 20, 30 percent of their taxpayer-funded budgets to waste, fraud, and abuse, and they have for years.

In the real world, when people lose that much money, they are either fired or they go to jail. But in Washington, it is only an excuse to ask for even more money from the American family next year.

There are many ways we can cut the deficit without cutting any needed services, because when it comes to Federal programs, it is not how much money Washington spends, it is how Washington spends the money.

QUESTIONING OUR PATRIOTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, over the past week there has been a lot of talk in the chambers of Congress about what it means to be patriotic. The Republican leadership would have us believe that patriotism is asking no questions and voicing no concerns. According to them, patriotism is simply handing over $87 billion tied with a bright red bow and a card attached to it that says, here is the money you asked for. Go ahead and spend it how you want.

Madam Speaker, this is not patriotic. This would be neglecting our constitutional duty to oversee how taxpayers' dollars are spent, and it is an obligation that I think we need to take very seriously when considering this supplemental bill. We need to take it seriously not only for the taxpayers but also, more importantly, for our soldiers.

There is not a person in this chamber who would vote against supporting our troops. They are serving bravely and honorably in a faraway land for far longer than anyone expected, and our prayers are with them and their families. Our troops are the true patriots, and the patriotism I see in this debate is demonstrated by those demanding the best for those troops.

Unfortunately, the war plan may have failed to adequately protect our troops. Details may have been overlooked.

Members of Congress returning from Iraq talk about the lack of Kevlar inserts and the need for heavier armor for Humvees. The $87 billion supplemental includes these items. But why were these items not in the $79 billion Congress provided the administration last spring? Kevlar inserts cost $517, $517 for a life-saving device. I ask my colleagues, why was there not enough money for each soldier to have a Kevlar insert? Did we not foresee our soldiers being shot at? Unfortunately, my question is not one that will be answered, or as the chief of the U.S. Central Command said last week, "I can't answer for the record why we started this war with protective vests that were in short supply."

Madam Speaker, there is no answer, or at least no answer that could satisfy this Member of Congress. Where was the money to armor up our military vehicles? The Department of Defense thinks we only need $177 million to do it now. Again, why was this not done with the $79 billion appropriated last April? Why was the money not provided to protect our soldiers in these vehicles from gunshots and shrapnel from these roadside bombs?

So, I say to my Republican friends, you will have to excuse us if we insist on exercising our constitutional duty, one that I happen to believe is our patriotic duty, to ensure that we get our priorities straight and protect our young men and women in Iraq and in Afghanistan.

In examining patriotism and priorities, I cannot help but wonder if singlehandedly rebuilding Iraq while our country remains in economic downturn is the most patriotic use of this $20 billion in proposed reconstruction funding. I see part of this funding going towards a children's hospital in Iraq when right now I have 177,000 Texas children who have been dropped from the CHIPS program and they are crowding our emergency rooms because they have no health insurance. I want to help children in Iraq, but should we not be also addressing the problems here at home?

I see this funding going toward building roads and bridges in Iraq when this Congress cannot pass a highway spending bill because we simply do not have enough money to fix our own roads and bridges here at home. This administration has misplaced priorities that come at the expense of the American people.

In the name of free trade, we pushed our manufacturing companies and workers offshore. Our manufacturing sector is struggling to survive, and our economy has lost 3.2 million jobs over the last 3 years. For the second straight year now, more Americans are finding themselves in poverty. Our country has turned into a land of executives and service sector employees, creating an ever-widening gulf between the rich and poor that is extinguishing what is left of our middle class in America.

This administration's fiscal policies have come at the expense of the American people.

Oh, we will hear that we can have it all. They will tell us we can fight a war, rebuild a country, cut taxes, save Social Security, and provide our seniors with a prescription drug benefit which is less than half of what they really need. But what they do not tell us is that we cannot pay for it. We are going to incur the largest deficit in this Nation's history, and our children and grandchildren will be paying off the national debt for generations to come.

Tough decisions must be made to get this country back on track, and it takes courage and leadership to make the right decisions for our soldiers, for the American people, and for this country.

Putting the American people first. Now, that is what patriotism is.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

□ 2000

CELEBRATING FT. RILEY'S 150TH ANNIVERSARY

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I rise today in celebration of the 150th anniversary of Ft. Riley. For decades this military installation has played an important role in protecting our Nation and is now an essential component in the war on terror.

Founded in 1853, Ft. Riley was established as a strategic post for settlers heading west. It was located between the Oregon and Santa Fe trails to provide protection for travelers. Ft. Riley was responsible for protecting the construction of the Union Pacific Railroad through that area, and the post used troops to police the new territory because of fighting between pro- and anti-slavery settlers. During the Civil War, confederate prisoners were housed at Ft. Riley.

From the post's inception until the end of World War II, Ft. Riley was known for its cavalry units and was designated as the "Cavalry Headquarters of the Army." It was also during that time that the famed "Buffalo Soldiers," the all-African-American Cavalry units were stationed at Ft. Riley. The Cavalry School produced some of the finest mounted horsemen in the world.

However, it was also during World War I and II that the Nation began to see military warfare transition from cavalry to mechanized machinery. The invention of the tank, the machine gun, and the use of aviation shifted the focus of the military away from the horse and rider, towards mechanized warfare.

At the end of World War II the Army closed the Cavalry School, replacing it with the Ground General School. This school trained enlisted men in intelligence gathering techniques and newly commissioned officers in basic military subjects.

During the Cold War, the Army recognized Ft. Riley's strategic resources and designated it as the home base for the First Infantry Division, the "Big Red One." The security threat from the Soviet Union, the expansion of communism transformed the mission of Ft. Riley. No longer would Ft. Riley be only a training and education center, but became the home base for a major infantry division. In 1955, the Big Red One began arriving at Ft. Riley. The addition of the Big Red One caused an influx of troops and families to the area, especially in the neighboring community of Junction City, Kansas.

Through the Vietnam and Gulf War, Ft. Riley continued to actively support U.S. military missions abroad and continued to acquire land to train troops stationed at the installation. Today Ft. Riley consists of more than 100,000 acres. This allows troops to train in war-like conditions using live ammunition to prepare for situations such as those in Iraq, Afghanistan, and Bosnia.

The resilient prairie grasses are a perfect terrain for military maneuvers. In addition, the construction of a simulated combat center at the post brings the art of war from Kansas' prairie into the classroom. Soldiers are able to train in simulated Bradley fighting vehicles and Abrahms tanks to hone their combat skills.

Today Ft. Riley continues to play an important role in the war on terror. In the past 6 months more than 14,000 soldiers and 1,750 rail cars, containing over 5,500 pieces of equipment, have been deployed from Ft. Riley, representing 35 trains that have shipped equipment to ports in Charleston, South Carolina, Jacksonville, Florida, Beaumont and Corpus Christi, Texas, and Savannah Georgia.

Strategically located in the center of the country, Ft. Riley's soldiers can load 200 railcars in a 9-hour period, with the equipment arriving at the ports ahead of schedule. Ft. Riley has been able to transport equipment from Kansas to the coast faster than the Navy could get ships to those ports. Not once has Ft. Riley missed a port call. During Operation Desert Storm, it took 28 days to get equipment to the ports in the Gulf of Mexico. Now during the War on Terrorism, equipment was moved to the Gulf from Ft. Riley in 48 hours.

Madam Speaker, this Saturday the community of Junction City and Ft. Riley will celebrate the post's 150th anniversary. As the United States continues to fight the War on Terror, I ask my colleagues and my fellow Americans to join me in recognizing the contributions and sacrifices soldiers from Ft. Riley have made to protect this Nation and defend our way of life. Ft. Riley has evolved during the past 150 years from a post to assist westward expansion to become "America's Warfighting Center."

Ft. Riley is essential to Kansas, it is essential to the Army, and, most importantly, Madam Speaker, Ft. Riley is essential to the safety and security of the United States of America.

Happy 150th anniversary, Ft. Riley, Kansas. Thank you for your service to our Nation.

THE UNINSURED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, according to new numbers released by the Census Bureau today, the number of uninsured Americans in 2002 rose to 43.6 million. This is a 5.7 percent increase in the number of Americans without health insurance, the single largest increase in a decade.

Moreover, these numbers exemplify President Bush and the Republican party's hard record on health care. The total number of uninsured Americans has increased by 3.8 million since President Bush took office and now totals 15.2 percent of our population. In other words, 15 out of every 100 Americans lack health insurance.

Madam Speaker, there is no doubt that the increase in the number of uninsured is a direct result of our weak economy, but there are other contributing factors such as the rise in health care costs by double-digit percentage points, States dropping Medicaid beneficiaries due to financial constraints, and, most importantly, employers eliminating employer-sponsored health coverage due to ever-rising costs.

Employer-based coverage, which is, in fact, the largest source of coverage in the United States, has declined dramatically in the past few years. The census figures show that last year alone, loss of employer-sponsored coverage led to 1.3 million Americans joining the ranks of the uninsured.

Madam Speaker, this is particularly significant in the context of the Medicare bill that is currently being worked out in conference. As it currently stands, the Republican Medicare bill, which passed the House, encourages employers who are currently providing retiree health benefits to drop coverage. Unfortunately, the Republican bill states that any dollar an employer pays for an employee's prescription drug costs would not count towards the employee's out-of-pocket catastrophic cap. And this disadvantages 12 million out of 40 million seniors with employer-sponsored coverage because it would be almost impossible for them to reach the bill's catastrophic cap over which Medicaid would pay 100 percent of their drug costs. Without a doubt, many employers will stop offering retiree coverage if this Republican bill were to become law.

Now, the Republicans are also suggesting tax credits to the uninsured to purchase health insurance in the private market, but such offers simply do not work. And we need to immediately evaluate a number of proposals to alleviate the situation. For example, if everyone likes tax credits so much, then we should consider tax credits that can be credited by the individual towards employer-based health insurance that guarantees a basic package of benefits, or tax credits for hard-pressed small businesses to offer health insurance to its employees. Any of these type of initiatives that ensure a strong and stable system of employer-based health coverage really should be encouraged.

Madam Speaker, as Americans in private health insurance plans lost coverage, 3.2 million more Americans joined the Medicaid rolls. This is very problematic because, as we know, States continue to experience severe financial restraints and are not capable of maintaining their Medicaid or SCHIP programs for kids without a new infusion of Federal dollars. In fact, with the weak economy and States cutting back their Medicaid programs, the number of uninsured is going to continue to rise.

Now, I think it is time for Congress to take responsibility and provide meaningful expansion of programs to once and for all reduce the number of uninsured Americans. And I know the Republicans have not bothered to deal with this effectively. The Democrats have had a number of proposals. We have rolled them out, but, of course, we have not been able to get support with the Republicans in the majority. But I think this information that came out today from the census, showing that the number of uninsured continues to rise so dramatically under President Bush's watch, is an indication that the Republican leadership here has to do something about it. We, as Democrats, are more than willing to join; but we cannot continue to have this situation where the number of uninsured continues to rise under President Bush and the Republican party's watch.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, this week as the other body takes up the President's request for the $87 billion in supplemental appropriations for Iraq, we must do more for our troops and their families who are under increasing duress.

Specifically, Congress should grant a $1,500 bonus to all who served in Iraq and Afghanistan.

Not since Vietnam have such a large number of troops had such long deployments. The pressure this puts on our troops and their families is tremendous.

This summer, the Department of Defense increased deployments for troops serving in Iraq and Afghanistan to 1 year, and not until last week, did the Department of Defense offer these troops who are living under highly primitive and stressful conditions a 2-week leave for rest and recuperation.

Tragically, this month our U.S. causalities in Iraq surpassed the number of those killed in the first Gulf War. We have now lost more than 308 servicemen and women.

Recognizing the increasing gravity of U.S. military involvement abroad, I have introduced H.R. 3051, to qualify all active-duty military personnel deployed for any length of time in Iraq and Afghanistan for a $1,500 bonus. This $1,500 bonus proposal should be part of the supplemental appropriations bill. Although, as Members of Congress, we may have different ideas about U.S. policy in Iraq, we can all agree our servicemen and women deserve our sincere recognition for their courageous efforts. Fifteen hundred dollars will not only help boost morale, but will send a strong bipartisan message to our troops that Congress is unified behind them.

The Bush administration is actively lobbying Members of Congress to approve the $21 billion in direct grants to support the infrastructure development in Iraq in this $87 billion supplemental appropriations.

First of all, I see no reason why we cannot separate out these two items. The $66 billion for defense, which we all support, should be made a separate bill. And the $21 billion they want for reconstruction in Iraq should be placed in a separate bill, so we can have a debate on it. And then we should require Iraqi oil to be used as collateral for international loans to finance Iraqi infrastructure projects. And we should also ensure Iraq reconstruction contracts are competitively bid.

Either way, U.S. citizens should not be expected to support Iraqi development while many Americans face shortfalls in funding for health care, prescription drug coverage, school and road construction, and other critical infrastructure improvements.

Even to come up with this $87 billion for the supplemental appropriations for Iraq, the U.S. must borrow the money base we are so far in debt thanks to the policies of this administration. We do not have the money. We have to borrow it. Yes, Congress must continue to work to help, but not at the expense of the Americans here at home and our troops abroad.

Some of my colleagues tonight have talked about waste, fraud and abuse; and I think it is shameful when we look at the waste, fraud and abuse being put forth by this administration when we look at reconstruction for Iraq.

Just take a look at some of these numbers they have provided us:

There is $4 million to develop a set of telephone numbers and $150 million for a national 911. In my district if you want 911, the local taxpayers have to do it.

How about $100 million to build seven planned communities? Each community to have 3,258 houses.

Ten million dollars to finance 100 prison-building experts. We have to pay prison-building experts $10 million to tell them how to do it in Iraq?

How about $100 million for 2,000 garbage trucks?

And then they want $20 million for Afghan consultants, whatever those are.

And we have $850 million for health facility construction and medical equipment replacement. What about health care in this country?

How about $900 million to import petroleum products such as kerosene and diesel? Remember, Iraq has the world's second largest oil reserves, and we have to import oil products to them?

The health care provisions alone provide a striking comparison between taxpayers' support of Iraqis health care and Americans' support for health care.

You only need to look at the numbers. In Iraq, currently 13 million people receive basic access to health care, half the country. One hundred percent of the population has maternity care. Every Baghdad hospital and clinic is operating. In Detroit, we just had to close down two hospitals because we did not have any money.

There are 7,500 tons of medicine distributed to hospitals and clinics, and there are 128 generators and power supplies being installed in Iraq.

Let us go to the United States. Not one new dollar has been spent on 42 million uninsured Americans.

There has been no increase for the Maternal and Child Health Block Grant or the National Health Service Corps; no increase for the childhood immunization program; Congress has underfunded HIV prevention and care, and failed to address the Nation's nursing shortage.

We have no control over runaway healthcare costs and can no longer afford prescription drug coverage.

Instead of again dipping into the pockets of working Americans and risking veterans' benefits for our troops when they return home, I support proposals to suspend the tax cuts for the top 1 percent of income earners to pay for the Bush administration's $87 billion supplemental. And I urge Congress to consider my bill, H.R. 3051, to include support for our troops in this supplemental aid package to Iraq.

Again, my bill provides a $1,500 bonus to military personnel who serve under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or Reserves in a combat zone in Iraq and Afghanistan.

In the coming year an estimated 150,000 young men and women will not see their families, a record number of reservists and guardsmen and women will put their private sector opportunities and jobs on hold, and thousands of children from every part of America will pray for their parents' safe return.

These extraordinary times, deserve an exemplary measure. I urge you to support my bill, H.R. 3051, to provide for our troops in Iraq and Afghanistan, and to make it a part of the supplemental appropriations bill.

Give our troops the $1,500 bonus they deserve.

NATIONAL SICKLE CELL AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise in recognition of National Sickle Cell Awareness Month. This inherited, debilitating blood disorder affects more than 2.5 million Americans, most of them of African heritage. In fact, it is the most common genetic disease in the United States. In my home State of Illinois, there are more than 3,000 African Americans who live with sickle cell disease every day.

Many adults with SCD have severe physical problems, such as acute lung complications, that may result in death. Moreover, there is an estimated 70,000 or more Americans who have SCD.

☐ 2015

The average lifespan for an adult with sickle cell disease is the mid-40s. With proper treatment, many people with sickle cell anemia can lead productive lives and enjoy reasonably good health into their 40s and beyond.

Sickle cell anemia can lead to a host of complications, including stroke, acute chest syndrome, organ damage, blindness and ulcers appearing on the lower legs. Sickle cells can also block blood vessels, which nourish the skin, causing cells to die.

There are a number of treatments and prescriptions designed for this disorder, causing a 40 percent reduction in death. While bone marrow transplantation is a curative therapy for SCD, this therapy is used in only a minority of patients, predominantly because of the high risk of the procedure and difficulty in finding suitable donors. This surgery is painful, yet also traumatic.

Unfortunately, this procedure is expensive. Many insurance carriers do not cover this expense; and sadly to say, many African Americans are less likely to donate bone marrow.

Sickle cell patients and their families may need help in handling the economic and psychological stresses of coping with this serious chronic disease. Sickle cell centers and clinics can provide information and counseling on how to handle these problems.

People who are planning to become parents should know whether they are carriers of the sickle cell gene; and if they are, they may want to seek genetic counseling. The counselor can tell prospective parents what the chances are that their child will have the sickle cell trait or sickle cell anemia.

There is no cure for sickle cell disease. However, H.R. 1736, the Sickle Cell Treatment Act of 2003, which I introduced along with the gentleman from North Carolina (Mr. BURR), moves us closer to a cure and improves the quality of life for those living with the disease. H.R. 1736 provides funding for sickle cell disease and related services, making it easier for doctors to treat SCD patients by increasing the availability of physician and laboratory services that are not currently reimbursed or under-reimbursed by Medicaid.

In addition, the bill creates 40 sickle cell disease treatment centers through a $10 million grant program for 5 years. Another key component of the bill is that it allows States to receive a fifty-fifty funding match for nonmedical expenses related to sickle cell disease treatment, such as genetic counseling, community outreach, education and other services. In addition, H.R. 1736 creates a national coordinating center, operated by the U.S. Department of Health and Human Services, to oversee the SCD funding and research conducted at hospitals, universities and community-based organizations in a coordinated effort to educate patients and help find a cure for the disease.

This legislation is about improving patient care and putting patients first. I hope that as we celebrate Sickle Cell Awareness Month that we will also find a cure for this terrible disease. I urge support for H.R. 1736.

AMERICA SHOULD RECEIVE THE SAME FUNDING AS IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, we are on the verge of considering $87 billion to be spent in Iraq and Afghanistan. This is the second payment on top of the first $70 billion that was requested by the administration, and Secretary Powell the other day noted this is a down payment for an additional request to come 6 months from now.

Back in April, I introduced a bill called the American Parity Act, which said whatever we invested in Iraq's health care, their education, their infrastructure, their armed forces, we ought to do here at home. Today, I am proud to announce we have 102 sponsors; but in his recent request, there is $6 billion for the Iraqi electric grid, and what does America get? They get the blackout. Not a single dollar invested in America's electric grid.

Iraq is being pledged, and thought of, $4 billion for water purification, a wetlands restoration project for Iraq, we finally found an environmental policy the administration can support, and all types of water projects in Iraq. Yet in the Great Lakes, where 40 million Americans get their daily drinking water, there is not a single dollar dedicated to deal with the drinking water in the recent environmental degradation of the Great Lakes along New York, Pennsylvania, Michigan, Ohio, Wisconsin, Illinois, Minnesota, and Indiana. We have a bipartisan bill to dedicate $4 billion over 5 years to restore and upgrade the environmental quality of the Great Lakes where drinking water is provided for 40 million Americans, equal to the amount we are pledging for 1 year in Iraq.

Just this week, we are talking about spending $4 billion for the Iraqi police. Yet the administration's budget cuts $1 billion for the 100.000 police program here in the United States.

So what I did is produce a T-shirt. It envisions and puts on the front the President's reconstruction budget for all of Iraq and Afghanistan, the two proposals. On the back are the cuts here at home in the respective areas of health care, education, veterans health care and veterans hospital, veterans benefits, but also the cuts in job training and job growth.

In the last 2 years, Americans have lost 3 million jobs, 45 million Americans are without health insurance, 25 million of that 45 work full-time but have no health insurance.

We have taken 4 million Americans out of the middle class and put them in poverty and nearly $1 trillion worth of corporate assets have been foreclosed on. That is the net result of the economic policies.

We have a vision for Iraq with an additional $20 billion of reconstruction dollars, of American taxpayer dollars being spent on their roads, their health care, their ports. Um Qsar, a great port in Iraq, is being redredged. Yet we have a 10 percent cut in the Army Corps of Engineers here in the United States, which all of us use to keep our economic vitality and job growth in our districts.

The same values that we hold for Iraq we must pledge for all Americans: The same goals we envision for Iraq's future we must envision for America. Unfortunately, we have had two priorities, two sets of values, two sets of books, one for Iraq, their children for tomorrow and one for America.

I do not think I will ever not support our efforts in Iraq, but I will not support the deconstruction of the United States, and somebody can be cynical enough to now see how the votes for Iraq's reconstruction can be compared to what we are doing here at home, a $90 billion cut in Medicaid, compared to the 13 million Iraqis who will get universal health care. Somebody could see that as wrong; opening up new universities in Iraq, while we cut $500 million from Pell grants here in the United States.

So I ask my colleagues on the other side as they consider on the eve, and I understand the pressure of being loyal to our President and loyal to an administration's goal, to think about what this means what we are doing here at home. Americans over the last 40 to 50 years have been very generous. They have funded the Marshall Plan, brought Europe back to its feet, helped build Japan after World War II. They have continually donated and helped other countries, but America will not be generous if the dream of a tomorrow for America is diminished compared to the dream we hold for the Iraqi people.

So as we are on the eve of debating the $87 billion, we need to support our troops; but we need to support our people here at home for their education, their jobs, their health care, their economic development of their communities and the safety of their communities. We should treat our veterans who come home with the same respect we are treating the forces in Iraq that we are trying to rebuild.

THE REAL STORY OF IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 60 minutes as the designee of the majority leader.

This recognition is without prejudice to the resumption of legislative business.

Mr. CHOCOLA. Madam Speaker, I rise tonight to talk about the vote that we as Members of Congress are going to be asked to make in the near future and that is a vote we have already heard about tonight and that is the $87 billion appropriation to support our men and women in uniform and the citizens of Iraq.

This is a lot of money, there is no question. And there is much commentary and maybe even some people would say much rhetoric revolving around this issue, but as we decide how to vote as Members of Congress and the American people develop an opinion on how they feel about their tax dollars being invested in this manner, I think it is imperative that we understand the real story of Iraq. I think it is imperative that we get beyond the rhetoric and the politics because this issue is way too important and has implications for generations to come, what the answer to the question about supporting the men and women in uniform and the citizens of Iraq with $87 billion is going to be.

I think we have to rely on facts, and the only way that we can understand the facts and discover the facts is to go seek them out for ourselves. That is why I went to Iraq not too long ago. I returned about 3 weeks ago, and I commend other Members of Congress that have taken the time and taken the effort to go find out for themselves what the real story of Iraq is.

I have to admit, when I went, I went with apprehension, and I did not go with apprehension because I was concerned about my personal safety. I went with apprehension because I was concerned that I would find the story of hopelessness, of pessimism because I had read the papers and I had watched the television, and it did not look like a pretty picture; but when I returned home, I had great optimism and I had great hope because what we see on TV and what we read in the papers is not the real story of Iraq and is not representative of what is actually happening on a day-to-day basis in that country.

When we landed, I really could not believe I was in the same country that I had seen on TV and read about in the papers. This was not a country in chaos. This was not a country where one felt unsafe and in fear for their personal safety. It was a country that was recovering from a scar of over 30 years of a brutal regime that its people had to live under. Sure, there are challenges that we are going to face and there are tragedies that happened, but there is also great hope, and there is great optimism because there have already been great successes.

The problem is the good news is not news. When a torture chamber that used to house Saddam Hussein's political prisoners gets turned into a police academy where tens of thousands of Iraqi police have been trained to protect their citizens and protect their country, no cameras show up, no reporters show up. When a school reopens, in fact when 1,000 new schools have been built in Iraq, there is not one reporter; and there was not one camera. When the power comes back on, when businesses can operate on a consistent basis, when restaurants can open, there are no reporters and there are no cameras. When the crop is harvested, thousands of acres of wheat, again, there are no reporters and no cameras, and businesses are opening every single day; but again, it goes unreported. But when there is one tragedy, certainly every camera and every reporter in the country is covering that story.

But for those that have visited Iraq, those that have actually taken the time and the effort to go, it cannot go unnoticed because a success is so clear and so obvious and so exciting and inspirational that we come back and we tell our stories. This is not a partisan issue. This is a situation where Republicans and Democrats have come back and told the real story of Iraq with great hope and great optimism.

What we hear tonight, and I am sure we will hear in the future, is a lot of comments from people who have not been to Iraq, people who do not know the real story and are engaging in rhetoric and politics; and I think that is a great, grave danger, not only to our citizens but for all of our children and our grandchildren for generations to come.

We come back and we share stories of why we feel the way we do, and that is what we are here to do tonight. I am here with several other Members that have traveled to Iraq, and we are going to share our stories about why we share so much hope and so much optimism; and I would like to share just one story before I turn it over to some of my fellow Members.

I was in Iraq for 3 days, and I would just like to share one day, to give my colleagues a sense of what the experience was like.

□ 2030

The group I was with, we flew into Mosul, a town in the northern part of Iraq. When we got out of the plane, it was shocking, because most Americans think that Iraq is very much a desert country, all sand. This looked like northern Michigan. There were hills. There were trees. It was a lush green area.

As we got out of the plane, I noticed new construction, a building that was being built right next to where the troops are; and I asked, what is that? One of the local troops said, well, that is a local Iraqi entrepreneur. He is building a coffee shop for the troops to serve their needs. So here is a local Iraqi entrepreneur that is putting his own money into serving our troops and engaging in commerce. Does not sounds like a country in chaos to me.

We went in and got a briefing. We got a briefing of all the successes that have already happened in the northern part of Iraq in the Mosul area. This is the briefing that we got.

Now we hear a lot of people say there is no plan for reconstruction, that there was never any thought to how we were going to win the peace. This is a plan that is not only about what we are going to do, but more importantly what has already happened. In this plan are discussions of the schools that have been rebuilt, the transportation projects, the employment projects, the water projects, and the banking. There is a chart of the local elections that have already taken place. Over 200 local elections have already taken place in Iraq, with representative governments in place which represent all of the ethnic groups in their localities.

So we had this briefing of the tremendous successes, and then we went into the town of Mosul. During that trip into town we were not in an armored vehicle, we had no bulletproof vests on, and we were in the center of town with the people of Mosul. What we saw was commerce. We saw restaurants. We saw children. We saw everything portraying the normalcy of life and never once felt threatened for our safety or worried that anything was going to happen, which is what we see represented on the nightly TV.

After our trip downtown, we went back to the airport and we met with some of the locally elected officials. We met with the vice mayor of Mosul. This was a very impressive gentleman. With him were other locally elected officials. They represented the local ethnic representation. There were men, and there were women. There was never an opportunity under Saddam Hussein's regime to have an opportunity to have local representative government.

Shortly thereafter, we left and we went to Tikrit, Saddam's hometown. We flew in helicopters for about an hour; and we basically followed the Tigress River down to Tikrit, which is a little further south. From horizon to horizon on each side of the river all we saw was wheat. All we saw was fertile farmland. In fact, if Iraq had had the opportunity to have modern practices and techniques of agriculture and production, they have enough potential basically to feed the entire Middle East.

The most amazing thing to me was that it had been harvested, and it had been harvested just a couple of weeks ago. A country in chaos, a country that has no potential could never harvest hundreds of thousands of acres of wheat and store it effectively and use it for the benefit of their people.

As we approached Tikrit, Saddam's hometown, it was a stark picture. In the middle of town is Saddam's palace, 144 buildings in the palace compound. Now these are not small little garages. These are all villas and palaces. And on one side of two 10-foot walls that had barbed wire or guard stations every so often was basically obscene opulence that Saddam had built this palace for himself and his family. On the other sides of the wall was obscene poverty and pestilence.

I think that represented exactly how he ran his country. He would spend all of the country's resources, the riches that it has, and it has many riches in the form of oil and water and agriculture, he spent all of those riches on himself, on his family, on his palaces and on his weapons. He did not spend any money on the people of Iraq. He did not spend any money on upgrading their power supply or helping their infrastructure. I think that that was a very stark picture. It had been described as Las Vegas without the neon.

As we landed there we had the great opportunity, and this was the highlight really of the trip that I was on, at every meal we had the opportunity to visit and have a meal with the troops. That night we had dinner, and there was a very poignant moment, I thought. Every time we had a meal I would ask the troops, what do you want me to tell people when I go back home about your stay here?

There was a young woman soldier that looked at me and she said, you know what I want people to know is that I am here serving in harm's way in Iraq for the protection of my family and my country back home. Because she said, see, if we are successful here in Iraq, Iraq will become the model of democracy in the Middle East. It will help bring stability to a region that has not seen stability in hundreds if not thousands of years. If we are not successful, Iraq will become the home of terrorists and murderers and radicals who export violence and murder all over the world; and that will put my family and my country at much greater risk.

I have to say I was very impressed with her observations, and I think that she really put this whole discussion into context. The $87 billion the President is asking for is a lot of money. But when we think about the consequences of failure, we have no choice but to succeed. If we succeed, we can help bring stability to a region by helping a democratic, secular, free government emerge.

Iraq has every ingredient for success and every opportunity to help its people have a bright future. Because the tools of the recruiters of the terrorists is hopelessness and oppression. The people that are causing problems, their worst nightmare is that we are successful, because it will take away every argument they have. It will change their world. If we are successful, it will change our world as well because we will live in a much more stable world, where people are not strapping bombs onto their backs because they see no hope in life.

If we can help the Iraqi people form a free and democratic government that brings hope, that brings economic prosperity, I think that is the best investment we can make as an American people. We have a history of generosity in this country, and I do not think it is time to stop that history. We recognize that $87 billion is a lot of money, but when we consider that September 11 cost us $2 trillion, I think it is a wise investment.

Madam Speaker, I want to yield to the gentleman from Texas (Mr. BURGESS), who was on the trip with me; and I know that he has some very inspirational stories to tell as well.

Mr. BURGESS. Madam Speaker, I thank my friend from Indiana for yielding to me.

So much of what I experienced, of course, when I got back, was similar to what the gentleman just related. I can remember sitting down to watch the national evening news back in Texas and turning on the television and hearing a news anchor that everyone is familiar with. His lead story was Iraq, and he started talking again about the hopelessness and the quagmire and we are just barely holding on and it looks like an operation gone terribly wrong. And I had to ask myself, did I get off the wrong plane? Did I perhaps land in a parallel dimension? Because I did not recognize the country that he was talking about. I did not recognize the country that I had just left hours before.

I think General James Conway in Babylon, the ancient city of Babylon, stationed there with the First Marine Expeditionary Force, they were one of the first groups into Iraq, his description of what is going on in that country is what stuck with me. He described Iraq as a vivid success story. He also went on to say that Iraqis are not concerned that we are going to stay too long. Madam Speaker, they are most concerned that we are going to leave too soon. Apparently, that has happened to them before.

Just as my friend from Indiana pointed out about how normal life was in Mosul, even that first day, flying over the city of Baghdad, the markets were full. There were cars on the road. Indeed, there were traffic jams on the road. There were satellite dishes on the rooftops of the apartments and the houses. I do not know the number, but probably 25 to 30 percent of the residences had satellite dishes on the rooftops. And bear in mind, Madam Speaker, that merely 6 months ago possession of a satellite antenna was punishable by 1 year in one of Saddam's prisons. Kind of a daunting prospect.

The schools were open. Agriculture, as my friend from Indiana pointed out, was flourishing. And, indeed, flying over those wheat fields north of Tikrit, where the harvest had just happened at the end of August, it was nothing short of startling. It looked like Kansas below us. Albeit the Kansas of 150 years ago, but it looked like Kansas.

From a military standpoint, the combat phase of Operation Iraqi Freedom was prosecuted brilliantly. There is no remaining strategic threat. Stabilization is the current goal of our offensive operation: to find, contain, and kill those who would harm our troops or innocent Iraqi citizens. And, of course, 80 percent of the engagements are within the so-called Sunni triangle.

The police force in Baghdad is nothing short of a miraculous transformation. This is a police force that has gone from a mission statement that included brutality and contempt and corruption to one that emphasizes proper police procedure in a free and democratic society. Bernard Kerik, the police commissioner from New York City who gave so many of us comfort 2 years ago after the attack of 9/11, was working in Iraq when we were there. I believe he has returned to this country now, but he has been nothing short of a miracle worker there in Baghdad. He has gone from 0 to 35 precincts in 14 weeks time. That is 14 weeks time he has gone from 0 to 37,000 Iraqi policemen in uniform and expects to have 65,000 by next May.

In health care, we have to put it in the context of no significant expenditure in health care for almost 30 years. In fact, Lieutenant Colonel Michael Keller, a good Texas boy from Hale Center, Texas, a registered nurse who is with the 385th Civil Affairs Brigade, Lieutenant Colonel Keller told me he visited the medical school library in Baghdad and could not find a textbook that had a copyright date later than 1984. Does anyone suppose there have been any improvements in the practice of medicine in the last 19 years?

Pharmaceutical agents that were manufactured in Iraq were useless. The bioavailability of those compounds was so variable that even Iraqi physicians were frightened to use them. But Saddam had the edict, if it is made in Iraq, it is good for Iraqis. In fact, we relied heavily on donations from the Kuwaitis after the fall of the Saddam government. Again, to put it in perspective, Saddam's per capita medical expenditure was 50 cents a person per year. Currently, that is up to about $45 per person per year, but they have a long way to go.

My friend from Indiana did an excellent job of describing the opulence of the palaces that were provided for the ruling class in that country. No dollar was left unspent. The architecture of those palaces was truly horrible, but the site planners and the landscape architects had a good deal of skill. Because when Saddam stood in those palaces in Tikrit, he did not have to see the poverty on the other sides of the wall that was described.

But, Madam Speaker, what was most searing to me was to put the opulence of those palaces next to the poverty of the hospitals; hospitals that could not even afford linoleum for their floors; hospitals that could not afford to have medical gases piped into their neonatal intensive care unit. Do you suppose a premature baby is ever going to need oxygen? Unfortunately, at the Al Yarmouk Hospital, if a neonatal intensive care case needed oxygen, they would have to find a cylinder, if they could.

Finally, if I could, let me just reiterate what happened within the first 90 days after the fall of the Saddam regime. Schools completed their academic year and conducted testing. Over 90 percent of the major cities and towns have functioning town councils. Over 60,000 Iraqis are contributing to their own security. Not in the police force, this is an additional 60,000 that are in their military and are serving as border guards. The prisons are on the verge of reopening. The judicial additional system is up and functioning. Food distribution, with some minor glitches, food distribution was not interrupted at the conclusion of the combat phase. Indeed, no humanitarian crisis grew as a result of the major combat phase. Hospitals, although below standards, remained opened and functional. Four and a quarter million children were immunized between May and the end of August.

I point these things out because General Sanchez told us that all of these things happened within 90 days. Contrast that with Kosovo, where none of those things were in place a year after the combat phase ended.

☐ 2045

Madam Speaker, let me go back for a minute to the issue of no humanitarian crisis occurred in Iraq. What if there had been 15,000 heat-related deaths in the country of Iraq this summer? Would we have taken some negative press for that? Well, no, that humanitarian crisis was in France, not in Iraq; and I do not really recall reading a whole lot about it in this country.

Suffice it to say, we are not getting an accurate story or picture on what is going on on the ground in Iraq. The only time I remember seeing any reporters at all was when we were at the Al Rasheed Hotel in Baghdad. They are not going to find the stories that they need to be telling in the lobby of the Al Rasheed Hotel.

Mr. CHOCOLA. Madam Speaker, I thank the gentleman for his comments.

I would like to ask a question regarding General Sanchez and the outline of the successes which have been achieved, but when I got back home, I heard people say there is no plan to help rebuild Iraq. I am curious after visiting with General Sanchez and the briefings we were given about the plans in place, the successes which have already been achieved, is there a plan to help rebuild Iraq?

Mr. BURGESS. I do not believe this degree of success was achieved in the absence of a plan. Of course they have a plan in place, and of course they are executing it brilliantly.

The Coalition Provisional Authority in Baghdad, as General Sanchez pointed out to us, they will be developing the pre-constitutional convention, then convening the constitutional convention, writing the constitution and having elections.

They outlined a timeline for us of 18 months, give or take 6 months; so 1 to 2 years time. That information was given to us the last week of August. We have only recently seen those reports in the newspapers here in this country, but the story was clearly out there and available.

General Raymond Odierno in the city of Tikrit, clearly that man has a master plan, and that plan is to find, contain, and kill those elements within the city of Tikrit who mean harm to our troops and Iraqi citizens. I believe the gentleman from Indiana and I sat in the same briefing where he described how he isolated a whole peninsula of individuals who mean harm to our troops and innocent Iraqi citizens and with overwhelming force took that area out in a very brief period of time.

I think we have a workable plan and I think we have a winnable plan for winning the peace. Again, it is at this point so critical that we not lose heart, that we not lose faith and that we adequately fund what is required to bring that country to some measure of peace and stability.

No question about it, lack of fuel and lack of electricity are radical issues. In Mosul, it was pointed out to us that dollars are ammunition; and right now we cannot afford to starve them of ammunition.

Mr. CHOCOLA. Madam Speaker, I thank the gentleman from Texas (Mr. BURGESS); and I agree 100 percent there appears to be a solid plan in place for success which has been executed to a great extent.

The amazing thing is I have not heard any Member that has been to Iraq who disagrees with the gentleman. The only people that disagree are the people who have not taken the time and taken the effort to understand what the plan is. It sounds more like politics than planning to me. As we make this decision, it is so important that we understand the real story of Iraq and we base our opinions on facts.

Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) to share the story of Iraq.

Mr. SHUSTER. Madam Speaker, I thank the gentleman for yielding me this time and for putting this Special Order together.

Tonight we need to shine light on the facts, on the truth of what is really happening in Iraq today. It is not the real story. It is not the whole story. We are getting bits and pieces, and we know that it is still a dangerous place, and they are killing American soldiers, and that is something that we ought to be concerned about.

But, as we have talked about here tonight, there are positive things happening in Iraq. There are things moving forward. The Iraqi people are grateful that we have come to Iraq to liberate them.

As May 1 came about and we ended major combat operations over there, I, as most Americans did, would listen to the nightly news and hear stories of death and chaos and mismanagement. And then every week we would come to Washington and get a briefing, and the story was different. So I decided in May that I had to go over there and see for myself what was occurring in Iraq and see with my own eyes because I was hearing the administration tell us what they said was happening, and then of course the national media would tell a different story.

The good news is, as we have heard here tonight, when we traveled to Iraq, we did see positive things, and I was struck with three things.

First, I wanted to go over and see what the situation with our troops was. I heard morale was low, the troops were unhappy. Much to my surprise when we arrived and had the lunches and dinners that the gentleman spoke about, which were a highlight of the trip and we were able to gain much information from them, I found out that the morale was good, it was high. When we think about the dangerous situation they were in, 130 degrees plus, living in tents, sand, dealing with all those elements, these young men and women had high morale. These young warriors talked about how they were proud to be over there liberating the Iraqi people and protecting America and our freedoms and freedom for people around the world.

One of the things that I did when I came back, I was asked by several soldiers to call their families, and I did that. I can tell Members, as impressed as I was with the soldiers I met, it was inspirational to hear the parents and the wives when I called them, to hear them talk about how proud they were and how much support they were giving their son, daughter, husband or wife. It was really inspirational to me. They said not only were they supportive and proud of what they were doing, we were doing the right thing in Iraq.

I think it is imperative for the American people to hear the whole story so we have that support for our troops, we have that support for the effort we are undertaking over there, and that our Commander in Chief has that support. Because, without that support, we will not succeed. We have to have the American people strongly behind this effort, and that is the only way we will see success, if the American people support this effort.

The second thing that I saw while I was over there, and, as I mentioned, the national media would feed us a steady diet of death and destruction in Iraq and that picture was not the case as we talked here tonight about the many, many things that we saw in Iraq. For instance, the hospitals, they were not hospitals like we see here in America, but they were functioning hospitals. And many if not most of the major hospitals in Iraq are up and running today. The schools and universities are operating. Secondary schools are ready to take the kids on in the fall so they can begin that process, to continue to educate the young people of Iraq.

We talked about the security, the 56,000 trained Iraqis that are out there and walking the streets of Baghdad and Mosul protecting the borders. That was something to behold. We traveled to the headquarters and the training for the Iraqi police force; and we met Ali Kazon, who is now the head of the Iraqi police force. He told us the story how in 1979 he was head of the police academy, and when Saddam Hussein took over, he spoke out against Saddam, and he was imprisoned and almost on a daily basis for a year he was tortured. And now 20 some years later, he is back and ready to take up his role to build a stable and democratic Iraq.

We were told the story just 4 weeks before we arrived in Iraq there was an assassination attempt on a gentleman's life. He was shot in the leg. He was bandaged up, and 2 days later he was back on the streets going after the guys who tried to assassinate him.

And just 2 weeks after we left Iraq, there was a bombing at police headquarters, and it was another attempt on Ali Kazon's life. We were told that this man is somebody that the Baathists, the terrorists, want to eliminate because he will be a force for good in a free and stable Iraq.

He told us what he told his soldiers or his police as he recruited them. He talked about we do not know the Americans, they do not know us, but they came here and died to free us, so every day when we take to the streets of Iraq we need to honor the Americans for what they have done for us, giving us our freedom.

Madam Speaker, it truly was inspirational to meet someone at the founding of a nation. As we talked about, most of the major cities and most towns and villages had elected municipal councils, and this occurred just 2 weeks after major combat had ended in Iraq. Today, as I said, every major city and most towns and villages are directing local matters themselves. Iraqis are doing that work.

The third thing that we saw and something that surprised me, although I do not know that I should have been surprised, as someone who has studied history all my life, but we focus on Iraq, and it is all about the oil and they certainly have tremendous oil reserves, and that is going to provide the Iraqi people the wealth to rebuild their country and have a stable Iraq in the future. But, as the gentleman from Indiana talked about, the agriculture was surprising. I thought Iraq was a desert, but it is not. It is brown, and I think a lot of that is because of the heat, but they have vast wheat fields. Also, the water resources that Iraq has, not only do they have the Tigris and the Euphrates Rivers, but they have miles of canals. They are able to irrigate much of the Iraqi countryside.

In the south, with a pick and shovel, they can dig down 10–12 feet and hit water because the water table is very shallow. In the north, as we flew over vast wheat fields, they were literally digging water wells horizontally, going in at an angle down 20–40 feet before they would hit water. So Iraq has oil and the ability to feed itself and the Middle East, and they have tremendous water resources that any successful nation needs to feed its people and take care of its people.

Finally, the Iraqi people themselves are a robust people; and proof of that is they have spent 30 years living under a Stalinist tyranny, living under terrible circumstances, but they have survived. Almost half the population is literate, so with the resources they have, with the personality of the people, what we are doing for them over there, giving them the opportunity to live free and to create a democracy, we are giving them hope. That is what any nation needs. Giving the people hope is going to take them off that path of strapping on a bomb to themselves and killing themselves.

We need to make sure that we are putting enough money into this situation. We talked about the $87 billion. It is a lot of money when we look at it as $87 billion, but when we look at the losses that America suffered after 9/11 and the losses we could face in the future if we are not able to help build a stable and democratic Iraq, this is something we must do. We cannot fail in this endeavor. We need to move forward swiftly to make sure that the Iraqi people can build that stable, democratic country.

□ 2100

Mr. CHOCOLA. I thank the gentleman for his comments. As you mentioned, one of the highlights of this experience was the opportunity to share a meal with the fine men and women in uniform. We can sit here, and we can say how proud we are of them, but until you are actually there with them and seeing the tremendous work that they are doing, I do not know that we can appreciate their efforts and their competence.

During one of the meals, again I always ask, what do you want me to share with people when I go back home? We were in Babylon in this historic city where Saddam had built another palace to himself. A young soldier who had been very quiet during the meal, he looked up and he said, what I want the people at home to know is that the Iraqis that are shooting at us and setting off bombs, those aren't the Iraqi people I know. The Iraqi people I know are very appreciative that we are here. They thank me every day. I go out in the marketplace, and I don't feel threatened. That's what I want the people at home to know, is that the Iraqi people very much appreciate our efforts.

Then later, right after that meal, you will remember we went to a mass grave site. That was probably one of the most moving experiences that I had during the trip, where we visited this mass grave site where up to 15,000 people had been murdered, many of them buried alive. They told us about how that grave site was discovered and the conditions. Do you remember that? Do you want to share that story?

Mr. SHUSTER. Absolutely. That was one of the best stories that I have taken away from Iraq. Not only did we see firsthand the commitment and the bravery, the courage of our young men and women, but the decency of the American soldier. The story we were told was that when they found the mass grave site, the Iraqi people as they do to celebrate or in anger when they come together is they shoot their weapons off into the air. It is very dangerous because when you shoot a bullet up, it has to come down, and when you have several hundred people doing that, there were people being killed. The Marines told these folks that were going up to the mass grave site that they could not celebrate in that way. They were not allowed to shoot guns off into the air, so it was a very heated exchange. The Iraqis were angry because they could not do what they typically do.

So they went to the mass grave site, they collected the remains of many of their family members, and as they came back into the village, they came face to face with a patrol of Marines. It was a tense moment. Without somebody from high up, some bureaucrat in Washington or some general in the Pentagon or some general in the field, a young sergeant decided the best thing to do was to order his men to stand aside, take their helmets off and bow their heads to pay respect to the families, to the people that had perished and to honor them as they passed.

I truly look at that, when I think about the American soldier and we think of, as I said earlier, how courageous they are, truly, how compassionate they are. That is a demonstration of that. It is really a touching story. It makes me very, very proud to be an American, to know that we not only train fierce warriors, but compassionate soldiers, compassionate people.

Mr. CHOCOLA. Again, I thank the gentleman. I think you are right. I think that the secret to our success in Iraq is not just going to be firepower or dollars, it is going to be the content of the character of the men and women in uniform, and, certainly, we saw that they have tremendous character. They represent American ideals and values better than we could ever imagine. I think we certainly owe them a debt of gratitude for their efforts.

Mr. SHUSTER. I think it was General Sanchez that said to us that the way for us to succeed, to win this, to finally win this, is not going to be militarily, it is going to be through the hearts and minds of the Iraqi people, helping them to rebuild a country and giving them back their country.

As you mentioned earlier, the thing we do not hear about in the media, they say that there is no plan. As you mentioned and showed, one of the plans as I recall, we met with General Sanchez who is the head of operations in the Iraqi theater. Then we met with four of the five division generals, commanders in Iraq. Every time we sat down for a briefing with any one of them, they gave us a similar plan.

Even General Dempsey, who controls Baghdad, that is his area of control, he talked about when we were there at the end of August, they were already starting to make plans and starting to move toward taking our control, our base out of the center of Baghdad and moving it to the four corners of Baghdad. That was a month ago. I have not heard about that. I have not heard about it in the national media. I have heard about it in our briefings, that General Dempsey is starting to make those moves, so that we are looking into Baghdad, not looking out. They believe that that is going to be a better way for us to help the Iraqi people, so we are not sitting in the middle and the Iraqi people then can take control of the security of Baghdad.

So there is a plan. We know that, and we have seen that. That is why it is so important tonight for us here and to go back to our districts and talk about these plans, to talk about what we saw. I would encourage every Member of the House of Representatives, all 435 Members, to get on a plane, go to Iraq, see what is over there, because I think as you have pointed out tonight, they come back and tell a different story, or a full story of what is going on in Iraq. I would encourage all of the Members of the House to travel there and see it firsthand.

Mr. CHOCOLA. Again, I thank the gentleman. I share in his encouragement for all Members possible to go there and see for themselves what is happening and share those stories.

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mrs. JOHNSON of Connecticut (during special order of Mr. CHOCOLA). Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 10, after line 16, insert:

SEC. 402. EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 548) are each amended by striking "September 30, 2003" and insert "March 31, 2004".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(a) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implementation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION OF REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

Mrs. JOHNSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Connecticut?

Mr. CARDIN. Madam Speaker, reserving the right to object, I do not intend to object, but under my reservation, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman from Maryland for yielding. Madam Speaker, I rise to express my grave concern with the potential termination of the successful Welfare Waiver Program in my State of Oregon because of Federal action or inaction. Today we are moving forward again on legislation to extend the Temporary Assistance for Needy Families, or TANF, Program through a period of time until we can do the full reauthorization. Also today in Oregon, a successful State-designed welfare-to-work program which has provided a gateway from welfare to work for thousands of Oregonians may expire through our action or inaction.

My State of Oregon currently operates its welfare program under a Federal waiver. In Oregon, the program is known as the Oregon option and in the last 6 years, it has seen caseload reduction rates above the national average. Our innovative program allows Oregon the flexibility to consider individuals on a case-by-case basis. Some folks simply need a little job training or job search skills and then they are ready to transition back into the workforce. Others need more extensive drug and alcohol treatments or basic education before they are able to hold down a job. This combination of rehabilitative services to the most needy and more education and job training activities for others has proved to be a great success. For 18 months, I have sought to protect and extend the successful State innovation. My friends and colleagues have acknowledged the success of the Oregon program and the importance of preserving individual State innovation. However, with the passage of today's extension, we find ourselves punishing, rather than rewarding, innovation.

I ask the gentlewoman from Connecticut to assist the citizens of Oregon and the Nation in this matter, and I am seeking it here tonight.

Mr. CARDIN. Madam Speaker, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding. I certainly appreciate my colleague from Oregon's concern with his State's inventive approach and successful program in support of women on welfare, individuals on welfare seeking the independence of returning to the workforce. I am pleased that the next round of welfare reform will allow a great deal more flexibility in State programs.

As the gentleman is aware, a number of State waiver programs have expired in recent years. In June 2003, Oregon Senators were informed by Secretary Thompson that, despite the expiration of Oregon's waiver that month, Oregon was not in danger of failing to satisfy work rate requirements in the future. The reason is because Oregon's caseload reduction credits totally wipe out any effective work rate requirement in the State.

Here is how Secretary Thompson put it:

"Oregon is not in violation and, based on Oregon's history, is not expected to be in violation, and, therefore, Oregon will not be subject to penalties for the next 3 months or until reauthorization. Even without its waiver, Oregon's program would have met its all-family work participation requirement in 2002 because it effectively had no participation requirement. Should reauthorization not occur prior to the end of the fiscal year and current law be extended again, I would remain confident, based on the facts that I have before me, that Oregon could continue to operate its program without becoming subject to participation rate penalties."

As the gentleman knows, the House-passed welfare reauthorization bill, H.R. 4, includes provisions that would allow States to apply for new waivers of the TANF program. That reflects additional flexibility for States and is a positive step. I will fight in conference for enhanced waiver authority for States in conference with the Senate.

Mr. WU. If the gentleman will yield further, I would make inquiry of the gentlewoman from Connecticut, I would like to make two inquiries, and let me do them separately. Oregon has had a terrible unemployment situation. Out of the last 24 months, we have topped the Nation in unemployment 17 out of those 24 months. We have oscillated between 8.1 percent unemployment and 8.8 percent unemployment. I believe we are currently at a seasonally-adjusted 8.5 percent unemployment rate.

My first inquiry of the gentlewoman from Connecticut is that the factual predicate, upon which the Secretary's letter is written, is based on weighted averages of caseload reduction. Given the terrible situation that our State of Oregon is in, it may take some time for this Congress to reauthorize TANF. If it does take a substantial amount of time, there may come a time that, given our unemployment rate, our caseload reduction may no longer be able to meet some of the current statutory requirements. Is it the gentlewoman's intention to work on a bipartisan basis to encourage the Secretary and the administration to continue to extend those State waivers which are being informally extended currently by the Secretary?

Mrs. JOHNSON of Connecticut. It is simply my belief that within the time frame of this extension, we will be able to permanently reauthorize the welfare program and add to it the more flexible provisions that are in the underlying bill with some interest that the Senate has expressed in additional waivers.

Mr. CARDIN. Madam Speaker, under my reservation, let me just compliment the gentleman from Oregon for raising this issue. There are States that have operated under waiver authority that has expired. I can assure you, although we have not been able to work out a bipartisan bill, there is bipartisan agreement to maintain the flexibility of the States under the waiver authority. I know that there are efforts to extend it and expand it, but at least there is agreement that we want to maintain at least where the States are today in their ability to use authority to tailor programs for their individual State needs. That is a bipartisan understanding, and I believe, also, there is a lot of support in the other body.

I thank the gentleman for raising these issues, because I think they are very important as we move forward in the debate, not only to Oregon but to other States. I know the gentleman is fighting very hard for his own State. We appreciate that very much. We certainly do not want to see a diminished ability of your State to perform its services.

Mr. WU. I thank the gentleman from Maryland. I will take the gentlewoman's response as we certainly aspire to extend this to the full reauthorization within the limits of this extension, but that on a best efforts basis, should we not be able to do that within this period of time, which I believe is March of 2004, that we will endeavor together to continue on this informal basis to extend the waivers under which Oregon and other States have operated.

Mrs. JOHNSON of Connecticut. It will certainly be an issue that we will discuss together before the expiration if we think reauthorization cannot be finalized.

□ 2115

Mr. WU. Madam Speaker, if I may make my second inquiry of the gentlewoman from Connecticut, I would like to inquire of the gentlewoman as to her intent to assist Oregon and other States with an extension specifically for States on welfare waivers in the TANF reauthorization bill as it is currently being considered before this Congress and this body and the other body.

Mr. CARDIN. Madam Speaker, before I yield to the gentlewoman from Connecticut, it has been the position at least of this body by its formal actions to expand the authority to what is known as a superwaiver. That is controversial, and I am not sure there is certainly not an agreement on a bipartisan basis for a superwaiver; however, the superwaiver sort of consumes the individual State waivers. It is certainly the position of the majority of this House on both sides of the aisle that the States have at least the waiver authorities that they had under the expiring TANF laws. I will be glad to yield to the gentlewoman from Connecticut, but I am not certain that there is an agreement right now as to individual State waivers as compared to broader authority. I can tell the position that I would like to see is individual States, but I understand there is no consensus yet on that issue.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, I agree with the gentleman from Maryland. There is a lot of interest in the States having flexibility to tailor their programs to their own specific needs, but exactly the structure of that authority is a matter of disagreement at this time; and we will look to see how the Senate resolves those issues and then in conference find an agreement that we think will meet the needs of the majority of the States.

Mr. CARDIN. Madam Speaker, I appreciate what the gentlewoman said. I think it is, in fairness to the gentleman from Oregon, certainly our desire to make sure the States maintain the type of authority Oregon has been able to use to create creative programs, and I really do thank the gentleman for bringing this to our attention. It is a very important issue to our States.

Mr. WU. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentleman from Oregon.

Mr. WU. Madam Speaker, I thank the gentleman for yielding.

I would like to inquire one more time of the gentlewoman from Connecticut as to her intention to work in this body in conference and with the Senate with respect to specific State waiver authority as we go forward with this reauthorization.

Mr. CARDIN. Madam Speaker, I think the gentlewoman has already answered that. Further reserving the right to object, I yield to the gentlewoman from Connecticut again if she wants to further clarify it.

Mrs. JOHNSON of Connecticut. Madam Speaker, I would indicate to the gentleman that the bill that passed the House has a very broad waiver of authority in it. There are some that think it is too broad and would like narrower waiver authority. We will see what the Senate has done, and then we will see if the conference committee can come to a conclusion about the structure of the waiver authority in the future. But there was a waiver authority in the last welfare bill. I think there is universal agreement that States need flexibility to structure their programs to meet the specific needs and circumstances of their own people, and so this will be a significant issue that will be addressed.

I cannot tell the gentleman at this point whether there will be precisely the narrow State waiver authority there is under current law, but I would also remind the gentleman that that waiver authority under current law has a defect. The waivers expire and are not reauthorizable. Under current law, they have to reapply for them. So under current law there is a problem about how do we move the successful waivered program into the mainstream, and I think that is an issue that the conference needs to resolve as well because my State also has a waiver that has expired as well as the same kind of unemployment rate, unfortunately, that Oregon has.

So there will be a number of people in conference concerned about this issue, but I certainly cannot assure the gentleman that there will be exactly the same kind of state-based waiver authority in the reauthorization that there has been in the past bill. There is a lot more interest amongst many in a broader waiver authority that encompasses a greater variety of bills so that they could better integrate broad services for people coming off welfare. So it is a long debate. We are not going to resolve it here, but I do appreciate the gentleman from Oregon bringing to this floor his concern about his State's rights to tailor its welfare program to meet the needs of its people. In the end that is really what makes a Federal program successful or not successful is that local control and local power, and I agree with the gentleman that that is terribly important to the quality of Federal programs and their success.

Mr. WU. Madam Speaker, will the gentleman yield?

Mr. CARDIN. Further reserving the right to object, I yield to the gentleman from Oregon.

Mr. WU. Madam Speaker, I thank the gentleman for yielding.

The language of this body is beautiful for its specificity and nonspecificity, and I fully appreciate that. I certainly do not expect a solution to the problems of this particular reauthorization this evening. I would like to simply note that under the plenary authority that Congress has over many issues, including this one, that it is within the ability of Congress in this bill to extend expired waivers, and I would just like to log that as a point of departure for States like Connecticut and Oregon, the waivers for which have expired; and if there is a will, there will be a way.

Mr. CARDIN. Madam Speaker, further reserving my right to object, just to respond to the gentleman, I agree completely with what he has said, and it has been the position of some of us to do the extension of individual States that had it prior to the expiration of the bill. There has been a consensus, as I have indicated before, to give States at least that flexibility; and the majority has decided to go beyond that with the superwaiver in this body. So the gentleman's point is very well stated, which I happen to personally agree with; and I appreciate his bringing it to our attention.

Mr. WU. Madam Speaker, I thank the gentleman and I thank the gentlewoman.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 24, 2003.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Oregon has been operating its Temporary Assistance for Needy Families (TANF) program under a waiver since 1996 and this waiver is due to expire at the end of this month. I thank you for raising with the Administration your concerns about your State's TANF program and its waiver, and I admire the tremendous efforts you have been making on Oregon's behalf to see that your State has the ability to operate the best TANF program it can. I believe that Oregon will be able to maintain its current program through the end of this fiscal year, and ask you to continue working with me to complete reauthorization legislation that will improve TANF for families across the nation.

The rigorous evaluation of your Portland program has documented some of the most impressive impacts on increased earnings, improved job quality and reductions in welfare dependency of any program that has ever been evaluated. This impressive record of accomplishment is one of which you can be proud.

I know that your efforts in support of Oregon's program are grounded in the lessons you have learned from the evaluation of your State's success and these lessons will be important in informing the debate on issues that will be considered in TANF reauthorization. Your commitment and leadership on these issues continues to benefit the people of Oregon.

Oregon's TANF program operates with a waiver granted under the former Aid to Families with Dependent Children (AFDC) program. When AFDC was converted into TANF as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the new law enabled States such as Oregon that had previously approved waiver programs to continue operating those waivers. However, there is no provision in law that would permit the Administration to extend such waivers, as it was anticipated that these programs would eventually align themselves with the larger TANF reforms upon completion of their waivers. Therefore, extending existing waivers would require changing current law.

TANF is currently authorized only through the end of this month, and legislation is before the Senate that would temporarily extend the program through September, 2003, the end of FY 2003. The Administration strongly supports passage of this emergency measure to keep the current program operating, and enable Congress to complete work on reauthorization. Without this measure, Oregon would be denied access to over $40 million in TANF funding scheduled to be made available for the fourth quarter next week.

I understand Oregon will maintain its current program while Congress completes work on reauthorization. Oregon is not in violation and based on Oregon's history is not expected to be in violation and therefore Oregon will not be subject to penalties for the next three months or until reauthorization.

Let me explain. Oregon's current TANF program has many elements, most of which are accommodated under TANF and are permissible under current law. However, I understand the State is concerned about its ability to continue operating two particular policies when its waiver expires. Oregon's waiver allows the State to count toward its required work participation rate certain types of activities, such as participation in substance abuse treatment and extended education and training, which would not otherwise be countable under TANF. Your State's waiver also permits counting of certain adults who are participating but have not attained at least 30 hours of participation per week, which is also required under TANF law.

Importantly, even without its waiver, TANF would not prohibit Oregon from engaging clients in the activities they currently do, nor does it prohibit the State from assigning hours for particular clients at levels below the current-law standard. These issues are relevant in that States must meet minimum participation rates. However, according to Oregon's current data, the State would be likely to meet its required participation in FY 2003, even though Oregon's ability to count certain activities and clients under its waiver will end at the end of this month.

Oregon achieved a participation rate for all its families of 61.1% in FY 2002. It would have achieved only an 8.0% all-family rate if it had operated the same way, but counted participation without its current waiver. However, because Oregon achieved such a dramatic reduction in TANF caseload over the past several years, it enjoys a caseload reduction credit that reduced its effective all-family participation rate requirement to 0% in FY 2002. Thus, even without its waiver, Oregon's program would have met its all-family participation requirement in FY 2002 because it effectively had no participation requirement.

Oregon's caseload reduction credit in FY 2001 was 56.2%, and in FY 2002 was 58.3%. I would anticipate that this would not change considerably in FY 2003, and because the required all-family rate for FY 2003 remained at only 50%, the State is very likely facing no participation requirement for the current year as well. Furthermore, work participation rates are measured on a full year basis, meaning that for FY 2003 Oregon's rate would be an average of what it achieved throughout the year. Given Oregon's extremely high participation rates under its waiver, and the fact it will have operated under the waiver for three of the four quarters of FY 2003, it should achieve a very high rate even if the final quarter is calculated without the waiver.

Oregon also must meet a separate participation rate for its 2-parent families. With its waiver, the State achieved a 53.8% 2-parent rate in FY 2002, but due to the caseload reduction credit it earned, only needed to meet a 31.7% standard. Again, given the State's likely high 2-parent participation for the first three quarters of FY 2003, it should meet this standard as well.

Based upon this, I am confident that Oregon can continue to operate its current TANF program through the end of this fiscal year without concerns about becoming subject to penalties for meeting its participation requirements. Should reauthorization not occur prior to the end of the fiscal year and current law be extended again, I would remain confident based on the facts that I have before me that Oregon could continue to operate its program without becoming subject to participation rate penalties.

TANF is a great program, and with your help we can make it work even better in the future. TANF provides States tremendous flexibility to fund and operate work and job preparation activities, and to provide supportive services and benefits so clients can find work, support themselves and build a better life for their families. I know you share my interest in seeing the program reauthorized as quickly as possible, and seeing that important improvements are made to enable States to engage all cases in meaningful and helpful activities so they can move into work quickly and successfully. Reauthorization is crucial for Oregon. As you know, the President's reauthorization proposal includes changes that would enable States to count various barrier removal activities toward their participation rates, as Oregon is doing now. It would also eliminate the separate 2-parent participation rate.

I appreciate the impressive work you are doing for the State of Oregon, and particularly your attention to this critical program that has become so important to helping our neediest families build better lives. The State of Oregon has done a wonderful job with its TANF program over the years, and we will continue to work with you on reauthorization legislation to see that we build the best program for Oregon and all of America.

The Office of Management and Budget advises that it has no objection to this letter from the standpoint of the Administration's program.

Sincerely,

TOMMY G. THOMPSON.

Mr. CARDIN. Madam Speaker, this is very important legislation. It extends the TANF programs and related programs for the next 6 months so that we can try to work out a long-term, multiyear extension of the TANF programs and related programs. I thank the gentlewoman for bringing this legislation forward.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, this legislation is nearly identical to H.R. 3146, a bill the House unanimously approved last week. The only change is the addition of a 6-month extension of expiring Medicare payment provisions affecting hospitals in small cities and rural areas. These provisions need to be passed today and signed into law immediately to ensure the continued smooth operation of programs affecting health, welfare, and commerce throughout the country. I urge the support of this body.

Mr. BEREUTER. Madam Speaker, this Member wishes to add his strong support for H.R. 3146 and would like to commend the distinguished gentleman from California [Mr. THOMAS], the Chairman of the House Ways and Means Committee, for introducing this important legislation and for his efforts to extend the authorization for the Temporary Assistance for Needy Families (TANF) program, as well as related welfare reform initiatives, such as the mandatory child care program, the abstinence education program, and the transitional medical assistance program. Moreover, this Member would like to thank Chairman THOMAS for including language in H.R. 3146 to address Medicare payment disparities between rural and urban hospitals.

The Rural Health Care Coalition, which this Member currently leads as the Interim Co-Chairman, has been diligently working to bring equity to the rural health care delivery system. One of the Coalition's key priorities has been to address hospital payment disparities to ensure that facilities in rural areas and small cities can stay in business and continue serving patients who need care.

Medicare pays for inpatient services in large urban areas using a standardized amount that is 1.6 percent larger than the standardized amount used to reimburse hospitals in other areas (both rural areas and small urban areas). The Consolidated Appropriations Act of 2003 (Public Law No. 108–7) provided a six-month base payment increase for rural and small urban hospitals from April 1, 2003 to September 30, 2003. Specifically, this measure raised the inpatient base rate for hospitals in rural and urban areas to the level of the rate for those in large urban areas.

The bill before us today will extend this payment increase until March 31, 2004. Such action is crucial—especially for cash-strapped rural facilities which are near the breaking point and in need of urgent aid. This policy will help maintain access to care in rural and less populated urban areas of the country by better aligning hospitals' payments to their average costs. The estimated impact of eliminating the base rate differential for six more months will result in $3.8 million for Nebraska hospitals, according to the Nebraska Hospital Association. This Member will continue to work on initiatives to bring even greater Medicare equity to Nebraska this year.

In closing, this Member urges his colleagues to support H.R. 3146. Reducing the difference in Medicare reimbursement levels between rural and urban hospitals is critical. Rural hospitals receive less Federal funding than hospitals in urban areas for providing the same services. This legislation will keep base payments at the same level as those in urban areas for six more months.

Mr. CARDIN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the initial request of the gentlewoman from Connecticut?

There was no objection.

A motion to reconsider was laid on the table.

THE REAL STORY OF IRAQ

The SPEAKER pro tempore. The gentleman from Indiana (Mr. CHOCOLA) has 19 minutes remaining in his Special Order.

Mr. CHOCOLA. Madam Speaker, so far we have heard from three Members including me that have been to Iraq. We shared some of our stories. But we got back about 3 weeks ago; and in Iraq's history as a free nation, that is a very long period of time since they have only been free of the Saddam Hussein regime for about 5 or 6 months.

I yield to the gentlewoman from Texas (Ms. GRANGER), a Member of Congress who just returned last night.

Ms. GRANGER. Madam Speaker, I appreciate the gentleman yielding.

The night is long; so I will be brief. But I was a part of a 17-member bipartisan delegation that left last Thursday after the last vote and then returned late last night. And as we left and as we arrived many hours later, we knew that there were people that were debating whether we should be in Iraq and how we got there. We spent the next days looking into the faces of men and women who fought there and assuring them that we were not going to cut and run, that we were going to make their sacrifices worth it and we were there to assure them that we would let them finish the job. As was mentioned earlier, General Rick Sanchez, he talked to us about what had occurred there and what needed to occur there, and he also told us the same thing, that winning this war would be winning over the hearts and the minds of the people of Iraq, and I certainly could not agree more.

What we saw in Iraq, first of all, were palaces, over a hundred of them, with beautiful crystal chandeliers and painted ceilings and gilded doors and a gilded throne. Outside we saw statues and monuments built by Saddam Hussein and built there to glorify Saddam Hussein.

What else did we see? We visited a hospital in Baghdad, and not in my lifetime have I seen a hospital like that except in old movies, World War I and World War II, because we do not have hospitals with equipment that is that old. We saw a predelivery room with women waiting to deliver their babies in a room with a roof that leaked and air conditioners that did not work and faucets with rusted handles. We went to a power plant that was supposed to supply the power to Iraq, and it was held together with hope and rope and rust and baling wire. We were escorted there by a wonderful Marine lieutenant colonel who said as he went through that country he wondered if he would ever see a child with shoes on because none of them had shoes.

Is this a country without natural resources and assets? Is this a country that had no other choices? No, it certainly is not that country. It is a country with oil reserves second only to Saudi Arabia, that had land that was fertile and good for agriculture, had intelligent, caring people who wanted something better than that. Remember, this is a country that helped start the World Bank and at one time had an economy equal to Australia. But what had happened in this country, or what we understood what happened in that country, is Saddam Hussein.

We also visited a mass grave, much as what the gentleman had described; and we stood there and heard the story about that mass grave of 3,000 people identified because they had to put their identification in a plastic bag that was hung around their neck. So when that was discovered along with they think are over 100 graves like that, some as large as what the gentleman said, 10,000 remains, and as they tried to identify those people and go to those families and say to the people that they thought all these years were alive and in prison were in this mass grave, shot in the back of the head and then dumped into a grave and then sometimes, either because they ran out of ammunition or just got tired, they were not shot. They were just dumped into graves. What we saw and what we understood there in Iraq were businesses that were not started and educations that were not finished and babies who did not live. This is a country that has an infant mortality that is equal to India, one of the highest in the world. We saw children whose fathers just disappeared and lives that were lived in utter terror. We saw justice that was not delivered and protection that was not given.

So we came back, I say, as a bipartisan congressional delegation. We came back united in our resolve, regardless of where we were on the resolution before, but united in finishing the job that had been started; and I have thought ever since I got back and all day today, which I cannot get out of my mind, and I know as well as those who have spoken tonight, we have an opportunity to prove who we are and what we stand for. Sure, there are challenges. There are challenges. We could talk about the cost. Is it enough? Is it too little? Where do we get it? But we have an opportunity to help the people experience what we take for granted often, and that is our freedom, our protection, our system of justice, having a future, having a future for our children and grandchildren and say they can be what I am or better, they have that opportunity.

□ 2130

We have the opportunity to help the people of Iraq have that and then, of course, leave them in charge and leave, and leave them with a future that is full of hope. I left with the wonderfully uplifting feeling of being able to do what is right, both what is right for the people of Iraq but also what is right for the people, our people who are serving in uniform there, and just what is right as men and women of principle in this House, the opportunity that we have been given by the people.

So I would say I wish every Member of this House could do what we have done, to be there and to see that and talk to the people of Iraq and talk to our men and women who serve. I am glad the American people have the opportunity for us to tell about this, because it was something that I will never forget as long as I serve in this House, or be able to walk away and say what I am proud of. I appreciate the time to be able to relate that.

Mr. CHOCOLA. Madam Speaker, I thank the gentlewoman very much for joining us tonight and staying up late after a very long trip. But certainly I think that tells how impressed we all were after we had the opportunity to visit Iraq.

One of the things that I think struck us all was the quality of the men and women in uniform and their sense of mission. I get asked often, what is the morale? Three weeks ago when we were there, the morale was very strong. They knew why they were there, and they knew what they were doing. I am curious as to how the gentlewoman found the morale.

Ms. GRANGER. Absolutely. The highlight of any trip like that is to sit and break bread with the people who serve; and we always sit with people who are in our districts, but in my particular case the people of Texas overall. But amongst the men and women the morale was high. They knew why they were there. They were proud of what they were doing, and they could not wait to tell us. The experience and the expertise, the determination of those men and women is always something that is just astounding to me. Yes, the morale is very high. They know why they are there. They are anxious to get home to their families and get back to their jobs but very proud of what they are doing.

As one of the officers related, he said he went to the hospital to visit someone who had been injured badly, and he said he experienced what he always experiences when he says, what can I do for you. They always say, take me back to where I was; I want to finish the job.

Mr. CHOCOLA. Again, I thank the gentlewoman very much for joining us tonight, and welcome home, and I thank her for sharing her stories.

I see the gentleman from Texas is still here, and I think he may have another story he would like to share with us.

Mr. BURGESS. Madam Speaker, I thank the gentleman for yielding, and I certainly thank my colleague from Texas for taking the time to come here tonight. I know what that jet lag is like.

I feel obligated just to make another mention about the situation with the mass graves. I was a private citizen in 1999, but I remember the administration and I remember the news media talking about the necessity for going into Kosovo and how desperate that necessity was, because there were mass graves in Kosovo. Well, we went into Kosovo and we won that conflict, but the mass graves somehow never materialized and somehow that was unimportant. But, Madam Speaker, we found those mass graves. Those mass graves were in Iraq. When we were busy in Kosovo, we probably should have been concentrating on the regime of Saddam Hussein.

A lot has been made about the weapons of mass destruction and the fact that we have not yet found them. I will tell my colleagues I am impressed, because of the size of the country, with the enormity of that job. But one weapon of mass destruction we have found, and that weapon was the person of Saddam Hussein, and that is attested to by all of the silent voices buried in those mass graves around his country.

I thank my friend from Indiana for yielding me the additional time, and I happily yield back.

Mr. CHOCOLA. Madam Speaker, I think there are a lot of misconceptions about Iraq, that it is a barren desert country, when in fact it is a fertile crescent, truly, and also about the mass graves. When I am at home I ask people, how many mass graves do you think we found in Iraq? And they say, oh, five, six. If I recall when we were there, they found something like 151 already; and they thought that there were maybe as many as 500, maybe over 1 million people had been murdered in these mass grave sites.

The magnitude of the horror of the regime of Saddam Hussein can only be understood by the people who lived under it. I think that is why, when we were in the area of Babylon traveling in a bus along the roadside, people would run up to the bus and give us the thumbs up. Can my colleagues imagine the situation of living under that burden of knowing that your relatives were killed in a field near your village, but you could never go there because you might find the same fate if you tried to go find out what really happened?

Mr. BURGESS. Madam Speaker, if the gentleman will yield, he will remember one of the estimates that we were given about the number of casualties in that mass grave in Al Hilla was based upon the testimony of a physician in that town. I was a physician in my former life. Imagine this doctor whose life was dedicated to saving lives, to healing, to giving life, watching in his village while a bus or a truck was loaded up three times a day and driven out to that site and returned empty, and this continued for a full month. And that was where they got the estimates of the numbers of perhaps in excess of 30,000 people being within that one single mass grave; and then, of course, as the gentleman knows, there are many more like that throughout the country.

Mr. CHOCOLA. Again, I thank the gentleman. As with all things, it is not important what we say or think or observe but what we do. Certainly, our action on supporting the men and women in uniform and the citizens of Iraq rebuild their country, which I think will pay dividends for generations to come, is very important.

I think the gentleman from Pennsylvania has another measure to discuss on what we should do.

Mr. SHUSTER. Madam Speaker, I thank the gentleman for yielding.

Our efforts are on track in Iraq. We do have a plan. But something that is very disappointing to me and, actually, I am angry about is that is in regard to the participation or lack of participation of the world's largest peacekeeping organization.

The United Nations is an organization that was founded on international cooperation and collective security, but it has failed to assist in efforts to remove a growing threat. The failure of this organization to support our efforts against a murderous and extreme dictator is unfortunate and, at times, unforgivable.

What I have done is I have drafted a piece of legislation that I am going to introduce tonight that will take $200 million of our annual dues, which is about $330 million every year, and it directs the administration to take that money and put it towards the humanitarian situation and our troops in Iraq, to improve their environment, whether it is food or shelter or whatever the case may be. But I am to the point that I have watched for years the United Nations talk and not act. In this situation it is quite evident, the situation that occurred in Iraq, and it is quite evident that they need to be there helping us and, to this date, they have done nothing.

So my legislation, as I said, would direct the administration to take $200 million of the $330 million, I believe it is, that we pay to the U.N. annually and send it over for our troops. So I would encourage my colleagues to sign on to this bill and support it as it moves forward. Just to let my colleagues know, there is a provision that if the United Nations decides to stand up and do what is right and support this effort, to go over and take their role in Iraq the way that they should participate, then there is a provision there that will let this legislation lapse. So I plan on introducing that tonight. Again, I would urge all of my colleagues to support this, to say to the U.N., stand up and be counted in this situation.

Finally, I just want to thank my colleague from Indiana for setting up this hour this evening. I think it is important that we not only here on the floor of Congress in the House of Representatives tell the whole story, but that as we travel through our districts, making sure that the people that we represent hear firsthand and unfiltered what is happening there, and that there is a positive plan in place, and that we have young men and women who are committed to doing what is right against sometimes terrible situations, but they are doing what is right and they are doing an absolutely fabulous job. The American people need to support them and need to support this effort. So I thank the gentleman for putting this together tonight.

Mr. CHOCOLA. Again, I thank the gentleman, and I certainly appreciate his efforts. Our men and women in uniform are essentially performing many of the duties of the United Nations by liberating oppressed people and helping them rebuild their nation and really giving them the opportunity of freedom for the first time in their lives, something that I think is contagious and benefits all of us.

Mr. Speaker, let me conclude by pointing out that the bottom line is that Iraq is the frontline of the war on terror, and it is a war we can and must win. As the young woman in Tikrit, the young soldier that I had dinner with, pointed out, this issue is much larger than Iraq itself. It is about the future stability of the Middle East and really about the future stability of our entire world.

If Iraq can become a secular, free, democratic nation, it will give hope and optimism to a region of the world that really has very little today. They are well-equipped to win that war, they are well-equipped to help the Iraqi people build a much better future, because they have every ingredient of success. They have water. They have rich oil reserves, which was pointed out tonight. They have tremendous agriculture capabilities. They can help feed not only themselves but many of their neighbors.

So I think all of us, as Members of Congress, have an obligation to base our decisions on facts, not on rhetoric, not on politics. But with an issue as important as this that has ramifications for generations to come, it is so important that we seek the truth and seek the facts.

What I have observed from every Member who has been there, that they came back with exactly the same story. They come back with hope, they come back with optimism, they come back with support for doing what is necessary to help our men and women in uniform and the men and women, the citizens of Iraq, to help rebuild their country. They do not try to separate out what we spend money on for just guns and bullets and what we spend on infrastructure, because they are really inseparable. Because our success is not really based on firepower, although that is important. It is about winning the hearts and minds of the Iraqi people and showing them American ideals and generosity that has really changed the globe and history over the last 200 plus years.

Madam Speaker, I am sorry to say that since returning home from Iraq I have been criticized by some people for being optimistic. I have been scolded for not sharing the pessimism that we see on TV at night and read about in the paper in the morning.

As I mentioned earlier, I left home with great concern, but I came back with immeasurable hope. If having faith in the power of democracy and the power of freedom and the capabilities of our men and women in uniform is a sin, I am guilty as charged. I only wish that every American had the same opportunity that we had that went to Iraq. Because I know for a fact, if they went there and they could see the real and the whole story of Iraq, they would share our hope and our optimism, and they would support a very wise investment in the future of not only the Iraqi people, but of this entire world.

I would certainly encourage all of my colleagues as Members of Congress to support the supplemental, because it is a very wise investment.

AMERICAN WORKING FAMILIES BEAR THE BURDEN OF IRAQ BLUNDER

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are all glad that Saddam Hussein has been dethroned. It is better for the world. It is better for Iraq. But the cost is too great and has been too great in dollars, and we now are considering another $87 billion. We have already invested more than $70 billion. The regular defense budget is also enormous, and that has been expended, and there is no end in sight. We will have more requests for more money.

The cost has been too great. We have not achieved any greater amount of security from terrorism. In fact, we are less secure from terrorism now than we were before we invaded Iraq. We have been forced to concentrate all of our energies, all of our priorities, our best minds, everything has been concentrated in Iraq, ignoring the threat in Afghanistan and the borders of Pakistan.

The overwhelming burden of the Iraq blunder, however, has been placed on the backs of working families. The actual troops out there are from working families. We all support our troops. We all want to do whatever is necessary to make certain that those troops come home. We want to do whatever is necessary to support them to guarantee that they have a chance to come home. The overwhelming burden of the Iraq blunder, however, should not remain on the backs of working families. Mismanagement should not cause more unnecessary suffering and more death among working families, relatives of people who are from working families.

The New York Times documented what we all knew already, that more than 90 percent of the members of the military are from working families. More than 90 percent of the people in Iraq are from working families. This is true for the war in Iraq, as it has been true for most other wars.

□ 2145

We know in the Civil War, the people who had money could buy their way out of the draft and pay someone else to go in their place. But, in general, draft boards and drafts in cases of the war in Vietnam and Korea and so forth have ended up selecting large numbers of working family members.

The greatest generation that celebrated winning World War II had many components, class-wise, but the overwhelming number of people who lost their lives in World War II were also people who were in working families.

Working families are very special to America. Working families have a right to make a claim on America. And what concerns me, and the reason I am here today, is that we do not seem to understand the importance of working families, the people who are in charge, the people who are in power continue to treat working families as if they were expendable, that they are not important.

We heard some discussion of the welfare bill before today. It was technical, and it was probably difficult to understand, but that is one of the greatest harassments of working families you are going to find, the present welfare legislation, which provides a family of four is given a subsidy of $6,000 or $7,000 per year, while at the same time we give subsides to agribusiness of more than $250,000 per year. One more treatment, one more example of the treatment of working families.

We need to take a hard look at this war in Iraq and what it is doing to us. We need to stop the war for many reasons. We need to stop the war because it is absorbing large amounts of cash that can be used for other purposes, for purposes that we need here at home to improve our economy and to improve the lot of all of us, including the lot of working families.

This great Nation's survival and its freedom are directly dependent on the courage and the devotion of men and women from working families. The blunder has been committed already. We are mired in a deep pit. We cannot leave now. The sons and daughters of working families must remain on the dangerous front lines. But at least we could support those troops in a better manner, not in the current superficial manner being mouthed by so many while at the same time they undercut our troops.

We need to understand that in very concrete ways, we are betraying the troops in Iraq who are from working families. The kinds of programs that have been promulgated by the Republican leadership are outrageous. Patriotic and meaningful support means that we must address some of the following issues, and we must do it immediately:

The conflict must be better managed so that there is multinational participation in the decision-making and a clear exit strategy to bring these American troops home. The best we can do for our troops, the most important thing we can do for them, is to bring them home. It has to be an honorable exit. We do not want to leave the job half done. We have to make certain that no other leader like Saddam Hussein is ever able to take control of Iraq.

We want to encourage democracy as much as possible. The first step toward doing that is to share the decision-making with other nations and have other nations get involved because they know they can participate in the decision-making. They will then commit troops and commit equipment and other things. And, most of all, they will be there to send a message to the Iraqi population that Americans are not trying to take over their country, occupy their country, and control the tremendous oil fields that lie beneath that country. That would be one way to say to working families, we care about the troops, we care about your son and daughter. We are going to make that effort.

With regard to the United Nations, this administration has only offered a cold shoulder, despite the difficulty that we are in. We are not moving to try to convince the rest of the world that we are ready to share decision-making with Iraq. We are ready to go some extra lengths, swallow our pride, do some things we said we would never do, put away our anger, and do what will promote a solution, the fastest possible solution in Iraq. That is what we can do for our troops. They deserve it.

There are some other direct benefits that the sons and daughters of working families over there deserve. They deserve adequate equipment and they deserve troops, a troop contingent, enough troops to make it safer for them. There are not enough troops in Iraq. They are not adequately equipped.

We heard some speeches before from some visitors who went over. I found them very interesting. JOHN MURTHA, who has been on the Committee on Armed Services for two decades, made the same trip, came back and was incensed and angered by the fact that the morale was so low and obvious needs in equipment and supplies were not being met. And he immediately demanded that the President fire the people who were in charge of the war in Iraq.

JOHN MURTHA, the gentleman from Pennsylvania, who has long experience in the Committee on Armed Services, saw an outrageous performance in terms of the leadership who planned and executed the war in Iraq.

Rotation rights have been sort of dismissed. Even in the war in Vietnam, there was a right of a soldier not to be placed at risk for more than a year. A year in combat, placing your life at risk, was all that was demanded. You could rotate out of Vietnam after a year. Those rights have not been guaranteed to the people in Iraq, soldiers, regular soldiers or Reservists.

The worst thing is the people who are in the Reserves, who thought they were going for a 6-month stint, have now had their time extended. Worse still for the people in the Reserves there is no economic justice. People in the Reserves gave up jobs. They were not career people. Yes, they signed up, and they knew that they would have to go in case of an emergency, but they were not career military people. And they did not want to give up their income and their jobs, leave their families indefinitely, but they had to do that. They were forced to do that.

We have behaved so abominably toward those working families that a Washington Post article of yesterday describes it as unacceptable, almost atrocious. It is a legislative atrocity that they described. I am going to read from this article in which the Washington Post described what is being done to Reservists in this war in Iraq. "A proposal to close any pay gap faced by civil service employees who are called to active duty in the military reserves will not be considered by the House and Senate negotiators working on the fiscal 2004 Defense authorization bill."

Now, this brings it home to us. We mouth our concern about supporting the troops and here is an example of how little we are supporting the troops, especially the Reservists, how we hold them in contempt really.

"In May the House Government Reform Committee approved an amendment sponsored by Representatives Tom Lantos and Chris Bell aimed at requiring Federal agencies to make up the difference between civil service and military pay for those on military duty." The provision was one of several civil service changes but, hear me carefully, a civil servant working for the Federal Government, who happens to be in the military Reserves, goes to

Iraq; he is paid at the same rate as any other soldier, but he left a job that was paying far more. He left a family that had been nurtured on an income of more.

If the Federal Government still had him on the payroll, it would cost them a certain amount of money. If they continue to pay him at the same rate, it does not cost them any more money, it just keeps him at the same rate while he is off doing his duty for his country under very difficult circumstances. But they did not agree to that.

"The provision was dropped when the Armed Services panel put together the House version of the defense authorization bill. That version sets out guidelines for weapons and equipment purposes and for troop strength. The Lantos bill amendment stalled because of its cost: $160 million over 5 years including $75 million in fiscal 2004."

Hear me carefully: It would have cost the government, the Federal Government, $160 million over 5 years, including $75 million in fiscal 2004. But if those same people had remained in their jobs, they would have been paid the $160 million over 5 years and $75 million. And the Federal Government was not called upon to do any more than they would have done if there had been no war in Iraq. I find that atrocious. I find the behavior of this Congress under the Republican majority leadership to be atrocious.

More important, in another outrageous observation, however, were objections from the Defense Department, which argued that making up differences in pay for civil service employees would undercut military morale. You have two sergeants, one a career military and one a Reservist doing the same job. And essentially the government is paying the civilian employee more for that service than the career military guy. That is the heart of the Defense Department objection. Listen to that carefully. It would undercut military morale to have a citizen who was earning an income at a certain level from the Federal Government, who was there against his will, he did it out of duty, has been shipped to Iraq, and he is in units along with career military people.

Now, if you are a career military person, you know what the pay scale is. You have accepted the pay scale. Your family is probably getting some benefits that the civil servant family is not getting. There are a number of ways in which a career person has adapted to a situation that they voluntarily went into. But the Reservist, who happened to have been a civil service employee for the Federal Government, has to hear that he would undercut morale if the government paid him at the same rate that they were always paying him.

About 200 private sector employers, however, and 50 State and local governments make up the difference in pay for their worker. Listen carefully: The Federal Government, the men and women in charge of the blunder in Iraq, who created a situation requiring all these Reservists to go, they are doing less than 200 private sector employers, 50 State and local governments, which now make up the difference in pay for their workers when the workers are forced to serve as Reservists.

This is outrageous. It falls right at the doorstep of us Members of Congress and Members of the other body. About 65,000 Reservists are employed by Federal agencies. Mr. Speaker, 65,000 is a large number that we are depriving of income, we are depriving those working families of their income at a certain level, forcing them to accept the pay of the military service that they are in. Sixty-five thousand Reservists are employed by Federal agencies making the government the single largest employer of Reservists. An additional 48,000 Federal technicians are required, they do not have a choice, to be members of the Guard as a condition of employment.

So we have a huge contingent of citizens, who happen to be Federal employees, who are treated like dirt. Our government, our Federal Government treats this huge number of people and their families like dirt. Working families should not have to bear these kinds of burdens. This is a legislative atrocity.

Madam Speaker, I submit this article in its entirety into the RECORD. It is entitled "Pay-Gap Remedy for Military Reserves Appears Doomed," in the Washington Post, Monday, September 29th.

[From the Washington Post, Sept. 29, 2003]

PAY-GAP REMEDY FOR MILITARY RESERVES APPEARS DOOMED

(By Stephen Barr)

A proposal to close any pay gap faced by civil service employees who are called to active duty in the military reserves will not be considered by House and Senate negotiators working on the fiscal 2004 defense authorization bill, according to congressional aides.

Most lawmakers feel that the issue was evaluated by the House Armed Services Committee during its deliberations and is now closed, the aides said.

The proposal, pushed by a group of House Democrats, ran into opposition because of its cost, as well as concern that it might cause morale problems among regular military troops.

In May, the House Government Reform Committee approved an amendment sponsored by Reps. Tom Lantos (D-Calif.) and Chris Bell (D-Tex.) aimed at requiring federal agencies to make up the difference between civil service and military pay for those on military duty. The provision was one of several civil service changes proposed for the Defense Department and forwarded to the Armed Services Committee.

But the provision was dropped when the Armed Services panel put together the House version of the defense authorization bill, which sets out guidelines for weapons and equipment purchases, military benefits and troop strength.

The Lantos-Bell amendment stalled because of its cost—$160 million over five years, including $75 million in fiscal 2004—and because it could have triggered jurisdictional questions that would have given the Government Reform Committee a voice in shaping the defense bill, a congressional aide said.

More important, however, were objections from the Defense Department, which argued that making up differences in pay for civil service employees would undercut military morale. "You have two sergeants, one a career military and one a reservist, doing the same job. And essentially the government is paying the civilian employee more for that service than the career military guy—that is the heart of the Defense Department objection," the congressional aide said.

A Pentagon spokeswoman said there would be no comment on the issue.

Supporters of the Lantos-Bell effort argue that National Guard and reserve families are increasingly at risk of financial hardship because reservists are being called up more frequently since the Sept. 11, 2001, terrorist attacks. The Army recently issued a policy requiring Guard and reserve troops to serve 12-month tours in Iraq, meaning that most Army reservists will be mobilized for more than a year.

About 200 private-sector employers and 50 state and local governments make up the difference in pay for their workers, and the federal government should serve as an example of the importance of assisting reservists, an aide to Lantos said. But other congressional aides said the issue needs more study. It might be more appropriate to use pay supplements to offset income loss for specific occupations or individuals rather than to take a blanket approach, they said.

Recent studies indicate that between 30 percent and 40 percent of activated reservists face a loss of income during mobilization.

About 65,000 reservists are employed by federal agencies, making the government the single-largest employer of reservists. An additional 48,000 federal technicians are required to be members of the Guard as a condition of employment.

The Office of Personnel Management has called on federal agencies to shoulder the cost of health insurance premiums for employees called to active duty. At last count, about 80 out of more than 100 federal agencies had agreed to pick up the premiums.

Madam Speaker, just treatment for working families left behind ought to be a major goal of a government that has asked people to go and fight in Afghanistan or in Iraq. Just treatment for working families left behind. What is involved in just treatment? I serve as the ranking Democrat on the Subcommittee on Workforce Protections of the Committee on Education and the Workforce. And I am on that committee which has jurisdiction over the minimum wage, over the Wage and Hour Act, and other safety programs related to persons in the workforce. We have had constant harassment since the Republican majority took control of the Congress on all of these fronts.

□ 2200

On the minimum wage, we are still at $5.15 an hour. In the last 3 years, the Republican majority has refused to allow us to bring a bill to the floor to increase the minimum wage. That is what we think of working families that we send off to war in times of war. They go. They die. They fight. They get wounded. They are the backbone of the security for America. But we do not want to increase the minimum wage beyond $5.15 an hour. We have had constant harassment on overtime pay and recently that was sort of intensified. But they do not want to pay people cash for overtime. They want changes in law, so that employers can pay you comp time if they so choose. It is not your choice. It is their choice. Comp time, taking the cash out of your pay check and food off your table, but offering you comp time at some future date they choose.

They pushed that very hard. And even now, although we stopped it in the Congress by executive fiat, the law is being changed to eliminate certain categories of people as being eligible for overtime.

A jobs program is not in sight. Unemployment goes galloping on, and we do not have a jobs program.

Health care, the papers all reported yesterday or today that the number of people who are uninsured in America has jumped dramatically, gone up. Those are working families that are uninsured.

Poverty, three or four days ago, it was reported that poverty has greatly increased. These are the families from which these soldiers come. These are the families that supply the troops out there that we say we care about.

Madam Speaker, at this time I would be glad to yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I thank my friend from New York for yielding to me.

I noted earlier that many of our colleagues had gone to Iraq over the weekend, and they came back and described their experiences. I went to southeastern Ohio over the weekend, and I talked to people in Shady Side, Ohio and in Bel Air, Ohio, and Youngstown, Ohio, and I heard about infrastructure needs in Ohio. I heard about schools that need to be built. I heard about water and sewer systems that small communities simply cannot afford to pay for. And I talked with teachers and principals, talked with about three or four high school classes over this last 4 or 5 days while I was in Ohio.

We are a compassionate people, I would say to my friend from New York. We are compassionate. We care about other people, but we also care about the people that we are charged to represent. And in my district, I have got so many needs.

I found out this past weekend that in one of my communities there is the great danger that we are going to lose an additional 275 good-paying jobs, union jobs, steelworker jobs. This really concerns me. I think there is a bleeding of jobs in this country.

I looked at the headlines in the Columbus, Ohio Dispatch this morning. Iraq Battle Lasts 8 Hours and then One in Six Uninsured, this U.S. report says. Unemployment is skyrocketing in my district and throughout Ohio. More and more of our constituents are without health insurance. Our schools are being inadequately funded.

I toured a school in my district, I would say to my friend from New York, not long ago; and after that tour was completed, one of the parents on that tour came to me and he said, Congressman, I have two children who attend this school. I had no idea it was in this condition. He said, I am a building inspector, and if I were inspecting any other commercial building that had the problems this school has, I would close it immediately. He said, I saw at least 100 safety violations in this school. And he said, there are violations that cannot be easily fixed because this school has been added on to. It has been patched together over multiple years.

Why is it that we seem so willing to accept the fact that our kids can go to dilapidated schools, our people can be without health insurance, our roads can be unbuilt, our veterans can be shortchanged in the health care we provide to them, and yet we seem so willing, almost casual in talking about billions of dollars for the rebuilding of Iraq?

I might say to my friend from New York, it is not the rebuilding of Iraq. It is the building of Iraq. The President said when he addressed the United Nations that he intends to build 1,000 new schools in Iraq. We did not destroy 1,000 schools in this war. They want to build two 400-bed hospitals in Iraq. We did not destroy hospitals during this war. Talk about nation building. This President, during the campaign, criticized efforts to nation-build. And as I said earlier when I started my comments, we are a compassionate Nation. We care about the needs that exist in other countries. We care about the people in Iraq, but we are charged primarily to represent our constituents right here at home.

I want to state, I do not know if many of my colleagues or the President understand what life is like in southern and southeastern Ohio. It is an Appalachian district. Unemployment in one of my counties is 13.5 percent. People want to work. They are good people. They want to care for their families. They care about their kids as much as any Member in this Chamber cares about his or her children. They want them to get a high-quality education as much as any person in this Chamber wants their children to get a high-quality education.

If I can just take a moment before I yield back to talk about veterans. I am on the Committee on Veterans' Affairs. I keep reminding us in this Chamber that we are underfunding the VA health care system by at least $1.8 billion. Think about that. We have got veterans who are going without health care, who are being denied the ability to enroll in VA health care, who are going to be asked by this administration to pay more copayments for prescription drugs. The President wants to impose a $250 enrollment fee on Priority 7 veterans. And Priority 8 veterans are being told they cannot even enroll in the VA system. They can make as little as $24,000 and be a Priority 8 veteran, and yet we are just, it seems, almost casually talking about spending $21 billion to build schools and roads and bridges and clinics and hospitals in Iraq. I just do not understand what is wrong with this government. I certainly do not understand what is wrong with this President and this administration.

We have got a war going on. We are shortchanging our national needs. We are not caring for our soldiers. We have got about 40,000 soldiers in Iraq tonight that have cheap vests that are not capable of stopping bullets. The more expensive protective vests, my understanding is, cost $571 on average. I got a letter from a young soldier, a West Point graduate. He said, Congressman, they are issuing two kind of vests over here. One is capable of stopping a bullet, and the other only stops shrapnel. My men are asking me why they have the cheap vests.

I wonder how many of our soldiers may have been wounded or killed wearing a cheap vest, inadequate protective body armor. And the British Broadcasting System has reported that we have made a deal with some of these other countries, I think Poland and some other countries, that if they will contribute soldiers, we will provide them with these higher-cost vests. I want to make doggone sure that no foreign troops get these better vests before every single American soldier that is in Iraq has access to one of these protective garments.

I thank my friend for allowing me to express my opinion on this subject, and I yield back to him and thank him for his graciousness this evening.

Mr. OWENS. Madam Speaker, I thank the gentleman and I would like to add to that discussion on veterans.

Most of us in the House of Representatives were shocked 3 weeks ago to discover that there was a provision where veterans who go to the hospital must pay for their food, their meals. And we immediately passed legislation to end that. I do not know whether it has been signed by the President yet or not. It is just one more administrative atrocity. I use the word atrocity, and I think it is appropriate. It is an atrocity to have veterans treated as they are. Some of my friends earlier are talking about "you have to go to Iraq to know exactly what is happening."

I suggest to those who want to know what is happening, go to Walter Reed

Hospital and visit the wounded. The wounded also suffer. And in many cases those are wounded one week, and in a few weeks are dead. You can get a good example of what is going on if you look at veterans who, the minute they are off the roster of the Army, they will get no pay. They will be put on disability. Some have totally lost everything in terms of limbs or the capacity to work. They were put on disability, which is a far cry from the salary they earned as a soldier.

So my simple plea is that working families who fight for the security and peace abroad deserve survivable and living wages and a reasonable chance to pursue happiness here at home. We are investing tremendous amounts of money in the rebuilding of Iraq in the Armed Forces, and we are neglecting the needs of our own people in catastrophic proportions.

On March 3, I summarized my concern with the waste of American cash in a rap poem which I call Stop The War—We Need The Cash.

Stop the war, we need the cash.
Tank battles escalate into nuclear ash.
Stop the war.
We need the cash.
Give Medicaid families some of Rumsfeld's stash.
Throw the empty body bags in to the trash.
Stop the war.
Welfare mothers rush to cry.
Soldiers from the ranks of the poor will be the first to die.
Stop the war.
Vietnam had profound lessons to teach.
Empires lose when they overreach.
Stop the war.

One of the greatest monuments related to heroes is the Vietnam War Memorial monument here in Washington. That monument makes a statement that has never been made by any other military monument in the history in the world. Instead of unknown soldiers in a tomb, they have put the names of every soldier who died in Vietnam on the wall for you to see. They have given those individuals a person. They are there. And you must confront the fact that wars take individual humans in large numbers, in the case of Vietnam, 58,000, but regardless of numbers, the individualization of a process, the Vietnam Memorial Wall does that.

The poor are up there. The youngsters who came from welfare families. The numerous youngsters who came out of the big cities because when the draft was on, the largest proportion of young men who went to Vietnam came out of our big city slums. We must stop and think for a moment about the way those soldiers and everybody who was enlisted are treated in terms of the technicalities and administrative requirements of the veterans administration.

They have categories, Category 7, 8, people who served in combat under great risk are given preference. They are different from others. But I say that anybody who has served in the military for the benefit of his country deserves equal treatment, because once you put the uniform on and you take the oath, your life belongs to the military, to the Nation. And where you go and what you do is determined by forces that you have no control over.

□ 2215

If you were needed behind the lines to catalog munitions or run a computer, then you were assigned there because you were needed there. The fact that you were not put on the front line does not make you any less than the people who were put on the front lines, because you could not make that decision.

So everybody who put a uniform on and took the oath should be treated as a hero. They are a small percentage of the rest of us. Even in World War II when such large numbers went to war, the percentage of those who actually went to war was still a small percentage of the overall population. They deserve to be treated as heroes. Those who went to Vietnam deserve to be treated as heroes, regardless of how many hours they spent in combat under fire. They were all heroes. They come from working families, as I said before, most of them; and this classification scheme, these technicalities about how much copayment you have to pay if you are a Category 8 versus Category 7, whether you are eligible at all is part of the insult that working families have been forced to endure; and we should fight against it.

Righteous indignation is in order. The treatment of working families in America is an outrageous abomination and we should fight. We fight on the front lines, and we die on the front lines. We should fight our government.

We should fight Alan Greenspan. Alan Greenspan is against the minimum wage law. Alan Greenspan has been the economic guru of Democrats and Republicans for a long time. Did you know that Alan Greenspan thinks that we should not even have a minimum wage law? Part of the reason we cannot get a minimum wage law to the floor is we have the guru of our economic system saying we do not need a minimum wage law. This is outrageous.

Alan Greenspan happens to be a disciple of Ayn Rand, a woman who was a great individualist, who felt that government was not needed, group action was not needed except in times of war or when you need the police. So when her physical body was threatened, she believed in the group process, we should have police, we should have an Army. Any other time, individuals should be totally left alone; and if they cannot make it, let them die. So that man is a disciple of Ayn Rand, Alan Greenspan. He is one of the reasons we cannot move. Philosophically, there are too many people in Washington who agree that minimum wage laws are not important.

Examine the tax cuts of that situation in terms of what happened at the New York Stock Exchange. The New York Stock Exchange has a big brouhaha because the man who headed the stock exchange, Dick Grasso, had a severance package of $140 million and he wanted another 48; and they made a big brouhaha, and headlines were formed about how dare he ask for another $48 million. Well, what about the first $140 million? These astronomical amounts of money are being tossed around by the people who belong to the kleptocracy. At the time I call them kleptocracy, call them oligarchy, whatever you want to call them. They are the ones who want a tax cut. They do not need a tax cut. It is obscene the kinds of figures that we have heard that corporations throw around among themselves, Enron, WorldCom. The head of WorldCom, one of the directors got a $400 million loan from the company, $400 million. Can you imagine a loan of $400 million? Surely if you get a $400 million loan, it is understood by those who loan it to you that you are never going to pay it back.

But this goes on, and these are the people who will show great indignation if a welfare mother gets extra food stamps. This is the kind of mental attitude that we have allowed to develop.

The workers who are on the front lines in Iraq, Afghanistan and everywhere else have to know they have to come forward and fight, fight this kind of oppression.

On Wednesday, July 16, as a result of my anger following the attempt to stop the payment of overtime to workers, I wrote the following and enter it into the CONGRESSIONAL RECORD:

"Mr. Speaker, the July 10th vote to allow the expenditure of funds to implement radical changes in the overtime provisions of the Wage and Hour Act was an outrageous and devastating attack on working families. Compounding the horror of this action is the recent announcement that our present complement of soldiers in Iraq, 90 percent of whom come from working families, will be forced into combat overtime for the indefinite future."

At the same time we were fighting overtime payment for workers here, we were announcing, the President was announcing, Rumsfeld was announcing that they would be extending the time of the soldiers indefinitely.

"Not even the 1-year rotation rule of Vietnam will be applied to relieve their long ordeal under extreme heat and guerilla warfare duress. Overtime in the dangerous defense of the Nation is being mandated without controls while at the same time overtime wages to feed working families is being subjected to new schemes to reduce take-home pay. This is an unacceptable continuation of the gross exploitation and oppression of working families by the Republican scrooges who presently dominate the Congress and the White House."

I summarize my statement in a rap poem, which is called "Let the Rich Go First."

Working Families
Keep your soldiers at home,
For overtime in Iraq
No cash
No comp time
Not even gratitude,
Republicans intrude
To exempt all heroes,
No combat rotation
Life on definite probation
Scrooges running the Nation.
To the front lines
Let the rich go first—
For blood they got a thirst,
Let the superstars drink it
In the glorious trenches;
Leave the disadvantaged on the benches.
Working Families
Let the rich go first:
The battlegrounds they always choose
Their estates have the most to lose;
Send highest IQs to
Take positions at the front,
Let them perform their best
High-tech warfare stunt;
Working Families
Keep your malnourished sons home—
Harvard Yale kids should roam
The world with guns and tanks,
Reserve gold medals
For the loyal Ivy League ranks.
O say can you see
Millionaire graduates
Dying for you and me?
Welfare Moms
Have a message for the masters:
Tell Uncle Sam
His TANF pennies he can keep
For food stamps we refuse to leap
Through your hoops like beasts;
Promise to leave our soldiers alone
And we'll find our own feasts.
To Uncle Sam we offer a bargain—
Don't throw us dirty crumbs
Don't treat us like bums
And then demand
The full measure of devotion;
Our minds are now in motion
Class warfare
Is not such a bad notion;
Your swindle will not last
Recruiters we won't let pass,
Finally, we opened our eyes—
Each family is a private enterprise,
Each child a precious prize;
We got American property rights,
Before our children die in war
This time we'll choose the fights.
Let the rich go first:
They worry about
The overtime we abuse;
The battlefields they always choose
Their estates have the most to lose.
Let the rich go first!

I have stated a divine right of parents that nobody's ever bothered to talk about. We assume that the government, like the kings and the queens of old, have the right to conscript in a time of war and take their sons and daughters. Why do we not have a movement which challenges that? Governments that do not bother to provide food, clothing and shelter for poor youngsters have no right to later on claim their lives in wars that they had no decision-making power to start or stop.

It comes down to a class warfare. There is class warfare in America. The rich have declared war. The powerful have declared war on the poor. The poor do not fight back. They do not know that they are being constantly abused. It is time we took a hard look at how much they are abused in times of war. Like the blunder in Iraq, it is a life and death matter. They are going to die if they do not fight back.

America is a promised land, and America's promised land is being grossly mismanaged. We are as a promised land as man can ever get, human kind will ever get. We have the greatest potential of anything that ever existed on the face of the Earth. While managing a society that provides justice for all provides the right to pursue happiness and the opportunity to pursue happiness for all. That is possible in America, but America's promise is being grossly mismanaged by this Republican administration. The war in Iraq is the most dangerous mismanagement this country has ever experienced.

Preoccupation with $87 billion for the war dooms any realistic effort to revive the economy. There are alternatives, but this mismanagement team will never consider those alternatives.

There was a bill offered by a friend of mine, the gentleman from Oregon (Mr. DeFazio), which says if we are going to spend 20-some billion dollars in Iraq to rebuild Iraq, then let us spend an equal amount in the cities and the States to improve our economy. That is a good idea. There are other good ideas along those lines that have been offered.

I think several months ago I offered a bill called the Domestic Budget Protection Act, H.R. 1804. The essence of the Domestic Budget Protection Act is we should have a situation where the domestic budget, the budget for education, for highways and schools, and the budget for health care is not in the same category with the budget for the war. Let the war pay for itself in some other way, and H.R. 1804 says that we should pay for it the way we paid for part of the Vietnam War and part of the Korean War and to some extent World War II. We placed a tax on the profits of corporations. Let a tax be placed on the profits of corporations to pay for the war so that no money is taken out of the other revenue that comes in and there is no threat to the domestic budget from the war budget. That is not a radical idea. We have done it before. Let us consider it now and do it now.

I also had another act which was a twin for that, and this is called the Emergency Targeted Revenue Sharing Act of 2003, H.R. 2335, and that is a simple act which says that we should spend the same amount of money in the States and the cities on job creation programs, education, health care, et cetera, that we spend in Iraq. The gentleman from Oregon (Mr. DeFazio) says $20 billion, I said $9 billion was at the time the amount we were proposing for the war in Iraq.

The principle is pretty clear, as my colleague from Ohio stated. We are suffering greatly in our cities and our towns. Our schools are suffering. People are being laid off. Terrible things are happening in terms of taxes being raised on ordinary local people. At the same time, the Federal Government is cutting income tax for the richest people, for the Dick Grassos who earn $140 million and want another $40 million. They are getting tax cuts for the WorldCom president who can borrow $400 million. He is getting a tax cut. For all the Enron criminals who squandered large amounts of money, they are getting tax cuts. But for those who are out there searching for jobs, they are sinking in a quagmire of poverty. The report that came out a few days ago said poverty is increasing. The number of people who are uninsured is increasing. It is not surprising, they are both very much related.

We want to support the troops. The first way we can support them is to support their families. We should manage the war and the economy better, manage the war and the economy better.

The team now in charge is not capable of managing better. I have here an advertisement that appeared in the New York Times last Friday. It is a big, full page advertisement that reads: "Donald Rumsfeld betrayed my son and our Nation; it is time for him to go." It is written by a person who has three sons in the military, three sons in the military. Two of them are in Iraq.

☐ 2230

His name is Larry Syverson of Richmond, Virginia. I am going to read it all and submit it for the Record.

"I am a patriotic American with three sons in the military, two serving in Iraq. Brandon is a master gunner near Tikrit. Bryce is a gunner stationed in Baghdad. I'm proud of their service, but I'm angry with those who have led us into what can only be called a quagmire.

"Donald Rumsfeld had day-to-day authority for planning the war and its aftermath. He was the chief architect, and it is his house of cards that is tumbling today. Months after the President declared 'mission accomplished,' Americans are being killed almost daily. On April 13, Rumsfeld said: 'Every hour that goes by, it's getting better and more peaceful and more orderly in Iraq.'

"We know that is not true. Rumsfeld's bad planning has left our troops poorly equipped and vulnerable in an increasingly hostile environment, and

Americans are being asked for an additional $87 billion for Iraq. We now know that the President and those who serve him misled us about weapons of mass destruction, about Saddam's supposed nuclear program, about a link between Saddam and September 11.

"I'm in awe at the courage of my sons and the honorable service they give, but the leaders they serve have not acted honorably. They have failed my sons. They have failed all of us. At the very least, Secretary Donald Rumsfeld must go."

Now this is an ad that appeared in The New York Times and is paid for by MoveOn.org that says we can win without war.

We have a situation where very high-powered leaders with very high-powered advice, almost unlimited funds to pay for the personnel to do the planning, have placed us in a situation which is a quagmire. There is an overwhelming blunder that has taken place in Iraq. Did we not know about the dilemma of Robert McNamara in Vietnam? Were the people who did this not able to read? Did they not see the clippings and the media representations about the war in Chechnya, the Russians trying to contain a very small population, compared to the 24 million population of Iraq? Did we not see that and understand what that was all about? Did we not understand what happened to the Soviet Union in Afghanistan? Did we think the Soviet Union was driven out of Afghanistan because we supplied the Taliban, the al Qaeda at that time, the Mujahadeen? We supplied them with modern weapons. We supplied them with training. We spent billions of dollars that were never recorded in Afghanistan to defeat the Soviets.

I invite anybody who would like to hear more about that to read a book called Charlie Wilson's War. Charlie Wilson's War has gotten very little publicity in terms of what it deserves. Charlie Wilson's War is a story of a Congressman named Charlie Wilson from Texas. He is still alive. He was an amazing character and should be given some kind of medal for being the Member of Congress who controlled and manipulated billions and billions of dollars. He has the record for what he controlled and manipulated, using the CIA and other mechanisms to get money into Pakistan to be used against the Russians in the war in Afghanistan.

Eventually, the modernizing of the Mujahadeen and the Taliban, including Osama bin Laden, who was there at the time, the modernization of that group led them to the point where they were able to drive the Soviet Union out of Afghanistan. Stinger missiles were supplied in tremendous numbers through the efforts of Charlie Wilson. It is something everyone should read. But did Rumsfeld not read it?

Westmoreland, in Vietnam, kept offering optimistic reports and blowing up the body bag numbers for the enemy. Did he not read about that? Later, we found it was not true. The number of enemy that General Westmoreland claimed were being killed in Vietnam was far less than were being killed. Therefore, it threw off all our calculations, and the North Vietnamese were later to mount a tremendous counterattack, and we had to scramble to get out of Saigon. Did no one read that?

Does anybody remember the Tet offensive, the Tet offensive in Saigon? At a time when President Johnson said we were winning the war, the Vietnamese guerrillas, with the help of North Vietnam, launched a massive weekend guerilla attack which shattered once and for all any hope that we could ever win the war in Vietnam. It was called the Tet offensive. In the environment of Iraq it will be easy to mount a Tet Offensive type operation. They have already started down that road.

The guerilla attacks are getting more intense in Iraq. There was an 8-hour firefight yesterday, an 8-hour firefight with the guerrillas yesterday. This is not a hit-and-run suicide bomber situation. They are moving into other levels.

Now, should we cut and run? That is not my proposal. I propose that we immediately move as rapidly as possible to create a situation which will head off the support for these guerrillas. The way to do that is to be able to get help from other nations. Let it be known clearly that we are not oppressors, we are not occupiers, we do not intend to stay there. We need to get help from other nations, move rapidly to establish a constitution for Iraq, and while we are doing that, send in more troops.

We cannot play games the way we are playing now, pretending we do not need more troops. The way to stop the guerrillas is to have more troops. The way to stop the sabotage of the oil wells, the way to stop the sabotage of the water systems, the way to stop the sabotage of the electricity systems is to have more troops to guard them. You cannot escape the need for more troops on a short-term basis.

Naturally, Mr. Rumsfeld does not want to be in a position of exposing that his calculations were all wrong. God forbid he should become a person who has to call for a draft. But he puts our soldiers in harm's way by playing such games, by not agreeing with the generals who are afraid to say so in public but they tell us behind the scenes they need more troops. We need more American troops while we are waiting for those others to come from other nations, who might show up and they might not.

We must understand the degree of the mismanagement. Robert McNamara was a genius, but he got caught up in a situation in Vietnam which drove him to ignore all of his common sense and all of his genius. Lyndon Johnson was a political genius, but ego and the belief that America must never allow itself to be defeated led to a quagmire in Vietnam. Fifty-eight thousand died in Vietnam.

The numbers are much smaller in Iraq, but every life is sacred. And if we do not move now in a decisive way, the numbers will go up, and every soldier killed will have died in vain. I do not think this blunder in Iraq is worth a single American life, and since we are there, we could not avoid being there, let us try to limit the number of lives that are being lost.

So I say to the working families of America and the people who care about all of Americans, who care about our troops who are out there suffering, really care about the troops and not just waving flags but refuse to provide the kind of support the troops need, as veterans, as soldiers out there who need flack jackets at work, and there are a number of things going on which are detrimental to our troops in the field and certainly affect their morale when they look back home and see their families being treated like dirt, I say to all those people who are watching this to not give up.

Now is the time for us to come forward and place ourselves on the front lines for the defense of America. The greatest Americans are the Americans who want peace. The greatest Americans are the Americans who will tell the truth and who will fight the myths that are endangering our security. It is a myth that Iraq is a center for fighting terrorism. That is a myth. We have said it is a center, but it is only a quagmire, a trap, an ambush. The real center is still wherever Osama bin Laden and his network is located, and that network is still our greatest threat in terms of our security. That is a myth. We should fight that myth.

We should fight the myth that the United Nations has nothing to offer; that France, with its French fries and American fries, does not deserve to be a decisionmaker in this situation; that Russia only wants to get involved because it wants to get the money back for its contracts; that Iraq cannot pay for its own reconstruction. That is the biggest myth. Iraq has oil fields beneath the surface that can pay for any reconstruction they need to take. The problem is that many of the people involved in this war are trying to secure the oil of Iraq for the oil barons and the companies that already are involved. They want theirs off the top. They do not want an agreement which says Iraq should pay its own way because they have plans to take their commissions off the top.

There was a time when the Middle East oil flowed out of the Middle East and each country only got 12 cents on the barrel. The rest of it flowed to Great Britain or France or some other country, the dollars. They want to go back to that. They do not want to admit that Iraq can pay for its own reconstruction. We can set up a situation where they wait maybe 10 years, 20 years. Who cares? Charge them low interest. They can pay for their own reconstruction.

We need to come forward and be as fervent, as dedicated as the people who support Donald Rumsfeld. They have fervor. They are bold. But they are wrong.

We need to be fanatics for peace.
We are citizens who ought to volunteer to do our part.
Never mind looking for a military Purple Heart.
We are fanatics for peace.
Our holy assault must never cease.
The Constitution light still shines.
We should launch spit into the fascist face.
Our maneuvers will launch the human race.
Pledge allegiance to the human race.
Pledge allegiance to the civilization that our children deserve.
This is the cause we swear to serve.
Victory without blood in Ghandi's name.
Celebrate Mandela's fame.
The spirit of Martin King again will reign.
Resist a government that has now gone insane.
Commanders of abuses must face the Nuremberg nooses.
We are fanatics for peace.
Run and broadcast the brave news.
Divine mobilization is what working families should choose.
Surrender we unconditionally refuse.
Our vision will not decrease.
Our passion will never cease.
We are fanatics for peace.
We are the greatest Americans.
We want peace.

Madam Speaker, the article I referred to earlier is as follows:

> I'm a patriotic American with three sons in the military, two serving in Iraq. Branden is a master gunner near Tikrit. Bryce is a gunner stationed in Baghdad. I'm proud of their service. But I'm angry with those who have led us into what can only be called a quagmire.
>
> Donald Rumsfeld had day-to-day authority for planning for the war and its aftermath. He was the chief architect and it is his house of cards that is tumbling today. Months after the President declared, "mission accomplished," Americans are being killed almost daily. On April 13, Rumsfeld said: "Every hour that goes by, it's getting better, and more peaceful and more orderly in [Iraq]." We know that is not true. Rumsfeld's bad planning has left our troops poorly equipped and vulnerable in an increasingly hostile environment. And Americans are being asked for an additional $87 billion for Iraq.
>
> We now know that the President and those who serve him mislead us about weapons of mass destruction, about Saddam's supposed nuclear program, about a link between Saddam and September 11. I'm in awe at the courage of my sons and the honorable service they give. But the leaders they serve have not acted honorably. They have failed my sons. They have failed all of us. At the very least, Secretary Donald Rumsfeld must go.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2003.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 29, 2003 at 12:35 p.m. and said to contain a message from the President whereby he submits a Memorandum of Understanding between the Department of State and the Department of Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON
(For Jeff Trandahl, *Clerk*).

MEMORANDUM OF UNDERSTANDING BETWEEN SECRETARIES OF STATE AND HOMELAND SECURITY CONCERNING IMPLEMENTATION OF SECTION 428 OF THE HOMELAND SECURITY ACT OF 2002—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 131)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Select Committee on Homeland Security and ordered to be printed.

Message to the Congress of the United States:

Consistent with section 428(e)(8)(A) of the Homeland Security Act of 2002 (Public Law 107-296) (the "Act"), I am pleased to report that the Secretary of State and the Secretary of Homeland Security have completed a Memorandum of Understanding concerning implementation of section 428 of the Act. The Memorandum of Understanding will allow the Departments of State and Homeland Security to work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 29, 2003.*

IRAQ WATCH

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

Mr. HOEFFEL. Madam Speaker, the Iraq Watch is back tonight. We look to have an interesting discussion in store for the next hour. We have been holding these hours of debate on Iraq for the past 2 months or so, once a week, in which we gather on the floor to talk about our policies in Iraq, suggest changes, as we would recommend changes in those policies, and ask questions to try to learn for the Congress and for the American people what the administration's plans are in Iraq.

☐ 2245

I would like to open up briefly this evening with a brief report on the appearance by Ambassador Paul Bremer before the Committee on International Relations on September 25. He came before the committee to justify the administration's request for $87 billion of military occupation and reconstruction dollars in Iraq.

I asked the Ambassador, who I think is a fine public servant who is doing the best he can, a career diplomat, one of America's finest, but I believe his political masters are making it difficult for him to give us the information which I believe Congress is entitled to. I asked the Ambassador when we would get timetables and information and when would the President level with the American people about plans to internationalize the security challenges and the reconstruction challenges in Iraq, when we would get timetables and plans for giving the Iraqi government back to the Iraqis, and when would we get an exit strategy; when would the administration tell us when they believed we could bring our troops home and what standards we would want to achieve in Iraq before making that decision, and how would we know if we were succeeding or failing with those goals.

The Ambassador could not answer those questions. He said in his opening statement, "We have a definite plan with milestone and dates," and I asked him about that. First off, he was only talking about how to spend the $87 billion. But, secondly, that definite plan with milestone and dates that he referred to in his opening statement is not yet available for Congress. He may have the milestones and dates, the administration may know what the milestones and dates are, but he could not tell the Committee on International Relations, or any other committee in Congress, what those milestones and dates are. So it was not really a successful explanation to our committee about what is coming down the pike and what the administration plans in Iraq.

He did say with some pride that 61 countries have pledged their support for reconstruction in Iraq. I asked him how much that pledge amount totaled, and he said $1.5 billion. Now $1.5 billion is a lot of money, but from 61 countries it is not much of a contribution. If we compare it to what we have spent and will spend in Iraq, it is less than 1 percent of what America is spending on the military occupation and on the reconstruction. And if we only add up what America is spending on reconstruction, what we have already spent and what the President is asking, this $1.5 billion from 61 countries is only about 5 percent of what we will spend and have spent on reconstruction.

Clearly the administration has not received from the international community anything close to what we ought to get in terms of their financial support for reconstruction and for what we are trying to do in the name of freedom and liberty in Iraq.

I would suggest that the heavy-handed diplomacy, the arrogance, the unilateral approach of this administration has resulted in our allies and international organizations not yet stepping up to the plate.

I would simply say that I believe that the $87 billion needs to be handled separately by the Congress; and I would suggest that while we need to grant that money for the support of our troops in the field, that the part of that request, some $21 billion that is designed for reconstruction costs in Iraq, should be handled differently. I believe we ought to provide those dollars as loans to Iraq and not as outright grants to be repaid by Iraqi oil revenue. Everyone believes within 2 or 3 years the Iraqi oil industry will be generating at least $2 billion a year in revenue, hopefully within a few years up to $3 billion to $5 billion in revenue. And Iraq has the ability to repay loans, and I believe our reconstruction aid should be in the form of loans. Some have said that this would only put Iraq further in debt, and international organizations and our allies have already lent $200 billion to Iraq when Saddam Hussein was in power and they would not take kindly to us creating more debt.

Well, if we give this money as loans, it is my view that we should be the first in line for repayment. If the French and Germans and Russians do not like that and feel they have a higher claim on repayment of the money they loaned to Saddam Hussein, let them find Saddam Hussein and ask him for the money. We are the ones that pushed him out of office and have made that investment. I believe we should not put our country deeper into debt, and it should be loans, not grants.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT), a senior member of the Committee on International Relations.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding me this time, and I think it is ironic when I hear representatives of the administration say we do not want to load down the Iraqi people with debt. Well, I wish that they would share the same concern for the American people because recent reports in the media indicate that here in the United States poverty has increased dramatically. More than 1 million Americans, an additional 1 million Americans are now below the poverty line. That is a historical first, the median income, the median household income, that is halfway if you count all of the households in the United States, right at the 50 percent mark, the median income for an American family has gone down for 2 consecutive years. Ironically, there has been a significant increase in the number of millionaires. That went up some 14 percent. Of course, they have benefited from the recent series of tax cuts put forth by the President and enacted by this Republican Congress.

But debt, the deficit, is breaking all historical records. This year it will exceed $500 billion, and we are not talking about this particular supplemental, this so-called war supplemental. So when we talk about debt, let us remember the American people because we are going to have to answer to those people when they ask us who pays the bill. Well, it is you folks and your children and grandchildren, and possibly your great grandchildren because while we were projecting a $5.6 trillion surplus, we are now looking at a $3.3 trillion public debt.

Let me tell you what the cost of that $87 billion will do to the communities that the gentleman from Massachusetts (Mr. MEEHAN) and I both represent. The $87 billion in additional war spending will cost Massachusetts taxpayers $2.6 billion. If that money were spent on other priorities in our home State, it could pay for $334 million for school construction resulting in over 8,000 new jobs; almost 1,900 new affordable housing units creating 4,500 jobs; $445 million for local and State roads and bridges, creating 10,000 new jobs; and 9,300 new firefighters; and health care coverage for 150,000 people in the Commonwealth of Massachusetts who are not currently receiving it. That is what it means to our home State, the Commonwealth of Massachusetts.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I just want to elaborate on what the gentleman from Massachusetts (Mr. DELAHUNT) has said. He talked about the increase in poverty. In the New York Times today, "Big Increase Seen in People Lacking Health Insurance, Largest Rise in a Decade." The number of people without health insurance shot up last year by 2.4 million, the largest increase in a decade, raising the total to 43.6 million Americans without health insurance.

We have a crisis in this country. Unemployment, health care, prescription drug coverage, an exploding deficit, an ever-increasing debt, we are not building our roads, our bridges, our water and sewer systems, our schools, our VA hospitals, our medical clinics; and yet the President seems so determined to take resources from the American taxpayer and send them to Iraq. And I will tell Members something else which concerns me, and that is the possibility of profiteering off this war. I think we will talk about some of the contracts that have been let a little later tonight, but it troubles me that some people are getting rich off this war. We have young soldiers over there without protective armor. About 40,000 are without the best protection we can provide.

Madam Speaker, when they get wounded and come back to Walter Reed Hospital or the Bethesda Naval Hospital and they spend a week or 2 weeks or a month there, when they leave, they are presented with a bill totaling $8.10 a day for the food they have consumed. What has become of us. We have gotten our priorities really confused. That is why I am glad we are talking about this. The American people need to know and I look forward to the gentleman's further elaboration on what is happening to the money we have already appropriated.

Mr. DELAHUNT. Madam Speaker, if the gentleman would yield, we talked earlier about the support that France and Russia and Germany provided Saddam Hussein. That particular chart represents the support that previous Republican administrations provided to Saddam Hussein from 1982 to 1990. I thank the gentleman for yielding.

Mr. HOEFFEL. Madam Speaker, I appreciate the comments of the gentleman, and we look forward to hearing more about the chart. We will now turn to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Speaker, what we have attempted to do over these weeks is to bring the hammer of truth down on the anvil of inquiry, and that is the object of these discussions. People have sometimes asked me, and I know they have asked other Members, why is it that we have these sessions late at night during what is called Special Orders. And because we are used to it, we may take it for granted that everyone knows what that is. The people who may be perusing through the various channels on their television set may come upon C-SPAN, and they see the regular order of business is concluded for the day, and now we are in Special Orders.

What that means is in this people's House, membership of which is restricted, restricted to those who have been elected, not appointed, elected by their constituents across this country, the faith and trust of their constituents have put all of us on this floor.

□ 2300

We are here under Special Orders because this is our opportunity to speak to our colleagues and to the Nation about those matters which we consider most important and which we may not have had the opportunity during the regular course of business to discuss at length or in-depth. Unfortunately, as I have mentioned over and over again, we are dependent on the people of this country, on the people of our Nation, to pay attention to what may be said here, not because we necessarily know more than others, but because we have been privileged to occupy these positions and accept this responsibility and meet the obligations of carrying forward an inquiry for the Nation at large, so that we can determine what the best course of action is. Over and over, we reach out to the country here on this most important of issues, our Iraq Watch, because the media, and you see my arm reaching back to those who cannot see it, the galleries are here for a free press to join us, to observe us and they are never here. They are never here because they are occupied with those matters which they consider most important. They are chasing after a circus out in California, they are trying to determine whether or not they can start a fight, a verbal fight, some verbal fisticuffs between politicians, they are preoccupied with process and politics is entertainment. But that is not what our charge is, and that is why we are here at 11 o'clock at night on the east coast, not because we have nothing else to do in terms of our responsibilities and our commitment, but meeting our most important responsibility, which is to reach out to the citizens of this country to let them know that their Members here in the People's House are focusing in on those items not just of interest, but of most immediate concern to their welfare and to the welfare of peace throughout the world. And so we meet here tonight, and we meet here every week, determined to bring forward from our inquiry not just a measure of truth, but hopefully a sense of insight and to bring forward the facts, as best we know them, to let people draw their judgments.

And so the gentleman from Massachusetts (Mr. DELAHUNT) has here this evening a chart. Maybe we cannot all see it on the television screen, so he is going to explicate for us what is on that chart, and what it means. The reason that we are doing it is because we have a deep and abiding desire to share with the entire citizenry of the country our profound concern that we are moving in the wrong direction. The fact is that there is no higher degree of patriotism, especially when you think your country is moving in the wrong direction and the price of that moving in the wrong direction is the blood and grievous wounding of our young people. We have to speak out under those circumstances, and that is why we are here this evening. I am particularly pleased to be joined as the gentleman from Massachusetts (Mr. DELAHUNT) indicated by his colleague, the gentleman from Massachusetts (Mr. MEEHAN), and a former president of the Connecticut State Senate and now the ranking member, the senior Democrat on our Committee on House Administration, the gentleman from Connecticut (Mr. LARSON), joining with us tonight. They are here, I think, at this stage to back up the issue, the issue at hand which is can we put forward a policy and analyze the circumstances under which these policies are presently being put forward by the administration, can we put forward an analysis and analyze these policies in such a manner as to give some direction that will see that this comes to an early end?

Mr. HOEFFEL. I thank the gentleman for his eloquent comments. I am happy to recognize the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. I compliment my colleague the gentleman from Pennsylvania (Mr. HOEFFEL) for his leadership and the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Hawaii (Mr. ABERCROMBIE). We were at a House Armed Services Committee meeting tonight and the press was not there, either. We were looking to mark up House Resolution 364, which is a resolution of inquiry that I know that the gentleman from Massachusetts (Mr. DELAHUNT) is familiar with, introduced and cosponsored by the gentleman from Florida (Mr. WEXLER) and many of us cosponsored that, including myself, that would ask the President to send to the House of Representatives a report prepared by the Joint Chiefs of Staff that has been widely reported in the press entitled Operation Iraqi Freedom, Strategic Lessons Learned. These are documents about the reconstruction and security of postwar Iraq. This report was compiled by the Chairman of the Joint Chiefs of Staff with interviews from senior U.S. military officials, including Army General Tommy Franks, that outlines the deficiency in the Bush administration's postwar planning for Iraq.

According to a Washington Times article that appeared a few weeks ago, this report includes a scathing analysis of the Bush administration's lack of planning for postwar Iraq. No matter which side people were on at the resolution that was voted on a year ago, all of us, I think, said that the challenge was not necessarily in the military mission in Iraq that all of us as members of the Committee on Armed Services knew could be completed because we had prepared for it for 10 years, the question was whether or not we were prepared for the postwar Iraq. I think the evidence is overwhelmingly, in fact even the Bush administration has acknowledged that the stabilization and reconstruction of Iraq is turning out to be a disaster.

Nobody can seriously doubt that the world is a better place without Saddam Hussein in power. But I think the evidence is clear that if we are not careful, and if we do not ask questions, if we do not have inquiries, we risk turning Iraq into a breeding ground for terrorism. According to the Washington Times report, prepared by the Joint Chiefs of Staff, this is a comprehensive analysis of the Bush administration's postwar strategy. Everyone on this floor today knows that this administration botched the planning for how to deal with postwar Iraq.

The only question we face now is, how can we fix it before more damage is done? There is good reason to think that this report, if made public, would help us to do that, because it looks at the planning for the war and its aftermath through interviews with senior military officials. The report is in final form. According to the Washington Times, it was stamped that it is a final draft. I cannot understand why we would not get a copy, why the Committee on Armed Services would not get a copy, before we decide how to handle the Bush administration's request for yet another $87 billion to secure and rebuild Iraq. With everything we know now about the absence of intelligence on weapons of mass destruction and the failure to plan for a significant resistance, I do not think the Bush administration is in any position now to ask us to trust them to give us the information that we need. All of us on the Committee on Armed Services have a responsibility to the Republic, to the Constitution, to get to the bottom of the Bush administration's planning on Iraq and what went wrong.

As the gentleman from Hawaii (Mr. ABERCROMBIE) would attest to, more than 6 months have gone by since the Joint Chiefs of Staff initiated this report. Three months have gone by since the draft was handed over to the Department of Defense stamped final draft. And it has been 1 month since the Washington Times has reported this. I do not see any reason why the Pentagon should not be able to give the Congress of the United States this report. We need it now, before we make any decisions about another $87 billion as we are cutting back, this administration, cutting back on health care for Americans, cutting back on veterans' services, $1.8 billion to make sure that we meet our commitment to veterans across this country, cutting back on Head Start and other programs. We ought to know what this report says before we move further.

I was disappointed at what the Committee on Armed Services did tonight because we reported that bill out with an ought-not-to-pass the bill. I do not know why the American people do not have a right to know what is in this report that the Joint Chiefs of Staff have put together. But instead there is more stonewalling, we do not want to tell the truth, we do not want to let it out, we want to keep it secret. If there is anything that all of us Members of Congress have come to understand it is we have a responsibility to make sure that this administration hides behind the truth no longer.

Mr. ABERCROMBIE. Now that everyone understands what the gentleman from Massachusetts (Mr. MEEHAN) was referring to in terms of what is called an adverse reaction, an adverse recommendation, I want to make sure that everybody understands what is going to come to the floor, and I think the Committee on International Relations had to deal with this issue the same way.

□ 2310

What is coming out of the Committee on Armed Services and what is coming out of the Committee on International Relations, if I understand correctly, is the recommendation to all the Members when it comes to the floor to vote down, vote down a request for information that is vital to our understanding the direction that we should take with respect to Iraq and the post-war activities therein.

Mr. DELAHUNT. Just trust us. That is what the administration is saying. Just trust us.

Mr. ABERCROMBIE. Madam Speaker, more than that, there is going to be a recommendation to vote down. That is the recommendation. To me it seems that it would have been a far more straight-up approach to simply say, no, we are not going to do it and take it from there. But I know this is going to strike the American people as an awfully strange way of doing business, but I hope that the media will pay some attention, that we will be able to bring attention hopefully through Iraq Watch tonight to say tune in, listen in, pay close attention when this vote comes up in the House because for the first time in my memory, and, in fact, next year I will be 30 years in public service and I cannot ever recall an instance in which a legislative body which is bound to determine what the policy of the Nation should be or what the State should be or whatever legislative jurisdiction that it has actually is asked to turn down the opportunity to receive information that can help it make a judgment.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his comments.

Before yielding to the gentleman from Connecticut (Mr. LARSON), I want to compliment the gentleman from Massachusetts (Mr. MEEHAN) for waging this fight with the gentleman from Connecticut (Mr. LARSON) in the Committee on Armed Services, and inform them that the gentleman from Massachusetts (Mr. DELAHUNT) and I waged the same fight in the House Committee on International Relations with the same pathetic response and result, that it was approved with a negative recommendation to the floor.

I share the gentleman from Hawaii's (Mr. ABERCROMBIE) outrage at that. And the Republican leadership of the committee and the rank and file on the committee took great delight in saying to the Democrats they just have to ask questions and they can get answers and come back later this afternoon. This was last Thursday, September 25, and ask Paul Bremer and they will get all the information they need about the administration's plans in Iraq. And as I said at the beginning of Iraq Watch tonight, we went back and asked Mr. Bremer questions, and we did not get answers at all. It was just more, We do not know, we have got our plans and our timetables but we will not tell you what they are, and it is a sad day for Congress when we cannot get information that we need to make a decision.

Mr. MEEHAN. Madam Speaker, there was an amendment by the gentleman from South Carolina (Mr. SPRATT) tonight before the Committee on Armed Services, and I know the gentleman from Connecticut (Mr. LARSON) can attest to this, where all we are asking is how have they spent the $80 billion we have already sent to them. Where has this money gone? There is a controversy around the country because some leaders in this body and the other body have said the money went for this or the money went for that. Tell us what has happened to the money. They will not tell us. They do not want to tell us. The gentleman from Connecticut (Mr. LARSON) was there for that debate on that amendment. They do not want to justify the $80 billion they have already spent. They want to pass another $87 billion before they even justify where the first $80 billion went.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentleman from Pennsylvania and the gentlemen from Massachusetts and Hawaii who have been integral in organizing these nightly hearings and providing the American public with an opportunity they otherwise would not receive to hear about what is going on.

I am fortunate, aside from serving on the Committee on Armed Services, to have recently traveled to Iraq with the gentleman from Pennsylvania (Mr. MURTHA), probably this body's most learned individual with regard to foreign policy and military issues, especially as they relate to intelligence. We were very disturbed this evening to find in a partisan manner that we were unable, as the gentleman from Pennsylvania (Mr. HOEFFEL) has indicated, frustrated, in fact, by the fact that we can just not even get information to come forward in this body. Even more disheartening is the fact that apparently The Washington Post, CNN, the Washington Times, and others have information that the United States Congress cannot even obtain.

I am particularly concerned because of our troops that are in the field; and one would think at home that there would be an accounting, recognizing that there is a creditability gap that exists here in this country with our own people, clearly one around the world, but with our own people and with our troops that we would be doing our very best to level with them.

Let me explain that anecdotally I was before a group of Reservists and National Guard families in Connecticut last Thursday evening as the adjutant general from Connecticut struggled to try to explain to them why their deployment has been extended. And unfortunately, the adjutant general gets about the same kind of information that Members of Congress do. And the American people are beginning to understand that this administration simply will not level with them. And whether it is the deployment of our troops, whether it is the actual costs that are involved, as the gentleman from Massachusetts (Mr. MEEHAN) has pointed out, whether it is an accounting for the $80 billion already appropriated, forget about the $87 billion that they are asking for, and some are saying it is more than that, but not even being able to account for that in a very reasonable amendment that was put forward by the gentleman from South Carolina (Mr. SPRATT).

Tommy Franks in front of our committee made a very telling point that the gentleman from Hawaii (Mr. ABERCROMBIE) observed. We queried him about whether or not these policies, some of the very issues contained in this report, the policies of preemption and unilateralism, whether they are working; and to be quite frank and honest, he said, look, these are issues that are above my pay grade. But I will say this: there is a big difference between those who wave the flag and those who salute the flag. Those who salute the flag, the men and women of our armed services have performed extraordinarily for this Nation. They deserve such a debt of gratitude to us; we all should drop to our knees nightly and thank them and praise them for their effort. But those who are waving the flag over here, the neoconservative preemptive unilateralist movement that has given this Nation a hard right turn away from the policies of deterrence, diplomacy, and containment and towards the policies of preemption and unilateralism are taking the country in the wrong direction. All we are doing is asking for information and data that this country and this body needs in order to make an informed decision.

That is why I am so proud of our colleagues who have come here nightly to make sure that the American public at least know that this is not a Congress that is sleeping. It is just a Congress that has been muffled by virtue of the fact that we are in the minority.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his comments and eloquence, and I want to thank the gentleman from Connecticut (Mr. LARSON) and the gentleman from Massachusetts (Mr. MEEHAN) for joining us in the Iraq Watch tonight from the Committee on Armed Services. They have reinforced us, and we are glad that they are here.

Before going to the gentleman from Massachusetts (Mr. DELAHUNT), I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has been waiting very patiently, her second appearance I think with Iraq Watch and we welcome her back.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his leadership on this issue, and I think it is important to note that a singular theme that is appearing amongst all of our Members, members of the Committee on Armed Services, and members of the Committee on International Relations is that we are united in our respect and support for those troops that are on the frontlines in Operation Iraqi Freedom.

I bring a different perspective as a member of the Select Committee on Homeland Security that some of my colleagues are also members of to really ask the question to the American people and to explain why we all are on the floor because we do have an obligation, we have taken an oath of office, and that is to the American people and as well our responsibility internationally; and I have been asked by even my constituents and I have asked them rhetorically do they feel safer today than they felt before 9/11, the tragic incident, and do they feel that this war has placed America in a safer position.

□ 2320

I hope that as they listen to our debate and our inquiries that we are making and the resolutions that were passed, though unfavorably out of the Committee on Armed Services and the Committee on International Relations, they are really asking the question: are we better placed because of the war in Iraq. I would simply give a resounding "no."

So one of the requests that I am going to ask of all of my colleagues is that we go home to our districts and hold forums or town hall meetings on this very question. Because I think the American people, the American public have been belt-tightening, they have to keep budgets, they know they can only spend their certain amount. They take their certain amount in by salaries and then they spend a certain amount out. I think they will understand that what we are doing in this debate on the $87 billion is putting conditions on the expending of these dollars. We are putting conditions on it, primarily because we respect the American people and their pocketbook.

We already know this administration has given a reckless tax cut to the 1 percent rich, and most of the American people have not experienced it. So we are suffering on the domestic end because there are Americans who are suffering with Social Security and lack of Medicare prescription drug benefits and lack of Medicaid, and lack of resources to their schools. There are students who are telling me that they are not getting Pell grants.

What I want to see happen in this body is that I cannot vote, and I believe that the Members of this Congress are reasonable to ask for certain conditions, on the expenditure of the $87 billion. I am going to be putting in a resolution, a sense of Congress resolution to ask a simple question: would you simply bifurcate the vote, give us the expenditures or the requests as relates to the security and safety of our troops, whether it be equipment or whether it be bullet proof vests, whether it be Hummers, whatever it might be, give us that amount and let us all come running to the floor to support that. Then, let us respond to the request by the Committee on International Relations and the Committee on Armed Services on a detailed report of data that we have not been able to receive on the strategies that are taking place in Iraq.

I, for one, would like to have the following, if I might share this with my colleagues, the gentleman from Pennsylvania (Mr. HOEFFEL) in particular. First of all, I said I want the separate vote, and I think that is fair, so we can understand what the $20 billion plus will be and, I think the administration should present the case, what will be the next request? When will we have the next request of $75 billion or more? I say this on the backdrop because I know my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE) was here and that was during the Gulf War which was a war when we went in to liberate Kuwait because Iraq had invaded Kuwait. But if we look at it militarily or scientifically, the interesting point about that, I thought that was the greatest effort of coalition maybe since World War II, when we had a coalition that ranged across the spectrum, across the regions of the world from as far south as South America and we spent $62 billion on that war. The United States spent $7.5 billion, $7.5 billion and with no debt on that, but we did what we needed to do and we did it with a coalition.

So I am asking for a separate vote, I am asking for a direct exit strategy as a condition, and I am asking to find out what is the plan for postwar Iraq. I would like to see a resolution to the United Nations that would include the number of allies, the troops, and the amount of monies that would be expended. I believe still, a lot of people said to me, well this is bygones be bygones. We are in Iraq because of the administration; specifically, Secretary Rumsfeld. Because I am not indicting my colleagues; this is the separate branch of government that provides oversight and receives its information from the administration and does it in a way that each of us have to rely upon the truth and the integrity of each body of government. We were presented evidence that there were weapons of mass destruction and there was a need for a preemptive attack against Iraq. I cannot let that be bygones.

I think if we present this in the way that the American people understand; maybe in the way they raise their children. Maybe a child has done a bad act. The parent does not just say they did a bad act. If they are parenting that child, they bring them in and they say, can you explain, Johnny, why did you have to do this? Why did you think this was the right way to go? So that in the parent's discipline of that child, you can do it in a way that is instructive and it does not happen again. They came, the administration came to this Congress and indicated to us that there were weapons of mass destruction pointed toward the United States.

Let me share with my colleagues the claims of Vice President CHENEY who indicated in Meet The Press, whenever he was talking, that Iraq was reconstituting its nuclear arms program, and we continued to hear this over and over again. Well, my friends, let me just say this. We have David Kay returning back from a long period of time in Iraq. He has 1,400 weapons experts and he reports to George Tenet. And the basic draft is going to suggest that the report by the Americans leading the hunt for banned weapons in Iraq says, his team has not found any of the unconventional weapons cited by the Bush administration as a principal reason for going to war, Federal officials acknowledge the findings and acknowledged today. That is in a New York Times report.

Let me just say this as well. The team who spoke said that Mr. Kay's team had not found illicit weapons. They may have found precursors, but they found no illicit weapons.

So I believe we have a 2-pronged responsibility. One, to condition the request for the $87 billion, as my colleagues and friends have been doing; explaining to the American people by going, spreading out across this Nation, I want Republicans and Democrats to do it, because I want them to know that there are people in all districts who are concerned about Reservists who have no time certain to come home, troops who have no time certain to come home, and a report that says that by March 2004, we will not have enough troops continue this if we do not get allies.

Let me just simply close this portion by saying this: we need friends. We need a United Nations resolution that says these allies are joining us with troops and with money. Because it is clear that we only have 20,000 troops from other countries in Iraq right now. Those are the coalition of the willing, allegedly, and we thank them for their efforts, but it is 20,000 very small countries, including Britain. And what we are hearing is there are not too many favorable fans, allies trying to join us. I think the administration owes the United States military, the United States Congress, and the American people a commitment that they will have new, fresh allies coming in to help maintain the peace, provide troops and money. I believe that it is extremely important, and I join my colleagues in saying this, that we condition any expenditures, and it is a shame on our friends who do not see that this is the responsibility of this Congress to stand up on behalf of the American people. I hope we will do this, and I hope we will go out and listen to our constituents as well.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Madam Speaker, we have a simultaneous war on Afghanistan and Iraq, and I will be brief, but I had to call a family today in my district. Evan O'Neill, a 19 year old, great kid, was killed in Afghanistan, and I had to talk to his father, Mike. His mother, Barbara is a nurse. His father is a firefighter in Andover, Massachusetts. A Vietnam war veteran, he was injured himself.

I think this has nothing to do with partisan politics, but we have to think about the uprising in Afghanistan of the Taliban and al Qaeda, and consider the fact that while we have the Taliban on the run and while we have certainly put a dent into al Qaeda, there are many in this chamber who have asked the question whether or not we could conduct 2 simultaneous wars. And I just want to take a moment to reflect on Evan O'Neill and his heroic fight for our country in tracking down the Taliban in al Qaeda. He gave the ultimate sacrifice today: his life.

The point I want to make is, and my colleagues recognize this, what we are talking about on this floor is serious business. It is about life and death, and the decisions that we make and this administration make about war and peace is about dollars, it is about investment, but it is also about human life. And I, for one Member of Congress, am tired of having to talk to families who have lost loved ones.

On September 11 I had 31 of them from my district. We have to think about these issues. One of the reasons why inquiry is important, discussion is important is because this is serious business, and it is about life and death. And we owe constituents the responsibility of having an honest, intelligent, nonpartisan discussion about the issues that affect our country.

Mr. HOEFFEL. Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. MEEHAN) for putting a human face on what we are discussing. I am happy to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 2330

Just for a moment, Congress Meehan, I want to join you in that. I had sitting next to me at a weekend event Saturday a father who had lost his 19-year-old. He was sitting next to one of our well-known POWs who suffered, Shoshanna Johnson. He got a chance to sit next to her. He happened to be a constituent of the gentlewoman from Ohio (Mrs. JONES). And without the details of it, he just simply wanted to sit next to someone who had returned. His son did not. She happened to have known his son and was able to share with him some of those, unfortunately, last hours of his life. The parent was just grappling to have some connection to that young boy who no longer lives, who had a future.

I am disturbed by commentators, media, administrations saying it has been 200. No, this is not Vietnam. We lost, as I understand it, 50,000. But what we are trying to do on behalf of the American people is to not have this be a Vietnam. In Afghanistan we hear that the Taliban is reorganizing and coming back.

So that young man's life was not in vain, we have got to be able to ask the hard questions of this administration: What are you doing in Afghanistan to make sure that we have a victory and what are you doing in Iraq? Because fathers and mothers and relatives are coming and sitting next to people and going to churches and synagogues and parishes to try to find comfort about their deceased loved ones. We should not diminish what it means to lose a child.

That is why this discussion is so vital, and that is why I think it is imperative that we have answers from the administration to pay tribute to those who have given the ultimate sacrifice.

Mr. HOEFFEL. Madam Speaker, I want to thank our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), particularly for her enumeration of conditions that you want to see the administration provide before we vote for the requested money; and I think that is a fundamental theme that we have to provide for.

Mr. STRICKLAND. I know my colleague from Washington (Mr. INSLEE) has been waiting patiently and would like to speak. Can I just have 30 seconds? Then I will hear what my good friend and colleague has to say.

Mr. HOEFFEL. If the gentleman from Washington does not mind, I will yield the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. What we just heard about this being serious business is absolutely true. I was watching TV not many days ago, and William Crystal, who is one of those who beat the war drums leading up to this war, said something. I was so stunned by what he said and I took a pencil and I wrote it down because I was so offended by it. He said, "This is our war and we have just got to suck it up, spend some money, and take some casualties."

I thought to myself, it is easy for him to sit in the safety of that TV studio and talk like that. But what about the moms and dads who this very night who are crying themselves to sleep, worrying about their sons and daughters who may be in harm's way?

This is serious business. That is why we are here, and that is why I am looking forward to hearing what my good friend and colleague, the gentleman from Washington (Mr. INSLEE), has to say to us.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Washington (Mr. INSLEE), a regular participant in Iraq Watch.

Mr. INSLEE. I went home to the Seattle area this weekend and got a real earful from my constituents who in the words of this one veteran I talked to said, "You know, I know war is hell, but it is double hell if you do not plan on what you are going to do in it and after it." And I got an earful from my constituents who were concerned that this administration, in at least Federal employee respects, has not done adequate planning on how we are going to move forward in Iraq.

I want to talk about those three. First, I met with a group of reservist families and active duty families who tonight are worried about their sons and their husbands and their wives in Iraq. They live with this 24 hours a day worrying about if they are going to get that phone call, and they told me that they were offended at the lack of planning that has gone into the deployments that their families have been involved with, post-war. They told me that they were told they would be home in 4 months, then 6 months, that they would be 8 months in country and 12 months overall; and now they have changed the rule that they have to be 12 months in Iraq, in country, past the time of retirement of some reservists.

They told me that they believe this is because there essentially was a gross misunderstanding, understanding of what was going to happen in Iraq, where we were told we would be welcomed with rose petals and kisses and parades. As a result of that, those mothers and sisters and brothers and wives and husbands tonight are worrying about their family members getting home; and they want some answers about how we are going to take care of reserves.

Let me tell you one thing that this administration needs to work with us on: How are we going to increase the incentive for these families to deal with these incredibly long deployments? That is why this administration made a mistake putting millions of dollars into this $87 billion to establish a zip code in Iraq but not a dime to improve the health care for our reservists, and we are going to make an effort on this floor to improve that situation because that is where our priority needs to be.

Second issue where they are seriously deficient is they are asking us to spend $87 billion in the hopes of establishing a democracy in Iraq. But have you seen the plan for establishing democracy in Iraq, about how a constitution is going to be developed? Who is going to vote on it? How we are going to get this together? I will tell you what I saw. This weekend's report out of Iraq was that there is a deadlock between the Shias and the Sunnis and the Kurds about how to go forward; and they are making zero progress, unfortunately.

This administration has not shown us a plan to get from here to there, to have a meaningful constitution with real democracy in Iraq; and we have asked for it now for over 8 months. Show us the plan for getting democracy in Iraq. And they want to send $87 billion without a plan. It is a problem.

Third issue I want to mention, I think this is very important, we need good ideas from Americans on how to go forward in Iraq. But when Ambassador Joe Wilson at the request of the CIA went to Africa as a patriotic duty and discovered that the claim that Saddam was buying uranium from Africa was patently false and reported it to the CIA, and despite the fact that the CIA told the White House it was false, and the President of the United States stood right there and told us that in fact Saddam was buying uranium from Africa even though our CIA knew that that was false, and Ambassador Joe Wilson does his patriotic duty by writing an article in the New York Times blowing the whistle on this falsehood, which the President of the United States now agrees was false and should never have been in the State of the Union address, what did this administration do? Did it write him a thank you letter for pointing out that they made a huge mistake preceding this war? Did they recommend the Congressional Medal of Honor for stepping forward when he knew he was going to get nothing but flak from people in a very contentious issue?

That is not what this administration did. This administration, we are now told, tried to punish his wife who we are told works for the CIA by blowing her cover, calling Robert Novak who printed a story identifying her as a CIA agent, to punish an American who brought the truth to this country.

That attitude has got to stop real quick. And we are appreciative that there is now, belatedly, after 2 months, apparently going to be an investigation about this potential crime. But this is not enough.

Let me mention something to you: I do not think the President has done enough on this. I heard him speak today, and I appreciate his interest in it, but his spokesperson says we do not need an internal review of this. In other words, the President is not going to demand of people that he wants to know by 5:00 tomorrow whether he or she was the person who talked to Robert Novak. He is not going to do that. And the reason is, the President's secretary said, quote, on September 29, 2003, "There has been nothing, absolutely nothing brought to our attention to suggest any White House involvement, and that includes the Vice President's office as well," close quote.

Well, that is very curious. Because the day before that in the Washington Post, which you can buy for 25 cents, it is an incredible deal, maybe 35 cents now in Washington, I am sure they have got it at the White House, which said, quote, yesterday, "A senior administration official said that before Novak's call, two top White House officials called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife."

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That senior administration official of the Bush administration went on to say, "Clearly it was meant purely and simply for revenge," the senior official said of the alleged leak.

The President of the United States needs to demand by 5 o'clock tomorrow that his senior people answer to him, not just the Justice Department, to him, whether they had anything to do with this to get this issue resolved. We have got problems in Iraq. We do not need this distraction, and the President needs to get to the bottom of this right now, pronto, so we do not have 2 years of investigations.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman from Washington (Mr. INSLEE) for bringing up this very important matter about Mr. WILSON. I assume the gentleman understands about what he was describing. The blowing of a CIA cover is a Federal offense. It is illegal. It is dangerous and wrong and morally reprehensible.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I want to thank the gentleman from Washington (Mr. INSLEE) for bringing this up.

I would close by saying it is absolutely obligatory for the administration to recognize and to insist, in consultation with Attorney General Ashcroft, to go forward and to appoint a special counsel, because any decision that is reached by the Department of Justice, clearly, will raise questions as to, not just its thoroughness, but whether it was done to protect certain individuals, whomever they may be, in the White House.

Sometime in the near future, if there is no action to appoint a special counsel, I know that the gentleman from Massachusetts (Mr. MEEHAN), and I am sure the gentlewoman from Texas (Ms. JACKSON-LEE) and myself, who serve on the Committee on the Judiciary, will file a resolution expressing the sense of Congress that there ought to be a special counsel in this case.

This is not an administrative matter. This is far more serious than just a simple felony. I agree with the President's father, who uttered these words, this is President George Herbert Walker Bush, "I have nothing but contempt and anger for those who betray the trust by exposing the names of our agents. They are, in my view, the most insidious of traitors."

This is about treason. This is not a simple misdemeanor. This is not about having the President take someone into the wood shed and admonish him or her. The American people have to understand that there are no traitors in this administration or in this White House. And that is going to be absolutely a precondition, to have an appointment of a special counsel to maintain the integrity of the Presidency, of the executive branch, and the Department of Justice.

Mr. HOEFFEL. Madam Speaker, I thank the gentleman. I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I say to my colleague, let me give a resounding yes. I believe that the idea of a special counsel is long overdue. And I want to add to both the gentleman's intellectual analysis, but also his passion to the American people. Outing a CIA agent can be a ripple effect to losing many, many lives of patriotic Americans who are helping secure the homeland. That is what the

CIA represents. We based a war on the CIA. But it is clearly, I think, our obligation to file a sense of the Congress resolution on this matter.

Mr. HOEFFEL. Madam Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I think our time has concluded, but it is clear to me this evening that we perhaps are going to have to have more time. I am pleased that so many are joining us, and I hope we can take up that issue in the future.

Mr. HOEFFEL. Madam Speaker, I thank the Members here tonight. Iraq Watch will be back next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today on account of family illness.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of attending the funeral of the Hon. Donald J. Mitchell.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, October 1.

Mr. HENSARLING, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today and October 1.

Mr. BURTON of Indiana, for 5 minutes, today, October 1 and 2.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 1.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1244. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008; to the Committee on Transportation and Infrastructure.

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes; the Committee on the Judiciary.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building"; to the Committee on Government Reform.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 29, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 69. Making continuing appropriations for the fiscal year 2004, and for other purposes.

H.R. 2657. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2658. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3161. To ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

H.R. 3087. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. HOEFFEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 1, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4469. A letter from the Principal Deputy, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2001, through September 30, 2002, pursuant to 37 U.S.C. 402(a)(f) Public Law 106—398, section 604(a); to the Committee on Armed Services.

4470. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Approval Program for Certain Persons Performing Visual Requalification of DOT Specification Cylinders; Extension of Compliance Date [Docket No. RSPA-03-10373 (HM-220D)] (RIN: 2137-AD86) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4472. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Further Regulatory Review; Gas Pipeline Safety Standards [Docket No. RSPA-02-13208; Amdt.192-93] (RIN: 2137-AD01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4473. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards [Docket No. RSPA-97-2717; Amdt. 195-78] (RIN: 2137-AD10) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4474. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Roadway Maintenance Machine Safety [Docket No. FRA-2000-8156, Notice No. 2] (RIN: 2130-AB28) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A Airplanes [Docket No. 2000-CE-64-AD; Amendment 39-13291; AD 2003-17-16] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2002-NM-74-AD; Amendment 39-13287; AD 2003-17-12] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4; A300-B4-600, A300-B4-600R, and A300 F4-600R (Collectively Called A300-600); A310; A319; A320; A321; A330; and A340 Series Airplanes; Equipped with PPG Aerospace Windshields [Docket No. 2002-NM-50-AD; Amendment 39-13289; AD 2003-17-14] (RIN: 2120-AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes [Docket No. FAA-2000-7909; Amdt. Nos. 25-110, 91-275, 121-289, 125-43, 135-85] (RIN: 2120-AG91) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Disposition of Comments to Final Rules: Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia; and, Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket Nos. FAA-2000-7587, FAA-2002-12771, and FAA-1999-6411] (RIN: 2120-AI01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reports by Carriers on Incidents Involving Animals During Air Transport [Docket No. FAA-2002-13378; Amendment No. 119-9] (RIN: 2120-AH69) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revised Requirements for Material Strength Properties and Design Values for Transport Airplanes [Docket No. FAA-2002-11345; Amdt. No. 25-112] (RIN: 2120-AH36) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules in the Vicinity of Los Angeles International Airport [Docket No.: FAA-2002-14149; SFAR No. 101] (RIN: 2120-AH92) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1260. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs (Rept. 108–287). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee of Conference. Conference report on S. 3. An act to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–288). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota (for himself, Mr. Ross, Mr. Houghton, and Mr. Simmons):

H.R. 3197. A bill to provide for the reimbursement of air fare costs incurred by members of the United States Armed Forces for domestic travel while on leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. LaTourette, and Ms. Norton):

H.R. 3198. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD:

H.R. 3199. A bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home; to the Committee on Armed Services.

By Mr. HAYWORTH:

H.R. 3200. A bill to expand the travel and transportation allowances available to members of the Armed Forces granted leave under the Rest and Recuperation Leave program for Operation Iraqi Freedom and Operation Enduring Freedom to cover travel and transportation to the members' permanent station or home of record; to the Committee on Armed Services.

By Mr. ANDREWS (for himself and Mr. McGovern):

H.R. 3201. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 3202. A bill to amend title 38, United States Code, to require that employers of members of the National Guard and the reserve components of the Armed Forces who are called to active duty continue to offer health care coverage for dependents of such members, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. McCrery, Mr. John, Mr. Nethercutt, Mr. Jefferson, Mrs. McCarthy of New York, and Mr. Faleomavaega):

H.R. 3203. A bill to amend the Public Health Service Act to authorize grants for education, screening, and treatment with the goal of preventing diabetic foot complications and lower extremity amputations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. Hoeffel):

H.R. 3204. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3205. A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees; to the Committee on Government Reform.

By Mr. DeFAZIO:

H.R. 3206. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Coos County, Oregon, to the Oregon International Port of Coos Bay, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3207. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; to the Committee on Resources.

By Mr. HENSARLING (for himself, Mr. Sessions, Mr. Porter, Mr. Bartlett of Maryland, Mr. Towns, Mr. Scott of Georgia, Mr. Markey, Mr. Vitter, Ms. Hooley of Oregon, Mr. Garrett of New Jersey, Mr. Taylor of North Carolina, Mr. Shimkus, Mr. Mario Diaz-Balart of Florida, Ms. Bordallo, and Mr. Rogers of Alabama):

H.R. 3208. A bill to ensure that the travel and transportation allowances provided in connection with rest and recuperative leave granted to a member of the Armed Forces serving in Iraq or Afghanistan cover travel to and from the permanent duty station or home of record of the member, not simply to and from a port of entry in the United States; to the Committee on Armed Services.

By Mr. OSBORNE:

H.R. 3209. A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 3210. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself and Mr. Oberstar):

H.R. 3211. A bill to amend title 49, United States Code, to provide for stable, productive, and efficient passenger rail service in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER:

H.R. 3212. A bill to provide additional funds for deployment rotation and other relief for United States troops serving in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Res. 381. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating the Fisk Jubilee Singers; to the Committee on Government Reform.

By Mr. HONDA (for himself, Mr. Udall of New Mexico, Mr. Taylor of North Carolina, Mr. Rodriguez, Mr. Frost, Ms. Lofgren, Mr. Abercrombie, Mr. Johnson of Illinois, Ms. Carson of Indiana, Mr. Farr, Mr. Schiff, Mr. Ross, Mr. Sandlin, Ms. Norton, Mr. Moore, Mrs. McCarthy of New York, Mr. FRANK of Massachusetts, Mr. MCINTYRE, Mr. MATHESON, Mr. LANTOS, Mr. ENGEL, and Mr. SKELTON):

H. Res. 382. A resolution expressing the sense of the House of Representatives concerning war crimes committed by Japan during World War II and the liability of Japanese companies to former prisoners-of-war used by such companies as slave labor during World War II; to the Committee on International Relations.

EXTENSIONS OF REMARKS

IN RECOGNITION OF VAHAK AND PARIS HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. and Mrs. Vahak Hovnanian, who are this year's recipients of the Artistic Eminence Award presented by Pacific Encore Performances, for their outstanding commitment to the arts and music. These two remarkable individuals have served their community through numerous contributions to the economy, culture, and education.

Together, this couple's service to local, national, and the world community has been nothing short of extraordinary. In 1976, they began the Hovnanian School that started with only thirteen students in a church basement. Today the school consists of 200 students with a curriculum that focuses on multicultural studies as well as art, music, and theater. In 1998, the Hovnanians together with the Armenian Minister of Culture sponsored competitions in all cultural arts. Later, Mr. and Mrs. Hovnanian started the Sayat Hoa Festival where Armenian artists could showcase their talent.

Mr. and Mrs. Hovnanian are remarkable individuals in their own right, and should be celebrated for their personal accomplishments as well as those they accomplish together. In 1952, Mr. Hovnanian emigrated from Baghdad to America in pursuit of higher education. After receiving his degree in physics, he and his three brothers formed the Hovnanian Brothers Corporation, building homes in Monmouth and Ocean Counties, New Jersey. In 1969, the brothers chose to separate and form businesses of their own. It was at this time that Mr. Hovnanian became the founding chairman and president of the widely recognized residential and commercial real estate and development corporation, Hovbilt Inc. and Adelphia Water and Sewer Company. In addition, he and his son Shant created the V.S. Hovnanian Group, elevating them to a prominent status amongst New Jersey real estate developers, entrepreneurs, and philanthropists.

Yet, Mr. Hovnanian's ambitions did not stop with his business endeavors. He went on to become the president of the Howell Township Chamber of Commerce, Chairman of the local Rotary Club, a Monmouth University trustee, and Chairman of the Monmouth Conservation Foundation. In 1988, Mr. Hovnanian sponsored the first New Jersey Waterfront Marathon and underwrote the banquet honoring Olympic Marathon Trials.

Mrs. Paris Hovnanian has also accomplished much to be proud of. Born in Jerusalem, she too immigrated to America to further her education. She completed her Bachelors Degree in sociology and education and later attended Columbia University on scholarship for graduate studies. Mrs. Hovnanian is a co-founder of the New York Academy of Art and an active participant in a host of charitable organizations where she exhibits her strong and effective leadership skills.

Mr. Speaker, Vahak and Paris Hovnanian have given back so generously to their community. Their tireless and selfless efforts have benefited those in America and around the world. Accordingly, I ask that my colleagues rise and join me in honoring these remarkable individuals, Mr. and Mrs. Vahak and Paris Hovnanian.

HONORING THE 50TH ANNIVERSARY OF THE MAUMEE, OHIO KIWANIS CLUB

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, on March 17, 1953, the Maumee, Ohio Kiwanis Club was chartered. This year, the organization proudly celebrates its fiftieth anniversary. Its members through the years have fostered its growth, and "have demonstrated that service, hard work, and good fellowship bring individual satisfaction" according to its guide.

An integral part of Maumee's fabric, the Kiwanians have contributed much to the community in the club's half-century. Many students have received scholarships that have enabled them to further their higher education. Other young people have been able to participate in sports because of the Kiwanis Club's gifts and team sponsorships. Still more youth have had the opportunity to attend summer camp and recreational activities thanks to the Maumee Kiwanis. Senior citizens, too, have been helped by Kiwanis' donations to the Maumee Senior Center. The community at large has also benefited from Kiwanis civic offerings such as park maintenance and purchases to restore buildings of the Maumee Historical Society.

The Maumee Kiwanis Club is an able embodiment of the international organization's motto, "We Build." Through its efforts, all of the residents of Maumee but especially its children, have been built up and strengthened. Truly, Maumee Kiwanians have proudly upheld its theme: "Serving the children of the world." I am very pleased to recognize the achievements of the Maumee Kiwanis Club and congratulate its members past and present on 50 years of service as we look forward to 50 more. Onward.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A POSTAGE STAMP COMMEMORATING THE FISK JUBILEE SINGERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. HASTINGS of Florida. Mr. Speaker, today I am proud to introduce a resolution calling on the U.S. Postal Service to honor the Fisk Jubilee Singers with a commemorative stamp.

The Fisk Jubilee Singers are true heroes in the fight for civil rights and racial equality in education. Their heritage goes back more than one hundred and thirty years to just after the Civil War. These singers are part of a unique group of former slaves who made it their passion to achieve the kind of education that they did not have access to before emancipation. Their spirit has been felt all across this nation and around the world, and it is my honor to stand before you today to tell you about the legacy of the Fisk Jubilee Singers, whom I hold near to my heart.

The Fisk School was founded in Nashville, Tennessee, just after the end of the Civil War. This school was intended to transcend the racial divide, with the founders of the University opening the doors of education to all persons, regardless of their race. Recently emancipated slaves, ecstatic at the limitless possibilities for freedom offered by learning, took it upon themselves to create in the Fisk School an educational institution that would give to them a sense of profound moral purpose in the great American democracy. The sale of slave paraphernalia paid for the opening of the school, and in 1867 the Fisk School became Fisk University, now the oldest university in Nashville.

Fisk University's accomplishments in the advancement of educational opportunities for African-American's is far too long to mention here. I will tell you briefly that some of the most honored African-American artists, thinkers and activists attended or were involved with Fisk, including W.E.B DuBois, Booker T. Washington, Charles Spurgeon Johnson, James Weldon Johnson, and Thurgood Marshall, to name a few of the more distinguished African-Americans. Indeed, Fisk University played an enormously profound role in the advancement of black learning and culture in America. I am both humbled by and proud of the time that I, too, spent at Fisk University. Many of the values I hold dear to my heart today I learned from my colleagues and professors at Fisk.

It was in 1871 that a group of students at Fisk University formed a choral group that they named the Fisk Jubilee Singers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, the Fisk Jubilee Singers have made a lasting contribution to racial equality and black culture in America. They introduced the spiritual as a musical genre, and demonstrated a truly unique commitment to their education. It is time that we in Congress honor their incredible achievements in such a manner that all of America will come to know of their commitment.

Mr. Speaker, I ask my colleagues to pass my resolution encouraging the Postal Service to issue a postage stamp commemorating the legacy and achievements of the Fisk Jubilee Singers.

RECOGNIZING CONGRESSMAN DONALD M. PAYNE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to call attention to one of our distinguished colleagues, Representative DONALD M. PAYNE from New Jersey's 10th District. Congressman PAYNE is this year's recipient of the Justice for Cypress Award presented by the Cypress Federation of America. This award is presented to an individual who has exhibited exemplary leadership and has advocated for the liberation of Cypress from the Turkish occupation forces and the restoration of the human rights of the Cypriot people. I can think of no one more deserved of this award then my friend, Congressman DONALD PAYNE.

Congressman PAYNE has represented his district in the U.S. House of Representatives since 1988, when he was elected as New Jersey's first African American Congressman. In 2002, he was re-elected to serve an eighth term to represent the people of New Jersey's 10th Congressional District in the 108th Congress.

Congressman PAYNE is a member of the International Relations Committee and its Subcommittee on the Western Hemisphere and Subcommittee on Africa, where he holds the position of ranking member. Through these committee assignments, Congressman PAYNE has become a key player in the arena of International Relations. He has been one of the leading advocates of the restoration of democracy and human rights in many nations throughout the world. Congressman PAYNE lead an effort among pharmaceutical companies to donate over $2 million worth of medicine to war-torn Somalia. Similarly, Mr. PAYNE also introduced the Sudan Peace Act, which facilitated famine relief efforts and a comprehensive solution to the war in Sudan.

In addition, Congressman PAYNE has proven himself to be an influential member of the House Committee on Education and the Workforce. Congressman PAYNE is a leading advocate of education and has played an instrumental role in the passage of key legislation aimed at improving elementary and secondary schools.

Congressman PAYNE has also worked diligently on important issues like healthcare and the environment. Congressman PAYNE was a major influence in directing attention towards the AIDS epidemic and the rising incidence of tuberculosis in many nations. He has also devoted much time and energy to the elimination of poverty and was a key sponsor of the minimum wage increase and the Family and Medical Leave Act. Furthermore, Congressman PAYNE's record on environmental conservation issues has been rated one of the best in Congress.

Before being elected to serve in the House of Representatives, Mr. PAYNE had a distinguished career that included service on the Newark Municipal Council and the Essex County Board of Chosen Freeholders. Mr. PAYNE was also an executive of the Prudential Insurance Company, Vice President of Urban Data Systems, and an educator in the Newark public school system.

Congressman PAYNE, a native of New Jersey, graduated from Seton Hall University and pursued graduate studies at Springfield College in Massachusetts. He holds honorary degrees from Chicago State University, Drew University, Essex County College and William Paterson University. Congressman PAYNE is a widower, father of three and grandfather of four.

Mr. Speaker, Congressman PAYNE's contributions to his community, our nation and the world have been numerous and successful. He is a man of great character and a true asset to the United States Congress. I ask that my colleagues rise and join me in honoring my dear friend and colleague, the Honorable DONALD M. PAYNE.

TRIBUTE TO THE FIREFIGHTERS OF SEPTEMBER 11, 2001

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, on September 11, 2003 communities all across America held observances to remember those who fell in the events two years before. In my own hometown of Toledo, part of our observance included a reading of the names of those who died on that fateful day, and inspirational readings and poems. I would like to quote one of these poems for the record. It is a special tribute to firefighters, written by Toledoan Ernest Fodor and entitled "Just Because You Call."

There is a well-known fact in heaven
All the firefighters tell
When they put out their last fire on earth
They did their job so well
Some how they had the strength
To do what they could do
Sometimes they even gave their life
For the likes of me and you
But now that they're in heaven
If they hear a fire call
They would try so hard to come back
And bravely save us all
There are so many people
With lives that are much brighter
Just because a call was answered
By a firefighter

Thank you Ernest Fodor for remembering, and for your inspired words.

RECOGNIZING THE DESIGNATION OF THE CAPITAL CHILDREN'S MUSEUM AS THE NATIONAL CHILDREN'S MUSEUM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. NORTON. Mr. Speaker, I was pleased to support enactment of H.R. 13, the Museum and Library Services Act of 2003. In addition to authorizing Federal funding support for our Nation's museums and libraries, the bill contains a small provision with great importance to the District of Columbia. It designates the Capital Children's Museum as the National Children's Museum which will be a new state-of-the-art, interactive museum offering a national model for exhibits oriented and dedicated to children. The purpose of the museum will be to explain the Nation's institutions and ideas to American children, providing a gateway of understanding not only for children in the Washington, DC, metropolitan area, but also for the millions of school children and families who visit the Nation's capital from across the Nation and the world.

The National Children's Museum designation is critical for several reasons. The designation enables the museum to highlight its activities and exhibits, and expand the reach of its educational experiences to children both in the United States and abroad. The museum serves as a flagship for the Nation's children's museums, and the Association of Children's Museums supports the designation because it increases public understanding of the purpose of all children's museums. In addition, the designation will help facilitate partnerships for the National Children's Museum with other regional museums to create models for innovative learning experiences.

For almost 30 years, the Capital Children's Museum has been serving the children of the Nation's capital. I hope my colleagues will join me in thanking the Capital Children's Museum on its service to children for these many years, and in congratulating the museum on this designation and its commitment to the creation of the National Children's Museum.

RECOGNIZING MR. BENON V. SEVAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. Benon V. Sevan, and his 38 years of service to the United Nations Secretariat. Mr. Sevan, a national of Cyprus, is the recipient of the Life Time Achievement Award presented by the Cypress Federation of America.

This award is given to an individual that has shown how valuable and effective they have been during their time with the United Nations. It is clear to me that Mr. Sevan is truly deserving of this award because of his dedication and diligence with every project that he has taken on. Over the years, Mr. Sevan has worked in several departments at the U.N. and has held several positions within the U.N. Secretariat.

Mr. Sevan first began at the United Nations in 1965 where he worked in the department of Public Information until 1996. In 1973 he joined the Secretarial of the Economic and Social Council and served as secretary of the council from 1982 until 1988.

In May of 1989 Mr. Sevan was appointed to the position of the Secretary-General's Personal Representative in Afghanistan and Pakistan. A year later he was asked to serve, concurrently, as the Secretary-General's Representative on the implementation of the Geneva Accords on Afghanistan. In 1991, Mr. Sevan took on yet another duty when he assumed responsibility for the overall direction and administration of the Office for the Coordination of the United Nations Humanitarian and Economic Assistance Programs in Afghanistan.

From August of 1992 until March of 1994 he served as Assistant Secretary-General and Deputy Head of the Department of Political Affairs. In 1997 Mr. Sevan was appointed as the Executive Director of the Iraq Program. Prior to this position he served as Assistant Secretary-General for Conference and Support Services and United Nations Security Coordinator, which he carried out until 2002. Since 1992 Mr. Sevan served as the Special Envoy of the Secretary-General for issues related to missing persons in the Middle East, where he engaged in preventive diplomacy and mediation in the world's trouble spots.

Once again, Mr. Speaker, I would like to congratulate Mr. Sevan on his Lifetime Achievement award. I would like to thank Mr. Sevan for nearly 40 years of service to the international community and I ask my colleagues to rise with me in honoring the distinguished Benon V. Sevan.

HONORING THE OWENS BOTTLE MACHINE COMPANY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, one hundred years ago in Toledo, Ohio a revolution took place. In September 1903, a machine allowing the mass production of glass bottles changed the industry, and it changed the world as "the most significant advance in glass production in over 2,000 years" as noted by the American Society of Mechanical Engineers. The company that grew out of this invention, Owens-Illinois, is celebrating its centennial anniversary.

At the dawn of the last century, Michael J. Owens was a young glass blower working in Toledo's Libbey Glass factory. Another inventive visionary and civic leader, Edward Drummond Libbey became Mr. Owens' primary backer as Mr. Owens developed his idea for the complete mechanization of glass bottle making. Though machines were patented in the latter half of the nineteenth century, all relied heavily on human toil. In 1903, Michael J. Owens patented a fully automated "bicycle pump" which operated in a similar fashion to this machine. The Owens Bottle Machine Company was incorporated on September 3, 1903.

In two years, the company was able to begin commercial sales with a machine that could make ten bottles per minute. It was the first of many patented machines which developed products including glass building blocks, tumblers, plywood, paper cups, metal cans, television tubes, flat electronic display panels, corrugated boxes, lab glassware, plastic soft drink bottles, medicine vials, glass cookware, plastic and glass containers for food and beverages, and materials for range tops and telescope mirror blanks.

The company's sharp minds developed many innovations we know today and use in our everyday lives including the method for fusing graphics onto bottles, squeezable dispensers for foodstuffs, disposable and recyclable bottles, child-proof medicine bottles, tamper-resistant containers, plastic toothpaste pumps, microwavable food containers, barrier shields to prevent the release of carbonation for plastic soft drink bottles, the design of 2 liter bottles and many other types of bottles, and even the "clamshell" packages for McDonald's hamburgers.–

Within twenty years of the founding of Owens Bottle Machine Company, machines manufactured 94 percent of the bottles. This innovation pleased the National Child Labor Committee, which in 1913 praised the Toledo technological advance in reducing child labor. The labor saving machines were also beneficial to the glassblowers, whose profession when practiced manually was devastating to their health.

By 1920, the Owens Bottle Company was the nation's largest bottle manufacturer, and Toledo earned its nickname as the "glass capitol of the world," a moniker still proudly borne today.

In 1930, several years after the deaths of its founders, an acquisition of the Illinois Glass Company brought William Levis on board. Mr. Levis' contributions to the success of the newly christened Owens-Illinois Company are widely held to be as significant as its founders'. During the depths of the Great Depression in 1930, Owens-Illinois made $2.7 million. He foresaw the end to Prohibition, and was ready to capture the market on glass bottles when alcohol production resumed in 1933. William Levis invested heavily in glass fiberization technology, leading to the development of another well-known Toledo company, Owens-Corning. He also brought Toledo's Libbey Glass Company into the fold.

By 1950, Owens-Illinois was the largest glass bottle manufacturer in the world. With factories all over the world, employment worldwide reached 80,000 people including scientists, researchers, skilled labor, and management. Today its signature building, a glass skyscraper in downtown Toledo, stands as a monument to its zenith years.

Even though the company declined somewhat during the 1980s years of hostile corporate takeovers, Owens-Illinois remains a viable leader on the world market stage and one of Toledo's principal companies. One of every two bottles produced worldwide is made by Owens-Illinois or one of its subsidiaries. It is Toledo's second largest company as it begins its second century of operation. I am proud to salute its workforce past and present. America looks forward to the creative technology of its future.

A TRIBUTE TO ALAN AND KRISTINE YEADON OF JEROME, MI, FOR THEIR WORK WITH FOSTER CHILDREN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Alan and Kristine Yeadon of Jerome, MI. The Yeadons have been selected to receive the National "Angels in Adoption" Award for their tireless effort to care for the children of Michigan. On this date, September 30, 2003, the Congressional Adoption Institute will present this award at ceremonies in the Ronald Reagan Building in Washington, DC.

Alan and Kristine have their home in Somerset Township, MI and are active participants at Somerset Congregational Church. Alan is a successful engineer. More importantly, however, Alan and Kristine have fostered children for the last 3 years. In that time they fostered 13 children and raised five of their own.

When Alan and Kristine Yeadon first applied for foster parenthood they asked for children younger than their own. Their oldest child at the time was 12. Their first placement turned out to be three teenage children and an infant! The Yeadons quickly found that older children were a good fit for their family. Currently, children ranging from 1–15 years old live in their home.

They began their foster parenthood after seeing firsthand the great need for parents. Kristine's parents took in foster children. Alan participated in the Kinship program. They had the time, concern, and love to share with children and their families. Today, the Yeadons are adopting a daughter to add to their ever-changing family.

They have had many successes. Some children returned to a better life with their biological parents, some were placed with relatives, and others are ready for adoption. In addition to helping these foster children, Alan and Kristine believe that this experience benefited their own children. "All of our children have made many adjustments along the way. It has not always been easy for them but the lessons they have learned and the great amount of compassion, understanding, acceptance, and flexibility they now possess will stay with them always."

On behalf of Congress, I offer our thanks and congratulations for their tireless efforts to help others. It is their kind of dedication that makes America great.

IN RECOGNITION OF MR. JOHN C. RAKKOU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Mr. John C. Rakkou as a businessman and a dedicated member of his community. Mr. Rakkou is the President and CEO of the Interbank of New York and the recipient of this year's Humanitarian and Philanthropic award presented by the Cyprus Federation of America.

Mr. Rakkou was born on April 17, 1938 in the small town of Korisos in the prefecture of Kastoria, Greece. He received his first college degree in forestry in 1959 and later honored his country by serving in the Royal Army of Greece until he was honorably discharged in 1961. After marrying his wife in September of 1961, the couple immigrated to the United States in 1962. In pursuit of higher education, Mr. Rakkou enrolled at The City University of New York where he received his Bachelor's Degree in Economics. He later completed his Masters Degree in Economics from CUNY.

After graduation, and with the addition of two children to his family, Mr. Rakkou joined the Atlantic Bank of New York, initiating thereby a long and successful career in banking. While there he stood out amongst his colleagues for his dedication, extreme work ethic, and overall performance, which subsequently contributed to his professional advancement to Executive Vice President in charge of the Commercial Lending Activities Division of the bank. Mr. Rakkou's past performance, degree of expertise, and dedication to his profession were more effectively demonstrated in 1993, when he joined, as President and C.E.O., the Interbank of New York. It was at this small community bank, where Mr. Rakkou found pleasure in serving his community by creating and providing jobs for community members and contributing to the economic improvement of the area.

Mr. Rakkou furthered his genuine love for his neighbors, by joining the Community Board of St. Spyridon Church in Washington Heights, where he was elected president for 2 consecutive years. He served for several years as a member of the School Board of the Th. Tsolainos and C. Goulandris Parochial School in New York. Mr. Rakkou was appointed to the Board of Trustees of the St. Michael's Home for the Aged in Yonkers, NY, and served as treasurer for 3 years. In addition to these and many other accomplishments, in 2002 Mr. Rakkou was honored with the Ellis Island Medal of Honor, an award that pays tribute to individuals who have made outstanding contributions to America.

Once again, Mr. Speaker, I would like to congratulate Mr. Rakkou for his tireless dedication to his community both professionally and civically, and I ask that my colleagues rise and join me in honoring the distinguished Mr. John C. Rakkou.

HONORING DOROTHY B. BIDDLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. KAPTUR. Mr. Speaker, Dorothy Biddle is a very special lady in the hearts of the residents of Fulton County, Ohio and her hometown of Wauseon. Proud to call her friend myself, I am pleased to note an action recently taken by this gracious centenarian, a wonderful and lasting gift she gave to her community.

For many years, Wauseon has been working to establish a ballpark. The "Field of Dreams" has been a goal of the community and special project of the Wauseon Rotary. Mrs. Biddle's husband, Clark, was a Rotarian until his passing, and she has remained in touch with the group's activities. In her 105th year, Dorothy Biddle decided to offer a bequest to the Wauseon Rotary in order to fulfill this 14 yearlong dream. Long a supporter of youth activities and opportunities, Mrs. Biddle is donating the astounding sum of $1,254,000.00 for the completion of the park. This gift numbers among the largest ever received by any Rotary organization.

Now the park, which will feature baseball diamonds, soccer fields, and walking trails on 73 acres of land will bear the name of Wauseon's most treasured citizen, who though she has traveled around the world still considers her hometown to be "the best place in the world to live." Children of the future will see by her example what one person can do for her community when the Dorothy B. Biddle Park remains as a living testament to a truly remarkable lady. Thank you, Dorothy, for your beneficence and civic-minded patriotism.

IN SUPPORT OF SSG WILLIAM L. MURWIN AND H.R. 2998

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 2998 offered by my friend and colleague, the distinguished Chairman of the Appropriations Committee, Mr. YOUNG of Florida. This vital legislation will benefit thousands of our men and women in uniform, including one brave Nevadan in particular, Staff Sergeant William L. Murwin.

Staff Sergeant Murwin is a Marine Reservist from Nevada whose unit was activated for service in Operation Iraqi Freedom. While in Iraq, he was injured while patrolling with his unit. Sergeant Murwin suffered grave injuries, and was evacuated to the United States for treatment. He received care and treatment for a month at Walter Reed Army Hospital in Washington, DC, and was then released from active duty and returned to Nevada. He was deeply shocked to receive a bill from the Federal government for more than $200 for the food he received while being treated for his combat injuries.

Fortunately for Staff Sergeant Murwin, Mr. YOUNG and his wife Beverly visited Walter Reed and personally paid Sergeant Murwin's bill. Then, motivated by his desire to make sure this did not happen to any service member ever again, BILL YOUNG introduced H.R. 2998 to ban this practice forever. I am proud to be a co-sponsor of this legislation, and urge every Member of the House to become a co-sponsor of this vital, non-partisan legislation.

On behalf of the people of Nevada, I want to thank Chairman and Mrs. Young for the service and compassion they have shown Sergeant Murwin and all of our men and women in uniform. I am proud to serve in the House with Chairman YOUNG and hope that he continues his career of public service here for many years to come.

TRIBUTE TO ADMIRAL ROBERT J. NATTER, U.S. NAVY, COMMANDER, U.S. FLEET FORCES COMMAND, COMMANDER, U.S. ATLANTIC FLEET

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SKELTON. Mr. Speaker, I rise today to recognize the dedication, public service and patriotism that personified the Naval career of Admiral Robert J. Natter, United States Navy. Admiral Natter is currently serving as the Commander, U.S. Fleet Forces Command and Commander, U.S. Atlantic Fleet, and he will soon retire from the Navy after more than 37 years of distinguished service wearing the uniform of our Nation.

I have had the pleasure to know the Natter family for nearly 16 years and have personally worked with the Admiral on a variety of important issues affecting the Navy and the U.S. military, so it is with great pride and admiration that I honor a dear friend as he begins the next chapter of his life.

I first met Bob in 1981 when he was a commander. I hired him as a military fellow on my staff and assigned him to work all of my legislative issues on the Armed Services Committee. I was impressed with how quickly Bob became an expert at the complicated legislative and budget processes. In hindsight, it is clear to me that the Navy afforded Commander Natter this position because they knew he was flag officer material, and this professional development opportunity would serve Bob and the Navy well. It did.

During the years following the 1991 Tailhook Convention, the Navy was struggling to repair its reputation. At this critical time Rear Admiral Natter was assigned as Chief of Legislative Affairs. His wartime and operational experience gave him instant credibility. But it was Admiral Natter's knowledge of Washington and the Hill along with his candor, confidence and demeanor that helped navigate the Navy through those rough waters and rebuild and restore the Navy's reputation.

A native of Trussville, Alabama, Admiral Natter grew up in a family of true American patriots. One of nine children, seven boys and two girls, all seven sons joined the military as six naval officers and one Air Force officer. After enlisting in the Naval Reserve, Bob

Natter chose the Naval Academy as his commissioning source graduating in 1967. After a few tours at sea, he was sent to Vietnam for duty on riverboat patrols where he learned first hand the harsh realities of war. While serving as the Officer in Charge of a Naval Special Warfare detachment, Lieutenant Natter was seriously injured when his special operations team came under attack. He then earned both the Purple Heart and Silver Star for his heroic actions. His experiences in Vietnam instilled in him the true meaning of leadership, strengthened his desire to serve, and solidified his reputation as a strong leader and most capable warrior.

Throughout his career, Admiral Natter held many positions of great responsibility including command of USS *Chandler* (DDG 996), USS *Antietam* (CG 54), and Commander of the United States Seventh Fleet. In June 2000, Admiral Natter assumed duties as Commander, U.S. Atlantic Fleet where he was charged with providing fully trained, combat ready forces to support United States and NATO commanders in regions of conflict throughout the world.

On September 11, 2001, the world changed. As America prepared to go to war, I for one, was pleased to know that Admiral Natter was leading the Atlantic Fleet's 160,000 Sailors and Marines, 162 ships and 1,200 aircraft, as well as 18 major shore stations providing training, maintenance and logistics support.

Then on October 1, 2001, Admiral Natter was assigned additional responsibility as the first Commander of the newly established U.S. Fleet Forces Command, which is responsible for manning, equipping and training all Atlantic and Pacific Fleet ships and aircraft squadrons. His strong and dynamic leadership inspired Atlantic Fleet Sailors, officers, and civilians to perform their best and contribute their utmost during a time of unprecedented military action that resulted in the overwhelming success in the wars in Afghanistan and Iraq.

Admiral Natter's was truly an amazing career that was recognized by numerous personal awards and decorations. In addition to the Silver Star and Purple Heart, Admiral Natter's personal decorations include three awards of the Distinguished Service Medal, the Defense Superior Service Medal, five awards of the Legion of Merit, the Bronze Star Medal with Combat V, two awards of the Meritorious Service Medal, the Navy Commendation Medal with Combat V, and the Navy Achievement Medal with Combat V. He was also a distinguished graduate of the U.S. Naval War College, and he earned Masters Degrees in Business Management and International Relations. And, he was honored as the fifth recipient of the Naval War College's annual Distinguished Graduate Leadership Award.

His career clearly speaks for itself. Admiral Natter personifies the Navy's core values: Honor, Courage, and Commitment. But, what his bio doesn't tell you is that through it all, Bob was, above all, a family man. He is a loving husband to his beautiful wife Claudia, and a dedicated father to his three children Kelly, Courtney and Kendall. Anyone that knows Bob, knows that he lives for his family and his children are truly the "glimmer in Dad's eye."

Admiral Natter is a family man, a patriot, a hero, and a superb naval officer who, throughout his naval career, led with courage and integrity. His leadership and performance in peacetime and war were instrumental in the success of the Navy and outstanding support for naval forces throughout the world. Thanks to his inspirational leadership and selfless dedication to duty, our Navy has remained second to none.

So, as Admiral Natter moves into retirement with Claudia, our Nation and Navy owe him a debt of gratitude for his superb service. I wish him fair winds and following seas as he concludes his distinguished career.

TRIBUTE TO ARCATA ASSOCIATES FOR RECOGNITION AS NASA'S MINORITY SUBCONTRACTOR OF THE YEAR

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CRAMER. Mr. Speaker, I rise today to congratulate an outstanding company, Arcata Associates, Inc., for being named the 2003 NASA Minority Subcontractor of the Year. Arcata, which employs a number of people in my Northern Alabama congressional district, provides important services used at NASA's Marshall Space Flight Center and across all of NASA.

Arcata CEO and President Tim Wong accepted this award on behalf of all the Arcata employees for their outstanding subcontracted work providing interactive. multimedia services, imaging services, and audio/visual communications under the Program Information Systems Mission Services Contract, and video/voice teleconferencing support under the Consolidated Space Operations Contract.

Under the leadership of Tim Wong, and with strong guidance from Mark Emery, the Huntsville site has helped Arcata Associates become a model for small businesses in North Alabama and across our Nation. The first-rate services that they provide to Marshall and all of NASA play a vital role in the success of our Nation's space and aeronautics programs.

Mr. Speaker, today I wanted to take this opportunity on behalf of the people of North Alabama, to congratulate Tim Wong, Mark Emery, and all the employees of Arcata Associates, Inc. on a job well done and for being named the 2003 NASA Minority Subcontractor of the Year.

FREE LEONARDO MIGUEL BRUZON AVILA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today on behalf of a political prisoner in Cuba. Today I ask Congress to remember the name Leonardo Miguel Bruzon Avila.

Mr. Bruzon Avila is currently incarcerated without trial in Castro's inhumane prison system because he desires freedom. Mr. Bruzon Avila is the president of the 24th of February Movement, named for both the commencement of the glorious Cuban War of Independence in 1895, and the day in 1996 when two civilian aircraft carrying four members of the Brothers to the Rescue movement were shot down over international waters by the Cuban dictatorship's fighter jets. The 24th of February movement desires and struggles for freedom in Cuba.

Mr. Bruzon Avila was jailed on February 22, 2002, two days before he was set to peacefully commemorate the day when Castro's regime murdered four innocent human beings in 1996. Mr. Bruzon Avila has yet to be taken to trial.

Mr. Bruzon Avila began his first hunger strike on March 15, 2002 to protest the fact that he had not yet been charged with any crime. On August 27, 2002 Mr. Bruzon Avila and 26 others began a second hunger strike to demand they be informed of the charges against them or released at once.

Mr. Bruzon Avila's health has been rapidly deteriorating. According to reports, Mr. Bruzon Avila is suffering from vitamin deficiency, he is losing his vision, and he can no longer move his right arm. Mr. Speaker, Mr. Bruzon Avila is dying in Castro's gulag.

Mr. Speaker, Leonardo Miguel Bruzon Avila is in a dungeon because he desires freedom for Cuba. If Mr. Bruzon Avila continues to deteriorate, he will die for his love for a free Cuba.

My colleagues, we must cry out for the immediate release of Leonardo Bruzon Avila and all prisoners of conscience in the totalitarian Cuban gulag.

BENJAMIN FRANKLIN COMMEMORATIVE COIN ACT OF 2003

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Benjamin Franklin Commemorative Coin Act of 2003." This legislation will direct the Secretary of the Treasury to produce a limited edition silver coin to honor the many achievements of Ben Franklin and celebrate the anniversary of his 300th birthday in January 2006.

Ben Franklin was one of the most remarkable of our founding fathers; he made historic contributions to our nation in a number of fields: government, business, science, communications, and the arts. Mr. Speaker, as I stand before you in the great halls of Congress, it is notable to recognize that Franklin was the only Founding Father to sign all of our nation's organizational documents.

It is fitting to honor Franklin with a commemorative coin, as his role in the early years of currency cannot be overlooked. During the American Revolution, Franklin designed the first American coin, the "Continental" penny. He also played a major role in the design of the Great Seal of the United States, which appears on the one dollar bill. Franklin was the printer of official currency for the colonies of my great state, Delaware, as well as Pennsylvania, New Jersey and Maryland. Furthermore, the official United States half dollar from 1948 to 1963 bore Franklin's portrait. Until 1979, Benjamin Franklin was the only non-president of the United States whose image graced circulating coin and paper currency.

In 2002, the United States Congress passed the "Benjamin Franklin Tercentenary Act" to create a panel of distinguished Americans to commemorate Franklin's 300th birthday in 2006. I am proud to serve as a member of the Benjamin Franklin Tercentenary Commission which was created to honor a true American statesman. I urge my colleagues to cosponsor this legislation and look forward to working with the Financial Services Committee to bring this bill to the House Floor.

TRIBUTE TO MURRAY WILSON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PENCE. Mr. Speaker, in the sixth Congressional District of Indiana there are so many warm-hearted people doing good things. These exceptional individuals who have a passion for doing good deeds are Hoosier heroes. Hoosier heroes because they reiterate that one person can make a difference through dedicating their lives to helping others.

Murray Wilson of Albany, Indiana is a Hoosier hero. Murray has dedicated the past twelve years of his life to raising support for local charities in the district. It is not often that someone, such as Murray, takes time out of their day to work tirelessly helping others.

Murray spends countless hours writing letters, rounding up pledges, participating in walks, and raising support for his drives. Many well-honored charities have benefited from Murray's dedication, such as the March of Dimes, American Cancer Society, the American Heart Association, and the list goes on. Thus far this year Murray is one of the top fundraisers in the state of Indiana for the March of Dimes.

This summer he was able to meet Maggie Peterson from the television show Andy Griffith who was touched by Murray's generosity and sponsored him $100 for the March of Dimes drive.

Murray Wilson's giving spirit continues to make a difference through his actions. Soon, Hoosiers all across the State of Indiana will be able to read Murray's story, which is to be released this month by author Ray Rice, "Indiana's Own, Stories From the Heart," describing 50 inspirational stories from Indiana's own award-winning television segment.

Mr. Speaker, Murray Wilson continues to strive to help others by reaching out and lending a helping hand. And for that reason Murray Wilson of Albany, Indiana, is a Hoosier hero.

HONORING SUPERVISORY SPECIAL AGENT JOSEPH F. FINNIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor a distinguished FBI Special Agent from the Bureau's Detroit Division on the occasion of his retirement. On February 5, 1970, Joseph F. Finnigan entered on duty as a clerk for the Federal Bureau of Investigation. On March 15, 1971, in response to a call from Director J. Edgar Hoover for an additional 1000 agents, Joe was sworn in, sent to new agents training class, and began what proved to be an exemplary career as a Special Agent.

From June, 1971 until August of 1972, Special Agent Finnigan was assigned to the Chicago Field Office and investigated a variety of criminal matters. It was during this period that Joe first began investigating organized crime, a pursuit that would become his specialty and career highlight in later years. In August of 1972, Director Hoover transferred Joe to the Detroit Field Office where he served for over 31 years.

In 1986, Joe joined the management ranks when he was promoted to Supervisory Special Agent (SSA) and placed in charge of the Great Lakes Organized Crime and Drug Enforcement Task Force and in 1988 he became the supervisor of the Organized Crime squad, the post from which he made what are perhaps his most significant contributions, the post from which he retires on September 30, 2003.

During his tenure as the SSA of Detroit's legendary C–8 squad, Joe supervised the organized crime investigation code named "GAMTAX". His supervision and direction of this long and arduous investigation resulted in some of the most significant organized crime convictions and forfeitures in the history of the FBI. This investigation focused on the Detroit Family of La Cosa Nostra, an extremely active criminal enterprise for at least 30 years with criminal roots going back to the Prohibition era. The information developed during the course of this massive investigation allowed agents to prevent several murders and assaults. Supervisory Special Agent Finnigan met face to face with LAN Boss Jack Tocco and told him that he would be held personally responsible for any harm caused by him or his mob associates.

In 1996, a Michigan Federal Grand Jury charged the entire hierarchy of the Detroit LAN with 25 counts of racketeering. "Capo" Vito Giacalone became the first member to publicly acknowledge his LAN membership and the existence of the Detroit LAN when he pled guilty to the charges. "Capo" Anthony Giacalone, one of two people Jimmy Hoffa was supposedly waiting to meet when he mysteriously disappeared was also indicted, but died of kidney disease before being brought to trial. LAN Boss Jack Tocco, whose only previous conviction was for attending an illegal cockfight, was convicted of racketeering and extortion and sent to prison.

SSA Joe Finnigan has received letters of commendation from every FBI Director, consistently received top job performance reviews, and has garnered many letters of appreciation from the United States Attorney's Office and the United States Department of Justice. He has earned and kept the respect of his law enforcement colleagues and has diligently protected the citizens of the great State of Michigan and the citizens of this great Nation with enthusiasm, dedication and pride.

Supervisory Special Agent Joseph M. Finnigan has exemplified the very finest traditions of the FBI by adhering to the traits that make up the Bureau's motto: "Fidelity, Bravery, and Integrity." Mr. Speaker, I ask that my Colleagues join me in recognizing Joe for his service to our country and offering our best wishes on the occasion of his retirement.

H.R. 13—MUSEUM AND LIBRARY SERVICES ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 13, to reauthorize the Museum and Library Services Act.

H.R. 13 contains a provision that will amend the Arts and Artifacts Indemnity Act to increase maximum limits on liability amounts.

It is important to pass this provision that would raise the cap so that museums are able to obtain valued exhibitions from overseas.

The current cap is preventing museums from receiving the total amount of indemnity coverage that they need, forcing them to buy commercial insurance. Many museums simply cannot afford commercial insurance.

This provision will allow museums to continue benefiting from the Arts and Indemnity Program, which has benefited millions of Americans by allowing valuable works of art to travel to U.S. Museums.

Several museums in Minnesota, including the Walker Art Center and the Minneapolis Institute of Art will be able to continue borrowing exhibitions from all over the world.

Mr. Speaker, I urge all Members to support this very important bill.

100TH ANNIVERSARY OF OBER, KALER, GRIMES AND SHRIVER LAW FIRM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to one of Baltimore's leading law firms—Ober, Kaler, Grimes and Shriver—as it celebrates its 100th anniversary. The firm was founded in 1903 when Stuart S. Janney and Albert C. Ritchie merged their practices into Ritchie and Janney.

After World War I, the firm became Ritchie, Janney, Ober and Williams when Frank B. Ober and Robert Williams joined the practice. Another merger in 1969 changed the name to Ober, Grimes and Shriver. The current name of the firm—Ober, Kaler, Grimes and Shriver—resulted from a merger in 1983 with the Washington, D.C. firm of Kaler, Daniel, Worsley and Hollman.

Most often referred to as Ober/Kaler, this law firm has produced two Maryland governors. In 1920, Albert Ritchie left the firm to begin an unprecedented 16-years as governor of Maryland. He returned to the firm after rejecting President Franklin D. Roosevelt's invitation to be his vice presidential running mate. Gov. Robert Ehrlich, the current governor of Maryland, practiced law for 12 years at Ober/Kaler.

Ober/Kaler is a lawyer's law firm. With more than 120 lawyers, and offices in Washington, D.C., Maryland and Virginia, the firm serves a national and international roster of clients in litigation, regulatory and transactional issues, as well as various other areas of the law. It provides outstanding legal advice to both businesses and individuals, including clients engaged in health care, construction, equipment leasing, banking, secured financing and other industries.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Ober, Kaler, Grimes and Shriver as it celebrates 100 years of providing its clients with excellent legal advice.

HONORS FOR DR. JOEL FELDMAN AND EDMUND SHAMSI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, I have been greatly honored over the past several years to be able to share with my colleagues and the country the great respect I have for the work of the New England Chassidic Center, and of ROFEH International. Under the leadership of Grand Rabbi Levi Horowitz, both of these institutions provide significant service to the people of Greater Boston. ROFEH International, founded under the Rabbi's leadership, plays an extraordinarily important role in helping people take advantage of the extraordinary medical facilities that exist in the Greater Boston area. Annually, the work of these two organizations is celebrated at a dinner. This year that dinner will take place on November 16, in the Grand Ballroom of the Boston Park Plaza Hotel. The dinner features among other things two awards to people who have performed through these organizations great service to others. The recipients of the ROFEH International Distinguished Service Award and the Man of the Year Award are always people of great professional distinction who have shown a deep dedication to the well being of others, and have used their great talents to that end.

This year's Man of the Year is Mr. Edmund I. Shamsi. The ROFEH Distinguished Service Awardee is Dr. Joel Feldman. Mr. Speaker, we talk often of the importance of volunteerism in achieving the quality of life that all of us want in this country, and I think it is important that we share examples of this. I therefore ask that the biographies of Edmund Shamsi and Dr. Joel Feldman be printed here, as an example of volunteerism at its best, and to mark the occasion of the Annual Dinner.

MAN OF THE YEAR AWARD—MR. EDMUND I. SHAMSI

Edmund I. Shamsi was born in Teheran, Iran, in 1945. When Ed was four, his father—a successful business merchant—decided to make aliyah. As was the norm for Mideastern families immigrating to Israel in the mid-century, the Shamsis found themselves in a refugee camp. They spent six months in Pardes Hannah and then another six months in Pardes Kats, near Tel Aviv.

The Shamsis eventually settled in B'nai Brak, where Ed attended school. In his sophomore year of high school, Ed relocated to Ohio, where he concluded his primary school education. Ed obtained admission to Kent State University and successfully completed his freshman year. Responding to a greater call, he returned to Israel amid his studies, and enlisted in the Israeli army.

Upon discharge, Ed returned to America to complete his education, this time at Boston University. Ed put himself through BU by working as a truck driver during the summers, as a cabdriver on vacations and as a Hebrew teacher at a local synagogue.

Post-graduation, Ed worked in the merchandizing department of Zayre Corp. This kindled Ed's interest in real estate; he bought a single-family house at auction, developed it and sold it. Thus, the genesis of Ed's real estate career.

In 1972, Edmund married Helene. Together, they are the proud parents of three children: Joshua Jacob Sasson, Benjamin Elazar David and Esther Pnina.

In his capacity as president of the Sephardic synagogue in Boston, Ed provides leadership for the Boston community at large. To supplement this niche, Ed also serves as president of Boston Group Development, Inc. and develops and manages real estate properties in the United States, Israel and the Ukraine. To date, Ed still holds residences in Brookline, MA and Jerusalem, Israel.

ROFEH INTERNATIONAL DISTINGUISHED SERVICE AWARD

Dr. Joel J. Feldman was born in New York, NY in 1943. He spent his childhood years growing-up in Great Neck, Long Island, NY.

A Dartmouth College and Harvard Medical School graduate, Dr. Feldman completed his general residency at Massachusetts General Hospital and his plastic surgery residency at Johns Hopkins Hospital in Baltimore. He is currently a member of the American Association of Plastic Surgeons (AAPS), and former board member of the American Society of Aesthetic Plastic Surgery (ASAPS). His resume also features a past presidency at the Northeastern Society of Plastic Surgeons.

In an interview with the "Job Explainer" section of The Boston Globe (March 16, 2003), Dr. Joel Joseph Feldman—employee of Mount Auburn Hospital in Cambridge, as well as Associate Clinical Professor of Surgery at Harvard Medical School—discussed the motivation for his concentration on facial plastic surgery. "[T]he face is one of the most complicated regions of the body and that's what the world sees," he explained, "These patients have so many scars and burn marks throughout their body, [sic] restoring them to a point where they feel comfortable is what I love to do."

Dr. Feldman devotes "a significant portion of [his] time to teaching nationally and overseas." He instructs aspiring plastic surgeons in the latest techniques, like his own innovative method for repositioning healthy tissue so as to cover facial disfigurement.

Married to Diane Feldman for 37 years. Dr. and Mrs. Feldman met in elementary school in Great Neck, NY. Diane is a professional artist. They now live in Belmont, MA. They have two sons: Brad Feldman and Jeffrey Feldman. Brad, age 36, is an ESPN TV international league professional soccer announcer and currently is the TV announcer and head of communications for the New England Revolution Soccer Team. Brad is married to Elizabeth Graham, a government and community relations director for Comcast. They have a 3-year-old daughter, Miriam—also known as Mira and The Pepper. Brad, Liz and Mira live in Lexington, MA. Dr. and Mrs. Feldman's other son, Jeff is 33. He lives in Los Angeles and is a real estate developer.

TRIBUTE TO MIKE HAMMAR, SR.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor the memory of Mike Hammar, Sr., an exemplary Californian who passed away on August 6, 2002 at the age of 57.

Mr. Hammar was born on February 19, 1945, in Bixby, Oklahoma, and he grew up in Sapulpa, Oklahoma, where he was surrounded by a large extended family headed by his Grandfather, Legus, with whom he was extremely close. As a child, Mr. Hammar was a natural athlete, excelling in football, basketball and baseball. In addition, Mr. Hammar was a skilled outdoorsman, participating in bass fishing tournaments, trap-shooting events, and black powder musket shoots. Mike Hammar also was talented in the world of music, playing with several local blues and county bands. He was a gifted songwriter and accomplished musician, proficient on several different instruments, but enjoying lead guitar and bass the most.

In 1961, Mike Hammar moved to Atwater, California, and while attending Atwater High School he met his future wife, Joyce Cabezut, and after their marriage, Mr. Hammar was welcomed with open arms into a new larger family, as the Cabezuts loved him as one of their own.

Mr. Hammar, a tribal member of the Creek Nation of Oklahoma, was best known for his service to local and national Native American organizations, where he worked tirelessly to improve the delivery of health care throughout California Indian country. To this end, Mr. Hammar diligently served many organizations including the Southern Sierra Miwuk Nation of Mariposa County, the MACT Indian Health Board, the California Rural Indian Health Board, the National Indian Health Board. He was also the Chief Financial Officer of the California Natural Resource Foundation.

Mr. Hammar was no stranger to Washington, DC. He advocated to members of both his House and the Senate for support of Native American programs and was often contacted by both states and the federal government to give input on Native American issues.

Mr. Speaker, Mike Hammar, Sr. was a man of many talents who loved to help others. His endearing personality and good nature yielded a wealth of warm relationships everywhere he went or worked and he is sorely missed by all those whose lives he touched.

Mr. Speaker, I ask that all of my colleagues join me in posthumously acknowledging the contributions and honoring the memory of a great Californian, an advocate for Native Americans, and a pillar of our society, Mr. Mike Hammar, Sr.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mother Teresa of Calcutta to honor her beatification by Pope John Paul II in Rome, Italy on October 19, 2003.

As many of you know, Mother Teresa had a profound effect on millions of lives during her lifetime. She was born in Albania in 1910 and became a Roman Catholic sister in 1928. After teaching to over 500 students in St. Mary's School at the convent in Calcutta, she founded a religious order in 1948. The order, Missionaries of Charity, aims to reach out to the poor and suffering in whatever capacity possible to ease their pain and provide love and hope. In 40 years, the order increased from one to more than 400 missions around the world.

Few people in our history have done more to aid their fellow human beings than Mother Teresa. Her selfless efforts have been recognized in numerous ways, including a Nobel Peace Prize in 1979, the Presidential Medal of Freedom in 1985, and Lifetime Achievement Award from Foundation for Hospice and Homecare in 1985. This year she will be acknowledged once again for her work by receiving the high honor of beatification.

Please join me in honoring Mother Teresa for her countless amount of care and public services she provided to the world.

INFAMOUS ANNIVERSARY: A CENTURY OF THE ANTI-SEMITIC "PROTOCOLS"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LANTOS. Mr. Speaker, 100 years ago one of the most infamous and most outrageous forgeries in all of history first appeared—"The Protocols of the Elders of Zion." The outrage is not simply because this document was plagiarized or because it was absolutely and patently false. It is because this forgery was an important element in generating the vicious and mindless anti-Semitism that led to the Holocaust.

Mr. Speaker, we in this House recently condemned and criticized the rising flood of anti-Semitism that has stained Europe in the last decade when we adopted House Concurrent Resolution 49. It is shocking and sickening that just 5 decades after 6 million innocent children, women and men were brutally murdered by the Nazi thugs, we are seeing a sharp escalation in anti-Semitic rhetoric and anti-Semitic violence. We have witnessed vicious racist propaganda and physical assaults, the burning of synagogues and the desecration of cemeteries.

This outburst of anti-Semitic violence has its roots in anti-Semitic propaganda, and unfortunately the lies of the "Protocols" still continue to play a pernicious role in inciting vicious acts. The fact that this felonious and fallacious document is still cited and distributed even by governments which ought to know better is evidence of its evil influence and the ease with which hate, bigotry and racism are spread.

Although scholars, historians, and anyone who would take the time to look seriously at the "Protocols" knows that the document is patently false, there are still willing purveyors of this destructive drivel. It truly boggles the mind that Arab Radio and Television of Saudi Arabia just 2 years ago produced a 30-part series entitled "Horseman Without a Horse" which portrays the "Protocols" as historical fact and the basis of Israeli government policies. Furthermore, that entire 30-part series was broadcast by a number of television stations in Egypt.

Unfortunately, Mr. Speaker, a full century after the first appearance of the fraudulent "Protocols," the forgery is alive and well. Recently, to mark this infamous anniversary, Forward (August 22, 2003) published an excellent article by my friend William Korey entitled "Century of Hatred: 'Protocols' Live to Poison Yet Another Generation."

Bill Korey brings his extraordinary scholarly perspective to this issue, and he is uniquely qualified for the task as the former Director of International Policy and Research at B'nai B'rith. The forgery of the "Protocols" was perpetrated by the Czarist secret police, and Bill has an international reputation as a scholar of anti-Semitism in Russia. He is the author of The Soviet Cage: Antisemitism in Russia (Viking, 1973) and Russian Anti-Semitism, Pamyat and the Demonology of Zionism (Hebrew University/Harwood Academic Publishers, 1995).

Mr. Speaker, I ask that Bill Korey's excellent article from Forward be placed in the RECORD, and I urge my colleagues to give it careful and thoughtful attention.

[From Forward, Aug. 22, 2003]

CENTURY OF HATRED: "PROTOCOLS" LIVE TO POISON YET ANOTHER GENERATION

(By William Korey)

History's most virulent antisemitic propaganda essay, "The Protocols of the Elders of Zion," was first published 100 years ago this week. Though the Protocols turned out to be both a notorious plagiarism and a shocking forgery, the essay would exercise a powerful impact upon the modern era, principally as a critical factor in generating the Holocaust.

Despite its gross falsehood and the horrors it sparked, the Protocols strikingly continues to be promoted today, most alarmingly in such important institutional settings as the United Nations and Middle Eastern governmental media.

The first publication to print the Protocols was the St. Petersburg newspaper Znamya—Russian for Banner—from August 26 to September 7, 1903. Pavel Krushevan, editor of the paper, was known for his ultra-rightist antisemitic views and found common cause with the so-called Black Hundreds, a group active on behalf of extremist causes.

Krushevan, however, was not the author of the Protocols. It was drafted under the prodding and guidance of Piotr Rachkovsky, director of the Paris branch of Okhrana, the Russian secret police. Sinister and wily, he cultivated the art of forging letters or documents in which Jews were targeted as revolutionaries and anarchists striving for democracy in czarist Russia. As early as 1891, he revealed his intentions in a private letter.

The published Protocols were said to be the secret decisions reached at a gathering of Jewish leaders. That gathering was initially held to be the First Zionist Congress, which met in 1897 in Basel, Switzerland. Later, the source was attributed to B'nai B'rith.

What was stunning about the Protocols, as later scholarly investigation and research revealed, was that it was lifted almost entirely from a forgotten political satire published in Paris in 1864 and written by a well-known democrat, Maurice Joly.

Joly's pamphlet was designed to expose the repressive character of Emperor Napoleon III's regime, which ruled France at the time. Titled "A Dialogue in Hell: Conversations Between Machiavelli and Montesquieu About Power and Rights," the pamphlet made no reference to the Jews.

The creator of the Protocols simply plagiarized the Joly work. Protocols 1 through 19 strikingly correspond with Joly's first 17 dialogues. In nine cases, the borrowing amounts to more than half of the Joly text; in some cases, they constitute three-quarters of the text, and in one case, Protocol 7, almost the entire text is plagiarized. Moreover, the very order of the plagiarized passages remained the same as in the Joly work. The main change in the shamelessly forged Protocols, of course, was the insertion of antisemitic content and language into the Joly dialogues.

Nor was the creator of the Protocols original in the inserted antisemitic language. The forgery rests on the traditional trope of international Jewry, or alternatively Zionism, aspiring to world domination based on the biblical concept of the "Chosen People". This aspiration, the Protocols purported, is to be achieved through guile, cunning and conspiratorial devices, particularly through Jewish control of the international banking system and press.

The Protocols also played on the fear of Freemasons among court circles, aristocracy and the church establishment. The international fraternal order of Masons, which was identified with liberalism and modernity, was presented in the Protocols as having already been infiltrated and manipulated by the Elders of Zion.

In its manipulative conspiracy, the Elders were to focus on both internal, domestic matters and interstate relations. Within each state, they were to foster discontent and unrest, especially among workers. By promoting liberal ideas, they were to produce confusion while, at the same time, seizing behind-the-scenes control of political parties. Drunkenness and prostitution were said to be vigorously encouraged and morality undermined.

Interstate conflicts were to be stirred up through emphasis upon national differences. Every effort was to be made by the Elders of

Zion to increase armament production and enhance the likelihood of warfare. The end game of the Zionists, according to the Protocols, was not victory for one side but rather even greater chaos.

The Elders of Zion's ultimate goal, perceived to be but a century away, was the messianic age when the entire world would be united under Judaism and dominated by a descendant of the House of David. The emergent structure of a Kingdom of Zion resembles the nightmare vision of George Orwell's "1984."

The only nightmare vision to result from the Protocols, of course, was the near destruction of European Jewry during the Holocaust. Both Adolf Hitler and Heinrich Himmler were deeply impressed by the Protocols and made it required reading for the Hitler Youth.

With the destruction of Nazism and the horrors that antisemitism had wrought, one might have expected that the Protocols would be thrown in the trash bin of history. The forgery, though, found a welcome readership in Leonid Brezhnev's Soviet Union. The extraordinary Soviet campaign against Zionism reached a crescendo in 1977, with the Soviet Academy of Science's release of the vehemently hateful publication "International Zionism: History and Politics."

Ironically, the Communists formally turned to Arab sources for their anti-Zionist propaganda. One major center of hate literature was based in Cairo, where Johannes von Leers, a former employee of Joseph Goebbels's Nazi propaganda ministry, was spreading antisemitism under his adopted Arabic name, Omar Amin.

The Protocols may have been nourished in Europe with its ancient traditions of Jew-baiting, but it found new life in Egypt and elsewhere in the Arab world. Egyptian President Gamal Abdel Nasser endorsed the document in 1958. During the 1960s and 1970s at least nine different Arabic translations were published, some by the Egyptian government press. In June 2001, the Egyptian paper of record, Al Ahram, cited one of the Protocols as specifying how Jews plan to "control the world" by a combination of means, including the use of Freemasons.

A major milestone for the new drive to exploit the old forgery came at the 2001 United Nations World Conference Against Racism held in Durban, South Africa. A table at the Durban forum for nongovernmental organizations displayed the Protocols. The tract and similar racist publications so shocked Congressman Tom Lantos of California, a key figure in the American delegation and the only Holocaust survivor in Congress, that he described it as "the most sickening display of hate for Jews I have seen since the Nazi period."

A century after its first publication, "The Protocols of the Elders of Zion" continues to nourish a vibrant message of hate. One would have thought that with all that humanity has learned during the past 100 years, the Protocols' appeal to ignorance would have waned, if not disappeared entirely. The sad truth is that as long as the forgery remains a best seller, the ground remains fertile for antisemitism.

A TRIBUTE TO HOWARD A. RIINA, MD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Howard A. Riina, in recognition of his outstanding accomplishments in the field of medicine.

Dr. Riina was born in Brooklyn, New York. From 1982 to 1987, he earned two undergraduate degrees. He received a Bachelor of Science and Engineering in Bioengineering at the University of Pennsylvania and a Bachelor of Arts Degree in Biology from Franklin and Marshall College. After earning his medical degree from Temple University, Dr. Riina earned a Master of Philosophy degree in Molecular Neurobiology from the University of Cambridge.

Since 2001, he has served as an Assistant Professor of Neurological Surgery in Radiology and in Neurology at Weil Medical College of Cornell University. Additionally, he is an Assistant Attending Neurological Surgeon at New York-Presbyterian Hospital, Chairman of Neurological Surgery at the Brooklyn Hospital Center, and NYP Hospital Consultant to HSS Orthopedic Surgery/Neurosurgery.

Dr. Riina is also a member of several professional committees and associations as well including, the Congress of Neurological Surgeons, the American Association of Neurological Surgeons, North American Skull Base Society, the Ethics Committee of the Weil Cornell Medical College and New York-Presbyterian Hospital, and the Weil Cornell Physician Organization Professional Liability Premium Subcommittee. He is also an Associate Fellow for the American College of Surgeons, and on the Executive Committee Joint Section of Cerebrovascular Diseases, AANS/CNS.

In addition to his hospital affiliations with New York-Presbyterian Hospital, Hospital for Special Surgery, the Brooklyn Medical Center, and St. Barnabas Hospital in Bronx, NY, Dr. Riina has also found the time to contribute numerous scholarly articles and books in the field of neurology. He has also been awarded the Bayer Corporation Educational Grant.

However, arguably, his most important accomplishment was saving the life of Peggy Haskins, a constituent of mine.

Mr. Speaker, Dr. Howard A. Riina has reached the highest levels of medicine and he has used his expertise to improve and save the lives of those in his community. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNITION OF 10TH ANNIVERSARY OF SISTER CITY RELATIONSHIP MANITOWOC, WISCONSIN AND KAMOGAWA, JAPAN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PETRI. Mr. Speaker, I rise today to congratulate Manitowoc, Wisconsin, and Kamogawa, Japan, on the occasion of the 10th Anniversary of the formation of their sister city relationship. On August 3, 1993, Mayor Kevin Crawford and Mayor Toshio Honda signed a Sister City Agreement in order to forge a long-term relationship between the two cities. This anniversary marks a decade of great friendship that has touched the lives of thousands of people in a positive way and has provided years of joy through the bonds that have been created.

Since 1993, Mayor Honda has brought several delegations to Manitowoc and Mayor Crawford has led friendship visits to Kamogawa. Several other groups, including civil servants and student musicians, have also traveled between the two cities. On the 8th Anniversary of the agreement, Kamogawa delegates planted cherry blossom trees at several Manitowoc locations as living symbols of this growing relationship. Manitowoc reciprocated by planting sugar maple trees in Kamogawa.

The sister city relationship has been supported by the many industries in the City of Manitowoc that rely on Japan as a major market for their products. One out of six jobs in Wisconsin exists because of export trade. One of the objectives of the partnership has been to "internationalize" the youth of both cities and prepare them to be part of the global community. Through the summer student exchange program, which was initiated in 1995, students from each city spend 20 days with each other in homes in Manitowoc and then Kamogawa learning to appreciate their respective customs and culture.

This year, in honor of their 10th Anniversary, Mayor Crawford again traveled to Kamogawa in early September and Mayor Honda will visit Manitowoc in October.

Today these two cities share one of the most vibrant sister city relationships in the nation. They are to be commended for encouraging and promoting goodwill between the United States and Japan. Therefore, it is fitting that Manitowoc, Wisconsin, and Kamogawa, Japan, receive special recognition and appreciation on the occasion of this most memorable anniversary.

CONGRATULATING THE KU JAYHAWKS FOOTBALL TEAM ON THEIR VICTORY OVER MISSOURI

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MOORE. Mr. Speaker, I rise to today to congratulate Coach Mark Mangino and the

University of Kansas football team on their 35–14 victory over the University of Missouri Tigers.

This gridiron battle was the 112th installment of the finest sports rivalry west of the Mississippi. The Border Wars go back to the Civil War days when "Free State" Kansas fought raids from slave-owning "Bushwhackers" from Missouri, the most famous of which were the infamous Quantrill's raiders, who murdered and burned their way through Lawrence in 1863.

Kansas' honor was again courageously defended at Saturday's game by the KU football team with their fourth win of the season. They proved to a sellout crowd of 50,071 fans that KU football is on its way to the national prominence more usually associated with our fine basketball teams.

A proud KU alumnus, I was thrilled to be at my alma mater last Saturday in Lawrence, Kansas, to witness the Jayhawks take the lead 52–51–9 in this annual series. As the goalposts came down in celebration, I know the fear in future opponents rose. Rock Chalk, Jayhawk, go KU!

TRIBUTE TO ENRIQUE TORREZ AND ANGIE PATRUNO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, today I rise to recognize the wonderful union of two families. On Saturday, September 20, 2003, Enrique Torrez, Jr. and Angie Patruno were married at All Saints Church in Brooklyn, New York. Enrique, who is from the Williamsburg neighborhood of Brooklyn, and Angie, who is from the Ozone Park neighborhood of Queens, first met in junior high school and have been dating ever since.

The groom's parents, Aura Ordonez and Enrique Torrez Sr., and the bride's parents, Reverend Molly Golden and Dominic Patruno, have given their full blessing to this joyous event.

Angie has been very active in a wide range of civic issues in her community for about ten years. She currently works for the New York City Department of Education. Enrique is also a public servant, working for the New York State Department of Corrections.

Mr. Speaker, for more than a decade, this couple has already shown a deep commitment to each other, which I am confident will last a lifetime. As such, they are worthy of receiving our recognition today.

TRIBUTE TO DR. MORTON I. RAPOPORT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dr. Morton I. Rapoport, former President and CEO of the University of Maryland Medical System. Dr. Rapoport has been recognized nationally and internationally as one of the world's top hospital administrators. Under his leadership, the Medical System has made substantial improvements in the quality of patient care and services. He also has been a close friend and adviser to me for many years on health care issues, and I have great confidence in his judgement and insight.

Dr. Rapoport took over stewardship of the Medical System in 1984. Since then, he has transformed the University of Maryland Hospital from a public institution with annual operating losses in the millions to a successful private corporation with a record of strong financial performance and renowned clinical programs. The Medical System now includes University Hospital, the R Adams Cowley Shock Trauma Center, the Marlene and Stewart Greenebaum Cancer Center, Maryland's Hospital for Children, Kernan Hospital, University Speciality Hospital, Maryland General Health Systems and the North Arundel Health System.

Dr. Rapoport is a Baltimore native who attended my alma mater Baltimore City College and University of Maryland School of Medicine. He conducted research on infectious diseases and served as associate dean of the medical school before taking over as head of University Hospital in 1982. In 1984, Dr. Rapoport was appointed President and CEO of the newly created UM Medical System.

Before retiring, Dr. Rapoport oversaw planning and construction of the Harry and Jeanette Weinberg Building, a $150 million facility to house operating rooms of the future and a new adult and pediatric emergency department. On Nov. 15, 2003, at a special gala, it will be announced that the atrium in the new Weinberg Building will be named in honor of Dr. Rapoport and his wife, Rosalie.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Dr. Morton I. Rapoport for his dedication, leadership and vision in helping the University of Maryland Medical System become one of the most respected institutions in this country and in the world.

HONORS THE SMALL BUSINESS ADMINISTRATION ON THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Gateway Small Business Center in celebrating the 50th Anniversary of the United States Small Business Administration. The SBA has played an integral role in developing and nurturing the spirit of entrepreneurs and thus, strengthening the foundation of communities across the country.

We have been especially fortunate in my home state of Connecticut where, with nearly seventy percent of jobs found in small businesses, the SBA has forged strong bonds of partnership and—more importantly—friendship with countless organizations and communities. I would like to extend a special note of thanks and appreciation to Marie Record, Connecticut District Office Director, not only for her dedication and commitment, but also for all the assistance that she has provided to myself and my staff over the years. She has and continues to be an invaluable resource for us all.

I have often said that small business is the backbone of our nation's economy and the heart of our communities. From the General Mercantile to today's Mom & Pop storefronts, small businesses have been an important vehicle for delivering the American Dream. In addition, they are often what defines the character of a neighborhood, a town, or even a city. In my childhood neighborhood of Wooster Square, my grandmother, along with my mother and aunts, ran a small pastry shop, Canestri's. Many of our neighbors were also involved in the family businesses which lined the neighborhood streets—Sally's and Pepe's Pizza, Libby's Italian Pastry Shop, Lucibello's Pastry Shop, Iovanne's Funeral Home, and Lupoli's Funeral Home are just some of those which continue to thrive today.

Small business comprises seventy-five percent of net new jobs added to the economy annually. To date, nearly twenty three million small businesses are operating across the United States. Representing over ninety-nine percent of all employers and employing over fifty percent of our nation's private workforce, small businesses are not only an invaluable piece of our heritage, but are vital to the growth and prosperity of any community. We, as a nation, recognized that with the establishment of the SBA. Throughout their history, the SBA has delivered nearly twenty million loans, loan guarantees, contracts, counseling sessions and other forms of assistance to small businesses. Over the past ten years they have helped over four hundred thousand small businesses receive loans totaling over ninety-four billion dollars. Last year alone, the SBA backed more than twelve billion dollars in loans. It has been through their assistance that so many have been able to make their dreams come true.

Today, as we celebrate the 50th anniversary of the SBA, I am proud to join with the Gateway Small Business Center and all of those who have benefitted from the SBA in extending my deepest thanks and appreciation for all of their good work. Our communities would not be the same without the unparalleled contributions of the United States Small Business Administration and its dedicated staff.

TRIBUTE TO REVEREND JUANITA MINCEY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Reverend Juanita Mincey, an admirable human being and one of Florida's most involved and effective civic activists. On Saturday, October 4, 2003, Reverend Juanita Mincey will be joined by family, friends and colleagues at a reception in Miami, Florida, to honor her for her dedication to her community and to Christ Crusaders, Inc., an organization she founded which is committed to providing guidance and assistance to people in need.

Twenty-one years ago, Reverend Mincey had a vision to "reach the lost at any cost and to service the total man: mind, body and spirit." She founded Christ Crusaders, Inc. with just two employees, and over the past two decades, Christ Crusaders has grown to 66 employees. Under Reverend Mincey's leadership, these men and women dedicate many hours of service to the communities of Opa-Locka, Carol City, Liberty City and North Miami, Florida.

Christ Crusaders Inc. offers a wide range of programs and services that benefit children, the elderly, and all that fall in between. Reverend Mincey has worked relentlessly to create community programs that not only provide transportation and respite care for the elderly, but also offer healthcare services that many in the community cannot afford. The advancement of mobile health clinics, HIV/AIDS screenings and testing, counseling services for substance abusers and outreach programs for pregnant women are only a few of many programs initiated by Reverend Mincey.

Additionally, with the intent to promote, foster and develop the welfare of underprivileged children and their working parents, Reverend Mincey opened three daycare centers, which serve children from pre-K through 12th grade. She also opened the Christian University, which offers bachelors through doctoral degrees to individuals who would not otherwise have the opportunity or funds to attend a state or private university to receive an education. She continues to promote the importance of education and personal development by providing young adults with scholarships, and the opportunity to attend vocational schools and art and music schools.

Under Reverend Mincey's leadership, many lives have been enhanced and many families have been helped by her dedication to providing the quality services that many people could not possibly reach. Our entire community is grateful to her for all her generous and unselfish accomplishments.

Miami-Dade County and the city of Opa-Locka have already honored Reverend Mincey with the declaration of "Juanita Mincey Day." She has also been honored on several occasions for her hard work and angelic spirit with resolutions from the Florida House of Representatives and the State of Florida.

Today, I rise on the House floor of the United States Congress to once again honor and thank Reverend Mincey for her leadership and for the countless hours of selflessness she has devoted to take care of the people of our community. Thank you for all you do.

HONORING JASON CROOK'S INTERNATIONAL KEY CLUB SPEECH CONTEST WIN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Jason Crook for winning the international Key Club speech contest in Indianapolis, Indiana. Jason is a recent graduate of Blackman High School in my hometown of Murfreesboro, Tennessee.

On July 4, Jason demonstrated his prowess at the podium when he traveled to Indianapolis to represent his region in the contest. Jason spoke about the impact the club's values have had on his life. He triumphed over representatives from all 50 states and 20 countries.

Jason strives to achieve excellence both inside and outside of the classroom. His fellow classmates recognized his achievements and drive when they voted him Most Likely to Succeed. He graduated as valedictorian of his class, a testament to his hard work and perseverance. In addition to earning these accolades, Jason has actively involved himself in the community while participating in Key Club and Eagle Scout community service projects.

Jason's compassion is evidenced in the wealth of time he has devoted to helping those who are in need. This spring, Jason made Easter baskets for children in Vanderbilt University's pediatric ward. While many of his peers were relaxing during the summer of 2002, Jason was delivering food to the sick and elderly through his involvement with the Meals on Wheels program.

I am proud to share my hometown with Jason. I am even prouder that he is now attending my alma mater, Middle Tennessee State University. He is a truly talented young man and a fine example of the promise and potential of America's youth.

HONORING MISSOURI CORN PRODUCERS AND THE PEOPLE OF MID-MISSOURI ENERGY, INC.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate Missouri corn producers and the people of Mid-Missouri Energy, Inc., who have tirelessly worked to form a farmer-owned ethanol production facility in Malta Bend, Missouri. Folks from this cooperative will break ground on their new plant on October 4, 2003.

Farmers in Missouri and throughout the nation are working in fields right now to harvest their corn for the year. Many of these producers have experienced tough economic times over the past several years and prolonged drought in the Midwest is making things difficult again this year. In order to make their yields more valuable, corn growers have sought to enhance the value added nature of their commodity. Ethanol, which is a renewable fuel that comes from corn, is an important value added product for farmers and its production means a great deal to those of us who live in middle America.

Mid-Missouri Energy, Inc., was created to maximize the return on investment to its investors by adding value to Show-Me State corn production, to create economic development in central Missouri, and to foster a positive environment among its employees. The men and women who make up this cooperative are hard working Missourians who have committed their time and money to the success of the new ethanol production plant. I especially applaud the efforts of Mid-Missouri Energy Chairman Ryland Utlaut of Alma, Missouri, for his dedicated efforts.

As farmers break ground on this new ethanol production facility, I know that Members of Congress will join me in honoring the outstanding work of Mid-Missouri Energy, Inc.

TRANSPORTATION/TREASURY APPROPRIATIONS BILL FY04—CUBA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. ROTHMAN. Mr. Speaker, I'd like to thank Chairman ISTOOK and Ranking Member OLVER for their fine work on this bill. I am proud to be a member of this Subcommittee, under their leadership. I rise today in opposition to the Flake amendment to lift the ban on travel to Cuba. There are many reasons to support the ban on travel to Cuba.

Number one, we must remember that Cuba is considered a state sponsor of terrorism by the U.S. government, as are Iran, Libya, North Korea, Syria, Sudan, and until recently, Iraq under Saddam Hussein's regime. Number two, thousands of Americans traveling to Cuba will not change the Castro regime. Today, Canadians and Europeans travel to Cuba on a regular basis, and the lives of average Cubans have not improved. The average Cuban has not had contact with foreigners and has not benefited from the tourism revenue because the money flows directly to Castro. Instead of enlightening the Castro regime to respect human rights and support democracy, we have seen no improvement as a result of increased travel to Cuba.

Number three, on March 18, 2003, Castro's regime instituted a massive crackdown on independent journalists and democracy activists. Seventy-five activists were arrested, subjected to summary trials and prosecutions, and sentenced to prison terms ranging from 6 to 28 years. Amnesty International has termed it "the most severe crackdown on the dissident movement since the years following the Cuban revolution." Castro's regime also executed three men in April who had hijacked a ferry in Havana in an attempt to reach the United States. The men were executed by firing squads after summary trials that were held behind closed doors; four other ferry hijackers received life sentences while another received 30 years in prison.

Number four, the Castro government continues to provide sanctuary for American fugitives from justice. For example, take the case of Joanne Chesimard, a convicted cop killer who took the life of a New Jersey State Trooper. On May 2, 1973, New Jersey State troopers Werner Foerster and James Harper pulled over Joanne Chesimard and two of her companions in a routine traffic stop. A shoot-out transpired, and Trooper Foerster, who had served on the force for less than three years, was shot and killed. Trooper Harper was wounded. A jury in the United States found that Trooper Foerster had been shot in the back of his head, execution style, at point-blank range. The jury convicted Joanne Chesimard of murder and sentenced her to life in prison. But, Chesimard escaped from prison in 1979, lived underground in America for a few years, and soon found sanctuary in Castro's Cuba. Chesimard continues to live in Cuba, free from justice. Castro has refused to turn Chesimard over to the United States.

In addition to Joanne Chesimard, there are 73 other fugitives from U.S. law living under Castro's protection in Cuba, including a member of the FBI's 10 most wanted list.

Mr. Speaker, the United States of America should not allow Fidel Castro, a state sponsor of terrorism, egregious abuser of human rights, and protector of U.S. cop killers, to enjoy the financial benefits of American tourism. He must return Joanne Chesimard and the other fugitives from American justice, cease support for terrorism, end the gross human rights violations within his country, and embrace democracy before we can welcome Castro among the nations of the world.

The Flake amendment will not create the changes we all hope for in Cuba. The amendment will only make Castro and his family richer, and send a horrible message to dictators across the world. Oppose the Flake amendment.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. WOLF. Mr. Speaker, I rise today to pay tribute to Mother Teresa of Calcutta, whose birthday was August 27. Pope John Paul II will be beatifying her on October 19 in Rome.

As I reflect on her life of love and sacrifice, I am struck by the number of people's lives she was able to touch. Her work in Calcutta's slums illustrated her commitment to pulling people out of poverty by empowering them with self esteem and the hope that change is always possible.

For 50 years, Mother Teresa brought dignity to the poor and unwanted. After finding a woman dying in front of a Calcutta hospital, she sat with the woman until she died. Soon after, she began a campaign for a shelter for people to die with dignity. Her life's mission was caring for the human castoffs the world wanted to forget.

Her love brought hope to countless who were struggling on the brink of existence. In 1982, at the height of the siege in Beirut, she rescued 37 children trapped in a front line hospital by brokering a temporary cease-fire between the Israeli army and Palestinian guerillas.

She recognized that, despite economic development efforts, there were people out there whose lives remained mired in the sorry circumstances of their birth. She opened schools, orphanages and homes for the needy, and turned her attention to the victims of AIDS as that disease increased in prevalence.

Her notoriety speaks to the impact of her love and service. Her integrity and humility drew large crowds and invited great affection.

As we remember the incredible work of an extraordinary woman, I hope that we are all challenged to live out the prayer that is inscribed on the wall of her Children's Home in Calcutta:

MOTHER TERESA'S PRAYER

People are often unreasonable, illogical, and self-centered;
. . . Forgive them anyway.
If you are kind, people may accuse you of selfish, ulterior motives;
. . . Be kind anyway.
If you are successful, you will win some false friends and some true enemies;
. . . Succeed anyway.
If you are honest and frank, people may cheat you;
. . . Be honest and frank anyway.
What you spend years building, someone could destroy overnight;
. . . Build anyway.
If you find serenity and happiness, they may be jealous;
. . . Be happy anyway.
The good you do today, people will often forget tomorrow;
. . . Do good anyway.
Give the world the best you have, and it may never be enough;
. . . Give the world the best you've got anyway.
You see, in the final analysis, it is between you and God;
It was never between you and them anyway.

INTERNET TAX NONDISCRIMINATION ACT, H.R. 49

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. POMEROY. Mr. Speaker, today the House of Representatives addressed H.R. 49, the Internet Tax Nondiscrimination Act. This bill would make permanent the moratorium on internet access taxes first put into place in the Internet Tax Freedom Act (ITFA).

When the ITFA was first enacted, it exempted 10 states that already had in place mechanisms for taxing internet access. North Dakota was one of those states.

I have long been opposed to taxing internet access and have consistently voted in favor of the moratorium on internet taxation. All prior extensions of the moratorium, however, have provided for the continuation of the state exemption. H.R. 49, however, would not only make the moratorium permanent, but would also remove the exemption North Dakota and the other nine states have been receiving.

I strongly believe that the internet and the technology it brings with it is one of our country's most important economic engines. This is equally true for North Dakota. The internet has the ability to aid economic development not only in our larger cities, but also in our rural areas.

Because the end of the state exemption will mean the loss of tens of millions of dollars for those states that will be losing their ability to tax internet access, I urge my colleagues to give these states flexibility. Our colleagues in the Senate have done just this by including a 3-year delay. I encourage my colleagues to consider such a mechanism.

HONORING MASTER SERGEANT ANDREW R. SAMUELS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on March 1, 2004, Master Sergeant Andrew R. Samuels, will be retiring after 20 years of active military service in the United States Air Force.

Master Sergeant Andrew R. Samuels was born on January 27, 1965 in Torrance, California. After graduation from Lynwood High School in 1983, Samuels enlisted in the United States Air Force in October 1983 and served as a Non-Commissioned Officer with various police squadrons in California, Arkansas, Wyoming, Korea, Japan, Alaska, Turkey, Portugal, Saudi Arabia, and the Netherlands.

During his dedicated years of service, Samuels received the Air Force Meritorious Service Medal, the Air Force Commendation Medal with 3 clusters, and the Air Force Achievement Medal with 5 clusters. Master Sergeant Andrew R. Samuels has received 30 awards and decorations during his service with the United Stated Air Force.

In 1985 Samuels was honored with an early promotion as a Senior Airman Below the Zone for his excellent service.

In 1996, Samuels became the Security NCO of the year commending his commitment and dedication to his position.

In 2000, Master Sergeant Samuels received the 3 SPSS Most Valuable Person Award along with the PACAF, Best Anti-Terrorism/Force Protection Installation.

In 2001 and 2002, he accepted the Air Force Productivity and Excellence Award and the Special Recognitions Category for the Commanders in Chief Installation Excellence Award.

In 2002, Samuels received his Bachelor's of Arts degree for his completion of Security Administration at Saint Regis University.

Throughout his 20-year career, Master Sergeant Samuels has continuously demonstrated his dedication to his profession, community, and family. Samuels is a loving husband to Fukuko Tenma Samuels and an honorable father to his two sons, 2-year-old Rodney Sora and 4-months-old newborn Speed Sei Samuels.

Samuels plans to pursue work in the security and antiterrorism arena utilizing his 20 years of experience in the service. He looks forward to spending time coaching youth football, traveling, sight seeing, and listening to his collection of jazz music.

From one public servant to another, Andrew Samuel's dedication and service will be truly missed.

HONORING THE NATIONAL CENTER FOR ELECTRON MICROSCOPY LOCATED AT THE LAWRENCE BERKELEY NATIONAL LABORATORY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. LEE. Mr. Speaker, I rise to proudly recognize one of the world's premier science and research facilities, and an important part of my district. Today marks the 20th anniversary of one of our nation's premier scientific research centers, the National Center for Electron Microscopy (NCEM), a Department of Energy facility located at Lawrence Berkeley National Laboratory. Dedicated on September 30, 1983, NCEM's service began with the unveiling of the Atomic Resolution Microscope, the first instrument in the world capable of showing individual atoms in a sample. Since then, the Center has played a key role in supporting vital research efforts carried out by hundreds of visiting national and international scientists.

Today, NCEM houses several of the world's most advanced microscopes and tools for microcharacterization, such as the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope. The wide array of such tools allows scientists to gain a basic scientific understanding of new, energy-efficient materials, as well as analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys. Recent research includes atomic-level characterization of advanced aluminum alloys, new insights into how catalysts work, and mono-atomic resolution of solids that contain light elements such as carbon and nitrogen.

In addition to microscopes, NCEM's Image Analysis Facility is designed to handle the computational needs of the Center's users. NCEM staff design custom image processing and image simulation software, with the goal of extracting structural information from images taken on the Center's electron microscopes. NCEM also provides services and support for sample preparation.

To chart the future of electron microscopy, NCEM scientists are helping to pioneer the Transmission Electron Aberration-corrected Microscope, a next-generation microscope that could offer the unprecedented opportunity to directly observe the atomic-scale order, electronic structure, and dynamics of individual nanoscale structures. With advances like these, NCEM will continue to lead the world in electron microscopy research.

TRIBUTE TO WILLARD CANODE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to Willard "Bill" Canode of Durango, Colorado who recently passed away at the age of 90. Bill was an exceptional educator and administrator who was recognized on numerous occasions for his innovative ideas in the field of education. As his family and friends mourn their loss, I think it is appropriate that we remember Bill today for his many contributions throughout his life.

Bill served as superintendent for numerous school districts throughout his lifetime. Originally hailing from Illinois, Bill spent the majority of his years out West in Colorado, Wyoming and Arizona. No matter where Bill lived, others took notice of his outstanding dedication to education and to the community. He was named Educator of the Year in Wyoming; Yuma, Arizona's Number 1 Citizen; and Citizen of the Month by the Durango Herald.

In addition to his achievements in education, Bill was a loyal member of his church, the Rotary Club, Lions Club, and served as a state officer for the AARP. He also enjoyed performing in the theater and organized the La Plata Players, an amateur troupe who performed for the enjoyment of their community. Above all, Bill was a devoted family man with a wife, two daughters, seven grandchildren, and six great-grandchildren.

Mr. Speaker, it is with profound sorrow that we remember the life and memory of Willard Canode. He will be remembered for the kind heart and gentle demeanor that he displayed throughout his life. As Bill's family and friends mourn his passing, I am honored to recognize the wonderful life he lived. Bill will surely be missed.

RECOGNIZING MR. GUS CHAVEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. SOLIS. Mr. Speaker, I rise before you today to recognize one of the most inspiring and remarkable Latino leaders in our country, Mr. Gus Chavez. Gus Chavez is a bellwether in higher education and human service. Most importantly, he is an exceptional human being who has dedicated his entire professional life to improving access to higher education for underrepresented minorities in southern California.

For more than 30 years, Mr. Chavez has worked as director of the Offices of Educational Opportunity/Ethnic Affairs and Affirmative Action at San Diego State University. An alumnus of SDSU, Gus Chavez was responsible for recruitment, admission and retention services of low income and educationally disadvantaged students at SDSU. He also assisted and promoted the development of university initiatives aimed at admitting a racially and culturally diversified student body throughout the university.

Under his leadership, EOP/Ethnic Affairs at San Diego State has admitted over 22,000 low-income students in the university. Currently, San Diego State ranks 5th in the nation in awarding Bachelor of Arts degrees to Latino students.

Throughout his illustrious career Mr. Chavez has earned numerous awards for his monumental accomplishments. Some of his awards include the Outstanding MEChA Faculty/Staff Award, the California Educational Opportunity Program Directors Service Award, and the Cesar E. Chavez Award for Social Justice Service. Although many of his awards come from the Latino community, African American and Filipino SDSU students have also recognized him. During his career, he earned the African Student Union Service Award and the Filipino American Council of San Diego County Service Award.

After more than 30 years of serving underrepresented students, Mr. Chavez continues to mentor young people in his retired state. I unwaveringly commend him for his excellent work and for all his remarkable accomplishments.

I am privileged to recognize him as the perfect example of today's exceptional leader.

A SPECIAL TRIBUTE TO DR. LARRY G. McDOUGLE, PRESIDENT OF NORTHWEST STATE COMMUNITY COLLEGE, ON HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to an outstanding educator from Ohio's Fifth Congressional District. Dr. Larry G. McDougle retires today after a distinguished career as the Fourth President of Northwest State Community College (NSCC) in Archbold, Ohio.

Larry McDougle's career in higher education spans more than 3 decades and has touched the lives of students and administrators in fours states. He is the product of Ohio's universities, receiving his bachelor's degree in physics from the University of Findlay (1963), his master's degree in physics from Kent State University (1965), and his doctorate in higher education from the University of Toledo (1971).

During his professional career, Dr. McDougle has served as a faculty member and administrator in Ohio, Indiana, Illinois and South Carolina. Prior to his appointment as President of NSCC, he served as a tenured professor at Indiana University, Southern Illinois University at Carbondale, and at the University of Toledo. I first met Dr. Larry McDougle when he became President at NSCC in October, 1991. NSCC has blossomed under Dr. McDougle's leadership, serving as an educational gateway for approximately 3.500 students in Northwest Ohio. In addition to transfer programs, NSCC offers associate degree and certificate programs in allied health and public services, business and engineering technologies.

Dr. McDougle's leadership extends far beyond the NSCC campus. His service includes the Ohio Board of Regents Advisory Committee on Service Achievement and includes membership on the Boards of Trustees of Mercy College of Northwest Ohio, the Northwest Ohio Regional Economic Development Regional Growth Partnership, the Henry County Business and Education Advisory Council, and the Henry County Workforce Investment Board.

Dr. McDougle's work has both touched the lives of students and earned the respect of educators and employers. In 1996, he received the Philip J. Rusche Distinguished Service Award from the University of Toledo College of Education and Allied Professions. In 1998, he received the John C. Hoyt Outstanding Employment and Training Leadership Award from the Toledo Area Private Industry Council.

Mr. Speaker, there is no greater gift that an educator can give a student than the gift of inspiration. Dr. McDougle has done just that. I ask each of my colleagues to join me in this special tribute. We wish the entire McDougle family good health and good fortune in the coming years.

CONSERVATIVE CONCERNS WITH VOUCHERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PAUL. Mr. Speaker, many of those who share my belief that the most effective education reform is to put parents back in charge of the education system have embraced government-funded voucher programs as a means to that end. I certainly sympathize with the goals of voucher proponents and I believe that States and local governments have the right, protected by the Tenth Amendment, to adopt any sort of voucher program they believe meets the needs of their communities. However, I have a number of concerns regarding proposals to implement a voucher plan on the Federal level.

The basic reason supporters of parental control of education should view Federal voucher programs with a high degree of skepticism is that vouchers are a creation of the government, not the market. Vouchers are a taxpayer-funded program benefiting a particular group of children selected by politicians and bureaucrats. Therefore, the Federal voucher program supported by many conservatives is little more than another tax-funded welfare program establishing an entitlement to a private school education. Vouchers thus raise the same constitutional and moral questions as other transfer programs. Yet, voucher supporters wonder why middle-class taxpayers, who have to sacrifice to provide a private school education to their children, balk at being forced to pay more taxes to provide a free private education for another child.

It may be argued that vouchers are at least a more efficient welfare program than continuing to throw taxpayer money at public schools. However, the likely effect of a voucher program is to increase spending on new programs for private schools while continuing to increase spending on programs for public schools. For example, Mr. Speaker, during the debate on the DC voucher program, voucher proponents vehemently denied that any public schools would lose any Federal funding. Some even promised to support increased Federal spending on DC's public and charter schools. Instead of reducing funding for failed programs, Congress simply added another 10 million dollars (from taxes or debt) to the bill to pay for the vouchers without making any offsetting cuts. In a true free market, failing competitors are not guaranteed a continued revenue stream.

Many supporters of vouchers couch their support in rhetoric about a child's right to a quality education and the need for equal educational opportunities for all. However, accepting the premise that people have a "right" to a good of a certain quality logically means accepting government's role in establishing standards to ensure that providers are giving their consumers a "quality" product. Thus, in order to ensure that vouchers are being used to fulfilling students' "right" to a "quality" education (as defined by the government) private schools will be forced to comply with the same rules and regulations as the public schools.

Even some supporters of vouchers recognize the threat that vouchers may lead to increased Federal regulation of private schools. These voucher supporters often point to the fact that, with vouchers, parents will choose which schools receive public funding to assuage the concerns of their critics. However, even if a voucher program is free of State controls at its inception, it will not remain so for long. Inevitably, some parents will choose a school whose curriculum is objectionable to many taxpayers; say an academy run by believers in the philosophy of the Nation of Islam. This will lead to calls to control the schools for which a voucher can be used. More likely, parents will be given a list of approved schools where they can use their voucher at the inception of the program. Government bureaucrats will have compiled the list to "help" parents choose a quality school for their children.

The fears of these voucher critics was confirmed on the floor of the House of Representatives when the lead sponsor of the DC voucher amendment admitted that under his plan the Department of Education would have to begin accrediting religious schools to ensure that only qualified schools participate in the voucher program because religious schools currently do not need to receive government accreditation. Government accreditation is the first step toward government control.

Several private, Christian schools in my district have expressed concerns that vouchers would lead to increased government control of private education. This concern is not just limited to Christian conservatives; the head of the Jewish Anti-Defamation league opposed the recent DC voucher bill because he feared it would lead to ". . . an unacceptable effort by the government to monitor and control religious activities."

Voucher supporters will fall back on the argument that no school is forced to accept vouchers. However, those schools that accept vouchers will have a competitive advantage over those that do not because they will be perceived as being superior since they have the "government's seal of approval." Thus, those private schools that retain their independence will likely be forced out of business by schools that go on the government dole.

We have already seen how a Federal education program resembling a voucher program can lead to Federal control of education. Currently, Federal aid to college students is dispersed in the form of loans or grants to individual students who then transfer these funds to the college of their choice. However the government has used its support of student loans to impose a wide variety of policies dealing with everything from the makeup of student bodies to campus safety policies. There are even proposals for Federal regulation of the composition of college faculties and course content! I would remind my colleagues that only two colleges refuse to accept Federal funds (and thus Federal control) today. It would not be a victory for either liberty or quality education if the experience of higher education was replicated in private K–12 education. Yet, that is the likely result if the supporters of vouchers have their way.

Some supporters of centralized education have recognized how vouchers can help them advance their statist agenda. For example, Sibhon Gorman, writing in the September 2003 issue of the Washington Monthly, suggests that, "The way to insure that vouchers really work, then is to make them agents of accountability for the private schools that accept them. And the way to do that is to marry the voucher concept with the testing regime mandated by Bush's No Child Left Behind Act. Allow children to go to the private school of their choosing, but only so long as that school participates in the same testing requirements mandates for public schools." In other words, parents can choose any school they want as long as the school teaches the government approved curriculum so the students can pass the government approved test.

Instead of expanding the Federal control over education in the name of parental control, Congress should embrace a true agenda of parental control by passing generous education tax credits. Education tax credits empower parents to spend their own money on their children's education. Since the parents control the education dollar, the parents control their children's education. In order to provide parents with control of education, I have introduced the Family Education Freedom Act (H.R. 612) that provides all parents with a tax credit of up to $3,000. The credit is available to parents who choose to send their children to public, private, or home school. Education tax credits are particularly valuable to lower income parents.

The Family Education Freedom Act restores true accountability to education by putting parents in control of the education dollar. If a child is not being educated to the parents' satisfaction, the parent will withdraw that student from the school and spend their education dollars someplace else.

I have also introduced the Education Improvement Tax Cut Act (H.R. 611) that provides a tax credit of up to $3,000 for in-kind or cash donation to public, private, or home schools. The Education Improvement Tax Cut Act relies on the greatest charitable force in history to improve the education of children from low-income families: the generosity of the American people. As with parental tax credits, the Education Improvement Tax Cut Act brings true accountability to education since taxpayers will only donate to schools that provide a quality education.

Mr. Speaker, proponents of vouchers promise these programs advance true market principles and thus improve education. However, there is a real danger that Federal voucher programs will expand the welfare state and impose government "standards" on private schools, turning them into "privatized" versions of public schools. A superior way of improving education is to return control of the education dollar directly to the American people through tax cuts and tax credits. I therefore hope all supporters of parental control of education will support my Family Education Freedom Act and Education Improvement Tax Cut Act.

TRIBUTE TO ST. DAVID'S EPISCOPAL CHURCH ON ITS 108TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to St. David's Church in the Bronx, New York, a treasured Bronx institution and a historic house of worship that celebrated its 108th anniversary on September 26, 2003.

St David's Church was founded in 1895 to address the needs of poor blacks, especially the dining car waiters and Pullman porters who roomed in the area of the New York Central Railroad Depot and had no place to worship.

Mr. Speaker, as a part of the Episcopal Diocese of New York, St. David's strongly believes in the Diocesan mission objective of effective church presence in poor communities. In order to meet that objective, St. David's is constantly involved with community outreach. Presently, it has after school programs, summer day camps, and senior citizens programs to provide structured educational and recreational activities to the people who live, work, and worship in their community. For the past 108 years, St. David's has been a cornerstone of the Bronx community, providing its parishioners not only with a place of worship, but also with invaluable services in order to assist them in enriching their lives.

Institutions such as St. David's Episcopal Church give life and vitality to distressed areas throughout the United States. The services they provide to their communities deserve recognition. Therefore, I ask that my colleagues join me in recognizing and honoring St. David's Episcopal Church for 108 years of service to the people of the Bronx, New York.

TRIBUTE TO JACKIE WEAVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this Nation today to pay tribute to the life and memory of a great citizen from my district. Jackie Weaver of Pueblo, Colorado recently passed away at the age of eighty. Jackie was a caring woman who gave selflessly to those around her. As her family mourns her passing, I would like to pay tribute to her memory before my colleagues here today.

Jackie was born in Frederick, Maryland in 1923, and she worked as a chemist in New York City before marrying her husband, D.A., in 1946. After moving to Pueblo with her family in 1978, she became an active member of the community, working with the Christian Women's Club and the youth ministry of her church. In addition, Jackie devoted time to the Reach-for-Recover Program of the American Cancer Society and the Pueblo Kiwanis Club. Jackie cared deeply about children and worked to improve their lives by caring for three foster children and by adopting a child through the World Vision Ministries.

Mr. Speaker, Jackie Weaver's dedication and commitment to her family and her community has touched many lives. She tirelessly gave to her family and community. While Jackie has passed on, her legacy will continue to live. I am honored to join with my colleagues in honoring Jackie here today.

IN LOVING MEMORY OF MOTHER TERESA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. EMANUEL. Mr. Speaker, I rise to celebrate the memory of a remarkable woman who dedicated her 87 years of life to reaching out to poor, suffering and dying people all over the world, Mother Teresa.

Mother Teresa was born in Albania on August 26, 1910. She chose to become a Roman Catholic sister at age 18 and was assigned to a convent in Calcutta where she taught history and geography at St. Mary's School. Discontent to simply teach, Sister Teresa dedicated her life to creating a new religious order to serve the sick, disabled and dying no matter where they lived.

In 1948, Mother Teresa received approval from the Pope to create a religious order known as the Missionaries of Charity. She sought out nuns who were educated as nurses and asked them to train her. She returned to Calcutta where she opened a hospice. In her later years, Mother Teresa devoted her time and energy to establishing hospice programs for suffering from AIDS.

In 1979, Sister Teresa was awarded the Nobel Peace Prize and in 1985, the Presidential Medal. She was also given the Lifetime Achievement Award from the Foundation for Hospice and Homecare. However, it was clear that what she most cherished was the satisfaction of delivering care and comfort to millions of needy people.

Guided by her 40 years of leadership, the Missionaries of Charity grew from one to more than 400 missions worldwide. Today, there are approximately 5,000 sisters in the order.

Mother Teresa was universally loved and will always be remembered. This was evidenced by the fact that both chambers of Congress passed commemorative resolutions within just days of her death in 1997. They also posthumously awarded her the Congressional Gold Medal, the highest honor bestowed on a civilian.

The world will again remember her legacy of compassion when Pope John Paul II celebrates a three hour Mass next month for the her beatification.

Mr. Speaker, throughout her life, Mother Teresa knew no limits when caring for others as she gave unconditional love to all. On this day, let us once again remember her lasting contributions and goodwill for all mankind.

HUMAN RIGHTS IN GUATAMALA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. TOWNS. Mr. Speaker, on July 14, Guatemalan Constitutional Court justices made history by declaring null and void two previous court rulings banning infamous former dictator Efrain Rios Montt from seeking presidential office. Efrain Rios Montt, the retired brigadier general and current head of Guatemala's national legislature, has been universally condemned for waging a "scorched earth" campaign against indigenous Mayan civilians during his 1982–1983 presidency. Some of the worst abuses in Guatemala's brutal 36-year civil war occurred during Rios Montt's rule. Wisely enough, the drafters of Article 186 of Guatemala's 1985 Constitution engrossed a ban to prevent leaders responsible for staging military coups from ever again seeking the Guatemalan presidency. Yet Rios Montt, who came to power through just such a coup in March of 1982, recently obtained a favorable ruling from Guatemala's highest court despite this earlier provision. He managed this by using his influence to pack the court with additional members who were personally loyal to him. In addition, he sought to legitimate his candidacy by claiming that the 1985 Constitution cannot be applied retroactively to actions taken three years before it was enacted.

The State Department repeatedly has stated that Rios Montt's continued involvement in Guatemalan politics is an obstacle to effective U.S. relations with that country. In fact, events would seem to indicate that Rios Montt's candidacy is an equal threat to domestic stability within Guatemala; a number of weeks ago, mass protest in support of the ex-dictator's candidacy, clearly manipulated by Rios Montt and other leaders of his party, turned violent as mobs rushed into government buildings and seized them, including the Supreme Court. Since the Bush administration is so concerned with human rights in Iraq, what about Guatemala? Regional alliances such as the proposed U.S.-Central American Free Trade Agreement are bound to be jeopardized by Rios Montt's self-serving insistence on seeking the presidency, even at the country's democratic prospects. We as a body must strive to understand the potential implications and the high costs of Rios Montt's continued involvement in Guatemalan politics if we are to accelerate our steps towards the goal of promoting effective relations with the Central American region.

On September 15, the United States recertified Guatemala, reversing a decision made in January due to the country's consistently poor efforts to stem the northward flow of narcotics that end up in our streets. Circumstances, however, suggest that the recertification was motivated not so much by any improvement in Guatemala's drug interdiction efforts, but by the Bush administration's ceaseless search for the expansion of free trade, even if it costs the U.S. hundreds of thousands of solid jobs. The Bush administration, eager to enact its Central American Free Trade Agreement (CAFTA) proposal, seems to have been responding to certain pressures to renew Guatemala's certification whatever its justification; twenty-one of our esteemed colleagues took the principled step of writing to the White House and saying that they would not vote for CAFTA without such recertification, and Guatemala, home to Central America's largest population and most formidable economy, would not likely approve the trade agreement if it remained decertified. This leads one to wonder, then, what the certification process and the war on drugs are really about, as the controversial and inequitable specter of free trade has clearly taken precedent.

The following very timely memoranda on Guatemala's many problems were authored by Molly Maas and Jessica Leight, research associates at the highly respected Washington-based Council on Hemispheric Affairs (COHA), a non-partisan organization that has long been committed to addressing issues associated with human rights, democracy and economic justice throughout the Western Hemisphere. COHA has been referred to by Senator EDWARD KENNEDY in the CONGRESSIONAL RECORD as "one of our Nation's most respected bodies of scholars and policymakers."

RIOS MONTT DECLARED ELIGIBLE TO RUN IN GUATEMALA'S UPCOMING ELECTION

(Jessica Leight and Molly Maas)

On Tuesday, July 14, one of the most brutal dictators in modern Guatemalan history, General Efrain Rios Montt, was declared a legitimate candidate for the November presidential elections by the country's highest court. Since Guatemala gained its independence from Spain in 1821, this largely poor Central American nation has suffered under a series of foreign rulers and pathological homegrown despots. Yet, arguably, none of its leaders have been more infamous than Rios Montt, who seized power in a 1982 coup and presided over an unremittingly harsh dictatorship for eighteen months until a counter-coup installed General Oscar Humberto Mejia Victores as the country's military leader. Today, Guatemala's official Commission for Historical Clarification labels atrocities committed under Montt's regime as "genocide," and impartial observers argue that the ex-dictator was responsible for some of the worst human rights abuses in the country's 36-year civil war, including tortures, massacres, the destruction of hundreds of indigenous communities, and illegal detentions and murders of human rights advocates and indigenous leaders.

RIOS MONTT'S QUEST FOR THE PRESIDENCY

Since his fall from power in 1983, Rios Montt has twice attempted to run for the Guatemalan presidency, in 1990 and in 1995. Each time, he has been blocked by the country's courts on the grounds that Article 186 of the 1985 Constitution forbids the candidacy of all former coup leaders, a provision that was expressly designed to deter a presidential bid from Rios Montt. Despite these previous dismissals, however, the ruling FRG party, which controls the legislature as well as the presidency, once again nominated Rios Montt as its presidential candidate this past May, and the Constitutional Court—the nation's highest judicial authority—approved his candidacy on July 14. The decision in this case was blatantly biased, as the current court was especially expanded, i.e., "packed" with Rios Montt supporters. The president of the Constitutional Court, Mario Guillermo Ruiz Wong, is the former interior minister of the current FRG administration of President Alfonso Portillo, while another justice served as Rios Montt's personal lawyer. Three of the four judges who voted in favor of the ex-dictator have links to Portillo's administration.

Following this ruling, a lower court, the Supreme Court of Justice, issued a contradictory injunction that temporarily suspended Rios Montt's candidacy. In response, protests rocked the capital on Thursday, July 24, with thousands of former beneficiaries of Montt's dictatorship joining more recent recruits to his rightwing cause in the streets of Guatemala City. Though FRG leaders and Rios Montt himself vehemently denied any role in organizing or even encouraging the demonstrations, the protest was marked by a suspicious lack of spontaneity. Pro-FRG peasants were trucked in from across the country by organizers wearing such masks to conceal their identity, and the entire operation had the mark of a well-planned and well-orchestrated demonstration of political intimidation.

Most damning for the FRG and the Portillo administration was the lack of effort on the part of the police to control violence by the protesters, as well as the army's refusal to intervene even after President Portillo announced on radio and television on Thursday afternoon that he had ordered the armed forces out "to guarantee respect of private property and the physical security of persons, as well as the defense of human rights." Though the demonstrators dispersed after receiving instructions to do so from Rios Montt on Friday morning, the capital continues to wait in fear for a return of the usually armed encapuchados. Perhaps even more alarmingly, the government's commitment to the preservation of basic public order, as well as its control over the armed forces—largely unreformed following decades of unrestricted and brutal war against the guerrillas—remain in grave doubt. Having only so recently emerged from forty years of two devastating civil war which cost upwards of 200,000 lives, Guatemala seems on the point of lurching back into its old habits of blood and gore, in a new era of mob rule.

U.S. CHILLY ON SUBJECT OF RIOS MONTT

The U.S., along with the United Nations, has been notably critical of the human rights abuses that continue to plague Guatemala's fragile democracy. The State Department condemned the riots and the lack of effort by the authorities to control the violence. Earlier, State Department spokesman Richard Boucher had indicated his disapproval of Rios Montt's candidacy, asserting that should Rios Montt be elected, "realistically, in light of Mr. Rios Montt's background, it would be difficult to have the kind of relationship that we would prefer." This followed statements earlier in the year by U.S. Ambassador to Guatemala John Hamilton that noted a troubling lack of compliance on the part of the government with the 1996 UN-brokered peace accord. In an admirable display of candor about the deteriorating situation in Guatemala, Hamilton stated that, "My government shares the Guatemalan people's concern that today, more than six years after the end of the armed conflict, there are still serious violations of human rights."

It is crucially important that the U.S. maintain this strong stance in opposition to the candidacy of such a brutal ex-dictator and avoid the temptation to paper over the crimes of Rios Montt in order to ensure Guatemala's inclusion in the upcoming Central American Free Trade Agreement negotiations, scheduled to be completed by the end of this year. Last January, the Bush administration announced its decision to decertify Guatemala for insufficient progress in the war on drugs. Subsequently, it made use of a "vital national interest waiver" to continue to provide economic aid to the country in spite of the decertification. While continuance of such assistance provides some valuable leverage for the U.S. to exercise, as it seeks to pressure the Guatemalan government to bring human rights violators to justice, rein in corruption and ensure an orderly democratic transition after the November elections, this is the case only if the White House indicates that it is prepared to advance the country's democratization. If the White House wishes to demonstrate that its concern for human rights extends beyond Iraq, then there can be no more appropriate task than to facilitate the unhindered operation of justice in Guatemala, a country that has seen precious little of it up to now.

TRIBUTE TO SAMMY HUDSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a man who has spent his life providing a valuable service to others. Sammy Hudson, of Grand Junction, Colorado, has shined the shoes of thousands of community members and visitors, providing everyone with great service and pleasant conversation. For his years of service to the community, along with his hard work and dedication, I am honored to recognize Sammy here today.

Sammy began shinning shoes as a nine-year-old boy in Chicago, learning the craft from his grandfather. He has spent the last 23 years working in Grand Junction, and today, as the only traditional shoe-shiner in Grand Junction, Sammy provides a valuable service to his customers. His six decades of experience, along with a rigorous attention to detail and engaging personality, enable Sammy to brighten up the lives of numerous customers while simultaneously making a living doing something he enjoys.

Mr. Speaker, I am proud to recognize Sammy Hudson for his service to the Grand Junction community. Sammy serves as an example of the kind of resourcefulness, hard work, and dedication that have helped to make this country great. Recognition for the outstanding service he provides is long overdue, and I am privileged to bring Sammy's story to the attention of this body of Congress today.

RECOGNIZING THE 2003 IMMIGRANT WORKERS FREEDOM RIDE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize one of the most significant civil rights movements I have had the privilege of supporting. On September 20, 2003, buses in nine major U.S. cities will take hundreds of immigrant workers and their allies on a cross country expedition to Washington, D.C. and New York City. The Immigrant Workers Freedom Ride of 2003 will mark an important moment in the history of our great nation.

Inspired by the freedom rides of the 1960s, the Immigrant Workers Freedom Ride (IWFR) will promote the civil rights of our immigrant population and help educate the public and elected officials about new requirements in immigration policy. IWFR hopes to help immigrant workers, living and paying taxes in the United States, to: (1) legalize their status; (2) have a clear road to citizenship; (3) reunify their families; (4) have a voice on the job regardless of legal status; and (5) enjoy full protection of the civil rights and civil liberties for all.

I also want to recognize the exceptional leadership of Maria Elena Durazo, David Glaser, and the sponsoring committees and individuals of the IWFR. Without their hard work the Immigrant Workers Freedom Ride would not be possible. These two individuals and their sponsors exemplify the true meaning of leadership and stewardship.

The IWFR will not only help draw a new map for U.S. immigrants seeking citizenship, but it will also celebrate the American dream, the dream of becoming a citizen of the United States of America.

I am privileged to recognize the 2003 Immigrant Workers Freedom Ride as an excellent example of the freedom our great country provides.

A SPECIAL TRIBUTE TO DENNIS HALES, TREASURER OF FULTON COUNTY, OH, ON HIS RETIREMENT FROM PUBLIC SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a distinguished public servant from Ohio's Fifth Congressional District. Fulton County Treasurer Dennis Hales earlier announced his retirement, effective today, after ten years of distinguished local government service.

Dennis Hales moved to Fulton County in 1969. Prior to his service in the Fulton County Courthouse, he served in the Evergreen School District, as Evergreen High School Principal for six years, then for four years as Evergreen School District Superintendent. He continued his leadership role in Fulton County's schools, serving three years as Principal of Wauseon High School and for several more years as the assistant superintendent at Four County Career Center.

He assumed the office of Fulton County Treasurer in 1993. As Treasurer, Mr. Hale oversaw property and personal property tax collections and manufactured housing tax collections. He managed the investment of excess county funds, earning an average of $1 million annually for Fulton Country.

In addition to his distinguished service as a county officeholder, Dennis Hales also contributed his leadership philanthropically to the community. As Chairman of the United Way, Dennis Hales played a major role in merging several communities' efforts into one countywide organization, increasing donations and consequently, enhancing services provided to County residents. He was selected Honorary Chairman of the 2002–2003 Fulton County United Way Campaign.

Dennis Hales has also been recognized as the Wauseon Chamber of Commerce's Citizen of the Year.

Despite his many accolades, Dennis Hales has never sought personal recognition. Rather, he derives his energy from his dedication to Fulton County and his desire to work with his neighbors to build a stronger community.

As he enters this new period in his life, Dennis Hales remains a dedicated family man. He and his loving wife Janice are planning to travel and spend time with his children and grandchildren.

Mr. Speaker, the quality of our communities has long been based on the character and selfless service of our citizens. Fulton County, Ohio is a far richer community because of the work and dedication of Dennis Hales. I ask each of my colleagues to join me in this special tribute. We wish the entire Hales family good health and good fortune in the coming years.

TRIBUTE TO FORTSON LEE CHANDLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a great citizen from my district. Reverend Fortson Lee Chandler of Pueblo, Colorado is a man of devotion, hard work, and humility who inspires those around him. His dedication to his friends and neighbors shows a spirit of charity all too rare in today's society. After years of service, Reverend Chandler has announced his retirement from the Bethlehem Missionary Baptist Church in Pueblo. For his tireless work and commitment to the community, I am honored to rise and honor Reverend Chandler here today.

Reverend F.L. Chandler was ordained fifty-one years ago at the Union Baptist Church in Atlanta. He worked as an associate minister at St. John Baptist Church in Colorado Springs prior to moving to Pueblo to take over as pastor at the New Hope Baptist Church. Reverend Chandler devoted several years of service to New Hope Baptist before going to Bethlehem Baptist Church. At Bethlehem Baptist, F.L. forged strong ties to the community that he loves and has served so well. He made it a point to reach out to those who have had fewer opportunities in life. Reverend Chandler has guided Bethlehem Baptist for thirty-four years and will be greatly missed.

Mr. Speaker, Reverend F.L. Chandler is a kind and devoted spiritual leader who our community turns to for inspiration and guidance in their daily lives. He has devoted over fifty years to guiding his parishioners. I am honored to join with my colleagues today to thank him for his tireless work and to wish him the best of luck as he embarks upon his retirement.

IN HONOR OF GOLD STAR MOTHER'S DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today in recognition of the Gold Star Mothers of America, a Congressionally chartered organization, and the celebration of Gold Star Mother's Day. This event was held on Sunday to commemorate the significant sacrifices and contributions of the Gold Star Mothers.

In 1936, by proclamation of President Franklin D. Roosevelt, and the Congress concurring, the last Sunday of every September is dedicated to "the greatest source of the Country's strength and inspiration", the American mother. I am proud to honor these women who have shown the utmost courage in supporting the goals of this Nation. Each member of the American Gold Star Mothers has dealt valiantly with the overwhelming suffering that accompanies the loss of a son or daughter, yet they continue to believe in the good of America, our veterans and the armed forces.

As our country continues to engage in struggle overseas, we are increasingly dependent on the good works of organizations like the Gold Star Mothers. Wherever they exist, the Gold Star Mothers perpetuate the ideals for which, their sons and daughters fought and died. They strive to assist veterans and veterans' organizations across the country while offering support to each other and a newly grieving nation.

This past Sunday, government buildings and individuals across the world showed their true appreciation for the Gold Star Mothers by flying the U.S. flag and holding public gatherings. At America's preeminent resting-place for American soldiers, Arlington National Cemetery, a solemn gathering and wreath laying ceremony was held at the Tomb of the Unknowns.

The dedication and triumphs of the Gold Star Mothers stem from a shared bond. As they describe it, "The success of our organization continues because of the bond of mutual love, sympathy, and support of the many loyal, capable, and patriotic mothers who while sharing their grief and their pride, have channeled their time, efforts and gifts to lessening the pain of others. We stand tall and proud by honoring our children, assisting our veterans, supporting our nation, and healing with each other."

It is important that we take time to recognize such a laudable organization as the American Gold Star Mothers. I am consistently impressed with their dedication to our Country, Armed Services, veterans and of course, to their own children.

Through only the greatest hardship can membership in the American Gold Star Mothers be accorded. Our country is forever indebted to them for their ability to transform their grief into positive action and undying dedication to the past, present and future heroes of this Nation.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FY 2004

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2003

Mr. SMITH of Texas. Mr. Speaker, I commend the Leadership and Members of the Committee on Appropriations for bringing the FY 2004 Defense Appropriations Conference Report to the House floor.

In addition to addressing the necessary and priority manpower and equipment needs of our armed forces, the bill provides critical resources for advancing the scientific, research and advanced technology initiatives that will insure that the United States maintains its military primacy in the years ahead.

As a Member of the House Science Committee's Subcommittee on Research, I continue to take a special interest in the emerging technologies that promise quantum breakthroughs in research and development efforts that will enhance our national security. These promising new technologies offer new dimensions to our military capabilities while also providing significant benefits to the civilian sector. Many of the programs in this legislation rely upon the transition of an enabling technology from the laboratory, R&D stage to viable military applications.

Special enabling technologies are currently being developed in Texas that have great potential for a broad range of military applications and offer significant advances to our future national security capabilities.

The House is bipartisan in its support for the increased resources devoted to DARPA and the RDT&E accounts. The DOD research portfolio is broad, comprehensive, diverse and focused on mission-related objectives to further assure U.S. security and international stability. I strongly urge Department of Defense policy and program officials to continue investing resources into innovative field technology.

TRIBUTE TO BRICE CARRUTH AND THE CORTEZ, COLORADO WAL-MART STORE STAFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to recognize a group of outstanding citizens from my district. The Associates of the Cortez, Colorado Wal-Mart Store and their Store Manager, Brice Carruth, acted with great generosity in the face of a devastating fire and recently helped save priceless artifacts from destruction. For their kind and selfless act, I am honored to pay tribute to Brice and the Cortez Wal-Mart Associates here today.

In June of 2002, facing severe drought conditions and the accompanying risk of devastating fires, the National Park Service decided that priceless and irreplaceable treasures from Mesa Verde National Park needed to be moved from their curatorial center to a safer location. It was agreed that the collection should be moved to the old Cortez Wal-Mart store. No sooner had the collection been safely relocated than the Long Mesa fire erupted and eventually descended on the Mesa Verde curatorial facility. The efforts of the Cortez Wal-Mart Associates to renovate and cleanup the old facility helped protect over three million irreplaceable artifacts, including numerous documents, pictures, and maps.

Mr. Speaker, Brice Carruth and the Cortez Wal-Mart Associates selflessly gave of their time to safeguard a national treasure. Their work to save the artifacts of Mesa Verde National Park ensures that these unique treasures can continue to be enjoyed by future generations. For their noble service, I am honored to recognize the Associates of the Cortez Wal-Mart and Store Manager Brice Carruth here today.

177TH FIGHTER WING RECEIVES AIR FORCE OUTSTANDING UNIT COMMENDATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. LoBIONDO. Mr. Speaker, I rise today to congratulate the men and women of the New Jersey Air National Guard's 177th Fighter Wing based in Egg Harbor Township, New Jersey on receiving an Air Force Outstanding Unit Commendation for their ongoing homeland defense efforts as part of Operation Noble Eagle.

Since the terrorist attacks of September 11, 2001, the 177th "Jersey Devils" have dedicated themselves to securing the skies of the East Coast from terrorist threats and have set an example of excellence for their colleagues in the military and for their neighbors in the Second Congressional District of New Jersey.

Recently, I accompanied General Ralph Eberhart, Commander of the Northern Command and the North American Aerospace Defense Command (NORAD), on a trip to the 177th Fighter Wing to review the unit and thank them for their service. The pride and devotion to duty I saw that day was at the same level it was in the days after September 11 and I am firmly convinced this dedication will remain evident and strong for the duration.

This award is well deserved and I want to congratulate the leaders of the NJANG 177th Fighter Wing—Wing Commander Col. Michael G. Cosby, Vice Commander Col. Barry M. Johnson, Vice Wing Commander Lt. Col. Brian L. Webster, Vice Air Commander Lt. Col. Randall S. King, Executive Officer Capt. Yvonne L. Mays, and Command Chief Master Sergeant Herbert E. Mimler, Jr. on this award.

I also congratulate the Wing's group, squadron and flight commanders including Lt. Col. Roger F. Pharo, Jr., Lt. Col. Richard L. Hutchinson, Col. James T. Strader, Jr., Col. David J. Mellish, Lt. Col. Jeffrey C. Thomas, Maj. David G. Haar, Lt. Col. John C. Elwood, Lt. Col. Kerry M. Gentry, Maj. Michael K. Love, Maj. Stephen G. McBrearty, Maj. John J. Fogarty III, Lt. Col. Harry Hartman, Lt. Col. Scott J. Barberides, Capt. Diana M. Brown, 2nd Lt. Richard L. Defeo, 2nd Lt. Brian W. McCarthy and Capt. Thomas S. Fanslau. I salute each and every member of the Wing for their hard work and service to our nation. The efforts of the 177th Fighter Wing have been essential to America's homeland defense and this award honors those efforts. Congratulations.

REGARDING THE DIABETIC FOOT COMPLICATION AND LOWER EXTREMITY AMPUTATION REDUCTION ACT OF 2003

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. BAKER. Mr. Speaker, as the Federal Government seeks to provide better healthcare to more Americans while reducing healthcare expenses, we must look at the benefits of preventive care programs. Education, screening and preventive treatments can save patients and government significant heartache and expense. One area where preventive care shows tremendous promise is the treatment of diabetic foot complications.

There are an estimated 17 million Americans who have diabetes. This number represents an increase of 61 percent since 1990. As diabetes rates continue to rise, the cost of treating diabetes, already estimated at $132 billion, will certainly rise. One of the most serious complications diabetes patients face is poor circulation and infections in their lower extremities. In fact, diabetic foot infections are the most common reason for hospital admissions among persons with diabetes, accounting for one-quarter of all diabetic admissions in the United States. Loss of circulation and feeling present real challenges to people with diabetes and 15 percent of people with diabetes will experience a foot ulcer, and between 14 and 24 percent of those with a foot ulcer will require amputation.

There are tremendous costs associated with treating foot ulcers and with lower extremity amputations. In fact, lower extremity amputations cost Americans $2 billion a year and the average cost of a lower extremity amputation is $60,000. Although private insurance bears some of the cost of diabetic foot complications, Medicare is saddled with many of these costs since these complications disproportionately affect the elderly. For example, analysis of the 1995 Medicare claims revealed that lower-extremity ulcer care accounted for $1.45 billion in Medicare costs and contributed substantially to the high cost of care for diabetics, compared with Medicare costs for the general population. In fact, the Medicare costs for diabetes patients with foot ulcers is 3 times higher than for diabetes patients in general, and inpatient care accounts for 74 percent of diabetic ulcer-related costs.

Fortunately, cost effective ulcer prevention and treatment interventions have proven effective at reducing foot complications and lower extremity amputations at only a fraction of the cost. There are a number of descriptive studies that show that a multidisciplinary approach, including preventive strategies, patient and staff education, and treatment of foot ulcers, can reduce amputation rates by 40 to 85 percent. Nationwide reductions of this size would save Americans between $800 million and $1.7 billion a year. Of note, the LSU Health Sciences Center Diabetes Foot Program in Baton Rouge, Louisiana enrolled over 2,300 diabetes patients with published research demonstrating their prevention and treatment program resulted in an 89 percent reduction in foot related hospitalizations, an 81 percent reduction in emergency room visits, and a 79 percent reduction in foot amputations at a cost of about 50 percent of standard care.

With sound research showing the benefits of preventive care for people with diabetes, now is the time to commission a large, authoritative study on the issue. The results of this study will serve as solid evidence to public and private organizations of the need for preventive care to aid in the reduction of diabetes foot complications and will help foster technical and policy changes to healthcare programs. In addition, thousands of Americans who participate in this study will benefit from the education and treatment provided by this grant program.

Mr. Speaker, I hope members will consider these facts and cosponsor the "Diabetic Foot Complication and Lower Extremity Amputation Reduction Act of 2003."

TRIBUTE TO PETER "TOM" SAVICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an extraordinary citizen from my district. Peter "Tom" Savich of Silverton, Colorado recently passed away at the age of eighty. Tom was an involved citizen and a fixture of his community, and I am honored to pay tribute to him here today.

Tom was a life-long resident of Silverton, living in the house in which he was born for his entire life. Like so many of his generation, Tom heeded his country's call and served in the Army during World War II. On D-Day, Tom fought with the troops that stormed Omaha Beach in Normandy. He fought with remarkable bravery and courage, which earned him the Bronze Star for bravery, the Medal for European-African-Middle Eastern Service, and the French Jubilee of Liberty Medal.

Upon returning home, Tom became very involved in his community. He helped found Silverton's American Legion Post 14. He was active in the rehabilitation of the Silverton Hillside Cemetery, and he took a leadership role in maintaining many gravesites that would have otherwise been neglected. Tom was especially concerned with the graves of bachelor miners and was instrumental in ensuring that their final resting places received proper care and attention. Tom also collected artifacts chronicling Silverton's history, which he organized into the Tom Savich Museum.

Mr. Speaker, Tom Savich was a humble, generous person who cared greatly about his fellow man. As his family and friends mourn his passing, I am honored to pay tribute to Tom's life and his dedication to his community here today.

TRIBUTE TO CENTRAL CHRISTIAN CHURCH IN MOUNT VERNON, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Central Christian Church in Mount Vernon, Illinois as the members celebrate the sesquicentennial of the church on October 4–5, 2003.

Central Christian Church became a part of the Mount Vernon and Jefferson County communities on October 3, 1853 with 21 members. The church came into existence due to the efforts of Mr. and Mrs. Harvey T. Pace, who organized the local church according to New Testament traditions. Today, the church boasts of a membership of over 1,200, with seven members on the pastoral staff. In January 2004, it will open a new 1,000 seat worship center.

Central Christian Church is a shining beacon for the community which it serves. I am proud to represent Central Christian Church as part of the 19th District of Illinois. My prayer is that God will continue to bless the church and the members that worship there. May Central Christian Church continue to be prosperous in their service to the Lord Jesus Christ.

100TH ANNIVERSARY OF UNDERWRITERS LABORATORIES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. KIRK. Mr. Speaker, I would like to recognize the 100th anniversary of Northbrook, Illinois based Underwriters Laboratories Incorporated. For the past century, Underwriters Laboratories has been among the world leaders in providing global product safety assessment programs and services.

Since it was founded in 1903, Underwriters Laboratories has published more than 880 Standards for Safety—for products ranging from fire-rated buildings to information technology equipment to electrical household appliances. Beginning with Underwriters Laboratories' first Standard for Safety, the UL 10A for Tin-Clad Fire Doors, each standard is developed and maintained with input by UL engineers in conjunction with industry, government agencies, regulatory authorities, members of academia, and consumer advocates. Nearly two-thirds of UL Standards for Safety have been accepted by the American National Standards Institute as American National Standards. Underwriters Laboratories tells me that it remains responsive to external needs by participating in more than 200 international technical committees, serving in leadership positions on many, in an effort to actively enhance safety globally and pursue harmonization of U.S. standards with international standards.

Despite its tremendous growth and technological advancement, Underwriters Laboratories has remained faithful to its original mission: public safety. I am most proud to represent Underwriters Laboratories Incorporated. I congratulate them on this, the 100th anniversary of their inception, and I thank them for their innumerable contributions to standards development throughout our district and around the world.

TRIBUTE TO ALEX HOWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Reverend Alex Howard of Pueblo, Colorado recently announced his retirement from the Parkview Medical Center. His devotion, hard work, and humility inspire those around him, and his dedication to his friends and neighbors shows a spirit of charity all too rare in today's society. I am honored to recognize his many years of service here today.

Alex has been the Director of Spiritual Affairs for the Parkview Medical Center for 21 years. His service and ministry have been marked by two overriding ideals: uniting people and giving local youth moral and ethical guidance. Over the years, Alex has worked hard to bring people from different faiths, races, ages, and genders together, encouraging them to celebrate their common beliefs. He has also fostered enthusiasm and excitement in the community's youth and encouraged them to strive to lead a good life. Alex has worked tirelessly to uplift and edify those who are in his charge, and though Alex is retiring from Parkview, he will continue his work as the pastor of St. Peter the Apostle Episcopal Church in Pueblo.

Mr. Speaker, Reverend Alex Howard is the kind of devoted spiritual leader our community looks to for guidance and inspiration. He has devoted 34 years to ministry and 21 years to Parkview Medical Center, and I know that his guidance will be sorely missed. I am honored to join with my colleagues today to thank him for his tireless work and to wish him the best of luck as he continues to serve the community.

TRIBUTE TO THE LIFE OF RON BURTON

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the life of Mr. Ron Burton, who passed away on September 13, 2003 in Massachusetts after a long battle with bone marrow cancer. As a long-time resident of Springfield, I can honestly say almost everyone in the city knew of Ron Burton, since he was one of the greatest athletes the city has ever produced.

Ron Burton's legacy extends beyond the 4,249 all-purpose yards and 19 touchdowns he amassed in 69 games with the New England Patriots. Burton was a two-time All-American at Northwestern University, but, as was noted recently in the Boston Globe, he was a Hall of Famer off the field by virtue of his postcareer philanthropic endeavors.

After their September 14th victory over the Philadelphia Eagles, the Patriots dedicated the game ball to Mr. Burton's memory. The Patriots also recently established the Ron Burton Community Service Award, which annually recognizes the player who makes the greatest impact in the New England community.

Mr. Burton was a Shriner, a Mason, and an Eagle Scout. He was a high-school All-American, a collegiate All-American and a member of the Northwestern University Hall of Fame. After his professional football career ended, Ron became an executive with the John Hancock Mutual Life Insurance Company and a motivational speaker.

In 1985, Mr. Burton purchased over 300 acres of land in Hubbardston, Massachusetts and founded the Ron Burton Training Village, a sports camp for inner-city, underprivileged children. The camp not only trains youngsters physically and academically but also teaches them the value of love, peace, patience and humility. More than 2,000 youngsters have attended the camp, and have become better citizens as a result, many of whom have gone on to attend prestigious colleges such as Yale, Harvard and the Air Force and Naval academies.

Mr. Burton said he wanted to open his training village "as a place where everyone loves one another."

Former Springfield mayor Bob Burton, who was Ron's brother, recently said, "Ron never forgot the town from which he came. He had a strong love for Springfield, unlike others who have gone away and had success. He never forgot his hometown and the church to which he belonged."

Ron is survived by his wife, Jo Ann. They have five children, all of whom graduated from Northwestern University.

As the Congressman who represents Springfield in the U.S. House of Representatives, I offer my sincere condolences to the family of Ron Burton and pay tribute to his lifetime of achievements and his lasting legacy as an outstanding role model and citizen.

TRIBUTE TO DOROTHY AND WAYNE TALLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a remarkable couple from my district. Dorothy and Wayne Talley of Del Norte, Colorado recently celebrated their seventy-second anniversary. Dorothy and Wayne's extraordinary commitment to each other and to their family is an inspiration, and I am honored to pay tribute to them here today.

Dorothy and Wayne are blessed with eight children, twelve grandchildren, and two great-grandchildren. Through mutual respect and genuine affection, Dorothy and Wayne have maintained their union for over 70 years. Throughout those years, Wayne has pursued several careers, including selling tractors and transporting material for the Summitville mine. After retiring, Wayne continued to stay active, first selling cars, then starting a sewing machine repair shop. Dorothy worked hard to take care of their family.

Mr. Speaker, the dedication and devotion that Dorothy and Wayne Talley have shown to each other is truly an inspiration to us all. Since 1931, Dorothy and Wayne have supported and uplifted one another and have set a noteworthy example for their family and community. To spend over seven decades together is a rare testament to their love, and I am honored to join with my colleagues in congratulating Dorothy and Wayne and in wishing them many more wonderful years together.

TRIBUTE TO AARON PRESLEY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. PICKERING. Mr. Speaker, it is with great sadness that I rise today before this great body to honor a fellow Mississippian who lost his life while helping millions of people here in the Washington-Baltimore area recover from Hurricane Isabel.

Mr. Aaron Presley was one of 100 Entergy Mississippi linemen who left family and friends and drove hundreds of miles from home to be a part of the force helping restore electrical service after the devastating storm. He loved his work and he especially loved to do his part to help storm victims get their daily lives back to normal.

On Saturday, September 20, while working in Pikesville, just outside of Baltimore, Aaron was killed when he came into contact with an energized power line that had been downed in the storm.

Aaron was a senior lineman based in Madison, Mississippi. A resident of Flora, where I now make my home, he was only 45 years old and had 25 years of service with Entergy. He leaves behind his wife, Kim, two children and two stepchildren, to whom we offer our sincere condolences.

As the D.C. area continues to recover from the devastation of Hurricane Isabel, let us never forget the sacrifices of all the men and women working with utility crews to restore our electric service. We must appreciate how dangerous their work is and be grateful for the job they do.

And let us never forget Aaron Presley, who sacrificed his life in the service of others.

CELEBRATING TAIWAN'S DEMOCRACY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Taiwan's forthcoming National Day, I wish to commend Taiwan for all its accomplishments, both economic and political. I wish to extend to President Chen and the people of Taiwan my congratulations.

Taiwan is one of the world's largest economies and our seventh largest trading partner. Its people participate and fully subscribe to the principles of freedom and democracy. The Taiwanese people have worked with the United States on issues ranging from endangered species to trademark infringements. They are also working with us to combat global terrorism. They look to us for cooperation, guidance and protection.

Peace and security in the Taiwan Strait is vital to the security interests of all nations in the area.

Taiwan has spent considerable sums of money helping African nations fighting AIDS and other infectious diseases.

Taiwan is a staunch friend and ally of the United States. On Taiwan's national day, I wish to affirm my friendship for Taiwan and its people.

TRIBUTE TO KAREN WADE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to a dedicated public servant. Karen Wade recently announced her retirement from the National Park Service. Throughout her many years of service, Karen has worked tirelessly to create and promote a bond between our National Parks and the people they serve. For her years of service, I am honored to pay tribute to Karen here today.

Karen began her career with the National Park Service as a seasonal radio dispatcher at

Mesa Verde National Park near her native Cortez, Colorado. Karen went on to her first permanent post in 1978 as a Trail Coordinator with the Appalachian Trail Project. Over the years, Karen has held many positions in the Park Service, including Superintendent of Fort McHenry National Monument and Historic Shrine in Baltimore, Guadalupe Mountains National Park in Texas, Wrangell-St. Elias National Park in Alaska, and the Great Smokey Mountains National Park in the southeastern United States.

In 1999, Karen became the Regional Director for the Intermountain Region. In that position, she oversaw parks in eight western states, including Colorado, and was entrusted with such treasured national parks as the Grand Tetons, the Grand Canyon, Yellowstone, and her beloved Mesa Verde. Throughout her career, Karen's work has not gone unnoticed. She has received many awards and accolades, including Superintendent of Year for Natural Resources, a Southeast Region Award for her work at the Great Smokey Mountain National Park, and the Environmental Protection Agency's Environmental Achievement Award.

Mr. Speaker, Karen Wade has dedicated 25 years to protecting and promoting our national parks. Her tireless work has ensured that future generations will be able to enjoy the beauty and splendor of our national parks. For her dedication and years of service, I am honored to join with my colleagues in paying tribute to Karen here today. I wish her all the best in her future endeavors.

HONORING THE ACHIEVEMENTS OF CARMEN ZAPATA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Ms. Carmen Zapata—a visionary Latina whose influence is felt in every aspect of the arts.

As one of the first Latinas to perform on Broadway, Carmen Zapata is an artistic innovator. An actress, producer and proponent of Spanish and English bilingual theatre, she has changed the face of culture in Southern California.

A leader in the Latino and arts communities, Carmen Zapata's passion for theatre led her to co-found the Bilingual Foundation of the Arts. As president and producing director for this Los Angeles-based non-profit, she has helped produce over eighty bilingual plays across the State of California and abroad.

The Bilingual Foundation of the Arts has brought theatre and entertainment into inner-city schools in my district and the greater Los Angeles region, exposing students to a new creative outlet, and providing a pipeline for young Latino talent.

Ms. Zapata's dedication to the Latino community has also led her to share her knowledge and experience in teaching the craft of acting and production at area theatre programs.

Furthermore, she has served on the board of a variety of civic organizations, including the United Way, the Mexican American Opportunity Foundation, the KCET Community Advisory Board, and the City of Los Angeles Mayor's Committee on the Arts.

Ms. Zapata is also a leader in the international Latino arts community. An honored translator of Spanish plays, she has been knighted by his Majesty Juan Carlos of Spain for her contributions to Spanish language and culture. In addition, she continues to shape Latino arts and entertainment and the next generation of Latinos with her popular PBS children's program, "Villa Allegre."

For these achievements, it is my great pleasure to recognize Carmen Zapata's contributions as the Hollywood Chamber of Commerce honors her with a star on the Hollywood Walk of Fame.

On behalf of Latinos everywhere, I congratulate Carmen Zapata and thank her for her dedication to giving Latinos a voice in the arts.

TRIBUTE TO TERRY TICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 2003

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I rise before you today to honor an outstanding citizen from my district. Terry Tice of Telluride, Colorado is a remarkably giving person who focuses many of his efforts on assisting the town of Telluride and his fellow citizens. It is my privilege to pay tribute to Terry before this body of Congress and this nation for his positive role in the community and for his philanthropic spirit.

Terry has lived in the Telluride area for over thirty years, operating the Telluride Trappings and Toggery with his wife Susan. The Toggery not only offers local high school kids employment during their breaks, it also provides numerous scholarships to high school graduates. In addition to his business, Terry has served on the town council for four terms and helped implement the Town Charter. He has been a member of the district school board and volunteered a great deal of his time to various community causes.

Mr. Speaker, it is a great honor to stand before you today and recognize Terry's many attributes and dedication to his community. Terry's graciousness has recently prompted the Telluride Foundation, an organization centered around community philanthropy, to name him citizen of the year. I join the Telluride Foundation in congratulating Terry for his award. I would also like to thank him for his numerous contributions for the betterment of his community.

SENATE—*Wednesday, October 1, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who holds the wind in Your fist and wraps the ocean in Your cloak, we thank You for defending all who come to You for protection. We ask You to protect our military in its defense of our freedoms. Give our military people Your presence and peace. Lord, fill the God-shaped void that is in each of us that we may live abundantly. Remind us often that before honor is humility. Today, give our Senators the wisdom to meet the challenges of our time. May they not grow weary in their efforts to find common ground. Give them the strengthening joy of Your Spirit, that they may have courage for hard times and determination for challenging tasks. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 1, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BENNETT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning the Senate will be in a period for morning business until 10:30. Under the agreement reached last night, at 10:30 the Senate will begin consideration of the supplemental appropriation for Iraq and Afghanistan security. The order provides for debate only until 12:30. We expect amendments to be offered during today's session and therefore rollcall votes will occur throughout the day.

Yesterday, after the Appropriations Committee finished its work on the legislation and reported the bill to the full Senate, the two leaders came to the floor to reach the agreement to begin consideration of the bill today. As stated last night in the colloquy, the Senate will consider amendments to the legislation this week. Following the recess, we will resume the bill with the expectation of completing all action by the end of that week.

As we begin the process, the leader is asking for the cooperation of all Members in advance and thanks everyone for their willingness to cooperate to try to push this bill through to completion the week after we return from the recess.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I simply ask that when the Chair announces morning business, the full hour be allocated to both sides evenly divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period for the transaction of morning business until the hour of 10:30 with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

The Senator from Nevada.

FAIR LABOR STANDARDS ACT OVERTIME RULES

Mr. REID. Mr. President, this is a land of opportunity. Americans know if they are willing to work hard, they can realize their dreams. Hard work built this country and hard work is what has enabled generations of Americans to own a home, make a stronger community, and give their children a good education.

Americans have always been willing to work hard to reach their goals, and we are working longer hours today than ever before. Almost one-third of the labor force regularly works longer than a 40-hour week and 20 percent work longer than 50 hours. Fifty years ago, as part of the Fair Labor Standards Act, we established the principle of overtime pay for those who work more than 40 hours a week. This recognized the value of hard work and rewarded those who worked the hardest. Families who work hard depend upon overtime pay. For the families who do earn overtime, it makes up one-fourth of their total salary.

Having said all this, I cannot understand why the President is proposing to change the rules on overtime pay. His proposal would eliminate overtime wages for 8 million workers—nurses, firefighters, police officers, flight attendants, preschool teachers, cooks, secretaries, and fast-food shift managers. This proposal would amount to a pay cut for these hard-working families. It would also mean fewer jobs because companies would simply force their employees to work longer hours without paying overtime instead of hiring new workers.

In the current economic situation, when millions of Americans are out of work, it does not make sense to do something that will stifle the creation of new jobs. Even for the workers who would still qualify for overtime, this is a bad rule. Why? Because big companies will force the overtime-exempt workers to put in longer hours and cut the hours of those who qualify for overtime.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. I noticed an editorial in the Washington Post yesterday which pointed out:

> Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way. . . . The new rules would give employers far more freedom to disqualify employees.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I think that is what the Senator from Nevada is saying, as I understand it, that those rules that have been drafted by the administration are one-sided. They are going to work to the disadvantage of employees just at a time when we know American workers are working longer and harder than any other industrial nation in the world, as this chart shows, particularly with regard to women who are out there, who have joined the workforce.

This is in 1979. Middle-income mothers worked 55 percent more than they did 20 years ago, 895 hours compared to 1,388 hours. American workers are working longer hours. They are working harder. The mothers of small children are working longer and harder to make ends meet in a difficult economy. Then the administration promotes these regulations, which any fair-minded person would believe are skewed to the disadvantage and unfairness to employees—particularly to nurses, particularly to firefighters, particularly to police, who are the front-line defense in homeland security.

I am wondering how the Senator from Nevada views this proposal by the administration, in terms of fairness to workers in his own State.

Mr. REID. With the Senator from Massachusetts on the floor, I will respond this way. The Senator from Massachusetts has led the fight for decades on raising the minimum wage. I say to my friend, it seems so unusual, so absurd to me that this administration on the one hand will not let us even have a vote on raising the minimum wage, yet at the same time they are trying to cut overtime from people.

I received a call from a 58-year-old man in Las Vegas, my friend, Sunday night. He said, You know, my diabetes is getting worse. I think I am going to have to go on injections. I have been taking a pill, but I am 58 years old and it is getting worse. He said, The reason I am concerned is I have no health insurance. My wife has health insurance but I have no health insurance.

This man works 60, 70 hours a week. He has two jobs. But both jobs are such that he doesn't qualify for the fringe benefits. The fringe benefits, among other things, are health insurance. So he works two jobs, hard work, he is 58 years old, and he has no health insurance.

I say to my friend, I cannot imagine the mental gyrations this administration has to go through to, on the one hand, prevent people from getting a basic fair minimum wage and, on the other hand, wanting people to work more than 40 hours a week, reversing what has been in effect since the mid-1930s.

I repeat, on the one hand, no raising of the minimum wage, and on the other hand let's have you work longer hours.

I ask my friend from Massachusetts, Can you in any way correlate in your mind how an administration could go forward on this plan? I guess it is a plan.

Mr. KENNEDY. We have been joined by the Senator from Iowa, who has been a leader in the Senate on this issue. Let me just mention one other item in response to the question of the Senator. Not only is it the opposition of the administration to the increase of the minimum wage, which now at the end of this year will have lost all of the gains since the last increase—so the administration is against that—the administration is against the long-term unemployment compensation. These are workers who have been trying to gain work. They have been out looking for jobs. Historically, as we have reviewed this issue with the Senator from Iowa and the Senator from Nevada, when we get the unemployment compensation, we have been responsive to this, for years, in a bipartisan way—except for this administration.

So we are shortchanging the minimum wage worker. We are shortchanging the unemployed. And now the administration comes on top of that, at a time when we have a disastrous economic policy, we have lost more than 3 million jobs, and it says we are going to take it out on the overtime workers, which in this instance affects the front-line workers, the home guard, so to speak, the ones we are relying on to defend this country—the nurses, the firefighters, and the police.

What in the world is it about hard-working Americans who are working hard to provide for their families that this administration just can't stand?

I see our friend and leader here from Iowa, who has been so involved in this issue. I know he has some important observations as well.

Mr. REID. I yield the floor.

Mr. HARKIN. Will the Senator yield?

Mr. KENNEDY. I am glad to yield the floor.

Mr. HARKIN. I thank the Senator from Massachusetts and our assistant minority leader, the Senator from Nevada, Senator REID, for bringing up this issue today.

Again, more disturbing news has come out this week, I say to the Senator from Massachusetts. He has covered the increase in poverty in this country. More and more people are being left behind and unemployment continues to go up. At that very time, this administration wants to pull the rug out from underneath people who work hard, to take away their overtime protection. That is coming to a head this week, I say to the Senator from Massachusetts, because the House of Representatives, the other body, is going to be appointing conferees to go to conference with us. I understand the motion will be made to instruct the conferees to yield to the Senate position which, as you know, is to deny the administration the funds necessary to carry out these proposed changes in overtime. So I am hopeful the House will again vote right on this and make sure we keep the Senate provisions and deny the administration the ability to go ahead and just yank away the overtime protections for millions of Americans.

Again, I ask the Senator from Massachusetts why is it—I don't know if there is any real answer. Why is it this administration is so intent on keeping the minimum wage as low as it is? Why are they so intent on that? What do they gain by doing that, by denying hard-working Americans an increase in the minimum wage? What does the administration gain for themselves or for this country by taking away the overtime protections for our workers which have been there since 1938? Why would the administration be doing this if we are facing at this time higher rates of unemployment, poverty going up?

I don't know what the Senator's response to that will be, but in my view, this is so ideologically driven. This administration, I think, if it had its way, would take away all overtime protections, take away the minimum wage. They don't even believe in a minimum wage. They wouldn't even have a minimum wage. They would have our workers compete at the lowest possible level with workers from the Third World countries. It is not enough they are shipping our manufacturing jobs out of this country, they are now shipping into this country labor standards from Third World countries.

Again, I don't know. I thank the Senator from Massachusetts for pointing this out this morning. I think we need to discuss this more.

We are going to be discussing a supplemental appropriations bill on the floor today and for the next few days of $87 billion. That is for rebuilding Iraq. Some of that is for the military, but with $21 billion we are going to build sewer and water systems, we are going to build new schools, we are going to rebuild some swampland—there is everything in there to rebuild the economy of Iraq. At the same time this administration wants to keep minimum wages low. They will not help us get the minimum wage up. And they want to take away overtime protection. What kind of fairness is there in that?

Mr. KENNEDY. The Senator has answered his own question. I think it is a pretty clear indication that the administration listens to K Street, which is another way of saying the principal powerful special interests, rather than Main Street. Main Street, where it is happening—whether it is in the rural or urban areas of Iowa, or my own State of Massachusetts.

These are hard-working people at the minimum wage. This issue, the minimum wage, is a women's issue because the majority of people who receive the minimum wage are women. It is a children's issue because more than one-third of the women who receive the minimum wage have children, so it is a family issue. It is a civil rights issue because so many of these men and women are men and women of color. And it is a fairness issue. America and Americans understand fairness. If you work 40 hours a week you should not have to live in poverty. Yet this administration is strongly opposed to this and is using every different parliamentary trick to deny us a vote.

The majority Members of this body favor an increase in the minimum wage, but the administration is strongly against it and we are basically unable to get it. I think the majority favors also extending a hand to those millions of Americans who are unemployed, who have worked hard all their lives and, because of the economic policies, have been put into the lists of the unemployed. They have been out there looking. Increasing numbers of those have been leaving the job market.

We have historically recognized that we would offer a helping hand to those who want to work, who can work and who will work to provide for their families during the slump in the economy, and the administration says no. Beyond all of that, it says we are going to exclude 8 million hard working Americans from possible coverage for overtime.

I speak for all of our people in Massachusettes when I thank the Senator from Iowa for his leadership in the Senate and for the strong vote we got in the Senate. We had a bipartisan vote on that. It is enormously instructive and important for the administration to hear.

I certainly know the administration is working very hard against the position of the Senator from Iowa and in the House of Representatives. But I hope the kind of expression we saw here in the Senate will be followed by the House.

I thank the Senator for all of his good work.

Mr. HARKIN. Mr. President, I thank the Senator from Massachusetts for his kind remarks, but he has been the leader in terms of workers' rights for all of his time in the Senate. I am honored to be able to work with him to make sure we continue to support our working families.

I say to my friend from Massachusetts that the Secretary of Labor just wrote a recent editorial which ran in the Omaha World Herald, which is across the river from Iowa. It is interesting that she wrote my amendment "if enacted, would be a huge setback for U.S. workers from getting overtime pay for the first time."

What she is talking about there is part of this proposal would increase the threshold for guaranteed overtime pay from $8,060 a year to $22,100 a year. My amendment does not affect that. What we passed here in the Senate protecting overtime pay does not even remotely affect it. If the Secretary of Labor wants to increase the threshold from $8,060 a year to $22,100 a year, what is she waiting for? She can do that tomorrow. She could have done that this spring in the rules and regulations. It is because certain friends of this administration and industries say they wouldn't support it unless we made other changes to take away overtime protection from other workers.

It is true the proposed regulation does increase the threshold. That is fine. Our amendment doesn't touch that. With the other hand they take away overtime pay protection for over 8 million Americans. Then they say they want to simplify the rules. The proposal is far from simple. It is as complex as ever.

The Society for Human Resource Management was quoted in the Chicago Tribune:

> It looks like they're just moving from one ambiguity to the next.

These rules and regulations can be simplified and updated without taking away workers' overtime pay protection. Again, don't take my word for it. Here is what industry says from a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to its clients on their Web site.

They said:

> These proposed changes—

by the Secretary of Labor—

> —likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt.

Exempt from overtime pay protection.

> The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

That is not me saying that. That is a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to their clients which include more than half of the Fortune 500 companies.

There you have it. This is industry driven to take away the overtime pay protection so they can work people longer and not pay them any more.

As I pointed out on the floor previously, and as the Senator from Massachusetts did, this is antiworker and it is antifamily. Many of these people are women. They are already paying for child care. Now they are going to have to work longer and pay more for child care, and they don't get a nickel more for overtime. It is not fair. It is not right.

I hope the House of Representatives will vote strongly to instruct their conferees to adopt the Senate provision. Let us have the administration go back and let us have a fair and reasonable updating of overtime regulations.

Yesterday, on Tuesday, September 30, there was a lead editorial in the Washington Post entitled "Fighting Over Overtime."

It said:

> Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating—

We all agree with that.

> —the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 30, 2003]

FIGHTING OVER OVERTIME

For 65 years employees have been entitled to an hour-and-a-half's pay for every extra hour they have worked beyond the standard 40-hour work week. But those protections don't extend to certain white-collar workers—people in executive, administrative and professional positions—and figuring out which employees are covered has become a particularly byzantine area of labor law. The Bush administration has proposed a sweeping rewrite that it says will better protect the most vulnerable workers while giving employers clearer guidance. Labor groups argue that the improved coverage is so limited, and the exceptions so broadly written, that millions of workers would be deprived of eligibility for overtime. The Senate voted this month to prevent the new rules from taking effect, and while the House voted narrowly the other way, it is set for another vote this week. Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

Employees who earn less than $8,060 per year are automatically entitled to overtime. The Department of Labor wants to raise that floor to $22,100. The increase would provide automatic coverage to 1.3 million workers, the administration says, while labor groups say the number is much smaller. An increase in the minimum level is overdue (it was last raised in 1975), but the amount proposed by Labor—$5,000 less than would result simply from adjusting for inflation—is too low. The proposed rules would also make it more difficult for employees who earn more than $65,000 to qualify for overtime pay.

The biggest problem with the changes would be in the middle range of workers who earn between $22,100 and $65,000. In this area, the new rules would give employers far more freedom to disqualify employees. For example, employees would be considered exempt "executives" if they managed a department, directed the work of two or more other employees and had their recommendations about hiring, firing or promotion "given particular weight." Thus, a $23,000-a-year supermarket produce manager could be refused overtime pay. The Labor Department says the changes are merely intended to make the rules easier to apply, not to deprive anyone of overtime. Yet it's hard to see how some of its gauzy new tests are going to promote any less misunderstanding. Administrative workers, for example, are defined as those who hold "a position of responsibility" with the employer, something that is in turn defined as doing "work of substantial importance" or "requiring a high level of skill or training."

Labor Secretary Elaine L. Chao, dismissing the arguments of those who "think employers are out to exploit workers," says that businesses are lobbying for the changes "not because they're getting any particular benefit but because they just want clarity." But employers and their advisers see it differently. Hewitt Associates, a leading human resources consultant, noted that "employees previously accustomed to earning, in some cases, significant amounts of overtime pay would suddenly lose that opportunity." Assessing the rules in a memo to clients, Proskauer Rose, a law firm that represents employers, noted, "Thankfully, virtually all of these changes should ultimately be beneficial to employers." Workers who earn overtime derive a quarter of their income, on average, from overtime pay. They might not be quite so thankful.

Mr. HARKIN. Mr. President, I ask to be recognized on my own time.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, there are 9 minutes 40 seconds left on the Democratic side.

Mr. HARKIN. I appreciate that. I will not take that much time.

THE CIA LEAK

Mr. HARKIN. Mr. President, I also wanted to again comment on the stories appearing in the media about the leaked information regarding an undercover CIA agent. As we all know by now, a law was broken. It is a Federal crime under the Intelligence Identity Protection Act of 1982 to intentionally disclose information identifying a covert agent by anyone not authorized to receive classified information. Conviction under this crime is punishable by up to 10 years in prison and a fine of $50,000.

What do we know so far? We know a columnist, Mr. Robert Novak, received this information. He printed it in his column in the newspaper.

It is interesting that we now find there were other journalists given that information, but they did not write this. They did not print it. That raises questions in itself as to why Mr. Novak went ahead and wrote this.

We know this was put out into the public. We know—at least it has been alleged—that Mr. Novak said he got the information from a "high administration official." The other journalists, I guess, who got this information said the same thing. We don't know whether it is in the White House or where it is. But there are all kinds of rumors and allegations floating around.

Now I see the Justice Department is starting to investigate. Isn't that a sweetheart deal? Attorney General John Ashcroft, appointed by this President, investigating the President. If a situation ever cried out for a special counsel, this is it.

Yet yesterday when the Senator from New York, Senator SCHUMER, wanted to just have a sense-of-the-Senate resolution that a special counsel should be appointed, the other side raised a nongermane objection to this. We will continue to bring up this sense-of-the-Senate resolution. In fact, when we have the opportunity, we will ask to have a vote on whether a special counsel ought to be appointed, someone more independent than Mr. Ashcroft.

There is a piece missing from the puzzle. We know a law was broken. We know Mr. Novak, a journalist, printed in his column that it came from somewhere in the administration. But here is the missing part of the puzzle that no one is writing about. Whoever gave that information to Mr. Novak got that information somewhere. This is classified information. The question is, Did someone in the CIA voluntarily give that information to this individual? If that is the case, we have a real problem in the CIA. If, however, someone in the administration is saying the National Security Council, which has access to this kind of classified information, then gave this information to another individual in the administration, then we have a real problem in the National Security Council of someone deliberately leaking this classified information.

It is not enough just to find out who gave the information to Mr. Novak. We have to find out how that individual got the information in the first place.

Mr. DURBIN. Will the Senator yield?

Mr. HARKIN. Let me finish this.

Did that individual have that information given by the CIA? Was it given to him by the National Security Council? How did that individual come by this classified information? That is the missing part of this puzzle.

I yield to my friend.

Mr. DURBIN. I ask the Senator from Iowa, does it not show the depths which have been reached if someone in the White House is prepared to not only discredit but to disclose the identity of an intelligence agent, perhaps compromising their professional career, maybe endangering their life, in order to settle a political debt?

I ask the Senator from Iowa, who has a memory of this—as I do, as well—this is an echo of an enemies list of Richard Nixon's era where they have decided at any cost they will go after their enemies, even in the commission of a Federal felony, to disclose the identity of Ambassador Wilson's wife.

The Senator from Iowa is correct. It is true that the lengths to which this administration is willing to go to silence its critics harken back to an era that was one of the darkest eras in Presidential politics.

Mr. HARKIN. Again, I thank the Senator from Illinois for his question.

Why was this name leaked to this columnist? It was to somehow discredit her husband. What had her husband done? He told the truth about the lack of any evidence showing Iraq had gone to Niger to obtain basically uranium or yellow cake. He had gone there to investigate, said there was nothing to it. So he told the truth. And now the administration, because a truth did not comport with their imagination about what was going on in Iraq, obviously put Mr. Wilson on their enemies list.

I say to the Senator from Illinois, this really does bring back memories of enemies lists. The administration will go to any length, to the length of breaking a law, to try to discredit anyone who tries to point out the truth about what went on in Iraq.

Mr. DURBIN. If the Senator will continue to yield, this calls for a special prosecutor. Does the Senator from Iowa recall last year when there was a suspected leak of information from the Senate Intelligence Committee, the FBI, under Attorney General Ashcroft, called on every member of the Senate Intelligence Committee to submit to a polygraph—for every Senator to submit to a polygraph? I ask the Senator from Iowa, what is the likelihood that Attorney General Ashcroft is going to ask the highest ranking officials in the White House to submit to a polygraph and then disclose to the public whether or not they have agreed to do so?

Mr. HARKIN. I say to my friend from Illinois, I am not serving on the Intelligence Committee. I had heard and been aware, and now the Senator has validated that fact, the FBI did ask members of the Senate Intelligence Committee to take polygraphs. Again, it is a fair question the Senator asks: Will the FBI ask all senior members of this administration to sit down and take a polygraph test? If they asked Senators, why would they not ask the White House? I don't know. Will they?

Mr. DURBIN. Further questioning the Senator from Iowa, I don't believe in polygraphs. I never recommend them. Most State courts do not recognize the results, I don't think they are accurate. But it was a pressure tactic by the FBI to try to get Senators on the Intelligence Committee to say publicly whether they would submit to a polygraph. It is an indication of what they can do when they want to.

The question is, Will they do it? Would Attorney General Ashcroft's Department of Justice do that to the highest ranking officials in President Bush's White House? The answer is obvious. So I ask, does that not make the case for a special prosecutor?

Mr. HARKIN. Absolutely. The Senator from Illinois is correct. This points to the need for a special counsel, someone independent of the Justice Department. This is serious stuff.

I notice that the columnist, Mr. Novak, said, well, this woman is just an analyst for the CIA.

I don't know. I never met these people. But now I understand she was indeed an undercover agent overseas. She may be doing something at the CIA right now, but prior to that she was. Again, I have no knowledge of this. I only know what I have been reading in the papers.

It seems to me, in our war on terrorism, our best asset is not a missile; it is not a nuclear device; it is the information we get. And if there is a chilling effect out there—that is what this is, a chilling effect—on getting information, it is a serious blow to our fight against terrorism.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The time on the Democrat side has expired.

The Senator from Minnesota.

R&R TROOP RELIEF

Mr. COLEMAN. Mr. President, I rise to talk about the men and women on the front line in Iraq defending America in the fight against terrorism. We cannot forget them. There are a lot of other things going on in Washington—including, by the way, the discussion of who said what to whom.

I digress for a moment to comment on calls for a special prosecutor. I am a slight student of history. In 1999 there was an effort in this body, led by Senator COLLINS from Maine, a bipartisan effort, to put in place a provision to allow for a special prosecutor. It was blocked, it was stopped, by the very same folks today talking about the need for a special prosecutor. I will be very blunt: We are hearing rank political hypocrisy when it comes to claims about a special prosecutor.

I also note the calls that: The administration did this, the administration did that. The President of the United States has been very clear. If someone in his administration leaked information or did something that is illegal, they will be held accountable. That is what the administration has said.

We have to get away from the politics and simply do the right thing. The American public get it. They see through it. Unfortunately, it casts a negative light on everyone when every battle is a political battle other than simply doing the right thing.

One of the right things, by the way, being done is, today the Pentagon has rolled out a program to bring troops home who have served in Iraq for over a year. These service men and women are going to get a well-deserved rest. Unfortunately, the program only provides for transportation to places such as Baltimore, Atlanta, Dallas, and Los Angeles. For folks who come from Minnesota, my State, that creates a burden and a hardship. Flights are very expensive if you have not planned 2 weeks in advance, costing literally thousands of dollars.

This is a good start. It does not go far enough. Because I want to make sure that the service men and women who had to pay—some, again, $1,000 or more for same-day tickets to see their loved ones—I have submitted, along with Senator STEVENS, Senator DAYTON, and Senator DORGAN, an amendment to fix this unintended consequence of the R&R program.

If we acknowledge that our troops who have been in Iraq deserve a rest, we ought to make sure they get their way home. I thank the chairman of the Appropriations Committee, Senator STEVENS, who has said they will take care of this. My heartfelt thanks to the distinguished chairman of the Appropriations Committee.

IRAQ

Mr. COLEMAN. Mr. President, I speak today as a former mayor. I have been listening to the debate about the President's request for $87 billion supplemental appropriations to support what our troops need in Iraq. Yet there are some, who want to divide that, who say: Yes, we will provide somehow $67 billion; that is what the troops need on the military side, and to do that gives them moral clarity, while supporting an additional $20 billion for infrastructure and other essential services is labeled as squandering American resources that could be better used at home.

Let me offer some insight on what it takes to build a city, what it requires to assure that those who live in a city feel ownership in their future, feel confident in their role in that city, and have the necessary confidence to move that city forward.

First, to rebuild a city requires patience. A broken and decayed city did not happen over night, and it will not be fixed overnight. What happened in Iraq did not happen overnight. From 1970 onward, Saddam Hussein never had a budget; he did not invest in infrastructure. In fact, he pillaged and raped that infrastructure for his own needs, for his palaces, and to cover his friends.

So what you have are patterns of neglect that have set in and cities have become stale and moribund. Their infrastructure starts to collapse. That is what we have seen in Iraq. The water systems fail, the sewer systems fail, and the power grids blow out after years of no maintenance. The roads and sidewalks crack and shift and become dangerous to use. So you have the state of decay.

Second, to restore confidence and hope in a city requires commitment and investment. Safe streets do not just happen overnight. You have to train a police force. You have to recognize that the best partners in fighting crime are not the guns in their holsters but the people who live in the neighborhoods who will support the law enforcement efforts.

Moms and dads living in a city need to have confidence in knowing the police are there to protect and serve them, not to conduct covert activities on behalf of the Government to deprive them of their freedom, their liberty, and their lives. That has been the pattern in Iraq for many years.

Third, to assure growth in a city, there must be a sense that there is a future in the city. This requires business believing there is room to grow. You have to grow jobs. You have to get paychecks to people who then invest in homes and libraries and streets and sidewalks.

Rebuilding a city is a tough job. Now, increase that on a grand scale of rebuilding a nation, and I hope my point is becoming more evident.

The fact is, rebuilding Iraq—all of Iraq—is as important to the protection of our soldiers as the equipment we give them to protect and defend themselves. We have to win the peace. We have to win the peace and not just the war.

Rebuild a neighborhood and you keep parents from becoming bitter that they do not have clean water or a functioning sewer. Make the investment in a library and you give the children a tool out of their despair and bring the light of learning and opportunity into their lives.

If you remove people's hopes, you remove their incentive to be participants in the community. And if you choose not to invest in their lives, their homes, their communities, and their businesses, they will turn away from the light and seek the darkness.

The threat our troops face in the months ahead in Iraq is not just from the Baath loyalists or foreign terrorists who are simply trying to live another day so they can kill another American soldier. The threat our troops face is that moms and dads in Iraq will lose confidence in the promise America made to them not only to liberate them from the brutality of Saddam Hussein but from the chains of despair.

We have seen it in our own cities. When we take away hope and confidence in people, they strike out. Ask any cop in any American city what he fears most: a gang member packing a Glock or a neighborhood where people don't care what goes on outside their locked doors and windows. You can always find a way to arrest the gangster, but it is nearly impossible to get people who have lost hope to open the doors to their lives once they have been closed. And once hope is lost, the land becomes a swamp of discontent, a breeding ground for terrorists, unchecked by the populace.

That is what we cannot allow to happen in Iraq. If we try to parse the investment we make in Iraq, we parse the commitment to American troops. This is not rhetoric. This is not drama. This is reality.

We need to invest in training Iraqis to become policemen now and ensure that more American troops can come home sooner.

We need to invest in Iraqi infrastructure now and ensure that its economy begins to recover. And more Iraqis will go back to work. And the greater the hope grows, less anger will be directed toward American troops.

We need to invest in Iraqi schools and libraries and hospitals, and conditions that lead to despair and striking out against American soldiers diminish, and the breeding ground that terrorists prey on becomes smaller and smaller, until they disappear completely.

The best way to take the gun or bomb out of the hand of a potential terrorist is to make sure they have food to eat, schools to attend, libraries with books, hospitals with medicine, and communities that are safe.

The best way to make a difference between an Iraqi citizen who works with American soldiers instead of trying to kill them is to make sure they have access to city services and the very real opportunity for a job.

There is this idea, I am afraid, that the rebuilding of Iraq is taking too long and costing too much. There is a sense of panic that has seemed to set in. There are those who roam the halls of Washington saying: I told you so.

Throughout the political rhetoric that takes hold on both sides of the aisle is a sort of posturing and positioning for who is more supportive of American troops than the other. All the while, young men and women are laying down their lives to deliver on the commitment that their leaders of this country made to the people of Iraq.

It is time it ends. I am not the most senior guy here, nor am I the smartest. I am not the most articulate, nor am I the most decorated. I did not come to the Senate to prove on any given day or issue I am right. I came to the Senate on any given day or issue to simply do right. Today, I urge my colleagues again to turn this issue into something that does more to give honor to our democratic traditions, and to our American soldiers, than partisan speeches about who is to blame for this and who is to blame for that.

Everyone knows the pricetag is large. Everyone knows there are programs in the United States that need support, too. I understand that as a former urban mayor. Let us not lose our sense of perspective. The task before us in Iraq may be gargantuan in its cost, but the cost of failure is unacceptably high.

Mr. President, I see my colleague from Texas is motioning for the floor. I yield for her.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, what is the time?

The PRESIDING OFFICER. Twenty minutes.

Mrs. HUTCHISON. Has the Senator from Minnesota finished? Because I need to allocate 10 minutes.

Mr. COLEMAN. I will finish in 90 seconds.

Mrs. HUTCHISON. Thank you, Mr. President. Let me ask for 1 additional minute for the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Thank you.

Mr. President, I do not need to remind my colleagues how much money disappeared from the American and world economy on September 11. Success will build world confidence and investment far beyond this investment in Iraq. Failure would cost us far more.

We can, and will, argue over the nature of this commitment. Should it be a grant or loan? We know we cannot let a single American dollar go to paying off the debt Iraqis owe to the French or Germans who propped up Saddam Hussein. We know we cannot load Iraq with debt it cannot repay while urging other nations to forgo their debt.

This body will vigorously debate this issue, as it should, but let us not pit the needs of home against the safety of our troops in Iraq. I say this without hesitation: We put our troops in Iraq at grave risk if we do not win the peace. I urge my colleagues not to let political showmanship put American lives at risk.

The mayor in me says it is time to get back to work in this body and support those efforts that will get Iraq and its people back to work.

Restoring hope and confidence will, in turn, create new investment that will save American lives and ensure that Iraq and its people have a brighter hope for a better tomorrow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota for those profound remarks and appreciate his weighing in on this issue.

Mr. President, we now have 20 minutes left; is that correct?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, I yield up to 9 minutes to the Senator from North Carolina; following that, up to 9 minutes to the Senator from Tennessee; and then I ask unanimous consent to use 3 minutes of leader time, which has been cleared by Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Mr. President, thousands of young men and women from bases in my home State of North Carolina are currently fighting the war on terror in Iraq. We are forging a process of peace; and in doing so, we are moving toward turning control of the government and society back to the Iraqi people.

With the major battles over in Iraq, our Nation is helping to rebuild schools and hospitals, water supply systems and roadways. Part of the President's supplemental request is being designated for the continuation of these efforts. The stabilization of Iraq depends on providing the Iraqi people basic services as well as humanitarian relief. And the safety of our men and women in uniform depends on the stabilization of Iraq.

Our forces are on the offensive, and continue to capture key figures in Saddam Hussein's evil regime, so that they may be brought to justice. The vast majority of the President's request will go directly to American troops, giving them the pay, the equipment, and other resources necessary to fight the war on terror. We must ensure that these funds are available to allow them to complete their mission and return home safely.

Recently a proud grandmother met with my 102-year-old mother in Salisbury, North Carolina. This grandmother forwarded me a letter from her grandson, Christopher Shawn Jensen, who is currently stationed in Baghdad. I would like to read to you what a soldier on the front lines has to say. I will read just a portion:

> I was invited to meet with a local Iraqi who works the engineering for our building's electricity . . . He graduated from the Baghdad University in engineering and showed me his class picture (from 1979). We talked about what it was like then, and the difference now. You could see the suffering in his eyes as he talked about the years of terror, the people lived with while Saddam was in power. I felt the same emotions of sadness for these people when I first rolled up here from Kuwait, to see their cheering faces of relief . . . many a soldier's eyes were filled with tears that day . . . I pray that we finish the job we started.

At the end of the letter to his grandmother, Shawn made a request to his friends and family. "I have started the ball rolling for several ideas, he writes, to help in the effort to free Iraqis and also to help to make this a safer place for liberty and freedom. I know many of you have big hearts and want to help, you just don't know how. Here are some things you can help with. I have written to the Editor of the Wilmington Star newspaper. The children in Iraq learn on the dirty floors in their schools. They need approximately 200,000 desks for their schools. I am trying to build support for a program where the American citizen can buy support for the Iraqi children." And let me add, my husband, Bob Dole, has already committed to Shawn's effort.

Shawn's letter continues, "We are also collecting money from the soldiers here and we are going to buy back weapons from the populace of Iraq. We are using the little money we earn in a combat zone to start this program. The regular citizens have all kinds of weapons like grenades, bombs, and rockets . . . things regular citizens don't need. We are asking American citizens to match funds that we are collecting for this cause. My father can be contacted for this via phone or a web-site that has been started."

Shawn Jensen understands what freedom means to the people of Iraq—indeed he is seeing it first hand. He is so committed to making Iraq a safe place for his fellow soldiers to complete their mission, and for the Iraqi people to live in a free and orderly society, that he and his fellow soldiers are making these tremendous sacrifices.

My friend, Secretary of State Colin Powell, described last week his visit to Iraq in the most poignant terms. He said, "anyone who doubts the wisdom of President Bush's course in Iraq should stand, as I did, by the side of the mass grave in Iraq's north. That terrible site holds the remains of 5,000 innocent men, women and children who were gassed to death by Saddam Hussein's criminal regime."

Recently, in testimony before the Armed Services Committee, on which I serve, Ambassador Paul Bremer outlined a clear and well-defined course of action in Iraq. As he noted, there will be bumps along the way, but it is critical for us to stay the course. As he has said so poignantly, "Gone are Saddam Hussein's torture chambers," he wrote. "Gone are his mass killings and rape rooms. And gone is his threat to America and the international community." As we go forward, it is this that we should keep in mind.

Today in Iraq, streets are lined with shops selling newspapers and books representing varied opinions. Already, 160 newspapers have sprung up in Iraq. Schools and universities are open; parents are forming PTA's; 95 percent of health clinics are open, and Iraq is on the way to a democratic government. Eighty-five percent of towns now have city councils. And a Constitution will soon be written, followed next year by elections which will provide legitimacy and credibility to the government. And millions of dollars of humanitarian aid are going to the Iraqi people to make sure they have food, water and shelter.

Iraqis are also being trained to maintain peace and order in their own country. Thousands of members of the Iraqi police force will be trained over the next several months in Eastern Europe. And the area around Saddam's hometown of Tikrit, one of the most dangerous sections in Iraq, is currently being patrolled by the Iraqi army. These measures are part of the larger goal of turning over the security of Iraq to the Iraqis.

Certainly, the operation there is proving to be a dangerous and more grinding conflict than some expected. The President addressed this fact candidly and resolutely in his recent address to the Nation. While Saddam Hussein was building palaces, the infrastructure was deteriorating terribly, more than we realized. Adequate resources for the proper reconstruction are essential to providing security and allowing our troops to leave as soon as possible.

Eliminating terror is more than removing the leaders of an evil regime from power. Terrorism must be torn out by its roots, ensuring that there is no toehold for its sponsors to reestablish their violent ways. The bottom line; we can fight them there, or we can fight them here.

The President's call for a supplemental spending bill for operations in Iraq has spawned the most recent round of debate over the war on terror. For those who have criticized the cost of the war, understand that inaction would be much more devastating. Just look at the September 11 attacks. One study has pegged the cost to the economy at well over $2 trillion. And a Brookings Institution study estimates that a biological terrorist attack against a major U.S. city would cost our economy $750 billion.

There are other critics who have accused the military of being slow in their progress. But consider these numbers I heard recently from Defense Secretary Donald Rumsfeld. It took 3 years after World War II to establish an independent central bank in Germany; it was established in Iraq in 2 months. Police in Germany were establish after 14 months; in Iraq, 2 months. A new currency in Germany took 3 years; it took 2½ months in Iraq. The cabinet in Germany was created after 14 months. Iraq has a cabinet today—after just 4 months!

We cannot afford not to do what is necessary to win the war against terror and secure our homeland. The funding for the war is necessary and significant, but it is temporary. The cost of fighting this war is well below the cost of previous conflicts.

And more than words . . . more than negotiations . . . the President's significant spending request sends an unmistakable signal to the sponsors of terror, to the liberated Iraqi citizens, and to the world—that the United States of America is staying the course. Attacks on U.S. troops and other targets in Iraq are aimed at undermining freedom and democracy—but these attacks will not cause us to shy away from our commitment. Failure to follow through in our mission would leave a lethal void—a void that would rapidly be filled by terror and its supporters. President Bush has said, "Liberty is not America's gift to the world, it is God's gift to Mankind."

I believe that God's gift to all of his children is liberty—and also justice and equality, tolerance and opportunity. These belong to all people—no matter where they live. Let us remember the steadfast resolve of Shawn Jensen in that letter to his grandmother. He is a witness to a country being transformed from a reign of terror to a beacon of hope. Let us, like him, commit to the stabilization of Iraq diminishing the threat to our troops and ensuring greater stability and peace in the Middle East.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the challenge described by the Senator from North Carolina is immense: Restructuring the economy and government of a country that has borne decades of neglect by a tyrannical regime. If we fail, the consequences could be a disaster. A fractured, failed Iraq could become a safe haven for terrorists, a caldron for fomenting extremism, and a destabilizing force to its neighbors, throwing the entire Middle East into chaos. If we succeed, the results could be extraordinary. A democratic and economically vibrant Iraq would be a shining example to her neighbors that Islam and democracy can coexist. More important, such an Iraq would be a friend to the United States.

I have often come to this floor to talk about the importance of teaching our children American history and civics so they grow up learning what it means to be an American.

Former President Harry Truman put it this way. He said:

> The only thing new is the history you've forgotten.

Let me look at history. I am reminded most about the choices we made when dealing with postwar Germany, after World War I and World War II. At the end of World War I, we made a grave mistake. We punished Germany for its actions. The Treaty of Versailles, which formally declared the end of the war, ordered Germany to repay its debt to other European countries and denied any aid for reconstructing war-torn Germany. Even though a new democratic government sprang up in Germany at that time, the Weimar Republic, we chose not to provide help but to tell the Germans to "pay up." In other words, we defeated them, left them in ruins, sent them a bill, and went home.

Sometimes we forget that Adolf Hitler was elected in a democratic Germany. What was the result? As early as 1922, a young Hitler was already railing against the Treaty of Versailles and the payments Germany was forced to make. Eleven years later, in 1933, Hitler became the Chancellor of Germany—elected. Again, he blamed the Treaty of Versailles for Germany's woes. He said:

> We want to liberate Germany from the fetters of an impossible parliamentary democracy.

Under such a heavy burden of debt, with a failed reconstruction policy, Hitler convinced the German people that democracy was too much of a burden. We all know what happened next—another world war that was more devastating than the first.

Our post-World War I policy with Germany was a complete failure.

One can imagine a similar scenario playing out in Iraq today if we make the wrong choice. Let's say the United States, after getting a new Iraqi government in place, decides to go home and orders Iraq to pay its bills, as some on the other side of the aisle would have us do. It is not hard to imagine a new Iraqi leader emerging who blames Iraq's economic woes on the United States, who decries the debt we are making Iraq repay, who says we only waged the war in order to encumber its oil; a new leader coming to power on the wave of anti-American sentiment who proceeds to destroy the fledgling democratic system the United States helped to establish in Iraq; and suddenly, a few years down the road, we have a new evil tyrant running Iraq, who is a clear enemy of the United States and could start pursuing policies similar to those of Saddam Hussein, or even worse.

Fortunately, there is another choice. After World War II, we took a very different approach to postwar Germany. In 1948, after a failed policy of loaning money to war-torn countries in Europe, the United States adopted the Marshall plan, named for Secretary of State George C. Marshall. The Marshall plan was a 4-year initiative to rebuild the economies of 16 countries in Europe, including Germany. The Marshall plan cost $13.3 billion and a lot of effort. Ninety percent of the money spent on the Marshall plan—nearly $12 billion—was grant money, not loan money.

What was the result? At first, the results were uncertain. Germany's economy looked shaky. But over time, our continued investment paid dividends. A continent that had been fighting for a thousand years became a democracy and became our ally.

In Japan—in another part of the world—our help took a country that had invaded us and made it an ally. The results could not have been better after World War II. Our policy was a complete success.

That is why I believe we need a Marshall plan for Iraq. We need a 4- or 5-year plan for reconstructing Iraq, and we need to face up to the cost of the plan. We need to understand it is more for us, the United States, than it is for them. President Bush has laid out the first stages of such a plan.

The Marshall plan was used for a variety of purposes to reconstruct war-torn Europe, including Germany. It paid for the building of railroads and water systems, for needed medicines, modernizing factories, for restoring ports to allow foreign trade, and much more. President Bush's request for funding will pay for many of the same things: restoring Iraq's ports on the Persian Gulf, building roads, restoring power and water systems, needed medicines, reopening schools, and much more.

Some say funding Iraq's reconstruction would be too costly. But the cost of the President's request for rebuilding Iraq—$20.3 billion—is actually far less than what we spent on the Marshall plan. That was $13 billion then, between 1948 and 1952, and that would be at least $102 billion in today's dollars.

Another way to compare the cost is percentage of gross domestic product. The Marshall plan cost 1.1 percent of our GDP during the 4 years it was in place. President Bush's proposal would be only one-fifth of 1 percent. Again, the Marshall plan was five times the cost of President Bush's Iraq plan.

Or we can compare the cost as a percentage of the Federal budget. The Marshall plan cost 7 percent of the Federal budget during the years it was enacted. The President's requested funds, when added to those already spent on reconstruction, were only 1 percent of the Federal budget.

So this idea that we are spending more on Iraq than we did after World War II is totally false.

We can learn a valuable lesson from history. After World War I, we made Germany pay its debts. We left them in ruin. We went home. As a result, we got Adolf Hitler. After World War II, we pursued the Marshall plan, and it did cost some money. But as a result, we won democratic allies in more parts of the world.

President Kennedy said it best in his 1961 inaugural address. This is what he said:

> We will pay any price, bear any burden . . . to assure the survival and success of liberty.

The people of Iraq, like the people of Germany 60 years ago, lived under an evil tyrant who wreaked havoc on his neighbors and his own people. In both cases, the evil tyrant was overthrown by the United States and its allies. America and its allies temporarily took over the administration of Germany and Iraq. We paid for the German reconstruction under the Marshall plan. We should do the same in Iraq and support the President's request. We cannot afford, in our own interests, to do anything less.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there any time left on our side in morning business?

The PRESIDING OFFICER. There are 3 and a half minutes, including the leader time.

THE CIA LEAK

Mrs. HUTCHISON. Mr. President, I asked for the leader time because I wish to respond to some of the remarks I heard on the floor earlier regarding the CIA leaks.

Mr. President, every one of us in this country would be very concerned about a leak regarding someone who was undercover and operating for the CIA, and we would want to get to the bottom of the issue if there were a leak. In fact, that is exactly what is happening. But I think it has been distorted and I think it has been blown way out of proportion before we really know the facts. So I want to set the record straight on a few issues.

First of all, many people on the other side are asking for a special counsel. Right now, the FBI is investigating this as a routine leak. The CIA Director, George Tenet, according to Bob Novak, did not request the investigation separately in some major way. The CIA Director was not involved because this is in fact routine.

According to Bob Novak, any leak of classified information is routinely passed by the CIA to the Justice Department, averaging one a week. This investigative request was made in July, shortly after the original column was published. This was a routine investigation of something that appeared to be a leak and which may be a leak. The investigation has been ongoing since July. I think it is certainly premature to start making this a political issue, talking about a special counsel, when we don't even know the facts yet.

Bob Novak wrote a subsequent column that appeared today in the Washington Post. I think it is very important because it was his original column that outed the woman who was a CIA employee. He says very clearly, first: I did not receive a planned leak. Now, it has been accused on television shows across America that the White House somehow leaked information about a CIA operative to the press.

The man who wrote the story said:

> I did not receive a planned leak. Secondly, the CIA never warned me that the disclosure of Wilson's wife working at the agency would endanger her or anybody else and, third, it was not much of a secret.

According to him, this has been well known around Washington and, in fact, was even reported in the National Review Online from a nongovernmental source before Mr. Novak's column appeared.

Mr. Novak said an administration official told him this information but not the White House. He says this did not come from the White House.

I think it is very important that we tone down the rhetoric on this issue. It is an issue that should be investigated. It is being investigated. The President has said he wants it to be investigated. He has said it is important to him that it be investigated. He wants everyone in the White House to be fully cooperative, and the author of the story says no one in the White House was involved. So I think we need to tone it down.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to the consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided for debate only.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in behalf of the Committee on Appropriations, I present to the Senate a bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

The bill was reported favorably by the committee by a vote of 29 to 0. During 6 hours of deliberation, the committee considered many amendments and rejected most of them, but I am sure we will have the opportunity to reconsider some of these suggested changes on the floor of the Senate.

This bill is requested by the President and is a matter of some urgency. It is an emergency supplemental appropriations bill which should be acted upon without delay, but, of course, with the thoughtful and careful consideration which the subject matter clearly requires.

The President's request has been considered in hearings held by the Appropriations Committee, the Armed Services Committee, the Foreign Relations Committee, and the Banking Committee. During these hearings and through 16 witnesses, the case has been well made that these emergency funds are needed and should be approved.

The funds appropriated by this bill will provide the equipment, fuel, ammunition, and subsistence our troops need as they complete their missions in Iraq and Afghanistan. The bill includes military pay, including imminent danger pay and family separation allowance, at the levels authorized in the fiscal year 2003 emergency supplemental for the duration of fiscal year 2004.

We have also provided funding for equipment needed by our troops. Some of the items for which emergency funds are provided are fuel for military vehicles and aircraft, improved humvees, and body armor to better protect our troops.

We have increased the level of funding requested by the President for operation and maintenance funding for the Army and for replenishment of prepositioned war stocks.

This bill includes appropriations to purchase more electrical generators, moneys for mail service, and improvements in troop housing and facilities.

The bill includes $412 million in military construction funding that will provide support facilities for our soldiers in base camps throughout Iraq, as well as urgently needed runways and taxiways to support Air Force operations in Iraq and Afghanistan.

The Armed Forces and the coalition of nations that are involved are making remarkable progress in Iraq. It has been less than 1 year since we gave the President the authority to use force against the Saddam Hussein regime.

During our hearings on this bill, Ambassador Bremer pointed out that the coalition has already opened all of Iraq's 240 hospitals and nearly every health clinic. Almost every university and secondary school in that nation has been reopened, and the Iraqi people have begun to share in providing the security for their own country. Tens of thousands have been trained as police officers or members of the new Iraqi Army.

We are also providing funding to help rebuild Iraq's infrastructure. This funding will improve electrical, transportation and telecommunications systems, as well as the infrastructure that will enable Iraq to sustain itself without our assistance in the years ahead. But it is essential that we act now to approve these funds. We should act expeditiously on this bill. Our military needs the funding to carry out their missions. The coalition provisional authority needs the support provided by this bill now.

I invite the attention of the Senate to the provisions of the bill. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the recommendations of the Committee on Appropriations on the bill, S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and recovery for the fiscal year ending September 30, 2004, and for other purposes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004

The Committee on Appropriations reports the bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes, reports favorably thereon and recommends that the bill do pass.

BACKGROUND

This bill makes appropriations for the military functions of the Department of Defense as it prosecutes the war in Iraq and Afghanistan, as well as for relief and reconstruction efforts in Iraq and Afghanistan, and to continue anti-terrorism efforts around the world.

HEARINGS

The Committee held hearings on September 22, 24, and 25, 2003 and heard testimony from Ambassador Paul Bremer; Hon. Donald Rumsfeld, Secretary of Defense; General Richard Meyers, Chairman, Joint Chiefs of Staff; General John Abizaid, Commanding General United States Central Command; Dr. Dov Zakheim, Under Secretary of Defense (Comptroller); Peter Rodman, Assistant Secretary of Defense Secretary for International Security Affairs; and General Peter Pace, Vice Chairman, Joint Chief of Staff from the Department of Defense.

SUMMARY OF THE BILL

On September 17, 2003, the President submitted requests for $87,039,804,000 in new budget authority for programs under the Department of Defense, Department of State, United States Agency for International Development, and the Iraq Relief and Reconstruction Fund. The Committee recommends $87,004,004,000 in new budget authority.

The President's supplemental requests are contained in budget estimate No. 17, transmitted on September 17, 2003 (H. Doc. 108–126).

COMMITTEE PRIORITIES

The primary goals of this bill are to fund the ongoing military operations in Iraq and Afghanistan as well as relief and reconstruction activities in those countries. To accomplish the first goal, the Committee is providing $66,560,004,000 to prosecute the war in Iraq and Afghanistan. These funds are for increased operational tempo, military personnel costs, military construction, procurement of equipment, increased maintenance and military health care support. To achieve the second goal, the Committee is providing $21,444,000,000 to help secure the transition to democracy in both Iraq and Afghanistan. These funds are for enhanced security and reconstruction activities including border enforcement, building a national police service in Iraq, standing up a new Iraqi army and continued building of the Afghan National Army, reconstituted judicial systems, rehabilitation of Iraq's oil infrastructure, and provision of basic electricity, water and sewer services and other critical reconstruction needs in Iraq and Afghanistan.

TITLE I—NATIONAL SECURITY

CHAPTER 1

SUBCOMMITTEE ON DEFENSE

DEPARTMENT OF DEFENSE

2004 supplemental estimate	$65,147,554,000
Committee recommendation	65,147,554,000

MILITARY PERSONNEL

SPECIAL PAYS AND ALLOWANCES

The Supplemental request includes $1,248,200,000 for enhanced Special Pays included Family Separation Allowance [FSA], Imminent Danger Pay [IDP], and Hostile Duty Pay [HDP]. The Department's request would fund FSA and IDP at the enhanced levels authorized in the fiscal year 2003 Emergency Wartime Supplemental Appropriation Act (Public Law 108–11) for the first 3 months of the fiscal year. Beginning January 1, 2004, the Department requests that FSA and IDP return to the levels authorized prior to enactment of Public Law 108–11, and that the Committee authorize an increase in Hardship Duty Pay to offset the reductions to FSA and IDP. However, the requested increase in HDP would only cover those individuals serving in the combat zone in support of Operation Iraqi Freedom and Operation Enduring Freedom. The Department's proposal would not provide a benefit to those servicemembers who have been mobilized and deployed throughout the United States in support of Operation Noble Eagle, nor would it provide a benefit to those servicemembers deployed overseas in support of other contingency operations such as Bosnia and Kosovo. The Committee does not approve the Department's request, and instead supports the continuation of FSA and IDP at the levels authorized in Public Law 108–11 for all of fiscal year 2004. The Committee directs the Department to use the funds requested for increased Hardship Duty Pay to fund the full year increase to FSA and IDP for all eligible recipients.

Military Personnel, Army

2004 supplemental estimate	$12,858,870,000
Committee recommendation	12,858,870,000

The Committee recommends $12,858,870,000 for Military Personnel, Army. The recommendation is equal to the estimate.

Military Personnel, Navy

2004 supplemental estimate	$816,100,000
Committee recommendation	816,100,000

The Committee recommends $816,100,000 for Military Personnel, Navy. The recommendation is equal to the estimate.

Military Personnel, Marine Corps

2004 supplemental estimate	$753,190,000
Committee recommendation	753,190,000

The Committee recommends $753,190,000 for Military Personnel, Marine Corps. The recommendation is equal to the estimate.

Military Personnel, Air Force

2004 supplemental estimate	$3,384,700,000
Committee recommendation	3,384,700,000

The Committee recommends $3,384,700,000 for Military Personnel, Air Force. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

2004 supplemental estimate	$24,190,464,000
Committee recommendation	24,946,464,000

The Committee recommends $24,946,464,000 for Operation and Maintenance, Army. The recommendation is $756,000,000 above the estimate.

The Committee is concerned that the estimate does not fully reflect the Army's contingency costs to sustain ongoing operations, or the costs necessary to reset the force. This places the Army at considerable financial risk during fiscal year 2004. Accordingly, the Committee recommends an increase of $756,000,000 to the estimate as follows:

SAPI body armor/Rapid Fielding Initiative/battlefield EOD cleanup	+$300,000,000
Increased organizational level maintenance requirements	+200,000,000
Second destination transportation for depot maintenance	+174,000,000
Theater stabilization communications	+72,000,000
Army and Air Force Exchange Service support for deployed forces	+10,000,000

The Committee has included $858,200,000 for the Administrative and Operating Costs for the Coalition Provisional Authority [CPA]. The Committee directs the Department to use funds from the Iraq Freedom Fund if the requirements for CPA exceed the $858,200,000 appropriated under this heading.

Operation and Maintenance, Navy

2004 supplemental estimate	$2,106,258,000
Committee recommendation	1,976,258,000

The Committee recommends $1,976,258,000 for Operation and Maintenance, Navy. The recommendation is $130,000,000 below the estimate.

The Committee recommends a reduction of $130,000,000 to the estimate as follows:

Excess increased operational tempo	−$130,000,000

Operation and Maintenance, Marine Corps

2004 supplemental estimate	$1,198,981,000
Committee recommendation	1,198,981,000

The Committee recommends $1,198,981,000 for Operation and Maintenance, Marine Corps. The recommendation is equal to the estimate.

Operation and Maintenance, Air Force

2004 supplemental estimate	$5,948,368,000
Committee recommendation	5,516,368,000

The Committee recommends $5,516,368,000 for Operation and Maintenance, Air Force. The recommendation is $432,000,000 below the estimate.

The Committee recommends a reduction of $432,000,000 to the estimate as follows:

Unjustified "incremental contingency costs"	−$200,000,000
Excess inter/intra-theater airlift	−132,000,000
Excess DPEM	−100,000,000

Operation and Maintenance, Defense-Wide

2004 supplemental estimate	$4,618,452,000
Committee recommendation	4,218,452,000

The Committee recommends $4,218,452,000 for Operation and Maintenance, Defense-Wide. The recommendation is $400,000,000 below the estimate.

The Committee recommends a reduction of $400,000,000 to the estimate as follows:

Excess support to key cooperating nations	−$400,000,000

Operation and Maintenance, Marine Corps Reserve

2004 supplemental estimate	$16,000,000
Committee recommendation	16,000,000

The Committee recommends $16,000,000 for Operation and Maintenance, Marine Corps Reserve. The recommendation is equal to the estimate.

Operation and Maintenance, Air Force Reserve

2004 supplemental estimate	$53,000,000
Committee recommendation	53,000,000

The Committee recommends $53,000,000 for Operation and Maintenance, Air Force Reserve. The recommendation is equal to the estimate.

Operation and Maintenance, Air National Guard

2004 supplemental estimate	$214,000,000
Committee recommendation	214,000,000

The Committee recommends $214,000,000 for Operation and Maintenance, Air National Guard. The recommendation is equal to the estimate.

Overseas Humanitarian, Disaster, and Civic Aid

2004 supplemental estimate	$35,500,000
Committee recommendation	35,500,000

The Committee recommends $35,500,000 for Overseas Humanitarian, Disaster, and Civic Aid. The recommendation is equal to the estimate.

Iraq Freedom Fund

2004 supplemental estimate	$1,988,600,000
Committee recommendation	1,988,600,000

The Committee recommends $1,988,600,000 for the Iraq Freedom Fund. The recommendation is equal to the estimate.

PROCUREMENT

Missile Procurement, Army

2004 supplemental estimate	$6,200,000
Committee recommendation	6,200,000

The Committee recommends $6,200,000 for Missile Procurement, Army. The recommendation is equal to the estimate.

Procurement of Weapons and Tracked Combat Vehicles, Army

2004 supplemental estimate	$46,000,000
Committee recommendation	104,000,000

The Committee recommends $104,000,000 for Procurement of Weapons and Tracked Combat Vehicles, Army. The recommendation is $58,000,000 above the estimate.

The Committee recommends an increase of $58,000,000 to the estimate as follows:

Replenishment of Army Prepositioned Stock items destroyed during combat operations	+$58,000,000

Other Procurement, Army

2004 supplemental estimate	$930,687,000
Committee recommendation	1,078,687,000

The Committee recommends $1,078,687,000 for Other Procurement, Army. The recommendation is $148,000,000 above the estimate.

The Committee recommends an increase of $148,000,000 to the estimate as follows:

Theater stabilization communications	+$64,000,000
Replenishment of Army Prepositioned Stock items destroyed during combat operations	+84,000,000

Aircraft Procurement, Navy

2004 supplemental estimate	$128,600,000
Committee recommendation	128,600,000

The Committee recommends $128,600,000 for Aircraft Procurement, Navy. The recommendation is equal to the estimate.

Other Procurement, Navy

2004 supplemental estimate	$76,357,000
Committee recommendation	76,357,000

The Committee recommends $76,357,000 for Other Procurement, Navy. The recommendation is equal to the estimate.

Procurement, Marine Corps

2004 supplemental estimate	$123,397,000
Committee recommendation	123,397,000

The Committee recommends $123,397,000 for Procurement, Marine Corps. The recommendation is equal to the estimate.

Aircraft Procurement, Air Force

2004 supplemental estimate	$40,972,000
Committee recommendation	40,972,000

The Committee recommends $40,972,000 for Aircraft Procurement, Air Force. The recommendation is equal to the estimate.

Missile Procurement, Air Force

2004 supplemental estimate	$20,450,000
Committee recommendation	20,450,000

The Committee recommends $20,450,000 for Missile Procurement, Air Force. The recommendation is equal to the estimate.

Other Procurement, Air Force

2004 supplemental estimate	$3,441,006,000
Committee recommendation	3,441,006,000

The Committee recommends $3,441,006,000 for Other Procurement, Air Force. The recommendation is equal to the estimate.

Procurement, Defense-Wide

2004 supplemental estimate	$435,635,000
Committee recommendation	435,635,000

The Committee recommends $435,635,000 for Procurement, Defense-Wide. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Navy

2004 supplemental estimate	$34,000,000
Committee recommendation	34,000,000

The Committee recommends $34,000,000 for Research, Development, Test and Evaluation, Navy. The recommendation is equal to the estimate.

Research, Development, Test and Evaluation, Air Force

2004 supplemental estimate	$39,070,000
Committee recommendation	39,070,000

The Committee recommends $39,070,000 for Research, Development, Test and Evaluation, Air Force. The recommendation is equal to the estimate.

Research, Development, Test and Evaluation, Defense-Wide

2004 supplemental estimate	$265,817,000
Committee recommendation	265,817,000

The Committee recommends $265,817,000 for Research, Development, Test and Evaluation, Defense-Wide. The recommendation is equal to the estimate.

REVOLVING AND MANAGEMENT FUNDS

Working Capital Funds, Defense-Wide

2004 supplemental estimate	$600,000,000
Committee recommendation	600,000,000

The Committee recommends $600,000,000 for Defense Working Capital Funds. The recommendation is equal to the estimate.

National Defense Sealift Fund

2004 supplemental estimate	$24,000,000
Committee recommendation	24,000,000

The Committee recommends $24,000,000 for the National Defense Sealift Fund. The recommendation is equal to the estimate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

2004 supplemental estimate	$658,380,000
Committee recommendation	658,380,000

The Committee recommends $658,380,000 for the Defense Health Program. The recommendation is equal to the estimate.

Drug Interdiction and Counter-Drug Activities, Defense

2004 supplemental estimate	$73,000,000
Committee recommendation	73,000,000

The Committee recommends $73,000,000 for Drug Interdiction and Counter-Drug Activities, Defense. The recommendation is equal to the estimate.

RELATED AGENCIES

Intelligence Community Management Account

2004 supplemental estimate	$21,500,000
Committee recommendation	21,500,000

The Committee recommends $21,500,000 for the Intelligence Community Management Account. The recommendation is equal to the estimate.

CHAPTER 2

Subcommittee on Military Construction

MILITARY CONSTRUCTION

Military Construction, Army

2004 supplemental estimate	$119,900,000
Committee recommendation	119,900,000

The Committee recommends an additional $119,900,000 for Military Construction, Army, to be used as follows:

Base Camp Support Facilities, Iraq	$115,900,000
Planning and Design	4,000,000

The Committee fully supports the administration's request to provide adequate support facilities for United States soldiers serving in base camps in Iraq, but is concerned that project details and justifications contained in the administration's request for these facilities were not sufficiently defined. The Committee therefore directs that the Army brief the congressional defense committees on its final plans for these facilities before obligating any of the military construction funds appropriated in this Act.

Military Construction, Air Force

2004 supplemental estimate	$292,550,000
Committee recommendation	292,550,000

The Committee recommends an additional $292,550,000 for Military Construction, Air Force, to be used as follows:

Airfield Runway Repair, Bagram, Afghanistan	$48,000,000
Airfreight Terminal, Dover Air Force Base, Delaware	56,000,000
AEF FOL Communications Remote Switch Facility, Diego Garcia	3,450,000
Munitions Maintenance, Storage, and Wash Pad, Camp Darby, Italy	5,000,000
Ramp and Fuel Hydrant System, Al Dhafra, United Arab Emirates	47,000,000
Airlift Ramp, Balad Air Base, Iraq	18,000,000
Airlift Aprons (Confidential Location)	17,500,000
Tactical/Strategic Ramp Expansion, Al Udeid Air Base, Qatar	20,000,000
Refueler Ramp, Al Udeid Air Base, Qatar	40,000,000
Temporary Cantonment Area, Al Dhafra Air Base, United Arab Emirates	15,300,000
Planning and Design	22,300,000

The Committee supports the administration's request for additional military construction funds for Air Force facilities in Southwest Asia. However, while the Air Force has provided detail about specific projects, it has provided little information about its overall plan for facilities in the theater of operations and how projects contained in the supplemental request fit into that plan. The Committee therefore directs the Air Force to report to the congressional defense committees, in both classified and unclassified form, on its master plan for facilities in the Central Command area of responsibility, including the planned disposition of aircraft and personnel, no later than December 1, 2003.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. The Committee recommendation amends a provision proposed by the Administration which allows the Department of Defense to reimburse the Services for a drawdown authority under the Afghanistan Freedom Support Act of 2002.

SEC. 302. The Committee recommendation modifies a provision proposed by the Administration which provides the Secretary of Defense with additional transfer authority.

SEC. 303. The Committee recommendation includes a provision proposed by the Administration which provides specific authorization for the funds appropriated in this title for intelligence activities.

SEC. 304. The Committee recommendation includes a new provision regarding the alteration of command responsibility or permanent assignment of forces.

SEC. 305. The Committee recommendation includes a provision proposed by the Administration which sustains existing authority to cover travel and transportation benefits for family members of military personnel injured during Operation Iraqi Freedom, Operation Enduring Freedom, or Operation Noble Eagle.

SEC. 306. The Committee recommendation includes a provision that sustains the increase in the statutory maximum payable for Imminent Danger Pay and Family Separation Allowance.

SEC. 307. The Committee recommendation includes a provision recommended by the Administration which allows the Department to make necessary accounting adjustments to the Defense Emergency Response Fund.

SEC. 308. The Committee recommendation includes a new provision that requires the Secretary of Defense to provide a report to the Committees on Appropriations.

SEC. 309. The Committee recommendation includes a new provision that requires the Department of Defense to describe alternatives for replacing the capabilities of the KC–135 fleet of aircraft.

SEC. 310. The Committee recommendation includes a new provision which limits the use of procurement and research, development, test and evaluation funds.

SEC. 311. The Committee recommendation includes a provision proposed by the Administration which allows the Department to use funds for supplies, services, transportation, and other logistical support of troops supporting military and stability operations in Iraq.

SEC. 312. The Committee recommends a provision proposed by the Administration which allows training and equipping the Afghanistan National Army and the New Iraqi Army.

SEC. 313. The Committee recommendation includes a provision requiring a report on military readiness.

SEC. 314. The Committee recommendation includes a provision regarding the exemption of certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

SEC. 315. The Committee recommends a general provision which provides the Secretary of Defense with additional authority for contingency military construction expenses necessary to protect against or respond to acts of terrorism, or to support Department of Defense operations in Iraq.

TITLE II—INTERNATIONAL AFFAIRS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

2004 supplemental estimate	$76,300,000
Committee recommendation	35,800,000

The Committee recommends a rescission and re-appropriation of $35,800,000 for the costs of security and operations related to the establishment of United States diplomatic presences in Iraq and Afghanistan. The recommendation is $40,500,000 below the request. The problem of Machine Readable Visa [MRV] fee shortfalls is addressed under the Emergencies in the Diplomatic and Consular Service account. Funds previously appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act of 2003 are subject to the standard reprogramming procedures set forth in section 605, Division B of Public Law 108–7.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2004 supplemental estimate	$60,500,000
Committee recommendation	....

The Committee does not recommend any funding for Embassy security, construction and maintenance. The recommendation is $60,500,000 below the supplemental budget request. The request included $60,500,000 to construct an interim United States diplomatic facility in Iraq. The Committee reminds the Department that $61,500,000 was provided for this purpose in Public Law 108–11, the Emergency Wartime Supplemental Appropriations Act of 2003. The Committee is aware of the Department's reprogramming request to utilize $43,900,000 of these funds to construct an interim facility for United States Agency for International Development and other United States Government employees engaged in reconstruction efforts in Afghanistan and $16,600,000 of these funds to cover the personnel, transportation, and equipment costs of United States Government officials tasked with advising the Afghan transitional government on reconstruction. This request is contained under the "Capital investment fund" of chapter 2 of this title. Also, the Committee approves the Department's reprogramming request to utilize $14,500,000 under Worldwide Security Upgrades for security requirements in Afghanistan, and directs that these funds only be used for the security of the main United States Embassy compound and security assistance to United Nations offices and personnel and non-governmental organization offices and personnel.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

2004 supplemental estimate	$50,000,000
Committee recommendation	90,500,000

The Committee recommends $90,500,000 for Emergencies in the Diplomatic and Consular Service. The recommendation is $40,500,000 above the supplemental budget request. Funds provided under this heading will ensure that rewards of up to $25,000,000 may be paid for Osama bin Laden and Saddam Hussein. The recommendation also includes language directing that $2,000,000 of previously appropriated funds be made available for a reward for the person deemed most responsible by the Special Court for Sierra Leone for the war crimes, crimes against humanity, and serious violations of international humanitarian law that took place during Sierra Leone's civil war. The recommendation also includes language directing that $8,451,000 in carryover balances be transferred to and merged with the Diplomatic and Consular Programs account for the Department's consular, or "border security" operations.

CHAPTER 2

SUBCOMMITTEE ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

2004 supplemental estimate	$40,000,000
Committee recommendation	40,000,000

The Committee provides $40,000,000 for an additional amount for Operating Expenses of the United States Agency for International Development for costs associated with reconstruction and other activities in Iraq and Afghanistan.

CAPITAL INVESTMENT FUND

2004 supplemental estimate	....
Committee recommendation	$60,500,000

The Committee provides $60,500,000 for an additional amount for the Capital Investment Fund for safe and secure facilities in Afghanistan, Iraq, and elsewhere.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

2004 supplemental estimate	$20,304,000,000
Committee recommendation	20,304,000,000

The Committee provides $20,304,000,000 for the Iraq Relief and Reconstruction Fund for security, rehabilitation and reconstruction in Iraq.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds. The Committee also provides that funds allocated under this heading for programs and sectors may be reallocated by the President for those programs and sectors.

The Committee strongly supports programs and activities to promote freedom, democratic institutions, and the rule of law in Iraq and provides that not less than $100,000,000 shall be made available for democracy building activities in that country in support of the development and ratification of a constitution, national elections and women's development programs. The Committee directs that not less than $5,000,000 be made available to Iraqi nongovernmental organizations in Iraq in a timely manner, in grants of up to $100,000. The Committee also expects sufficient funding to be provided to the National Endowment for Democracy, the International Republican Institute and the National Democratic Institute for political party and other democracy building activities.

The Committee recommends not less than $20,000,000 for media outreach activities in Iraq that utilizes low cost, advanced technology tools.

The Committee recommends $5,000,000 for a program, such as that administered by the International Commission on Missing Persons, to locate, recover, and identify Iraqis missing as a result of authoritarian rule or conflict.

The Committee again provides that funds shall be made available for Iraqi civilians who suffer losses as a result of military operations in Iraq. The Committee supports the provision of medical, rehabilitation, shelter, microcredit and other appropriate assistance to these individuals. The Committee expects all relevant agencies and organizations to coordinate efforts in providing this assistance.

The Committee recognizes that conflict and decades of neglect devastated Iraq's health infrastructure, resulting in a lack of medical equipment and supplies, and health professionals with expertise in pediatric medical specialties. The Committee is concerned that children with critical health problems cannot obtain life-saving treatments in Iraq. The Committee strongly supports activities that can have an immediate impact in addressing the needs of these children, such as the Emergency Health Services for the Children of Iraq program sponsored jointly by Kurdish Human Rights Watch and Vanderbilt University Children's Hospital.

The Committee notes the important contributions that nongovernmental organizations have made to relief and reconstruction efforts in Iraq, and urges that they be utilized to the maximum extent practicable. The Committee also recommends that organizations with experience in post-conflict governance matters—such as the United States Institute of Peace—be utilized in reconstruction efforts in Iraq and Afghanistan.

The Committee recommends that not less than $2,000,000 be made available to support organizations working in Iraq, Afghanistan and other complex humanitarian emergency and war settings, to apply public health strategies and epidemiology to mitigate the impact of the conflict on civilian populations. Programs supported should include those which collect, analyze, and use multisector data for programmatic decision-making and evaluation of assistance programs during and after conflict.

ECONOMIC SUPPORT FUND

2004 supplemental estimate	$422,000,000
Committee recommendation	422,000,000

The Committee provides $422,000,000 for an additional amount for Economic Support Fund (ESF) for accelerated assistance for Afghanistan.

The Committee also provides authority to use up to $200,000,000 in Economic Support Funds contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 for debt reduction for Pakistan.

The Committee recognizes the progress of Internews in the establishment of independent news media in Afghanistan. However, absent additional long-term support opportunities for advancement may be lost.

The Committee recommends that additional funds be made available for the expansion of local stations to regional stations, the establishment of national independent broadcasting, and support for daily news programs.

The Committee directs that not less than $15,000,000 be made available for media outreach activities in Afghanistan that utilizes low cost, advanced technology tools.

In addition to other purposes for which ESF assistance is used in Afghanistan, not less than $5,000,000 should be made available through appropriate humanitarian organizations for additional food, clothing, heating and cooking fuel, emergency shelter materials, and other basic necessities for displaced Afghans in Kabul.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

2004 supplemental estimate	$100,000,000
Committee recommendation	100,000,000

The Committee provides $100,000,000 for the United States Emergency Fund for Complex Foreign Crises. While the Committee understands the need for flexibility in meeting unforeseen complex foreign crises, it includes congressional notification for these funds, which may be waived if human health or welfare is at substantial risk.

Among other activities, the Committee expects these funds to support operations and programs to prevent or respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. In addition, the Committee supports the use of these funds for peace and humanitarian efforts, such as required in Liberia.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

2004 supplemental estimate	$120,000,000
Committee recommendation	120,000,000

The Committee provides $120,000,000 for an additional amount in International Narcotics Control and Law Enforcement assistance for Afghanistan. The Committee expects $110,000,000 to be used to train, equip, and deploy additional police in Afghanistan, and $10,000,000 to be used to support the training of prosecutors, public defenders and judges in Afghanistan and to meet infrastructure needs of the Afghan legal sector.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

2004 supplemental estimate	$35,000,000
Committee recommendation	35,000,000

The Committee provides $35,000,000 for an additional amount for Nonproliferation, Anti-Terrorism, Demining and Related Programs to support anti-terrorism training and equipment needs in Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

2004 supplemental estimate	$222,000,000
Committee recommendation	222,000,000

The Committee provides $222,000,000 for the Foreign Military Financing Program. The Committee strongly supports the use of these funds to accelerate assistance to build the new Afghanistan army.

PEACEKEEPING OPERATIONS

2004 supplemental estimate	$50,000,000
Committee recommendation	50,000,000

The Committee provides $50,000,000 for an additional amount for Peacekeeping Operations to support multinational peacekeeping needs in Iraq and other unanticipated peacekeeping crises.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. The Committee includes transfer authority between accounts in chapter 2 of this title, with the total amount authorized to be transferred not to exceed $200,000,000. The Committee directs that it be consulted before this authority is exercised. The Committee includes the same notification requirement as contained in section 501 of Public Law 108–11.

SEC. 2302. The Committee includes authority permitting assistance or other financing contained in chapter 2 of this title for Iraq notwithstanding any other provision of law.

SEC. 2303. The Committee includes authority to allow appropriations provided in chapter 2 of this title to be made available without specific authorization of such appropriation.

SEC. 2304. The Committee extends section 1503 of Public Law 108–11 through September 30, 2005. The Committee notes that extending the inapplicability of section 307 of the Foreign Assistance Act of 1961 is particularly important as the United States pursues long-range efforts to assist Iraq and marshal resources from the international community.

SEC. 2305. The Committee amends the first proviso of section 1504 of Public Law 108–11 to include Iraqi military, private security force, other official security forces, police force, or forces from other countries in Iraq supporting United States efforts in Iraq. The Committee notes that other official security forces include Ministry of Interior forces, border guards, and civil defense forces. The Committee also notes that a private security force include those providing security services to contractors, nongovernmental organizations or other organizations affiliated with United States efforts in Iraq.

SEC. 2306. The Committee extends key provisions of Public Law 107–57 regarding restrictions that would otherwise limit assistance to Pakistan.

SEC. 2307. The Committee includes authority to allow the Overseas Private Investment Corporation to provide political risk insurance, direct loans, and guarantees in Iraq.

SEC. 2308. The Committee includes a notification requirement for certain accounts under chapter 2 of this title.

SEC. 2309. The Committee provides that the Secretary of State shall submit a report on a monthly basis detailing Iraq oil production and oil revenues.

SEC. 2310. The Committee directs that none of the funds in this Act may be used to pay debts incurred by the former government.

TITLE III—GENERAL PROVISION, THIS ACT

SEC. 3001. The Committee recommends that all the funds in the bill be designated by the Congress as emergency requirements pursuant to section 502 of House Concurrent Resolution 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, as proposed by the President.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify, with particularity, each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

The accompanying bill contains the following items which lack authorization:

The Committee is filing an original bill.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on September 30, 2003, the Committee ordered reported S. 1689, an original bill making emergency appropriations Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, subject to amendment and subject to the budget allocation, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

YEAS

Chairman Stevens
Mr. Cochran
Mr. Specter
Mr. Domenici
Mr. Bond
Mr. McConnell
Mr. Burns
Mr. Shelby
Mr. Gregg
Mr. Bennett
Mr. Campbell
Mr. Craig
Mrs. Hutchison
Mr. DeWine
Mr. Brownback
Mr. Byrd
Mr. Inouye
Mr. Hollings
Mr. Leahy
Mr. Harkin
Ms. Mikulski
Mr. Reid
Mr. Kohl
Mrs. Murray
Mr. Dorgan
Mrs. Feinstein
Mr. Durbin
Mr. Johnson
Ms. Landrieu

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in Italics; and existing law in which no change is proposed is shown in Roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All the funds provided in this bill are designated by Congress as emergency requirements.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

	Millions of dollars
Budget authority: Fiscal year 2004	87,004
Outlays:	
Fiscal year 2004	36,695
Fiscal year 2005	33,098
Fiscal year 2006	11,721
Fiscal year 2007	3,037
Fiscal year 2008 and future years	1,872

Note: The above table includes both mandatory and discretionary appropriations.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

	Millions of dollars
New budget authority	....
Fiscal year 2004 outlays	....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	TITLE I			
	NATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF DEFENSE			
	Military Personnel			
108–126	Military Personnel, Army (emergency)	12,858,870	12,858,870	....
108–126	Military Personnel, Navy (emergency)	816,100	816,100	....
108–126	Military Personnel, Marine Corps (emergency)	753,190	753,190	....
108–126	Military Personnel, Air Force (emergency)	3,384,700	3,384,700	....
	Total, Military Personnel	17,812,860	17,812,860	....
	Operation and Maintenance			
108–126	Operation and Maintenance, Army (emergency)	24,190,464	....	−24,190,464
—	(Contingent emergency appropriations)	....	24,946,464	+24,946,464
108–126	Operation and Maintenance, Navy (emergency)	2,106,258	1,976,258	−130,000
108–126	Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	....
108–126	Operation and Maintenance, Air Force (emergency)	5,948,368	5,516,368	−432,000
108–126	Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,218,452	−400,000
108–126	Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	....
108–126	Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	....
108–126	Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	....
108–126	Operation and Maintenance, Overseas Humitarian, Disaster, Civic Aid (emergency)	35,500	35,500	....
108–126	Operation and Maintenance, Iraq Freedom Fund (emergency)	1,988,600	1,988,600	....
	Total, Operation and Maintenance	40,369,623	40,163,623	−206,000
	Procurement			
108–126	Missile Procurement, Army (emergency)	6,200	6,200	....
108–126	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000	....	−46,000
—	(Contingent emergency appropriations)	....	104,000	+104,000
108–126	Other Procurement, Army (emergency)	930,687	....	−930,687
—	(Contingent emergency appropriations)	....	1,078,687	+1,078,687
108–126	Aircraft Procurement, Navy (emergency)	128,600	128,600	....
108–126	Other Procurement, Navy (emergency)	76,357	76,357	....
108–126	Procurement, Marine Corps (emergency)	123,397	123,397	....
108–126	Aircraft Procurement, Air Force (emergency)	40,972	40,972	....
108–126	Missile Procurement, Air Force (emergency)	20,450	20,450	....
108–126	Other Procurement, Air Force (emergency)	3,441,006	3,441,006	....
108–126	Procurement, Defense-Wide (emergency)	435,635	435,635	....
	Total, Procurement	5,249,304	5,455,304	+206,000
	Research, Development, Test and Evaluation			
108–126	Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	....
108–126	Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	....
108–126	Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	265,817	....
	Total, Research, Development, Test and Evaluation	338,887	338,887	....
	Revolving and Management Funds			
108–126	Defense Working Capital fund (emergency)	600,000	600,000	....
108–126	National Defense Sealift fund (emergency)	24,000	24,000	....
	Total, Revolving and Management Funds	624,000	624,000	....
	Other Department of Defense Programs			
108–126	Defense Health Program (emergency)	658,380	658,380	....
108–126	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	73,000	73,000	....
	Total, Other Department of Defense Programs	731,380	731,380	....
	Related Agencies			
108–126	Intelligence Community Management Account (emergency)	21,500	21,500	....
	Total, Chapter 1	65,147,554	65,147,554	....
	Emergency appropriations	(65,147,554)	(39,018,403)	(−26,129,151)
	Contingent emergency appropriations	....	(26,129,151)	(+26,129,151)
	CHAPTER 2			
	MILITARY CONSTRUCTION			
108–126	Military construction, Army (emergency)	119,900	119,900	....
108–126	Military construction, Air Force (emergency)	292,550	292,550	....
	Total, Chapter 2	412,450	412,450	....
	Total, TITLE I	65,560,004	65,560,004	....
	Emergency appropriations	(65,560,004)	(39,430,853)	(−26,129,151)
	Contingent emergency appropriations	....	(26,129,151)	(+26,129,151)
	TITLE II			
	INTERNATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
108–126	Diplomatic and Consular programs (emergency)	40,500	35,800	−4,700
108–126	Reappropriation	35,800	....	−35,800
—	Rescission	....	−35,800	−35,800
108–126	Embassy Security, Construction and Maintenance (emergency)	60,500	....	−60,500
108–126	Emergencies in the diplomatic and consular service (emergency)	50,000	....	−50,000
—	(Contingent emergency appropriations)	....	90,500	+90,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	Total, Administration of Foreign Affairs	186,800	90,500	−96,300
	Total, Chapter 1	186,800	90,500	−96,300
	Emergency appropriations	(186,800)	(35,800)	(−151,000)
	Contingent emergency appropriations	....	(90,500)	(+90,500)
	Rescissions	....	(−35,800)	(−35,800)
	CHAPTER 2 BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT United States Agency for International Development			
108–126	Operating expenses of the United States Agency for International Development (emergency)	40,000	40,000	....
	Capital Investment Fund			
—	Capital Investment Fund (contingent emergency appropriations)	....	60,500	+60,500
	OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT			
108–126	Iraq relief and reconstruction fund (emergency)	20,304,000	20,304,000	....
108–126	Economic support fund (emergency)	422,000	422,000	....
108–126	United States Emergency Fund for Complex Foreign Crises (emergency)	100,000	100,000	....
	DEPARTMENT OF STATE			
108–126	International narcotics control and law enforcement (emergency)	120,000	120,000	....
108–126	Nonproliferation, antiterrorism, demining and related programs (emergency)	35,000	35,000	....
	MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT			
108–126	Foreign Military Financing Program (emergency)	222,000	222,000	....
108–126	Peacekeeping operations (emergency)	50,000	50,000	....
	Total, Chapter 2	21,293,000	21,353,500	+60,500
	Emergency appropriations	(21,293,000)	(21,293,000)	....
	Contingent emergency appropriations	....	(60,500)	(+60,500)
	Total, TITLE II	21,479,800	21,444,000	−35,800
	Emergency appropriations	(21,479,800)	(21,328,800)	(−151,000)
	Contingent emergency appropriations	....	(151,000)	(+151,000)
	Rescissions	....	(−35,800)	(−35,800)
	GRAND TOTAL (net)	87,039,804	87,004,004	−35,800
	Emergency appropriations	(87,039,804)	(60,759,653)	(−26,280,151)
	Contingent emergency appropriations	....	(26,280,151)	(+26,280,151)
	Rescissions	....	(−35,800)	(−35,800)

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to take this time to talk about some of the successes that our wonderful military uniformed personnel are having in Iraq. We see a lot on the television that looks like things are in chaos, and in some places they are.

I want to talk about some of the good things because I think as we take up this supplemental appropriation, we are going to be talking about what this money is going for and why we need to put $20 billion into rebuilding Iraq.

This picture illustrates so well what we are going to be doing with this money and why we need that $20 billion to help us rebuild Iraq.

The schools are starting today in Iraq. Millions of schoolchildren are beginning to go to school today. According to TSgt Mark Getsy from the 506th Air Expeditionary Group, these children have been climbing the gates for weeks, climbing the gates because they are so excited that they are going to get to go to school. Why are they excited? Why are they able to go to school?

I will give some instances of how successful we are. Air Force and Army volunteers have extended a helping hand to these children for weeks so that their education can be in the best possible facilities. Members of the Air Force's 506th Expeditionary Civil Engineer Squadron at Kirkuk Air Base and the Army's Battle Companies 2nd Battalion, 503rd Airborne, have teamed up to renovate two schools in the local area. The first school is a model for the rest of the Kirkuk schools, and it is opening today.

Said 1SG Richard Weik, the Army project officer:

> We adopted the schools because they were close to our safe houses. The first thing we did was go around and assess the electrical and plumbing situation. It was a mess.

The Army called in Air Force electricians to help get the school ready for business. TSgt Jack Vollriede, an electrician from the 506th ECES, said Air Force electricians were already working in the area on Army safe houses when they heard about the project.

> The Army asked us if we would check out the electrical work being done at the school. I saw the work needing (to be) done was very similar to what I do in my civilian job back home so I asked others in my shop to volunteer and help out with the project.

Since mid-September, more than 10 electricians have been working daily to get the schools up and running. Vollriede said it was hard at first to find the right parts, but the team managed to accomplish a great deal in a short period of time.

> We have completed five electrical service panel replacements, installed emergency lighting, fixed all the interior lighting, and even fixed the school bell. We are now working on installing grounded outlets for computers in all the classrooms and offices.

I know the Senator from Montana is in the Chamber and is scheduled to speak. I will yield to him as soon as he is ready, but I first will say how important this is. It is happening all over Iraq. These Army and Air Force volunteers are coming in and fixing the schools so that these children can start learning, not just the limited knowledge that they had during Saddam Hussein's time but knowledge of the world, knowledge of freedom, knowledge of other horizons that they will be able to share when they get their education. They know it and they are excited about it. It is something that America is providing.

The $20 billion that we are going to be voting on in the $87 billion package is going to encompass projects like this that will start the process for the Iraqi people to have a better quality of life, educated children—what every person in the world would like to have: quality of life and education for their children—and that is what the money will go for. So we are going to be debating why we need $20 billion to rebuild Iraq. It is for the national security of the United States that these children start school, that our great volunteers help them do it, because if we can get these children educated and a quality of life, and an economy for the people of Iraq, those terrorists will not have a safe haven. Those terrorists will be driven away by the Iraqi people because they will see the difference in their lives when they have freedom versus when they live under a tyrant or when they have terrorists in their midst.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Before the Senator from Texas leaves the floor, I do not know where she got hold of that poster, but I have said ever since the invasion started, and the assault towards Baghdad, our greatest ambassadors, who are on the ground and are still there today, are our warriors. The effects of our action in Iraq will not really be felt for another 10 years or so. When the young folks seen in that poster become adult age, they will remember that warrior who walked up to them, dusty, sandy, dirty, greasy, ladened with armor, weapons and goggles on his helmet; yet they reached out the hand of friendship in the form of a bottle of water or a candy bar.

One must remember these young folks were hunkered down in their homes and told how evil this Army was that was approaching their area. When the Army arrived, they found out those things they had been deprived of, the bare essentials to survive the last few days, were available and had come from the hand of an American soldier or marine. That is why we hear so many of our military on the ground today telling us to rebuild the infrastructure, bring back the central services so these people can live, improve their quality of life, and rebuild their own country.

To a man, all the military people I have visited with who have come home have said that.

Mrs. HUTCHISON. Mr. President, responding to the comments of the Senator from Montana, he could not be on target any more. I hear the same thing from the men and women who return, the men and women I talked to when I was in Iraq and Afghanistan. I agree with the Senator that it is those wonderful, clean-cut, all-American soldiers who give the best possible image of our country.

This picture is of a soldier from A Company, the 101st Airborne Division. He is handing out school supplies. The A Company took up a collection in the town of Mosul. They went to the local economy and they bought school supplies for these children to be able to have pencils, erasers, and paper when they go to school. One could not ask for better ambassadors. They did it from their own pockets because they know what we are doing in this country is important for the security of the American people.

Mr. BURNS. That is the genius of our country, when we look at it. We have always lived for the next generation. Our mothers and fathers wanted us to be educated better than they were.

I was raised on a small farm in the Midwest before I went to Montana when I was 18. The generation before us wanted us to be educated better than they were. They wanted us to start up the economic ladder a little bit better than they started. I was a product of the Great Depression in the 1930s. In doing that in the family unit, of living for the next generation, this system has afforded the highest quality of life and standard of living for more of its citizens than any other society that has been developed on the face of this planet. That is what makes this particular mission in Iraq, in the Middle East, very important. Those young people who met and have a very positive view of Americans, who are the young ages of 8, 9, 10, 11, 12—the most impressionable years of a young person's life—will never forget that. That will be burned in their brains. There might be a lot of propaganda flying around, but they know. They shook the hand of and met our best ambassadors.

We didn't start this fight. We didn't start this fight. Because if 9/11 of the year '01 doesn't mean anything else, it should carry the same significance as Pearl Harbor or any other devastating attack that has been carried out against this country. We didn't start this fight, but they brought the fight to the wrong people and the wrong country because of our values and because what we really believe in is that freedom equals opportunity, opportunity means choices, and choices have consequences.

It is this warrior who cleared the way. The polls now say the majority of the people in Iraq believe they are now better off than they were under the tyrant Saddam Hussein.

Why is $21 billion important? Saddam Hussein had a knack of controlling his people. He did it through the rationing of central services, the very basics of our community. He only had about 60 percent or 70 percent capacity to produce as much electricity for his country as he needed. So if he didn't like you, or you made him mad, or you came from the wrong side of the creek, you didn't get electricity. If anybody wanted centrally controlled health care? He had it. He rationed it. He used it to control. Water, whatever the central services, his infrastructure was in complete disarray. But he liked it like that. So he had to go, that tyrant—mass graves, history of gassing people, killing people, raiding his neighbors.

So we didn't start this fight. We are sure going to conclude it. We are sure going to develop a country of people who desire to be free and to live, to educate and to raise their kids in a free society. Representative government has already taken over in Iraq.

The overwhelming majority of these funds, of course, go to our military in this particular piece of supplemental funds for Iraq and Afghanistan.

But those who would deny them freedoms and opportunities, and control them through fear, understand what this is about. It is about people who are in charge of their own destiny and are not afraid to stand for freedom or die for the next generation. That is what it is all about. That is what this President envisioned when we were hit on 9/11. He didn't ask for those planes to fly into the World Trade Center or hit the Pentagon or the plane that crashed in Pennsylvania. He didn't ask for the first attack on the World Trade Center. He didn't ask for the attacks on the USS *Cole*, Khobar Towers, our embassies around the world.

There is no negotiating with folks who use fear to control. For, if we fail here, the battle line is probably our own country. Since the Civil War, not a shot has been fired here. We have always carried the fight to the enemy's ground. That is what it is all about.

Representative government in small towns and political bounds and political units in Iraq have already taken hold. We are already establishing an interim government in Baghdad and it will not be long before they have a constitution, they will have elections.

Our interest there is in the generation of school kids because it is an investment. Is it an investment? Yes, but it is an investment in human lives, in human endeavors. Sure, it is a lot of money, but money is a tool. Money is a tool that can bring good or it can be evil, and we have chosen to use ours in the name of good.

Yesterday in committee we had some very good ideas on how we should help these people get on their own feet and prosper, how we can help. Yes, the $20 or $21 billion in this will do that. But how to administer that, what should it go for? What should it do? Because it is America's hand. It is not our hand of Congress, it is the people of America reaching out because the people of the United States know what is at stake. There were some very good ideas. Some were premature. Some will be considered here on the floor of the Senate and they will be argued on their own merits.

But when we take a look at the overall package, it is a pretty solid package that we extend toward these people who now stand in harm's way, who now risk some disdain from their neighbors for joining a police force or a militia that will stand for good. It takes some bravery to do that, in a land where terrorism and death and destruction have been commonplace for the last 2 decades.

We will be that steel in their backbone. But we also have to give them the funds with which to build. They have made the decision. There are polls which indicate that. They have made the decision to stand for good and right and freedom. That is what this bill is all about. It may be characterized in many ways, but I think it is America's best hour. To establish another democracy in the Middle East where basically there is only one, to expand those freedoms now to the other side of the river, it is a noble and just thing to do.

I thank the Chair for the time to express my views about the importance of this legislation. Their values are not much different than ours: Their families, their kids, their country. Our ability to fix irrigation systems and communication systems so they can talk, and a system within which they can feed themselves, and have something to say about their own destiny, that is a noble cause. That is an American cause. That is what we are all about.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, today we begin the most consequential national security debate in a generation.

At stake is more than just the fate of $87 billion in spending.

This debate will speak to the lives of hundreds of thousands of our men and women in uniform, who are being asked to risk everything for their country.

It will speak to America's taxpayers who are being asked to shoulder the burden of the administration's Iraq policy with little or no help from our friends and allies around the globe. And it will speak to our Nation's responsibilities and its role in the world today and for years to come.

Let me begin, though, by talking specifically about what this debate is not about.

Democrats and Republicans are united in our support for all our brave service men and women.

They continue to bring honor to their country. Inspired by their performance of duty to us, we pledge to live up to our duty to them.

Democrats will do everything in our power to ensure that our troops have every tool and resource necessary to do the job we are asking of them. Democrats and Republicans are also united in our commitment to a free, stable, and secure Iraq. Terror must not be the successor to tyranny.

Therefore, Democrats are committed to doing everything possible to keep Saddam Hussein from returning to power and to keep terrorists from exploiting Iraq as a base of operations.

Our mission in Iraq will remain unfinished until Iraqis are governed by a constitutional government, defended by their own security forces, protected by their own police and judicial system, and provided for by a functioning infrastructure financed with Iraqi resources.

The United States must not and will not prematurely abrogate its responsibility to a fully liberated and self-sufficient Iraq.

In short, this debate is not about whether or not we should run from our obligations to our troops and to rebuild Iraq. We will not.

Simply, this debate is about how to ensure our objectives for Iraq are met successfully and our troops brought home to their loved ones as safely and quickly as possible.

Day after day, we receive more evidence of the inadequacy of the administration's plan for the stabilization and reconstruction of Iraq.

Yesterday, the New York Times reported that 650,000 tons of Iraqi munitions lie unprotected. There is evidence the 500 pound bomb that terrorists used to destroy the U.N. headquarters in Baghdad may in fact have been stolen from one of Saddam's old munitions depots. This news comes to us 3 weeks after the Pentagon assured us that all known weapons sites had already been secured.

In spite of these concerns, the administration continues to say that its prewar planning was adequate to the task, and that it has the right prescriptions for Iraq's future.

But an objective look at the record indicates that the White House's plan for post-Saddam Iraq was either inadequate or altogether non-existent.

In its post-combat report, the Joint Chiefs of Staff concluded that the postwar plan was not sufficient to some of the most critical challenges we face in post-Saddam Iraq.

I quote from that report:

> "Late formation of [post-conflict] organizations limited time available for the development of detailed plans and pre-deployment coordination. . . . Weapons of mass destruction (WMD) elimination and exploitation planning efforts did not occur early enough in the process to allow CentCom to effectively execute the mission." It concludes, "The extent of the planning required was underestimated."

Just yesterday I learned from Iraq's Governing Council that the administration had failed to consult them when putting together its proposal to rebuild Iraq.

Think about that. At the same time the administration professes its desire to put Iraqis in charge of Iraq, it failed to seek their counsel about Iraq's most urgent needs. Instead, the administration chose to have Ambassador Bremer and its experts here in Washington determine what was best for the citizens of Baghdad and Basra.

The administration's inadequate post-Saddam planning continues to have gravest consequences.

On a daily basis, our soldiers follow orders that place them in mortal danger because they understand their work serves a greater purpose and a larger strategy. But when we place them in situations where there is no effective strategy or plan, this danger is greatly increased.

Sadly, this is a lesson our Nation has had several opportunities to learn. Retired General Anthony Zinni put it best. He said in a recent speech:

> [Our troops] should never be put on a battlefield without a strategic plan, not only for the fighting—our generals will take care of that—but for the aftermath and winning that war.
>
> Where are we, the American people, if we accept this, if we accept this level of sacrifice without that level of planning? Almost everyone in this room, of my contemporaries—our feelings and our sensitivities were forged on the battlefields of Vietnam; where we heard the garbage and the lies, and we saw the sacrifice.
>
> We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again? And you're going to have to answer that question, just like the American people are.
>
> And remember, everyone of those young men and women that do not come back is not only a personal tragedy, it's a national tragedy.

By asking the right questions and making the right changes to the administration's supplemental request, the Senate can act to correct these mistakes and ensure success in Iraq. But time is running short—in Iraq and here at home.

As Iraqis become accustomed to terrorism as a daily fact of life, they are looking to U.S. leadership for reasons to be hopeful.

They want to work with us to build a better future for themselves, but they need to know that we are committed to that future. At the same time, Americans are growing impatient. The costs of success, both in lives and in money, appear without end.

For both Iraqis and Americans, the window to demonstrate a clear plan for Iraq's future is closing.

The next 3 months are crucial to turning around the security situation, which is volatile in key parts of the country.

Iraqis, Americans, and the entire world are watching closely to see how resolutely the coalition will handle this challenge. The Iraqi population has high expectations, and the window for cooperation may close rapidly if they do not see progress on delivering security, basic services, opportunities for broad political involvement, and economic opportunity.

The "hearts and minds" of key segments of the Sunni and Shi'a communities are in play and can be won, but only if the Coalition Provisional Authority—CPA—and new Iraqi authorities deliver in short order.

To do so, the CPA will have to dramatically and expeditiously augment its operational capacity throughout the country, so that civilian- led rebuilding can proceed while there are still significant numbers of coalition forces in Iraq to provide maximum leverage over those who seek to thwart the process.

We believe the greatest opportunity for success lies in internationalizing the effort to stabilize and rebuild Iraq.

It reduces the risk to U.S. service men and women and the cost to U.S. taxpayers. It increases the international legitimacy of the post-Saddam effort. It makes Iraq the world's challenge and the world's responsibility.

This can be accomplished through two simple steps. First, the President needs to make obtaining greater cooperation among our allies his top national security priority and be willing to do what is reasonable to obtain their support.

It is not enough for the President to make speeches or insist on resolutions at the United Nations that essentially restate policy positions that to date have left us working largely alone.

Second, the administration needs to produce a clear plan that demonstrates both to our Armed Forces and to our taxpayers precisely what sacrifices will be expected of them, both now and in the future, in order to accomplish our objectives.

This supplemental budget request does not take either of those steps.

Before the Senate is one bill, but in truth, there are two separate and distinct requests. First, is the $67 billion requested to equip our troops to do their job. Democrats have no objection to this request and we would be willing to approve this funding this very day.

Alongside funding to support our troops stands an additional $20 billion to aid in the rebuilding of Iraq. As I said earlier, Democrats remain committed to doing whatever it takes to provide Iraq with the tools and resources necessary to join the community of nations as a safe, responsible, self-sufficient member.

But a supplemental request is not a plan. And we have serious misgivings about providing the funds requested until we have confidence they will be used in service to a plan that will successfully achieve our objectives in Iraq.

That confidence is undermined when Americans read reports that firms with close personal and financial ties to the White House are winning no-bid contracts, raising the appearance of impropriety and cronyism.

That confidence is further eroded when Americans learn that many of the items within this supplemental request seem grossly inflated or dubious. The American taxpayer is being asked to pick up the cost of 600 radios and telephones at the cost of $6,000 apiece, pickup trucks at $33,000 a piece. Iraqi prisoners will be incarcerated at $50,000 per year, more than twice the cost in American prisons. And Iraqi entrepreneurs will receive business training costing $10,000 per month, more than two-and-a-half times the cost of an education at the Harvard Business School.

To be sure, many investments within this bill are worthwhile. But we should bring the same vigilance to control unnecessary spending that we bring to spending here at home. That is the root of the questions we will ask and the amendments we will offer.

We have sought to raise important questions such as these since the very beginning of the Iraqi conflict. Unfortunately, upon each occasion, Republicans opted to question our motives and in some cases, even our patriotism.

Senate Armed Forces Committee Chairman JOHN WARNER said last week of our soldiers, "Their fathers, their uncles, their grandfathers have served in previous military conflicts, and they look upon the Congress as that bastion that safeguards those that are put in harm's way. I ask, do these comments constitute embracing, as we should, those families, those children? Is that safeguarding those put in harm's way? I say no."

Senate Intelligence Chairman ROBERTS even suggested that the posing of questions put the lives of our soldiers at risk. "I'm very concerned that if the criticism is so harsh as to create the impression of lack of resolve, I wonder what goes through the minds of . . . not only our men and women serving in uniform, but the very terrorists who are killing our troops and their fellow Iraqis."

These comments represent a low-point in the Senate's proud tradition of deliberation and debate. The right to question our leaders is the foundation of our democracy.

Demanding answers in a time of war strengthens our democracy, rather than weakening it. President Teddy Roosevelt once said, "To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but it is also morally treasonable to the American public."

As American citizens, we are obligated to ask these questions. And as Senators, we are not only obligated but empowered by our Constitution to demand answers. That is precisely what we will do during this debate.

As this debate proceeds, Democrats will offer a series of proposals that are designed to win back the trust of the Nation and the support of the world for our Iraq policy.

First, the White House must develop and inform Congress and American people about plans for success before gaining access to reconstruction funds. Second, the President should increase efforts to gain international involvement, both in terms of financial support and commitment of troops.

Third, those who have benefitted most from our Nation's prosperity should help pay their fair share for its defense. By rolling back the President's tax cut for the wealthiest one percent of Americans for just 1 year, we can pay for the full cost of this request without increasing the national debt.

Fourth, we need to ensure fair, open competition for contracts.

Finally, the White House should to transfer control of the reconstruction of Iraq from the Defense Department to the State Department, which has expertise and experience in nation building.

History will remember what we say in this debate, because it will shape not just the fate of this spending request but the fate of Iraq, the Middle East, and America's foreign policy for years to come.

I am confident that the Senate will live up to its responsibility to our troops and provide them with the support they need and have earned.

I am hopeful that Republicans will join Democrats in insisting that the White House offer a clear plan to go along with the unprecedented level of funding we have been asked to provide.

When our armed forces toppled Saddam Hussein's regime, Americans became bound to the Iraqi people and responsible for their fate.

We are committed to fulfilling that responsibility by providing the resources and support they need to become fully independent members in the community of nations.

But our vision cannot be clouded by false optimism or blinded by stubborn pride.

It is not too late to change course and bring a real plan and real cooperation, to the American rebuilding of Iraq. This opportunity will not last much longer.

We can't afford to let it, and the future of a secure Middle East, slip through our fingers.

The cost of success is great; the cost of failure is even greater.

Mr. McCAIN. I ask my friend from Wisconsin how long he will be.

Mr. FEINGOLD. About 10 minutes.

Mr. McCAIN. I ask unanimous consent the Senator from Wisconsin be recognized for 10 minutes, and I be recognized for 15 minutes following that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank my friend from Wisconsin who was here before me.

Mr. FEINGOLD. I thank the Senator for his courtesy.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. I thank the Presiding Officer, and I again especially thank the Senator from Arizona for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, we have begun a debate that may ultimately be more consequential than the war debate we had in this Chamber last October, which culminated in the votes of 77 Senators authorizing the President of the United States to go to war against Saddam Hussein's Iraq. A negative Senate vote last fall, before our country was committed to liberating and reconstructing Iraq, would have weakened the President's leadership and made America less secure. But a vote against reconstructing Iraq now, with 130,000 American forces on the ground, American credibility before our friends and enemies at stake, and the enormous responsibility of helping the Iraqi people rebuild their country now on our shoulders, would doom Iraq's transformation to failure, with grave consequences for the entire Middle East, and devastate American leadership in a dangerous world.

An extraordinary allied military campaign in Iraq overthrew, in 3 weeks, a Baathist regime that had ruled for three decades. Americans were rightly proud not only of our military's exemplary performance, but of the cause for which they fought: ending the threat posed by Saddam Hussein's regime and liberating the Iraqi people from his tyrannical rule. With their liberation came an obligation: to help them restore their devastated and demoralized country until it is stable, and secure, and free, and therefore, no longer poses a threat to its people or its neighbors. That job is not close to being done. We have not yet won the peace. And we do not have time to spare.

If we do not meaningfully improve services and security in Iraq over the next few months, it may be too late. The danger is that our failure to improve daily life, security, and Iraqis' participation in their own governance will erode their patience and fuel a minority's appeal for insurrection. We will risk an irreversible loss of Iraqi confidence and reinforce the efforts of extremists who seek our defeat and threaten Iraq's democratic future. That is why we have to pass this supplemental spending bill, urgently.

There are two fundamental errors we could make in postwar Iraq. We could stay too long, denying Iraqi sovereignty to a proud and talented people who have the human and material resources to build a progressive and modern Arab state. We cannot repeat in Iraq the example of the Balkans, where Bosnia and Kosovo remain U.N. protectorates years after our just military intervention. Few things would inflame Iraqi and Arab opinion more than a long-term United States occupation of Iraq. But America is not an imperial nation. We will leave Iraq when our job is done, and we will leave behind an Iraq that is whole, free, and at peace.

The other danger, and the greater risk, is that we leave too soon—before basic Iraqi services are up and running, before law and order are restored, and before there is a competent, representative Iraqi government in place to answer to the Iraqi people. They key to a timely United States withdrawal from Iraq, and for the quickest restoration of Iraqi sovereignty, is to maximize our commitment now to providing the security and services that will allow the fragile institutions of democracy to take root. A serious United States investment in Iraq's future is the only way we can leave the Iraqi people and their leaders with a functioning, progressive state that will be an example for the region and a future partner and ally of the United States.

Some of my colleagues on both sides of the aisle accept that Iraq requires substantial and immediate reconstruction funding, but would provide that funding in the form of loans to be repaid to the United States or international financial institutions when the Iraqi economy is up and running again. This would gravely damage America's reputation and our support within Iraq. Asseting our claim to Iraq's oil revenues over the next 10 or 20 years would confirm the propaganda of our enemies and the suspicions of skeptics across the Arab world and closer to home: that this was a war for oil. It would also make it impossible for us to encourage countries like Russia, France, and Germany, which hold enormous levels of Iraqi debt from Saddam Hussein's era, to write off some of that debt in order to lift its burden from the Iraqi people.

Seeking control, whether directly or indirectly, over Iraq's future oil revenues would condemn Iraq to be another ward of the international community by denying the Iraqi people the key to their future prosperity. By making a claim that would prevent future oil revenues from being spent by a representative Iraqi government to meet the needs of the Iraqi people, we would impede the economic development that will be key to a moderate, progressive Iraqi politics. We would make our immediate task of reconstructing and securing Iraq much more difficult, because collateralizing Iraqi oil revenues would encourage more Iraqis to believe the message of the Baathists and terrorists who oppose us: that we are in Iraq not to help the Iraqi people build a better future but to serve our own narrow ends, at their expense. Ironically, we would also make it more difficult for American forces to leave Iraq by handicapping Iraqis' ability to reconstruct their country and govern themselves. Providing reconstruction monies in the form of a loan would seriously undermine American national interests in the Middle East.

We will also debate the question of whether to divide this spending bill into military and reconstruction components. Proponents of this approach would substantially trim or vote down reconstruction funding, as if we should pay only for our troop presence in Iraq but spend little to nothing on what our troops are actually there to do: create basic security and enable restoration of services so the Iraqis can govern themselves. The reconstruction and military components of this spending request are inextricably linked. Part of the answer to the security challenges we face in Iraq is restoring basic services and empowering Iraqis to play a greater role in their own security. Voting against reconstruction funds will seriously degrade the security environment as greater numbers of frustrated Iraqis fall prey to the extremists' appeals to oppose our presence, putting our troops in greater danger and imperiling their core mission of stabilizing Iraq.

At a Senate Armed Services Committee hearing last week, I asked Ambassador Paul Bremer what would happen if Congress did not pass the reconstruction portion of the President's supplemental spending request. Here is his response: "Well, it would be directly contrary to American's interest—obviously, it would be contrary to the Iraqi people's interest, but it would be contrary to our interest, because it would create a situation of much greater insecurity. I think we would find more of the population turning against us. I think we would find more attacks on coalition forces. Eventually, Iraq would . . . recede into a situation of chaos, not dissimilar from what was experienced in Lebanon in the 1970s and 1980s, and we would find another breeding ground for terrorists. So I think it's a rather grim outlook."

I would encourage my colleagues who may be considering efforts to split this bill into military and reconstruction components in order to decrease or vote down reconstruction funding to contemplate the prospect of the kind of state collapse and civil war that destroyed Lebanon happening in Iraq as a result of our own shortsightedness.

The Senate will also consider proposals to reduce tax cuts for the wealthy in order to pay for Iraqi reconstruction. I voted against the President's tax cut package in 2003, in part because the costs of this war and its aftermath were unknown at the time. But given what is at stake for the Iraqi people and for America's national interest, I cannot support proposals to raise taxes to fund our mission in Iraq. Such proposals, if not linked to the Iraq supplemental, would have merit, but were they to pass as part of this package they would endanger its passage, transforming a domestic political dispute into what would quickly become a foreign policy defeat. Our success in Iraq is too important to take that chance.

This bill is not perfect. I intend to offer an amendment to provide for regular auditing of the Coalition Provisional authority's budget, and I suspect the Senate will add additional reporting requirements to better inform us about how reconstruction money is being spent. But given the urgency of our mission in Iraq, I intend to strongly support the President's budget request, oppose all amendments that could endanger its passage, and do everything I can to see that the United States honors the commitment we have entered into to help the Iraqi people stand up a legitimate, representative government that does not threaten them or their neighbors, and that is a force for good in a dangerous region.

Every so often in this Chamber, we deal with an issue of such gravity that it transcends partisan divisions. Providing for Iraq's democratic future should be such an issue. I encourage my colleagues to gauge carefully the broader national interest, as we conduct what I hope is a civilized and high-minded debate. To a large extent, or choices will determine the success or failure of what I believe to be the most important foreign policy challenge in a generation.

Failure to make the necessary political and financial commitment to build the new Iraq could endanger American leadership in the world, empower our enemies, and condemn Iraqis to renewed tyranny. We must act urgently to transform our military success into political victory. Passage of these supplemental funds will move us meaningfully towards that goal. Stripping reconstruction aid or providing it in the form of a loan that will incite Iraqi and Arab hostility against us will only make the job of our service men and women in Iraq harder and could doom them to failure. After all their sacrifice, and in light of the potential a free and stable Iraq holds for the future of the Middle east and America's position in the world, it would be disgraceful to turn our backs now.

Iraq's transformation into a progressive Arab state could set the region that produced Saddam Hussein, the Taliban, and al-Qaida on a new course in which democratic expression and economic prosperity, rather than a radicalizing mix of humiliation, poverty, and repression, define a new modernity in the Muslim world that does not express itself in ways that threaten its people or other nations. Conversely, a forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam. I don't make that statement lightly. I repeat: A forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam.

Our mission in Iraq is too important to fail. But it is winnable, because an Iraqi majority shares our vision of a free and progressive Iraq. Our national interest demands that we help them realize this goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are debating the emergency supplemental bill that deals with the request for funds for our military, as well as for reconstruction in the country of Iraq.

I believe it is necessary to provide the funding that is requested for our military, and I believe the President will find wide support for that on the Senate floor. I believe it is also necessary for reconstruction to occur in Iraq. I don't disagree with that issue at all. However, I disagree as to where the funding should come for this reconstruction.

I agree with my colleague who talked about this being an important time and that there are very important questions for the Senate to confront. These are serious questions and need to be dealt with in a serious way. I expect this debate will be respectful, even though we have some disagreements.

I think there is more agreement than disagreement on most of these questions. I mentioned that when the President requests funding for our Defense Department and our soldiers who are on a mission this country has asked them to undertake, we have an obligation to provide the necessary funding for them to complete their mission. America cannot ask its sons and daughters to go to war and then withhold anything that is necessary for them to complete their mission. That which is needed in the Defense Department, that which those who are commanding our soldiers say they need to finish this job, we must provide and, in my judgment, will provide.

This appropriations request, however, includes not only resources for our military, but also resources for the reconstruction of Iraq. I want to talk about that for a bit because we had a long debate in the Senate Appropriations Committee yesterday and had several votes. The votes turned out to be one-vote margins. I want to talk about that.

First, let me say I believe that, while I have not visited Iraq, there are many important and positive things happening in the country of Iraq. Yesterday one of my colleagues asked the question: Why are those positive developments not being reported? I expect, based on talking to folks who have visited there, and from Ambassador Bremer's testimony, and others, including colleagues who have visited there, that there are things happening in that country which are very positive. I agree with that. Those who ask the question "why are they not being reported" might watch the television news in Washington, DC, tonight and see what is reported. What is reported is negative. It is not just with what is happening in Iraq, it is what is happening everywhere. That is the way the business works. Turn on the television tonight in Washington, DC, and see what the lead story will be. It will be a murder, or a kidnapping, or a robbery, or an accident. That is just the way it works.

That is what is happening in Iraq. The media is reporting the bad news. That is what they will report tonight here in Washington, DC. There is an old saying, "bad news travels halfway around the world before good news gets its shoes on." Never is that manifested more relentlessly than in our media. I understand that. It is not just happening with Iraq.

But from eyewitnesses and those who have been on the ground in Iraq, we know that there are positive things happening there.

Having said that, we cannot dismiss the fact there are some significant problems and challenges in Iraq as well. It is not ordinary and normal, and it is not something we should ever become accustomed to, to wake up in the morning and turn on the news and hear of another American soldier who was killed, or more American soldiers wounded. That is not something we can become accustomed to in this country.

I also believe, as I indicated, that as we consider a piece of legislation with a price tag of $87 billion to support the troops and provide the resources necessary for the troops and also to provide for the reconstruction of Iraq, it is an appropriate and important time to ask some questions about especially the portion dealing with reconstruction. That is what I focused on yesterday in the Appropriations Committee.

Let me talk about this reconstruction. This is a new subject that is offered us by the President—reconstruction. We understood what the President planned to do with respect to the campaign called shock and awe, which was a military campaign, would be devastating in its consequences to the Iraqi troops, but not devastating to the country of Iraq in terms of infrastructure, because we deliberately did not target the infrastructure there. We did not target their electric grid, their powerplants, their dams, their roads, or their bridges. We deliberately did not do that and we were successful in avoiding that. So then what is the requirement for reconstruction?

The requirement for reconstruction, by and large, stems from a long-term deterioration of the assets of Iraq under Saddam Hussein, No. 1; and No. 2, from a type of guerrilla activity by insurgents inside the country of Iraq—Iraqis themselves, among others—to destroy property and infrastructure in Iraq. That is what caused this administration to ask us for nearly $21 billion to reconstruct the country of Iraq.

Let me say that the request for the reconstruction of Iraq is a request for grants, where we will take the money from our Treasury—or borrow the money, as will be the case, because we are very deeply in debt in this country at this point and our annual budget deficit is roughly in the $475 billion range. We will borrow money to provide it to the Iraqis for reconstruction. Let me go back to some things and indicate why some of us are surprised by a request for nearly $21 billion to reconstruct Iraq.

Deputy Secretary of Defense Paul Wolfowitz said this on March 27 of this year:

> And on a rough recollection, oil revenues of that country could bring in between $50 and $100 billion over the course of the next two or three years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Again, Mr. WOLFOWITZ, Deputy Secretary of Defense, said just 5 months ago:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Richard Armitage, Assistant Secretary of State, said:

> When we approach the question of Iraq, we realize here is a country which has a resource. And it's obvious, it's oil. And it can bring in and does bring in a certain amount of revenue each year, it could—$10, $15, even $18 billion.

So this is not a broke country, first of all. He is describing the resources the country of Iraq has.

Vice President CHENEY in March of this year said:

> There are estimates out there.

Talking about Iraq.

> It's important, though, to recognize that we've got a different set of circumstances than we've had in Afghanistan. In Afghanistan you've got a nation without significant resources. In Iraq you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day, in the relatively near future. And that flow of resources obviously belongs to the Iraqi people and needs to be put to use by the Iraqi people for the Iraqi people, and that will be one of our major objectives.

That was Vice President CHENEY.

So we have Richard Armitage, Assistant Secretary of State, saying Iraq can be reconstructed with Iraq oil; Paul Wolfowitz, Assistant Secretary of Defense, saying Iraq can finance its own reconstruction; Secretary Rumsfeld, on March 27 of this year, said: I don't believe the United States has the responsibility for reconstruction, in a sense. Those funds can come from those various funds I mentioned—frozen assets, oil revenues, and a variety of other things, including Oil for Food which has a substantial number of billions of dollars in it.

We have the Secretary of Defense, the Assistant Secretary of Defense, the Assistant Secretary of State, and the Vice President.

Let me read quotes from Mr. Natsios who runs USAID, which is the agency in the State Department involved in reconstruction.

On April 23 on Ted Koppel's "Nightline" program, Ted Koppel says:

> I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is going to be done for $1.7 billion?

Mr. Natsios, who runs this program for the administration, says:

> Well, in terms of the American taxpayers' contribution, I do, this is it for the U.S. The rest of the rebuilding of Iraq will be done by other countries who already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . .

Will be used eventually in several years when it is up and running and when a new government, democratically elected, will finish the job with new revenues.

> They are going to get $20 billion a year in oil revenues. But the American part of this will be $1.7 billion. We have no plans for any further on funding for this.

This is 5 months ago from the point person in this administration with respect to Iraq's reconstruction, saying $1.7 billion.

Ted Koppel comes back to him again on the same program and says:

> You're saying the, the top cost for the U.S. taxpayer will be $1.7 billion. No more than that?
>
> Mr. Natsios: For the reconstruction. . . .
>
> Ted Koppel: But as far as the reconstruction goes, the American taxpayer will not be hit by more than $1.7 billion no matter how long the process takes?
>
> Mr. Natsios: That is our plan and that is our intention. And these figures . . . I have to say, there's a little bit of hoopla involved in this.

I guess he was referring to something else. There sure isn't a lot of hoopla involved in his figures.

Later in the program, Mr. Natsios says, responding to Ted Koppel:

> That's correct, $1.7 billion is the limit on reconstruction for Iraq.

That was 5 months ago from the point person on reconstruction in this administration. Five months later, we are asked for $21 billion—$21 billion. How did things change so quickly? Why did they change so quickly? Why was it decided that the obligation for the reconstruction of this country—not an impoverished country, I might say, a country with the second largest reserves of oil in the entire world—why was it decided the American taxpayers should bear this burden exclusively?

Ambassador Bremer testified before our Appropriations Committee. I asked him about this issue.

I said: Mr. Ambassador, Iraq has very substantial oil reserves. They have liquid gold under that sand. They have the capability of pumping a lot of oil.

He said: Yes.

In fact, when I asked about how much they would pump, he said: By July of next year, we expect Iraq will be pumping 3 million barrels of oil a day and, using their figures, we expect, when you take out of that the amount necessary to be used in Iraq by Iraqis, the amount of money that they will sell on the export market will produce $16 billion a year of revenue—$16 billion a year.

Yesterday, members of the Iraqi Governing Council were in town, and they said they are going to be producing 6 million barrels of oil—double that. Let's use the more conservative figure of 3 million barrels of oil produced a day by next July. This then is a country that has the capability of producing $160 billion in 10 years from oil revenue exports only or $320 billion in 20 years. Securitizing that oil production would be relatively easy for Iraq in order to raise the funds to reconstruct what is needed to be reconstructed in Iraq.

I asked Ambassador Bremer, why then would you not propose that Iraqi oil be used to reconstruct Iraq? He said: Because Iraq has substantial foreign indebtedness, they will not be able to encumber their oil revenue; they will have to repay foreign indebtedness first.

I asked Ambassador Bremer to whom Iraq owed money. He said, France—I believe he said Russia first—Russia, France, Germany.

Following that hearing, I began to do some research on Iraq's indebtedness. It turns out that the largest of Iraq's creditors are Saudi Arabia and Kuwait. The best estimates are that Iraq owes somewhere close to $25 billion to Saudi Arabia. And they owe somewhere close to $25 billion to Kuwait. They owe somewhere between $20 billion and $30 billion to the other gulf states. They owe between $4 billion and $8 billion to France, $4 billion to Germany, and somewhere between $9 billion and $12 billion to Russia. But as one can see, the largest creditors of the country of Iraq are Kuwait and Saudi Arabia.

Now, I find it strange that anyone would suggest that the debts of Saddam's regime must be honored, but that the current Iraqi Governing Council is not able to incur debts.

Some make the point that the Iraqi Governing Council has not been democratically elected. Well, does anyone think that Saddam Hussein was duly elected? Let's just remember the last couple of elections. In 1995, Saddam Hussein ran for President of Iraq. He ran unopposed and won 99.96 percent of the vote.

Out of 8 million ballots, supposedly only 3,000 people voted against Saddam Hussein.

Then in August of 2000, they had another election in Iraq and Saddam Hussein ran again for President. He again ran unopposed. This time, the official election count was better, actually. With a 100 percent voter turnout, Saddam Hussein received 100 percent of the vote. That was actually the official count.

They provided no real polling booths. Voters were required to parade down a gallery containing 28 portraits of Saddam Hussein. They were required to hold their ballots over their head as they walked down this gallery so that everyone could see how they voted. Before the election, the Iraq phone company rigged their telephones so when a person picked up the phone to make a phone call, they heard the message that they had a requirement to go out and vote for Saddam Hussein.

The fact is, there is very little tradition of democracy in Iraq, as we know. The Saddam Hussein regime, which obligated the people of Iraq, apparently, to $150 billion to $200 billion in foreign debt, was certainly no more duly constituted a government than the current Iraqi coalition authority or provisional authority.

I believe Iraq does need reconstruction funding, but I believe very strongly that that ought not be the burden of the American people. I believe the result would be perverse if the American taxpayer was required to bear the burden of that $21 billion in expenditures, while Iraq pumped its oil, sold it on the open market, and used the revenues to ship suitcases full of cash to Saudi Arabia and Kuwait and, yes, Russia and France and Germany. I do not understand how anyone thinks that is in our interest.

I will briefly describe what we are told is urgently necessary for reconstruction in Iraq. I think some items are urgent, some are not, in order to advance the Iraq economy and in order to provide the Iraq people with an expanded set of opportunities and hope for the future.

The $21 billion includes, for example, reengineering business practices of the Iraq postal service, including instituting ZIP Codes. Well, that is not part of an urgent supplemental, in my judgment.

Then there is $54 million for a comprehensive consulting technical study for the Iraqi postal system. That is not urgent, in my judgment.

Restoring marshlands; two 4,000-bed prisons at $50,000 a bed; garbage trucks at $50,000 apiece; creating best business practice and training courses and opening job centers, and so on. I think some of this is likely urgent, some of it not, but all of it can and should be paid for with Iraqi oil.

I will describe how that could work and how it should work.

I offered an amendment in committee yesterday that would create an Iraq Reconstruction Finance Agency. I lost that amendment by one vote. Following that, I offered a second amendment, which is a choice I do not particularly favor but one that is better than a series of grants. That amendment would provide that instead of grants, we extend loans.

Both amendments were defeated in the committee, and I will offer both on the Senate floor as we proceed to have a debate about the reconstruction portion of this package.

The Iraqi Governing Council, I believe, has ample authority to create an Iraq Reconstruction Finance Authority and do so in a way that obligates future oil revenues of Iraq through some securitization, by which they would sell securities against future oil revenues and raise the money for reconstruction of Iraq. As one of my colleagues earlier today suggested, that is not in some way having the United States get their hands on Iraq oil. It is nothing of the sort. This is the people in Iraq making use of their resources, by securitizing their future oil reserves. Understand, they have the second largest reserves in the world. This is not an impoverished country. They have dramatic and valuable resources. This is about Iraq citizens using Iraqi oil to reconstruct the country of Iraq.

Why would someone choose the alternative of saying, let's have the American taxpayer pay for the reconstruction of Iraq so that Iraq can pump oil to pay for the past debts it owes to Saudi Arabia and Kuwait?

Ambassador Bremer told me they were not recommending the use of Iraq oil for reconstruction because of the foreign debt that Iraq had and that it had to resolve. I think it ought to be resolved this way: I believe Ambassador Bremer and the Iraq authority ought to go to the donor conference and ought to be involved in bilateral and multilateral talks in which they seek debt forgiveness. After all, Saddam Hussein should not have been able to obligate the Iraq people and to mortgage their future. Saddam Hussein is gone. His government does not exist. Why do we believe that loans from the Saudis to Iraq back in the 1980s ought to be repaid now when those loans were made to Saddam Hussein? Let Saddam Hussein repay those loans, not the Iraqi people.

This was not a duly constituted government in the first instance. I just described the mechanism by which he was in power.

This is not a case, as my colleague earlier suggested, of just treating this in a nonserious way, believing that somehow the money is not needed for Iraq. I believe the military appropriations that the President has requested for our troops are related to reconstruction, but I believe very strongly that much of what is requested for reconstruction is, A, not urgent and, B, certainly not reconstruction that ought to be paid for by the American people.

Let me come again to this point: we were told time and time again that the U.S. taxpayer would have, at most, a minimal financial burden in terms of reconstruction.

The representations to us all along, all year, have been that Iraq oil would bear the burden for reconstruction. Vice President CHENEY said on March 16 of this year—I am quoting directly:

> In Iraq, you've got a nation that's got the second largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow.

Ari Fleischer at the White House said:

> Iraq, unlike Afghanistan, is a rather wealthy country. It has tremendous resources that belong to the Iraqi people.

He is talking about Iraq has to be able to shoulder much of the burden for their own reconstruction.

Paul Wolfowitz, Deputy Secretary of Defense, said:

> On a rough recollection, the oil revenues of that country could bring between $50 billion to $100 billion over the course of the next few years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Donald Rumsfeld, Secretary of Defense, on March 27, said:

> I don't believe that the United States has the responsibility for reconstruction, in a sense . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things.

The fact is, just months ago we were told by Secretary Rumsfeld, by Deputy Secretary Wolfowitz, by Vice President CHENEY, and many others that the U.S. taxpayer would not have to foot the bill.

We have not had anyone come to us to explain to us the reason for the change.

We had Ambassador Bremer explain to us why he believes the proceeds from Iraqi oil are going to have to be committed to repay Iraq's foreign debt. Translated to the language from my hometown, it would be; Iraqi oil should produce some revenue so the Iraqi people can pay off Saddam's debts to some of the richest countries in the world, Saudi Arabia and Kuwait.

But nobody came forward to say, we did tell you all these things 4 or 5 months ago, and did tell the American people and tell you in Congress you are not going to have to pay for reconstruction of Iraq because Iraqi oil is going to pay for it—no one has come forward to say, I was wrong then, or I have changed my mind.

The question is, Has the Vice President changed his mind? I am guessing so. Has Secretary Rumsfeld changed his mind? Has Mr. Wolfowitz changed his mind? Has Mr. Armitage changed his mind?

I think it is important to ask the question.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. Madam President, are we under a time limit at this point? Could I have explained to me the time on the floor?

The PRESIDING OFFICER. The time until 12:30 has been divided. All time remains for the majority at this point.

Mr. DORGAN. This time for debate was apparently evenly divided until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. What will be the circumstances of the floor this afternoon, could I ask the manager?

Mr. STEVENS. Madam President, if I might respond, the bill will be subject to amendment at any time. We are hopeful there will be amendments. Neither Senator BYRD nor I have spoken on the bill yet.

Once Senator BYRD has finished his comments, we will be back on the bill. Of course the Senator could speak at any time.

Mr. DORGAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I think at this time I should point out what we are doing because we have brought to the floor the President's emergency supplemental request for Iraq. Last evening, the President signed the 2004 Defense Appropriations Committee bill. At the request of the Congress, specifically the Senate, the President did not include in that bill any funding for the war in Iraq or Afghanistan, and the funding for that and the global war on terrorism is in the supplemental that is before us now.

Many have asked for a great many things in connection with this supplemental that is before us. I think it is good to review history because we have had the history studied by the Congressional Research Service, and I am informed that no President before has asked, in advance, for money to conduct a war. This President did that. He had a supplemental before that carried us through fiscal year 2003. And this bill is theoretically to pick up on October 4 and carry forward the activities in Iraq and Afghanistan and the war on global terrorism following that time.

The bill does contain a substantial amount of money for the intelligence community, which is classified. This afternoon we will hold a hearing in our classified hearing room in the Capitol to explore some of the ramifications of that. We have closed out the hearings we held on this bill. I might say, in and of themselves, they are unique because I know of no hearing on a supplemental request of this type during my time in the Senate. The request was made for hearings by my good friend from West Virginia, and we have accommodated that. I know he wishes we would have more hearings, but I believe we have explored the proposals that have been presented to us as a Special Emergency Supplemental by the President, under these circumstances, as much as is possible because we have some time frames involved. The moneys for defense activities in Iraq are in this bill. We have an enormous number of people involved in this activity now, and this bill asks for about $66 billion to continue those activities through the fiscal year of 2004; that is, until September 30, 2004.

We have had presented to us, in addition to that Defense supplemental, the request for $20.3 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq during this period ahead of us. Many will ask—demand that the money in this second category be strictly loans.

There is no government of Iraq yet. There is no one we can really have obligated to repay it. We are exploring mechanisms that might be possible to set up ways in which a portion of the money would be required to be repaid. But the testimony before our committee was that these two sums are inextricably entwined. They represent the best effort of the military department, our Department of Defense, and of our State Department and other Departments of the executive branch to present to Congress an approach to try to move through the process of having an army of occupation in Iraq and move to establishing a new form of government in Iraq, supported by their people, and provide the security for that government, provide the security for the people who will be running the oilfields, as have been mentioned here, with the power stations, and the schools and other activities that are still subject to some opposition by terrorists in Iraq.

I believe Ambassador Bremer and his people have presented a coherent outline of what we are going to do. But the demand is to know in advance what is going to happen, almost on a daily basis: What are you going to do? Really, the contingencies in advance of us, now, of our Government, are unique.

If you look at Germany or look at Japan, we had a military government of occupation. We provided the complete security. We provided the complete government in the past when we ended the war. We did that to a great extent in other places, too, where we helped in Kosovo, Bosnia, and other areas. We were, for several years, involved in both of those areas.

We have been involved in this area less than a year. The proposal now is to carry into the next year a plan, which was presented to us in the Senate, in our security room, in July. Some people didn't get a copy of that. That is unfortunate. But it was being presented to us during our hearings. That plan clearly sets forth the plan that was developed by Ambassador Bremer and by the State Department and our Department of Defense, to proceed now and not have an army in occupation, that we do not want to be an occupier.

We want to continue our work to secure the area for the purpose of building this new government, but we have actually had some of our military people withdrawn from the areas of Iraq which have been completely pacified now and are normally operating. The local police are maintaining security. A portion of their new army is behind them, securing those areas. Still, it is a very volatile area and that is primarily the area of concern.

It is that area that depends so much on the money that is in the second part of this bill. Ambassador Bremer personally told me a number of times the oil pipelines have been bombed, sabotaged. While they are repairing those oil lines, the power stations have been brought back into operation. As oil lines were completely restored, the power stations were blown up. As they are trying to bring both of them back, then there are sniper activities in the Baghdad area, destabilizing the situation as far as restoring tranquility in this country.

This is a time and a place that the forces of the United States, both military and civilian, need guidance on a daily basis by the Commander in Chief and his representatives. This bill contains a sizable amount of money and the discretion to use that money to accomplish the objectives they have set out. I, for one, endorse those objectives wholly because I believe they will bring our people home sooner and have us have a friendly Iraq, rebuilding itself out of its oil income, once we are able to stop this terrorist activity that is impeding the flow of oil.

The Senator from North Dakota mentioned the amount of oil we were told will be there next July. That is true. It will be there unless the pipelines are blown up again. It will be there unless the power stations are blown up again. It takes power to run these pipelines. The power stations are there. They have been blown up also.

The problem with stability in this area is a very acute one. We have been warned of that. I think the plan they have presented, in the judgment of majority of the Senate Appropriations Committee, is such that we should give the President's people this discretion. It is a lot of money. No one questions it is a lot of money. In the first place, we separate the $66 billion for defense. I don't argue about that amount in terms of carrying forth our commitment to our men and women in uniform to see to it they have the supplies, the materials, the backup, the rest and recreation, all of the things that are in this bill, to assure them we are with them and that we support them in every way possible to get this job done. But the main thing we want to do for them is to get them home. The way to get them home is to assure that Iraq once more can run its own affairs, defend itself, and can have reasonable success in dealing with terrorism. We can't eliminate terrorism completely from Iraq any more than we can completely eliminate terrorism right now. We face terrorism at home. But the real problem is how soon can they know they have the capability of meeting terrorism and trying to deal with it as they try to impede the reconstruction and rehabilitation of that country. We are going to have some differences of opinion. There are differences really in philosophy, as far as I am concerned.

I think we ought to listen more to the generals who are over there in uniform, as I have yet to hear complaints from any of the people who have gone over there and who have been part of this tremendous success militarily. They report they are proud of what they have done, and they believe we are right, that we should as soon as possible have the Iraqis run this country. That is the goal.

We have had this monstrous success militarily. Normally, any country before in history has sent in an occupation force, set up a government, tried to find out who should be the new leaders of the government, worked with them for a number of years, and then eventually withdrawn their forces. Of course, as I think the world knows, we have yet to withdraw all of our forces from Europe from World War II: They started and became part of a permanent force over there almost, although I do think we ought to reexamine that, and we will in the near future. The future for this area is not to have an occupation force. We still have forces in Kosovo and we still have forces in Bosnia. That is not the goal of this activity. The goal of this activity is to liberate Iraq and give it the ability to restore its government under a concept of free men and women determining their own future.

That means to me that we respond to the request of the President of the United States and give his people the discretion to use this money to the extent it is necessary.

I believe it is now time that we call up the bill. Is it pending?

The PRESIDING OFFICER. The bill is pending.

Mr. STEVENS. Madam President, I would like to address my friend. I don't believe we need control of time now, if the Senator agrees. I will finish my remarks and then yield to Senator BYRD, if that is agreeable. Is there any pending motion which I should make?

The PRESIDING OFFICER. There is none.

Mr. STEVENS. Madam President, I will close.

It is my hope the Senate will also realize the request we have made—I have made it to the leadership on both sides—to take the defense portion of this bill first. The House has not acted upon this bill yet. We will go on recess on Friday. While we are gone, the House will act on it. It is my opinion that the House should know how we feel about the defense side, the $66 billion. We should await their action on the $20.3 billion.

That is to me sort of a division of labor, you might say. We have worked very hard on the defense side of the bill. I believe we have a general agreement of where we are going to come out with it. We presented what we call the chairman's mark in the bill that is before the Senate today. It will be subject to some amendments. I hope Members will cooperate by looking at that portion of the bill first. We will deal with the $20.3 billion when we believe we have completed that review.

I would like to be able to tell the House that we have finished the defense portion and we await your consideration of what you think we should do with the $20.3 billion. They have had some substantial hearings on that side, too. The House held hearings on both portions of this request from the President.

I believe this is a new approach to funding this kind of an operation. It is a new operation. We would be wise to proceed, and when we come back from our recess to have before us then the House bill, to look at what the House bill has done and present our portion of the bill pertaining to the $20.3 billion. Some people may disagree, and some people think we should separate the bill—I know there is that feeling—and delete from the consideration anything that is not strictly defense. I disagree with that.

General Abizaid, who is our commander in chief there in the region, stated very clearly that he needs both portions of this bill. If we don't have the money for the people of Iraq to proceed to establish their own security, their own military, and deal with their own reconstruction problems immediately, we will need more money to send more troops in there to protect ourselves and to protect the Iraqis. This is a transitional phase which we have in the $20.3 billion. As I have said publicly, it is risky. The President has taken a great risk. There are terrorists loose there. We have to remember Saddam Hussein let loose all of the prisoners from the jails—all of them. He opened the borders of Iraq to terrorists. Those are the people now who are raising havoc in that country. Many of them have been apprehended, but many are still at large. The $20.3 billion is aimed at providing a security base for the Iraqi government to come into being, to deal with security, to deal with antiterrorism, and to deal with restoring the productive capacity of their major resource; that is, the oil.

If it is successful, as has been indicated, by July, we will probably see that Iraq could produce oil somewhere near 3 million barrels a day.

I say parenthetically, Madam President, that in our State, we have produced about 2.1 million barrels a day in the past. We don't produce that now because of the obstruction against us in terms of going into areas where we know we could obtain oil to restore the daily output of our production facilities. We could be back up to 2.1 million barrels a day very quickly, too. The Iraqis are predicted to have even more reserves. I am not sure this is the case. They might get up as high as 6 million barrels a day. I hope for the sake of the world they do. But I am reminded of the fact that when we first started producing oil from Prudhoe Bay in Alaska, the estimate was we had approximately 1 billion barrels of oil. This last year, as the occupant of the Chair knows, we produced our 14th billion barrel of oil. Estimates are estimates. Sometimes they are high and sometimes they are low. But the estimates are that Iraq will be a major producer in the future. I hope that is so because they will have a stable government. They will have a free government. They will have the ability to determine their own future.

We have a chance to explain to them how we treat some of our oil income and how we have created our permanent fund that produces income for every person in Alaska once a year—the shareholders of public development of resources. Prudhoe Bay oil is produced from State lands. The oil in Iraq is produced from the Iraqi-owned government and Iraqi government land. They have a rosy future if they wisely manage their money as they reconstruct their country, and if they have some concept of trying to save part of it and use the earnings to benefit all of their people. That is what we have done in Alaska. It has been very successful. I hope they will be able to do that.

The problem right now is how we get from where we are with substantial force. They are still subject to severe security requirements because of the terrorism. Should we put in more antiterrorist people of the United States in uniform, or from our intelligence services, or should we help the Iraqis get to the point where they can feel they can start to protect themselves, particularly in the areas of the remaining intensity of terrorists?

This bill should pass. We should give the President's people the greatest flexibility possible, much more than we have in the past, because it is for a short period of time. It is for the remainder of fiscal year 2004, for the period of time after the bill becomes law, sometime in October, until the following September. We will know during that period whether their approach will succeed.

One thing is very clear: this Congress will not walk away from Iraq. This President will not walk away from Iraq. We will not withdraw our people from Iraq and leave chaos in Iraq.

Clearly, we have the obligation to finish what we started. This is the plan to finish what we started.

Some people want a roadmap, a daily report, with every single aspect of what is going on, producing another request for another report. Do you know what happens to the reports? They get filed in some filing cabinet somewhere, some computer, and no one pays any attention to them.

I will oppose a great many of these reports because we have provided in the bill for quarterly reports, we provided in the bill for continuation of the reports requested in the supplemental for 2003. That is sufficient. To my knowledge, no one raised an objection to what we received so far. I don't know why we should add to that number of reports we require from the people who represent us in both military and civilian agencies in Iraq.

I look forward to debate. It has been strenuous so far. I expect it to get a little more strenuous. Clearly, it is a turning point in the history of the United States. We have followed the pattern of the Caesars. We have gone in and been a liberator and then occupied area and stayed there. Look at Germany, how long we stayed there, and Japan, how long we stayed there: 4 years after the war was over in Japan. Do we want to do that in Iraq? We believe we can reduce that time our military people are there if we follow the proposals before the Senate from Ambassador Bremer who funnels both the recommendations of the State Department and the Department of Defense to the Congress through the President's request in the supplemental.

I remind Members of the Senate Appropriations Committee there will be a hearing in S. 407 at 5 p.m. and we do expect amendments to be offered. I hope there will be an opportunity to have a vote on some of them today although that may not be possible. The President of the United States is signing the Homeland Security bill within an hour to hour and a half. Many of the Members of Congress have been invited to be present. It is my intention to ask the Senate to withhold voting while they are gone. They are at the new Department of Homeland Security. We expect to have a vote sometime around 3:30, between that and the time of our hearing in S. 407. We would not object to a vote during that hearing. We are just right upstairs. From 5 p.m. we will be in the hearing. I will not request we have no votes during that time.

We will not have votes too late because we have an understanding with our colleagues from the Democratic Party who have an event tonight that we have agreed we will not have votes during the time they are at that dinner.

Again, I am asking people to come forward and offer amendments. I urge Members to present amendments to the defense side first, if at all possible. We are prepared, however, for any amendments offered.

I yield to my friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the Senate today takes up the President's $87 billion Iraq war supplemental. This is a massive spending bill that holds vast implications for America's long-term foreign policy objective. It will have an enormous impact on American taxpayers for years to come.

It is a measure that deserves our full attention, our thoughtful consideration, our thorough scrutiny. This is not an issue to be measured by the standard of party loyalty. This is a matter that cries out for solemn deliberation, personal integrity, and intellectual honesty.

I remain concerned that the Senate is acting with unnecessary haste in calling up this bill today, less than 24 hours since it was reported out of the committee, but I compliment the leaders and especially the chairman of the Appropriations Committee, Senator STEVENS, for responding to concerns that I and other Senators have raised. In fact, there is no need for the Senate to act too quickly. The House has not yet even taken up its version of the supplemental. While it is not a constitutional requirement the House act first, it has been customary for many years that the House of Representatives act first. It is smoother and more thorough. It is more reasonable to go about legislating if the Senate lets the House act first so the House bill can be before Senators for their debate and amendment.

The House has not taken up its version of the supplemental. Senators are being asked to legislate on this massive spending bill without the benefit of a committee report, without the benefit of printed committee hearing, without the benefit of the input by other committees such as the Armed Services Committee, the Intelligence Committee, and the Foreign Relations Committee. The Senate ought to have the printed hearings of the Senate Appropriations Committee. We ought to have the printed hearings containing the testimony of Ambassador Bremer, containing the testimony of Secretary of Defense Rumsfeld, containing the testimony of other witnesses. Why do we spend all of our time in Senate hearings if we do not intend to make those printed hearings available to our colleagues and to ourselves as we go forward with Senate debate? That is one of the tremendous benefits in having hearings so that they will be printed. Why have them? Because they will be printed then, for our colleagues to scrutinize and to help bring back memories of those Members on the Senate Appropriations Committee as to what the testimony was, what the answers were to the questions that were asked.

But here we have been rushed. We have had hearings—some hearings. I asked for more hearings, more than once, more than twice. Several times I asked for more hearings. But even with the hearings that we had, we do not have printed copies of hearings before us.

No, there has been a rush, a mad rush to move forward on this bill. There was some talk about even having the final action on the bill by the end of this week. Fortunately, with the aid of the distinguished chairman, and others, that press for action by the end of this week is no longer upon us. That was an unreasonable expectation. It did not measure up to common sense. And it certainly was not the best thing. Fortunately, that is no longer the goal of the party in control here.

There are many aspects of this bill that trouble me, but what concerns me as much as anything else, or perhaps most, is the fundamental reason that this measure is before the Senate today. American taxpayers have been presented with an $87 billion bill for the military occupation and reconstruction of Iraq. That is a big, big bill—$87 billion. That is $87 for every minute since Jesus Christ was born, $87 for every minute since the water was changed into wine, $87 for every minute since Jesus Christ was born.

That is a lot of money. That is more than $3,000 for every Iraqi man, woman, boy, and girl. Now, think about that. The taxpayers are being asked—the taxpayers of this country are being asked—to shell out more than $3,000 for every Iraqi man, woman, boy, and girl. That is what this bill does.

There are roughly 25 million, we will say, Iraqis. One thousand dollars per each Iraqi is $25 billion. Pretty easy to compute. So $75 billion would be $3,000 per every Iraqi. And $87 billion is roughly, let's say, $3.500 for every Iraqi—every man, woman, boy, and girl.

Now, this is $87 billion on top of the $79 billion which was appropriated in the fiscal year 2003 supplemental passed by the Senate in April of this year.

We are putting upon the American taxpayers a load. This administration, in this bill that we are being asked to pass, is asking the American taxpayers to shell out—in this bill—over $3,000 per Iraqi man, woman, boy, and girl, on top of the $79 billion in the fiscal year 2003 supplemental.

So when you add both of these together, this year we will have—if we pass this bill hook, line, and sinker—we will, in the Senate, have passed legislation requiring the American taxpayers to shell out $6.600 per Iraqi—$6,600 per Iraqi.

Well, the American taxpayers have been presented with an $87 billion bill for the military occupation and reconstruction of Iraq. Why? Because the President decided 6 months ago to launch a preemptive strike on Iraq in the face of very shaky evidence and worldwide opposition—strong worldwide opposition.

We have seen the lengths to which some in this administration will go. Now we learn of retribution efforts aimed at those who tried to correct the zealous propaganda which drove this Nation into war. Now the taxpayer is asked to pay the piper—pay the piper. It is a steep price, indeed, in treasure and in blood.

Much has been made of the fact that we must pass this bill quickly and without question to show our support for the troops. I do not agree. "Support the Troops" is a bumper sticker. "Support the Troops" is a bumper sticker, a bumper sticker. That is what it is: "Support the Troops"—a bumper sticker. It is not a foreign policy.

Rubberstamping this bill is not—N-O-T—an expression of support for our troops except in the most simplistic of ways. Rubberstamping this bill merely means that thousands of American soldiers will be sentenced to another year in Iraq, without the Senate even demanding to know why so many United States soldiers need to remain there, how long they are going to be there, or why this President has failed to persuade more nations to send troops to help.

Are we to ask our troops to shoulder this burden alone for another year? Are we to ask our troops to shoulder this burden alone for years to come? When is this administration going to face the fact that we need international help? We want to help our troops. Let's get other nations to send their troops there and, thus, help our troops and help us to bring our troops home. We are certainly not serving the long-term interests of the military by rushing to embrace this bill.

The headline in yesterday's USA Today newspaper sums up the situation succinctly: "Army Reserve Fears Troop Exodus." That was the headline: "Army Reserve Fears Troop Exodus." According to the article in yesterday's USA Today, the chief of the Army Reserves is concerned that the excessive demands on the Guard and Reserves as a result of the war in Iraq could wreak havoc on military retention rates. That is a serious matter.

Last week, another report documented a sharp drop in National Guard recruiting rates. The military decisions this administration is making in Iraq today will have serious long-term consequences on the viability of America's All-Volunteer Armed Forces in the future, not to mention our ability to counter future threats to our own national security.

It is time to face these facts. We are stretched thin. We are stretched thin, and a long United States occupation in Iraq is not wise. Moreover, how are we to exercise proper oversight of $87 billion?

The Wall Street Journal of September 26 states:

> Without a United Nations imprimatur, the Administration has constructed its so-called coalition of the willing in piecemeal fashion, cutting open-ended, individual deals with each country that is willing to send troops—save Britain, which is picking up its own tab. Officials who have seen these agreements acknowledge the deals are notably short on specifics. In most cases, the U.S. will foot the bill for transporting, equipping and feeding troops during their service in Iraq, with no dollar figures mentioned and no cap on costs.

It is not in our Nation's interest to rush this bill through the Senate. By rushing to war based on inadequate, incorrect, or unsubstantiated intelligence, without developing an international consensus, President Bush has undermined the credibility of our Nation. We need to make sure we do not compound that error by hustling this bill through the Senate without adequate scrutiny and consideration.

The $20.3 billion contained in the spending bill for Iraq reconstruction is equally troubling. For months, top administration officials assured the American people that Iraq, sitting atop the second—and possibly the largest—supply of oil in the world, could finance its own reconstruction. Only now do we learn how woefully off the mark the administration was on this count. Only now do we learn that $20.3 billion is just a downpayment—hear me out there—just a downpayment, and that the reconstruction of Iraq will cost as much as $60 or $70 billion or more.

Last week, Ambassador Paul Bremer, the head of the Coalition Provisional Authority in Iraq, told the Senate Appropriations Committee that Iraq could not finance its own reconstruction because it was overburdened with Saddam Hussein's debts to France, Germany, Russia, Japan, Saudi Arabia, and Kuwait. Ambassador Bremer conveniently ignored the debt the United States is incurring in this spending package. The debt the United States is incurring, the additional burden that will be brought to bear upon the American taxpayer by this legislation, Ambassador Bremer ignored that.

The President is insisting we pay for the war in Iraq and the reconstruction of that nation by plunging our own country deeper into debt. Every dollar we spend in Iraq to avoid increasing Iraq's debt is an IOU we are passing on to our children. Think of it. We are writing a $20.3 billion IOU for this year alone for building a massive new infrastructure in Iraq.

The money the President wants to borrow for Iraq will come directly out of American taxpayers' wallets in the form of Medicare and Social Security surplus receipts. That is your money. We have collected that money from the pockets of American workers, the American workers who gave their sweat in the factories, in the mines, in the fields, on the oceans—the American workers. No one told them they were paying to rebuild Iraq. We don't even know how much of the $20 billion in reconstruction funds will flow to government contractors in Iraq. Estimates range from one-third of the reconstruction funds to almost all of them. Whatever the amount is, we know that the size and the scope of the profits being made will be enormous.

Former Bush administration officials are even setting up consulting firms. Listen to that. Former Bush administration officials are even setting up consulting firms to act as middlemen for contractors hoping to take part in the Iraq bonanza. Are we turning the U.S. Treasury into a grab bag for favorite campaign contributors to be financed at taxpayer expense? Is that why the administration is so reluctant to make concessions that would bring other countries on board?

Instead of redoubling our efforts to spread the burden of rebuilding Iraq among the international community, the President appears content to simply present the bill to the American taxpayers, and to their children.

The stability of Iraq is of concern to nations other than the United States. Could they be resisting helping out because they resent the President's high-handed decision to spurn the United Nations and attack Iraq on his own terms with only meager international support?

There is a donors conference in Madrid later this month. Could we be overbilling the American taxpayers by rushing this package through the Senate now and signing up for $20.3 billion in debt before we even try to make the real accommodations which would encourage other nations to reach into their own pockets?

The package before the Senate goes far beyond asking the Senate to write a check on the taxpayers' account for $87 billion. The package before us asks the Senate to underwrite the long-term democratization of Iraq as some sort of catalyst for triggering the democratization of the entire Middle East. One cannot help but wonder how the United States can single-handedly precipitate the democratization of the entire Middle East when, with all our will and all our might, we cannot even budge the stalled Israeli-Palestinian peace process. How are we going to do it? Where is the muscle?

I expect there will be a number of amendments offered to this supplemental package. I have several I intend to offer. If they are adopted, they will, in my opinion, improve this bill. Whether they will improve it enough to win my endorsement remains to be seen.

I was opposed to the President's war in Iraq before it began. I am strongly opposed to the doctrine of preemption on which the war in Iraq was predicated—the doctrine of preemption, unilateralism, preemption, strike-first, invade first.

I support unconditionally the men and the women in uniform and their families—they are bearing the most direct burden of the war in Iraq—but I remain unconvinced that this bill is the best way to offer those troops our support. I, frankly, think our most meaningful support would be to take the diplomatic steps needed to get help from other nations which will result in getting our troops out of the quicksands of Iraq. That is the way to support the troops. Get other nations in. This bill does not do that.

This bill, in my opinion, sets the United States up for what could well be a prolonged military and financial investment in Iraq. It ignores the hard realities of democratization of totally different cultures. It ignores the religious divisions which inflame the Middle East.

Again, I thank Senator STEVENS for his willingness to accommodate me and others who have expressed concerns with this bill. I appreciate the difficult conditions under which he is working. I look forward to a full and robust debate. I encourage all Senators to focus closely on this bill, listen carefully to the debate, and draw their own conclusions in the fullness of time based on a dispassionate evaluation of the merits of individual amendments.

I will have more to say at a later time. For now, I ask my colleagues to consider carefully the implications of the policies implied in the funding of the bill before us and to give this measure the full time and attention it deserves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we have a Senator who is on the way now to offer an amendment. I will be happy to receive that.

In response to my good friend, our senior Member of the Senate, I understand his position fully and I appreciate that he understands mine.

Having been involved in my lifetime in service overseas, I have, since I have been in the Senate, traveled many places in the world to talk to our men and women in uniform. I find that today's group of young men and women who represent us in our military service are the finest I have ever known. I think the job they did in Iraq was outstanding.

I have been privileged to read a whole series of letters that have been written to families by those young men and women. As I have said before today, I have not seen one that indicated any doubt about the work they have done or lack of any sense of real commitment to that job. They have just been really tremendous letters.

It is a different experience to go overseas now and visit these people. They have the Internet. They have tents or buildings where they can literally attend college during part of their days. They have telephone service. They have mail service quite frequently—I am sure not as frequently as they would like.

Going back to my day, I didn't have a telephone call from the time I left home until the time I got back to Hawaii, having spent the better part of 2 years roaming the world. We didn't have the Internet, obviously. We didn't have much mail. Yet we came back with the belief that what we had done was the right thing.

I think these people, when they come home, will tell us that. I think the world will see a new generation of Americans, a different group, educated in a new age, in terms of war, knowing what they are capable of and knowing the horrors of war.

The impact of those people in the future is going to have a great deal to do with our foreign policy. I do believe they know now what it takes to follow on after a war. I can tell you, since I was coming home, I am sure most people from my generation would say the same thing: We didn't think about who was going to rule Germany, or we didn't think about terrorists in Germany or who was going to run Japan; we knew the military was going to do it. They were sending military replacements at the time.

This is not that world. This is a different world now. Those kids of ours are going to come home when we have replaced them with Iraqis who are capable of defending themselves. We are going to move into that age, a rapid reconstruction of that country. This is the way to do it.

It is a lot of money, no question about it. But the supplemental we put up before was primarily for defense. Two-thirds of this money is for defense. I don't know any argument about really the total amount of this. We didn't have arguments in terms of providing for our men and women who were dispatched to win the war. The problem is too often people talking about the whole amount as being the whole amount for reconstruction of Iraq.

That is not true. The major portion of our spending has been because we rely upon a volunteer Army, Navy, Air Force, Marines, and Coast Guard. We have promised them we will go to every degree to support them, to provide them their needs, to see their families are cared for, and particularly to give them the kind of weaponry which will permit them to survive.

As I said in the committee and before the press, in World War I, manpower was expendable. In World War II, manpower was expendable. Even in Korea, manpower was expendable. We do not do that now. We do not have that philosophy as a Government, as a people. We put people in the field to win wars and come home at tremendous cost. We pay that cost, and this bill is for that cost—$66 billion for defense expenditures.

I don't expect to hear too many questions about those defense expenditures because they are necessary to maintain this force. History will show it is probably the most superb military operation in history, keeping in mind how it had to be changed when we no longer could use Turkey for access to the northern part of Iraq, the way it shifted, the command worked—I think the commanders have been sheer military geniuses, and they have done a good job under Secretary Rumsfeld. I believe we should support them, we should take them further, and we should do our best to make certain everything we do is designed to do one thing: to bring those people home; to give them a chance to come home and tell us what they did and, above all, not going into a period of military occupation of this country.

That was not our mission, and I do believe the American people, once they realize what we are doing, will understand why it costs money to fight wars the way we fought this one and to fight for the peace with this supplemental money when it is provided to the administration.

I am informed the Senator who was going to come to the Chamber will not come for another 25 minutes.

I yield the floor. I see the Senator from Illinois wishes to speak.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman. I am happy to come to the floor and speak on the bill which we considered yesterday in the Appropriations Committee, and that is the administration's request for $87 billion for Iraq and Afghanistan.

First, there are items in this bill which I think are very valuable. We were all shocked to learn the Department of Defense had a policy which required those soldiers who were gravely injured and returned to the United States for medical treatment would be charged on a per diem, daily basis for the food they ate at the hospital.

It is my understanding this bill, among other things, eliminates that requirement. Thank goodness. I cannot believe it existed, and it is certainly unconscionable that men and women who have been gravely injured and are going through medical treatment and rehabilitation would be charged extra for the food they are served. I am glad that requirement is removed.

I also salute my chairman, Senator STEVENS from Alaska, for stopping the administration from changing compensation for the military which would have created a very great inequity and a disservice for so many active soldiers and activated guardsmen and reservists who are assigned to locations other than Iraq and Afghanistan.

The administration proposal originally would have resulted in the family separation allowance—the money which we would give them so families can get through this tough time—being eliminated for those serving outside of the Iraq and Afghan theaters. This bill changes that provision. So two Department of Defense policies which did not help our soldiers and, in fact, I think were unfair to them, have been corrected by this bill. I salute the chairman and members of the committee for joining in making certain that happened.

Let me also add, this bill includes about $67 billion for the maintenance of our military in Iraq and Afghanistan. I totally support that effort. I came to the floor last October and voted against the use-of-force resolution, but I feel today, as I did shortly thereafter, that with the beginning of the hostilities, that vote, frankly, should be set aside and we should focus on making certain the men and women serving this country have everything they need to not only accomplish their missions but come home safely. The request from the administration for some $67 billion for that purpose is money that I think should be made available through this Congress, and I totally endorse it.

Of course, there is another portion of this bill, and that other portion relates to the so-called reconstruction of Iraq. That, of course, raises other questions, questions which I don't believe have been adequately addressed by this Congress.

It strikes me as unusual that we are pushing through this $87 billion supplemental appropriations bill on such an expedited schedule that we have not taken the time to ask the hard questions. Keep in mind the $87 billion included in this bill is a sum total of taxpayer spending over and above the total we spend each year on Federal aid to education and foreign aid. So we are putting in this one bill $87 billion and bringing it for consideration by the Senate in a matter of days, when these other items—foreign aid and education—take weeks and months of review and preparation before they come to the floor.

Of course, Senator BYRD has led our side in asking the question: Why do we have to do this with such an abbreviated schedule where we don't take the time to ask the hard questions? When Ambassador Bremer, who serves our country in Iraq at this time, came to speak before the Senators' luncheon 2 weeks ago, I asked him a series of questions about the reconstruction effort.

The first question I asked him was this: If we didn't appropriate a penny, if we didn't give you anything, when would you run out of money for the reconstruction effort?

He said: December 1, maybe January 1, but somewhere in that range.

Clearly, a matter of a week or more to ask hard questions about the reconstruction of Iraq would not create any disadvantage to the efforts of Ambassador Bremer and the efforts on the ground in Iraq. But the administration, the White House, is hellbent on moving this appropriations bill through as quickly as possible.

I went on to ask Ambassador Bremer: If we are putting $20 billion into the reconstruction of Iraq, what is the total cost? What would be the total commitment necessary for us to reconstruct Iraq as you see it? I asked him this question 2 weeks ago.

He said: $60 billion is the total cost. That is the estimate given to us by the World Bank, $60 billion.

I said: The difference, obviously, of $40 billion is unresolved at this moment. Where will it come from?

Ambassador Bremer told us it would come from donor countries that would give money to this effort to rebuild Iraq.

I have to tell you in all candor, as I said to him, all of the coalition of the willing, all of the countries in the world have pledged less than $2 billion. Where are you going to find the remainder?

He said we have to work on that.

Again, we find the Bush administration without a real plan and a real budget for the reconstruction of Iraq. I said to Ambassador Bremer at this point: Can you give me your word and the word of this administration that you will not come back to us and ask for more money than the $20 billion being requested for reconstruction in this appropriations?

He said: That's it, $20 billion; that's it. That is all the United States needs to come up with.

It doesn't add up. You can't put together $20 billion in this bill, $2 billion for the rest of the world and total $60 billion. This could be a bait-and-switch situation, and I think Senator BYRD has raised that point. Once we have invested the first $20 billion, are we likely to leave? The next argument would be: Come on, you don't want to stop. You can't change horses in midstream. Let's finish it out. Let's finish the job, which means more demands on the American people.

I hope you understand the skepticism that many of us bring to this debate is based primarily on actual statements made by the Bush administration about the reconstruction of Iraq.

Do my colleagues recall last year, when economic adviser at the White House Lawrence Lindsey, on September 15, said he estimated that the cost of the war, military and reconstruction, would be between $100 billion and $200 billion? Remember when he said that? As a result of that statement, he was admonished by Mitch Daniels, then Budget Director, who said:

> $100 billion to $200 billion is likely very, very high, if it's meant to apply to the cost to taxpayers.

So Mitch Daniels was sent out to admonish Larry Lindsey to not use figures like $100 billion to $200 billion.

I would ask Senator BYRD: If I am not mistaken, did we not first appropriate $79 billion in a supplemental appropriation for Iraq and now we are coming back with the second supplemental request of $87 billion and more to follow? Are we not talking already over $160 billion that is being spent through these supplemental appropriations?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. In response to the Senator, if I may say, the first action by the Senate was in April of this year when the Congress passed the 2003 supplemental appropriations bill. That appropriated $79 billion. The Senate is now being asked to enact an $87 billion 2004 supplemental appropriation. That is before the Senate today.

Mr. DURBIN. At the moment, the sum total of those bills, if I am not mistaken, if this turns out to be $87 billion, is somewhere in the range of $166 billion?

Mr. BYRD. It is indeed.

Mr. DURBIN. I thank the Senator, our Democratic leader and ranking member on the Appropriations Committee, because it turns out that Lawrence Lindsey was right. He said it was going to cost about $100 billion to $200 billion. He lost his job over that statement. He was asked to leave the administration.

Mitch Daniels, then Director of the Office of Management and Budget, was quoted on December 31, 2002, in the New York Times, as having said then:

> The administration's top budget official estimated today that the cost of a war with Iraq could be in the range of $50 billion to $60 billion.

Well, we have blown past that, clearly. As I have noted, we are at $166 billion and counting. The ultimate cost of reconstruction, if it is $60 billion, means another $40 billion has to be found, and there are not many coalition donors willing to step forward with real money, and that is the reality.

The other thing that troubles many of us is that this administration, in justifying the invasion of Iraq, said many things. They said, No. 1, Saddam Hussein is a tyrant who should be replaced. No one argued with that. Everyone agreed. He was a dictator who was cruel to his own people, a threat to the region, and potentially a threat beyond. But then when they started building the case of why we had to do it quickly, before we built a coalition of support, before we brought in the United Nations behind us, the administration said we cannot wait; we have to go it alone; we have to create our own coalition; we have to go outside the United Nations for the following reasons: First, they said Saddam Hussein is developing nuclear weapons. Well, guess what. There is no evidence of that. That was the first thing they told us was the reason for the urgency, to get in there and stop the development of these nuclear weapons. Here we are more than 5 months after the end of military hostilities with no evidence whatsoever. In fact, the statements by the President about this uranium, this yellowcake, coming in from Africa to Iraq, that he made in his State of the Union Address, he has had to say within the last few weeks were just wrong; that evidence was not there. There was no reason to make that statement.

Then they went on to say there is immediacy for this invasion because of the chemical and biological weapons. In fact, it has now been declassified that we had identified 550 suspected sites of weapons of mass destruction, chemical and biological weapons, in Iraq. We are 5 months after the fact, and after thousands of our inspectors have combed all of those sites and others, they have come up empty. Now, Mr. Kay may find some evidence of something, but in the 550 sites of weapons of mass destruction they just were not discovered.

Then there was the argument that not only did they have those weapons but they could launch them in 45 minutes—the word "launch" was used—as a threat to the region, as a threat to the United States. That was repeated by Prime Minister Tony Blair as well as this administration, and in fact there is no evidence whatsoever that is the case.

Then the argument was made, wait a minute, keep in mind that Saddam Hussein was part of this grand terrorist conspiracy that struck the United States on September 11, 2001, in concert with al-Qaida. Just 2 weeks ago, the President had to come forward, after Vice President CHENEY had said something very similar, and correct the record and say, no, we have no evidence of linkage between Saddam Hussein and al-Qaida. So here we have a case that is being built for the invasion of Iraq without a coalition that is global, without the support of the United Nations, and we find that the rationale, the arguments for it, have all broken down and fallen apart.

Others raised the question at the time, well, after we win in Iraq, after we have deposed Saddam Hussein, they asked President Bush and his administration, how will we rebuild it? What is the future of Iraq? And that is where the statements started pouring out that are relevant to this debate.

Vice President CHENEY on "Meet the Press," March 16, 2003:

> In Iraq, you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day. . . .

That was Vice President CHENEY pointing to the oil reserves of Iraq as the way they will rebuild their nation.

Paul Wolfowitz, Assistant Secretary of the Department of Defense, the man who is credited with being the architect of this Iraq strategy, the man who was pushing harder than most for the invasion of Iraq even if the United States had to go it alone, stated on March 27, 2003, when asked about the cost of reconstruction:

> And on a rough recollection, the oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Six months ago, the leaders in this administration were telling the American people they would not have to bear this burden; the Iraqis with their oil revenues will be the ones to bear the burden.

Quoting Secretary of Defense Donald Rumsfeld from March 27, 2003:

> I don't believe that the United States has the responsibility for reconstruction, in a sense. . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it.

So here we have the leaders in the administration who were categorical in saying that this day would never come, that we would not be on the Senate floor saying to the American people we need billions of dollars for Iraq, saying to the American people we need to add to the deficit of this Nation at the expense of spending for America's schools and America's health care, saying that we need to add to our Nation's deficit and money being taken out of the Social Security trust fund. The administration told us time and time again this day would never come. Yet here we are a few days after, 2 weeks after, and the President tells us this is the only way we can end our commitment to Iraq, the only way we can bring the troops home, to spend literally billions of dollars for the reconstruction of this nation.

Let me give one other quote from USAID Administration Natsios. He works in the Department of State. Mr. Natsios is responsible for the agency that does reconstruction, redevelopment, and rebuilding around the world. That is what that agency does.

The date is April 23 of this year, 6 months ago. He appeared on "Nightline" with Ted Koppel. Ted Koppel said to him:

> I think you'll agree, this is a much bigger project—

Referring to Iraq—

> than any that's been talked about. Indeed, I understand that more money is expected to be spent on this than was spent on the entire Marshall Plan for the rebuilding of Europe after World War II.

Natsios replied:

> No, no. This doesn't even compare remotely with the size of the Marshall Plan.

Koppel:

> The Marshall Plan was $97 billion.

Natsios:

> This is $1.7 billion—

Not $97 billion. Natsios corrects him and says this is $1.7 billion for Iraq.

Koppel says:

> All right, this is the first. I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is gonna be done for $1.7 billion?

Natsios replied:

> Well, in terms of the American taxpayer's contribution, I do, this is it for the US. The rest of the rebuilding of Iraq will be done by other countries who have already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues, eventually in several years, when it's up and running and there's a new government that's been democratically elected, will finish the job with their own revenues. They're going to get in $20 billion a year in oil revenues. But the American part of this will be $1.7 billion. We have no plans for any further-on funding for this.

Six months ago, the Department of State USAID Administrator tells you the sum total of America's responsibility for Iraq is $1.7 billion. And we come today with a bill on the floor that is 20 times that—not quite 20 times that; it is $20 billion to be accurate.

Koppel couldn't believe it:

> And we're back once again with Andrew Natsios, administrator for the Agency for International Development. I want to be sure I understood you correctly. You're saying the . . . top cost for the U.S. taxpayer will be $1.7 billion. No more than that?

Natsios says:

> For the reconstruction.

That is it. Those are the commitments made by the administration that led us up to this moment in the debate, and it is that point we have reached where we are now debating on the floor a reconstruction bill far in excess of what we ever anticipated.

Because it is in excess, many of us believe we need to step back and acknowledge the obvious. Though the administration and the military may have had an excellent plan for the military conquest of Iraq, they did not have a plan to rebuild that nation. They had no idea what it would cost, and they come to the American people today asking for more money than was ever imagined even 6 months ago by the leaders of this same administration.

I am going to yield the floor at this point because I know Senator BYRD wants to offer an amendment.

Mr. STEVENS. Will the Senator yield?

This Senator is a little confused. I understand the Senator from Illinois to say he is fully in support of the defense money. Yet when he talks about the money he is unwilling to support, he includes it in the total $87 billion.

Are we talking about the $20.3 billion or are we talking about the $87 billion? Certainly the $87 billion, if the Senator from Illinois is consistent, includes the $66 billion which he will support. It would come from borrowed moneys from Social Security trust funds and other funds, that is true.

I think the American public out there is going to be confused about this business, the $66 billion. Is the Senator from Illinois talking about $66 billion? I thought he said he was going to support that.

Mr. DURBIN. I thank the Senator for asking that question, allowing me to clarify, because I want to make it clear, as I thought I had.

When it comes to the money to support the troops, I am there for every dollar. That is why I think Senator BYRD's amendment is so important, so we can—

Mr. STEVENS. Why does the Senator mention $87 billion?

Mr. DURBIN. That is the total cost of this bill, if I am not mistaken. The difference, of course, the $20.3 billion, or $21 billion, for reconstruction. I concede we have to add to our deficit and borrow from the trust fund to support the troops. I will do that and go home and defend it. But when it comes to the $20 billion for reconstruction, this administration is asking 15 or 16 times more than they were asking 6 months ago.

So let's be very clear to the American people. The reconstruction of Iraq, with a total cost of $60 billion, is just getting started with this bill. We are in for the long haul, if we pass this bill as written.

Senator BYRD has an appropriate amendment he offered in committee. Let's separate it. Let's vote for the support of troops. Let's make that clear and get it done. But then, to go on beyond that and the reconstruction, let's address that in the specific terms it deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I sought, in the Appropriations Committee on yesterday, to sever the title that involves the reconstruction money for Iraq and send to the Senate two bills, one dealing with the military funding and one dealing with the reconstruction. I failed on a party line vote.

I am trying, at this time, to do virtually the same thing. I ask unanimous consent that the bill be divided into two freestanding bills, the first including funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III, the second bill including the funds for Iraq's reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. STEVENS. Mr. President, reserving the right to object, I wish to state the Senator from West Virginia did offer this amendment. It would have the impact of splitting these two portions of our programs that deal with Iraq and leaving just a portion of the money. As I understand, it would leave $5-plus billion in the fund from the $20.3 billion.

So I really am compelled to tell the Senator that I don't think we can be for the troops, be for helping the troops, and be against the $20.3 billion. So I am compelled to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Would the Senator withhold his objection temporarily?

Mr. STEVENS. I do withhold the objection. I am happy to have a dialog on this matter.

The PRESIDING OFFICER. The objection is withheld.

The Senator from West Virginia.

Mr. BYRD. I thank the manager of the bill and chairman of the committee.

Mr. President, the President has asked Congress to appropriate a great deal of money for the occupation and reconstruction of Iraq. But the American people have not yet been convinced that spending this money is the right thing to do. One poll conducted by the Washington Post found that 61 percent opposed spending $87 billion for Iraq and that 85 percent were concerned about our country becoming bogged down in a long and costly peacekeeping mission.

One of the most contentious parts of the President's request is $20.3 billion in reconstruction aid for Iraq. The more details that come out about this aid, the more the American people are uncomfortable with this spending. They are seeking important answers to fair questions. Why can't our allies bear some of the cost? How much money will the administration seek for Iraq after this aid package? What about our needs for reconstruction here at home?

In the 14 days we have had in which to examine the President's supplemental appropriations package, I do not think anyone has come up with the answers to those questions. What we do know is that this reconstruction money will not cover all that is needed to be done in Iraq. Ambassador Bremer, in his testimony to the Appropriations Committee, stated there are $60 billion to $70 billion in reconstruction needs in Iraq over the next 4 to 5 years. Spending $20.3 billion now could leave us on the hook to spend billions more later.

Before we commit our country to this path, we would be wise to seek a consensus and common understanding of the appropriate roles for the United States, our allies, and the Iraqi people in rebuilding that country.

I am offering a unanimous consent request to divide the bill that is before the Senate so we may give close scrutiny to the two distinct issues that are addressed in this bill, the $65.6 billion in defense funding that is contained in title I, plus the $5.1 billion for Iraq's security forces; and the remaining $15.2 billion in foreign aid spending in title II for Iraqi reconstruction. Each of these elements is deserving of debate on its own right.

The administration is sure to oppose dividing the content of this bill so that the Senate may consider independently the issues of military funding and reconstruction funds. But, why? Perhaps the White House is afraid that its $15.2 billion for Iraqi reconstruction cannot withstand the scrutiny of the full Senate unless it is wrapped up in the guise of support for our troops.

But that has not been administration's argument. We have heard again and again from Ambassador Bremer and Secretary Rumsfeld that the administration views this reconstruction money as every bit as important as the military portion of the bill.

If they are confident in their case, let the Senate divide the bill. Perhaps the administration's arguments will carry the day. But the American people know this is really two bills wrapped into one.

In just a few days, the Senate will go into a week-long recess and our constituents will ask Senators what they are doing to scrutinize the huge amount of reconstruction spending in the bill. The American people want us to deal with reconstruction spending differently than with military spending. We owe it to them to consider the two components of this bill in the most reasonable manner possible by dividing the bill and giving each part the scrutiny it is due.

The task of rebuilding Iraq will be enormous. The American people are beginning to understand this. The United States can hardly afford to bear the costs of reconstruction by ourselves. For this reason alone, we should debate the issue of reconstruction separately from the request the President has made for our armed services. My unanimous consent request is a commonsense approach to proceeding with this debate in the Senate.

Let me again repeat my request.

Mr. President, I ask unanimous consent that the bill be divided into two freestanding bills, the first including the funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III; the second including the funds for Iraq reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, I think the Senator's explanation and the presentation of the Senator from Illinois demonstrates the problem. The poll the Senator has mentioned by the Washington Post polled $87 billion. Yet there is no relevant objection to $66 billion of that money. Why didn't they poll the $20.3 billion? I don't think the American public has been told that $20.3 billion is part of the process that will eventually reduce the military expense and bring our people back.

We have taken the position of a single package—a fund for the military operation, and a fund for reconstruction and restoration of Iraq going on concomitantly so we don't have to go into a period of military occupation.

I think the Senator's amendment is sort of a dangerous thing because it says go ahead with the military operation but we won't give you any money to help to stand up the Iraqi army, or to stand up the Iraqi security force, or to take action to assure the powerplants are working and the oil pipelines are working because we think we ought to wait until there is a government. You cannot get a new government without some reconstruction and without some security and without some mechanism to assist our forces so our forces can draw back and not take over the whole job.

I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I respect my colleague greatly, and I respect his reasons for objecting to my unanimous consent request.

I have already offered the unanimous consent request to divide the President's supplemental request into portions, one on the $71.5 billion for our military and for Iraq's own security force, and one for $15.2 billion in reconstruction aid. Although there was objection to my request, the American people understand why the issue of security is not the same as the issue of reconstruction. The amendment that I will now offer would strike $15.2 billion in reconstruction aid from the supplemental appropriations bill. This would allow the Senate to proceed with its consideration of $70.7 billion in security-related funding for Iraq, $5.6 billion for the Department of Defense, $5.1 billion for building the new Iraqi army and a national police force, and $1 billion for aid to Afghanistan, and State Department operations. Adopting my amendment would allow the Senate to return to the issue of reconstruction after completing action on the President's request for security-related funding.

In the meantime, the Senate should give more careful consideration to the administration's plan for rebuilding Iraq. We should take a closer look at the plan for postwar Iraq. The plan distributed by Ambassador Bremer to the Appropriations Committee on September 22 adds but 28 pages. The plan provides few details, and it only looks out on the next 5 months of our occupation. However, in the same hearing, Ambassador Bremer said he had a plan that ran to 98 pages and containing 300 or 400 individual action items. That does not sound like the plan he gave to the Appropriations Committee. It sounds as if the Senate does not even have the full version of the administration's plan for the reconstruction for Iraq.

Surely if we are to commit the United States to spending $15.2 billion over the next 12 months, Congress should be able to see the full plan for the rebuilding of Iraq. If it is indeed just the 28 pages that were given to the Appropriations Committee, I think we are in trouble.

If Congress is going to pay for the activities that are called for in the plan to reconstruct Iraq, we should also have a say on formulating that plan. By waiting to approve the $15.2 billion in reconstruction funding, Congress could take advantage of that time to debate the proper role of the United States, our allies, and the Iraqi people in sharing the cost of reconstruction.

The cost of acting without a solid plan for rebuilding Iraq could be very high—well beyond the $15.2 billion in reconstruction funds the President has requested for the next year. We could end up wasting billions of dollars more and losing even greater numbers of American troops. In the words of Publius Cyrus, nothing can be done at once hastily and prudently.

I urge my colleagues to vote to give Congress more time to consider this $15.2 billion in rebuilding aid, and I urge my colleagues to support the amendment.

AMENDMENT NO. 1794

Mr. BYRD. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1794.

(Purpose: Strike $15.2 billion of the $20.3 billion in Iraq Relief and Reconstruction Funds, leaving $5.1 billion for training and equipping the Iraqi Defense Corps and Iraqi national security forces and for other public safety and justice purposes)

On page 25, line 7, strike "rehabilitation and reconstruction in Iraq" and all that follows through page 28, line 15 and insert "in Iraq, $5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice; Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6)."

Mr. STEVENS. Mr. President, there are Senators who are at the signing ceremony. Can we get an agreement on a time to vote on the Senator's amendment? I would like to see us vote on the Senator's amendment sometime around 4 o'clock. Is that possible?

Mr. BYRD. I am not in a position at the moment to respond to that request, I say most respectfully.

Mr. STEVENS. I thank the Senator.

Mr. President, I thank the Senator from West Virginia for his courtesy in bringing this amendment forward. It is one of the key issues of this bill. The Senator has offered an amendment. As I understand, it would leave the defense money before the Senate and would strike all but $5.136 billion for the public safety and national security requirements of the proposal presented by the President in the emergency supplemental bill.

In my judgment, this tries to separate just a portion of the problem. The problem that has been brought before our committee is the problem of thousands of Iraqi people who do not have jobs because the economy is not functioning in this triangle where terrorists are. They do not have security. This maintains the money for the security and public safety, but it does not maintain the money for restoring the jails. All the jails were destroyed and all the prisoners were let go. It does not restore the money necessary to proceed with the development of the systems that will lead to restoration of the economy and it does not cover the balance of the money in the plan for this fiscal year. We believe it carries beyond the July period when, hopefully by that time, Iraqi oil money will be flowing at a rate where they can pick up and do the reconstruction and rehabilitation of Iraq.

I am compelled to say I oppose this amendment. It is my hope we can get an early vote on it. It is a significant portion of the problem. Many people came to me as chairman and asked, why don't you take the defense portions separately and take the rest in a separate bill? That is what Senator BYRD tried to do in his previous unanimous consent request. We conferred at length with Ambassador Bremer, with Secretary Rumsfeld, with General Abizaid. They were all before our committee. They all said this process is one of tying together the reconstruction and rehabilitation with our continued military operations with the hope that as the reconstruction moves forward, our people can move out and we can start the process of withdrawing as soon as it starts. That has already occurred. General Pace testified some of our people have already been withdrawn from the areas where we think there has been peace and stability restored. Although those areas do not have a national government, they have local governments that are now functioning. We are providing some security in the background there, that is true. They need that for a little while more.

I firmly believe that if we can get this plan going and have the reconstruction funds go forward with the military operations, there is support for our soldiers there now and assurance that we will go into a period where there comes a time we can withdraw more and more of our forces. The plan the President has presented is a plan that could work. I am not here to say I know it will work; it could work. If it worked, it would be the first time in history this has been done. But there is a substantial chance it will work.

There is another greater question ahead, a question of whether a portion of the moneys should be repaid. We will have to address that question in the near future. I thank the Senator for raising this issue. It is the key issue he attached to a unanimous consent agreement and I opposed.

For those who support the concept, you cannot be for the troops and against the money. We need to assure the troops have the support they should have coming out of the Iraqi people and out of the restoration of their ability to defend themselves and to police for themselves and set up their own new government.

This is the intertwining of these two proposals. I tell my friend I must oppose this. I will ask for the vote to occur sometime soon, I hope, because we ought to get this subject behind us as quickly as possible.

I don't know if the Senator is willing to talk of a time certain. Because of the problem of the signing ceremony for the Homeland Security bill, it will not be possible to have the vote before 4, but I am happy to have the vote at any time after 4 if the Senator is willing to call for a vote.

How long would the Senator from Rhode Island like to speak?

Mr. REED. I will use about 20 minutes.

Mr. STEVENS. He is not speaking on the Senator's amendment, but has his own statement?

Mr. REED. I will make a statement and also concur with the amendment of the Senator from West Virginia.

Mr. KENNEDY. After the Senator from Rhode Island, I would like to speak on the Byrd amendment for 15 minutes. I am happy to accommodate the floor managers if we want to rotate back and forth.

Mr. STEVENS. That can be accommodated with a time limit we are thinking about. Senator McCONNELL has a sense-of-the-Senate resolution. I hope we establish a procedure where we have an amendment from one side, the other side, and work on a basis of comity when that time comes.

I am happy to yield the floor. I hope we have the dialog as to when the vote will take place in the near future.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Rhode Island.

Mr. REED. I rise to indicate my support for the approach adopted by the Senator from West Virginia. It is clear to everyone in this chamber and to the American public that we will fund our forces in the field. In fact, I am prepared in the next day or so to bring forth amendments to increase the resources going to our troops in Iraq and Afghanistan. It is absolutely essential.

It is also essential we are given the time and the opportunity to look carefully at the reconstruction funds. The Senator from West Virginia has an amendment that allows that. I concur with his amendment.

I will take a broader view at this time of the process before the Senate. As we debate the administration's request for a supplemental appropriation of $87 billion for operations in Iraq, a salient fact emerges. We are committing ourselves to a long-term, expensive involvement in Iraq. We should realistically assume that significant military forces will be committed to Iraq for at least 10 years. The cost of maintaining the forces will not become negligible. Indeed, they are likely to spike even higher at times based on the level of violence and instability.

This reality should also shape our views on force structure. The nature of this insurgency places significant demands on the Army. Without the contribution of additional international forces, the strain on our military forces, but particularly the Army, will be serious. These strains will be reflected in unsustainable operations tempo and heightened demands for military police rather than conventional combat forces. Ultimately, these stresses could seriously erode recruitment and retention.

The administration is increasingly aware of these problems. Last week, Secretary Rumsfeld indicated the Pentagon was preparing for the callup of a large number of Army Reserves and National Guard. This is only a short-term solution at best. Today, the Rhode Island National Guard is in the thick of a fight in the Sunni triangle. The 115th military police company, the 119th military police company, and the 118th police battalion have performed with distinction and sadly have already sustained three soldiers killed in action along with several wounded in action. These are proud and patriotic soldiers who will continue to do their duty.

However, in the face of the probability of repeated callups over the next several years, I am concerned many of these soldiers will leave the Guard rather than face the prospects of repeatedly leaving their families.

Given the escalating costs in both lives and national resources, it is incumbent upon us to ask whether we have blundered into a strategic mistake of the first magnitude.

The first principle of war is: "Objective." In the words of the Army field manual:

> direct every military operation toward a clearly defined, decisive and attainable objective.

The evolving rationale for a preemptive attack began with the assertion that the Saddam Hussein regime had weapons of mass destruction of immediate concern to the United States.

In addition, the administration consistently implied and, at times, overtly asserted that there was a "terrorist link" with Iraq. The larger implication was this "terrorist link" was tied directly to al-Qaida. Both of these assertions have been proven to be exaggerated.

Now the administration claims we must stay and rebuild Iraq because to withdraw would be a grievous blow to our power and prestige. This point has merit. But the kaleidoscope of rationales for our operations are anything but "clearly defined."

Secondly, our actions should be focused on a decisive outcome. The greatest danger facing the United States is another terrorist attack on our homeland with weapons of mass destruction. One must ask whether our actions in Iraq are decisive in blunting this threat.

Contrary to the President's assertion, Iraq is not the center of the war on terrorism. Indeed, one of the vexing aspects of the war on terror is the lack of a clearly defined center. The al-Qaida threat is international. But, if one were to look for a more lucrative place to strike at al-Qaida, it would be the Afghan-Pakistan border where bin Laden dwells, not Iraq under Saddam Hussein.

When Secretary Wolfowitz testified before the Armed Services Committee, he displayed for the cameras entry documents for jihadists killed in Iraq. He was, once again, trying to make the terrorist connection. However, all of these documents showed that the individuals entered Iraq after March 19, the date hostilities commenced. Now a new rationale may be emerging from the administration: Our operations in Iraq are a giant trap to lure in Islamic terrorists so that they can be destroyed. But this logic misses the point. The jihadists racing to engage us in Iraq are not necessarily the same people who are plotting to strike us here at home. In fact, our actions may have fermented new legions of jihadists with ready access to Iraq. I posed the following question to General Abizaid when he appeared before the Armed Services Committee last week: If there is another terrorist attack against the United States, is it more likely to emanate from Baghdad or from the Afghan-Pakistan border? His answer is instructive:

> Senator, if there is another attack on the United States, it would be organized, planned, and executed through a worldwide network of connections that are borderless. It would be difficult to say where its geographic center would be. There are certainly places on the Afghan/Pakistan border that are semi-havens for terrorists, in the Waziristan area, that the Pakistanis are working to clean up. There are other ungoverned spaces where this is also possible. It is possible that a terrorist group working in Baghdad, or New York for that matter, could organize the attack, so there is no geographic center that I would point to other than to say we've got a lot of cells in a lot of locations that require careful, difficult work to uncover and destroy.

We are in the midst of a global war, but we are disproportionately concentrating our effort in Iraq. Now, I do understand there are significant resources here for Afghanistan, and that is appropriate, because Afghanistan today is in a very precarious position. But a disproportionate concentration of resources are being directed in Iraq when the real existential threat to the United States—a threat that could mean a catastrophic attack upon the United States—is worldwide, diffuse, and disbursed. And one has to question that logic.

While we focus on Iraq, both the North Koreans and the Iranians are marching toward nuclear futures. If these nations obtain nuclear weapons, then the barriers against proliferation will slip even further. Once again, if the greatest threat facing us is nuclear armed terrorists, is our strategic fixation with Iraq justified?

A third aspect of proper military objective is that the outcome must be ascertainable. The administration's stated goal today is to transform Iraq into a market economy and constitutional democracy. Some doubt whether this goal can ever be achieved. It certainly cannot be achieved quickly and at low cost.

The administration has placed us in a predicament where we cannot afford to lose, but winning may have a negligible effect on the existential threat to the Nation, an event with a catastrophic impact on the United States. This could be a textbook definition of poor strategy.

Now the administration comes before us promoting this appropriations bill as a Marshall plan for Iraq. Many of my colleagues have pointed out that this is revisionist history, a term that is frequently used in Washington today. The Marshall plan was not whisked through Congress in a few weeks. It was subject to what the Congressional Research Service described as "perhaps the most thorough examination prior to launching of any program." The CRS added that President Truman "closely consulted with Congress." The authorization was for 1 year, allowing the Congress, again, as described by CRS:

> ample opportunity to oversee the Plan's implementation and consider additional funding. Three more times during the life of the Plan, Congress would be required to authorize and appropriate funds. In each year, Congress held hearings, debated, and further amended the legislation.

I think this comment is in the spirit of the Byrd amendment because the Byrd amendment will allow us at least a small opportunity for that implementation, that oversight, that review that was so present in the Marshall plan.

The Marshall plan differed in significant details from the proposal we have before us. The Marshall plan required a dollar-per-dollar match by the recipient. It was not an unconditional grant from the Treasury of the United States. About 10 percent of the aid was in the form of loans that required repayment. The Marshall plan was based on transparency, not secret contracts to companies favored by the administration.

But it is not just revisionist history; it is highly selective history. If a Marshall plan is the proper economic tonic for Iraq, why aren't our occupation policies after World War II the right security policy?

Former Ambassador James Dobbins and his associates at Rand conducted a careful review of nation-building efforts since World War II. Ambassador Dobbins was President Bush's special envoy to Afghanistan after the defeat of the Taliban. Prior to that service, he oversaw postwar efforts in Kosovo, Bosnia, Haiti, and Somalia. This report points out:

> On V-E day, General Dwight D. Eisenhower had 61 U.S. divisions (1,622,000 men) in Germany out of a total of 3,077,000 men in Europe. These soldiers became the occupation force for the U.S. sector. They manned border crossings, maintained checkpoints at road junctions, and conducted patrols throughout the sector. The occupation was comprehensive and demonstrated the scope of the German defeat.

Our occupation in Iraq is anything but comprehensive and has yet to demonstrate to significant sectors in Iraq the scope of the defeat of the Saddam Hussein regime.

Pressures in 1945 to shift forces to the Pacific theater and to "bring the boys home" led to a reduction of our forces in Germany. Nevertheless, we maintained a robust military presence in Germany compared to our current deployment in Iraq.

This chart is illustrative of the comparison of what our forces would look like if we adopted the same policies in terms of troops to population that we did in 1945.

This chart projects the experience in several different nation-building scenarios on the present situation in Iraq. In other words, it takes the ratio of the troops we used then versus population to the current population of Iraq. And it is instructive.

The first blue bar shows the kind of forces we would have if we were adopting anything close to the German approach after World War II. It is literally off the charts. This shown here is the 600,000 troop level. Our troop level is here—this red line—about 142,000 troops.

The next column, in the red, is Japan. It is slightly less than the present troop level in Iraq, but there was a unique feature in Japan. Rather than changing the regime in Japan, as we have in Iraq, we basically co-opted the regime, keeping Hirohito in power, and his presence was a decisive factor in limiting the troops we needed. The next column is the Somalia level. Again, this is a situation in which many would argue insufficient troops caused a tactical defeat on the ground and a strategic retreat which was embarrassing for the United States. It is certainly not the model for peacekeeping.

The next column is Haiti, a situation in which our entry into the country was unopposed. There was very little violence. It was a small country, even though it had a significant population for its size. We turned over our efforts to the United Nations within 2 years.

Instructive are the next two columns: Bosnia and Kosovo. In these two countries, under the Clinton administration, we went in with robust forces. As a result, there was none of the violence that we anticipated. We have actually made progress, limited I would add, to ensure that there is at least a growing economy and a growing civic culture in these countries—a remarkable difference between the force levels relative to those we have in Iraq.

The final column is Afghanistan, another situation in which the administration has deliberately kept our forces low. Again, we are reaping some of those costs today as we see heightened terror, a rebounding Taliban, the largest increase in production of opium and heroin in the world, at least getting to those proportions, and that is another example.

We can see throughout the course of the next 3 years projected forward where these troops sizes are significant. It raises the question: If the economic policy is the right policy, if this is a Marshall plan, where is the Marshall-like support in terms of troops on the ground?

The administration repeatedly makes the point that stability and reconstruction go hand in hand. They have seized on the Marshall plan to justify this request for billions of dollars but ignore the reality that stability is hard to come by with insufficient forces.

For example, the New York Times reported just yesterday "that as much as 650,000 tons of ammunition remains at thousands of sites used by the former Iraqi security forces and that much of it has not been secured and will take years to destroy. Meanwhile, insurgents are obtaining huge amounts of weapons and explosives to attack our troops each day. While we wait for international forces or Iraqi security forces, these attacks go on.

Indeed, in the same article, General Abizaid sounded a cautionary note about reliance on Iraqi security. He said:

> There's probably places where we have put Iraqi guards that may be vulnerable to people that would come in and bribe the guards.

There are respected voices that say we do not need more American troops. They say we need better intelligence and international reinforcements to change the appearance of the occupation. But while we wait for our intelligence apparatus to mature and for the arrival of international reinforcements, who will secure the ammunition dumps and the pipelines? Efforts to train Iraqis are underway, but the availability and reliability of these troops is today uncertain.

The administration is quick to brandish the Marshall plan to justify this appropriation. But it is not a Marshall Plan, it is a belated attempt to provide resources for a thinly stretched occupation force while throwing huge amounts of money at reconstruction with the hope that some of it will stick. And this appropriation is the second payment. Congress has already appropriated $74.8 billion in emergency funds for Iraq this year. The demands in Iraq will be significant and persistent. There are more payments to come.

The real question before us is not whether this legislation will pass. The real question is whether the United States can sustain this effort in Iraq over many years. The United States must set a defined, decisive, and obtainable objective in Iraq. Then we must sustain the effort to achieve that objective. To sustain such an objective and such an effort, we must move more aggressively and quickly to secure international support, both military and financial support. This means giving the United Nations a meaningful role in Iraq without ceding our leadership. Without such a development, our attempt to obtain significant military and financial assistance from the world community will be futile.

To sustain such an effort, we must expand our military forces, particularly our Army, so that we can guarantee a predictable rotation of our troops into and out of Iraq and so that we can lessen our reliance on Reserve and National Guard troops. The strain on our ground forces is severe. And because of our reliance on Reserve and National Guard, this strain is transmitted to every town in America. The support of the American people will be continually tested as they see their neighbors serve and sacrifice without relief and with uncertain results.

To sustain such an effort, we must pay for it. It is simply irresponsible to run huge deficits to pay for the operation in Iraq. The cost to our economy in the inevitable rise of interest rates and the dampening of growth and the cost to our society in the deterioration of social investment will not go unnoticed and will be particularly resented if scarce American resources are strengthening the Iraqi economy and improving the quality of life of the Iraqi people.

If we fail in these tasks, money alone, the money in this bill, will not allow us to stay the course.

Finally, we must place the objective and effort in Iraq in context. We must recognize that the existential threats to America are not in Iraq. They are worldwide. Al-Qaida has global reach, and we have not yet finished hunting down and destroying their operatives. The proliferation of nuclear weapons is a worldwide problem with both Iran and North Korea on the precipice. We have yet to develop an effective strategy to counter their nuclear ambitions.

The protection of our homeland is an ongoing challenge. The title of a recent report of the Council on Foreign Relations actively conveyed these challenges: "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." The bill for these dangers still must be paid regardless of what we do with this legislation. We must be mindful of this as we go forward, and we must be honest and candid with the American people. To sustain this effort, we must follow through on the tasks I have suggested. This bill is just part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, today, as has been stated by my colleagues, starts one of the most important debates that we will have in this Congress or any Congress, I believe. And the decision that is going to be made over the next 2 weeks will, in all consequence, be as important as the decision that was made in October a year ago when this body voted to grant the authority to the President to bring us to war, a resolution which I voted against.

At the outset, I want to speak briefly to the amendment before the Senate; that is, the amendment of the Senator from West Virginia separating those items that could be considered reconstruction and rehabilitation, and those items which are directly related to the support of our troops and say why I believe this is so important. That is because we do not have a good idea about what the administration's policy is on the issues of rehabilitation and the reconstruction in Iraq. We don't have the plan of the administration.

I don't say that lightly. I am a member of the Armed Services Committee. Just a week ago we had Ambassador Bremer before us. The members of our committee were sent this document which is called the "Coalition Provisional Authority, Achieving the Vision to Restore Full Sovereignty to the Iraqi People." It is 28 pages long. The cover page says:

> A working document of July 23.

We are now on the 1st of October. We had hearings a week ago. We were given the working document of July 23, these 28 pages. If you review this document about our strategy in Iraq, you will find out on the various pages—take page 9—we will, on the issues of security and giving the goals, August to October, they say in item 4 on that page, locate, secure, and eliminate weapons of mass destruction, from August to October. From November to January, continue to locate and eliminate the weapons of mass destruction. Then, February on, it says continue to locate and secure and eliminate the weapons of mass destruction.

That is the plan. This program is full of those kinds of platitudinous, empty statements and is basically an insult to our troops and to our Congress. During the course of that hearing, the Senator from Michigan asked Mr. Bremer when we would have a more comprehensive document as to what the plan is on the reconstruction and rehabilitation of Iraq. This is his quote on September 25:

> I will keep you informed, but I want to keep my hands free as to how I do that.

That was an answer to Senator LEVIN, the ranking minority member of the Armed Services Committee, when he asked Ambassador Bremer: You have submitted this document to us, which is a working document, July 23. When is this going to be updated? When are we going to get the plan?

He said:

> I will keep you informed, but I want to keep my hands free as to how I do that.

And we have not had anything since that time. We had one document and that is the 58 or 59 pages that lists the items requested. It is not a plan; it is a budget. It is a budget on various items that are going to be necessary, but no plan.

The administration and the military knew how to win the war. That was never going to be the challenge or the question. But they have had no plan on how to win the peace. They still don't have a plan to win the peace. The Byrd amendment is trying to separate what is called for in terms of the support for our troops to this rehabilitation and reconstruction, to try to get the administration prior to the time we are going to have a final vote to say what is the plan on rehabilitation, what is the plan in terms of reconstruction. But we have not had that. We have not had it in the Armed Services Committee.

We have the long list of items, some of which I will refer to in my comments, but we still don't have the plan. The fact is, it is being made up every single day over in Iraq. As we consider those reports we all see every evening or morning on the Americans who lose their lives over there, we also haven't got a real understanding of what security is like in the major populated areas of that community. As we are reminded in the excellent study that has been done by Mr. Dobbins and RAND, it talks about how historically those individuals who are subject to occupation view those who occupy their country. Perhaps some start off and support them as liberators, but others will never forgive them for occupying their country.

But there is one powerful factor and force, and that is the issue of security. It is security not just out in the streets and the highways between various communities, but it is what is happening in downtown Baghdad every single day and night. The number of people who are getting killed, the numbers who are coming into the morgues, the break-ins taking place in people's houses, and the rapes taking place in those communities have given a sense of insecurity to the people in Baghdad and many other communities. We don't have a plan about how we are going to deal with this. We are told we are training the police—40-some-odd-thousand police—who were there under Saddam Hussein, the great majority of whom were torturers and exterminators. But we have a new view and we are retraining them in some particular way.

I talked with some extraordinarily impressive young Americans who just came from Fallujah. I talked with them in Massachusetts, and they pointed out that the Iraqi police trained in their area won't leave the barracks. They are frightened that if they are seen leaving the barracks, something will happen to them or their families.

As we know, as the very important Dobbins document points out, whether you are talking about Algeria, Northern Ireland, or Malaysia in 1958, or the West Bank, or Kosovo—any of these areas—what you need to do is start to train a disciplined police force, and it takes 12 to 15 months—a new force adequately trained and highly motivated and that can move toward the security issues. That is not the case. We are asked to pour billions of dollars in taxpayers' funds into Iraq.

I think any fair reading of these requests would have to say the overall strategy—whatever it is—is a top-down strategy, not a bottom-up one. What we are seeing in the initial reports coming from Iraq is the areas where they are having the greatest progress is where the stakeholders are buying into the efforts in these local communities. Most of the positive reports are coming as a result of the leadership of the military, many of whom have gone through the campaigns in Kosovo and other parts of the world, where they have seen what can work and what is necessary.

So it is appropriate that we have some opportunity to talk about and ask about this amount of resources that are being requested to go to Iraq. There are a number of questions, obviously, that are going to be raised, such as the whole issue of contracting and who is getting the contracting. What are the circumstances of those contracts? What kind of transparency is there over there? Are we taking these contracts with single-bid contracts, with those who have a questionable record in terms of the performance, and overcharging the Defense Department? Are we giving opportunities for contracts to other countries around the world who have had a relationship and know how to be able to reconstruct and rebuild? Are we excluding them? What are the circumstances of this?

These issues are going to be raised, as they should be. It is not clear from what is coming out from the Appropriations Committee that many of these issues have been addressed. I know they will be by my colleagues. It is not just about the administration's policy and its conduct in Iraq. It is about the way we pursue American interests in a dangerous world, about the way our Government makes one of the most important decisions, whether to send young men and women to war.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe the war in Iraq was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war, alternatives that could have accomplished our goals in Iraq with far fewer casualties and far less damage to our goals in the war against terrorism.

I commend my friend and colleague, the Senator from Rhode Island, for once again reminding us what Mr. Tenet, who was head of the CIA, reminded the Armed Services Committee time in and time out—all of last year, up until the period of August—that the greatest threat to the United States was terrorism and, obviously, the increasing concern that all of us have about North Korea, Iran, and the deterioration and spiraling violence in the Middle East.

Our troops deserve a plan that will bring in adequate foreign forces immediately to share the burden of restoring the security and involve the international community in building a new democracy for the future of Iraq.

There is no question the Senate owes it to our men and women in uniform to provide the support they need, to bring the day closer when our troops can come home with dignity and honor, and Iraq will truly be free.

The $87 billion cannot be a blank check. That is why I support the Byrd amendment. Congress must hold the administration accountable. The American people deserve to know how the money will be spent. Things are out of control in Iraq. We need to stop the downward spiral, protect our interests, and protect the lives of American soldiers.

The administration must tell the country in much greater detail what it intends to do with the $87 billion and its plans for sharing the burden with our allies and the United Nations to achieve our goals. The American people are entitled to know whether, with all the current difficulties, the administration has a plausible plan for the future instead of digging the current hole even deeper.

Our soldiers' lives are constantly at stake. Patriotism is not the issue. The safety of our 140,000 American service men and women serving in Iraq today is the immediate issue. It is our solemn responsibility to question, and question vigorously, the administration's current request for funds. So far, the administration has failed utterly to provide a plausible plan for the future of Iraq and ensure the safety of our troops.

In its rush to war, the administration failed to recognize the danger and the complexity of the occupation. They repeatedly underestimated the likely cost of this enormous undertaking. Opposing voices in the administration were ignored.

Last September, the chief Presidential economic adviser, Lawrence Lindsey, said that the total cost of the Iraqi involvement might be as much as $200 billion. His estimate was quickly rejected by White House Budget Director Mitch Daniels who said Mr. Lindsey's estimate was "very, very high" and suggested the cost to be a more manageable $50 billion or $60 billion.

I raise this history because in many instances the people who are making the recommendations on the rehabilitation of Iraq are the same ones who miscalculated and misdirected the policy for months in the past. If we are going to take a look at this policy today, it is only appropriate to see what they had suggested over the past months.

As I mentioned, when Mr. Lindsey was corrected by Mitch Daniels who said Mr. Lindsey's estimate was "very, very high" and suggested the cost would be a more manageable $50 billion or $60 billion, the independent analysis indicated the cost might approach $300 billion, and Secretary of Defense Rumsfeld called that "baloney."

I say that against the background of what Ambassador Bremer, when he was asked, when he was before the Armed Services Committee, about this $21 billion or $23 billion, whether we could expect they would be back before the appropriators and asking for more billions of dollars, and said: Don't count us out; don't count us out.

The American people ought to understand this is a downpayment for the administration. This isn't the beginning and the end. This is just the downpayment. We have to ask ourselves, What is the policy?

Last spring, as part of a broader coalition in an effort to win the support of the American people for the military, the administration began to argue that Iraq can pay for its own reconstruction. The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

What the Nation heard from the Bush administration was clear: Don't worry about the cost. Iraq can pay for their own reconstruction.

Here they are a few weeks later with the $23 billion request. People ought to ask: Is this the beginning, the middle, or the end? What is the plan?

As the Congress debates the administration's request, we should be looking for better answers from the administration, insisting on at least minimal accountability. Before the war, the administration said, "Trust us," and Congress did. We should have followed President Reagan's wise counsel from years ago: "Trust but verify." Hopefully, it is not too late to verify.

Until this month, no one in the administration, other than Larry Lindsey, who is no longer in the administration, said the war with Iraq and its aftermath would be expensive. The administration's numbers were worse than fuzzy math, and the American people have a right to be furious about the gross disparity with the true costs. And they will be even more furious as they learn more and more about what we are being asked to fund.

The administration, obviously, did at least have one clearly thought-out plan—they didn't have a plan for peace. They want $400 million for maximum security prisons. That is $50,000 a bed.

They want $800 million for international police training for 1,500 officers. That is $530,000 per officer. Ask any mayor what it costs them to train a police officer in their community.

They want a fund for consultants at $200,000 a year. That is double normal pay. They want $1.4 billion to reimburse cooperating nations for support provided to U.S. military operations. I would love to find out how that money is going to be spent. For what is that $1.4 billion intended?

The Bush administration went to the United Nations for help last week, hat in hand and wallet open. But so far the response from other nations has been: Why should we help clean up America's mess in Iraq?

Presumably, the negotiating is still continuing over how much authority the U.N. will have, how many contracts other nations will receive, and how many troops they will send. Could this be the most embarrassing week the United States has ever had at the United Nations?

Trust but verify. That is why Congress has to stop writing a blank check for Iraq. That is why Congress needs better answers. That is why we need accountability. Credibility on the war is in tatters both at home and in the United Nations, and our troops are paying for it with their lives.

Our action on this legislation may well be a defining moment for the war on Iraq, for the war on terrorism, for America's role in the world. Cut and run is not an option. Hopefully, a concerned Congress and a chastened administration can work together to set things right on Iraq and right with other nations.

If there is any silver lining to this crisis, let us hope it is that the administration's go-it-alone policy toward the rest of the world is history and we are back on a better and less dangerous course for the future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I rise to make some remarks about the supplemental appropriations measure before us.

I was struck by the concerns of my colleague from Massachusetts about how bad things are in Iraq. In case some of my colleagues missed it, there was a very telling op-ed piece in this morning's Washington Post by Representative JIM MARSHALL, a freshman Democrat from the Third District of Georgia. He went to Princeton and left to go to Vietnam. He was awarded the Bronze Star and the Purple Heart as a Ranger. He attended Boston University Law School and in 1995 was mayor of Macon, GA. He is in the House. He had a very urgent plea.

He said: "Don't play politics on Iraq," directed at his Democratic colleagues. He said he had heard all of these political charges, using the words and phrases such as "quagmire," "our failure in Iraq," "just another Vietnam," or "the Bush administration has no plan."

He said:

> I went to Iraq a couple weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces.

I think this op-ed is worth reading. Madam President, I ask unanimous consent that this op-ed be printed in the RECORD after my remarks for the edification and elucidation of my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Madam President, I just came from a very interesting luncheon meeting where we listened to Dr. Chalabi, a member of the Iraqi Governing Council. He had almost the same thing to say. He said: What President Bush has done is magnificent. Our people are victorious; they are not vanquished. Our failure is that the media is not carrying the stories. The antiwar folks who opposed the war from the beginning are talking about the problems of liberation rather than the success of a free people.

He would like to have a chance to tell his story more widely, and I hope he is listened to. He said there are large areas of Iraq where marines are withdrawing, turning the area over to coalition forces from other countries, Macedonia and Spain. He said the Iraqis are in the process of being trained and equipped to go out as police and as military. With the backup of U.S. troops, they will be able to take on more of the responsibilities of defending against armed paramilitary groups and maintaining peace and order.

He said this is a tremendous development. They are setting up a free market in Iraq. They are cutting customs rates and tax rates. I would like some of my colleagues to hear what he says about the need for lower taxes. I think that is important as well.

It is clear we are in a debate. I gather my colleagues on the other side of the aisle, while we all recognize that $87 billion is a lot of money, they are willing to support the $66 billion to support our troops in Iraq. It costs us more than $4 billion a month to maintain our troops in Iraq, and we cannot, as was just said by my colleague from Massachusetts, cut and run.

So what are we going to do to make sure we do not continue to have areas where terrorists are harbored in hostile, tyrannical, authoritarian governments in the Middle East? Well, we are on the path to helping the Iraqis establish a free country. Their ideas of freedom may be different than ours, but basically Iraqis governing Iraqis, providing security for Iraq, and helping us weed out the criminals, the thugs, the paramilitary groups and the terrorists who live over there.

Now, $21 billion of the President's request is proposed as a grant to help the Iraqis get on their feet. This is a very important investment. It is a lot of money, but when we look at the costs of 9/11, the cost was horrifying in human terms. Over 3,000 people killed, some of them horrible deaths. It is a day and a picture that none of us will ever forget and we never should forget. These terrorists operated out of safe havens, in countries which were ruled by authoritarian tyrants. We are wiping out those governments. Under President Bush's leadership, we wiped the Taliban out of Afghanistan. Afghanistan is no longer a safe haven for terrorists. By a vote of 77 to 23, we said clean out the terrorists in Iraq, get rid of the Saddam Hussein government. That is the most important step.

Some people want to go back and fight the war. If we want to get back into it and say, why did we go, we can go back into that, but I think it is time we started looking ahead to see what we do. The $21 billion is absolutely essential to give the Iraqis the startup funds, the seed money to build that free and safe country.

What do we gain from it? Some of my colleagues say it ought to be in the form of loans or we should not spend that much. Well, what we get for it is the opportunity to bring our troops home sooner, to make sure our troops have the ability to work with Iraqi military and police, so we can use the Iraqi people who understand the country and know the language and know what is going on there as our allies.

As I understand it, the pending amendment leaves money in for the troops, but it does not leave money in to restore the electricity, to provide clean water, or to clean up the sewage.

There is a lot that has been done in the country already. I hear carping voices saying we did not have any plans for the peace. Well, we had a lot of plans. We had plans to take out Saddam Hussein's Republican Guard and his elite forces before they used gas or biological weapons. We did it. They had plans to protect the oil wells so they could not turn Iraq into a blazing inferno, and we did that. We had plans to help the Iraqis get on their feet. In less than 5 months, virtually all major Iraqi hospitals and universities have been reopened.

We cleaned out the weapons caches that were there. There are now 70,000 Iraqis being armed and trained. The first ones are graduating the end of this week. It took 14 months to establish a police force in post-war Germany, 10 years to begin training a new German army. We are way ahead.

Commerce is opening up. Five thousand Iraqi small businesses have been opened since liberation. The independent central bank has a new currency announced in just 2 months. Here is a 5 dinar note from the Central Bank of Iraq. The reason I can read it, it is in English. The other side, I will just have to take their word for it. This is the currency they have put out. It took them 3 years in Germany to do it.

The Iraqi Governing Council is making decisions. We listened to Dr. Chalabi tell us what they plan to do, how they want to move forward, and how the participation by the United States in this next step is vitally important.

To date, our coalition has provided some 8,000 civil affairs projects with their assistance, and we are making progress towards showing the Iraqis and the people in the neighboring countries that there is a better way to do it than to have a Saddam Hussein regime.

The issue before us in this pending amendment is whether we cut reconstruction funds by two-thirds. This was similar to an amendment we debated yesterday in the Appropriations Committee. That amendment just cut out two-thirds of the reconstruction funds, left one-third of the reconstruction funds. We defeated that. This one cuts out all of the reconstruction funds.

The arguments made there, and I guess I will let the people who want to cut out the reconstruction funds make their arguments here, but they say we ought to go to the donors conference and let the donors decide.

What kind of leadership is it for us, on the Senate floor, to take the President's proposal for a $21 billion reconstruction fund and cut it to $5 billion? That is leadership? Is that going to cause other countries to step forward and say we are going to make grants?

We want to see a strong, independent, free Iraq. We have to turn on the power. We have to turn on the lights. As of yesterday, I believe we were back up to the power generation of the pre-war era, 4,400 megawatts. That still only supplies about 60 percent of Iraq. We are trying to get the power restored. We are trying to get the water clean so people do not get sick. We are trying to get the sewage cleaned up so they can go about the business of building a civilized government.

Some are saying we can use the oil revenues to collateralize. Well, that does not really work because there is no government in Iraq that can sign a loan. They cannot take out a loan at the World Bank. They have not established a constitution, which is a necessary precedent for making an international loan. If we called it a loan, Ambassador Bremer, our representative on the provisional governing authority, would have to sign it. It would be our loan. We would be making that loan.

They have over $200 billion of debts outstanding that I hope they will never pay. The interest on those loans would be more than swallowed up by the projected oil revenues. So they are in a position where there is no practical way that they can repay that.

Once we get them up and started and they get a government, then they can go to the World Bank and get loans pledged against future oil revenue, and they can get the capital, but we have to get them over that first hump. Unless and until we do that, there is no government, there is no security. The Iraqis are not controlling their destiny. We cannot expect them to carry new burdens of debt. They are going to have enough trouble as it is. And we hope to get the oil production up—6 million barrels a day. That is what Dr. Chalabi said. But it is going to require $38 billion of new investment to do it. That is where the collateral will be pledged to get the Iraqi oil production up.

Do we want to go in and say the reason we came to Iraq was for your oil? That is not why we went. That is not why we went. We went to stop the production of weapons of mass destruction.

The previous administration, President Clinton's administration, and our colleagues on the Democratic side of the aisle, said that, time after time. We went in to stop weapons of mass destruction, to bring some order out of a country that had been terrorized by a ruthless tyrant over the years. Do we want to go in now and tell the people of the Middle East that it really was about oil? We want a claim on your oil?

That would be extremely shortsighted. That is not a sound investment in peace.

When you take a look at the cost of our maintaining troops over there, the cost of another terrorist attack, the cost we are going to have to face if we do not bring peace and stability to a couple of major countries in the Middle East—Afghanistan and Iraq—we are going to spend a lot more time and shed a lot more American blood before we can see an end to this terrorist war.

President Bush said the war against terrorism will be a long one. Unfortunately, he was correct. We are going to have to "bear any burden, pay any price." I believe a well-known Democratic President once said that; I think he was from Massachusetts.

We have to carry on the battle to show the people of the Middle East that there is a better way to protect our people from terrorist attacks.

There is no question that the battle against terrorism is being fought in Baghdad. There are a lot of questions about what went on before. There will be a report coming out of our Intelligence Committee on that. I can't go into it, will not go into that until a report is issued. But I can tell you right now, when you apply the "show me" test that we take in Missouri, the battle against terrorism is going on in Baghdad.

It is like a roach motel. All the terrorists are coming into Baghdad. We have our best trained, we have our best equipped, we have our best prepared troops. We are working to get the best intelligence possible so we can destroy the terrorist cells, kill the terrorists, capture them as many as we can.

We are fighting the battle in Baghdad rather than Boston or Boise or Baldwin, MO, or Burlington, NC.

This is unfortunate, where we have to continue the battle on terrorism. But we are doing it on their territory and our terms. They started this war on our territory on their terms. This is a mark of genius. This is tremendous leadership that this administration has shown. I am proud that three-quarters of this body supported the President when he said we needed to go in and clean out this nest of vipers, this fountainhead of weapons of mass destruction with the potential of nuclear weapons.

We have won the war against Hussein's government. Now we need to win the peace. I am convinced we can win the peace. But I believe, as Ambassador Bremer said to us in the Appropriations Committee, as Secretary Rumsfeld said, this $21 billion is the best hope we have of assuring we win the peace in Iraq. Winning the peace in Iraq is vitally important.

We can't walk away now and leave Iraq to fester and let the Baath Party back in again, the remnants of the Republican Guard, the terrorist organizations who threatened their neighbors, oppressed their own people, and threatened our well-being and safety over the years. We cannot let them back in. This $21 billion is the best investment we can make to bring our troops home, to win the peace.

I hope we will have a strong vote not to try to cut the peace element out of the appropriations bill, moneys that are necessary to make sure we can have our troops there, protect our troops, and maintain order against the terrorists who are in Iraq.

I yield the floor.

Exhibit 1

[From the Washington Post, Oct. 1, 2003]

Don't Play Politics On Iraq

(By Jim Marshall)

My first trip to a combat zone occurred in 1969. I was a 21-year-old staff sergeant, naive as hell, a freshly trained Army Ranger who had left Princeton University to volunteer for ground combat in Vietnam. I vividly recall feeling way out of step with my Ivy League colleagues.

Well, that same out-of-step feeling is back. But this time it's about Iraq and involves some of my professional colleagues, political leaders and activists who are carelessly using words and phrases such as "quagmire," "our failure in Iraq," "this is just another Vietnam," or "the Bush administration has no plan."

I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces. Some will attribute this to a grand left-wing conspiracy, but a more plausible explanation is simply the tendency of our news media to focus on bad news. It sells. Few Americans think local news coverage fairly captures the essence of daily life and progress in their hometowns. Coverage from Iraq is no different.

Falsely bleak Iraq news circulating in the United States is a serious problem for coalition forces because it discourages Iraqi cooperation, the key to our ultimate success or failure, a daily determinant of life or death for American soldiers. As one example, coalition forces are now discovering nearly 50 percent of the improvised explosive devices through tips. Guess how they discover the rest.

We not only need Iraqi tips and intelligence, we need fighting by our side and eventually assuming full responsibility for their internal security. But Iraqis have not forgotten the 1991 Gulf War. America encouraged the Shiites to rebel, then abandoned them to be slaughtered. I visited one of the mass graves, mute testimony to the wisdom of being cautious about relying on American politicians to live up to their commitments.

For Iraqis, news of America's resolve is critical to any decision to cooperate with coalition forces, a decision that can lead to death. Newspaper start-up ventures and sales of satellite dishes absolutely exploded following the collapse of Saddam Hussein's regime. With this on top of the Internet, Iraqis do get the picture from America—literally.

Many in Washington view the contest for the presidency and control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish news that is bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

It is too soon to determine whether Iraqis will step forward to secure their own freedom. For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

Democratic candidates for the presidency should repeatedly hammer home their support, if elected, for helping the Iraqi people secure their own freedom. It is fine for each to contend that he or she is a better choice for securing victory in Iraq. But in making this argument, care should be taken not to dwell on perceived failures of the current team or plan. Americans, with help from commentators and others, will decide this for themselves.

Instead of being negative about Iraq, Democratic presidential candidates should emphasize the positive aspects of their own plans for Iraq. Save the negative attacks for the issues of jobs and the economy. Iraqis are far less likely to support the coalition effort if they think America might withdraw following the 2004 election.

Finally, no better signal of our commitment to this effort could currently be provided than for Congress to quickly approve, with little dissent or dithering, the president's request for an additional $87 billion for Iraq and Afghanistan. Of course no one wants to spend such a sum. But it is well worth it if it leads to a stable, secular representative government in Iraq, something that could immeasurably improve our future national security.

Mr. BIDEN. Madam President, I listened with great interest to my friend from Missouri. There is much that he had to say with which I agree. Except I wish we would, as they say in my home State—he was using Missouri phrases—I wish he would get real and others would get real about the connection between the likelihood of America's being struck by another terrorist attack and our fighting in Baghdad.

I don't know one security expert who will tell you, including, as quoted by Senator REID earlier today, General Abizaid, that the folks we are fighting in the streets of Baghdad and in Iraq are the ones most likely to strike the United States of America. That is not what our officials tell us.

General Abizaid said, and I am paraphrasing him, that any attack would be organized internationally. It will come from other places. As a matter of fact, the argument can be made, because of a requirement of being so preoccupied and having to devote so many resources to Iraq, we are unable to spend the money we need to spend on homeland security.

For example, we have 106 nuclear powerplants, none of which are secure, in the United States of America.

We have train tunnels in New York where 350,000 people today will ride through them sitting in a car. Those tunnels are not secured; there is no escape, no ventilation, and no lighting.

We are cutting the police program, so we are not going to supply money for local law enforcement. It is not going to be a special forces guy with night vision goggles who is going to come across a terrorist who is about to poison the reservoir in a city or about to plant a bomb in a movie theater or about to do anything else—it is going to be a local cop.

That is not the reason I rose to speak today, but I wish we would get it straight about terror. In the larger sense, we have to deal with the war on terror by dealing with the situation in the Middle East. I don't disagree with that.

As was said in an article written not too long ago by Timothy Ash and how the west could be won, I quote him:

> To emerge ultimately the victorious against the war on terrorism it is the peace we have to win first in Iraq and then in the wider Middle East.

In the broad sense of the word, it is affected by what happens in Iraq. But the idea that because we are fighting in Baghdad, we are not likely to be attacked again in the subway, or an aircraft, or whatever, because they are preoccupied is as our British friends say, poppycock.

Many Members in this Chamber and millions of Americans did not support the war in Iraq. The same goes for the millions of people around the world. But I did. I voted to give President Bush the authority to use force in Iraq. For me, the question was not whether we had to deal with Saddam Hussein but when and how, and what we were going to do after we brought him down.

I believed then and I believe now it was the responsibility of the United States and the international community to enforce the solemn obligation Saddam Hussein made when he sued for peace in the gulf war in 1991. Those of us who understand the value of international institutions and rules must also understand that when rules and institutions are flouted, they must be defended, and by force if necessary. That was, in my view, the underlying rationale to go to war in Iraq, a rationale enhanced by the fact that the one flouting the rule was a homicidal tyrant who murdered hundreds of thousands of people and who, if left alone, would have eventually acquired weapons of mass destruction, although he had none and there was no evidence he had any. But he would have gotten those weapons. That was the reason—not some idea of preemption. We didn't need a new doctrine of preemption to go after Saddam Hussein. He violated essentially a peace agreement he signed in 1991. Had it been 1919 when he was defeated in Kuwait, he would have been in Versailles, in France, signing a peace agreement. Instead, he was representing the United Nations and he signed on to United Nations resolutions, none of which he kept and I believe needed to be enforced.

But I also believed then, as I believe now, that this administration got the when and the how and the what we do the day after dangerously wrong in Iraq. This administration wrongly painted Iraq as an imminent threat to our society, something many of us at the time—not just now—said was not the case. It hyped the intelligence most likely to raise alarm bells of the American people. In speech after speech, television appearance after television appearance, the most senior administration officials told us Iraq was on the verge of possessing a nuclear weapon.

Indeed, at the same time I was on a show, the Vice President on a similar show on a Sunday told us Iraq had reconstituted its nuclear weapons program. I didn't believe then, I don't believe now, and there is no evidence that that is true.

We are told that Iraq had UAVs—unmanned aerial vehicles—that could drop lethal payloads on our shores—payloads of chemical and biological weapons; that Iraq could weaponize its chemical and biological arsenal in just 45 minutes; that the regime had a clear and present tie to al-Qaida, and they implied that they were complicit in the events of 9/11—none of which I believe to be true. Yet I still voted to go into Iraq because it wasn't about if but when we dealt with this guy.

The administration stated each of these allegations as accepted facts when in fact there was deep debate on each and every one of them within our own intelligence community. I believe the administration did this to create a false sense of urgency about the need to act immediately and that as a result we went to war too soon.

There is no reason we could not have waited a month or even 6 months or whatever time it took to build a true international coalition without in any way jeopardizing American security. And we went to war without the rest of the world.

As many of us said at the time—and the record will reflect—we didn't believe we needed a single soldier from another country to win the war. I stood on this floor and said I thought we would win this war in terms of defeating Saddam's government in much less than a month and maybe as little as 2 weeks. I said it at the time. My fight was never with the need for other troops to help us fight the war. But it was absolutely clear from every expert we spoke to in my committee and folks on the Council on Foreign Relations, folks from Rand, folks from all over this country who are experts on foreign policy, that we were going to need other countries to win the peace—to win the peace—which was going to be considerably harder.

Just to put in perspective what we all know, we have had 313 men and women killed, 1,600 wounded—138 to win the war and 175 dead just starting to win the peace.

On this floor I said if we did not have the support of the international community, somewhere between 2 and 10 body bags a week would be coming home. But this unilateralism, this idea that we didn't need anybody else, was not only misplaced but, for some in the administration, arrogance.

So we went to war with the Brits and a coalition—a coalition which was the most anemic coalition with whom we have ever gone to war, after the Brits; the one without the rest of the world. And as many of us said at the time—and I wasn't the only one. Senator LUGAR said it; Senator HAGEL said it; a number of other Republicans said it—we didn't need a single soldier to win the war, but we needed tens of thousands of soldiers to secure the peace—tens of thousands.

The chief of the Army got sacked because he dared to suggest we were going to need a couple hundred thousand troops to secure the peace when Mr. Rumsfeld—or at least the administration—was implying we wouldn't need more than 30,000 folks and we would be out of there in 6 months.

Just as bad, we went without a plan for the day after.

Don't just take my word for this. Keep in mind that I have been supporting the President, and I will support this appropriation. But there was no serious planning. General Garner said he didn't begin planning and wasn't asked until January 6. I was chairman of the Foreign Relations Committee, and we held hearings in July of 2002. And witness after witness after witness—former Commanders of NATO, former Commanders of CENTCOM—said the plan for peace should be running parallel with the plan for war. During those hearings, we wanted to know what was going to happen not just the day after but the decade after.

The President, I am told, has told people and I have told people. He asked me in front of a half dozen of my colleagues in the Cabinet Room back in September why I wasn't with him enthusiastically about going in and why I was insisting on him going to the United Nations. I went in the Oval Office with him and said, Mr. President, I want to remind you there is a reason your father did not go to Baghdad. And he looked at me like I was going to insult his father, for whom I have great respect. I said, Mr. President, the reason your father didn't go to Baghdad, he didn't want to stay for 5 years. Are you ready to stay? Obviously, I did not say it in that tone to the President but I asked, Are you ready to stay, Mr. President?

What was the impression given to the American people? The impression was Johnny and Jane were going to come marching home by Christmas. Why are you National Guard folks so angry? Is it because you are not patriotic? Why are the reservists so angry? Is it because they are not patriotic? Heck, no, they are angry because they were led to believe it was not going to cost much, it was not going to take long, and we would be out of there.

Mr. BOND. May I ask if the distinguished Senator from Delaware will yield for a unanimous consent request?

Mr. BIDEN. I am happy to yield.

Mr. BOND. I ask unanimous consent the vote in relation to the Byrd amendment No. 1794 occur at 3:45 today; provided that no amendments be in order to the amendment prior to the vote; provided further that following the vote, Senator MCCONNELL be recognized to offer an amendment. I further ask consent that following the disposition of the McConnell amendment, the next amendment in order to the bill be offered by Senator BIDEN.

Mr. BIDEN. Reserving the right to object, I was told it would be 4:45. I've been waiting for 4 hours to speak and I have at least another 30 minutes to speak. If it is 3:45, I would object.

Mr. REID. How about if we made it 4 o'clock.

Mr. BIDEN. This is fine.

Mr. REID. Mr. President, I ask the distinguished Senator from Missouri amend his request to allow that.

I know Senator SMITH is here to speak. How long do you wish to speak?

Mr. SMITH. Ten minutes.

Mr. BIDEN. I don't think I will take this long, but so I don't get called on it, I will say half an hour.

Mr. REID. Mr. President, that will be 10 minutes before 4 o'clock, so I ask if my friend would be further kind enough to allow Senator BIDEN another 30 minutes, Senator SMITH 10 minutes, Senator BOXER 8 minutes, and then we would vote.

Mr. BOND. Madam President, I so amend the request.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, my committee, the Foreign Relations Committee, pleaded with the administration, month after month, beginning well over a year ago, to share with us plans for reconstruction. We got obfuscation upon obfuscation, a rosy scenario about oil revenues and being greeted as liberators, with most of our troops coming home by Christmas.

When we really pressed—a certain word has worked its way into the lexicon of this administration—we were told the answer was "unknowable." I have never heard that word used as many times anywhere, let alone by the administration.

In fact, the problems and prescriptions of postwar Iraq were absolutely knowable. From the many hearings Senator LUGAR and I convened over this year as well as the Armed Services Committee, and the work of our leading think tanks and policy experts from within the administration itself, thanks to the State Department Future of Iraq Project, whose detailed postwar plans were apparently ignored by the Department of Defense, much of this was knowable.

We are paying a very high price for those mistakes now. I share the widespread dismay at the miscalculations of this administration. I share the shock of many that the reason the administration says it took us to war, weapons of mass destruction, no longer is of any apparent interest to the most senior administration officials. I share the frustration of Members of Congress that because of the administration's many miscalculations leading up to war, the good options are gone and we are now left to find the least bad of the remaining options.

I understand the sticker shock many of my colleagues feel about the $87 billion. I suspect my friend from Oregon, who was on this committee, I know for my friend Senator LUGAR, I know for my friend Senator HAGEL, I know for my friend Senator MCCAIN, it came as no shock, none whatever.

To be blunt, the reason there is such consternation in the Congress and the country at the moment is not about the $87 billion, notwithstanding that is an enormous amount. It is that we have lost faith in the President. It is that we lost our confidence in his ability to prosecute the peace. It is that we have great doubts since there were so many fundamental miscalculations made about what would happen after the regime fell. There is reason people are upset in the Senate. They doubt this administration has its act together.

My Republican friends will deny what the whole world knows publicly and privately acknowledge there is a giant rift in this administration as broad and as deep as the San Andreas Fault. On one side of the administration there is Mr. CHENEY, a fine man, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feith; on the other side there is the State Department and the uniformed military.

Think about this one little piece, talking about the plan. What was the plan announced in great detail by Mr. Rumsfeld as to what would happen immediately after Saddam fell? There was a guy named Jake Garner, a retired general, who was going to be dropped into Iraq along with a guy named Ahmed Chalabi, whom I know well, spent an hour with him alone in my office last night, the head of the Iraqi National Congress, that Garner announced when he hit the ground there would be elections within a couple of months and that he was going to run the show.

How long did it take the President to figure out that was a gigantic mistake? About 2 weeks. And he should be complimented for it.

All this malarkey about the planning, where is Garner? Where did he go? What happened to the election that was going to take place in a couple months?

The administration got on the ground and realized they did not have a plan. So they got a guy named Bremer, first-rate guy, diplomat. Guess what. That diplomat does not report to the Secretary of State; he reports to the Secretary of Defense. Isn't that kind of interesting?

Assume we have gone in and the planning post-Saddam was as successful as the planning to take down Saddam. Assume we had gone in and the international community was doing what they do in every other circumstance where we are building the peace: We usually supply 25 percent of the money, they supply 75 percent of the money—Bosnia, Kosovo, even Afghanistan, NATO is now in. Assume we were not losing Americans at the rate we are losing now. Assume this guy named Bremer, a former official at the State Department, former comptroller, sent to Iraq by the Secretary of Defense, did not come back and say the window of opportunity to win the peace is closing rapidly in Iraq. Assume he came back and said, the window is wide open. We have time and things are moving. Would people in the Senate be flyspecking the $87 billion? No.

My friend from Missouri has been in politics as long as I have. Presidents get pretty broad support when what they propose is working. What is happening here—and again, keep in mind, I'm for this money. But I am angry about what happened. I am angry about the refusal to listen. I am angry that we are there alone when we did not have to be.

The administrations's assumptions were dead wrong, and the President told the American people our mission was accomplished when he landed on that aircraft carrier. And it had not even begun. It has not even begun. And you wonder why the American people are mad. You wonder why, when you go home—and those of us who supported it going in are getting our brains kicked in at home—Democrat and Republican, we are wondering why the polls show—what?—57, 58, 60 percent of the American people say: Don't vote for this money.

The reason is, they were not leveled with. It seems to me that explains why there is so much concern on both sides of the aisle about this supplemental. That explains why it is so important that we do more than simply vote yea or nay on this $87 billion, why we need to have clear assurances from this administration that it understands—not acknowledges—just understands its mistakes to date and has a sensible plan to rectify them.

So for all the errors of the past, we must confront the reality of the present and the imperative of the future. The reality of the present is that the window of opportunity is closing on our ability to bring peace to Iraq.

As I said, that is not just my conclusion. It is the conclusion of the former Deputy Defense Secretary, John Hamre, who was sent there by the Defense Department. The imperative of the future is that we cannot afford to lose the peace in Iraq.

Losing the peace in Iraq is not about terror alone. It is so much bigger than that. Losing the peace in Iraq would condemn the United States to deal with the consequences of Iraq: chaos, not just in more terrorism but what will happen.

If we lose Iraq, Iran becomes an incredibly empowered nation; Syria becomes more emboldened; Turkey, an Islamic government, seeing a failed state on their border, becomes more radicalized; Iran, surrounded by the failed states of Iraq and Afghanistan, puts in jeopardy the very existence of Pakistan.

Doesn't it occur to you a little bit why all of a sudden the accusations are the ISI is cooperating with the Pashtun warlords in southern Afghanistan? These guys have figured it out. They are hedging their bets. They are hedging their bets. And if Musharraf falls in Pakistan, we are not talking about an Iraq, we are not talking about an Afghanistan, we are talking about a nuclear power that my friend on the Intelligence Committee knows, as well as I do, is seething—seething—with terror. There is a whole province in northwestern Pakistan that is totally uncontrollable, where most people think bin Laden is and Omar is, that they will not go in and we cannot go in.

So I wish to heck we would stop this stuff about: We are fighting terror in Baghdad. We are, but it is so much bigger than that, and the American people have not been told it.

So we cannot afford to lose the peace.

I will make another outrageous prediction. If we lose the peace in Iraq, you will see at least two of the following countries fall—Jordan, Egypt, or Saudi Arabia. How will King Hussein stand with Iraq in shambles? How will that happen? How will any voice of moderation be willing to speak up anywhere in the Middle East if Iraq falls? And you know why Iraq may fall, beyond our mistakes? Because we have not leveled with the American people, and they may very well say: Bring the boys home.

I know my colleagues think I am a broken record on the Senate floor saying this so many times, but the one thing we all learned from the Vietnam generation—no matter whether we were for or against it, went or did not—is that no foreign policy can be sustained without the informed consent of the American people, their informed consent before we act.

In short, losing the peace would reinforce the view held by the extremists in the Arab and Islamic world that while the United States can project power, we have no staying power, and that all they have to do is wait us out.

It would confirm the concerns of many moderate Arab regimes expressed before we went to war with Iraq that we would not finish the job.

I think it is fair to say I met with every Arab head of state as chairman of the Foreign Relations Committee. I traveled to the region; I traveled to Afghanistan; I traveled to northern Iraq—all before the war. I did not meet one Arab leader who defended Saddam Hussein. Yet I did not meet a single one who said anything other than what I am about to paraphrase: If you go, make sure you finish the job because if you do not, I am dead.

Our credibility in Iraq and the region and across the globe will be at rock bottom if we do not successfully secure the peace. America and Americans will be far less secure to boot.

We have to show the wisdom and the commitment to help Iraq write a different future so we can have a different future. And this supplemental request is critical to that effort. We have to succeed in transforming Iraq into a stable, unified country, with a representative government. And success in that effort would begin the process of redrawing the strategic map of the region. It could boost the reformers in Iran, Saudi Arabia, Egypt, and elsewhere who have put Syria and its allies and Hezbollah on the defensive, and improve the climate of Israeli-Palestinian peace. It would deal a significant setback to those who argue that the only future for Arabs and Muslims is one of religious extremism, perpetual conflict, economic stagnation, and autocratic governments.

So we are faced with a real choice. I say to my colleagues who opposed the use of force in the first place, who believe there is nothing this administration can do to win the peace, and who have concluded that the dire consequences I have just predicted if we cut and run are outweighed by the consequences of being dragged down into a long, protracted war, I respect their vote to say no. I disagree with them, but I respect it.

I have concluded that the peace is winnable but not without a change of attitude and direction on the part of this administration.

I am convinced that winning the peace is possible if the President keeps to the new course he seemed to set two weeks ago when he finally addressed the American people.

He vowed to make Iraq the world's problem, not just our own, by going back to the U.N. and seeking support of its members for troops, police and money.

And the President began to level with American people about the hard road ahead to win the peace in terms of time, troops and treasure.

If he sticks to that course, tells us how we are going to pay for the $87 billion, and shows us a clear and coherent game plan, I believe we should give him, and all of us, one last chance to get it right in Iraq.

Since the President addressed the Nation, I have to admit I have been given many new reasons to be skeptical that the administration has genuinely changed course.

The President's speech to the U.N. missed a crucial opportunity to rally the world to our side, just as he missed opportunities to get the world with us before the war and in its immediate aftermath.

He should have made clear our willingness to bridge the differences with our allies on a new U.N. resolution and to grant the U.N. real authority. He should have laid our some specifics, and asked—asked—for help.

So I am left questioning the sincerity of the President's midcourse correction.

If we want the world to share the burden, we have to share authority in Iraq in meaningful way.

The payers want to be players.

And I can't believe we can't find a compromise that meets our rightful concerns about the premature transfer of power. But that also empowers the U.N. and starts to put more power in the hands of the Iraqi people.

I am also skeptical that the President will continue to level with the American people about what it is going to take to win the peace. Being open and honest about the commitment we must make to Iraq is the only way to sustain public support. But the administration's approach to the supplemental concerns me on this account too.

The administration itself estimates the total cost of reconstruction in Iraq to be about $60 to $70 billion over the next 4 to 5 years. And I and others predict the final tab will be higher still.

The supplemental request covers $20 billion of that total. That begs a critical question: Where is the remaining $40 to $50 billion coming from? Will it come from the international community? Normally, that would be a reasonable expectation. The United States typically covers about 25 percent of postconflcit reconstruction costs. By that ratio, we could expect about $60 billion from the international community for Iraq.

But we so poisoned the well in the lead up to this war and in its aftermath that no one expects the international community to provide more than $2 to $3 billion at the donors conference next month. That is a terrible indictment of our foreign policy and a harsh example of the price of unilateralism.

Will the missing money be generated by Iraq's oil revenues? That is what the administration led the American people to believe, and unfortunately even some Members of Congress now believe that is true.

In fact, if we are lucky, oil exports will generate about $14 billion next year—just enough money to pay for the government's operating costs and salaries for public sector workers, the police and the army. Forget about oil paying for reconstruction.

Will the missing money be generated by others parts of the Iraqi economy? Secretary Rumsfeld recently promoted the potential of Iraq's tourism industry. The banks of the Tigris may replace the Outer Banks as a destination of choice someday, but not any day soon.

Or maybe the missing money will come from taxpayers when the administration comes back to Congress next year or the year after to ask for more. If that is the plan, tell us now.

For today, this Congress must deal with the money that is being requested.

Let me be clear, we must invest more in the effort to secure the peace in Iraq. I support the supplemental request. It is necessary and it is in our national security interest.

But that does not mean we should accept it on its face. The large number of proposed amendments to the supplemental are evidence that Republicans and Democrats alike don't have the confidence to take the administration at its word.

We need to build in strict reporting requirements—the kind Senator LUGAR and I tried to add to the original congressional authorization to use force.

We need to know how the administration will pay for this supplemental. We need to know how the money will be spent. And we need to see a coherent, detailed plan for success.

The first critical question that must be answered is: How are we going to pay for this $87 billion? It seems to me there are three options: We can turn the money for reconstruction from a grant to a loan, to be recouped from Iraq when its economy gets going again. That sounds attractive. Why shouldn't the Iraqis pay for their own future.

But here's the problem. Iraq already owes the international community a crippling amount—some $200 billion in debt and compensation claims. Adding to that debt will add to the dead weight holding back Iraq's recovery.

The creditors are mostly European and Arab countries—the very countries we are encouraging to contribute more to Iraq's reconstruction. And we are lobbying them to forgive or reschedule the debt Iraq owes them.

How can we add to Iraq's debt, put ourselves first in line to be paid back, kick the other creditors out of line—and ask them to contribute more and assume our debt? It won't work.

Second, we can do what the President is proposing: add to the deficit, which is already close to $600 billion and pass along the bill to our children and grandchildren. That, to me, is unacceptable.

Or third, we can call on the patriotism of the American people, and ask them to help finance the $87 billion the President has asked for. The President was right in saying that success in Iraq requires all of us to sacrifice. But he squandered the opportunity to rally the most fortunate among us to the cause to help provide for our troops and meet the goal of achieving security and stability in Iraq.

The bottom line is: The President doesn't seem to have a plan to pay for troop support and reconstruction in both Afghanistan and Iraq. After squandering an annual Federal budget surplus in excess of $200 billion upon taking office, and running up annual deficits estimated at nearly $500 billion in less than 3 years, it would be fiscally irresponsible for this administration to pass on the cost of our security to our children and grandchildren. That gets it exactly backwards.

We must step up to pay for our own security and that of future generations. In fact, as the President said in his State of the Union Address:

> This country has many challenges.
>
> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents, and other generations.
>
> We will confront them with focus and clarity and courage.

In keeping with that view, the most obvious, fiscally responsible approach is to reconsider a small portion of the $690 billion tax cuts targeted for Americans with incomes in the top 2 percent—people with incomes exceeding $360,000 and averaging $980,000 per year.

Cutting taxes responsibly in the middle of a jobless recovery, especially for the middle class, makes good sense. But never has any administration summoned Americans to war and, at the same time, pushed through the biggest tax cuts in history, all in the face of already historically high deficits.

The result is a mixed message to the American people, who are left to wonder: How can we wage the fight against terrorism without paying any price? In fact, the administration's thinking reflects a woeful misunderstanding of the character of the American people.

I this post 9/11 period, Americans have been waiting to be asked to do great things for this Nation.

Two years after that dark day, we have yet to tap into the surge of patriotism deeply felt by every American. Imagine if the President's address to the Nation had included the following request:

> To all of you in the top one percent—those fortunate Americans whose average income is more than $1 million a year . . .
>
> I am asking you to forgo a small part of your tax cut.
>
> Instead of getting $690 billion of cuts, you will have to make do with only $600 billion in cuts so we can pay for peace in Iraq, security in Afghanistan, and the war against terrorism.

Would a single American watching on television have said: "No way. That's not fair." Of course not.

Reducing a small part of the tax cuts for those in the top 1 percent of income will have no bearing on an economic recovery. But it would restore a sense of national purpose and unity that is our country's greatest strength.

I hope the President will support an amendment to do just that—a bipartisan amendment to the supplemental that Senator KERRY and I will offer, along with Senators CHAFEE, CORZINE, and FEINSTEIN.

I think Americans would support the idea of paying for this mission from the $1.8 trillion in tax cuts enacted in the last 3 years.

Let's look at the numbers. Americans in this bracket make, on average, $1 million a year. They are being asked to give up a single year's worth of their $690 billion 10-year tax cut, and do it gradually.

For example, in a single year, 2008, the tax cuts going to the top 1 percent will total $87.7 billion—virtually the same amount of money the President is requesting.

In my view, the most fortunate Americans surely would respond favorably to such an idea. What we are saying is: They are no less patriotic than anyone else. But also they have the best ability to contribute because their tax cut is so much greater than everyone else's.

The top 1 percent will get a cumulative 10-year tax cut of nearly $690 billion. What I am proposing leaves them with a $600 billion tax cut. That is clearly not punitive. If someone proposed today that the richest 1 percent get a tax cut of $600 billion, it would sound outrageous given the circumstances we now face, with growing deficits, and growing security needs.

In making this proposal, I am not arguing about the fairness of that distribution. I have already stated my position on that when I voted against the tax cuts. But, whatever one thinks of the fairness of the tax cuts themselves, it is clear which Americans are in the best position to give up a small part of what they are getting to pay for our mission in Iraq. And that, unfortunately, is the price we have to pay for the unilateral foreign policy and the missed opportunities of this administration.

If we give the administration the money it is seeking for Iraq's reconstruction, it must give us a clear and coherent plan for succeeding where it has failed so far.

The No. 1 priority must be to inject a sense of urgency to our efforts. I don't want to minimize how hard this is, nor do I want to minimize the successes we have already achieved: Standing up the Iraqi Governing Council, opening schools and hospitals, establishing local councils across the country. But all of this progress is jeopardized by our failure thus far to get it right in two fundamental areas: security and basic services.

If the Iraqi people do not soon see their living conditions improve, they will begin to turn against us. Once that happens, the insecurity we are seeing today will look mild by comparison.

In my judgment, there are five urgent priorities in Iraq.

We need a detailed gameplan to address them. And that plan should be developed in close consultation with the Iraqi Governing Council.

First, we must improve the security situation on the ground for our soldiers and for the Iraqi people. Over time, an Iraqi army can and should take the place of our troops. But it will take time to train such a force 1, 2, 3 years.

In the meantime, the best way to take some of the heat off of our forces is to bring other countries in on the deal.

That is one reason a new U.N. resolution is important. If we had done this right from the start, we would have been able to secure 60,000 or 70,000 foreign troops. I doubt we will get more than another 10,000. But every single foreign soldier helps.

For Iraqis, law and order has broken down in large parts of the country, especially in Baghdad and central Iraq. Murder, carjackings, theft, and rape are taking place at an alarming rate. Criminal gangs are organizing at a rate far faster than we are fielding trained Iraqi police.

We have heard a lot of talk about whether the number of foreign military forces on the ground is adequate. What does not receive nearly enough attention is the urgent need to recruit international police forces to train and work alongside the Iraqi police. Our own officials tell us that we urgently need over 5,000 international police to train and patrol with Iraqis. We should have deployed them over 5 months ago when Baghdad fell. We should have started recruiting them 12 months ago, just as President Clinton personally got on the phone to world leaders to recruit police months before we went into Haiti. Yet, to my knowledge, less than 10 percent of the international police forces we need are on the ground.

Only Iraqis can effectively police Iraq. They know their country better than any foreigner. But we also know that the police under Saddam were corrupt and sadistic. They maintained order through fear and coercion. We have to start from scratch in recruiting and training an Iraqi police force. But that effort can't occur on a large scale until we get trainers in from abroad. And we can if the President builds an effective coalition, if he reaches out to our allies, and recruits those forces.

The second priority is to restore basic services—particularly electricity, water, and telephone service.

Ambassador Bremer set the end of September as a deadline for restoring electricity to its prewar level of 4,400 megawatts. This is enough to meet about two-thirds of countrywide demand.

While falling temperatures will ease demand in coming weeks, toward the end of October, the month of fasting or Ramadan will begin. Iraqis will expect to have electricity available during the evening meal when they break their fast. If they don't, we should expect their discontent to grow. It will take huge investments to bring the electricity grid up to the level where it can meet full demand countrywide. Ambassador Bremer estimates $13 billion. Another official in Baghdad puts the price tag at a total of $21 billion.

The third urgent priority is a strategic communications plan. The United States has the most advanced media industry in the world, yet we are being beaten on Iraqi airwaves by the likes of al-Jazeera and Iranian TV and radio. The messages these outlets are broadcasting do not cast the United States in a positive light.

The quality of our broadcasts in Iraq makes public access TV look good. It is hard to imagine succeeding in Iraq if we cannot succeed at getting our message out.

Few Iraqis have a sense of the priorities, plans, and progress of the United States. We need to communicate effectively and directly with them. They need to hear us acknowledge their problems. They need to hear us describe our plans for fixing them. They need to hear timetables. It is not that complicated.

Our fourth urgent priority is helping to rebuild Iraq's economy. The Iraqi economy is broken. It was destroyed by 35 years of mismanagement, wars, sanctions, and extensive looting that followed Iraq's liberation. It will take several years to recover.

Unemployment is over 60 percent. By contrast, at the height of the Great Depression, our unemployment was just over 25 percent. A hot, poor, unemployed, and well-armed population is not a good combination. We need to get people off the streets and involved in their country's reconstruction.

The final priority is to establish a clear timeline for handing power back to the Iraqis. There is a legitimate debate going on with the French over the pace of "Iraqi-ization" and the timing of elections. All of us want to see sovereignty restored to Iraq as quickly as possible. But none of us want a process that is so rushed that it ends in failure.

Today, the best organized forces in Iraq are extremist religious groups and ex-Baathists. They have the most to gain from early elections.

Building a strong, democratic center and the institutions of civil society will take time. We should seek a compromise at the U.N. that creates a representative—perhaps partially elected—body that would draft the new Iraqi constitution by early next year. That constitution should be put before the people of Iraq in a referendum, and elections should follow by next summer.

The administration should submit a detailed plan with specific benchmarks and timelines in each of these areas I have mentioned.

The administration also must show us that, in working toward these goals, it will spend the tax payers' money wisely. I have looked closely at the budget request, as have most of my colleagues. And we have a lot of questions. To cite just three examples:

Why does the administration propose to spend $33,000 apiece for pickup trucks when you can get a new pickup here in the U.S. for $14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend $10,000 per student for a month-long business course—more than double the monthly cost of Harvard Business School?

Why does it propose to spend $50,000 per prison bed—double the average cost in the U.S.?

The bottom line is that we have an obligation to closely scrutinize the President's request, to ensure we spend taxpayer dollars wisely and effectively. But we must face up to our foreign policy and national security obligations as well. We cannot meet our national security needs on the cheap, or by playing off domestic constituencies against our need to get it right in Iraq.

The stakes are too high, and an entire region's future—one that is critical to America's security—is in the balance. Let's not take our eye off the ball. Let's do the difficult thing, but the right thing.

Madam President, I just sum up by telling you what is in my heart. We have three stark, basic choices. It is real simple. Given the facts—the fact is, it is going to take years to build, not a democracy, just a representative republic in Iraq. Never in history—never in history—even in countries with a tradition of western values and democracy, has a representative democratic government been built in a short amount of time—never. I challenge you to challenge your staffs to give me an example where that has occurred.

So, No. 1, it is going to take a long time. It is going to take tens of billions of dollars beyond this. Mr. Bremer has begun to level, and level first with us. He says after this $20 billion downpayment for reconstruction, it is a minimum of $50 to $75 billion more—more—over the next 4 years or so to do the essentials, to rebuild Iraq. Other think tanks have said it is $100 billion. The World Bank says $75 billion or so. That is another essential fact.

The third fact is this country has never been a country—never. It was the outgrowth of a deal made after World War I. So we are putting together not a Germany, which was heterogenous, not a France, not a defeated or victor in the last war, or big war; we are putting together a country that has never been a country, other than held together by a dictator or an autocrat or a colonial power. It is going to take a lot of time.

Here is where we are. It is very simple. It is going to cost—everybody knows—billions of more dollars beyond this supplemental. It is going to take thousands of somebody's troops beyond those that are there. And it is going to take a long time.

The choices are clear. We continue in our unilateral ways to take 95 percent of the casualties, pay 99 percent of the bill. One of the things my colleagues know is that the Poles are being paid for by us. God love them, they are there; we are happy they are there. Those other 20 nations are being paid for by us, but for Great Britain. So we get 95 percent of the deaths. We pay 90 percent of the bill, and we take 99 percent of the responsibility. That is one option.

The second option is—and which I predict this administration will do if this does not go right—declare victory and leave and see chaos ensue. Some Democrats will suggest that. Some in the administration will suggest that.

Or there is a third option. We get someone else to pay the bill with us. We get someone else to pay.

There is a fourth option that is not a real option. The Iraqis could pay. Let's get this straight about Iraqi oil. No one before the war or after the war is predicting in the next 5 or 6 years there will be more than an excess of $5 to $10 billion a year to be able to pay for reconstruction after the cost of paying for the government. Read Bremer's report. So this is poppycock about Iraqi oil will pay our way out.

We are left with the last option: We get the rest of the world to jump in the tank with us. At the beginning of this process, the President tried to importune the Indian foreign minister to send a division. The Secretary of State and others said we are likely to get that. The Turks were talking about a division. We were looking for 50 to 60,000 troops. Guess what. They ain't coming, folks.

Here is the deal, and it is real simple. The President can genuinely internationalize this by sharing not only the responsibility but sharing the authority. We continue to act like Iraq is a prize we won. We continue to challenge the world to help us.

I went to the head of the European Union not long ago and I said: Javier, what do we have to do to get your help?

He looked at me, held my shoulders, and said: JOE, ask. Not demand, not challenge, ask. Ask. Ask.

There is not a major newspaper in America that didn't think the President of the United States blew that opportunity when he recently spoke to the United Nations. I am beginning to doubt—and I hope I am wrong—that the United States is genuinely sincere about the U-turn he has made and wanting to engage the international community. I pray he means that.

Mr. BOND. Will the Senator from Delaware yield for a question.

Mr. BIDEN. Surely.

Mr. BOND. I am taken with the world view and the view of the peace by the Senator from Delaware, but when he talks about the United Nations, as a member of the Foreign Relations Committee, I wonder if he recalls this discussion with the Secretary of State: Last week you engaged in tireless diplomatic efforts to seek such unity against Iraq. Oddly, other members of the Security Council continue to indulge the fantasy that Saddam would suddenly begin listening to reason. Members of Congress do not share that delusion. We look forward to receiving the President's recommendations with regard to the need to use force to contain, if not destroy, Iraq's capability to produce weapons of mass destruction.

Is my colleague familiar with that?

Mr. BIDEN. I think you are quoting one of the most articulate men who has ever served in the Senate. I wonder who you are talking about?

Mr. BOND. I am referring to the distinguished Senator from Delaware—

Mr. BIDEN. I thought that is who you were talking about.

Mr. BOND. Who I understood made this statement to the Foreign Relations Committee.

Mr. BIDEN. The Senator is absolutely right. If he wants to read the rest of the statement, he will point out we in fact should have continued to try to get the rest of the world to come along after the fact. Can you imagine if the President of the United States had said, the day after the statue of Saddam fell, if he went on national television and made the following speech: My fellow Americans, I tell you that our fighting men and women have bravely defeated the present government, but we have much to do. It will cost billions of dollars and take tens of thousands of troops for the foreseeable future. Toward that end, I am going to ask our valued allies who disagreed with us, whose democratic processes I respect but they disagreed with us, to now step in and help us, ask them to participate in rebuilding Iraq and share the responsibility of forming a new government and dealing with the aftermath of Saddam. Toward that end, I have convened a meeting with Mr. Chirac, Mr. Schroeder, the European Union, et cetera. What do you think would have happened?

But what did we say? We said the same thing we said in Afghanistan. When the French offered to send 5,000 of their marines, when Schroeder risked a vote of confidence by one vote, he succeeded in voting for sending 1,000 German marines to Afghanistan, Mr. Rumsfeld and company said: We don't need them. And they stiff-armed them.

Senator LUGAR and I contacted the President and said: Please, please accept their forces.

We don't need them. We don't need them.

Technically we may not need them. But I would argue that is the nadir of diplomacy that I have witnessed in this body, and I am now the seventh most senior Member. The diplomacy has been so incredibly ham-handed that we have to continue this foolish response. We have hamstrung ourselves in a way that makes it almost impossible to do what everybody on this floor knows we need to do.

It is real simple. If you think we can secure the peace in Iraq all by ourselves without anybody else's help, then have at it. Go to it. I don't know any reason why Bremer should not be dual-hatted like we are in Bosnia. I don't know any reason why we should not be saying to the French, the Germans, the European Union, and the U.N., you help us form this government. I don't know any reason why we didn't have them in there in the first place, beginning the electoral process, why we stiff-armed them. I don't get it.

I do know the result. Whether you agree with me or not, somebody has to pay the bill. All my friends who don't like international institutions, all my unilateralist buddies who like to eat freedom fries and engage in their little pettiness, have fun, but go home and explain to your people why only Americans are dying. Go home and explain to your people why only American taxpayers are paying the bill. Go home and explain to your people why we have close to 200,000 troops in the region and 140,000 troops there. Bravo. Bravo. Aren't we tough.

It is about time we wake up. By the way, I will be seeking the floor later today with an amendment. This President has come along and said: We need $87 billion and, by the way, just add it to the deficit. Add it to our tab. Put it on the tab. Our kids will pay for our security.

So the budget deficit is going to approach $600 billion. Can anybody name a time for me in American history when a President took us to war and, after taking us to war, a war that I supported his going to, said: It is going to be a long sacrifice, and, by the way, here is the largest tax cut in the history of the United States of America, as we go?

Can anybody name any time in American history when that has ever happened? Isn't it kind of strange?

So, Madam President, I will not take the time to talk about how we should pay for this now. But I will suggest—is there any time left?

The PRESIDING OFFICER. There are 2 minutes 24 seconds.

Mr. BIDEN. Madam President, to me, this is real basic. If we want people to share the burden, we have to be willing to have people share the responsibility. Why does the administration propose—by the way, we have every right to look at the details of this $87 billion.

Why does this administration propose to spend $33,000 apiece for pickup trucks when you can get a brand new pickup in the U.S. for $14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend $10,000 per student for a month-long business course—more than double the monthly cost of the Harvard Business School?

Why does it propose to spend $50,000 per prison bed, which is double the average cost of a U.S. prison bed?

The bottom line is we have an obligation to closely scrutinize the President's request, to ensure that taxpayers' dollars are spent wisely and, most importantly, that this administration has changed its course because literally the future of our children is at stake if they don't get it right.

I thank my colleagues and I yield the floor.

Mr. FEINGOLD. Madam President, today I have voted in support of Senator BYRD's amendment to strike $15.2 billion in reconstruction aid from the supplemental appropriations bill. I supported this amendment not because I oppose the overall intent of some of this spending—helping Iraqis establish order and setting the country on a path to stability and development—but because it is clear that there has been insufficient planning and insufficient explanation as to how this $15.2 billion in reconstruction assistance would be spent.

This portion of the request needs careful consideration and, frankly, this portion of the policy desperately needs improvement. It makes sense to sever this portion from the rest of the request to allow for that process without delaying action on all of the issues before us.

Mr. BINGAMAN. Madam President, I rise today to explain my support for Senator BYRD's amendment No. 1794 to S. 1689. While I support funding the reconstruction of Iraq, I believe in the necessity to consider these two very important issues funding for Iraqi security and Iraqi reconstruction separately.

The purpose of the Byrd amendment was to separate the reconstruction portion from the security portion of S. 1689. Had Senator BYRD's amendment passed we would have been able to take immediate action on the security portion of S. 1689 and passed that portion before we left town this week. We could have then, upon our return, looked more closely at the President's request for reconstruction funding and taken the time to give thorough scrutiny to the administration's request and better examine the ways in which we are prioritizing the spending requests of this bill.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I failed, and it is certainly my oversight—prior to a vote on the Byrd amendment, the managers should be recognized. They have both agreed to 8 minutes each.

I ask unanimous consent that the managers have 8 minutes each prior to the vote on the Byrd amendment.

Mr. STEVENS. Reserving the right to object, that is on the Byrd pending amendment?

Mr. REID. Yes.

Mr. STEVENS. To occur now?

Mr. REID. Yes, but first Senator SMITH will speak, and then Senator BOXER will speak for 8 minutes, and you and Senator BYRD will have 8 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, before my friend Senator BIDEN leaves the floor, I tell him that I think he is on the wrong side of short-term politics, but he is on the right side of history to support the President's request for $87 billion. He has made many points where the administration could have done this or that better. Some of them are valid.

I think it is important that we remind ourselves what this is really all about. What are the bigger issues at play here? I have believed throughout my life as a child of the cold war that American foreign policy is something to be proud of. Born in the early 1950s, I remember the nuclear bomb drills, where we would get under our desks and practice how to survive a nuclear bomb. I remember great leaders such as Eisenhower, Kennedy, Nixon, and then Reagan, standing up for the principles of the American Constitution at home and abroad.

I ask myself, what are the values of the American foreign policy? I believe they are the spread of democracy. I believe they are the defense of human rights. I believe they are the expansion of prosperity and engaging in trade. The world doesn't need to fear the United States of America as long as those values are intact. I believe they are very much intact. When I came to this body in 1997, I was privileged to serve on the Foreign Relations Committee with Senator BIDEN. I remember during the Clinton administration a feeling that our foreign policy was very well intentioned, but there was uncertainty about what to do with it. We were attacked at the World Trade Center; we were attacked at the Khobar Towers; we were attacked in our ship in a port in Yemen; our embassies were blown up. In each case, our response was to hit them with a cruise missile, but not the commitment to actually go get them.

I joined Senator BIDEN and others on the Democratic side in supporting President Clinton in Kosovo, believing that the defense of human rights included stopping genocide on a massive scale in Bosnia. I remember when many Republicans criticized President Clinton for not coming with a plan—planning for peace, having every jot and tittle accounted for in the expenditures in Kosovo.

I suspect if we look up what we have spent in Kosovo on a per-capita basis, it is about the same as President Bush is proposing to spend in Iraq. As important as Kosovo was in terms of our strategic interests, Iraq is infinitely more important.

Now I believe America's best days are still ahead. I believe our role in world leadership is more important now than ever before. I believe after the Second World War America was laden with debt and our people wanted to go home, and President Truman came to this place and said we have to have a Marshall Plan to save Europe. It was one of the most beneficent acts ever by a government over a continent that had been conquered and suffered much tyranny.

I believe that Roosevelt, Truman, Eisenhower, MacArthur, and other leaders helped to save the free world in that act. But if you added it up at the time, as many did, and tried to make sense of it, it didn't make sense. But as I say, JOE BIDEN is on the right side of history because America has been called to a new sphere of responsibility, just like our parents were in Europe and in Asia.

I talked about the spread of democracy being one of the pillars of American foreign policy. Democracy is setting its roots everywhere on the planet except in Arabia. The Arab peoples have suffered mightily because of its absence, not having the rule of law. All you have to do is go look at the mass graves in Iraq to understand that. All you have to do is look at his people and his neighbors, the Iranians, who have suffered the effects of weapons of mass destruction from Saddam Hussein to understand his danger. All you have to do is understand where Hamas got its money to blow up the people of Israel; they got it from Saddam Hussein.

I believed this President when he came to us and asked for our support. He said the threat was not imminent, but after 9/11 we could no longer wait until it is imminent when we are dealing with a madman like Saddam Hussein.

Many of my colleagues criticize President Bush for not planning for the peace. Well, frankly, we, the Republicans, criticized President Clinton for not planning sufficiently for the peace in Kosovo. I am not sure how well you can plan for the peace, but I know every time a chief executive, Republican or Democrat, comes here and says I have a plan for the peace, we have many of our colleagues simply say we cannot pay for the peace. We can pay to win a war, but we want to go home when it is time to win the peace.

The American people, I know, are tired of paying, but world leadership and American interests in relationship to that are priceless, and sometimes we cannot tote it all up. But I ask you what kind of a world we will live in if we succeed in this vision of establishing a democracy in Iraq. Think what that means to Arabia, to Israel; think what that means to our country if we can avoid a future 9/11.

It will make the pricetag for peace in Iraq look like a good price, and it will mean that while some will complain we have created a breeding ground for terrorists in Iraq, in the Middle East, we can answer, yes, we have, but the ground is there; it is not here. That is what I think President Bush is trying to do.

So when we criticize our leaders for bold vision, just as Republicans criticized Roosevelt for Yalta, understand Roosevelt tilted the ship of state in the right direction so we could ultimately win. Understand that Truman laid the groundwork for democracy in Europe so we are not constantly fighting between Germans and French. And understand that what President Bush is now saying is, after 9/11, no more of them. If they want to fight, it is there, not here, and we have to go and win the peace. It falls to us now to pay for it.

I say JOE BIDEN is on the wrong side of short-term politics but JOE BIDEN is on the right side of history, just as Republicans were when they supported Truman with the Marshall plan. We are being asked to do something that is historic. If the time of the Americans is over with the cold war, vote no. If the time of the Americans and American leadership is still present, vote yes, for this appropriation. Vote against the amendments that would gut it because I believe our place in the world, democracy's future on this planet, is in large measure determined by what leadership we give to the world.

I wish I had more confidence in international organizations. I think we should stay in them, but I don't believe we should ever have our interests and our values subordinated to the veto of the Security Council of the United Nations. That would be a mistake. And if we had ever done that, we would never have defended Europe in the cold war, we would never have defended our allies in Asia, because we never could have gotten support of the Security Council for such things. So it does require American leadership, and sometimes, with allies such as the British, we have to go it nearly alone.

I believe the time of the Americans is still now, and I think we need to support this President because I think the peace of the world and the spread of democracy are dependent upon it.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORNYN). The assistant Democratic leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement now in effect be amended to allow the Senator from California to speak for 10 minutes rather than 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague. It is because I prize America's leadership in the world that I will be proudly supporting Senator BYRD's amendment because Senator BYRD's amendment will allow us to really look at what we are doing in Iraq. It is because I also prize this country and I respect and honor the needs of our people that I am supporting Senator BYRD's amendment.

If we look at what we spend in a year on items most important to the people in this country, and we compare it to what they are about to spend in Iraq reconstruction which we were told would never fall to American taxpayers, we will see that our people are being shortchanged.

Senator BYRD's amendment allows the funds for the military to move forward and even $5 billion of reconstruction for the Iraqi police to move forward, but it withholds the $15 billion because he prizes America's leadership, because he doesn't want us to look foolish, because he as well as I and many others are tired of reading in the newspaper comments from the Iraqis.

For example, this is one from USA Today. It tells of an Iraqi businessman who was surprised to see the $100 million estimate to build a complex that will house more than 3,000 people. He said: I could build this for $10 million.

If someone comes to the floor and says Senator BYRD is turning his back on America's place in the world because Senator BYRD wants to protect the people of this country and their taxpayer dollars so that when and if we do build housing or shopping malls in Iraq, it is done in the right way, I say the people who question him are on the wrong track.

I have another quote. A member of the Iraqi Governing Council—appointed by this administration, I might say—saying to WAXMAN staff over on the House side that non-Iraqi contractors had charged about $25 million to refurbish 20 police stations in Basra, a job that he said Iraqis could have done for $5 million. This is a disaster.

My friend talked about President Roosevelt. Let me tell you what FDR said about this during World War II:

> I don't want to see a single war millionaire created in the U.S. as a result of this world disaster.

He was talking about war profiteering. Maybe my colleagues are sanguine about the scandals we have already seen with no big contracts in the back room to firms that have connections to the Vice President of the United States. I am not sanguine.

The Byrd amendment is saving us from the embarrassments that will flow, because they will flow. I have been in the area of military procurement reform for a very long time. I served in the House for 10 years. I served on the Armed Services Committee. I discovered a lot of problems with military procurement, and you ain't seen nothing yet when you already have Iraqis saying we are charging so much.

What Senator BYRD is saying to us is, before we send hard-earned American tax dollars over there for a rebuilding, if you will—actually, it is not even a rebuilding; it is a building because a lot of the things they never had before—before we do that, we need to look at this situation.

When I see that the administration, the President, is asking for $33,000 apiece for 80 pickup trucks when here they cost $14,000, I say thank you, Senator BYRD.

When I see a $3.6 million request for satellite phones at an average cost of $6,000 and we are told by the Iraqis that they paid on May 12 $900 each, I say thank you, Senator BYRD.

And $2 million for museums and memorials when the Iraqis say they are tired of memorials. That is all Saddam ever gave them. They don't want more memorials. I say thank you, Senator BYRD, for calling attention to the fact that they want to build two prisons at a cost of $50,000 per prison bed where in America it cost $25,000 per prison bed.

Others have talked about the cost of a 4-week business course in Iraq at a cost of $10,000 per student when in Harvard it is $4,000. I say thank you, Senator BYRD.

Where is the money going? Into somebody's pocket where it doesn't belong over there or over here? It doesn't matter; it is taxpayers' dollars.

Look at what we spend one year on drug enforcement, $1.6 billion, and our kids are dying of overdoses, and we don't have the money, and this administration won't give us the money for education.

This President cut afterschool programs in half, throwing 1 million kids out on the street. Thank goodness we restored some of it. I say thank you, Senator BYRD.

You can make the most lofty statements you want about America's leadership. America's leadership doesn't move forward one iota when we are not careful and we don't look at what we are doing.

I think it is extraordinary: $9 million for a state-of-the-art Iraqi postal service. Per capita, this amount is greater than the Federal Government spends on the U.S. Postal Service. Tell that to our constituents who are told they may not get Saturday mail deliveries.

My constituents are perplexed by this request. The President will not pay for it. He is adding to an already overblown deficit. If we do not count the Social Security trust fund, it is up to $700 billion. He will not pay for it. The numbers do not add up. They do not make sense.

My people want us to do our share to help the Iraq people, but they were told a different story from this administration. Press Secretary Ari Fleischer:

> Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Ari Fleischer, the spokesman for the President, said that in February of this year. In March of this year, Deputy Defense Secretary Paul Wolfowitz:

> There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people.

He also said:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon.

This is what my constituents were told, and now they are told they are supposed to blink their eye at tens of billions of dollars going for things that cost half the price in this country.

How about Secretary Rumsfeld, the leader of this war:

> I don't believe that the United States has the responsibility for reconstruction.

Let me say that again. The top person in the Defense Department, Secretary Donald Rumsfeld:

> I don't believe that the United States has the responsibility for reconstruction.

That is not BARBARA BOXER speaking. That is not ROBERT BYRD speaking. That is not Senator MURRAY speaking or Senator STABENOW.

This is what the American people were told, and Senator BYRD is saying to this administration that they did not tell us the truth about this.

It goes deeper than that. This administration has been wrong down the line on this policy, and suddenly we are supposed to write this enormous check for this reconstruction. I look at it as a blank check—when one sees the numbers they have put forward. They were wrong on the weapons of mass destruction. They were wrong on what would happen after the war. They were wrong when they failed to predict that the terrorists would move in and fill the void. They were wrong on what the rebuilding would cost. They were wrong on the state of Iraq's ability to recover economically. They were wrong on how many troops would be needed. They were wrong on the oil revenues. They were wrong on how much other countries would contribute.

I know it is hard to listen to this. I know some of my colleagues on the other side do not really want to listen to this, but these are the facts. We are not operating from a lack of experience. What Senator BYRD is saying—and he is making a plea to colleagues on both sides of the aisle—is that we need to take a further look at these requests, especially at a point in time when we are told by this administration that they cannot even meet our homeland defense needs.

I have an amendment to try to protect commercial aircraft from shoulder-fired missiles. Let's support Senator BYRD. He is doing the right thing for America.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there will now be a period of 16 minutes equally divided between the Senator from West Virginia and the Senator from Alaska.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I assume this will be an up-or-down vote. I am pleased to make my statement first and let the Senator close. That would put people on notice that we should be voting in 15 minutes.

I have said repeatedly that the President's supplemental must be considered as a complete package. This is one of the key votes on this bill. If we try to separate even a portion of the package of the $20.3 billion, we will delay the return of our troops.

We are in a situation where the quicker the Iraqi people can get control of their own affairs—or even greater control of their own affairs, I should say—the better off we will be and the sooner we will start bringing our forces home.

Support for our forces is directly linked to the funds for security, infrastructure repair, and freedom in Iraq. All of the witnesses who appeared before us from the military, the State Department, and Ambassador Bremer, representing both in Iraq, have indicated to us there is no question that the safety of our people is linked to these funds for reconstruction and restoration of Iraq.

Our colleagues have said they support the military money, but the military money must be increased greatly if the forces are not forthcoming from the Iraqi people to provide security and police. They can provide their own people at much less cost than we can. To provide security in a military concept will mean bringing a great many more military people to Iraq to provide the security that is necessary to deal with the situation, particularly in the triangle around Baghdad.

Our troops on the ground become greater targets the more the dissidents increase their control over the Iraqi people. The dissidents really are those who are unhappy about their own lack of necessities, their own security, their own lack of fuel and electric power.

These costs for reconstruction are high, there is no question about it. If we compare it to other engagements we have had in the world, they are not high on a per capita basis. We are dealing with many more people in Iraq than we were in Bosnia, and many more than we were in Kosovo. In both of those countries, we ended up with a period of long occupation that would have been unnecessary if we had moved into the concept of aiding the people there to provide their own government and their own security and their own basic future.

I do hope the Senate will vote against the Byrd amendment. It is the first test really of the intention of this Senate to approve the request of the President of the United States, which has been supported by every person who is in authority in our Government today.

I wish I had with me some of the letters I have received, that have been read to me, from our military people in Iraq. Those who are serving there have done a magnificent job, and they know it. They are writing their parents and telling them how proud they are of what they have done and how proud they are to be helping these people have permanent freedom in their own country.

I urge that this amendment be defeated.

I do want to point out that what we are dealing with is the question of splitting this supplemental. The supplemental is in two parts. One is military, and one is for reconstruction and restoration of the Iraqi people. To split off any part of it is to defeat the purpose of the administration and to defeat the goals we sought to achieve by committing our forces to the cause of liberating Iraq.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first I thank my colleague, Senator STEVENS, for his courtesy. I want to tell him again that my association with him is not so fragile as to be injured by any differences we may have between us on this amendment or any other question.

The American people have only recently been exposed to some of the details of the $15.2 billion in funds that the President has requested for the reconstruction of Iraq. The more the public learns about this request, the more the people will want Congress to take a closer look at this request.

My amendment would strike $15.2 billion in reconstruction funding for Iraq. But it does not touch 1 cent of the security-related funding in this $87 billion appropriations bill. My amendment would allow the Senate to go back to the drawing board and consider an entirely new bill that would only contain funds for rebuilding Iraq.

A vote for the Byrd amendment is a vote for taking a fresh look at $15.2 billion in Iraqi reconstruction spending. A vote for the Byrd amendment is a vote for more hearings, more hearings about why these funds are needed, more hearings about your money. I have heard that expression so much when it has been used by our friends on the other side, talking about the tax cuts, saying: It is your money. It is your money. It is the people's money that we are talking about here. A vote for the Byrd amendment is a vote for more hearings about why these funds are needed.

Are there reasons to vote against my amendment? There sure are. There sure are reasons to vote against my amendment. If Senators want to spend $10 million to hire 48 bureaucrats for Iraq at the cost of $208,333 per pencil pusher, that is a good reason to vote against my amendment.

If Senators want to support $9 million for creating new ZIP Codes in Iraq, vote against my amendment. That is a good reason. That is a dandy reason to vote against it.

Let me say that again. If Senators want to support $9 million for creating new ZIP Codes in Iraq, vote against my amendment. Go to it.

If Senators want to buy 80 pickup trucks at $33,000 when pickup trucks at a car dealership in any town in the USA start at just $14,000, vote against my amendment. Go to it. Vote against my amendment.

A vote against the Byrd amendment to strike $15.2 billion in aid to Iraq is a vote for a padded bill. Go to it. A padded bill. The questionable items funded by this bill go on and on and on.

The President's request contains $3.6 million for 600 radios and telephones at $6,000 each. How about that? According to the Business Week of May 12, Iraqi merchants sold satellite phones during the war for $900 each.

This bill has $20 million to send Iraqis to a 4-week business school course at a cost of $10,000 per month. How about that? That must be a great education. That must be a great education because tuition at Harvard Business School is less than $4,000 per month.

As long as we are talking about education, the administration also wants to spend $30 million for English classes, at a cost of $1,500 per student. How about that? Thirty million dollars for English classes at a cost of $1,500 per student. Similar English programs in the United States reportedly cost just $500 to $1,000 per student. And there is more. There is more.

There are more reasons to vote against my amendment. For example, there is also $2 million for museums and memorials. Is this money really an emergency? Is it? Some Iraqis don't think so. On September 29, USA Today quoted a car dealer in Iraq as saying about this money:

> OK, garbage collection I can understand, but statues? After Saddam, we are fed up with statues.

If Senators support this kind of excessive spending, then vote against the Byrd amendment. But I think the Senate must take a new look at the $15.2 billion in reconstruction spending proposed by the administration. Interestingly, just yesterday, members Of the Iraqi Governing Council told the leadership of the Senate that they had not been consulted in putting together this budget request for the reconstruction of Iraq. We need to make sure there is a coherent plan for how this money is to be spent.

I do not yet have any confidence that the administration has a solid plan for how it plans to spend this money, and the lack of a plan could leave working Americans on the hook for billions of dollars more for many years.

I also do not yet have confidence that the administration has a plan for bringing in the international community to the occupation and reconstruction effort in Iraq. Some have argued that, if this reconstruction spending is delayed, it will result in increased danger to the troops. I simply don't understand how creating new ZIP Codes in Iraq, how hiring more bureaucrats for Iraq, how purchasing more pickup trucks for Iraq will make American troops any safer. What they need is a plan and an exit strategy, which includes getting troops and money from the international community.

Vote for the Byrd amendment to strike this $15.2 billion and let the Senate take a new look at how we can share the cost of this reconstruction spending with the international community.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38,nays 59, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—38

Akaka
Baucus
Bingaman
Boxer
Breaux
Byrd
Chafee
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—59

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Graham (FL)
Kerry
Lieberman

The amendment (No. 1794) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, under the previous order Senator MCCONNELL will be offering a sense-of-the-Senate amendment on the troops. We are currently working on an agreement to set up the vote for that for tomorrow morning. Therefore, we will have no more votes tonight. Senator BIDEN tonight will also be offering an amendment later. There will be no more votes tonight. We will be announcing when we will be voting tomorrow morning a little bit later this evening.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I know the Senator from Louisiana is interested in talking for a few minutes as in morning business. I ask unanimous consent the Senator from Louisiana be recognized for 4 minutes as in morning business, after which I be allowed to send my amendment to the desk. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

(The remarks of Senator LANDRIEU and Senator CRAIG are located in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I will shortly offer an amendment that should be supported by everyone in the Senate. It seems to me it is time we had such a vote. It is an opportunity to set aside the rancor that has occasionally occurred during the consideration of this underlying measure, both in the Appropriations Committee and since, and agree that the Armed Forces of the United States have performed brilliantly in Operation Enduring Freedom in Afghanistan and in Operation Iraqi Freedom in, of course, Iraq.

Since October 7, 2001, when our Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, our soldiers and allies have removed the Taliban regime, eliminated Afghanistan's terrorist infrastructure, and captured significant and also important and numerous members of al-Qaida.

Since March 19, 2003, when the Armed Forces of our country and its coalition allies launched military operations, designated as Operation Iraqi Freedom, our soldiers have removed Saddam Hussein's regime, eliminated Iraq's terrorist infrastructure, ended Iraq's illicit and illegal programs to acquire weapons of mass destruction, and captured significant international terrorists.

During all of this time, during the heat of battle, our soldiers have acted with all the efficiency that wartime commands, but all the compassion and understanding that an emerging peace requires. They have acted in the finest tradition of U.S. soldiers and are to be commended by this Senate.

AMENDMENT NO. 1795

Mr. McCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1795.

Mr. McCONNELL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To commend the Armed Forces of the United States in the War on Terrorism)

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designed as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United States Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiate of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinary valuable defense asset; and

Whereas the Nation should pause to recognize tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations.

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. McCONNELL. Madam President, we will have further debate and a vote on that amendment in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1796

Mr. BIDEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. KERRY, Mr. CHAFEE, Mr.

CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1796.

Mr. BIDEN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers)

At the end of title III, add the following:

SEC. . (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

"(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to $87,000,000,000.

"(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

Mr. BIDEN. Madam President, I promise I am not going to keep you long. I plan on speaking in more detail to this tomorrow, but I wanted to lay this amendment down tonight.

With the help of Senator KERRY, Senator CHAFEE, Senator CORZINE, and Senator FEINSTEIN, we have a simple and we believe a very commonsense amendment to pay for the President's request for funding the supplemental for the war in Iraq.

For my bona fides here, I want to make it clear at the outset, No. 1, I voted to give the President the authority to go to Iraq, and I believe it was the correct vote. I am not at all happy with the way the administration failed to plan for the fall of Saddam, notwithstanding the importuning on the part of myself and many others—Republicans and Democrats in the Congress—but nonetheless, I do not come at this as someone who is opposed to the idea the American public is going to be asked to spend more money to win the peace in Iraq. We are going to be asked to spend more money. It is inevitable.

I might add, even if we had every other nation in the world with us, our share would still be in the tens of billions of dollars to win the peace in Iraq. We would still have tens of thousands of American troops there.

I am, as I stated earlier today, very—I should not have said it probably—angry with the failure of this administration to abandon the assumptions they had which were dead wrong. It is understandable; we all make mistakes, but they were dead wrong what we would find in Iraq after Saddam fell.

My colleague from Maine knows a great deal about American foreign policy, both in her incarnation as a senior staff person and now as a serious United States Senator. She knows from her experience on the Armed Services Committee and she knows from her experience on intelligence matters of what I speak. I am not suggesting she agrees with me; I am just suggesting she knows how much is at stake in winning the peace in Iraq.

What I am about to say some will use an ad hominem argument and say the reason BIDEN is doing this is because he is against funding the peace in Iraq. Wrong. I want to amend what the President sent us. I want to refine it.

For example, I voted against the Byrd amendment. The Byrd amendment really was designed to say we should deal with getting the money to the troops right away and then let's talk about the remainder for rebuilding. I was likely to support that when it looked like we were not going to be allowed to offer any amendments. I will have amendments to this legislation.

For example, we are spending something like $50,000 or $55,000 for every prison bed we are going to build in Iraq. They need to build prisons. It is in our interest they do that. We spend half that in the United States. Why in the devil should we be spending twice as much in Iraq? One of three things: We either have not calculated correctly or we are padding contractors who are going to go in and do the job, or Bremer and others are looking for some cushion to have money to do other things. In any of the three cases, it is the wrong way to go about it.

I will be offering an amendment that says we are going to cut part of the money for rebuilding Iraq; that we are only going to pay $30,000 per prison bed like we do here. We are talking about spending on education programs twice what we pay a student to go to Harvard Business School. There are a lot of things in the supplemental that require accountability. I am going to try to hold the administration accountable—not accountable for their sins, accountable so the American public and we know what they are doing.

My friend from Maine—I do not want to get her in trouble, but I think she and her colleagues were empathetic at least to the initial proposal, the so-called Biden-Lugar amendment before the war as to what the conditions of going to war were. On the amendment, which we never got to, because Mr. GEPHARDT reached a deal with the President and the House of Representatives and rendered our efforts moot, we had, I am told, over 20 Republicans prepared to vote for it and 40 Democrats to vote for it.

What did that amendment have in it that the authorization we finally passed did not have? It had reporting requirements. The President was required to report on a regular basis what he was doing, how the war was going, whether or not we were doing the following things. So I think there should be reporting requirements tied to this $87 billion, and more. I will not bore you with what else.

The point I am trying to make is this is not a veiled attempt to somehow undercut or defeat the President's request for significant economic and military aid in Iraq. We have to do it, in my view.

The second point I want to make at the outset is I voted against the President's tax cuts. I think they were excessive. I think they were dangerous. I think they did not take into account the exigencies which we are facing. I said so at the time. And I think they massively contribute to the deficit. A lot of us disagree. Half a dozen of my Democratic friends voted for it and most of my Republican friends voted for it. I am not in any way impugning their vote with what I am about to try to do.

Further, the fact I was against the amendment—this is not a back-door way to try to rescind the tax cut. My colleagues at this point will have to take that on faith, and hopefully, as I debate my amendment, you will understand what I am trying to do. Some will say the Biden, Kerry, Chafee, et cetera, amendment is designed to rescind the President's tax cut. That is not what this is about.

I was listening to the President and, I might add, the President, I think, were he to be asked—and there is no reason why he would be—and the administration, including Dr. Rice and the Secretary of State, will tell you the last 6 months I have been saying to the President: Tell the American people what it is going to cost. Tell them it is going to be billions of dollars. Tell them it is going to take tens of thousands of troops for an extended period of time because, Mr. President, if you don't, you are going to lose their support. They are going to be angry when they find out Johnny and Jane are not going to be marching home by Christmastime. They are going to be angry when they find out we are going to have to devote billions of dollars—tens of billions of dollars—to prosecute the peace, as we have already spent tens of billions of dollars, over $70 billion, to prosecute "the war." And the President was reluctant to do that. I think his failure to level with the American people early on is a serious mistake.

By the way, conservative senior Republicans, such as my friend Senator DOMENICI, have used words such as "level with the American people," or "the administration should level." Senator LUGAR has been saying that for 6, 8, 10 months. So this is not a partisan attack on the President. This is just pointing out the President has to, to keep these folks in the deal so we don't leave our troops over there stranded, in effect, so we don't divide this Nation—the only similarity between this and Vietnam, in my view, is this has the potential to divide the Nation. Not in the sense it is a quagmire. It is in a sense that it will divide the Nation, and we cannot afford a divided Nation because if we lose the peace in Iraq—in a sense it is silly me saying this to you, Madam President, because you know this better than most—if we lose the peace in Iraq, we will significantly strengthen Iran.

We will significantly undermine the moderates in Iran. We will put incredible pressure on Musharraf in Pakistan, a nuclear power. We will put incredible pressure on the new Islamic party in Turkey that wants to become part of the European Union. We will probably cause every moderate and modernizing voice in the Middle East to shut down. That is a big problem well beyond terror.

If tonight the Lord Almighty came down and sat in this chair and said: I guarantee all of you Senators there will not be a single additional terrorist attack anywhere against American or American interests in the world for the next 10 years, does anybody think we still do not have a multibillion dollar problem in Iraq? Does anybody think we still do not have a multithousand troop problem in Iraq?

This is a country that has never been governed as a participatory republic, ever. This is a country that is not a country. This is not the old Babylon. This is not the Babylonian Empire. This is a polyglot of elements of the Middle East that were put together by the colonial powers, Mr. Churchill, after World War I. It has never been a country.

Look how long it took to rebuild Germany, a unified, ethnically coherent country—as a matter of fact, too ethnically coherent in a sense.

So this is going to take a long time. My effort is like that of Senator REED of Rhode Island. We have to do more, not less. So this is not designed to undercut the effort to rebuild Iraq. Nor is it designed as a back-door way of eliminating the President's tax cut. Let me tell my colleagues what it is designed to do. It is designed to pay for what we need to do. There is the $87 billion we are about to—I believe, I predict—at least the bulk of that we will vote for. The President will sign it into law. The question is: What happens? How is that $87 billion, in effect, recorded on the books?

Well, the President's proposal is very simple and straightforward. It increases the deficit to almost $600 billion. Just add the $87 billion on top of the roughly $500 billion deficit for next year, and that is it.

Put another way, my granddaughters Naomi, Finnegan, and Roberta Mabel will pay for my security. They will pay for reconstructing Iraq. Now where I come from, I thought it was the other way around. I thought we were supposed to pay for our children's and our grandchildren's security.

It is really simple. This is not hyperbole. This is not some great insight. If it is added to the deficit, our children and grandchildren pay for it. The pages will pay for my security, if we succeed in Iraq.

So that is one thing we can do. We can do the President's proposal. The other way we can do it is some Members of both parties—I believe, although I am not certain, but I think the Senator from Texas still has the view and some colleagues on my side, Senator DORGAN and others, believe there is so much oil in Iraq we can have them pay us back for this $87 billion. So we can make it in the form of a loan.

There will be a vote on that. Someone will offer an amendment saying this is a loan, not a grant. That is going to be very appealing to everybody listening to this little talk of mine. All my folks back home are saying: Joe, why would you not be for that? That is just fair. They have all this money, all this oil. They should pay for the reconstruction. They should pay for us liberating them.

Well, if they could, they should, but the fact of the matter is Iraq already owes in hard debt and reparations well over $100 billion to the international community, debts accumulated under Saddam Hussein. People lent them money. There were claims against their assets by those who were hurt by the invasion into Kuwait. There are indemnification claims against them, almost $200 billion, we are told.

Everybody is big these days on using historical analogies, historical examples, and as hopefully a relatively informed student of history, I will use a comparison. We can either choose the World War I model of reconstruction or the World War II model. In World War I, the world defeated Germany and concluded at Versailles that the whole war was Germany's fault and Germany should pay for its own reconstruction and Germany should pay reparations to France, England, and others for the damage they did.

So the new government came along and we said, have at it, establish a democracy, rebuild your economy but, by the way, pay this overwhelming debt first.

What happened? We ended up with Germany collapsing, the economy collapsing, people using wheelbarrows full of deutsche marks to buy bread, and Hitler, the demagog, racist, no good son of a gun, playing on the angers, fears, and frustrations of the Germans, and we had World War II.

We can use the World War II model. The World War II model, to vastly oversimplify it—thank God your mother and father and my mother and father were a lot smarter than their mothers and fathers—they came along and said, the leadership of Republicans like Vandenberg and Democrats like Truman, the World War I model did not work. If we try to set up a new government in Germany, and in other parts of Europe, and we say to them, first of all, you Germans caused 400,000 Americans to die and over a million to be wounded and the debt, all of which is accurate, and you have to pay us off for the war first, does anybody believe we would have a democratic republic in Germany now?

What did we do? We did the exact opposite. After over a year of debate, we did the exact opposite. A guy named Marshall made a speech at the university—he was a Secretary of State and former general—and we had the Marshall Plan. Some little bit of that was loans, but the vast majority was grants, to give this fledgling new democracy, with the Adenauers of the world, the opportunity to grow, because there has never been a place where democracy has been able to take root without economic growth. It has never happened.

So we did the opposite. We rebuilt Germany. Guess who benefited the most. The United States. It started the greatest economic expansion in the history of the United States of America.

There is a third model—a fourth model we can use. That is instead of indemnifying them, how do we go out and say to the rest of the world, look, here is the deal? The deal is we want you, the rest of the world, to come up with $50 or $60 billion over the next couple years. We want you to send 50,000 or 60,000 of your troops, which will cost other billions of dollars, to be in Iraq. We want you to forgive the debt the old Iraqi Government owes you, and, by the way, our $20 billion we are putting in, we are going to indemnify against Iraqi oil, but not you.

That is what they call in some parts of my State being a penny wise and a pound foolish. We may indemnify our $20 billion but we are sure not going to get anyone else to put in any money.

So this a very appealing bad idea. This is the "painted, tainted rose" of the song. This is not a good idea. This is the siren song. It sounds great.

I am going to have trouble explaining at home why I would not vote to have Iraq pay their way. The reason I won't is it will cost the American taxpayers more, because no one else will get in the game if we do it and we will have to do it all.

The last way we can do this is we can pay for it. The President himself used these words in the State of the Union. He said:

> This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other Presidents, or other generations.

This is a sentiment that is a principle we can all support with regard to Iraq. I would like to hold the President to his commitment. Mr. President, do not pass on to my children and grandchildren the cost of this war. Let us pay for it.

How do you pay for it? The amendment I have sent to the desk would take a small share, less than 5 percent of the $1.8 trillion tax cut we enacted in the last 3 years, to cover the $87 billion emergency supplemental for Iraq. That would put the burden of paying for our mission in Iraq on Americans today, not our grandchildren, which, despite the fine words I just quoted, is exactly what the President is doing.

This $87 billion request will be added to the mountains of debt we have already piled up. From a projected 10-year surplus of $5.6 trillion when the President came to office, this administration has, by a kind of reverse alchemy, turned gold into lead. We face a $480 billion deficit this year alone, and that is not counting the $164 billion we will borrow from Social Security. There is no one in this Chamber who is a better expert on Social Security than the Presiding Officer, so she knows the real deficit is actually $644 billion.

So what do I do? I believe the fair, equitable way to deal with paying for this is to say to the wealthiest Americans, the top .7 percent, instead of you getting a total tax cut of $690 billion over the term of this tax cut, you are only going to get $600 billion.

I tried this out on wealthy Americans, and wealthy Delawareans. Can you imagine if the President of the United States, when he announced this $87 billion supplemental, said: And because of this, I am going to ask the wealthiest 1 percent of you—which means you have to be making at least $360,000 to get into that category of income. The average person in that category makes $1 million per year—I am asking you to forgo 1 year of your tax cut; not the whole tax cut, just 1 year of the 10 years of the tax cut you are getting.

The reason this will have no impact on economic recovery, for those who say the tax cut is causing economic recovery, the way it works is, this will be paid from the year 2005 to 2010. It instructs the Commissioner of Internal Revenue to find this $87 billion from that category over a 5-year period. There is not a serious economist in the world who would say to you it would have any impact on recovery—none.

Do you know the interesting part about it? Wealthy people are prepared to do this. They know it is the right thing to do. They know it is the right thing to do. What frustrates me about some in your party and my party is, some in your party think only the wealthiest in the Nation have any brains, and some in my party think everything is class warfare.

The truth is, wealthy Americans are as patriotic as the poorest American, as patriotic as middle class Americans. They have not been asked to do anything yet. And to ask them to pay, give up 1 year of the 10 years of their tax cut, about which I will go into details tomorrow—for someone making $360,000 a year would be something like, what is it, $1,400 per year for 5 years. That is a sacrifice?

Some have said to me on the shows I have been on—the television shows—Why don't you do it for all Americans? The truth is, middle-class Americans need a tax break. Second, I am not taking away the tax break. Instead of getting 100 times what the middle-class American gets, you are only going to get 60 times.

Do you know what. I have not found a single wealthy American—I challenge anyone who is making in that .7 percent, making over $360,000, to write me a letter—this is on C-SPAN—telling me you don't think it is fair for you to give up 1 year of your tax cut out of 10, spread over 5 years.

I think the President vastly miscalculates the character of the American people and the character of the wealthiest people among us.

So tomorrow, when we actually bring this up for debate, I will have much more detail to say. I promised you I would not keep you long. But I believe—and I sincerely believe this—this is the right thing to do. The wealthiest people I am talking about I believe think it is the right thing to do. I hope we have the courage to do it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, just over 2 years ago, our lives were forever changed when terrorists attacked the World Trade Center and the Pentagon, claiming the lives of nearly 3,000 Americans and declaring war on freedom and democracy everywhere.

In the aftermath of the tragic events of September 11, it became very clear that we would be engaged in a war against terrorism that would span years rather than months and require the full attention of the United States and our allies.

On September 12, 2001, I spoke on the Senate floor regarding the challenge before America. I said:

> Our determination to winning the war on terrorism must have the same high priority that we gave to winning World War II, and we must engage our allies in this war. We should make the same preparations that we made for D-day and the world's entry into the Persian Gulf war.

I also said:

> Our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head. Our efforts cannot be another catharsis after a national tragedy, and they must not fade away with time and business as usual. We owe it to yesterday's victims and their families, especially their children and grandchildren, most of all we owe it to the American people and the world community, to bring an end to terrorism everywhere and forever.

Exactly one year ago this week, I spoke in the Senate as we considered a resolution authorizing the President to use military force to disarm Saddam Hussein and liberate the Iraqi people should our diplomatic efforts fail. At that time, I said:

> Saddam Hussein poses a clear threat to peace in the world, to America and our interests, to regional stability and to his own people.

That is why I voted in favor of a resolution expressing the conviction of Congress that the United States should exhaust all diplomatic options first, but if Iraq resisted diplomatic solutions the President would be authorized to use all necessary means to enforce U.N. Security Council resolutions in Iraq.

Though we all hoped and prayed the growing crisis would not have to be settled with military action, Iraq's 12-year defiance of the world community ultimately left no other action. Joined by members of the international community, a United States-led coalition engaged in a campaign against the Iraqi dictator, and as I stand before you 12 months later, the reign of terror of Saddam Hussein is no more. People in Iraq and people in the world can breathe easier now that Iraq is rid of a tyrant who used weapons of mass destruction to kill thousands of his own people, an enemy of humanity who shunned democracy and balked at the rule of law. Saddam Hussein was a dangerous threat to his own people, his regional neighbors, and the international community.

In an effort to perpetuate the fear on which his power was based, he used his own people as test subjects for the development of weapons of mass destruction. He depended on torture chambers as a method of coercion. Operation Iraqi Freedom has annihilated this vile oppression. This is significant not only for the well-being of the Iraqi people, but it is also crucial for our national security and the future of our children and grandchildren.

This is as much about us, and our war against terrorism, and the security of the American people, as it is about Iraq. I repeat: This is as much about us, our war against terrorism and the security of the American people, as it is about Iraq.

We now have a chance of a lifetime to create a new paradigm of democracy in the Middle East and to do for this part of the world what we did for Germany and Japan in the aftermath of World War II. Today, 58 years after the Second World War, Japan is a strong ally in Asia, and Germany is no longer a threat but instead our partner in NATO and partners with its neighbors in the European Union.

We spent billions of dollars during the Cold War in anticipation that one day our brothers and sisters behind the Iron Curtain and the Berlin Wall would enjoy the freedom we have now enjoyed. Now the Wall is down, the Curtain is torn, and we see democracy growing in that part of the world. Many of us believed it would never happen.

Today we find ourselves with another historic opportunity to promote a new era of peace, stability, and democracy in Iraq and the Middle East. As Ken Pollack writes in his book "The Threatening Storm":

> This is our one opportunity to create a stable, prosperous, self-sufficient Arab state that could serve as a model for the region. This is our one opportunity to turn Iraq from a malignant growth helping to poison the Middle East into an engine for change for the entire region, and we must not let it slip away from us.

I could not agree more. We have a chance to cultivate an important friendship in the Middle East. By helping Iraq, we send an important message not only to those who seek to undermine stability in Iraq but to the entire world. By extending support to help stabilize and strengthen a new democratic Iraq, our actions will demonstrate more than any rhetoric could that we are genuinely interested in supporting humane reconstruction in Iraq as we did following World War II. It will show that we will take the necessary steps and devote the resources required to secure a bright future for Iraq, especially for the young people, and stabilize that part of the world.

Today we begin discussion of the President's critical request for an additional $87 billion to support ongoing military operations and reconstruction efforts in Iraq and Afghanistan. In testimony before both Houses of Congress last week, the head of the coalition provisional authority, Ambassador Bremer, outlined the resources that will be required to enhance security and restore essential services in Iraq, which total of $20.3 billion. Secretary of Defense Donald Rumsfeld also testified regarding the funding that is required to support ongoing military operations in Iraq and Afghanistan and other parts of the world, which totals roughly $66 billion, nearly two-thirds of the total request.

The funding is urgently needed, both for military operations and reconstruction. The portion to sustain military operations will support the nearly 130,000 American soldiers on the ground, and it goes hand and glove with the $20.3 billion requested for reconstruction in Iraq. It is imperative that we act now to restore essential services, build infrastructure, and improve life for the Iraqi people.

As Ambassador Bremer remarked last week:

> Early progress on restoring basic infrastructure gives us an edge against the terrorists.

Ambassador Bremer also said if we fail to act soon, "the consequences for American troops and American interests will be severe."

What I am saying is that the $20.3 billion they are asking for infrastructure is just as important to the safety of our men and women in harm's way as the $69 billion that has been called for in the rest of the request.

This investment will also support our troops. The sooner Iraq is up and running on its own, the sooner our troops will be able to come home. United States-led coalition forces on the ground continue to encounter on a daily basis those who seek to undermine our efforts to ensure a free and democratic future for Iraq. We saw this last weekend when facilities used by U.N. officials and other members of the international community came under attack. There are those who would like to see us fail, and they are working to undermine our efforts with the expectation that our resolve is weak and that with enough violence we will leave. That is why we must act now.

This is a considerable sum of money, and Congress has an obligation to carefully consider this spending request in the broader context of other domestic needs. I understand while Iraq is in need of funding for security and infrastructure projects, we also have urgent spending needs here at home. Congress and the administration should address these priorities for the State of Ohio, my State, and cities and towns across America and make a renewed commitment to invest in our Nation's critical infrastructure, including our highways, bridges, drinking water, wastewater treatment facilities, and other water resources.

As a member of the Senate, I believe Congress should work to move critical infrastructure bills such as reauthorization of the surface transportation program, water infrastructure funding legislation, the Water Resources Development Act.

I have also urged the administration to create an emergency jobs bill much like the emergency jobs bill that President Reagan created in 1983 while I was mayor of the city of Cleveland and lobbying the Reagan administration to help my city, county, and State.

But while action on these items is important, it should not keep us from doing what we need to do to finish the job in Iraq. We must address the spending request before us today as a separate issue. They are disconnected.

From the very beginning, it has been my belief that it will take a considerable amount of time, manpower, and money to do what must be done to truly secure a better future for the Iraqi people.

Again, I just want to mention, the money we spent in Japan, the money we spent in Germany after World War II, and the money that we spent during the Cold War—we spent billions of dollars. These were grants; these were not loans. We did it because we thought it was important to our national security. And we did it because we thought it was important for world peace.

Our military campaign to topple the Iraqi regime was accomplished swiftly and successfully. However, much of our work, as I said, has just begun, and it is not going to be done overnight, nor is it best done alone.

In February, prior to the onset of military action to disarm Saddam Hussein, I raised this point as a member of the Foreign Relations Committee with Under Secretary of State Marc Grossman and Under Secretary of Defense Doug Feith when they testified before our committee. I said then, and I believe now, if we are going to be successful in our efforts in Iraq, it will require not only the long-term commitment of the United States but our partners in the United Nations and other members of the international community.

At that time, I underscored the importance of building the broadest international coalition possible, and I urged the administration to lay the groundwork with the American people regarding the number of troops that would be required to win the peace in the aftermath of a military campaign, how long they might be needed, and what this would cost the U.S. taxpayers.

The answers to these questions are becoming even more critical as we find ourselves assessing the resources that will be required now to finish the job in Iraq. Our men and women in uniform are serving their country proudly, but they are spending increasing amounts of time away from their families. We must do everything we can to give them the tools they need to do what we have asked them to do, and then bring them home as quickly as possible.

One of the ways we can do that is to improve the Iraqi civil defense operations themselves. We have some 55,000 people in place, and we are trying to train another 20,000, I think, as Paul Wolfowitz said to us. They are now taking over the border patrol and other civil and security functions in Iraq. We need to move on that. Part of the funding included in the $20.3 billion is to be used for that purpose.

I am pleased President Bush addressed the United Nations General Assembly last week, and it is my sincere hope Secretary of State Colin Powell will be successful in securing a U.N. resolution that will allow for enhanced support from other countries, both in terms of military forces and financial resources to help build Iraq.

In order to achieve our goals in Iraq and take care of important needs here at home, it is essential we do all we can to make our efforts in Iraq a shared responsibility, calling on other countries and international organizations to invest in a free and democratic future for Iraq. Our human and financial resources will stretch further when they are supplemented by funds from our friends and allies abroad.

This was evident during the Persian Gulf War in 1991, when other countries made significant contributions to the war and the reconstruction effort. It has been estimated the Gulf War cost between $60 and $80 billion. Members of the international community contributed approximately $70 billion to aid in the gulf war. The largest donations came from Saudi Arabia, Kuwait, Japan, Germany, and a smaller one from the United Arab Emirates.

In all, approximately 40 countries contributed either financial or military resources. In addition to the countries I have just listed, another 35 countries together contributed an additional $10 billion to the effort. We need a similar commitment right now.

Like many of my colleagues, I strongly believe we should provide the resources necessary to restore essential services in Iraq. The funding for reconstruction requested by the President and reflected in this spending bill is an important part of the process. However, Ambassador Bremer has indicated it will take considerably more than $20 billion, perhaps as much as $70 billion, to meet Iraq's infrastructure needs in the years ahead. Therefore, I believe it is particularly important to step up our efforts to secure contributions from our friends and allies and build the economy of Iraq as soon as possible so they can use their resources to rebuild their own country.

As we look to increase contributions from the international community, I think this funding must be in the form of a grant and not a loan. While I initially thought this should be a loan, after carefully considering the situation and listening to the points raised by Ambassador Bremer and our colleagues, I have concluded this funding must be in the form of a grant. It is important for several reasons.

No. 1, if we tell the American people we are going to loan this money and that it is going to be paid back somewhere down the road, many of them will be very cynical about whether or not we will get the money back. I think we ought to level with them and say, this initial grant is a grant.

Second, it should be a grant in an effort to encourage other countries to make financial commitments for the reconstruction of Iraq. How can we ask them to come forward with money if we say that we are going to loan that $20.3 billion to Iraq? We will be going to the Donors' Conference in Madrid later this month. If we make U.S. funds for infrastructure projects contingent upon a loan, I do not think they are going to be willing to come to the table and support money for Iraq.

Third, Iraq's debt is already mountainous, totaling nearly $200 billion in debts and reparations. As Ambassador Bremer has pointed out, Iraq can hardly service its existing debt, let alone take on more. As a matter of fact, as one member of the Iraqi Governing Council has said, in his opinion, those loans are morally repugnant to the Iraqi people because they were made to a dictator who killed thousands of their brothers and sisters and who made them live under a 35-year reign of terror.

I would suggest to those who have made loans to the former regime in Iraq that they step up quickly and waive those loans because I believe it would be the smartest thing for them to do in terms of reaching out rather than waiting until later on to have a new Iraq government say to them: You know what, folks, we are not going to honor those loans you made to Saddam Hussein.

Fourth, as we encourage other countries to eliminate their debt, we should not saddle Iraq with any more loans. Countries that chose to do business with Saddam should, as I said, eliminate that debt as a way to share in the task of rebuilding a democratic Iraq.

In the past, the United States has also engaged in efforts to help ease the debt burden incurred by rogue regimes. This was the case in the former Yugoslavia, as the U.S. Government worked with the Paris Club to reduce the amount of debt the Federal Republic of Yugoslavia, now Serbia and Montenegro, owed to its creditors after Slobodan Milosevic was removed from power. We did everything we could to work with the World Bank, and with the IMF and the Paris Club, and we said: Get the debt off the back of Yugoslavia—Serbia and Montenegro—because we want them to get back on their feet, and this debt is killing them. This was an important and necessary step as the country attempted to move forward with democratic reforms after years of authoritative rule.

Finally, providing assistance to Iraq at this time in the form of a grant is the right thing to do. We must contribute all necessary resources to finish the job that has been started, while working together with our friends and allies.

I submit to the desk an amendment that would encourage the administration to step up efforts to gain support from the international community, call on other countries to eliminate debt that was incurred during Saddam Hussein's regime, and examine the feasibility of repayment of funds spent on infrastructure projects. I submit the amendment and will call it up later.

The PRESIDING OFFICER. The amendment is submitted.

Mr. VOINOVICH. I thank the Chair.

Specifically, this amendment would require the President to report to Congress within 4 months on the following items:

First, the amendment calls for an assessment of U.S. efforts to enhance financial contributions from other countries and international organizations to assist in the reconstruction of Iraq, including a list of those countries contributing and the amount of their contribution. As we move forward with our efforts, additional support from other countries and organizations would be extremely helpful.

Second, the amendment requires an assessment of the impact that debt incurred by the regime of Saddam Hussein has on the country's ability to move forward with efforts to rebuild infrastructure and restore essential services such as health care and education. It also calls for an analysis of the impact that forgiveness of such debt would have on Iraq's ability to move forward with reform, and it would require a detailed list of countries that have eliminated their debt and the amounts.

Finally, my amendment calls for an assessment of the feasibility of Iraq's ability to repay the United States for a portion of American funds spent on infrastructure projects in Iraq. Although I think we must now provide funds in the form of a grant, we should look at the possibility of any further help in terms of possible repayment.

I urge my colleagues to join me in support of this amendment which underscores the importance of working together with our friends and allies abroad to promote security and improve the quality of life for the Iraqi people. While I believe we should encourage support from foreign countries and international organizations as we move forward in Iraq, I support the funding requested by the President, both the military portion and the funds for reconstruction in Iraq and Afghanistan.

We have a golden opportunity to guarantee a new era of freedom and democracy for the people in Iraq. It is one we cannot afford to miss. This is an investment in a better future for Iraq, the Middle East, and the world at large. It is an investment for our children and our grandchildren. I believe it is the right thing to do. I hope this body has the courage to rise to the occasion and take advantage of this wonderful opportunity that could ensure that our children and grandchildren are going to live in a peaceful world and not be threatened by terrorism, the cancer that has newly appeared on the face of the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I spoke yesterday on the floor and also in the Appropriations Committee in support of having the $20 billion which the administration has asked for the reconstruction of Iraq to be in the form of loans or loan guarantees instead of grants. I have made that suggestion in an effort to be helpful to the administration.

I analogize the situation in Iraq to a company, an enterprise, an entity in bankruptcy. Iraq is supposed to have some $200 billion in obligations. By analogy to a bankruptcy proceeding, those obligations are to be discharged. General creditors come last in line and, in the absence of any assets, they receive nothing.

The situation for the United States in advancing funds for the reconstruction of Iraq, it seems to me, ought to be in loans or loan guarantees because Iraq has substantial potential for its oil revenues, sitting on the second largest pool of oil in the world. I reject the contention that this would discourage other donor nations from helping Iraq. It seems to me if the United States is to come in and make a gift, a grant, that just encourages other nations to say: Well, let's let the United States do it.

If we at least refrain from taking a position until the donors conference on October 23 in Madrid, then we might use our situation to leverage funds from other countries.

The argument has also been advanced that if we make a loan or a loan guarantee, it will confirm to the Arab nations the contention that we are just there for Iraq oil. But that is a specious contention because we are not taking the money for ourselves or our military operations but using it only for the rebuilding of Iraq which is for the benefit of the people of Iraq.

Since I made the statements yesterday, a very able staff member, my general counsel David Brog, has researched the subject and has found a Security Council resolution which is very relevant to this proposition, a resolution which was enacted on May 21 of this year. The resolution is No. 1483, and it provides that there is to be a fund created. And the fund, under the control of the United States and the United Kingdom, may be used to pay for the rebuilding of Iraq. So that when we are searching for multilateralism and when we are searching for United Nations approval, not just what the United States might want to do or the United States and Great Britain might want to do, this U.N. Resolution 1483 provides that authority.

It also is of substantial assistance in answering a legal question which I had raised yesterday, which posed some difficulty, and that is: To whom would the United States loan the money? Who would be the contract party when there is no government in Iraq at the present time?

The U.N. resolution which establishes this fund has a reference to U.N. participation, International Monetary Fund participation, World Bank participation, and auditing which is to be done by many countries, including Arab countries, so that the fund, in and of itself, it seems to me, as a legal proposition, has sufficient status as an entity to be a contracting party. So that when the revenues are realized from Iraqi oil, or they go into the fund, the United States may deal with the fund, with the other parties present—as I say, the World Bank, International Monetary Fund, the U.N., and auditing countries—having some status with the fund to give extra assurances of fairness that the contract is really in the interest of the Iraqi people.

Mr. President, I ask unanimous consent that the text of U.N. Resolution 1483 be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I have further extracted an analysis of this U.N. resolution, which is hard to follow if you just pick up the resolution and read it. The analysis establishes the approach I have just summarized. One clause, which is denominated Roman numeral I—first, I ask unanimous consent that this addendum be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Roman numeral I is the clause which recognizes the United States and the United Kingdom as the authority.

Roman numeral II establishes the Development Fund for Iraq, including establishing the International Advisory and Monitoring Board to audit in the Development Fund.

Roman numeral III from the U.N. resolution gives the authority and power to disburse the funds in the Development Fund for Iraq.

Roman numeral IV establishes that the Development Fund for Iraq must be used, among other things, for the economic reconstruction and repair of Iraq's infrastructure.

Roman numeral V mandates that 95 percent of the proceeds received from export sales of petroleum, petroleum products, and natural gas must be deposited into the Development Fund for Iraq until an Iraqi government is properly constituted. The other 5 percent is to be deposited into the Compensation Fund, which was set up, per U.N. Resolution 687 in 1991, to compensate those who suffered losses or damages as a result of Iraq's invasion and occupation of Kuwait.

In effect, this Security Council resolution anticipates the precise issue which the Congress is now facing. It is necessary to have these funds for the rebuilding of Iraq, but there is no good reason it ought to be a grant or a gift. When Iraq has the resources—the oil—to pay for the reconstruction of Iraq and to take care of the rebuilding of Iraq; and with the authority of the U.N. it eliminates any concern about the United States acting unilaterally or in conjunction with the United Kingdom—acting with the two countries unilaterally—because this has been sanctioned by the United Nations. Creating this fund, there is an entity to look to, to provide the repayment, as the U.N. resolution calls for 95 percent of the fund to be used for the rebuilding of Iraq.

There is significant concern in the Congress—I have heard it among my colleagues—as to how these funds are to be advanced. The administration has taken the position that they want grants or gifts. From my soundings in Pennsylvania and from what I hear from my colleagues in other States, the American people are very concerned about what is going on in Iraq generally, they are very concerned about the casualties and fatalities.

We honor and respect and praise the Armed Forces for the military victory which has been achieved. We are concerned about our military personnel there not really being police officials, hopeful that there will be U.N. assistance on other forces being there, looking for an Iraqi police force to be trained. But when it comes to the issue of the advancement of funds, this Security Council resolution sets parameters, sets the procedures, which authorizes and authenticates the propriety of having the loans made or loan guarantees so that the United States can be repaid.

I hear considerable concern among my constituents, and I hear it from my colleagues in the Senate, about the tightness of our budget, the difficulties of providing important discretionary funding. In September, I managed the bill on Labor, Health and Human Services, and Education. Notwithstanding that $136.6 billion is really insufficient funds to take care of all of our educational, health, and worker safety needs, I think it is appropriate and reassuring to the American people that where we can avoid adding to the deficit and to the national debt, we take steps to do just that.

EXHIBIT 1

Analysis of the UN Resolution 1484 as it pertains to the Development Fund for Iraq

(adopted by the United Nations on May 21, 2003 by a vote of 14–0, with Syria not participating)

I. THE FOLLOWING CLAUSE RECOGNIZES THE UNITED STATES AND THE UNITED KINGDOM AS THE "AUTHORITY" (UN RESOLUTION 1484, PG. 2 ¶3)

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

II. THE FOLLOWING CLAUSE ESTABLISHES THE DEVELOPMENT FUND FOR IRAQ, INCLUDING ESTABLISHING THE INTERNATIONAL ADVISORY AND MONITORING BOARD TO AUDIT THE DEVELOPMENT FUND. (UN RESOLUTION 1484, PG. 4, ¶12)

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

III. THE FOLLOWING CLAUSE GIVES THE "AUTHORITY" THE POWER TO DISBURSE THE FUNDS IN THE DEVELOPMENT FUND FOR IRAQ. (UN RESOLUTION 1484, PG. 4, ¶13)

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

IV. THE FOLLOWING CLAUSE ESTABLISHES THAT THE DEVELOPMENT FUND FOR IRAQ MUST BE USED, AMONG OTHER THINGS, FOR 'THE ECONOMIC RECONSTRUCTION AND REPAIR OF THE IRAQ'S INFRASTRUCTURE. (UN RESOLUTION 1484, PG. 4, ¶14)

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

V. THE FOLLOWING CLAUSE MANDATES THAT 95% OF THE PROCEEDS RECEIVED FROM EXPORT SALES OF PETROLEUM, PETROLEUM PRODUCTS, AND NATURAL GAS MUST BE DEPOSITED INTO THE DEVELOPMENT FUND FOR IRAQ UNTIL AN IRAQI GOVERNMENT IS PROPERLY CONSTITUTED. (THE OTHER 5% WILL BE DEPOSITED INTO THE COMPENSATION FUND, WHICH WAS SET UP, PER UN RESOLUTION 687 (1991), TO COMPENSATE THOSE WHO SUFFERED LOSSES OR DAMAGES AS A RESULT OF IRAQ'S INVASION AND OCCUPATION OF KUWAIT). (UN RESOLUTION 1484, PG. 6, ¶20)

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

EXHIBIT 2

(From the United Nations Security Council, 21 May 2003.)

SPAIN, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND UNITED STATES OF AMERICA: DRAFT RESOLUTION

The Security Council,

Recalling all its previous relevant resolutions,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

Stressing the right of the Iraqi people freely to determine their own political future and control their own natural resources, welcoming the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and expressing resolve that the day when Iraqis govern themselves must come quickly,

Encouraging efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, recalls resolution 1325 (2000) of 31 October 2000,

Welcoming the first steps of the Iraqi people in this regard, and noting in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,

Resolved that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,

Noting the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,

Welcoming also the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

Welcoming the appointment by the Secretary-General of his Special Adviser on Iraq,

Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaelogical, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments.

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

Noting further that other States are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Appeals to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;

2. Calls upon all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. Appeals to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. Calls upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. Calls upon all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;

6. Calls upon the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, directs the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;

7. Decides that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items

with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;

8. Requests the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:

(a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;

(c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;

(d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;

(f) encouraging international efforts to contribute to basic civilian administration functions;

(g) promoting the protection of human rights;

(h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and

(i) encouraging international efforts to promote legal and judicial reform;

9. Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. Reaffirms that Iraq must meet its disarmament obligations, encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and underlines the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. Calls upon the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and welcomes the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;

16. Requests also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4(d) of resolution 1472 (2003);

(b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8(d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) all known and projected costs associated with termination of the Programme;

(iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and

(iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;

(d) to consolidate into a single fund the accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995);

(e) to fulfill all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);

(f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. Requests further that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and decides that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. Decides to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. Decides to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and further decides that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. Decides further that 5 percent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;

22. Noting the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, further decides that, until December 31, 2007, unless the Council decides otherwise, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;

23. Decides that all Member States in which there are:

(a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

(b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on behalf or at their direction,

shall freeze without delay these funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgment, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and decides further that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. Requests the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and encourages, the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;

25. Decides to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary.

26. Calls upon Member States and international and regional organizations to contribute to the implementation of this resolution;

27. Decides to remain seized of this matter.

ALLEGATIONS OF WHITE HOUSE LEAKS

Mr. SPECTER. Mr. President, a considerable controversy has arisen as to the allegations of leaks from the White House with respect to the identification of a CIA operative, or a CIA agent, and there have been calls for special counsel to be appointed by the Attorney General.

The Attorney General has taken the position that the investigation can be appropriately carried out by the professionals in the Department of Justice and the professionals in the FBI.

I think it is curious that the call for a special counsel has come only after the issue has become a cause celebre with the publication by the Washington Post of the front page story on Sunday. This investigation had been pending for a protracted period of time. It came to light in a newspaper column back in July. But until it had attained notoriety and attracted public attention, nobody came forward to make a suggestion that there ought to be special counsel.

The Congress of the United States decided to allow the independent counsel statute to lapse. We considered it in 1999 in the Governmental Affairs Committee. Legislation was introduced by Senator COLLINS and myself on the Republican side, and Senators LEVIN and LIEBERMAN on behalf of the Democrats. But there was no interest in having the independent counsel statute continued.

I favored the independent counsel because it established a specific procedure as to when there ought to be independent counsel in the event of a prospective conflict of interest, or appearance of conflict; it provided for judicial appointment of independent counsel. But that was rejected by the Congress. And it is interesting to know that of all those on the other side of the aisle among the Democratic Senators, none of them had cosponsored the legislation or, to my knowledge, had spoken in favor of the legislation—except, as I have noted, Senator LEVIN and Senator LIEBERMAN.

In rejecting a call to renew independent counsel, what we had was the judgment of the Congress that the existing institutions were sufficient. That is having it in the Department of Justice and having the procedures established by the Attorney General who was in office during the Clinton administration.

I suggest having decided that, we ought to give the existing institutions an opportunity to function. I think it is important to note that it wasn't the Attorney General who started the investigation, it was one of his subordinates. The matter is being handled by Mr. John Dion, who is a career professional. I had considerable contact with Mr. Dion during the course of the Judiciary Committee oversight when Independent Counsel Starr was in operation.

The matter is being investigated by the FBI and is being kept at the headquarters level to assure greater involvement and control by Director Robert Mueller. It ought to be noted Director Mueller has a 10-year term. His term will not expire for 2½ years after a prospective second term of President Bush. FBI Directors have been known to be independent and professional. Former FBI Director Louis Freeh had considerable disagreements with President Clinton and refused to give information to the White House at a time when Director Freeh concluded there was a criminal investigation which might involve President Clinton. So we have a standard for professionalism by the Federal Bureau of Investigation, and we have a standard of professionalism by the career people in the Department of Justice.

There is also the oversight by the Judiciary Committee. This is a matter where we took considerable interest in what Independent Counsel Ken Starr did. It is worth noting that there are many members of the Judiciary Committee who have experience as prosecuting attorneys with the attendant responsibilities for investigation.

I was district attorney of Philadelphia for some 8 years. We have on the committee staff other former DAs, attorneys general, U.S. attorneys, so that the Judiciary Committee is in a position to have oversight, our constitutional responsibility, to see to it that the investigation is appropriately carried out.

There may come a time when special counsel would be warranted, but it seems to me that at this stage, there ought not to be politicization of the matter, although I understand the ways of Washington, but it is anomalous that those who are now calling for special counsel had no interest in institutionalizing the independent counsel except, as I say, for Senator LIEBERMAN and Senator LEVIN.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we know there is concern on the other side of the aisle, and certainly at 1600 Pennsylvania Avenue, regarding problems with leaking information from the White House or someplace in the administration to Robert Novak. We know that causes concern, as it should. To try to cloud this with a lot of legal jargon that there are other lawyers looking at it, that Democrats didn't support this independent counsel statute is evading the question.

We don't have to support an independent counsel statute to have the law as it now applies which allows the appointment of a special counsel.

It seems to me common sense that if an independent counsel was selected to look at Secretary Espy, the Secretary of Agriculture, because he accepted tickets to a football game, which he was not supposed to do, and President Clinton—by the way, an independent counsel was not ordered; he agreed to an independent counsel to investigate his real estate transaction in Arkansas—it seems to me certainly we should have a special counsel look at what has taken place.

We know a crime has been committed by a person or persons. We know that Robert Novak, who I think is an honorable person, identified from where that information came. So we know there are criminals there. We know there are people there who have committed crimes. So it seems to me this is a much more direct case than some of the other issues that have taken place in the past; namely, the issue with President Clinton and the situation with Secretary Espy.

The situation here is very clear: Someone leaked the name of a CIA operative, a Central Intelligence Agency operative, a spy, an American spy. They leaked the name of that person to the press by name.

Everyone—I agree—should take a deep breath and let this process go forward. The White House should want a special counsel. In Government, we not only have to do away with what is bad but what looks bad. The American people clearly know this.

ABC and the Washington Post are going to report a poll tomorrow. I will not go into a lot of the details, but one question they asked is: Do you think this investigation should be handled by the U.S. Department of Justice, part of the Bush administration, or should it be handled by an outside investigator or special counsel who is not part of the Bush administration?

About 70 percent of the people believe it should be handled outside the White House, outside the Justice Department.

Another question: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not lose his job?

Ninety-one percent of the people believe that person or those people should lose their jobs—91 percent of the people.

Another question that will be reported by the American Broadcasting Company in the morning: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not face criminal charges?

About 85 percent of the people believe that person should face criminal charges.

It is very clear to me this is an effort to cover up a problem. This is not something that I brought up just to be talking. If people are going to come here and try to cover this up, anytime anyone does that, and I am on the Senate floor, I am going to talk about it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Nevada that this is a serious matter. When he quotes the poll, I would say it would go beyond losing jobs. If someone has violated the law, there is a very substantial jail sentence which is proposed. But my comments I do not think constituted legal jargon at all. I think they were taking a look at the fact that the Congress has decided we would not have an independent counsel procedure when we did not renew the law. I fought hard to have that done as a principal position, regardless of which party is involved.

Now there is an immediate call for special counsel only after this matter becomes highly publicized, only after it becomes an opportunity for political gain—only then. This matter was pending since July when the CIA and part of the administration asked the Department of Justice for an investigation, and the investigation was going forward. Now it has been the subject of a demand for a special prosecutor by people who were indifferent to the institution of Government when independent counsel was considered for renewal.

We have a Department of Justice with professionals. We have an FBI with a Director who has a 10-year term. To repeat, his term will not expire until 2½ years after the end of the prospective second term for President Bush. So far, we have allegations, and they are serious allegations, and they ought to be investigated in due course without an immediate attempt for politicization, once it becomes a matter of high visibility as it has been since last Sunday. It only took until Monday to have a call for the independent counsel, and here we are on Wednesday.

Mr. President, I have been asked to handle the wrapup material on behalf of the majority leader as the sole remaining standing Republican present on the Senate floor.

AMENDMENT NO. 1795, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment No. 1795 be modified with the language at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the Untied States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) The Senate finds

That the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

That the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

That the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

That Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

That the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

That in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom.

That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

That the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

That the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

That the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

That the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it (c) It is the Sense of the Senate that the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Iraq supplemental, the Senate then resume consideration of the McConnell amendment, as modified, with the technical changes at the desk; provided further, that there then be 40 minutes equally divided in the usual form; further, that following the use or yielding back of time, the Senate proceed to a vote on or in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, reserving the right to object, I would appreciate it if the Senator would allow a modification: That of the 20 minutes we have on this side, 10 minutes be set aside for Senator BYRD.

Mr. SPECTER. Agreed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

SUPPORTING AMERICAN JOBS & THE BUY AMERICAN ACT

Mr. FEINGOLD. Mr. President, I rise today for the second in a series of statements that I plan to deliver about the hemorrhaging of American manufacturing jobs and the steps that I think that we ought to take to stem the flow of manufacturing jobs abroad and to strengthen our deteriorating manufacturing base.

Recently, I talked about how tax policy can help to strengthen American manufacturing. Today, I want to discuss the role of Federal procurement policy in supporting American businesses and American jobs.

The Buy American Act of 1933 is the primary statute that governs procurement by the Federal Government. The name of the act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods.

It only makes sense for the Federal Government to make every effort to purchase goods that are made in America. A law requiring this commonsense approach should not be necessary. Unfortunately, this law is necessary and, even more unfortunately, the law contains a number of loopholes that make it too easy for government agencies to buy foreign-made goods.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. For generations, Wisconsin has had an economy dominated by manufacturing, and Wisconsinites have proudly made goods under name brands that are known around the country and even around the world brands such as Oshkosh B'Gosh, Harley-Davidson, Snap-On Tools, Masterlock, and S.C. Johnson. Many Wisconsin factories have churned out products for the Federal Government, including for the Department of Defense.

Regrettably, thousands of good-paying manufacturing jobs have left my State—77,000 jobs of this kind in the last 2½ years. Those companies that remain in my State often struggle to compete with cheaper foreign goods that flood into U.S. markets—even when they may be competing for contracts to supply our own Federal Government.

This Congress should do more to ensure that the Federal Government makes every effort to buy American-made goods by strengthening the provisions of the Buy American Act.

Some argue that the Buy American Act has outlived its usefulness in today's global economy. I could not disagree more. I strongly disagree. The act is as relevant today as it was when it was enacted in 1933. The passage of 70 years has not diminished the importance of this act for American manufacturing companies or for those who are employed in this crucial sector of our economy.

In fact, a strong argument can be made that this act is even more necessary today than it was 70 years ago. With American jobs heading overseas at an alarming rate, the Government should be doing all it can to make sure that U.S. taxpayer dollars are spent to support American jobs.

Some argue that the Buy American Act is protectionist and anti-free trade. I disagree. Supporting American industry is not protectionist; it is just common sense. The erosion of our manufacturing base needs to be stopped, and

Congress should support procurement and trade policies that help to ensure that we do not continue to lose jobs in this vital segment of our economy.

Recently I introduced the Buy American Improvement Act, which would strengthen the existing act by tightening its waiver provisions. Currently, the heads of Federal Departments and Agencies are given broad discretion to waive the act and to buy foreign goods. We should ensure that American companies are given a fair chance to compete for Federal contracts.

Companies in Wisconsin tell me that they do not mind having to compete for Federal and other contracts. In fact, they welcome the chance to compete and to put their high-quality products up against the best that the United States and the world has to offer. What they are concerned about is an uneven playing field that tilts in favor of foreign companies, which enjoy advantages including government subsidies, lower labor costs, little environmental regulation, and devalued currencies.

My constituents are also concerned about the prospect of certain types of industries leaving the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

In order to get a better picture of how often the Federal Government buys foreign goods, my bill also would expand annual reporting requirements regarding the use of Buy American Act waivers that currently apply only to the Department of Defense to include all Federal Departments and Agencies. I am pleased that the Senate has adopted amendments based on this provision that I have offered to a number of appropriations bills, thus putting the Senate on record in support of increased public disclosure regarding the use of Buy American Act waivers.

I am also pleased that my legislation is supported by a broad array of business and labor groups including: Save American Manufacturing, the U.S. Business and Industry Council, the International Association of Machinists and Aerospace Workers, the national and Wisconsin AFL–CIO, and the International Brotherhood of Boilermakers.

In addition, I believe that the Senate itself should lead by example and make every effort to purchase American-made goods. For that reason, I recently sent a letter to the chairman and ranking member of the Senate Committee on Rules and Administration asking them to support strengthening current law governing Senate procurement to clarify that the Senate should comply with Buy American requirements.

My letter also asks that the Rules Committee direct the Secretary of the Senate and the Sergeant at Arms to provide to the Senate an annual report, beginning at the end of the current fiscal year, describing the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States, outlining the reasons for such foreign purchases, and providing a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. This report is consistent with the annual report already required of the Pentagon. I think we in the Senate ourselves should comply with the same requirement we impose on the Pentagon.

As I have repeatedly noted, Congress cannot simply stand on the sidelines while all these American jobs continue to be shipped overseas. While there may be no single solution to this problem, I believe that one way in which Congress should act is by strengthening the Buy American Act. I will continue to come to the floor to discuss other ways in which we can work to strengthen this crucial segment of our economy in the coming weeks.

ANGELS IN ADOPTION

Ms. LANDRIEU. Madam President, last night the Senator from Idaho, Mr. CRAIG, and I were pleased to host, as cochairs of the Congressional Coalition on Adoption—with two of our colleagues from the House, Congressman OBERSTAR and Congressman CAMP, and with the help of over 70 congressional offices—a celebration of the fifth annual Angels in Adoption Campaign.

I wanted to take a few minutes to speak about what a wonderful evening it was. Last night there were angels surrounded by stars on Pennsylvania Avenue as we celebrated and honored 165 individuals from 48 States for their work on behalf of children. Seventy Members of Congress and a total of almost 1,000 individuals were there as we awarded the national awards to Mohammad and Lanni Ali, who appeared in person. He is challenged with his physical abilities right now so we were so pleased to have him. Bruce Willis, who is the national spokesperson for foster care children, as asked by President Bush, was also with us.

The Angels in Adoption Campaign is a very powerful way of celebrating the miracle of adoption. We do work right on the Senate floor, through all of our work individually and collectively, to make the dream of adoption possible for so many children in the United States, as well as internationally.

From Louisiana we were pleased to be joined by Beverly Lewis of Alexandria. She was nominated and received an award because she, as a single mother but with a wonderful career, adopted three children from Russia and is now fostering an 8-year-old girl. Pam Bolke of Baker was nominated by my colleague, Senator BREAUX. After reading a newspaper article about two young girls who had been abused, she and her husband stepped up and adopted the two little girls. Although they were filled with rage, they are now growing to be beautiful, loving little girls because they have unconditional love.

Louise Bourne of Lafayette was nominated by CHRIS JOHN from our State. And I will submit the details of that for the RECORD. And Karen Caldwell of New Orleans, who was nominated by Congressman DAVID VITTER, joined us last night.

As you can see, we had from the State of Maine many individuals, and from almost every State in the Union, because the Senators in this Chamber took it upon themselves—the Senator from Nevada joined us; Senator BILL FRIST from Tennessee was with us—to seek out someone in their State, ordinary individuals but doing extraordinary work. Truly it was a wonderful evening to celebrate.

I will submit for the RECORD all of the angels, 165 individuals from 48 States, who were honored. They all received, besides a standing ovation from all of us, the beautiful angels pin I am wearing today and went home inspired and encouraged to do more for adoption.

It is an area on which we can agree, Democrats and Republicans. There is little disagreement among us on this issue. We have thousands of children in the United States waiting to be adopted, children whose rights have been terminated or the parental rights have been terminated. We have waiting in the United States over 100,000 children of all ages. I will submit those numbers for the RECORD.

I see my colleague from Idaho, Senator CRAIG. I thank him publicly for all of his leadership and the great work he did to make last night and the work that our coalition does truly bipartisan and truly effective.

Mr. CRAIG. Will the Senator yield?

Ms. LANDRIEU. I will.

Mr. CRAIG. Let me thank my colleague from Louisiana. She and I have worked so very closely together over the last several years to move the issue of adoption and the development of the congressional coalition and now the Congressional Coalition on Adoption Institute. All that she says about last evening is so true. It was a gala event, well beyond our expectations, when we started this whole effort a good number of years ago. Tonight, let me challenge every Senator who has not yet participated with us in the congressional coalition itself and in the institute to come on board and to be a part of what is truly a wonderful and worthwhile activity. Both Mary and I are adoptive parents, and we know what that has meant in our lives.

Now to facilitate the smoothing out of public policy, to make adoption truly an option of the right form in taking children into loving and caring and safe environments to grow and to mature into sound adults is a role all of us ought to be a part of. If you cannot do it as actively as both Mary and I do, then you should be with us in spirit and legislation and participation but help us to grow this marvelous movement.

Last night, with nearly 1,000 people and with the Alis and with Bruce Willis and a good many others, we were very pleased to honor these angels from across the country who Mary has so aptly described as caring, giving, and loving people.

I thank the Senator for yielding and for her great work in this area.

Ms. LANDRIEU. We look forward to a great year.

Madam President, I ask unanimous consent to print in the RECORD the following information which I referenced in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANGELS IN ADOPTION 2003

Alabama: LaGretta Ratliff, Philip and Gina Richards.

Arizona: Joanne Karolzak, Peter and Pat Likens, David and Diana Lucas, Lance and Barb Trella.

Arkansas: Jan Scholl, Lisenne Rockefeller.

California: Jesse and Linda Barela, Cecil and Pamela Ellis, Audrey Foster, Reverend Paul and Linda Hoyt, Karen Lane, Susan Lobo, Dave and Debbe Magnusen, Dr. David Sanders, Shasta County Adoptions Program, Ed and Judy Shrader, Sierra Adoptions Services, Karen Ullman.

Kim Matsunaga, Joshua and Lily Nie.

Connecticut: Anthony and Jacquelyn Barrows, Angel Torres.

District of Columbia: Linda Clausen.

Florida: Susana Huaman Dragosavac, Family Services of Central Florida, Foster Children's Project Legal Aid Society of PBC, Inc., A.J. and Susan Fremer, Marilys Llanos, Bill and Patricia Manning, James and Betsy Seifert.

Georgia: Truett Cathy, Amanda Davis, James Outman, Joe Woods.

Hawaii: Steven and Renee Saito.

Idaho: Meri Brennan, Jay and Sally Hilderbrandt, John and Denise Martin.

Illinois: Adoption Information Center of Illinois, Dan and Lynn Dempsey, Ben and Sherna Jennings, Sherri Nestmann, Cyndi Norton, Gary and Maria Ringger.

Indiana: Loving Shepherd International, Owino Wodomony and Dalia Owino, James and Verdell Releford.

Iowa: Dr. Rebecca Brandt, Ken and Char Kuhns, Terri and Bruce Lippert.

Kansas: Allan Hazlett, Chuck and Ann Vanasse.

Kentucky: James and Judith Green, Saint Joseph Children's Home.

Luoisiana: Pam Bolke, Louise Bourne, Karen Caldwell, Beverly Lewis.

Maine: Jennifer Sylvester.

Maryland: Kim and Carol Cormany, Barbara Ann Dorsey, Susan Faro, Mark McDermott.

Massachsetts: Loretta Cahill in memoriam, Nancy Hendrie, Margaret O'Grady, Craig and Jane Pixley, Robert and Shirley Siff, Carolyn Smith, Kathleen Teahan.

Michigan: Charlie and Jerry Brown, Jaclyn Hope Champnella, Linda Cromartie, Sandra Jones, Kevin and Mary Julien, Paul and Sherry Petroelje, Alan and Kristine Yeadon.

Minnesota: Becky and Gladys Abbott, Susan Freivalds, Larry and Arlyce Morrell, North American Council on Adoptable Children, Brad and Sandy Powers.

Mississippi: Nancy and Drew McDowell.

Missouri: George and Cyrilla Bender, Joan Bystrom, Dean and Sheila Dutton, Randy and Linda Koenig, Laurie Murphy.

Montana: Claire and Patty Walker.

Nebraska: Dr. Edward and Sandy Kolb, Patrick and Patrice Lappert, Patrick and Cindy Seitz, Eugene and Cindy Ulmer.

Nevada: Letha Davies, Steve and Kayleen Fotheringham, Rene Phillips.

New Jersey: Eileen Crummy, Janet Farrand, Pamela Hasegawa, Monsignor James J. McGovern, Debra Supnick.

New Mexico; Frank and Donna Payne, Ken and Fran Sullivan.

New York: Rose Marie Battisti-Bruce, Karen Eckert, Family Focus Adoption Services, New Directions Youth and Family Services, Thomasena Newton, Dr. Natasha Shaginian, Sloane Jacyln Tabisel, Margaret Tomasicchio.

North Carolina: Raymond and Debbie Abrams, Harriet McCarthy.

North Dakota: Loralei Klitzke.

Ohio: Arden and Diana Brooks, Kevin and Wendy Hoodlebrink, Dorothy Klemm, Rita Soronen.

Oklahoma: Amy Eldridge, David and Kathy Frost, Tom and Jennifer Rudolph.

Oregon: Susan Cox, Franklin Hunsaker, Portland Metro Korean Lions Club, Deborah Radcliffe.

Pennsylvania: Jeffrey and Lydia Buck, Maxine Chalker, Susann Hoke, Marjorie McKeone, Myron and Sally Stoltzfus, Kelley Strieb, Three Rivers Adoption Council, Hanna D. Wallace.

Rhode Island: Chris Cotatgis.

South Carolina: Hal and Diana Stevenson.

South Dakota: Harold and Sharon Holder, Jeff and Dori Nelson.

Tennessee: Dr. Paul Heil, Davis and Sherry Lundy, Claude and Bernadette Whatley, Pamela Wolf.

Texas: Jean Boyd, Barry and D'Wanna Finkel, Suzanne Faske and Karen Hall, Anna James, Dorothy Le Pere, Lutheran Social Services of the South, Rodney and Renee Nolen, Judge Peter Sakai, Snow Wu.

Utah: Christena Christensen.

Vermont: Diane Dexter.

Virginia: Bethany Christian Services of Fredericksburg, Bethany Christian Services of Hampton Roads, Chris and Christy Craig, Ronald Federici, Mara Kamen, Dr. Patrick Mason.

West Virginia: Mildred Mairs.

Wisconsin: Mark and Faith Richter KuFahl.

Wyoming: Carol Burman Lindly.

Past Angels in Adoption Award Recipients (1999–2002).

LOUISIANA DATA

Number of children in State custody as of year end by age—State fiscal year 03: 0–1, 434; 2–4, 692; 5–9, 929; 10–17, 2,252. Total number of children in foster care—4,307. (Note that in the previous State fiscal year the number was 4,416.)

Number of children adopted out of State custody by age—State fiscal year 03: 0–1, 34; 2–4, 152; 5–9, 199; 10–17, 127. Total number of children adopted out of foster care—512. (Note that in the previous State fiscal year the number was 471.)

Number of children reunited with birth families by age—State fiscal year 03: 0–1, 219; 2–4, 326; 5–9, 405; 10–17, 664. Total number of children reunited—1614. (Note that in the previous State fiscal year the number was 1,552.)

Number of children freed for adoption and awaiting placement—State fiscal year 03: 0–1, 26; 2–4, 110; 5–9, 178; 10–17, 368. Total waiting children—682. (Note in the previous State fiscal year the total was 868.)

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in New Haven, CT. On May 9, 2003, Jessica Mercado, a transgender Latina, was brutally murdered. She was stabbed multiple times and then her body was burned. Her murder is believed to be a hate crime and her murder a result of the homophobia of her attackers.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CHARLES TAYLOR AND LIBERIA

Mr. LEAHY. Mr. President, I rise today to voice my strong support for a provision included by Senator GREGG in the Commerce-Justice-State portion of the emergency supplemental which provides $2 million for rewards to anyone who brings Charles Taylor before the Special Court for Sierra Leone.

I commend the senior Senator from New Hampshire for his strong leadership on this issue. Just a few months ago, when the Special Prosecutor for Special Court unsealed his indictment against Charles Taylor, he and I came to the Senate floor together to commend this strong and decisive action.

In that colloquy and in other floor statements, I described why it is so important for West Africa, as well as the cause of international justice, to bring Charles Taylor before the Special Court, I will not repeat all of that here today, but I just want to make a couple of additional points. Since his exile to Nigeria, press reports have revealed that Charles Taylor continues to try to foment chaos and instability in Liberia. There is no doubt that he wants to return, and will do so if given the opportunity.

Charles Taylor needs to come before the Special Court. This needs to happen immediately. Allowing him to remain in Nigeria is wrong. It is impeding peace and prosperity in a region that has endured tremendous suffering over the past decade.

The provision included in the supplemental can help get him before the Special Court. I look forward to working with Senators GREGG and HOLLINGS to keep this provision in the final version of the supplemental conference report.

I also want to point out that a humanitarian disaster continues to exist in Liberia, where thousands are without food, shelter, or basic medical care. Even after emergency needs are addressed, Liberia will require substantial amounts of additional assistance, as three-fourths of its citizens are impoverished, the unemployment rate is 85 percent, and seven out of ten of combatants involved in recent fighting in Liberia are child soldiers.

I am worried that the world's attention is focused elsewhere and we will simply forget about the plight of Liberia's people. In the coming weeks, I hope that we can find some money in this supplemental to address these critical needs. Even a tiny percentage of the more than $87 billion in this bill would save many lives.

REMEMBERING MOTHER TERESA

Mr. ALLARD. Mr. President, Mother Teresa will soon be beatified by Pope John Paul II in Rome, and I would like to take this opportunity to honor the model that she was for the world by promoting love and respect for all.

We in Congress often get overwhelmed with the amount of work and issues that we are faced with each day, but Mother Teresa put into perspective our mission when she said, "We ourselves feel that what we are doing is just a drop in the ocean, but the ocean would be less because of that missing drop."

Mother Teresa embodied the ultimate spirit of public service by giving 100 percent of herself to her constituents: the poor, the hungry, the homeless and, most of all, the unloved. Her determination to make the world a better place has left its mark on history and humanity.

"It is not how much we do, but how much love we put into doing. It is not how much we give, but how much love we put into giving," said Mother Teresa. Let us not forget this valuable wisdom as the world honors Mother Teresa next month.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF NEWARK LIBERTY INTERNATIONAL AIRPORT

• Mr. LAUTENBERG. Mr. President, I rise today to celebrate Newark Liberty International Airport's 75th Anniversary. On October 1, 1928, the New York metropolitan region's first major airport was built by the great city of Newark on 68 acres of marshland just 16 miles from midtown Manhattan. Soon those 68 acres became the world's busiest commercial airport. The U.S. Army Air Corps operated the Airport during WWII, and in 1948, the Port Authority of New York and New Jersey assumed control of it. The Port Authority has operated this airport ever since.

Today, some 30 million passengers use the airport annually. And international airlines offer direct service to many destinations around the world from Newark Liberty. It is also one of only two truly intermodal air-rail connections in the country. Passengers can take a train from any city on the Northeast corridor and transfer at the airport for a flight. In some cases, they can even book the entire air/rail trip all at once. This should serve as a shining example of how our national transportation system can work.

Over 24,000 people are employed at the Newark Liberty International Airport. The airport contributes $11.3 billion in economic activity to the New York/New Jersey metropolitan region, including $3.3 billion in wages for some 110,000 jobs resulting from airport activity. In addition, the original 68 acres of marshland has grown to more than 2,000 acres.

Newark Liberty International Airport's 75th birthday deserves more than just a brief nod. As a former Port Authority Commissioner, I am pleased to point out that the airport has been a leader in aviation technology. Newark, for instance, was the site of our great Nation's first air traffic control tower. The very same airport had the first paved runway, the first runway with lighting, which permitted nighttime operations, and the Nation's first airport weather station.

So, today I congratulate the Port Authority of New York and New Jersey, Chairman Anthony Coscia, Executive Director Joseph Seymour, Mayor of Newark Sharpe James, Aviation Director Bill DeCota, Airport General Manager Susan Baer, her staff, and all others who have made Newark Liberty International Airport the world class facility it is today, and I look forward to celebrating 75 more years of safe, efficient operations.•

REMEMBERING RED PURSLEY

• Mr. MILLER. Mr. President, I rise today to note with deep regret the passing of a true American hero, entrepreneur, and fellow serviceman, Lewis "Red" Pursley.

Red Pursley's journey through life came to a quiet and peaceful end on September 30, 2003, at a hospice facility near his home in Douglasville, GA. A veteran of World War II and of the battlefields of corporate commerce, as well as a loving father and pillar of his local community, Mr. Pursley embodied the virtues that define the term American citizen.

As a young man in Clover, SC, Red Pursley heeded his country's call when he was needed most, like so many others of what history would later call the "greatest generation." Entering into active service in late 1942, Mr. Pursley and his comrades knew the dangerous nature of their duty, but attacked it with the confidence that their services were necessary to the allied effort and conducted in the name of a righteous cause.

A flight engineer and top turret gunner on a B–17 bomber crew based in England with the 8th Army Air Corps, Sergeant Pursley and the other 9 members of his crew flew 14 successful missions over Northern Europe before being shot down while on a mission over Frankfurt on January 29, 1944. Of the 10 crewmembers onboard, four died in the air and two escaped capture, but Sergeant Pursley and three others were taken prisoner by the Germans.

For the next 16 months, Sergeant Pursley, along with thousands of his fellow servicemembers, endured long marches, malnutrition, and despair in a number of Nazi prison camps, before he was liberated on May 6, 1945, just four days shy of the end of the European Campaign. Though his health suffered throughout the heroing ordeal, Sergeant Pursley's sense of pride in his service and faith in his cause never wavered.

For his service, Mr. Pursley earned numerous decorations including the Silver Star and the Purple Heart. Upon his return from Europe and separation from the Army Air Corps, Mr. Pursley moved to Georgia and, in 1957, started Redrock Carpet, a commercial carpet company that he has run ever since with his son. Mr. Pursley excelled as a businessman and the products that he manufactured have been used to carpet such notable locales as Air Force One and the private residence quarters in the White House.

Red Pursley was a man we all should admire, as it was efforts of men like him that helped forge our present greatness. He took an active part in the last half century as a solider and a citizen, as a community leader and a businessman, and as a living link to our past. His distinguished career, both in the service of his country and in the private sector, is a demonstration of the highest standards of integrity, professionalism, and patriotism.

Red died on the morning of September 30, 2003, at the age of 82 after succumbing to a long bout with cancer. He leaves behind his loving wife and partner of nearly 61 years, Catherine Robinson Pursley, two children, three grandchildren, and four great-grandchildren. Red also leaves behind an indelible mark on his Douglasville, GA community and on the lives of all of those that he touched. He will be missed, but as long as the legacy of the greatest generation lives on, so too will he.●

MID-MISSOURI ENERGY

● Mr. TALENT. Mr. President, I rise today to commemorate the upcoming groundbreaking on Saturday, October 4, 2003, for construction of Missouri's third farmer-owned ethanol plant, Mid-Missouri Energy Ethanol Plant, which will be located in Malta Bend, MO.

Mid-Missouri Energy, the farmer-owned cooperative that is building the plant, began its grassroots efforts in early 2002 and has since added over 720 farmer-investors. This plant will process 15 million bushels of corn each year, producing 40 million gallons of ethanol annually, creating more than 35 new jobs in Saline County. It will boost the value of locally grown corn and generate revenue for the farmers who have invested in the cooperative. In addition, the site preparation and construction of the plant will provide a boost to the area's economy. This plant is being built at a cost of $60 million, and it is expected to be in operation by Spring 2005.

The technology for ethanol-blended fuel will only get better as the distribution network continues to grow. Ethanol is already marketed in a number of places at the same price as gasoline, and its increased use will reduce our dependence on foreign oil and help agricultural producers. There are currently 73 ethanol plants in the country, with the capacity to produce 2.9 billion gallons annually. The Malta Bend plant is one of 13 new plants under construction, which represent more than 400 million gallons per year of new ethanol production. I am confident the energy bill that emerges from the Congress will retain the Renewable Fuels Standard, which will double the production and use of ethanol over the next ten years.

I am proud of the hard work and commitment that the farmers of Mid-Missouri Energy have shown in getting this plant built. Their efforts are crucial to helping our agricultural industry in Missouri and providing jobs and growth for the Missouri economy. I am pleased to congratulate them, as well as the farmer-investors of Missouri's two operative ethanol plants, Northeast Missouri Grain, LLC and General Triangle Energy Cooperative, for all that they have done to support Missouri job creation and economic growth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of September 30, 2003, the Secretary of the Senate, on September 30, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

Under the authority of the order of September 30, 2003, the enrolled bill was subsequently signed by (Mr. TALENT).

At 11:44 a.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2086. An act to reauthorize the Office of National Drug Control Policy.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office"; to the Committee on Governmental Affairs.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2086. An act to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4485. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Bill Regulations—Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds" (RIN0584–AD33) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4486. A communication from the Executive Director, Commodity Futures Trading

Commission, transmitting, pursuant to law, the report of a rule entitled "Denomination of Customer Funds and Location of Depositories" (RIN3038-AB31) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4487. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc., Petitions for Treatment of Floor Brokers and Floor Traders as Eligible Commercial Entities Pursuant to Section 1a(11)(C) of the Commodity Exchange Act" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4488. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Performance Data and Disclosure for Commodity Trading Advisors" (RIN3038-AB39) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4489. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Foreign Options Transactions" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4490. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Options Transactions" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4491. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Account Identification for Bunched Orders" (RIN3038-AB93) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4492. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Appendix C of Part 40 and Redesignation as Appendix D of Part 30" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4493. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Washington Mutual, Inc. and its Various Subsidiaries Request for Relief" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4494. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Review by the National Futures Association of Disclosure Documents Required to be Filed by Commodity Pool Operators for Publicly-Offered Commodity Pools" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4495. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Commodity Pool Operators" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4496. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the New York Mercantile Exchange, Inc. Petition for Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4497. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Futures Commission Merchants and Introducing Brokers" (RIN3038-AB90) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4498. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Additional Registration and Other Regulatory Relief for Commodity Pool Operators and Commodity Trading Advisors; Past Performance Issues" (RIN3038-AB97) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4499. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Sugar Beet Disaster Program" (RIN0560-AH04) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4500. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Outside Storage of Extra Long Staple Loan Cotton" (RIN0560-AH03) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4501. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program" (RIN0560-AG95) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4502. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the fiscal year 2003 Commercial Activities Report for the Department of Defense; to the Committee on Armed Services.

EC–4503. A communication from the Air Force Federal Register Liaison Officer, Plans and Policy Directorate, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled "Title 32—National Defense, Chapter VII—Department of the Air Force Part 809a—Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance" (RIN0701-AA64)

EC–4504. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the Department's Report on the Family Subsistence Supplemental Allowance Program; to the Committee on Armed Services.

EC–4505. A communication from the Director, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on the experience under the fiscal years 1999 and 2000 revitalization pilot programs in exercising authorities provided for the administration of programs to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department; to the Committee on Armed Services.

EC–4506. A communication from the Acting Under Secretary of Defense, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4507. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a letter notifying the Senate of the intention of Foreign Comparative Testing (FCT) to fund several Fiscal Year 2004 projects; to the Committee on Armed Services.

EC–4508. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a notice of the Department's intention to close the combined commissary and exchange stores at Homestead Air Reserve Base, FL and Fort McClellan, AL; to the Committee on Armed Services.

EC–4509. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report of a decision to implement performance by the Most Efficient Organization (MEO) of Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

EC–4510. A communication from the Assistant Secretary of the Army, Office of the Assistant Secretary, Financial Management and Comptroller, transmitting, a copy of the Army's Annual Financial Statement report for fiscal year 2002; to the Committee on Armed Services.

EC–4511. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a report on direct spending related to combating terrorism dated September 18, 2003; to the Committee on Armed Services.

EC–4512. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinoxyfen; Pesticide Tolerance" (FRL#7318-2) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4513. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerance" (FRL#7328-6) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4514. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indian Meal Moth Granulosis Virus; Exemption from the Requirement of a Tolerance" (FRL#7328-8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4515. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium; Pesticide Tolerance" (FRL#73278-9) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4516. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph; Pesticide Tolerances" (FRL#7327-3) received on September 25, 2003 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4517. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorfenapyr; Pesticide Tolerance" (FRL#7320-8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4518. A communication from the Deputy Secretary, Division of Investment Management, transmitting, pursuant to law, the report of a rule entitled "Custody of Funds or Securities of Clients by Investment Advisers" (RIN3235-AH26) received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4519. A communication from the Associate General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Interest Rates, 12 CFR Part 701" received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4520. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Paperwork for Late Season Migratory Bird Hunting Regulations" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4521. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Late Season" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4522. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4523. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Early Season" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4524. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revision to Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL#7564-5) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4525. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment as of November 15, 1999 and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia" (FRL#7563-4) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4526. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL#7563-8) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4527. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL#7562-8) received on September 25 , 2003; to the Committee on Environment and Public Works.

EC-4528. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-135-FOR) received on September 26, 2003; to the Committee on Energy and Natural Resources.

EC-4529. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2003" (Rev. Rule 2003-107) received on September 25, 2003; to the Committee on Finance.

EC-4530. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Special Depreciation Allowance" (RIN1545-BC19) received on September 25, 2003; to the Committee on Finance.

EC-4531. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2003-89) received on September 25, 2003; to the Committee on Finance.

EC-4532. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-63) received on September 25, 2003; to the Committee on Finance.

EC-4533. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2003" (Rev. Rule 2003-103) received on September 25, 2003; to the Committee on Finance.

EC-4534. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Obsolete Split Dollar Rulings" (Rev. Rule 2003-105) received on September 25, 2003; to the Committee on Finance.

EC-4535. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Qualified Community Development Entity Loan Purchases" (Notice 2003-68) received on September 25, 2003; to the Committee on Finance.

EC-4536. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Investments Through Multiple Qualified Community Development Entities" (Notice 2003-64) received on September 25, 2003; to the Committee on Finance.

EC-4537. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis" (RIN0960-AF95) received on September 25, 2003; to the Committee on Finance.

EC-4538. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 68 FR 49371" (44 CFR 67) received on September 25, 2003; to the Committee on Finance.

EC-4539. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 68 FR 49365" (44 CFR 65) received on September 25, 2003; to the Committee on Finance.

EC-4540. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Clarification of Rules Involving Functional Capacity Assessments; Clarification of Use of Vocational Experts and Other Sources at Step 4 of the Sequential Evaluation Process; Incorporation of "Special Profile" Into Regulations" (RIN0960-AF37) received on September 25, 2003; to the Committee on Finance.

EC-4541. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid . Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Payments for Paid Feeding Assistants in Long Term Care Facilities (CMS-2131-f)" (RIN0938-AL04) received on September 26, 2003; to the Committee on Finance.

EC-4542. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act" (RIN1515-AD24) received on September 25, 2003; to the Committee on Finance.

EC-4543. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of a certification of a proposed license for the export of major defense equipment and defense services in the amount of $25,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-4544. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Office of Management and Budget, Office of Federal Procurement Policy, received on September 25, 2003; to the Committee on Governmental Affairs.

EC-4545. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-4546. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals with Disabilities" (RIN1820–ZA29) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4547. A communication from the Secretary of Health and Human Services, transmitting, a Report on the Community Services Block Grand Discretionary Activities: Community Economic Development Program projects funded during Fiscal Years 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4548. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast" (Doc. No. 1998F–0196) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4549. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Seat Belts for Off-Road Work Machines and Wheeled Agricultural Tractors at Metal and Nonmetal Mines" (RIN1219–AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4550. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Standards for Sanitary Toilets in Coal Mines" (RIN1219–AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4551. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstration Programs—Mentoring for Transition-Age Youth and Young Adults With Disabilities" (RIN1820–ZA28) received on September 25, 2003.

EC–4552. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Oligoesters" (Doc. No. 98F–0717) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4553. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4554. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans" (RIN2900–AL08) received on September 25, 2003; to the Committee on Veterans' Affairs.

EC–4555. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket" (RIN2900–AJ85) received on September 25, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 861. A bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development (Rept. No. 108–158).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments and with an amended preamble:

S.J. Res. 16. A joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes (Rept. No. 108–159).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Lt. Gen. George W. Casey, Jr.

Navy nomination of Rear Adm. David C. Nichols, Jr.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. BOND):

S. 1690. A bill to amend the Workforce Investment Act of 1998 to provide for integrated workforce training programs for adults with limited English proficiency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. SUNUNU:

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs. CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. BIDEN):

S. Res. 237. A resolution welcoming the public apologies issued by the President of

Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 139

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 139, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 333

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 767

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 894

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1177

At the request of Mr. KOHL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1431

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1531

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1629

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1629, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1634

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1634, a bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers.

S. 1670

At the request of Mr. DAYTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. 1683

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1683, a bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1686

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1686, a bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 231

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Res. 231, a resolution commending the Government and people of Kenya.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my distinguished colleagues, Senators GRASSLEY, KENNEDY, and LIEBERMAN, have joined me as cosponsors of this important bill. I thank them for their support.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, as so many brave Americans fought against enemies in Europe and the Pacific, here, at home, the U.S. Government was curtailing the freedom of some of its own people. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from our history and explore why we turned on our fellow Americans and failed to protect basic freedoms.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete an accounting of this period in our Nation's history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded "enemy aliens" and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for European Latin Americans who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred fifty years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment study Act. It is time for a full accounting of this tragic chapter in our Nation's history.

I ask that the text of the Wartime Treatment Study Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Treatment Study Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6.000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II,

most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $500,000 to carry out the purposes of this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) In General.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) Membership.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader.

(3) Two members shall be appointed by the Majority Leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) Meetings.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chairman.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) Compensation.—

(1) In general.—Members of the Jewish Refugee Commission shall serve without pay.

(2) Reimbursement of expenses.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) Scope of Review.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) Field Hearings.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) Government Information and Cooperation.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $500,000 to carry out the purposes of this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Amend the title so as to read: "A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.".

By Mr. GRASSLEY (for himself and Mr. Baucus):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am pleased to introduce, along with Senator Baucus, an extension of a bipartisan policy to help reduce the number of people living without health insurance today.

In simplist terms, our bill extends the 65 percent credit offered to people eligible for trade adjustment assistance, and to certain PBGC beneficiaries, to those workers eligible for unemployment insurance.

Is it perfect policy? No. Does it "solve" the problem of the uninsured? it does not.

But it's an important step in the right direction. I do not subscribe to the view that "incrementalism" when it comes to covering the uninsured, is dead.

With census figures showing the number of Americans living without health insurance increasing, even small steps are steps in the right direction.

Incrementalism has made a difference. For example, the few million people we covered with this tax credit in last year's trade promotion authority bill made a difference. The S-CHIP program made a difference. I believe Medical Savings Accounts and the small group market reforms we made in HIPAA all have made a difference in controlling what would otherwise be a much larger number of people without health insurance.

This year, Congress, in a bipartisan way, put $50 billion into a reserve fund to address the rising number of uninsured. The year is more than almost over, and nothing has been done, or even discussed.

I will not let a bipartisan consensus to spend $50 billion on improving access to health insurance lay there on the table. Iowans expect us to do get things done.

And to get anything, even something small, done on a problem this big, it's got to be bipartisan. That's why I am glad to be building on my work with Senator BAUCUS and making this important, novel program available to more Americans.

I am looking forward to exploring still more options in the Finance Committee on reducing the uninsured in the weeks and months ahead.

Mr. BAUCUS. Mr. President, I rise today to introduce the Health Care Tax Credit Expansion Act of 2003.

According to the most recent census figures, more than 41 million Americans lack health insurance coverage. More than the population of 23 States, plus the District of Columbia. As premiums sky rocket and the unemployment rate remains high—despite signs of economic recovery—I worry that this number may grow even higher.

For America's uninsured, the consequences of going without health coverage can be devastating.

Put plainly, uninsured Americans are less healthy than those with health insurance. They delay seeking medical care or go without treatment altogether that could prevent and detect crippling illnesses. Illnesses like diabetes, heart disease, and cancer. The uninsured are far less likely to receive health services if they are injured or become ill. They don't fill prescriptions that their doctors recommend.

These factors take an enormous personal toll on the lives of the uninsured. They are sicker and less productive. Their children are less likely to survive past infancy. And they must struggle with the knowledge that a serious injury or illness in their family might push them to the brink of financial ruin.

And there is also the impact on the rest of the U.S. economy that must be taken into account. Because when the uninsured become so sick that they must finally seek emergency treatment, there is often no one to pay for it. No insurance company. No government program.

So who absorbs the cost of uncompensated medical care? We all do. In the form of higher health care costs. Higher and higher premiums at a time when the cost of health care is already rising out of control.

The situation is becoming critical. And I believe the time for talking has ended. It is time for us to examine solutions instead of talking about the problem.

That is why I have joined with my colleague, chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, to introduce this important piece of legislation.

Our bill would provide health care assistance to the unemployed—one specific category of those without health insurance. And one where we believe there is agreement to move forward.

More specifically, this bill would expand the 65 percent refundable, advanceable tax credit that is currently provided under the Trade Adjustment Assistance program to workers receiving unemployment benefits.

By building on the structure that Congress put in place last year under the Trade Act, we make it more likely that unemployed workers can receive benefits in a timely manner. Without significant implementation and start-up time.

And by building on the historic agreement that we reached last year, we are more likely to have support for the structure and approach.

Let me be clear. This bill is not a major overhaul of the U.S. health care system that several Democratic Presidential candidates have outlined. It was not intended and does not seek to cover everyone in this country without health insurance.

Rather the proposal would use the money set aside in this year's budget for the uninsured—$50 billion—on a targeted policy that I believe both sides can agree on. It is a practical, principled, incremental solution.

WHY THE UNEMPLOYED?

According to the Labor Department, since February 2001, 2.6 million jobs have been lost. And with those jobs, an awful lot of health insurance has been lost, too.

Despite assertions by economists that the recession has ended and the economy is experiencing signs of improvement, the unemployment rate has remained stubbornly high—6.4 percent in June. In fact, we are hearing more and more talk of the same "jobless recovery" that we heard about following the recession in the early 1990s.

It is true that employment does not immediately improve when an economy emerges from recession. We read repeatedly that even if growth surges and business investment begins to take off tomorrow, the ranks of the unemployed may not thin for months.

Unfortunately, for many, many families, this means more weeks, if not months, of endless job searches. And a longer period of time without health coverage.

An estimated 46 percent of unemployed adults lack health insurance, or about 4 million unemployed workers. Less than one in three unemployed adults receives health coverage through their spouse or other family member.

And while 65 percent may qualify for COBRA continuation coverage, only 7 percent can afford to enroll. That is not surprising. Premiums for this coverage average almost $700 a month for family coverage and $250 for individual coverage. A very high price, given the average $1,100 monthly UI check.

Last year, when we debated the economic recovery package, both Republicans and Democrats proposed to expand health coverage for unemployed workers. There was almost universal agreement that this population deserved help and attention. So I think it's a good place for us to start from this year.

WHY A TAX CREDIT?

There's been a lot of debate about the best way to expand health insurance coverage to the uninsured. Most Democrats favor expanding public programs like Medicaid and CHIP, and harnessing the power of the group insurance market to provide affordable coverage options.

Most Republicans, however, favor a more market-based approach that gives the uninsured tax breaks and allows them to use the individual insurance market.

But, after years of logjams and disagreements, we were able to come together last year when we created the TAA tax credit. The TAA tax credit merges a market-based tax credit with the affordability of the group insurance market. This proposal simply builds on that progress. With the structures now in place to implement the TAA credit, a new tax credit for the unemployed can easily be incorporated into the new system.

CAVEATS

I realize that the TAA tax credit is not a perfect model. And we may need to make some adjustments as full implementation kicks in this summer. For example, we need to ensure that the groups we intended to cover actually have access to coverage.

In particular, all workers who had health insurance coverage for 3 months before they lost their jobs should be assured of coverage they qualify for under TAA. I support making the technical change that would provide that assurance.

I am also willing to consider other improvements, like additional help for low income workers.

But I do not think these adjustments should deter us from moving forward with an expansion of the tax credit. Millions of unemployed workers and their families need our help. And they need it now.

All told, expanding the TAA tax credit to the unemployed would provide health insurance coverage for 1.4 million Americans a month who are currently unemployed and uninsured. It's not a panacea. But it's a start.

I hope my colleagues will join this fight by helping us pass this legislation, and taking a solid step toward providing quality, affordable health insurance to all Americans.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Health Care for Veterans of Project 112/Project SHAD Act of 2003. This bill will authorize health care assistance for veterans who participated in specific Department of Defense chemical and biological warfare testing without any requirements related to proof of service-connection for their illness.

Project 112 consisted of a series of cold war chemical, nuclear, and biological tests conducted both at sea and over land from 1962 to 1973. This project was one of 150 military initiatives designed to identify U.S. military personnel and warship vulnerabilities to chemical, nuclear, and biological attacks. Some of the tests that were part of Project 112/Operation Shipboard Hazard and Defense (SHAD) involved the use of dangerous agents such as sarin, VX, tularemia, and anthrax. The Defense Department has recognized that it does not have adequate documentation to prove that test participants were informed of the potential risks, or that personnel received adequate protective gear during testing.

After an extensive search for records to identify all tests conducted and link the dates of specific tests to the personnel on-board at the time, the DOD produced a comprehensive list of all tests conducted and each veteran involved in this project. In response to a VA request, DOD reviewed and declassified information concerning the exact agents used and other details of the Project 112 tests. This information was subsequently turned over to the Department of Veterans Affairs, and the VA began the process of contacting the veterans identified as participants.

A total of 5,842 persons were identified as having been present in one or more of the tests. All veterans who believe they were involved in tests and have medical concerns have been encouraged to contact VA to receive medical evaluations. Although Project 112 veterans suffer from a broad range of ailments from cancer to hypertension, a causal link between the tests and their current ailments has not been established. Due to the amount of time that has passed and the relatively small number of people involved in any specific test, it is highly unlikely that we will ever be able to fully determine the health effects from the tests.

It would be unconscionable to require Project 112 veterans to prove a connection between their involvement in these tests and their current health problems. If we cannot disprove a service connection, then we should assume responsibility for their health care. This Health Care for Veterans of Project 112/Project SHAD Act of 2003 would provide priority access to VA hospital care, medical services, and nursing home care for veterans identified as participants in these tests, and not require medical evidence that any illnesses are attributable to such testing. This is an important step in bringing some finality to this issue and living up to our commitment to this group of veterans.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for Veterans of Project 112/Project SHAD Act of 2003".

SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO PARTICIPATED IN CERTAIN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Deseret Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as 'Project Shipboard Hazard and Defense (SHAD)' and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.";

(2) in paragraph (2)(B), by striking "paragraph (1)(C) or (1)(D)" and inserting "subparagraph (C), (D), or (E) of paragraph (1)"; and

(3) in paragraph (3)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2005.".

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing with Senators CRAIG, SUNUNU, DURBIN, and REID, my distinguished colleagues from Idaho, New Hampshire, Illinois, and Nevada, the Patriot Oversight Restoration Act of 2003, a short bill whose singular but important purpose is to provide Congress the opportunity to take a hard look at the USA PATRIOT Act, which we passed in the anxious weeks following the devastating attacks of September 11, 2001. This bipartisan bill is moderate in scope; it would simply expand the sunset provision already enacted in the PATRIOT Act, to cover a number of additional provisions. The ensuing debate, however, should be considerable. My hope is that, before the sunset expires in December 2005, Congress will methodically revisit PATRIOT, with an eye toward achieving a suitable balance between the need to address the threat of terrorism and the need to protect our constitutional freedoms—and with the lessons of the past few years to guide us.

We recently marked the second anniversary of the September 11 attacks. As we reflect on that terrible day, and honor those who were lost, I strongly believe we should take stock of where we stand in our fight against terrorism. In the aftermath of the attacks, Congress and the administration did forge a constructive partnership to write the USA PATRIOT Act, which was meant to help our law enforcement and intelligence communities prevent future attacks from occurring. The PATRIOT Act represented our best efforts, under difficult circumstances, to balance the rights and liberties of the American people with the very urgent need to confront a threat to our Nation.

Even in balancing this tension, we granted the executive branch an unprecedented, vast new array of powers. We did so because we believed the administration's claim that it needed these powers to protect us, and because we trusted the administration's promise that it would use these powers appropriately. I noted at the time that

PATRIOT was not the bill that I, or any of the sponsors, would have written if compromise were unnecessary. But I believed in the bill's purpose, and I gave it my vote and support. I worked hard to add checks and balances to many of its provisions, and did so.

Unfortunately, like many Members who supported the act—and like many Americans nationwide—I have come to feel disappointed. Since we passed the PATRIOT Act in October 2001, it has grown increasingly apparent that the trust and cooperation Congress provided to the executive branch has proved to be a one-way street. In the quarter-century that I have served in the Senate, no administration has been more secretive, more resistant to congressional oversight, and more disposed to acting unilaterally, without the approval of the American people or their democratically elected representatives. Despite the administration's unprecedented public relations campaign to promote the PATRIOT Act—including a 16-State, 18-city tour by the Attorney General himself—the administration has yet to show that it is using its PATRIOT powers wisely. Instead, it has been secretly drafting a sequel to PATRIOT that would grant it even more far-reaching powers.

I would never oppose an open discussion of any legislative tool that would help in the fight against terrorism. But for such a debate to be fruitful, we need to know more about the tools that are already available, including those created by the PATRIOT Act. Which are working, and how well? Which are not working, and why? Which, if any, struck the wrong balance, threatening the civil liberties of our citizens while doing little or nothing to keep our Nation secure?

Immediately after the PATRIOT Act passed, the administration draped a cloak of secrecy around its use. When lawmakers and citizens have attempted to start a dialogue on PATRIOT-related issues, the response has been to ignore, insult or derisively dismiss them.

Attorney General Ashcroft has repeatedly declined to appear before the Judiciary Committee to answer questions, and his Department is painfully slow to respond to written requests for information. To quote my friend Senator GRASSLEY, "getting information from the Justice Department under Ashcroft is like pulling teeth." By ignoring oversight requests until answers are moot or outdated, and responding in only vague and conclusory fashion, if at all, the Justice Department frustrates our constitutional system of checks and balances, and sows the sort of public distrust that now accompanies the PATRIOT Act.

Just recently, in July, the Department dumped on committee members literally hundreds of pages of answers to questions that had been submitted to Attorney General Ashcroft and other senior Department officials following their testimony before the committee more than a year earlier. To give just one example of what a travesty it is when oversight questions remain unanswered for a year or more, the Department's responses dated July 17, 2003, devoted fully 15 pages to answering questions about Operation TIPS—an ill-conceived program that Congress had already terminated more than 8 months earlier.

Is the Department incapable of responding to congressional inquiries in a timely fashion? Is it deliberately stonewalling? Or does it simply believe that oversight is a game that it need not play?

Even more troubling, high-level administration officials have rashly suggested that anyone who dares to voice their concerns as unpatriotic, anti-American and pro-terrorist. In one of his rare appearances before the Senate Judiciary Committee, Attorney General Ashcroft charged that "fear mongers"—those who were raising concern about the loss of civil liberties—were only aiding the terrorists. More recently, a Justice Department official dismissed the many local government resolutions condemning the PATRIOT Act by saying "half are either in cities in Vermont, very small population, or in college towns in California. It's in a lot of the usual enclaves where you might see nuclear free zones, or they probably passed resolutions against the war in Iraq."

It is unfortunate that the Justice Department felt it appropriate to ridicule these grass-roots efforts to participate in an important national dialogue. The opportunity to engage in public discourse is one of the hallmark benefits of being an American, and I am proud that Vermont towns are among those dedicated to thinking about and acting on these important issues. But more importantly, the concerns expressed in my home State are being echoed by Americans nationwide. To date, anti-PATRIOT resolutions have been passed by 178 communities in 32 States including Idaho, New Hampshire, and Illinois. These communities represent millions upon millions of Americans, not just a few free-spirited Vermonters, as the Justice Department has insinuated.

Concerns about the administration's antiterror tactics are also shared by Members on both sides of aisle, many of whom supported the PATRIOT Act as well as the war in Iraq, but who now know that the administration has been less than forthright about what it has been doing in the name of the American people. In July, the House voted to nullify section 213 of the PATRIOT Act, which allows law enforcement to ask a court to delay notice of a search warrant where it could have certain adverse results. And several bills have been introduced in both Houses to roll back another PATRIOT Act provision, section 215, which gives federal agents new power to obtain records from libraries and bookstores. Remarkably, in response, the Justice Department then declassified information summarily reflecting that it has never used the Section 215 powers—despite expressing urgent "need" during pre-PATRIOT Act debate. And almost simultaneous to this announcement, the President urged support for an alternative record gathering power when Section 215 is still on the books. One has to question the inconsistencies in these two positions and whether Congress should blindly confer data gathering powers on an administration that does not provide a hint of factual support for such requests. There is overall a growing sense in the nation that Congress moved too fast in enacting the PATRIOT Act, and that the Justice Department moved too slowly in explaining its use of this sweeping legislation.

When we passed the PATRIOT Act in October 2001, I noted that Congress needed to exercise careful oversight of how the Justice Department, the FBI and other executive branch agencies used the newly expanded powers that the act provided. The need for oversight and accountability is the reason that former House Majority Leader Dick Armey and I insisted on a sunset provision for several key provisions in PATRIOT—provisions that blurred the lines between criminal investigation and intelligence gathering. We succeeded, but only in part; several PATRIOT provisions that should have been subject to the sunset—including a few that were sunset or even cut in the version of the bill reported by the House Judiciary Committee—were omitted from the sunset. As enacted, the sunset applies only to certain enhanced surveillance authorities in title II of the act.

The PATRIOT Oversight Restoration Act would extend PATRIOT's sunset provision to other enhanced surveillance provisions in title II of the act. These include subsections (a) and (c) of section 203, which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials; sections 210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators; section 213, which authorizes so-called "sneak and peak"—delayed notification—search warrants; sections 216 and 222, which significantly expand when, where, and how law enforcement can obtain a pen register or trap and trace order; and section 219, which authorizes judges to sign search warrants for properties located outside their districts.

In addition to these title II provisions, the PATRIOT Oversight Restoration Act would also extend the sunset to a handful of provisions in titles IV, V, VIII and X of the PATRIOT Act. These provisions include sections 411 and 1006, which expand the Government's authority to declare certain persons inadmissible to the United States; section 412, which grants the Attorney General authority to “certify” that an alien is engaged in activity that endangers the national security, and to take such an alien into custody; section 505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called “National Security Letters,” even if no criminal investigation is pending and without court review; sections 507 and 508, which remove certain privacy protections for educational records and surveys—called “obstacles” to investigating terrorism in the PATRIOT Act; section 802, which defines “domestic terrorism” in a way that could be read to include political protesters engaged in civil disobedience; section 806, which uses the aforementioned definition of “domestic terrorism” to expand the government's civil forfeiture authority; and section 1003, which references another section of PATRIOT that is already covered by the sunset.

With the PATRIOT Act, Congress provided government investigators with a virtual smorgasbord of new powers from which to choose. Is the Government gorging itself on the secretive powers allowed for “foreign intelligence” gathering, with their less onerous procedural requirements, rather than relying on bedrock criminal investigatory techniques that are subject to more rigorous review by the Federal courts? Have we provided too many choices and too much power to a limited few? These are questions that require answers before the more far-reaching provisions of PATRIOT are etched into stone.

The events of September 11, 2001, resound in our hearts and in our memories. We owe it to the American people to be circumspect in the powers and authorities we grant, even in the name of national security. Our country was attacked on September 11 because of the democratic principles that this country stands for and that we love. It would be a cruel twist of irony to abandon those principles in the guise of a law named “PATRIOT” that might prove to be anything but a defender or protector of those cherished rights and freedoms.

The PATRIOT Oversight Restoration Act offers a cautious and sensible solution to evolving fears about the PATRIOT Act. It will allow Congress to re-examine some of the important legal issues that abruptly confronted us in the weeks following September 11, and to re-assess our efforts with the benefit of hindsight and the luxury of time.

Mr. President, I ask unanimous consent that the text of the bill and an analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PATRIOT OVERSIGHT RESTORATION ACT OF 2003

Extends the current sunset provision in section 224 of the USA PATRIOT Act (Pub. L. 107–56) to the following additional sections of that law.:

203(a) and (c), which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials;

210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators;

213, which authorizes so-called “sneak and peak” (delayed notification) search warrants;

216 and 222, which expand when, where, and how law enforcement can obtain a pen register or trap and trace order;

219, which authorizes judges to sign search warrants for properties located outside their districts;

358, which establishes greater reporting requirements by financial institutions for bank records and removes privacy protections under the law for the same records;

411 and 1006, which expand the government's authority to declare certain persons inadmissible to the United States;

412, which grants the Attorney General authority to “certify” that an alien is engaged in activity that endangers the national security, and to take such an alien into custody;

505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called “National Security Letters”;

507 and 508, which remove certain privacy protections for educational records and surveys;

802, which defines “domestic terrorism” in a way that could be read to include political protesters engaged in civil disobedience.

806, which uses the aforementioned definition of “domestic terrorism” to expand the government's civil forfeiture authority; and

1003, which references another section of PATRIOT (section 217, “Interception of computer trespasser communications”) that is already covered by the sunset.

Clarifies that after these provisions sunset on December 31, 2005, the law shall revert to what it was before the USA PATRIOT Act was enacted.

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “PATRIOT Oversight Restoration Act of 2003”.

SEC. 2. EXTENSION AND CLARIFICATION OF PATRIOT SUNSET PROVISION.

The USA PATRIOT Act (Public Law 107–56) is amended by—

(1) striking section 224;

(2) adding at the end of title X the following:

“SEC. 1017. SUNSET.

“(a) IN GENERAL.—Except as provided in subsection (b), the following sections of this Act and any amendments made by such sections shall cease to have effect on December 31, 2005, and any provision of law amended or modified by such sections shall take effect January 1, 2006, as in effect on the day before the effective date of this Act:

“(1) In title II, all sections other than sections 201, 202, 204, 205, 208, and 221, and the first sentence of section 222.

“(2) In title III, section 358.

“(3) In title IV, sections 411 and 412.

“(4) In title V, sections 505, 507, and 508.

“(5) In title VIII, sections 802 and 806.

“(6) In this title, sections 1003 and 1006.

“(b) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.”; and

(3) in the table of contents for such Act, by—

(A) striking the item for section 224 and inserting the following:

“Sec. 224. [Stricken see section 1017].”;

and

(B) inserting after the item for section 1016 the following:

“Sec. 1017. Sunset.”.

Mr. CRAIG. Mr. President, I am pleased to join the distinguished Senator from Vermont, Senator LEAHY, and our other colleagues in introducing the PATRIOT Oversight Restoration Act of 2003.

I am one of those who voted in favor of the USA PATRIOT Act to respond to the unprecedented, tragic attacks of September 11, 2001. However, even at the time of that vote, I raised my reservations about the new authorities being granted under the act, and pledged that there would be aggressive oversight by the legislative branch to make sure PATRIOTS implementation did not compromise civil liberties.

Since that time, this lengthy and complex law has been subjected to considerable dissection and discussion both inside and outside of Congress, and concerns have been raised about many of its provisions. The low boil of discontent around the Nation exploded in the other Chamber some weeks ago with a strong vote to prohibit the use of appropriated funds for requesting delayed notice of a search warrant under the act.

To its credit, the Bush administration has lately worked to address criticism of the law and demonstrate there have been no abuses by Federal law enforcement. I greatly appreciate those efforts and believe it is vitally important to continue that dialog with the Congress and the American people.

At the same time, in light of the serious concerns that have been raised, I think it is appropriate for us to add some triggers to the law that will force Congress to review and affirmatively renew these authorities. That is what the PATRIOT Oversight Restoration Act would accomplish, by sunsetting additional provisions that are not currently set to expire. I do not think this will create a burden for law enforcement; on the contrary, if these authorities are indeed critical to the protection of our Nation, it should not be difficult to convince Congress to renew them. Furthermore, the knowledge that such a case must be made at a time certain in the future will serve as an additional immediate check against potential abuses.

The security of our Nation is the first responsibility of the Federal Government. Our bill will ensure that responsibility is carried out thoughtfully and in our country's great tradition of balance and restraint in the enforcement of our laws. I urge all our colleagues to join us in supporting the PATRIOT Oversight Restoration Act.

By Mr. CAMPBELL (for himself and Mr. INOUYE)

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the Department of Health and Human Services Tribal Self Governance Amendments of 2003, a bill that will usher in the next phase in Indian Self Governance in health and health-related programs.

Up to 1970 the U.S. Government was the sole provider of all or nearly all services to Indian tribes and their members.

For many it is hard to recall that little more than 30 years ago the Federal bureaucracy and its employees provided all police, fire, resource husbandry, education, and health care services in Indian communities.

The effects on tribal governments were negative and, by crowding out the tribes, undermined tribal efforts at self-government.

The Federal monopoly in services was ended in 1970 when President Nixon issued his now-famous Special Message to Congress on Indian Affairs that called for a greater tribal role in designing and implementing Federal services and programs and in re-building tribal governments.

Nixon's Message led to the enactment of the Indian Self Determination and Education Assistance Act of 1975, Pub. L. 93-638.

Since then Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs and assume control over their own affairs.

Tribal Self Governance aims to foster strong tribal governments and healthy reservation economies as mechanisms to further tribal self-government. Self Governance has resulted in a reduction in the Federal bureaucracy and an improvement in the quality of services delivered to tribal members.

Instead of Federal micro-management, the Indian tribes can tailor the programs to unique local conditions and better serve their members.

For good reason, Tribal Self Governance has been embraced and expanded by Congress and the executive repeatedly with amendments enacted in 1984, 1988, 1994, and 2000.

Building on the solid successes of the early years, the amendments made permanent Self Governance in the Bureau of Indian Affairs and launched additional demonstrations in the Indian Health Service. In 2000, I introduced a bill that was enacted to make Self Governance in Health Care permanent at the IHS.

The bill I am introducing today will create a demonstration project for non-Indian Health Service programs in the Department of Health and Human Services.

I urge my colleagues to join me in supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003”.

SEC. 2. AMENDMENT.

The Indian Self-Determination and Education Assistance Act is amended by striking title VI (25 U.S.C. 450f note; Public Law 93-638) and inserting the following:

“TITLE VI—TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

“SEC. 601. DEFINITIONS.

“In this title:

“(1) COMPACT.—The term ‘compact’ means a compact under section 604.

“(2) CONSTRUCTION PROJECT.—The term ‘construction project’ has the meaning given the term in section 501.

“(2) DEMONSTRATION PROJECT.—The term ‘demonstration project’ means the demonstration project under this title.

“(3) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement under section 604.

“(4) INCLUDED PROGRAM.—The term ‘included program’ means a program that is eligible for inclusion under a funding agreement under section 604(c) (including any portion of such a program and any function, service, or activity performed under such a program).

“(5) INDIAN TRIBE.—The term ‘Indian tribe’, in a case in which an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf in accordance with section 603(a)(3), includes the other authorized Indian tribe, inter-tribal consortium, or tribal organization.

“(6) INTER-TRIBAL CONSORTIUM.—The term ‘inter-tribal consortium’ has the meaning given the term in section 501.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(8) SELF-GOVERNANCE.—The term ‘self-governance’ has the meaning given the term in section 501.

“(9) TRIBAL SHARE.—The term ‘tribal share’ has the meaning given the term in section 501.

“SEC. 602. ESTABLISHMENT OF DEMONSTRATION PROJECT.

“(a) DEMONSTRATION.—For a period of not more than 5 years after the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, the Secretary shall carry out a project to demonstrate the effectiveness of tribal operation of the included programs under self-governance principles and authorities.

“(b) ADMINISTRATION.—The management and administration of the demonstration project shall be in the Office of the Secretary.

“SEC. 603. SELECTION OF PARTICIPATING INDIAN TRIBES.

“(a) IN GENERAL.—

“(1) CONTINUING PARTICIPATION.—Not more than 50 Indian tribes that meet the eligibility criteria specified in subsection (b) shall be entitled to participate in the demonstration project.

“(2) ADDITIONAL PARTICIPANTS.—If more than 50 eligible Indian tribes request participation, the Secretary may select additional Indian tribes to participate in the demonstration project.

“(3) OTHER AUTHORIZED INDIAN TRIBE, INTER-TRIBAL CONSORTIUM, OR TRIBAL GOVERNMENT.—If an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution).

“(b) ELIGIBILITY.—An Indian tribe shall be eligible to participate in the demonstration project if the Indian tribe, as of the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, is a party to a compact or funding agreement under this Act.

“(c) SELECTION.—The Secretary shall select Indian tribes that request participation in the demonstration project by resolution or other official action by the governing body of each Indian tribe to be served.

“(d) PLANNING AND NEGOTIATION GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a program to allow Indian tribes that meet the eligibility requirements of this title to be awarded a planning grant or negotiation grant, or both.

“(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) by an Indian tribe is not a requirement for the Indian tribe to participate in the demonstration project.

“SEC. 604. COMPACTS AND FUNDING AGREEMENTS.

“(a) IN GENERAL.—

“(1) NEW COMPACT AND FUNDING AGREEMENT.—Not later than 60 days after the date of submission by an Indian tribe of a request to participate in the demonstration project, the Secretary shall negotiate and enter into a written compact and funding agreement with the Indian tribe in a manner that is consistent with the trust responsibility of the Federal Government, treaty and statutory obligations, and the government-to-government relationship between Indian tribes and the United States.

‘‘(2) Existing compact.—Rather than enter into a new compact under paragraph (1), an Indian tribe may use an existing compact negotiated under title V for purposes of the demonstration project.

‘‘(b) Compacts.—

‘‘(1) Contents.—A compact under subsection (a) shall designate—

‘‘(A) congressional policies regarding tribal self-governance;

‘‘(B) the intent of the demonstration project;

‘‘(C) such terms as shall control from year to year; and

‘‘(D) any provisions of this title that are requested by the Indian tribe.

‘‘(2) Effective date.—The effective date of a compact shall be the date of execution by the Indian tribe and the Secretary or another date agreed on by the parties.

‘‘(3) Duration.—A compact shall remain in effect so long as permitted by Federal law or until terminated by agreement of the parties.

‘‘(4) Amendment.—A compact may be amended only by agreement of the parties.

‘‘(c) Funding Agreements.—

‘‘(1) Scope.—A funding agreement under subsection (a) shall, at the option of the Indian tribe, authorize the Indian tribe to plan, conduct, and administer included programs administered by the Secretary through an agency of the Department of Health and Human Services, set forth in paragraphs (2) through (4).

‘‘(2) Initial included programs.—The following programs are eligible for inclusion in a funding agreement under this title:

‘‘(A) Administration on aging.—Grants for Native Americans under title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.);

‘‘(B) Administration for children and families.—

‘‘(i) The tribal temporary assistance for needy families program under section 412(a)(1) of the Social Security Act (42 U.S.C. 612(a)(1) et seq.).

‘‘(ii) The Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

‘‘(iii) The Community Services Block Grant Program under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

‘‘(iv) The Child Care and Development Fund under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

‘‘(v) The native employment works program under section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)).

‘‘(vi) The Head Start Program under the Head Start Act (42 U.S.C. 9831 et seq.).

‘‘(vii) Child welfare services programs under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

‘‘(viii) The promoting safe and stable families' program under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

‘‘(ix) Family violence prevention grants for battered women's shelters under the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

‘‘(C) Substance abuse and mental health services administration.—Targeted capacity expansion program under title V of the Public Health Service Act (42 U.S.C. 290aa et seq.);

‘‘(D) Block grants regarding mental health and substance abuse.—Mental health and substance abuse block grant programs under title XIX of the Public Health Services Act (42 U.S.C. 300x et seq.);

‘‘(E) Health resources and services administration.—Community health center grants under section 330 of the Public Health Service Act (42 U.S.C. 254b).

‘‘(3) Additional included programs.—The Secretary may identify not more than 6 additional programs annually for inclusion in the demonstration project, including—

‘‘(A) all other programs in which Indian tribes are eligible to participate;

‘‘(B) all other programs for which Indians are eligible beneficiaries; and

‘‘(C) competitive grants for which an Indian tribe receives an individual or cooperative award, on the condition that the Indian tribe agree in the funding agreement to restrictions regarding program redesign and budget reallocation for any competitive awards.

‘‘(4) Contents.—A funding agreement—

‘‘(A) shall specify—

‘‘(i) the services to be provided;

‘‘(ii) the functions to be performed; and

‘‘(iii) the responsibilities of the Indian tribe and the Secretary;

‘‘(B) shall provide for payment by the Secretary to the Indian tribe of funds in accordance with section 605;

‘‘(C) shall not allow the Secretary to waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exist under treaties, Executive orders, and Acts of Congress; and

‘‘(D) shall allow for retrocession of included programs under section 105(e).

‘‘SEC. 605. TRANSFER OF FUNDS.

‘‘(a) Transfer.—

‘‘(1) In general.—Under any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement.

‘‘(2) Timing.—Unless the funding agreement provides otherwise, at the request of the Indian tribe—

‘‘(A) funding shall be paid in 1 annual lump sum payment; and

‘‘(B) the transfer shall be made not later than 10 days after the apportionment of funds by the Office of Management and Budget to the Department of Health and Human Services.

‘‘(b) Amount of Funding.—

‘‘(1) Funding formulas.—

‘‘(A) In general.—Any statutory funding formula for an included program—

‘‘(i) shall be waived for the demonstration project under this title; and

‘‘(ii) shall be used to determine the amount of funding provided to an Indian tribe.

‘‘(B) Adequacy.—Subject to the availability of appropriations—

‘‘(i) the funding amount shall be adequate to permit the successful implementation of the demonstration project; and

‘‘(ii) the Secretary and the participating Indian tribe shall determine the funding amount through negotiation.

‘‘(2) Matching requirement.—An Indian tribe may request a waiver of any matching requirement applicable to an included program, and the Secretary shall liberally grant such reasonable waiver requests.

‘‘(3) Contract support costs.—There shall be added to the amount required by paragraph (1) contract support costs as specified in paragraphs (2), (3), (5), and (6) of section 106(a).

‘‘(4) Administrative fund shares.—

‘‘(A) In general.—An Indian tribe may negotiate for a tribal share of administrative funds without regard to the organizational level at which the included programs are carried out.

‘‘(B) Inclusion.—A tribal share under subparagraph (A) shall include a share for training and technical assistance services performed by a contractor.

‘‘SEC. 606. GENERAL PROVISIONS.

‘‘(a) Redesign, Consolidation, and Reallocation.—

‘‘(1) In general.—To the extent allowed under the statutory provisions of the included programs included in the funding agreement, and subject to the terms of the funding agreement, an Indian tribe may—

‘‘(A) redesign or consolidate the included programs under the funding agreement if the Indian tribe agrees to abide by the statutory purposes of the program; and

‘‘(B) reallocate or redirect funds for the included programs, among the included programs under the funding agreement, so long as all demonstration project costs using those funds meet allowable cost standards as required by section 506(c).

‘‘(2) Waivers.—

‘‘(A) In general.—At the request of an Indian tribe, if the Secretary determines that a waiver would further the purposes of this Act, the Secretary shall grant a waiver of program requirements for the duration of the demonstration project to facilitate the ability of an Indian tribe to redesign included programs or reallocate funds under paragraph (1).

‘‘(B) Documentation.—The Secretary shall document all requests for a waiver under subparagraph (A), including a description of—

‘‘(i) the reasons for each request;

‘‘(ii) the effect of the waiver on the Indian tribe making the request; and

‘‘(iii) the views of the Indian tribe regarding the requested waiver.

‘‘(b) Inability To Agree on Compact or Funding Agreement.—

‘‘(1) Final offer.—If the Secretary and an Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary.

‘‘(2) Determination.—Not later than 45 days after the date of submission of a final offer, or as otherwise agreed to by the Indian tribe, the Secretary shall review and make a determination with respect to the final offer.

‘‘(3) No timely determination.—If the Secretary fails to make a determination with respect to a final offer within the time specified in paragraph (2), the Secretary shall be deemed to have agreed to the final offer.

‘‘(4) Rejection of final offer.—

‘‘(A) In general.—If the Secretary rejects a final offer, the Secretary shall—

‘‘(i) submit to the Indian tribe a written statement clearly setting forth the reasons for rejecting the final offer; and

‘‘(ii) provide the Indian tribe with a hearing on the record (except that the Indian tribe may, in lieu of such a hearing, file an appeal of the rejection to the Intra-Departmental Council on Native American Affairs, the decision of which shall be final and not subject to judicial review).

‘‘(B) Burden of proof.—In a hearing or appeal under subparagraph (A)(ii), the Secretary shall have the burden of proving by clear and convincing evidence the validity of the grounds for rejecting the final offer.

‘‘(c) Other Funding.—Participation by an Indian tribe in the demonstration project under this title shall not affect the amount of funding that the Indian tribe would receive under the laws (including regulations) governing the included programs if the Indian tribe did not participate.

‘‘(d) Duplication of Eligibility.—To the maximum extent practicable, an Indian tribe shall make efforts to coordinate with appropriate States to identify dually eligible individuals to address the potential for the provision of duplicate benefits.

"(e) APPEALS.—Except as provided in subsection (b)(2), a compact or funding agreement under this title shall be considered to be a contract for the purposes of section 110.

"(f) REGULATIONS; OTHER AGENCY STATEMENTS.—

"(1) REGULATIONS.—An Indian tribe shall comply with final regulations for the included programs in connection with the demonstration project.

"(2) OTHER AGENCY STATEMENTS.—Unless expressly agreed to by an Indian tribe in a compact or funding agreement, the Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule that is promulgated by regulation.

"(g) APPLICABILITY OF OTHER PROVISIONS.—The following provisions of this Act shall apply to a compact or funding agreements entered into under this title:

"(1) Section 102(d).

"(2) Section 506(b) (conflicts of interest).

"(3) Section 506(c)(1) (Single Agency Audit Act).

"(4) Section 506(c)(2) (cost principles).

"(5) Section 506(c) (records).

"(6) Section 507(c)(1)(A) (grounds for rejecting a final offers).

"(7) Section 508(g) (prompt payment).

"(8) Section 506(h) (nonduplication).

"(9) Section 508(h) (interest or other income on transfers).

"(10) Section 508(i) (carryover of funds).

"(11) Section 509 (construction projects)

"(12) Section 510 (Federal procurement laws)

"(13) Section 512(b) (regulation waivers).

"SEC. 607. REPORT.

"(a) IN GENERAL.—The Secretary shall annually submit to Congress a report on the relative costs and benefits of the demonstration project using evaluation and reporting data provided by participating Indian tribes.

"(b) BASELINE MEASUREMENTS.—

"(1) IN GENERAL.—A report under subsection (a) shall be based on baseline measurements developed jointly by the Secretary and participating Indian tribes.

"(2) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to Indian tribes to assist Indian tribes in evaluating and reporting on the demonstration project.

"(c) CONTENTS.—A report under subsection (a) shall—

"(1) verify that the participating Indian tribes met the statutory purposes of the included programs;

"(2) confirm that key self-governance principles were carried out as Indian tribes operated the included programs; and

"(3) separately include Federal and tribal viewpoints regarding—

"(A) the merger of included programs operated under this title and self-governance principles; and

"(B) the impact on program beneficiaries.

"SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.".

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will help address a growing problem in America—our ability to provide safe and affordable housing that meets the needs of older Americans. Currently there are 35 million Americans over 65 years old. That number will double within the next 30 years. By 2030, 20 percent of the U.S. population will be over 65 years old.

Nearly one third of all public housing units are occupied by senior citizens. This figure has been steadily growing in recent years and will undoubtedly continue to grow in the future. It is critically important that we remain committed to providing low-income seniors with safe and affordable housing.

The bill I am introducing will promote the development of assisted living programs to provide a wide range of services, including medical assistance, housekeeping services, hygiene and grooming, and meals preparation. Providing these services will in turn give older Americans greater opportunities to decide for themselves where they live and how they exercise their independence.

The Elderly Housing Plus Supportive Health Support Demonstration Act, will provide Federal grants to allow public housing authorities around the country to develop new strategies for providing better housing for senior citizens. The bill will give public housing authorities the tools they need to improve our public housing stock so our seniors will not be prematurely forced out of their homes. The bill authorizes competitive grants through the Department of Housing and Urban Development to upgrade and reconfigure elderly buildings, and buildings with elderly and non-elderly disabled residents. The bill will also provide funding for service coordinators and/or congregate services programs.

Unfortunately, as we examine the public housing stock across the country from the perspective of older Americans, we find a bleak situation. Over 66 percent of existing public housing units are more than 30 years old and most are not designed to meet the needs of older Americans. For example, too few of our housing units are equipped to facilitate mobility for those in wheelchairs. Even such simple things as having a kitchen counter top that can be reached from a wheelchair may make the difference between a senior being able to stay in his or her home or having to leave, often to be sent to an institution where seniors have less independence and control over their lives.

Because most public housing seniors are Medicaid-eligible, the bill will also open a path to reducing Medicaid costs, 42 percent of which goes to housing elders in costly nursing homes. The cost to the Medicaid program of a beneficiary living in public housing converted to assisted living has been shown to be as much as one-third that paid to a nursing home on a long-term per capita basis.

The scarceness of affordable assisted living units has other social costs that we must consider as we set national housing policies for the future. Often, the cost of taking care of an aging family member can be devastating to American families. Too often, working men and women are torn between the need to maintain their jobs and the desire to provide the best possible care to their aging family members.

Advances in medicine are allowing us to live longer, healthier lives. Longevity is a great blessing, but it also poses significant challenges for individuals, families, and society as whole. One of the greatest challenges we will face in the decades ahead is the challenge of developing new kinds of housing that respond to the needs of our growing elderly population.

It is my hope that this bill will generate earnest discussion on these important matters and will ultimately lead to action to ensure that every American senior can live in security and dignity.

I ask unanimous consent that the text of the Elderly Housing Plus Health Support Demonstration Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elderly Housing Plus Health Support Demonstration Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are at least 34,100,000 Americans who are 65 years of age and older, and persons who are 85 years of age or older comprise almost one-quarter of that population;

(2) the Bureau of the Census of the Department of Commerce estimates that, by 2030, the elderly population will double to 70,000,000 persons;

(3) according to the Department of Housing and Urban Development report "Housing Our Elders—A Report Card on the Housing Conditions and Needs of Older Americans", the largest and fastest growing segments of the older population include many people who have historically been vulnerable economically and in the housing market—women, minorities, and people over the age of 85;

(4) many elderly persons are at significant risk with respect to the availability, stability, and accessibility of affordable housing;

(5) one-third of public housing residents are approximately 62 years of age or older, making public housing the largest Federal housing program for senior citizens;

(6) the elderly population residing in public housing is older, poorer, frailer, and more racially diverse than the elderly population residing in other assisted housing;

(7) two-thirds of the public housing developments for the elderly, including those that

also serve the disabled, were constructed before 1970 and are in dire need of major rehabilitation and configuration, such as rehabilitation to provide new roofs, energy-efficient heating, cooling, utility systems, accessible units, and up-to-date safety features;

(8) many of the dwelling units in public housing developments for elderly and disabled persons are undersized, are inaccessible to residents with physical limitations, do not comply with the requirements under the Americans with Disabilities Act of 1990, or lack railings, grab bars, emergency call buttons, and wheelchair accessible ramps;

(9) a study conducted for the Department of Housing and Urban Development found that the cost of the basic modernization needs for public housing for elderly and disabled persons exceeds $5,700,000,000;

(10) a growing number of elderly and disabled persons face unnecessary institutionalization because of the absence of appropriate supportive services and assisted living facilities in their residences;

(11) for many elderly and disabled persons, independent living in a non-institutionalization setting is a preferable housing alternative to costly institutionalization, and would allow public monies to be more effectively used to provide necessary services for such persons;

(12) congregate housing and supportive services coordinated by service coordinators is a proven and cost-effective means of enabling elderly and disabled persons to remain in place with dignity and independence;

(13) the effective provision of congregate services and assisted living in public housing developments requires the redesign of units and buildings to accommodate independent living;

(14) most of the elderly who reside in public housing are eligible for Medicaid to pay for the cost of their being institutionalized in nursing homes;

(15) nursing home costs now exceed 42 percent of the entire Medicaid program; and

(16) by providing a nursing home resident the choice of assisted living in public housing instead, the Federal Government can save as much as three-quarters of the long term per capita Medicaid costs and at the same time allow a frail senior to age in place.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a demonstration program to make competitive grants to provide state-of-the-art, health-supportive housing with assisted living opportunities for elderly and disabled persons;

(2) to provide funding to enhance, make safe and accessible, and extend the useful life of public housing developments for the elderly and disabled and to increase their accessibility to supportive services;

(3) to provide elderly and disabled public housing residents a readily available choice in living arrangements by utilizing the services of service coordinators and providing a continuum of care that allows such residents to age in place;

(4) to incorporate congregate housing service programs more fully into public housing operations; and

(5) to accomplish such purposes and provide such funding under existing provisions of law that currently authorize all activities to be conducted under the program.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSISTED LIVING FACILITY.—The term "assisted living facility" means any public housing project for the elderly, or for the elderly and the non-elderly disabled, that is operated in accordance with applicable laws and provides to the residents any combination of the following services:

(A) Meal service adequate to meet nutritional need.

(B) Housekeeping aid.

(C) Personal assistance.

(D) Transportation services.

(E) Health-related services.

(F) Such other services as are considered important for maintaining independent living.

(2) ELDERLY AND DISABLED FAMILIES.—The term "elderly and disabled families" means families in which 1 or more persons is an elderly person or a person with disabilities.

(3) ELDERLY PERSON.—The term "elderly person" means a person who is 62 years of age or older.

(4) PERSON WITH DISABILITIES.—The term "person with disabilities" has the same meaning as in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)).

(5) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the same meaning as in section 3(b)(6)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(A)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4. AUTHORITY FOR ELDERLY HOUSING PLUS HEALTH SUPPORT PROGRAM.

The Secretary shall establish an elderly housing plus health support demonstration program (referred to in this Act as the "demonstration program") in accordance with this Act to provide coordinated funding to public housing projects for elderly and disabled families selected for participation under section 5, to be used for—

(1) rehabilitation or re-configuration of such projects or the acquisition and rehabilitation of an existing assisted living facility in cases where the public housing agency has no elderly housing stock suitable for conversion;

(2) the provision of space in such projects for supportive services and community and health facilities;

(3) the provision of service coordinators for such projects; and

(4) the provision of congregate services programs in or near such projects.

SEC. 5. PARTICIPATION IN PROGRAM.

(a) APPLICATION AND PLAN.—To be eligible to be selected for participation in the demonstration program, a public housing agency shall submit to the Secretary—

(1) an application, in such form and manner as the Secretary shall require; and

(2) a plan for the agency that—

(A) identifies the public housing projects for which amounts provided under this Act will be used, limited to projects that are designated or otherwise used for occupancy—

(i) only by elderly families; or

(ii) by both elderly families and disabled families; and

(B) provides for local agencies or organizations to establish or expand the provision of health-related services or other services that will enhance living conditions for residents of public housing projects of the agency, primarily in the project or projects to be assisted under the plan.

(b) SELECTION AND CRITERIA.—

(1) SELECTION.—The Secretary shall select public housing agencies for participation in the demonstration program based upon a competition among public housing agencies that submit applications for participation.

(2) CRITERIA.—The competition referred to in paragraph (1) shall be based upon—

(A) the extent of the need for rehabilitation or re-configuration of the public housing projects of an agency that are identified in the plan of the agency pursuant to subsection (a)(2)(A);

(B) the past performance of an agency in serving the needs of elderly public housing residents or non-elderly, disabled public housing residents given the opportunities in the locality;

(C) the past success of an agency in obtaining non-public housing resources to assist such residents given the opportunities in the locality; and

(D) the effectiveness of the plan of an agency in creating or expanding services described in subsection (a)(2)(B).

SEC. 6. CONFIGURATION AND CAPITAL IMPROVEMENTS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for capital improvements to rehabilitate or configure public housing projects identified in the plan submitted under section 5(a)(2)(A);

(B) to provide space for supportive services and for community and health-related facilities primarily for the residents of projects identified in the plan submitted under section 5(a)(2)(A); and

(C) for the cost of acquisition by a public housing agency of an existing assisted living facility that is in need of rehabilitation in cases where the public housing agency has no elderly housing stock suitable for conversion.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—Grants funded in accordance with this section shall—

(1) be allocated among public housing agencies selected for participation under section 5 on the basis of the criteria established under section 5(b)(2); and

(2) be made in such amounts and subject to such terms as the Secretary shall determine.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $100,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 7. SERVICE COORDINATORS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for public housing projects for elderly and disabled families for whom capital assistance is provided under section 6; and

(B) to provide service coordinators and related activities identified in the plan of the agency pursuant to section 5(a)(2), so that the residents of such public housing projects will have improved and more economical access to services that support the health and well-being of the residents.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed $100,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $2,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 8. CONGREGATE HOUSING SERVICES PROGRAMS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) in connection with public housing projects for elderly and disabled families for which capital assistance is provided under section 6; and

(B) to carry out a congregate housing service program identified in the plan of the agency pursuant to section 5(a)(2) that provides services as described in section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)).

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Other than as specifically provided in this section—

(A) section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section; and

(B) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed $150,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $3,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 9. SAFEGUARDING OTHER APPROPRIATIONS.

Amounts authorized to be appropriated under this Act to carry out this Act are in addition to any amounts authorized to be appropriated under any other provision of law, or otherwise made available in appropriations Acts, for rehabilitation of public housing projects, for service coordinators for public housing projects, or for congregate housing services programs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, with the passage of the Sarbanes-Oxley Act, Congress acted swiftly and surely to restore investor confidence in our capital markets. Something needed to be done to assure people that it was OK for them to start investing in and relying on the market again. People wanted to feel certain that the rules had been fixed and the market was fair for all.

Although I am proud we were able to do that, we all knew that there was still more that needed to be done to help the millions of American workers whose retirement savings are fueled by the financial markets.

There's a gap that still threatens the retirement security of the 42 million Americans who participate in defined contribution plans, like 401(k) plans. In defined contribution plans, the employee—not the employer—decides how much and how to invest retirement assets. As anyone who has been investing their hard earned dollars through their employer provided plans knows, there are quite a few choices out there. They each have their own risks and rewards, but they have one thing in common—they require an employee who is investing his or her pay to have a good sense of the market. Employees find themselves having to navigate bull and bear markets, weather changes in personal and professional circumstances, and use long-term planning to set a course that leads to retirement security.

401(k) plans provide great opportunity as well as risk. The difference between the employee who can maximize opportunity and minimize risk and the employee who cannot is sound investment advice. Unfortunately, only 16 percent of plan participants have an investment advisory service available to them through their retirement plans. This survey by the Spectrum Group confirms the existence of an advice gap that must be addressed. The legislation I am introducing today is intended to close the advice gap and help workers choose wisely and chart their course to retirement security.

Both workers and employers are acutely aware of the advice gap. According to the 2002 Transamerica Small Business Retirement Survey, 76 percent of employees felt they don't know as much about retirement investing as they should—up from 65 percent in 2001. This view is held even more strongly by employers, with 91 percent believing their workers don't know enough about retirement investing.

There is another gap that exists with respect to retirement investment advice. Wealthier individuals or high-level executives are more likely to have access to quality investment advice than rank-and-file workers. The Retirement Security Advice Act of 2003 will bring access to quality investment advice, and thereby retirement security, to rank-and-file workers who need it most, particularly those employed at small businesses.

Access to investment advice has not kept pace with either the increasing number of workers participating in 401(k) plans or the increasing complexity of investment options. What accounts for the gulf between the need for and the supply of investment advice?

The 1974 Employee Retirement Income Security Act (ERISA) imposes outdated barriers to the provision of investment advice to workers participating in 401(k) plans. ERISA prevents investment advisors who have an affiliation with the investment options available under the plan from providing investment advice to plan participants. This restriction might have seemed reasonable in 1974 when retirement plans were dominated by traditional defined benefit pension plans. However, the explosion in 401(k) plans—and thus the need to provide workers with investment advice services—was not imagined in 1974.

This bill will allow employers to provide their employees with access to quality investment advice so long as the advisors fully and clearly disclose their fees and any potential conflicts of interest. Furthermore, investment advisors are subject to ERISA's stringent fiduciary obligations, which requires them to act solely in the best interest of plan participants. Investment advisors who breach this fiduciary duty are subject to a lawsuit by the worker, another plan fiduciary, the plan itself, or the Department of Labor. Employers also have the fiduciary obligation of prudently selecting and periodically reviewing advice providers.

Let us remember that workers are not required to either seek or follow the investment advice. All advice given is strictly voluntary. With clear and full disclosure of fee arrangements and potential conflicts of interest, plan participants can decide for themselves whether or not to act on it.

Some of my colleagues might argue that only independent investment advisors should be allowed to provide investment advice to plan participants. This ignores both the realities of the marketplace for investment advice and the needs of employees and employers. Excluding many of the most qualified financial services companies from offering investment advice to plan participants will leave a large void in the 401(k) advice marketplace. Conversely, increasing competition in this marketplace will promote better quality and lower costs—both to the benefit of plan participants.

Restricting the provision of investment advice services to independent advisors ensures that the advice gap will remain wide—particularly at small businesses. Employers would be required to look outside of their plan's current administrative arrangement and hire another financial institution to provide investment advice services to employees. For small companies like those in Wyoming, meeting this criteria would be almost impossible. Small employers face unique resource and personnel limitations. The cost of researching, selecting, and paying for the services of an independent advice provider will deter small employers from providing this valued benefit to employees.

The key to retirement security for 401(k) participants is quality investment advice, tailored to the needs of each worker. The key to expanding the number of workers getting such advice is increasing competition in the marketplace for investment advice while providing meaningful protection and disclosure to workers. The Retirement Security Advice Act will open the door to both.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Retirement Security Advice Act of 2003".

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.".

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

"(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

"(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

"(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

"(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of paragraph (1)(A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

"(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

"(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

"(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

"(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(iii) an insurance company qualified to do business under the laws of a State,

"(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(v) an affiliate of a person described in any of clauses (i) through (iv), or

"(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking "or" at the end;

(B) in paragraph (15), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

"(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.".

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

"(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

"(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

"(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

"(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

"(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(III) an insurance company qualified to do business under the laws of a State,

"(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(V) an affiliate of a person described in any of subclauses (I) through (IV), or

"(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

Mr. BOND. Mr. President, I rise today to cosponsor the Retirement Security Advice Act of 2003, introduced by my good friend from Wyoming, Senator MIKE ENZI. I do so because this bill holds important implications for small businesses in this county and for the millions of Americans they employ.

In 1996, we created the Savings Incentive Match Plans for Employees (SIMPLE) as a pension-plan option for small firms in this country. The goal was a simple one: provide a pension plan with low administrative costs for employers so they can offer pension benefits to encourage employees to save for their retirement. I am pleased that these plans have become quite popular, and together with the other pension simplifications and improvements enacted since then, they have contributed to better access to pension benefits by small businesses and their employees.

Greater retirement savings, however, have raised new and complex issues for many employees who have seen their pension accounts grow substantially. As a member of both the Senate Small Business Committee and the Health, Education, Labor, and Pension Committee, I have heard many constitents raise difficult questions in this area: What are appropriate investments for my personal circumstances and risk tolerance? Should I buy stocks, bonds, annuities, or something else? How should I diversify my investments? When should I modify my investment mix? And so on.

The importance of these questions has increased substantially in light of recent high-profile business failures and economic downtown. Gone are the days of the momentum market where any dollar invested seemed to grow with little effort or no risk.

The return to more cautious investing has left employees who participate in employer-sponsored pension plans in a real dilemma—hire an outside investment advisor or go it alone in most cases. Why? Current pension rules effectively preclude most employers from offering investment advice to their employees. In fact, recent estimates are that only about 16 percent of participants have access to investment advice through their pension plan. In today's complex investment environment that is simply too little help for employees who are trying to manage their retirement security.

Senator ENZI's bill addresses this situation in a responsible way. For most businesses, and particularly small firms, the logical place to look for an investment advisor would be the company that manage's the plan's investment options or an affiliated firm. Under Senator ENZI's bill that option would now be available, opening the door for countless businesses to offer this important benefit at a low cost to their employees who participate in the company's pension plan. In addition, by allowing more businesses to offer investment-advice benefits, the bill creates an opportunity for increased competition among investment advisors, which can lead to better advice products and lower costs overall.

Senator ENZI's bill, however, does not simply change the rules to help the business community. It also includes critical protections for the plan participants. Investment advisors must satisfy strict requirements concerning their qualifications, and they must disclose on a regular basis all their business relationships, fees, and potential conflicts of interest directly to the participants. In addition, and arguably most importantly, the investment advisor must assume fiduciary liability for the investment advice it renders to the employee participants in the plan. In short, if the investment advisor does not act solely in the interest of the participant, it will be liable for damages resulting from the breach of its fiduciary duty. Together, the bill's provisions provide substantive safeguards to protect the interests of the plan participants who take advantage of the new investment-advice benefit.

Some have contended that a better alternative is to force small businesses to engage an independent third party to provide investment advice. I disagree. The result would simply be the same as under current law. Cost is a real issue for small businesses seeking to offer benefits like pension plans and related investment advice—hence, the genesis of the SIMPLE pension plan. As under the current rules, if the only option is a costly outside advisor, the small firm will not offer the investment-advise benefit. As a result, we would not move the ball even a yard further—employers would still be left to their own devices to figure out the complex world of investing or they would have to seek out and hire their own advisor, which few have the wherewithal to do.

More to the point, nothing under the Enzi bill prevents a business from engaging an independent advisor if the employer deems that the best alternative. The standard under the Enzi bill for selecting the investment advisor is prudence; the same criteria that the employer must exercise under current law when selecting the company that manages the pension plan and its investment options. If a prudent person would not hire or retain the investment advisor, then under the Enzi bill, the employer should not do so either or face liability for breach of fiduciary duty. Again, additional protection for the plan participants.

In my assessment, investment advice is an increasingly important benefit that employers want and need. Morover, small businesses in particular need the flexibility to offer benefits that keep them competitive with big companies as they seek to hire and retain the very best employees possible. And when we talk about small businesses, we are not dealing with an insignificant employer in this country. In fact, according to Small Business Administration data, small businesses represent 99 percent of all employers and provide 60 to 80 percent of the net new jobs annually in this country.

The Retirement Security Advice Act provides a carefully balanced and responsible solution to this situation. Most importantly, it provides a solution that employers will actually use to offer the investment advice sought by their employers who struggle to put money aside in the hopes of having a nest egg that someday will provide them with a comfortable retirement. I am pleased to co-sponsor this bill and look forward to working with my colleague from Wyoming to see it enacted into law.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor and Pensions.

Mr. INHOFE. Mr. President, today I am introducing legislation to require parental consent for intrusive physical exams, genital exams, administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these invasive exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. My bill will clarify the Code by not allowing any non-emergency invasive genital exam by a Head Start agency without parental consent.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs. CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a comprehensive bipartisan bill which will ensure the full use and availability of DNA technology in our criminal justice system. This bill, which enacts the President's DNA technology initiative, announced by Attorney General Ashcroft on March 11, 2003, will provide over $1 billion in funding and assistance over the next 5 years to the criminal justice system in order to realize the full potential of DNA technology to solve crimes, protect the public and exonerate the innocent.

The legislation I am introducing today represents a bipartisan compromise which was reached through extensive negotiations among Senators on the Judiciary Committee and members from the House Committee on the Judiciary. I want to first commend my counterpart, Chairman SENSENBRENNER, for his steady leadership on this issue and his commitment to reaching an agreement, and note the commitment and dedication of Representatives CONYERS, COBLE, LAHOOD, and DELAHUNT to this important initiative.

I also want to commend my colleagues here in the Senate: Senators BIDEN, SPECTER, LEAHY, DEWINE, and FEINSTEIN—who each have a longstanding commitment to issues included in this comprehensive DNA bill. We have worked together on DNA issues for many years, and thanks to each of their efforts we now are in the position to enact bipartisan legislation that enhances the use of DNA technology in our criminal justice system. I want to express my personal thanks to all of them for their leadership and contributions to this important piece of legislation.

Also, I want to highlight specifically the accomplishment today of the ranking member of our Judiciary Committee, Senator LEAHY. For several years, Senator LEAHY has dedicated himself to the issue of DNA technology and ensuring that such technology is used to protect the integrity of our criminal justice system by exonerating the innocent while punishing the guilty. He has worked tirelessly in this area as the sponsor of the Innocence Protection Act. While we both shared a common goal of protecting the integrity of our criminal justice system, we differed on the means to accomplish that end.

Today, I am proud to support the compromise proposal we have negotiated, and join together with my friend, Senator LEAHY, to introduce the Innocence Protection Act of 2003 as part of this legislative package. I want to specifically congratulate Senator LEAHY for his accomplishment and for his dedication to this important issue.

It is perhaps fitting that 50 years after the discovery of DNA by Dr. James Watson in 1953, we are now proposing to enact the most far-reaching and comprehensive expansion of DNA technology to promote public safety, to bring to justice violent criminals who can be identified through DNA technology, and to ensure the accuracy of our criminal justice system.

Let me take a moment to highlight the important provisions of this bill.

The bill enacts the President's comprehensive DNA initiative, "Advancing Justice Through DNA Technology," and will authorize funding of $755 million for the Debbie Smith DNA Backlog Grant Program in order to eliminate the current backlog of unanalyzed DNA samples in our Nation's crime labs. It is critical that such funding be appropriated to ensure that unanalyzed evidence from violent crime scenes, such as rape and murder, are compared against known DNA samples to solve these terrible crimes and apprehend the perpetrators.

As many of you know, Debbie Smith is the courageous survivor of a horrific sexual assault, and has become a leading spokesperson for women and crime victims across the country. Debbie Smith waited 6 years before Norman Jimmerson, a current inmate in a Virginia prison, was identified as her attacker through DNA. Debbie testified against Jimmerson, who is now serving two life sentences plus 25 years with no chance of parole.

Debbie Smith has dedicated herself to the elimination of the backlog in the processing of DNA evidence and samples. By eliminating the substantial backlog of DNA samples for the most serious violent offenses, we can solve more crimes, protect the public and apprehend more violent criminals. The National Institute of Justice estimates that the current backlog of rape and homicide cases is at least 350,000 cases. NIJ also estimates that there are between 300,000 and 500,000 collected, but untested convicted offender samples. In addition, the Justice Department estimates that there are between 500,000 and 1,000,000 convicted offender samples which have not yet been collected as required by law.

The President has directed the Justice Department to eliminate these backlogs completely within 5 years, and I am committed to doing everything in my power to make that a reality to ensure that the evidence is analyzed, the crimes solved and the criminals punished to the fullest extent of the law.

The proposed legislation also will solve more crimes by expanding State and local crime lab capacity to test DNA. Crime laboratories face increasing workloads and increased DNA analysis demands. Only 10 percent of public crime labs have automated facilities needed to process DNA testing, and help is needed in this area. We must expand the capacity of these laboratories to meet current demand and build for future needs. That is what the bill will do.

The bill also will increase research and development of new technologies to test DNA; provides training of criminal justice professionals to enhance collection and understanding of DNA evidence; and expands existing programs to train medical personnel who typically are the first to have contact with sexual assault victims so that they can collect and preserve critical biological evidence for DNA testing and comparison purposes.

Some have suggested that focusing exclusively on DNA technology ignores the significant need for funding and assistance to State and local crime labs for non-DNA forensic analyses. The proposed bill expands the Paul Coverdell Grant Program to provide assistance to the States to eliminate non-DNA forensic evidence backlogs. I recognize that forensic examination of ballistics evidence, fingerprints, suspected illegal drugs, and other evidence is critical to our criminal justice system. I am committed to addressing these needs as well in order to protect the public.

The legislation will not only speed the apprehension and prosecution of the guilty, but will protect the innocent from wrongful prosecution. DNA technology allows us to exclude innocent people as suspects early in an investigation, and allows law enforcement to focus on finding the true perpetrator.

The Innocence Protection Act of 2003, developed under the leadership of Senator LEAHY, which is included as Title III of this bill, creates a federal post-conviction DNA testing scheme which authorizes DNA testing and relief for a convicted defendant, where the defendant claims he is "actually innocent" of the crime, and demonstrates that such testing shows that they did not commit the crime. DNA testing will not be permitted where such a test would only muddy the waters and be used by the defendant to fuel a new and frivolous series of appeals. Under the Act, DNA testing in capital cases will be prioritized and conducted on a "fast track," so that these important cases are handled quickly.

In order to discourage a flood of baseless claims, the act authorizes the prosecution of defendants who make false claims of innocence in support of a DNA testing request. Each defendant will be required to assert under penalty of perjury that they are, in fact, innocent of the crime. When DNA testing reveals that the defendant's claim of innocence was actually false, the defendant can then be prosecuted and, if convicted, will be subject to a consecutive term of imprisonment of 3 years. Further, the act allows DNA test results to be entered into the CODIS database and compared against unsolved crimes. If the test result shows that the defendant committed another crime, the defendant may then be prosecuted for the other crime.

With respect to the States, the act encourages States to create similar DNA testing procedures, and provides funding assistance to those States that have existing DNA testing programs or that implement such DNA testing programs after enactment of this act. In honor of Kirk Bloodsworth, a death row inmate, who was eventually freed through post-conviction DNA testing, the bill creates and names a grant program after Mr. Bloodsworth to help the States conduct appropriate post-conviction DNA testing. With the new source of funding, more States will enact DNA testing programs, and will provide such testing on an expedited basis.

While DNA testing is now standard in pretrial criminal investigations today, the integrity of our criminal justice system and in particular, our death penalty system, can be enhanced with the appropriate use of DNA testing. No one disagrees with the fact that post-conviction DNA testing should be made available to defendants when it serves the ends of justice. I am convinced that the proposed legislation does so fairly and effectively with proper regard for the rights of the defendant and the interests of victims and their families.

Finally, Title III of the bill creates a new grant program to improve the performance of counsel—prosecutors and defense counsel—handling State capital cases. The issue of the death penalty in our country continues to spark significant debate. The recent Supreme Court decisions addressing capital punishment underscore the importance of this issue to the American people. It is an issue that engenders great passion, both among its supporters and among its opponents. A large majority of the American people believe in the death penalty, especially for terrorists who have killed thousands of Americans. And all of us agree that the death penalty must be imposed fairly and accurately.

I have stated on numerous occasions my views on the death penalty. It is the ultimate punishment and it should be reserved only for those defendants who commit the most heinous of crimes. I am firmly convinced that we must be vigilant in ensuring that capital punishment is meted out fairly against those truly guilty criminals. We cannot and should not tolerate defects in the capital punishment system. No one can disagree with this ultimate and solemn responsibility.

I have disagreed with others on the committee as to the state of our Nation's capital punishment system, the quality of representation in State capital cases, and whether such sentences are meted out fairly. I am proud, however, to support this proposal where we can all agree—we can improve the performance of counsel on both sides by awarding grants to States. These funds will be equally divided between prosecutors and defense counsel, and are designed to reduce to the maximum extent possible the occurrence of error in the conduct of capital trials in our States. We all agree that reducing trial error is a laudable goal. By doing so, we enhance the fairness of our capital punishment system.

Every defendant in our criminal justice system is afforded the guarantee by the sixth amendment of our Constitution of competent and effective counsel. The Supreme Court has enforced this right in numerous decisions in order to ensure that all defendants are afforded the constitutional protections guaranteed to them.

At the same time, the public is entitled to quality representation by prosecutors who handle capital cases. Training and monitoring the performance of prosecutors who handle these important cases will ensure that States and the public are fully and effectively served in the trial of capital cases.

Contrary to the view of some, I do not believe that our capital punishment is broken. However, I do believe that our justice system can always be improved. The grants proposed under the act will enable states to improve the performance of prosecutors and defense counsel to ensure that capital cases are handled more efficiently and effectively, and that every capital defendant will receive a fair trial under our justice system.

DNA technology has the power to convict the guilty and protect the innocent and will move our criminal justice system into a new era that is both fair and efficient. The President's DNA initiative is a forward-looking measure, which will improve significant aspects of federal, state and local criminal justice systems. We are poised to enter that new era. With this comprehensive proposal, we will ensure the use of DNA technology and protect the public safety.

I strongly urge my colleagues to join with me in promptly passing this important legislation.

Mr. President, I ask unanimous consent to print in the RECORD a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

Overview

The Advancing Justice Through DNA Technology Act increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions. The bill enacts the President's DNA Initiative, which provides over $1 billion in the next five years to assist Federal and State authorities to realize the full potential of DNA technology to solve crimes and protect the innocent.

Title I and II, the DNA Sexual Assault Justice Act and the Rape Kits and DNA Evidence Backlog Elimination Act, [of the bill] authorize the Debbie Smith DNA Backlog

Grant Program, which provides $755 million over five years to address the DNA Backlog crisis in the nation's crime labs. The bill also establishes over $500 million in new grant programs [together with grant programs] to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title III of the bill, the Innocence Protection Act, provides access to post-conviction DNA testing in federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. In addition, Title III authorizes the Kirk Bloodsworth Post-Conviction DNA Testing Program and provides $25 million over five years to defray the costs of post-conviction DNA testing.

TITLE I—RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Sec. 101. Short Title. This title may be cited as the "Rape Kits and DNA Evidence Backlog Elimination Act of 2003."

Sec. 102 [The]Debbie Smith DNA Backlog Grant Program. Reauthorizes and expands the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), increasing the authorized funding levels for the DNA Analysis Backlog Elimination program to $151 million annually for the next five years, as proposed in the President's DNA initiative.

Subsection (a) names the Backlog Elimination Act grant program in honor of Debbie Smith, a rape survivor and leader in promoting the use of the DNA technology to solve crimes. In addition, subsection (a) amends he eligibility provisions to add "units of local government" as [a] potential grantees, so that Federal resources can meet local needs more quickly.

Subsection (b)(1) provides a single annual authorization for the program, and modifies existing program objectives by: (1) adding the collection of DNA samples from convicted offenders as a specific program purpose (proposed 42 U.S.C. 14135(a)(4)); (2) ensuring that DNA testing and analysis of samples from crime scenes (such as rape kits and biological material found at homicide scenes), including sexual assault and other serious violent crimes, are carried out in a timely manner (proposed 42 U.S.C. 14135(a)(5)); and (3) revising the existing objective in 41 U.S.C. 14135(a)(3), to clarify that funds can be used to increase the capacity of public laboratories to carry out analysis of DNA samples.

Subsection (c) modifies 42 U.S.C. 14135(c) to provide for the disbursement of grant funds by the Attorney General in conformity with a formula that maximizes the effective use of DNA technology to solve crimes and protect public safety, and addresses areas where significant backlogs exist. A minimum grant amount of 0.50 percent is to be awarded to each State, and a specified percentage of remaining funds will be awarded to conduct DNA analyses of samples from casework [or victims of crime].

Conversion of the Backlog Elimination Act grant program into a formula grant program will ensure that funds will be fairly distributed among all eligible jurisdictions. It is expected that the factors given weight in the formula will include the magnitude and nature of the DNA backlogs and current DNA work demands in the jurisdictions that seek funding; deficits in public laboratory capacity for the timely and efficient analysis of DNA samples in these jurisdictions, and cost requirements for remedying these deficits; and the ability of these jurisdictions to use the funds to increase DNA analysis and public laboratory capacity for such analysis. It is further expected that the formula will target funding on the use of DNA analysis to solve the most serious violent crimes, including rapes and murders, whose solution through DNA testing promises the greatest return in promoting public safety.

Subsection (k) reserves no more than 1 percent of the grant amounts to assist State and local crime labs to become accredited, and to undergo regular external audits, in order to ensure that such labs fully comply with Federal quality assurance standards.

Sec. 103. Expansion of Combined DNA Index System. Amends the statute governing the Combined DNA Index System (CODIS) to allow States to include in the DNA index the DNA profiles of all persons whose DNA samples have been collected under applicable legal authorities, including those authorized by State law, all felons convicted of Federal crimes, and qualifying military offenses.

Sec. 104. Tolling of State of Limitations [Limitation Period for Prosecution in Cases Involving DNA Identification]. Provides that, in a case where DNA testing implicates an identified person in the commission of a felony, except for a felony offense under chapter 109A, no statute of limitations would preclude prosecution of the offense until a time period equal to the statute of limitations has elapsed from the date of identification of the perpetrator.

Sec. 105. Legal Assistance for Victims of Dating Violence. Amends the Violence Against Women Act to include legal assistance for victims of "dating violence," defined as violence committed by a person: (1) who is or has been in a romantic or intimate relationship with the victim; and (2) where the existence of such relationship is determined based upon consideration of its length and its type, and upon the frequency of interaction between the persons involved.

Sec. 106. Ensuring Private Laboratory Assistance in Eliminating DNA Backlog. Clarifies that grants may be made through vouchers and contracts to private for-profit laboratories to assist in collection of DNA samples from offenders and processing of crime scene DNA evidence.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short Title. This title may be cited as the "DNA Sexual Justice Act of 2003."

Sec. 202. Ensuring Public Crime Laboratory Compliance with Federal Standards. Requires that eligible State and local government public crime labs are accredited and undergo external audits, not less than once every 2 years, to demonstrate compliance with Federal standards established by the Federal Bureau of Investigation.

Sec. 203. DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers. Authorizes grants to provide training, technical assistance, educational and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by law enforcement personnel and other first responders who collect or examine crime scene evidence; court officers, including prosecutors, defense lawyers and judges; forensic science professionals; and corrections personnel. The grant program is authorized through 2009 at $12.5 million per year.

Sec. 204. Sexual Assault Forensic Exam Program Grants. Authorizes grants to provide training, technical assistance, education and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other medical professionals, including existing sexual assault and sexual assault examination programs (Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), and Sexual Assault Response Team (SART)). The grant program is authorized through 2009 at $30 million per year.

Sec. 205. DNA Research and Development. Authorizes grants for research and development to improve forensic DNA technology, including funding of demonstration projects involving law enforcement agencies and criminal justice participants to evaluate the use of forensic DNA technology. Also authorizes the Attorney General to establish a new Forensic Science Commission, composed of members from the forensic science and criminal justice communities, which will be responsible for examining various issues, including: (1) maximizing the use of forensic sciences to solve crimes and protect public safety; (2) increasing the number of qualified forensic scientists; (3) disseminating best practices concerning the collection and analyses of forensic evidence; and (4) assessing Federal, State and local privacy protection statutes, regulations and practices relating to DNA samples and DNA analyses. Programs are authorized through 2009 at $15 million per year.

Sec. 206. FBI DNA Programs. Authorizes $42.1 million per year through 2009 for FBI DNA programs and activities, including (1) nuclear DNA analysis; (2) mitochondrial DNA analysis; (3) regional mitochondrial DNA laboratories; (4) the Combined DNA Index System; (5) the Federal Convicted Offender DNA Program; and (6) DNA research and development.

Sec. 207. DNA Identification of Missing Persons. Authorizes $2 million per year through 2009 for grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

Sec. 208. Enhanced Criminal Penalties for Unauthorized Disclosure or Use of DNA Information. Modifies the existing criminal provision for unauthorized disclosure of DNA information to include unauthorized "use" of such information, and increases the potential fine to $100,000 for each criminal offense.

Sec. 209. Tribal Coalition Grants. Amends the eligibility criteria for discretionary grants under the Violence Against Women Act to include tribal coalitions, and thereby directly support nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions [in Indian country.]

Sec. 210. Expansion of the Paul Coverdell Forensic Sciences Improvement Grant Program. Expands existing grant program to permit funds to be used to eliminate a backlog in the analysis of forensic science evidence, and extends authorization of appropriations through 2009, at $20 million a year. Current authorizations are $128,067,000 for 2004, $56,733,000 for 2005, and $42,067,000 for 2006. [Sec. 210. Forensic Backlog Elimination Grant Program. Authorizes $10 million a year through 2009 for grants to States, units of local government, and tribal governments, to eliminate the backlog in the analysis of any area of forensic science, including firearms examination, latent prints, toxicology, and controlled substances.]

Sec. 211. Report to Congress. Requires the Attorney General to submit a report, not later than 3 years after enactment, relating to implementation of titles I and II of this Act.

TITLE III—INNOCENCE PROTECTION ACT OF 2003

Sec. 301. Short Title. This title may be cited as the "Innocence Protection Act of 2003."

Subtitle 1—Exonerating the Innocent Through DNA Testing

Sec. 311. Federal Post-Conviction DNA Testing. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system. A court shall order DNA testing if the applicant asserts under penalty of perjury that he or she is actually innocent of a qualifying offense, and the proposed DNA testing would produce new material evidence that supports such assertion and raises a reasonable probability that the applicant did not commit the offense. Limitations on access to testing are imposed where the applicant seeks to interfere with the administration of justice rather than to support a valid claim. Penalties are established in the event that testing inculpates the applicant. Where test results are exculpatory, the court shall grant the applicant's motion for a new trial or resentencing if the test results and other evidence establish by a preponderance of the evidence that a new trial would result in an acquittal of the offense at issue.

This section also prohibits the destruction of biological evidence in a federal criminal case while a defendant remains incarcerated, absent a knowing and voluntary waiver by the defendant or prior notification to the defendant that the evidence may be destroyed. Nothing in this section supersedes any statute, regulation, court order, or other provision of law requiring that evidence, including biological evidence, be preserved. Intentional violations of this preservation provision to prevent evidence from being tested or used in court are punishable by a term of imprisonment.

Sec. 312. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program. Authorizes $5 million a year in grants through 2009 to help States to defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate to be exonerated by DNA testing.

Sec. 313. Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence. Reserves the total amount of funds appropriated to carry out sections 203, 205, 207, and 312 of this Act for states that have adopted adequate procedures for providing post-conviction DNA testing and preserving biological evidence for this purpose.

Subtitle 2—Improving the Quality of Representation in State Capital Cases

Sec. 321. Capital Representation Improvement Grants. Authorizes a grant program, to be administered by the Attorney General, to improve the quality of legal representation provided to indigent defendants in State capital cases. Grants shall be used to establish, implement, or improve an effective system for providing competent legal representation in capital cases, but may not be used to fund representation in specific cases. An effective system is one in which a public defender program or other entity establishes qualifications for attorneys who may be appointed to represent indigents in capital cases; establishes and maintains a roster of qualified attorneys and assigns attorneys from the roster (or provides the trial judge with a choice of attorneys from the roster); trains and monitors the performance of such attorneys; and ensures funding for the full cost of competent legal representation by the defense team and any outside experts.

Sec. 322. Capital Prosecution Improvement Grants. As part of the same program established in section 321, authorizes grants to improve the representation of the public in State capital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

Sec. 323. Applications. Establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts. Funds received under this subtitle shall be allocated equally between the programs established in sections 321 and 322.

Sec. 324. State Reports. Requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Sec. 325. Evaluations by Inspector General and Administrative Remedies. Directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compliance and report to Congress on the results.

Sec. 326. Authorization of Appropriations. Authorizes $100 million a year for five years to carry out this subtitle.

Subtitle 3—Compensation of the Wrongfully Convicted

Sec. 331. Increased Compensation in Federal Cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat $5,000 to $50,000 per year in non-capital cases, and $100,000 per year in capital cases.

Sec. 332. Sense of Congress Regarding Compensation in State Death Penalty Cases. This section expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Mr. BIDEN. Mr. President, I rise along with the distinguished senior Senator from Utah, Senator HATCH and several others of my colleagues, Senators SPECTOR, LEAHY, DEWINE, and FEINSTEIN, to introduce the Advancing Justice Through DNA Act, a bill that harnesses the power of DNA to give prompt justice to victims of sexual assault crimes and to free the wrongly convicted. This bill takes every component of DNA technology and makes it accessible and more useful to Federal, State and local law enforcement, to prosecutors and defense attorneys, to medical personnel and to victims of crime.

Promoting and supporting DNA technology as a crime-fighting tool is not a new endeavor for me. A provision of my 1994 crime bill created the Combined DNA Index System, called "CODIS", which is an electronic database of DNA profiles, much like the FBI's fingerprint database. CODIS includes two kinds of DNA information—convicted offender DNA samples and DNA from crime scenes. CODIS uses the two indexes to generate investigative leads in crimes where biological evidence is recovered from the scene. In essence, CODIS facilitates the DNA match. And once that match is made, a crime is solved because of the incredible accuracy and durability of DNA evidence.

Ninety-nine.nine percent—that is how accurate DNA evidence is. One in 30 billion—those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. Twenty or 30 years—that is how long DNA evidence from a crime scene lasts.

Just 10 years ago DNA analysis of evidence could have cost thousands of dollars and taken months, now testing one sample costs $40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes.

The FBI reports that since 1998 the national DNA database has helped put away violent criminals in over 9,000 investigations in 50 States. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA cold hits in sexual assault cases make these numbers all too real.

Just last year, Alabama authorities charged a man in the rape of an 85-year-old woman almost 10 years ago after he was linked to the case by a DNA sample he was compelled to submit while in prison on unrelated charges.

In Colorado, prosecutors brought to trial a case against a man accused of at least 14 rapes and sexual assaults. Due to the national DNA database, prosecutors were able to trace the defendant to rapes and assaults that occurred in Colorado, California, Arizona, Nevada and Oklahoma between 1999 and 2002.

Or take for example a 1996 case in St. Louis where two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to re-run the DNA testing to develop new leads. In January 2000, the DNA database matched the case to a 1999 rape case, and police were able to identify the perpetrator.

Last spring, the New York Police Department arrested a man linked to the rape of a woman years ago. In 1997, a woman was horribly beaten, robbed and raped—there were no suspects. Five years later, the perpetrator submitted a DNA sample as a condition of probation after serving time for burglary. The DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases—it has revolutionized the criminal justice system, and brought closure and justice for victims. A laboratory expert testified that Virginia has a 48 percent hit rate because the State collects samples from all convicted felons and aggressively analyzes crime scene evidence with no backlog. This means that almost 1 out of every 2 violent crimes could be solved by the national DNA database.

In light of the past successes and the future potential of DNA evidence, the reported number of untested rape kits and other crime scene evidence waiting in police warehouses is simply shocking—300,000 to 500,000. It is a national problem, plaguing both urban and rural areas, that deserves national attention and solutions. Last year, a Michigan newspaper reported that its State police forensic unit is expected to have a 10-year backlog of items in need of DNA testing. The Florida crime lab system is facing a backlog of more than 2,400 rape, murder and assault and burglary cases waiting for DNA testing. South Carolina has 10,000 untested samples from convicted offenders. In June 2003, the New Jersey police department reported that over 1,200 criminal cases—most of them sexual assault cases—were waiting for DNA analysis. Behind every single one of those rape kits is a victim who deserves recognition and justice.

One woman in particular has reminded State and Federal lawmakers that we cannot ignore even one rape kit sitting on a shelf gathering dust. That woman is Debbie Smith. In 1989, Mrs. Smith was taken from her home and brutally raped. There were no known suspects, and Mrs. Smith lived in fear of her attacker's return. Six years later, the Virginia crime laboratory discovered a DNA match between the rape scene evidence and a State prisoner's DNA sample. That cold hit gave Mrs. Smith her first moment of real security and closure, and since then she has traveled the country to advocate on behalf of assault victims and champion the use of DNA to fight sexual assault.

Today's bill provides over $755 five years to eliminate the backlog in rape kits and other crime scene evidence, eliminate the backlog of convicted offender samples awaiting DNA testing, and improve State laboratory capacity to conduct DNA testing. I am pleased that the backlog elimination grant program in the Advancing Justice Through DNA Technology Act is entitled, "The Debbie Smith DNA Backlog Grants." It is a fitting tribute. I also want to take a moment to thank my colleagues Senators KOHL and DEWINE who began this effort with the DNA Backlog Elimination Act of 2000, and acknowledge their ongoing commitment.

But the DNA testing is only useful if the crime scene evidence is carefully collected and preserved. Towards that end, the Advancing Justice through DNA Technology Act creates two important grant programs: 1. a $62.5 million DNA training and education grant program for law enforcement, correctional personnel and court officers; and 2. a $50 million grant program to provide training, education and assistance to sexual assault forensic examiner programs, often known as SANE or SART programs.

The Advancing Justice Through DNA Technology Act is a natural extension to the Violence Against Women Act, which requires the Attorney General to evaluate and recommend standards for training and practice for licensed health care professionals performing sexual assault forensic exams. So I knew that any DNA bill aimed at ending sexual assault must include resources for sexual forensic examiners. This bill ensures that sexual forensic nurses, doctors, and response teams are all eligible for assistance. These programs should be in each and every emergency room to bridge the gap between the law and the medicine.

Today's bill also makes two small, but important, amendments to the Violence Against Women Act. First, it amends the law to include legal assistance for victims of dating violence, and it amends the eligibility criteria for discretionary programs so that tribal domestic violence and sexual assault coalitions can directly receive grants funds, including those funds unreleased from past fiscal years.

I started looking at the issue of improved prosecution of sexual assault crimes almost two decades ago when I began drafting the Violence Against Women Act. The DNA Sexual Justice Act of 2003 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

I am also gratified that this legislation includes the Innocence Protection Act, which I cosponsored last year, and which passed the Judiciary Committee. I have long advocated in this Committee for the changes that it will implement.

The Innocence Protection Act will immeasurably improve the administration of justice in our legal system, particularly where justice is most important, and where we can least afford to make mistakes—imposition of the death penalty.

I advocate for this bill not as an opponent of the death penalty looking to curtail it, but as a supporter of the death penalty who authored the first constitutional federal death penalty law after the Supreme Court declared the death penalty unconstitutional.

But we who support the death penalty also have a duty to ensure that it is fairly administered. The advent of DNA testing has provided us with a wealth of opportunities to make certain that we are prosecuting the right people. Just as we use DNA to help prosecutions, we must make testing available to those who can use it to prove their innocence. This legislation makes post-conviction testing to federal inmates who assert that they did not commit the crime for which they have been imprisoned. It also incentivizes States to take similar measures to ensure that individuals have a proper opportunity to prove their innocence. It also mandates proper preservation of DNA evidence so that the DNA can be tested if appropriate.

As for competent counsel in death penalty cases, nobody can look me in the eye and tell me that our system for representation in capital cases works as it should. This bill will take a big step toward fixing that by providing money for grants to States to improve their systems of representation, on both the prosecution and defense side, in capital cases.

Our goal must be an error-free system of criminal justice. To err is human, but it should never be acceptable. Our job is to do all we can to eliminate errors in the criminal justice system and to see to it that a lack of resources does not delay bringing rapists and murderers to justice. This bill means we are doing our job.

I would be remiss if I did not pause to thank some of the many people who have helped bring about the introduction of this bill. In particular, I wish to thank Senators HATCH and LEAHY, the chairman and ranking member of the Senate Judiciary Committee, for devoting so much of their time and effort to developing this legislation. Similarly, Chairman SENSENBRENNER and Ranking Member CONYERS have worked with us every step of the way to get this bill done. In addition, Senators SPECTER, DEWINE and FEINSTEIN, and Congressmen DELAHUNT and COBLE, among others, have spent countless hours contributing their ideas to this bill. I wish to thank all of these members for their leadership on this matter.

Mr. HATCH. Mr. President, will the Senator from Delaware yield for a question?

Mr. BIDEN. Of course.

Mr. HATCH. Mr. President, it is my understanding that this legislation makes certain of its grants contingent on States providing a process for post-conviction testing available. For those States that already have enacted a statute providing such testing, that statute must ensure a meaningful process for resolving a claim of actual innocence. As I understand it, almost all of the State statutes already in existence, including those of Ohio, Utah, Delaware and Pennsylvania, would pass muster and would qualify for the grants at issue. Is that the understanding of the Senator from Delaware?

Mr. BIDEN. Yes, I thank the Senator from Utah for his question, and wholeheartedly agree with his understanding of this provision. I believe all of the drafters of this legislation are in agreement that most of the States that already have passed statutes, except for the few that limit post-conviction DNA testing to capital crimes, would pass muster. For example, even if a State's statute differs from the Federal law by imposing a meaningful time limit for filing of applications for testing, or excluding guilty pleas from eligibility, it would qualify. Specifically, Utah, Delaware, Ohio and Pennsylvania, among others, under their statutes, or the reenactment of those statutes where they have expired, would be eligible for such grants. However, States that have not yet enacted a statute would be required to enact a statute, or follow a rule, regulation or practice, that met a higher standard—the statute, rule, regulation or practice would need to be "comparable" to the Federal law in order for the State to qualify for the grants. I see the Senator from Pennsylvania on the Floor. I would be happy to yield to the distinguished Senator to hear his thoughts on this matter.

Mr. SPECTER. I thank the Senator for yielding time. I would just say that I completely agree with the understanding of the Senators from Delaware and Utah on this.

Mr. HATCH. Would the Senator yield?

Mr. BIDEN. It would be my pleasure.

Mr. HATCH. I would just like to make clear that the understanding of the Senator from Delaware comports completely with mine.

Mr. SPECTER. Would the Senator yield for another question?

Mr. BIDEN. Of course.

Mr. SPECTER. As the Senator knows, a second requirement for States to qualify for these grants is that—whether by State statute, State or local rule, regulation or practice—they preserve biological evidence in a reasonable way. Do the Senators from Delaware and Utah agree with me that States would qualify so long as they preserve evidence in a way sufficient to permit the testing provided for in their State statutes? For example, if a State law provides a three year time limit on post-conviction DNA testing, a practice of preserving evidence throughout those three years would qualify as "reasonable" under this legislation. Thus, for example, Pennsylvania, Delaware, Ohio and Utah would qualify.

Mr. BIDEN. Yes, that has been, and remains, my understanding.

Mr. HATCH. And mine as well.

Mr. LEAHY. Mr. President, three years ago, Senator SMITH, Senator COLLINS and I joined together to introduce the Innocence Protection Act, a modest and practical package of reforms aimed at reducing the risk of error in capital cases. The reforms we proposed were designed to create a fairer system of justice, where the problems that have sent innocent people to death row would not occur, and where victims and their families could be more certain of the accuracy, and finality, of the results.

During the last Congress, the Innocence Protection Act gained enormous momentum, with 32 Senators and 250 Representatives—well over half the House—signed on in support. Hearings were held in each House, and a version of the bill was reported out of the Senate Judiciary Committee by a bipartisan vote of 12 to 7. Now is the time to finish the job and enact this important legislation.

I am pleased, today, to introduce the Innocence Protection Act of 2003. This legislation is a piece of a larger bill called the Advancing Justice through DNA Technology Act of 2003, which provides an infusion of Federal funds to eliminate the current backlog of unanalyzed DNA samples in the Nation's crime labs and to improve the capacity of Federal, State and local crime labs to conduct DNA analyses.

The Innocence Protection Act of 2003 proposes two critical reforms. First, it provides greater access to post-conviction DNA testing in appropriate cases, where it can help expose wrongful convictions, and authorizes $25 million in grants over 5 years to help defray the costs of such testing. Second, the bill addresses what all the statistics and evidence show is the single most frequent cause of wrongful convictions—inadequate defense representation at trial. By far the most important reform we can undertake is to help States establish minimum standards of competency and funding for capital defense.

Other provisions of the Innocence Protection Act establish standards for preserving biological evidence in criminal cases, and substantially increase the maximum amount of compensation that may be awarded in Federal cases of wrongful conviction.

Today's Innocence Protection Act is a modified version of the bill that the Senate Judiciary Committee approved last year. These modifications follow many months of negotiation and deliberation, and were made to build further on the groundswell of support for the bill, both here on Capitol Hill and across America. More than ever, the bill is a collaborative product of which we all can be proud—an exercise of bipartisanship that is in the best tradition of the United States Congress.

I want to thank and commend the Senators and Representatives who worked so hard this summer and fall to come to agreement on a bill that we can all strongly support.

First and foremost, I want to thank my partner in this endeavor, Representative BILL DELAHUNT of Massachusetts, who has worked tirelessly over many years to achieve this goal. I also want to thank our lead Republican sponsors in both houses, Senators GORDON SMITH and SUSAN COLLINS, and Representative RAY LAHOOD of Illinois, all of whom have been steadfast in their commitment to this effort.

The Chairman of the Senate Judiciary Committee, ORRIN HATCH, deserves high praise for his leadership in our recent negotiations, as does the Chairman of the House Judiciary Committee, JIM SENSENBRENNER, and I thank them both. Senator HATCH and I have debated these issues for years. I have always appreciated his thoughtful approach and serious commitment to improving the criminal justice system. Representative SENSENBRENNER played an instrumental role in this process and I do not believe we could have come so far without his dedication. In addition, I want to extend my heartfelt thanks to Senator FEINSTEIN, who has devoted countless hours over the years to reconciling the policy differences that prevented this legislation from moving forward.

I am sorry that Senator DEWINE could not be with us earlier today to announce the introduction of the bill, and appreciate his willingness to allow us to proceed. I have long worked with Senator DEWINE on funding important forensic science tools for law enforcement, and we are currently working on a proposal with regard to how the mentally retarded are treated by the criminal justice system. His leadership on these issues is important and greatly appreciated.

Thanks, too, to the many members on both sides of the aisle, in the Senate and in the House, who have supported this legislation over the years. Working together, we can finally begin to address the many problems facing our capital punishment system.

Capital Representation Improvement Grants: I would like to take a moment now to elaborate on the capital defense representation provisions of the bill, both because they are the more important provisions and because they have been the principal subject of the recent revisions to the bill.

The new version of the Innocence Protection Act establishes a grant program for States to improve the systems by which they appoint and compensate lawyers in death cases. States that authorize capital punishment may apply for these grants or not, as they wish. However, if a State chooses to accept the money, it must open itself up to a set of requirements designed to ensure that its system truly meets basic standards. After all, the point of the bill is not to throw money at the problem of inadequate representation; the point is to fix it.

Earlier versions of the Innocence Protection Act took more of a "carrot and stick" approach to the counsel issue. The "carrot" was the same as in the current version: millions of dollars in Federal grants to help achieve adequate representation in capital cases. The "stick"—which is no longer in the bill—has evolved over the years. At one time, we proposed that States that failed to meet basic competent counsel standards would have their death sentences given less deference and subjected to more rigorous Federal court review. In some versions of the bill, non-complying States would also have forfeited some Federal prison grant funding over time. In the version that the Judiciary Committee approved last year, if a State chose not to participate in the new Federal grant program, the Attorney General would award the money to one or more defender organizations within the State, to be used for capital defense work.

Each of these various mechanisms would have helped ensure cooperation on the part of the States, and I am disappointed that I was unable to prevail upon my colleagues to include any one of them. Still, I believe that the current formulation is a good first step and will make a difference, provided that the grant program is fully funded and that the States which are most in need of reform elect to participate.

As reported by the Senate Judiciary Committee last year, the bill aimed to ensure full funding of the counsel program by providing that, if Congress failed to appropriate sufficient funding for the program, up to 10 percent of the Byrne block grant would be used for this purpose. I regret that this provision has been dropped from the bill; it seemed to me a good way to express our commitment to ensuring that the program is funded. However, given the tremendous support for this legislation in both houses, and on both sides of the aisle, I am confident that Congress will speak with one voice in ensuring that our years of effort are not undermined by a failure to appropriate the money needed to make this legislation effective.

Getting States to participate in the program may be more difficult. Indeed, the States that are in most need of reform may be the least inclined to participate, given that they will have the most to do to bring their indigent defense systems into compliance with the terms and conditions of the grant. While I am hopeful that States will want to improve their systems, and will welcome the infusion of Federal funds for this purpose, Congress will need to monitor this program carefully to ensure that it is meeting its stated objective of improving the quality of legal representation provided to indigent defendants in State capital cases and, if it is not, to take additional remedial action.

Kirk Bloodsworth Post-Conviction DNA Testing Grant Program: We have also established a $25 million grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate to be exonerated by DNA testing.

I first met Kirk in February 2000, when he came to me as a man who had been exonerated after almost nine years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to reform capital punishment in America. I am also delighted that Kirk can finally feel truly free. Just a few weeks ago, the State of Maryland charged another man with the crime for which Kirk was convicted and sentenced to death, after prosecutors finally ran the DNA evidence in the case through the DNA database. The prosecutor who sent Kirk to death row, and who had previously refused to acknowledge his innocence, went to his home to apologize to him.

Kirk Bloodsworth's battle to prove his own innocence has been won. But his nightmare of wrongful conviction has been repeated again and again across the country. Since the reinstatement of capital punishment in the 1970s, more than 110 individuals who were convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center. In addition, since the introduction of forensic DNA typing into the legal system in the early 1990s, many more individuals who were sentenced to long terms of imprisonment have been exonerated by post-conviction DNA testing. The Kirk Bloodsworth Post-Conviction DNA Testing Grant Program will help assist others who have experienced wrongful conviction.

Debbie Smith DNA Backlog Grant Program: As I noted earlier, this version of the Innocence Protection Act is being introduced as part of a larger package of criminal justice reforms, titled the Advancing Justice Through DNA Technology Act of 2003, which will substantially increase Federal resources available to State and local governments to combat crimes with DNA technology. Among other things, this legislation creates the Debbie Smith DNA Backlog Grant Program, which authorizes $755 million over the next five years to reduce the current backlog of unanalyzed DNA samples in the Nation's crime labs.

I have worked with the proponents of this program to revise the allocation formula, so that each State is guaranteed a minimum allocation of .50 percent of the total amount appropriated in a fiscal year. This will make the program fair for all States, including smaller States like Vermont.

As DNA testing has moved to the front lines of the war on crime, forensic laboratories nationwide have experienced a significant increase in their caseloads, both in number and complexity. Funding has simply not kept pace with this increasing demand, and forensic labs nationwide are now seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large. The Debbie Smith DNA Backlog Grant Program will give States the help they desperately need to carry out DNA analyses of backlogged evidence, and I strongly support its passage and full funding.

Expansion of the Paul Coverdell Forensic Sciences Improvement Grant Program: The bill also expands and extends for another three years an existing grant program, named after our late colleague, Senator Paul Coverdell. Congress passed the Paul Coverdell National Forensic Sciences Improvement Act three years ago, with the goal of improving the quality and timeliness of State and local forensic science services. I was proud to cosponsor that legislation, and have worked since its passage to secure full funding for the grant program it establishes. Unfortunately, despite my efforts and those of other Members, and notwithstanding the urgent pleas of lab directors nationwide, the President has never requested funding for Paul Coverdell grants, and Congress has never appropriated sufficient funds to make the program effective. The legislation we introduce today renews our commitment to this important initiative.

Our bill also expands the purposes for which Paul Coverdell grants may be used, to include the elimination of a non-DNA forensic evidence backlog. The need for this measure was highlighted earlier this year at a subcommittee hearing on funding forensic sciences. Witness after witness testified that DNA evidence is not the only evidence that is going untested for lack of resources. Crime labs are also facing substantial backlogs with respect to other types of forensic science evidence, including firearms, latent prints, controlled substances, toxicology, trace evidence, questionable documents, and forensic pathology. We need to ensure that our labs are equipped to address the full range of issues that they are called upon to handle.

We have had a constructive debate. We have shown that the death penalty system is broken, and we have built a bipartisan coalition supporting reforms. It is now time to act. Our bill reflects a principled consensus on the most basic and essential reforms; it raises no serious constitutional or law enforcement concerns; it will improve criminal justice in America considerably; and it may well save innocent lives. I am therefore proud to sponsor it, and I urge its speedy passage into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—WELCOMING THE PUBLIC APOLOGIES ISSUED BY THE PRESIDENT OF SERBIA AND MONTENEGRO AND THE PRESIDENT OF THE REPUBLIC OF CROATIA AND URGING OTHER LEADERS IN THE REGION TO PERFORM SIMILAR CONCRETE ACTS OF RECONCILIATION

Mr. LIEBERMAN (for himself, Mr. McCain, and Mr. Biden) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. Res. 237

Whereas the President of Serbia and Montenegro and the President of the Republic of Croatia each issued on September 10, 2003, a public statement of apology for the crimes committed by citizens of each country against citizens of the other country; and

Whereas the countries of Southeast Europe are struggling to move beyond the problems of the past and toward a brighter future that includes membership in both the European Union and NATO: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the public apologies issued on September 10, 2003, by the President of Serbia and Montenegro and the President of the Republic of Croatia;

(2) commends the initiative and personal courage demonstrated by their actions;

(3) recognizes the value of such apologies in the important process of reconciliation in Southeast Europe;

(4) notes public support within the region for these efforts;

(5) calls upon the governments in the region to continue their efforts to encourage and advance reconciliation; and

(6) reiterates the importance of resolving post-conflict issues, including—

(A) by ensuring that refugees and internally displaced persons have the right to return home; and

(B) by bringing persons indicted for war crimes to justice, including through cooperation with the International Criminal Tribunal on the Former Yugoslavia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1795. Mr. McCONNELL (for himself and Mr. Alexander) proposed an amendment to the bill S. 1689, supra.

SA 1796. Mr. BIDEN (for himself, Mr. Kerry, Mr. Chafee, Mr. Corzine, Mrs. Feinstein, and Mr. Lautenberg) proposed an amendment to the bill S. 1689, supra.

SA 1797. Mr. VOINOVICH (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1798. Mrs. HUTCHISON (for herself, Mr. Graham, of South Carolina, Ms. Collins, Mr. Craig, and Mr. Chambliss) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1799. Mr. COLEMAN (for himself, Mr. Dayton, Mr. Stevens, Mr. Dorgan, Mr. Kennedy, Mr. Johnson, Mr. Corzine, Ms. Collins, Mr. Graham, of South Carolina, and Mr. Enzi) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 25, line 7, strike "rehabilitation and reconstruction in Iraq" and all that follows through page 28, line 15 and insert "in Iraq, $5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice: Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6)."

SA 1795. Mr. McCONNELL (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work an dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

Whereas the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SA 1796. Mr. BIDEN (for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC.   . (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

"(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to $87,000,000,000.

"(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

SA 1797. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq of any of the funds contributed by the United States to finance infrastructure projects in Iraq.

SA 1798. Mrs. HUTCHISON (for herself, Mr. GRAHAM of South Carolina, Ms. COLLINS, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—IRAQ RECONSTRUCTION TRUST FUND

SEC. 3001. SHORT TITLE.

This title may be cited as the "Iraq Reconstruction Trust Fund Act".

SEC. 3002. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the Trust Fund referred to in section 3004(b)(1).

(3) COALITION PROVISIONAL AUTHORITY.—The term "Coalition Provisional Authority" means the entity charged by the President with directing reconstruction efforts in Iraq.

(4) COMPTROLLER.—The term "Comptroller" means the Comptroller General of the United States.

(5) GOVERNING COUNCIL IN IRAQ.—The term "Governing Council in Iraq" means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

(6) PURPOSES OF THE TRUST FUND.—The term "purposes of the Trust Fund" means the purposes set out in section 3004(a).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(8) TRUST FUND.—The term "Trust Fund" means the Iraq Reconstruction Trust Fund referred to in section 3003.

(9) WORLD BANK.—The term "World Bank" means the International Bank for Reconstruction and Development.

SEC. 3003. LIMITATION OF USE OF FUNDS.

Of the funds appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, $10,000,000,000 may not be obligated or expended before the Secretary negotiates with the World Bank, in consultation with the Coalition Provisional Authority, the member nations of the World Bank, and other interested parties, for the establishment within the World Bank of—

(1) the Iraq Reconstruction Trust Fund in accordance with the provisions of this title; and

(2) the Advisory Board to the Trust Fund in accordance with section 3007.

SEC. 3004. DESCRIPTION OF THE TRUST FUND.

(a) PURPOSES.—The purposes of the Trust Fund shall be to use contributed funds to—

(1) assist in restoration of infrastructure and essential services in Iraq;

(2) assist in the creation of civil society in Iraq; and

(3) ensure a secure environment for the people of Iraq.

(b) BOARD OF TRUSTEES.—

(1) IN GENERAL.—

(A) COMPOSITION.—The Trust Fund shall be governed by a Board of Trustees, which shall be composed of—

(i) 1 representative from the United States; and

(ii) 1 representative of each of the 5 countries, other than the United States, that provide the highest amount of money to the Trust Fund.

(B) QUALIFICATIONS.—Individuals appointed to such Board shall have demonstrated knowledge and experience that will assist in the carrying out of the purposes of the Trust Fund.

(2) UNITED STATES REPRESENTATION.—

(A) IN GENERAL.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, and who shall have the knowledge and experience described in paragraph (1).

(B) EFFECTIVE DATE.—This paragraph shall take effect on the date the Secretary certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(C) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

(3) CONSULTATION.—The Board of Trustees shall consult with the Coalition Provisional Authority in carrying out the purposes set out in subsection (a).

(c) APPOINTMENT OF AN ADMINISTRATOR.—The Board of Trustees, in consultation with the appropriate officials of the World Bank, shall appoint an Administrator who is responsible for managing the day-to-day operations of the Trust Fund.

(d) TERMINATION OF THE TRUST FUND.—

(1) IN GENERAL.—As part of the negotiations required by section 3003, the Secretary shall negotiate with the World Bank to establish conditions under which the Trust Fund will be terminated.

(2) REPAYMENT OF CONTRIBUTIONS.—Upon the termination of the Trust Fund, any amounts contributed to the Fund that have not been expended shall be returned to the countries that contributed funds to the Trust Fund, on a pro rata basis.

SEC. 3005. USE OF FUNDS.

(a) LOANS AND LOAN GUARANTEES.—In carrying out the purposes set out in section 3004(a), the Board of Trustees shall use the Trust Fund to provide loans and loan guarantees to eligible entities under terms that will facilitate economic development in Iraq.

(b) ELIGIBLE ENTITY.—The Board of Trustees shall determine if an entity is eligible to receive a loan or a loan guarantee from the Trust Fund.

(c) ACTIVITIES SUPPORTED.—The funds in the Trust Fund shall be used to provide loans and loan guarantees that carry out the purposes of the Trust Fund, including projects to—

(1) create or repair infrastructure to—

(A) produce and distribute electricity;

(B) extract, refine, and distribute oil;

(C) provide drinking water;

(D) treat and dispose of wastewater;

(E) provide transportation; and

(F) facilitate communications;

(2) promote public health;

(3) provide housing;

(4) ensure public safety; and

(5) develop a private sector economy.

SEC. 3006. CONTRIBUTIONS AND ACCOUNTABILITY.

(a) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.—The Trust Fund shall be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(b) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.—The Secretary shall, consistent with subsection (c)—

(1) take such actions as are necessary to ensure that adequate procedures and standards are in place to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement with the World Bank on the criteria to be used to determine the programs and activities to be assisted by the Trust Fund.

(c) SELECTION OF PROJECTS AND RECIPIENTS.—The Board of Trustees shall establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the process of making loans and loan guarantees.

(d) TRANSPARENCY OF OPERATIONS.—The Board of Trustees shall ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

(e) ACCESS TO RECORDS.—The Comptroller or any duly authorized representatives of the Comptroller shall have access to any books, documents, papers, and records of the Trust Fund for the purpose of preparing the reports required in section 3008(b).

SEC. 3007. ADVISORY BOARD.

(a) IN GENERAL.—The Board of Trustees, in consultation with the appropriate officials of the World Bank, shall appoint an Advisory Board to the Trust Fund.

(b) APPOINTMENTS.—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of civil engineering, provision of utilities, oil production, public works, transportation, and communications;

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in Iraq or other countries in the Middle East; and

(3) representatives of the Coalition Provisional Authority.

(c) RESPONSIBILITIES.—The Advisory Board shall provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) PROHIBITION ON PAYMENT OF COMPENSATION.—

(1) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board shall receive compensation for services performed as a member of the Advisory Board.

(2) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Advisory Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Advisory Board.

SEC. 3008. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY SECRETARY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary shall submit to the appropriate congressional committees a report on the Trust Fund.

(2) REPORT ELEMENTS.—Each report required by paragraph (1) shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established that would be used to determine the programs and activities to be assisted by the Trust Fund.

(b) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Comptroller shall submit to the appropriate congressional committees a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in the reconstruction in Iraq; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

SEC. 3009. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—In addition to any other funds available for multilateral or bilateral programs related to the purposes of the Trust Fund, of the amounts appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, $10,000,000,000 shall be made available for the fiscal year 2004 for contribution to the Trust Fund.

(b) MATCHING CONTRIBUTIONS.—Subject to the maximum amount available for contribution to the Trust Fund under this Act, the United States shall contribute to the Trust Fund out of the additional amount made available under subsection (a), the amount that equals the total amount contributed by foreign countries to the Trust Fund during the 180-day period that begins on the date of the enactment of this Act.

(c) TRANSFER OF FUNDS.—On the date that is 180 days after the date of the enactment of this Act, any amount made available for the Trust Fund under subsection (a) that exceeds the amount required to be contributed to the Trust Fund under subsection (b) shall cease to be available for transfer to the Trust Fund and shall be transferred to an account to be available to the Coalition Provisional Authority for use as loans to, or to guarantee loans made by, the Governing Council in Iraq.

SEC. 3010. CERTIFICATION REQUIREMENT.

Not later than 15 days prior to the initial obligation or expenditure of funds appropriated pursuant to section 3009, the Secretary shall certify to the appropriate congressional committees that—

(1) the Trust Fund has been created in accordance with the provisions of this title; and

(2) adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

SA 1799. Mr. COLEMAN (for himself, Mr. DAYTON, Mr. STEVENS, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. COLLINS, Mr. GRAHAM of South Carolina, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for others purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following:

SEC. . Of the funds in the Iraq Freedom Fund, such funds as necessary shall be available for the reimbursement of the cost of one round trip air fare incurred in fiscal year 2003 or 2004 by members of the United States Armed Forces only in connection with the Department of Defense Rest and Recuperation Leave Program for travel within the United States while on leave from deployment overseas in support of Operation Iraqi Freedom.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 2, 2003, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1438, a bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydro power by the Grand Coulee Dam, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. on Climate Change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 1 at 9:30 to conduct a business meeting to consider legislation S. 1643, S. 1066, S. 1663, and S. 1669, and the nomination of Michael O. Leavitt, to be Administrator of the U.S. Environmental Protection Agency.

The meeting will take place in SD 406 (hearing room).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, October 1, 2003, at 10 a.m., to consider a substitute to S. 1637, the "Jumpstart Our Business Strength (JOBS) Act of 2003."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 2003 at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. for a hearing title "Deteriorating Buildings and Wasted Opportunities: The Need for Federal Property Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 1, 2003, at 10 a.m. in the Dirksen Senate Office Building room 226 on "The Nomination of Dora L. Irizarry to be United States District Judge for the Eastern District of New York."

Witness List

Panel I: The Honorable Charles E. Schumer, United States Senator, D-NY.

Panel II: Dora L. Irizarry to be United States District Judge, for the Eastern District of New York.

Panel III: Thomas Z. Hayward, Jr., Chair, Standing Committee on the Federal Judiciary, American Bar Association, Pat Hines, Former Chair, Standing Committee on the Federal Judiciary, American Bar Association.

Panel IV: James F. Castro-Blanco, Esq., Immediate Past President, Puerto Rican Bar Association, Shearman & Sterling, New York City, New York, The Honorable Lewis L. Douglass, Justice, New York State Supreme Court, Chair, Franklin H. Williams, Commission on Minorities, The Honorable Michael L. Pesce, Presiding Justice, Appellate Term, New York State Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Kathryn Kolbe, a legislative fellow in my office, be granted the privilege of the floor during the consideration of the Defense supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that Bob Henke, Menda Fife, B.G. Wright, and Bill Simpson of the Appropriations Committee staff have full floor access during the consideration of S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Kathleen Pierce, a legislative fellow assigned to Senator INOUYE's office, be afforded floor privileges during the consideration of S. 1689, the emergency supplemental bill.

ROBERTO CLEMENTE WALKER POST OFFICE BUILDING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2826 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2826) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to provisions of

S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Idaho, Mr. CRAIG, to the Global Climate Change Observer Group.

ORDERS FOR THURSDAY, OCTOBER 2, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee; provided that upon the conclusion of morning business, the Senate resume consideration of S. 1689, the Iraq/Afghanistan supplemental appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow following morning business the Senate will resume consideration of S. 1689. Under a previous agreement, there will then be 40 minutes for debate as previously stated. The majority leader has asked me to announce that rollcall votes can be expected throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Thursday, October 2, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 2003:

DEPARTMENT OF DEFENSE

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL MARITIME COMMISSION

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007, VICE DELMOND J. H. WON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIETT C. BABBITT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AFRICAN DEVELOPMENT FOUNDATION

EPHRAIM BATAMBUZE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2008, VICE HENRY MCKOY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

MARY KRAMER, OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

UNITED STATES INSTITUTE OF PEACE

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE ZALMAY KHALIZAD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007, VICE ALAN G. LOWY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005, VICE LOUISE L. STEVENSON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008, VICE ELIZABETH GRIFFITH, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE RICHARD C. HACKETT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003, VICE STEVEN L. ZINTER, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Wednesday, October 1, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Imam Hassan Qazwini, Leader, The Islamic Center of America, Detroit, Michigan, offered the following prayer:

Respected Congressmen and Women, I would like to greet you with the greeting of Islam. Peace be with you in the name of Allah, the Compassionate, the Merciful.

Glory be to Allah, the Lord of Abraham, Moses, Jesus, and Muhammad. As we commence our legislative day in this 108th Congress, we ask You to bestow Your blessing upon us and help our legislators enact that which pleases You and ensures the interest of our people. Lend Your infinite wisdom to this Congress and allow them to embrace what is right, not what is popular.

As our Nation faces many challenges, we beseech Your guidance. And as we pursue those who intend harm to our country, let us seek justice rather than revenge. Guide our leaders to use the influence of their power as an instrument for the betterment of all humankind and peace throughout the world.

Oh, Allah, endow the people of this great land with a growing trust in one another and an increasing faith in You. Help us all uphold our God-given rights of freedom and equality. Allow us never to evoke Your law by embracing color or creed as tools for superiority. As You say in the Holy Koran, "Oh people, We had created you from one male and one female, and made you into nations and tribes so that you may know one another. Verily, the best amongst you are those who are the most pious."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. CONYERS) come forward and lead the House in the Pledge of Allegiance.

Mr. CONYERS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 1261. An act to reauthorize the Consumer Product Safety Commission, and for other purposes.

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

WELCOMING IMAM HASSAN AL-QAZWINI

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I would like to extend the greetings of the House of Representatives to my constituent and friend, the Imam Hassan Al-Qazwini of the Islamic Center of America of Dearborn, Michigan, as our guest chaplain.

Imam Qazwini's life is a testament to the greatness of our Nation and its devotion to freedom of religion, freedom of conscience, and universal liberty. His life story is remarkable and moving, and his dedication to his adoptive homeland should make us all proud.

Imam Qazwini was born to a prominent religious family in Karbala, Iraq, and became a student at the Islamic Seminary in Qum, Iran. His family in Iraq were Shiites, and actively opposed the tyranny of Saddam Hussein. For their courage they were persecuted. Fourteen of his relatives were either executed or imprisoned by the Ba'athists.

Imam Qazwini has become a leading voice for Muslims in America. He has spoken movingly of the need for reconciliation, for tolerance, and for the recognition of our shared humanity. He has worked with leaders in both the Christian and the Jewish communities to help bridge the differences between us and to dispel prejudice. His work has touched Muslim and non-Muslim alike, and his devotion to our State and our community of Dearborn has been recognized by the mayor, the governor, and by President Bush.

Mr. Speaker, as I have said before, Imam Qazwini's life is a statement on the greatness of our Nation. In only a few years, he has become a leader in our Nation's religious life, and he has met twice with President Bush.

I am proud that he is here today and was able to give this body a moving start to our day.

Imam, you have been most welcome here today and we are honored that you are with us.

SUPPORTING BAN ON PARTIAL-BIRTH ABORTION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, partial-birth abortion is a horrific and heinous procedure which attacks the very dignity of women at the most fundamental level. As a mother and as an ardent human rights activist, I have fought tirelessly to ensure that all are guaranteed the most basic of human rights, the right to life. The Universal Declaration of Human Rights, the fundamental international document on human rights, states that "Everyone has the right to life, liberty and security of person."

Some of my colleagues who support partial-birth abortion are the first ones to rightly advocate the prohibition of cruelty against others or even against helpless animals. But how can some cringe in horror when an animal is tortured, yet they do not think twice about the unspeakable suffering of an innocent baby being killed through this so-called medical procedure?

I urge my colleagues to finally pass the bill outlawing this act and send it to the President for his signature.

WELCOMING IMAM HASSAN QAZWINI

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. To my colleagues this morning, I am very delighted to entertain Imam Hassan Qazwini and seven other members from the Muslim community in Detroit and Dearborn, Michigan. He and I are very good friends and I am honored that the Islamic Center of America is located in my congressional district. I am also proud of the fact that they are building what might likely be the largest religious center for Muslims in the United States, which will be in Dearborn, Michigan, which my colleague and the dean of the House, Mr. DINGELL, and I both represent.

The important point I would leave with you in extending my welcome is that Imam Qazwini has worked tirelessly with those of us Christians, Muslims and Jews to continue a dialogue that has taken place more than a dozen times in Detroit and in the District of Columbia with the help of my former staffer, Ms. Alexia Smokler, and my current general counsel of the Committee on the Judiciary, Burt Wides. We have worked together with Congressman DINGELL to continue the discussion that is so necessary for us to come together, understand each other's cultures and also be amazed at the similarities of concerns that we raise.

It is in that spirit that I too join in the welcome to the House of Representatives on this day to Imam Qazwini.

GOOD FISCAL NEWS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, good news on the fiscal front from Pennsylvania. Pennsylvania Secretary of Revenue Greg Fajt said this week that State revenues for September were up 6.4 percent, higher than expected. In fact, every revenue source has reported an increase for the fiscal year. Sales tax, corporate income tax, personal income tax and even the realty transfer tax and the inheritance tax have produced unexpected dollars for the State treasury. For the entire year, the cash has come in at 2.9 percent or $134.9 million over the estimate.

In addition, the Small Business Survival Committee has ranked Pennsylvania's tax code 17th in the Nation for its friendliness to small business. That ranking was based on being last in corporate income taxes, 10th in personal income, 21st in property taxes and 2nd lowest in bureaucrats per 100 residents.

I hope what is happening in Pennsylvania is symptomatic of what is happening in other States in our country as we seek to make Pennsylvania and America a better place to provide jobs and raise our families.

TIME FOR U.S. TO GET OUT OF IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. It is time for the United States to get out of Iraq. It is time to get the U.N. in and the U.S. out, to bring our troops home and to end this sorry exercise in preemption and unilateralism.

America can ill afford to spend $87 billion on top of $179 billion in support of a war which has no end, no exit, no logic and no sense. It is time to come up with a plan to get the U.N. in and the U.S. out. We must work with the world community on this.

Today the administration will tell Congress that it was deceived by Saddam Hussein into thinking that Iraq had weapons of mass destruction. Let this Congress not be deceived by an administration that took this Nation into a war we did not have to fight. Bring our troops home.

Vote against the $87 billion; U.N. in and U.S. out of Iraq.

SUPPORTING THE PRESIDENT'S WAR ON TERRORISM SUPPLEMENTAL REQUEST

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of President George W. Bush's supplemental request of $87 billion for the war on terror. This will support our troops who were historically successful in combat and helped develop Iraq so that we can win the peace.

After World War II, America led the effort in the Marshall Plan to rebuild Germany. We prevented Germany from becoming a breeding ground for Communists and we defeated communism. Today we can redevelop Iraq and prevent it from becoming a breeding ground for terrorists and we will defeat terrorism. This funding is mutually beneficial for the people of America and Iraq.

We cannot abandon the newly freed people of Iraq and allow the terrorists to regain strength. We can either fight the terrorists overseas or on the streets of America.

I believe that every dollar of this supplemental is a weapon which will help save American lives. I encourage Members to stand firm in our promise to win the fight in the war on terror.

In conclusion, God bless our troops.

IMMIGRANT WORKERS FREEDOM RIDE

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I would like to call attention to the hundreds, if not thousands, of workers that will be converging on Washington, D.C. today as part of the Immigrant Workers Freedom Ride. The Freedom Riders are construction workers, cooks, farmworkers, landscapers, nurses, janitors, and even nannies. They work hard and they pay taxes. Like the Freedom Riders of 1961, today's Freedom Riders are advocating an end to unfair policies and unjust treatment. These policies deny millions a clear road to citizenship and make them vulnerable to abuses in the workplace.

We should enact laws that reflect the reality of our economy's labor needs and that recognize the important contribution of immigrants. That is why I have introduced a resolution today supporting Freedom Ride and urging President Bush and the Congress to reform our broken immigration system.

Over 2 years ago, President Bush pledged his support for an earned adjustment program for undocumented immigrants but has yet to deliver. Millions of immigrants and their families continue to live in the shadows, wanting to participate fully in American society.

I urge my colleagues to support my resolution and call on the President and Congress to support the policies that ensure that all workers are treated with dignity and respect.

NEWS WE DO NOT HEAR ABOUT FROM IRAQ

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I just returned from Iraq with 15 bipartisan colleagues, and I learned that 90 percent of Western reporters have left Iraq. Those who remain can only get their stories out if they report injuries to Americans. We are not allowed to learn what else is happening in Iraq.

The press does not like to report on other press, but that is a story here. Iraq had only one newspaper, Uday Hussein's newspaper. Now it has over 100, like Azzaman, Ashiraa, Ibn Al-Balad, Al-Nahdhah, Al Mutamar, and an English-language newspaper, Iraq Today. But today is also the first day of school in Iraq, and we have now bookbags given to children in Iraq. This is a bookbag filled with school supplies, notes, calculators, rulers, pens, papers, that went to 1.5 million Iraqi children for the start of school. These are also things that are happening in Iraq, but we are not allowed to hear about them from our newspapers.

THE NATIONAL DEBT

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, I want to draw attention to the issue of national debt. It has been 874 days since this administration came into office. During that time, the national debt has increased by $1,142,246,097,598, and according to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern daylight time, the Nation's total outstanding debt was $6,782,571,483,957. Furthermore, in the current fiscal year we are in, 2003, which actually ended yesterday, interest on our national debt or what I call the "debt tax" is $304,978,878,641.

It is time for Congress to pay attention to this disturbing trend.

A SALUTE TO THE 495TH TRANSPORTATION COMPANY

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, I rise today to welcome home the more than 100 men and women of the Florida National Guard's 495th Transportation Company from Lakeland, Florida as they arrive back in the United States and return to their families. I want to thank them for their courage, their service, their bravery, and I want to thank their families for their patience through this long ordeal. The 495th took small arms fire during its tenure in the desert, luckily without casualties.

Floridians should be proud of the service and tremendous accomplishments of the 495th Transportation Company. These men and women risked their lives and made sacrifices to keep our country safe and secure and secure those same blessings for the Iraqi people.

Mr. Speaker, the men and women of the 495th Transportation Unit have each played an invaluable role in their own communities for years. They are now home again to retake their place in businesses, schools, fire stations and farms. And I believe Staff Sergeant Stephanie Miller said it best: "I'm just glad to be home. Glad we made it back safe."

God bless Stephanie. God bless all her colleagues, and may God continue to shower his blessings upon this great land.

URGING CONGRESS TO VOTE AGAINST PAYMENT FOR RECONSTRUCTION IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me associate myself with the words of the gentlewoman from California (Ms. SOLIS) to welcome the Immigrant Freedom Riders who will be coming to the United States Government to petition for equality and justice similar to the movement and rise made by those who fought hard in the Civil Rights movement.

As I think about civil rights and civil justice and liberty, I cannot help but be so very proud of the young men and women who stand on the front lines in Operation Iraqi Freedom. I say to the parents and friends and family members who have lost those who gave the ultimate sacrifice, we will never forget. I also want to make mention, Mr. Speaker, of those who lay wounded in our hospitals without eyes, without limbs, and that is why I rise today to point out to the American people and to this Congress that it would be unpardonable, it would be atrocious for us to randomly vote for $87 billion that is being asked by this administration without first bifurcating the vote, voting for the troops and the resources that they need, the armor that they need, but yet looking to distinguish between the reckless dollars that they are spending in this so-called reconstruction without allies.

I am glad the children of Iraq have bookbags. The children in Houston, Texas do not have any bookbags. It is time for this Congress to take up its responsibility and not vote for the $20 billion for reconstruction and support our troops.

UNFUNDED LIABILITIES AND THE DEFICIT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the good news is that there are indications that we are having an economic recovery. In both the third and fourth quarter, we are looking at economic expansion much greater than what was earlier predicted. But this still leaves a great obligation for this Chamber and the Senate and the White House to look at the reality of the situation where we are spending more money than what is coming into government. The Congressional Budget Office estimates that the last fiscal year of 03 we will have a deficit of $562 billion. This fiscal year for 2004, we are going to have a deficit, which means spending over and above revenue of $640 billion. That does not include the $87 billion for Iraq.

We need to start looking not only at the debt burden that we are leaving our kids and our grandkids, but the unfunded liabilities. These are promises that we have made in programs such as Social Security where we do not have enough money to pay promised benefits. We need to consider all of these unfunded liabilities and the deficit along with the mounting cost of servicing this debt. And I hope my colleagues will join me in sponsoring my Social Security bill, H.R. 3055.

THE FOX INSPECTING THE HENHOUSE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I am pleased to announce that the theater of the absurd is opening a new farce. The plots of the old one, the fox, Mr. Ashcroft, is inspecting the henhouse, looking for someone who broke the law by revealing an alleged CIA employee to the press.

Does anyone believe that they are going to use all the power of the Patriot Act, that they are going to go through the library records, the medical records, the visa records of everybody in the White House to find out who committed this crime? How can this Congress sit here with a straight face and allow that to be the way this issue is revealed? There ought to be an independent counsel. There is no way you can convince the American people that John Ashcroft, whose campaign manager was Karl Rove in the last election he lost, is going to do a real investigation of who broke the law in the White House.

This Congress cannot let that go by because no intelligence agent is going to be safe in the United States if the fox has his way.

PARTIAL-BIRTH ABORTION

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, partial-birth abortion is a risky procedure. A doctor blindly stabbing scissors into a baby's skull leaves too much room for error. A small slip can have life-threatening consequences for the woman.

Women deserve better. They deserve better than being subjected to a procedure as horrific as a partial-birth abortion. They deserve better than enduring a painful 3-day process that puts their health in jeopardy.

But women usually do not choose to have partial-birth abortions. It is done to them because, as in the words of Dr. Martin Haskell he finds, "dismemberment at 20 weeks and beyond to be difficult due to the toughness of fetal tissues at this stage." It also spares the abortionist the messy task of counting baby body parts.

And contrary to what many Americans think, a partial-birth abortion may be legally performed up until the day a healthy baby is born for virtually any reason.

I oppose this violent procedure for many reasons, but everyone should oppose it for this reason alone, because women deserve much better. I urge my colleagues to join me in voting this week to ban partial-birth abortions forever.

VOTING AGAINST PAYMENT FOR RECONSTRUCTION IN IRAQ

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, I am not going to support the President's request for $87 billion to continue the war in Iraq. We asked him to continue the inspections, he chose to do a preemptive strike. And now he is telling us that we have got to pay for the reconstruction of Iraq. I am not going to support that. They told us that the oil that they would get, revenues that they would get from Iraq, would support the reconstruction. Now, we have colleagues coming on the floor, telling us what a wonderful job they are doing and showing us bookbags that they have for the children of Iraq. I want the Members to know children in my district do not even have books to put in bookbags, and we have Members on the other side of the aisle who do not support more Federal funding to local school districts. They say it is a local school district problem.

Give me a break, Mr. President. The covers are off. He has mismanaged this war. He has made promises. The only one who is benefitting from this war is Mr. CHENEY's company, Halliburton, that is getting contracts that were not competitive. The President will not get a vote from me for $87 billion.

SUPPORT THE AMERICAN DREAM DOWN PAYMENT ACT

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to voice my support for a bill that will be on the floor later this afternoon, H.R. 1276, the American Dream Down Payment Act. Good quality housing is crucial to the strength of our communities and our Nation. Today more Americans own their homes than ever before; yet despite this success, the lack of homeownership in some of our low-income communities has become a crisis.

For everyone to be able to live the American dream, we should look at providing programs that address the unique housing needs of all people. The goal of H.R. 1276 is to increase the ownership rate among minorities and to revitalize and stabilize our communities. For many low-income households, the down payment is one of the major barriers to homeownership. The American Dream Down Payment Act will benefit these families by helping them realize the American dream of homeownership.

I urge my colleagues to provide hope by supporting the gentlewoman from Florida's (Ms. HARRIS) bill on the floor today. Support H.R. 1276, the American Dream Down Payment Act.

TAX CUTS AND OUR ECONOMIC SITUATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the economy in my part of the country continues to drift; yet Congress and the President continue to fiddle. Three and a half million jobs lost since President Bush took office. Two and a half million manufacturing jobs have vanished, one out of ten manufacturing jobs in this country. It simply disappeared; most moved overseas in the last 2½ years. Plant closing after plant closing. Now, the President asks us for $87 billion with no accountability, $87 billion to Iraq.

□ 1030

Yet the President at home is cutting education, is cutting spending on health care, will not provide a prescription drug benefit, and even is cutting veterans benefits. Why? For the simple reason that he wants this war on the cheap and the simple reason that he wants to continue to give tax cuts to the most privileged people in this society.

Forty-two percent of the tax cuts have gone to the richest 1 percent of people in this country. That means a millionaire gets a $93,000 tax cut. Half of my constituents got nothing.

CELEBRATING FREEDOM FOR IRAQI CHILDREN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, today marks another watershed moment in the liberation of the Iraqi people. Today, the children of Iraq return to school. Only this year, things will be much different. When they enter their schoolroom, for the first time in their lives, they will not have their oppressor staring at them from a picture on the wall. Nor will they be subject to torture and prison for not swearing allegiance to that oppressor. For the first time they will be free to learn. They will be focused on reading, writing and arithmetic, not on hate, incitement, and brutality forced on them by the former dictator.

Operation Iraqi Freedom has brought freedom to the children of Iraq. They will now be free to learn, free to achieve, and free to help build a new society based on freedom, which is now a reality.

For all of those who question whether we have been successful in Iraq, I ask that they look at the faces of the Iraqi children who will be tasting freedom for the first time in their young lives and ask if they would be better off with Saddam staring at them from a wall.

Today is a day to celebrate the freedom of Iraqi children and the hope for a new generation.

NOW IS NOT THE TIME TO DESERT OPERATION IRAQI FREEDOM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we are about half way, maybe not half way, but we are at a critical juncture in our mission in Iraq; but the Democrats want to bail out now. They want to pull the rug out from under the President of the United States so badly that they are willing to strand the people in Iraq and even endanger our soldiers. I think it is outrageous.

If we listen to the Presidential debates on the Democrat side, Dean, Kerry, Clark, it does not really matter what they say today, because tomorrow they will be saying the opposite thing. It is like a jam session of the first amendment without any responsibility to what your words are.

But let us look at the situation in Iraq. We have a very successful military operation that is on balance. I do not want another American soldier or any soldier or any citizen to get killed, obviously. But we have done a remarkable job, and we have secured the country.

Look at the situation of the citizenry. They are standing forward, they are in power, they are getting police forces in each town, they are getting a militia going. Look at the infrastructure of freedom that is emerging: 150 newspapers, health care benefits, electricity and water. All of this is happening. It is not the time to retreat and pull the rug out from under the people of Iraq or our military. Let us pass the supplemental.

9–11 HAD NOTHING TO DO WITH ATTACK ON IRAQ

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it really is time for us to admit the truth. Mr. Speaker, 9-11, 2001 had nothing to do with the unilateral first strike on Iraq. We think that when we mention the word "terrorist" that it is a buzzword and we all are supposed to understand that that is the reason why the attack came to Iraq. That is not true. It never has been true. It is not true now.

Each time we talk about the cost of this war, we mention 9-11. It has nothing to do with that. It has more to do with trying to take over a country because you disagree with the leader, just like somebody could take this one over because they disagree with our leader, and boss it, steal their oil, or whatever. But we need to tell the truth about it. It is not the truth that it has anything to do with 9-11.

Mr. Speaker, we are taking our public to be stupid when we continue to say that 9-11 is connected with the Iraq attack. If that had to do with it, we would have the support of the U.N. We do not, because we made unilateral, first strikes without a reason, because we were not under immediate danger.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMERICAN DREAM DOWNPAYMENT ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1276) to provide downpayment assistance under the HOME Investment Partnerships Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Dream Downpayment Act".

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

"Subtitle E—Other Assistance

"SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

"(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—Amounts made available under this section may be used only for downpayment assistance toward the purchase of single family housing by eligible families. For purposes of this title, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

"(2) ELIGIBLE FAMILIES.—For purposes of this section, the term 'eligible family' means a family who—

"(A) is a low-income family and a first-time homebuyer; or

"(B) notwithstanding the income limitation under section 215(b)(2)—

"(i) includes a uniformed employee (which shall include policemen, firemen, and sanitation and other maintenance workers) or a teacher who is an employee, of the participating jurisdiction (or an agency or school district serving such jurisdiction) that is providing the downpayment assistance under this section for the family; and

"(ii) has an income, at the time referred to in subparagraph (A), (B), or (C) of section 215(b)(2), as appropriate, and as determined by the Secretary with adjustments for smaller and larger families, that does not exceed 115 percent of the median income of the area, except that, with respect only to such areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, such income limitation shall be 150 percent of the median income of the area, as determined by the Secretary with adjustments for smaller and larger families.

"(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy under section 105 for such year—

"(1) a description of the use of the grant amounts;

"(2) a plan for conducting targeted outreach to residents and tenants of public housing, trailer parks, and manufactured housing, and to other families assisted by public housing agencies, for the purpose of ensuring that grant amounts provided under this section to a participating jurisdiction are used for downpayment assistance for such residents, tenants, and families; and

"(3) a description of the actions to be taken to ensure the suitability of families provided downpayment assistance under this section to undertake and maintain homeownership.

"(d) FORMULA ALLOCATION.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, which shall be established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers. The formula may include minimum allocation amounts. In considering a participating jurisdiction's prior year's commitment to assistance to homebuyers, the formula shall consider amounts committed to such purpose under the HOME investment partnerships program, the community development block grant program, mortgage revenue bonds, and prior year's funding from State and local governments, provided that the data underlying such funding is uniform, verifiable, and accurate by the State and local government, and shall consider other factors that the Secretary determines to be appropriate.

"(e) REALLOCATION.—If any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d), except that if a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

"(f) APPLICABILITY OF OTHER PROVISIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, grants under this section shall not be subject to the provisions of this title.

"(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants under this section shall be subject to the provisions of title I, sections 215(b) (except as provided in subsection (b)(2)(B) of this section), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

"(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

"(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

"(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

"(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2004 and 2005.".

(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following new section:

"SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

"The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall not apply to downpayment assistance under this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1276 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today I rise in support of H.R. 1276, the American Dream Downpayment Act. There are many people that we need to thank for the point that we have gotten to today to have this tremendous piece of legislation here on the floor of the House. This was a commitment made by President Bush to do this piece of legislation, and Secretary Mel Martinez brought this to our committee when I became chairman of the Subcommittee on Housing and Community Opportunity.

I have to also directly thank the gentlewoman from California (Ms. WATERS), our ranking member of the subcommittee, for all of her work, her bipartisan spirit, and her concern for housing for all people from all walks of life, from the rural and urban areas across the United States. I want to thank the gentleman from Ohio (Mr. OXLEY) above all, who is chairman of the full committee, for his dedication to this important piece of housing legislation, and obviously also to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the full committee. Also on our side of the aisle, and I am sure it will be recognized on the Democrat side of the aisle, but Bob Foster, Carter McDowell, and Peggy Peterson of the gentleman from Ohio's (Chairman OXLEY) staff, and also the staff of the Subcommittee on Housing and Community Opportunity: Clinton Jones, Cindy Chetti, Tallman Johnson, Bob Weisberg, and Hugh Halpern. Again, I want to thank all of these individuals for coming together to support the American Dream Downpayment Act.

This bill was introduced by the gentlewoman from Florida (Ms. HARRIS). This initiative is designed to assist thousands of low-income families realize the American dream of homeownership. Moreover, this new group of homeowners is expected to boost the American economy with an infusion of roughly $256 million.

The benefits of homeownership for families, communities, and our country are obviously profound. When our citizens own homes, they establish roots and therefore have a greater stake in their community's growth, safety, and development.

While the national homeownership rate has steadily risen and is at an all-time high of 60 percent, there are sectors of our population, Mr. Speaker, for whom homeownership remains unattainable. In fact, the homeownership rate for African Americans and Hispanics is less than 50 percent. Clearly, this is unacceptable. More can and should be done to help all of our citizens realize the true benefits of owning a home.

If the persistent gap in minority homeownership is to be substantially narrowed, the structural barriers to homeownership, particularly the lack of capital for downpayments and closing costs, must be addressed. I believe this is one of the major points to the bill. I can remember when my father was able, finally, after 20 years of saving for a downpayment, was able to acquire a house. I was about 10 years old. It was the greatest day of our lives. But I do not think people ought to have to wait 5, 10, 15 years to try to get the downpayment. They will struggle to make the mortgage payment, they will work two jobs to do it, families will; but that downpayment is a serious problem for many people. This legislation eliminates that barrier for families struggling to save for a downpayment, but otherwise would qualify for homeownership. Many low-income Americans, particularly in minority communities, can meet a monthly mortgage payment, but they cannot afford the downpayment and closing costs associated with a standard residential loan.

Improving the ability of Americans to make the transition to homeownership will be an important test of the Nation's capacity to create economic opportunity for minorities and immigrants and to build strong and stable communities. In most cases, the purchase of a home will be the largest and most significant investment an individual will make. Therefore, the home equity created by the home purchase represents a significant share of home household net worth for most American families.

This legislation will provide communities throughout America with $200 million in grants for each year in fiscal year 2004 and fiscal year 2005. An estimated 40,000 low-income families each year will achieve first-time homeownership. Each qualifying family will be given an average of $5,000 to be used toward downpayment and closing costs.

The American Dream Initiative will be administered as part of HUD's HOME investment partnerships program, known as HOME, an existing program that helps communities expand the supply of affordable housing for low and very low income families by providing grants to States and local governments.

Mr. Speaker, H.R. 1276 included language that would allow HUD to place a maximum cap on the amount of funds certain urban areas could receive under the American Dream program. During this consideration of this legislation in the full committee markup, the gentleman from New York (Mr. CROWLEY) expressed concern that this language would limit the amount of funds areas would be able to receive.

I would want to note, Mr. Speaker, we have removed the word "maximum" on page 5 of the bill as reported out of the committee. The removal of the word "maximum" makes the proposed formula in H.R. 1276 consistent with the pattern and practices of other programs under HUD such as HOME and CDBG, and assures that no arbitrary limit is placed on the amount of funds any particular area may receive.

I again want to thank everybody involved with this bill and Secretary Martinez for his personal involvement. I also want to commend the gentleman from Alabama (Mr. ROGERS) and the gentleman from Alabama (Mr. DAVIS) for their leadership on this important piece of legislation. Without their diligent support, this legislation would not have been possible.

In closing, Mr. Speaker, I want to note that when the gentlewoman from Florida (Ms. HARRIS) came to us at the beginning of the session, she said she wanted to be on the Subcommittee on Housing to make a difference for all Americans from all walks of life. I want to note to my colleagues today that she surely has made that difference. Through the leadership of the gentlewoman from Florida (Ms. HARRIS), a lot of people across this Nation are going to have, for the first time in their lives, the opportunity to have a home in a family setting.

Mr. Speaker, I urge my colleagues to support this initiative.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 1276, the American Dream Downpayment Act, a bill to assist low-income families in achieving homeownership by providing downpayment assistance under the HOME Investments Partnership Act.

I would like to thank the chairman of our Subcommittee on Housing, the gentleman from Ohio (Mr. NEY), for his leadership. I would like to thank him for his evenhandedness in the management of the committee that helps to bring us all together in support of legislation that makes good sense for all of the Members of this Congress.

I would like to congratulate the gentlewoman from Florida (Ms. HARRIS) and tell her how fortunate she is as a new Member to have the support of her administration in seeing to it that she is able to have a bill that will truly do something for American families that we would all like to do. Normally, this bill would be thought of as a liberal bill. This is the kind of bill that the Democrats would normally roll out, if we were in power, because it is talking about spending money, it is talking about spending money for poor people who want to have homeownership, but cannot afford that downpayment.

□ 1045

Downpayments are very tough. Many people who pay their bills regularly, who have never missed paying their utility bills, they pay their rent on time, they work every day, just cannot manage to come up with that 10 percent or 15 percent or whatever is being required in those markets for downpayments. And so that is why this bill is so important.

It would create a new subtitle within the Home Investment Partnerships Act to authorize grant by formula to States and localities for the exclusive purpose of providing downpayment assistance to low-income first-time home buyers; families, that is, with 80 percent or lower of local median income, the formula to be established by HUD, based on a grantee's need for and prior commitment to assistance to home buyers.

The bill authorizes $200 million in funding in each of the next 2 fiscal years. The administration projects that $200 million in funding would assist 40,000 low-income home buyers. The downpayment assistance authorized under this will be administered by the Home Investment Partnership Program that is referred to as HOME. HOME is an existing grant program that helps communities nationwide expand the supply of housing for low- and very low-income families.

The House appropriated $125 million for this program in funding year 2004 VA-HUD appropriations bill approved by the House earlier this summer. This is an increase from the $75 million appropriated in the funding year 2003 VA-HUD budget for the program contained in the omnibus appropriations bill for funding year 2003 passed in February of this year.

Unfortunately, HUD is still writing regulations for this downpayment assistance program and has not yet released the funding year 2003 funding.

According to HUD study, entitled Barriers to Minority Home Ownership, the overall home ownership rate is 68 percent, while home ownership rates for African Americans and Latinos are 48 and 46 percent, respectively. The HUD report established that one of the most persistent barriers to minority home ownership is the lack of capital for downpayment and closing costs.

Without going into a lot more detail, Mr. Speaker, I simply want to say that this is a bill that will get support from both sides of the aisle. Democrats have been advocating for a long time for these kinds of expenditures to deal with the housing crisis in America, and so I expect that we will have unanimous support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. HARRIS), the author of the bill.

Ms. HARRIS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to urge my colleagues to support H.R. 1276, the American Dream Downpayment Act.

As our Nation continues to confront daunting threats both at home and abroad, we cannot neglect the most basic security of all, and that is a safe, clean, adequate place to live. Across our Nation, families and individuals are consigned to deplorable conditions in substandard housing. In a Nation that enjoys a level of wealth and material comfort that is unprecedented in human history, this state of affairs is unconscionable.

We have the power to address this obligation of a decent, compassionate society today. Better yet, we can attack the housing crisis besetting our Nation by attacking the poverty that underlies it.

H.R. 1276 constitutes the first step in fulfillment of President Bush's plan to create 5.5 million new minority home owners by the end of the decade. This visionary initiative will add $256 billion to the American economy.

As I have consulted with housing advocates throughout my district, I have repeatedly heard that a great number of low-income Americans could meet their monthly mortgage payment, but they cannot surmount that initial obstacle of a downpayment and closing costs. Thus, a steep entry fee is all that stands between many low-income Americans and the dignity, the stability, and the economic empowerment of home ownership.

The resulting home ownership gap, which disproportionately impacts African Americans and Hispanic Americans, has staggering economic and social consequences. Studies show that the average worth of a low-income person, about $900, skyrockets to $70,000 when they own a home. In 1998, owner-occupied property constituted 21 percent of all household wealth as well as more than 71 percent of all tangible wealth.

Moreover, the home ownership gap dramatically impacts the lives of our children. Statistics show that children of families who own their own home experience a 13 percent higher graduation together with a 7 percent accelerated rate in math achievement and reading recognition. Additionally, such children complete almost one half year more of education.

For the young people who live in homes their families own, they enjoy a greater level of self-esteem while receiving an indispensable educational exercise in the proper maintenance of personal property.

Mr. Speaker, H.R. 1276 empowers tens of thousands of low-income Americans to overcome this striking inequality in our land of opportunity. As a compassionate society, we have a moral obligation to empower individuals and families and communities with the tools to build their own prosperity. By authorizing a total of $400 million in grants to communities throughout America over fiscal years 2004 and 2005, this bill will enable 80,000 low-income Americans to purchase their first home.

As we proceed to a vote on this revolutionary bill, I would like to recognize the Bush administration and the gentleman from Alabama (Mr. ROGERS) for their continued commitment to extending quality, affordable housing to every American, as well as for their tremendous creativity in developing solutions that can help us achieve this goal.

Further, I wish to express my gratitude to the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) of the Committee on Financial Services, as well as my deepest appreciation to the gentleman from Ohio (Mr. NEY) who has assisted me daily with this bill, and the ranking member, the gentlewoman from California (Ms. WATERS) of the Subcommittee on Housing and Community Opportunity for their outstanding leadership in shepherding H.R. 1276 through the legislative process.

Finally, I wish to acknowledge the support of the gentleman from California (Mr. GARY G. MILLER), as well as my dear friend, the gentleman from Arizona (Mr. RENZI) and the gentleman from Alabama (Mr. DAVIS) for his extraordinary bipartisanship. Their passionate dedication to fulfilling this moral imperative of quality affordable housing for every American continues to inspire us all.

I would like to thank our extraordinary committee staff for their diligence and expertise, as well as my outstanding staff member, Miguel Romano, for his diligent work on this bill.

Today, let us reaffirm the expansiveness of the American dream by passing this vital legislation.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me compliment my colleague, the gentlewoman from Florida (Ms. HARRIS) as the primary sponsor of this bill and let me compliment the chairman of the subcommittee, the gentleman from Ohio (Chairman NEY) for his leadership on this issue. Let me extend compliments as well to the ranking member of the subcommittee, who is present here today, the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), who is not here.

We do a lot of things in this institution, Mr. Speaker. We argue about a lot of issues, but every now and then we manage to find something we agree on. Every now and then we manage to find something that has enormous bipartisan appeal. And that is how we have arrived at H.R. 1276. Whether it is in the district of the gentlewoman from California (Ms. WATERS) or my district or the district of the gentlewoman from Florida (Ms. HARRIS), wherever you go in this country, the American dream is very much expressed in terms of whether or not people have a chance to own a home.

As the gentleman from Ohio (Chairman NEY) said earlier, for the overwhelming majority of people in this country of ours, the only tool of wealth they will ever have, the only significant assets they will ever have is a home. We can talk about all the indices of community engagement, from whether you vote to whether or not you mow your lawn, to whether or not you participate in your neighborhood association. The greatest correlator of community engagement is home ownership.

We look at our economy in the last 2 years, and all of us on both sides of the aisle would agree, if you take out the housing boom, if you somehow remove that from our economy, we would be deep in the throes of a 2½-year recession now.

This is very important work, and it is a compliment to the leadership on both sides of the aisle that this bill has made its way to the floor. And it is a compliment to the gentlewoman from Florida (Ms. HARRIS) and the gentlewoman from California (Ms. WATERS) that we have arrived at a consensus here today.

I want to make a few basic points. We have a lot of unfinished work on the housing front. No one on our side of the aisle would suggest that this is all that needs to be done. No one on our side on the aisle would suggest that the $200 million is the only commitment of resources that we ought to make. But rest assured that this $200 million commitment will result in over 40,000 low-income families receiving help in buying homes.

I can say briefly in conclusion, Mr. Speaker, as I travel around my district, we regularly do home ownership events, we regularly do housing events; and I always enjoy seeing the spark that I see in people's faces when they have a chance to finally become home owners. I enjoy seeing the spark when they know they are going to finally realize their piece of the American dream.

We have made this bill better. It was a good bill. We have made it a better bill. We have made the formula for calculating downpayment assistance a fair and better formula. We will address the unfinished aspects of this bill related to credit counseling. We will more forward on those fronts.

I encourage my colleagues, as I know they will today, to vote overwhelmingly for the American Dream Downpayment Act. I am proud to be one of the original sponsors of this bill, and I again compliment my friend from Florida for her leadership on this issue.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI), a tremendous new member, but a member that has immediately gotten to work on our Subcommittee on Housing and Community Opportunity to help the people not only of his district, but of the Nation.

Mr. RENZI. Mr. Speaker, I would like to commend the gentlewoman from Florida (Ms. HARRIS), my friend, on her substantive and important bipartisan legislation.

H.R. 1276 will help tens of thousands of low-income Americans achieve the dream of owning their first home. We know equity in a home is the primary asset used by most American families to help their kids get to college. In addition, many small business owners use the equity in their home to borrow and start their first small businesses here in America, to help our growing economy and to support their growing families.

This legislation provides $200 million in grants to over 40,000 low-income families over the next 2 years. This money will assist low-income families with downpayments and closing costs.

Today, more than two-thirds of Americans own their home, but fewer than half of African American and Hispanic families are home owners and less than one-third are Native Americans. This legislation is a real help to all families. Studies have shown that math achievement and reading recognition levels are 7 percent higher for children with families who own their own home, and they complete almost a half-year more education if they have home ownership. High school graduation rates for children with families who own their own home are 13 percent higher than renting families.

Let us remove the obstacles and give deserving families a real chance. Rally around the leadership shown by the gentlewoman from Florida (Ms. HARRIS) and let us work together to pass this needed legislation.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of the American Dream Downpayment Act, H.R. 1276, sponsored by the gentlewoman from Florida (Ms. HARRIS) and of course my good friend, the gentleman from Ohio (Mr. NEY) who happens to be a Member from that area as well. His mother lives in Fontana. And of course our minority leader as well, who has been very instrumental, and that is the gentlewoman from California (Ms. WATERS), in fighting to ensure that many of the poor and disadvantaged have opportunities in many different areas. This is an area that she is fighting for to make sure that individuals have an opportunity to own a home for the very first time.

Right now, Hispanics and minorities are struggling to purchase homes at a far greater rate than the rest of the Nation. In my own district, the Hispanic ownership rate is only 59 percent. That is nearly 10 percent less than the national average, and it is 15 percent less than the national non-Hispanic white average.

In my own district, which is 58 percent Hispanic, it has become increasingly difficult for Hispanics to own businesses because there is a housing boom that is causing the prices to skyrocket. In our area, we have the majority of growth which continues to move from L.A. to Orange County into our area, but it has become difficult for them to become first-time home buyers.

The median housing price in San Bernardino County went from $116,000 in the year 2002 to $207,000 in August. That is a 29 percent increase.

□ 1100

Hispanics and minorities all over the Nation are struggling to keep up. Not only do Hispanics earn less in wages than the rest of the population, but Hispanic unemployment is rising as well. Right now, Hispanic unemployment is nearly 7.8.

At the same time, we have an administration that is pushing for programs to turn Section 8 low income-housing vouchers into State blocks. In California, and States with huge budget deficits, it will hurt the low-income minority population because they will not be able to rent, let alone buy a home.

But the American Dream Downpayment Act will help Hispanics and many other minorities become homeowners. It will help low-income and first-time home buyers make downpayments on their first home. We must make sure we give them that opportunity.

I know what it was like because I come from a large family of 15, and let me tell my colleagues for the very first time that my dad was able to purchase a home, while it was very difficult, we fell under that category, but it was important for me and for my family to have stability. We had a foundation for the very first time. We were able to own a home that we never owned before because we were moving from one place or project to another project, living in the ghettos and the projects, moving from one place to another, but instability had allowed it.

This act will allow individuals to have that stability we need to say, I am going to one school, I do not have to go to four, five or six different schools as I went. It will also help increase the education amongst the kids where they have the stability in terms of going to one school, having their friends that are there and being able to take pride in their home. I know what it was like, and I took pride in my home when we had it.

Let me tell my colleagues, Mr. Speaker, I urge support of this bill. It is a good bill, and I compliment our minority leaders and the gentlewoman from Florida (Ms. HARRIS) in carrying this legislation.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY G. MILLER), another great member of our Subcommittee on Housing and Community Opportunity, who has been extremely active in concerns and issues of housing.

Mr. GARY G. MILLER of California. Mr. Speaker, I really want to commend the gentlewoman from Florida (Ms. HARRIS) for doing this. This is a really, really, really good bill. I had been a builder for over 30 years in my real life before coming to government. The gentleman from Ohio (Chairman OXLEY) really has a passion for this issue. The gentleman from Massachusetts (ranking member FRANK), a good friend of mine, has really done everything he can to look for opportunities to really help people get into homes, and the gentleman from Ohio (Mr. NEY), who chairs the Subcommittee on Housing and Community Opportunity, just has a supervision and really looks for things that are good.

Some would say, why are we doing this? I am a conservative Republican, and one would say, well, why is the government getting involved in this issue. Some real good reasons. The average homeowner has assets totalling about $70,000. Yet the average low-income renter's assets are below $1,000. Most of these people that are going to benefit from this program are already on Section 8 housing vouchers or they are in some type of government housing. So how do we create an environment where people rely on themselves and count less on government? That is to get them in a home.

If we leave people in Section 8 housing, they are going to be there. They cannot get out. They do not have the downpayment, the necessary wealth to be able to move into society, as we would say it, and have the experience of the dream of owning a home. There is nothing like selling a home to somebody, watching a person and a family move into home, they have dreams, they have anticipations, they make plans for the future.

This is a good bill. Imagine if we get a family into a home that is now receiving government subsistence, at a point in time they no longer need help from the government because they have acquired wealth in their own home. When they buy that home, their rent remains consistent. When they take and rent a home, whether it is through Section 8 or a government home, the rent increases as the years goes by. So look at a situation where a family moves into a home; 10 years from now, they are going to pay a lot more than they currently pay if they are renting a home, but if they own that home, they are paying the same 10 years from now as they are today.

Our goal in government should be to do everything we can to create the best economic environment we can for the citizens. The best way to do it is to get people into their own home. There is nothing, nothing like moving people into something that they consider their own, rather than something they consider somebody else's they are allowed to rent.

We have a situation growing in this country that I consider the new homeless, and these are people who have good jobs, the husband and wife both work, the husband might be a policeman or a fireman, the wife might be a nurse or whatever or a schoolteacher, and yet they cannot afford to live within the community within which they work. How many people do my colleagues know whose children were raised in a community they cannot afford to buy a home and live within the city in which they spent their life growing up because it has become so expensive? In many cases, government has created so many roadblocks, they have increased the cost of housing, that we need to look at every opportunity we have to eliminate the roadblocks, to decrease the restrictions and to do everything we can to move people into homeownership.

There is a huge shortage of Section 8 housing and government housing for low-income people. People are on waiting lists, and the reason is the people who currently live in those homes cannot afford to move up to the next level. They are relegated to that, and we have to change that.

This is a great opportunity. It is a bipartisan bill, and I would strongly encourage a yes vote.

Ms. WATERS. Mr. Speaker, how much time do I have left on this side?

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from California (Ms. WATERS) has 10 minutes remaining, and the gentleman from Ohio (Mr. NEY) has 6 minutes remaining.

Ms. WATERS. Mr. Speaker, I yield myself as much time as I may consume to close out the bill.

Mr. Speaker, this bill is motherhood and apple pie. This is what public policy should be about, recognizing a need and moving to place in law some law that will indeed help those who really do need assistance to realize the American dream. This did not start today, did not start yesterday.

We have a lot of legislators who have worked on this. Congresswoman Roukema is not here anymore. She worked on this, and I think we had it in the 2003 Omnibus bill. We did not get that at that time, but it has been revisited in this way by the gentlewoman from Florida (Ms. HARRIS), and again, there will be no opposition. Truly, this is motherhood and apple pie. Homeownership, there are so many people who are desirous of owning their homes, who work every day but cannot afford that downpayment.

I am pleased that we spent time in committee thanks to the gentleman from Ohio (Mr. NEY), and Democrats were able to improve this bill during the committee markup by offering several amendments that were adopted, I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from New York (Mr. CROWLEY), and even an amendment that I offered to require targeted outreach programs. My amendment requires participating jurisdictions to conduct outreach to people living in public housing, Section 8 housing and manufactured housing as part of their plan to access these dollars. That means we are taking care of inner city, we are taking care of suburbia and we are taking care of the rural areas. It is not just about public housing. It is about manufactured housing, also, and so we worked to make sure that the outreach that is done is comprehensive. This outreach will ensure more residents will have an opportunity to share in the American dream and break their dependence on public housing assistance.

I am also pleased that the committee report on this bill includes report language clarifying that funds appropriated for this program should be new money and not be offset by a reduction in HOME block grants. Sometimes we come up with bills and we talk about the costs, but yet we do not appropriate new money. We reduce the money in some other pot, and we have language in this bill that will prevent that from happening.

Mr. Speaker, owning a home also can provide a sense of security and contribute to safer, stronger neighborhoods. A financial and personal stake in a residence helps the residents to create a better neighborhood where families, children and all the elderly can thrive and enjoy a better quality of life.

I am pleased to be a part of this committee. I am pleased to work with my colleagues on both sides of the aisle.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS) who actually carried this bill, introduced it last session, and we appreciate his support.

Mr. ROGERS of Michigan. Mr. Speaker, I thank my friend the gentleman from Ohio (Mr. NEY) and I thank the gentlewoman from California (Ms. WATERS) for all that she has done to get this bill on the floor and her leadership, and I thank the gentlewoman from Florida (Ms. HARRIS) very much for taking charge of this bill this session and getting it to where it was.

It was a little bit over a year ago that I stood in Detroit, Michigan, celebrating the 100th Habitat home going up with Secretary Martinez, and it was a great day for us. It was kind of a little bit chilly, a little bit rainy, but the excitement, the joy, even the tears about having that key go in that door and turning that knob was exhilarating and exhilarated a whole community as we stood under that tent together opening the door of that new home for that family. In that same crowd, there were dozens of folks who were there who had a little bit of hope to experience that very same exhilaration by sticking that key in that door and calling it theirs, calling it their home. We all know that there is a difference between a place to live and a home.

That day, that particular house, built by volunteers and the family that was going in, became a home in a community that needed all the help it could get. It had a very low homeownership rate, and what we found is that as we increased these number of homes, truancy went down, crime rates went down, investment in the community, the school overall performance went up, and that is what this bill is about, and we should not forget it.

It is about minority ownership coming up to where it needs to be, but it is about the very gift to the very family who is playing by the rules, getting up every day, doing the right thing, paying all their bills, putting shoes on their children's feet, making their rent payments, making their utility payments, and this is the one hurdle, the very one hurdle that stops them, that puts them in the back of the tent watching somebody else put that key in the door.

For all of my colleagues that helped do this, I thank them very, very much. This will be a profound impact on thousands and thousands of American families. This is an investment in our future. I want to thank all of my colleagues for their commitment to this. I thank the gentleman from Ohio (Mr. Ney). I thank the gentlewoman from Florida (Ms. Harris) for her leadership and Secretary Martinez for championing this cause.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. Wilson). He and his staff have been very energetic in support of this bill.

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of H.R. 1276, the American Dream Downpayment Act, and I want to commend the gentleman from Ohio (Mr. Ney) for his leadership. I want to commend the gentlewoman from Florida (Ms. Harris) for her wonderful leadership on this issue, and then my colleague the gentleman from Michigan (Mr. Rogers) who has from the beginning been such an important part as he understood and eloquently explained the bill just now.

More than two-thirds of all Americans own their own home. However, fewer than half of all African American and Hispanic families are homeowners. For these families, one of the biggest barriers to homeownership is the inability to afford the downpayment and closing costs associated with purchasing a home. This legislation seeks to help close this homeownership gap by making $200 million in grants available to more than 40,000 first-time, low-income families to help them achieve the American dream of homeownership.

This is especially important to the 2nd Congressional District of South Carolina where many families would greatly benefit from this legislation. Too often, the dream of raising your family in your own home seems far out of reach. As a former real estate attorney, I know firsthand the joy of working with first-time home purchasers, especially because I worked pro bono with the meaningful Habitat for Humanity program, along with the Home Builders Association and the Realtors Association.

Further, the American Dream Downpayment initiative will help low- and moderate-income families build wealth. Consider that the average homeowner's assets total $70,000, while the average low-income renter's assets are below $1,000. Equity in a home, the primary asset held by most American families, is the best mechanism that families have for wealth creation. We can use our homes to send our children to college, to start small businesses and to build better lives.

In short, homeownership makes family stakeholders in their communities. H.R. 1276 will increase the rights of stakeholders and bring stability and a new revitalization to our communities. I urge all my colleagues to support H.R. 1276.

In conclusion, God bless our troops.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. Velázquez).

Ms. VELAZQUEZ. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Ohio (Mr. Ney).

It is my understanding that, during committee consideration, an agreement was made between the chairman and myself to incorporate the provision dealing with financial literacy into the report on H.R. 1276. I would like this language to be included into the Record.

Mr. NEY. Mr. Speaker, will the gentlewoman yield?

Ms. VELAZQUEZ. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I just wanted to respond, it is my understanding and I accept the language as was just stated.

Ms. VELÁZQUEZ. Mr. Speaker, that is my colleague's understanding, and I thank the gentleman for that. I will insert that language at this point in the Record.

The full Committee also adopted two amendments during consideration. The first would require States and localities to ensure that families receiving the housing assistance are financially prepared to maintain ownership of their homes after the purchase by requiring recipients to complete a course of homeownership counseling. Alternatively, if this is not feasible, grantees could provide information in advance to grant recipients describing the risks and responsibilities of homeownership, providing assistance in understanding the mortgage loan process and financing options, and making recipients aware of any homeownership counseling that is available locally.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me just, once again, thank our chairman, the gentleman from Ohio (Mr. Oxley) for his diligence and perseverance in the way he has handled the committee, to produce many good products over this session, and when it comes to housing, he has given us the backing we needed; the gentleman from Massachusetts (Mr. Frank), the ranking member, the gentlewoman from California (Ms. Waters), our ranking member of the subcommittee, who has helped so much on this bill and also to everybody again that made this bill possible.

I just want to conclude by saying it is a dream for many Americans to have their homes, from all walks of life.

□ 1115

We are taking a step today on the floor of this House to do that. This is a bill that every Member of this House can be proud of. It is a bill that they can support, and it is a bill that is going to do something for generations to come as people establish their home, as people are able to take care of their families and be part of their communities in a very, very productive way.

Again, Mr. Speaker, in closing and in urging support, I want to thank the gentlewoman from Florida (Ms. Harris), who had the desire, the tenacity and definitely put in all the time needed to make sure that this bill became a reality today. Without her, we would not be here today producing this bill, which, again, will help future generations. So I urge support of the bill.

Mr. PAUL. Mr. Speaker, the American dream, as conceived by the Nation's Founders, has little in common with H.R. 1276, the so-called American Dream Downpayment Act. In the original version of the American dream, individuals earned the money to purchase a house through their own efforts, often times sacrificing other goods to save for their first downpayment. According to the sponsors of H.R. 1276, that old American dream has been replaced by a new dream of having the Federal Government force your fellow citizens to hand you the money for a downpayment.

H.R. 1276 not only warps the true meaning of the American dream, but also exceeds Congress' constitutional boundaries and interferes with and distorts the operation of the free market. Instead of expanding unconstitutional federal power, Congress should focus its energies on dismantling the federal housing bureaucracy so the American people can control housing resources and use the free market to meet their demands for affordable housing.

As the great economist Ludwig Von Mises pointed out, questions of the proper allocation of resources for housing and other goods should be determined by consumer preference in the free market. Resources removed from the market and distributed according to the preferences of government politician and bureaucrats are not devoted to their highest-valued use. Thus, government interference in the economy results in a loss of economic efficiency and, more importantly, a lower standard of living for all citizens.

H.R. 1276 takes resources away from private citizens, through confiscatory taxation, and uses them for the politically favored cause of expanding home ownership. Government subsidization of housing leads to an excessive allocation of resources to the housing market. Thus, thanks to government policy, resources that would have been devoted to education, transportation, or some other good desired by consumers, will instead be devoted to housing. Proponents of this bill ignore the socially beneficial uses the monies devoted to housing might have been put to had those resources been left in the hands of private citizens.

Finally, while I know this argument is unlikely to have much effect on my colleagues, I must point out that Congress has no constitutional authority to take money from one American and redistribute it to another. Legislation such as H.R. 1276, which takes tax money from some Americans to give to others whom Congress has determined are worthy, is thus blatantly unconstitutional.

I hope no one confuses my opposition to this bill as opposition to any congressional actions to ensure more Americans have access to affordable housing. After all, one reason many Americans lack affordable housing is because taxes and regulations have made it impossible for builders to provide housing at a price that could be afforded by many lower-income Americans. Therefore, Congress should cut taxes and regulations. A good start would be generous housing tax credits. Congress should also consider tax credits and regulatory relief for developers who provide housing for those with low incomes. For example, I am cosponsoring H.R. 839, the Renewing the Dream Tax Credit Act, which provides a tax credit to developers who construct or rehabilitate low-income housing.

H.R. 1276 distorts the economy and violates constitutional prohibitions on income redistribution. A better way of guaranteeing an efficient housing market where everyone could meet their own needs for housing would be for Congress to repeal taxes and programs that burden the housing industry and allow housing needs to be met by the free market. Therefore, I urge my colleagues to reject this bill and instead develop housing policies consistent with constitutional principles, the laws of economics, and respect for individual rights.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 1276, the American Dream Downpayment Act. This bill, of which this Member is an original cosponsor, authorizes $200 million in grants to be made available as part of the HOME program to first-time low-income families for downpayment assistance. This important legislation is strongly supported by the Administration and is a priority of the distinguished Secretary of the Department of Housing and Urban Development (HUD) (Mr. Martinez).

First, this Member would like to thank the distinguished gentlelady from Florida (Ms. HARRIS) for introducing this legislation. Furthermore, this Member would also like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from Massachusetts (Mr. FRANK), the Ranking Member of this Committee, for their support in bringing this measure to the House Floor.

One of the main obstacles for families who want to purchase a home is that they do not have the resources for a sufficient mortgage downpayment. As a response to this pressing need, this legislation would provide downpayment assistance grants to more than 40,000 first-time low income families.

The American Dream Downpayment Act would be administered as part of HUD's successful HOME program which currently provides grants to states and entitlement communities (over 50,000 in population) to use for affordable housing. This bill authorizes $200 million in new authorized funds to be used for downpayment assistance by states and entitlement communities. Furthermore, this bill would preserve the flexibility of the HOME program by allowing these states and localities to craft a package of downpayment assistance which meets their specific needs.

Mr. Speaker, in closing, as a Member of the House Financial Services Subcommittee on Housing and Community Opportunity, this Member strongly supports H.R. 1276, the American Dream Downpayment Act. This Member encourages his colleagues to support H.R. 1276.

Mr. OXLEY. Mr. Speaker, today, the House is considering H.R. 1276, the American Dream Downpayment Act. This important legislation, introduced by Reps. KATHERINE HARRIS and MIKE ROGERS, will help tens of thousands of low-income families to achieve the American dream of homeownership.

The nation's overall homeownership rate is at an all time high of 68 percent. However, the homeownership rate for African-Americans, Hispanic and other non-Hispanic minorities is approximately 49 percent. We can and must do better than this; H.R. 1276 will go a long way in helping to close this homeownership gap.

For many families, the biggest barrier to homeownership is their inability to afford the downpayment and closing costs. While they can afford the monthly mortgage payments, they are unable to save the funds necessary for the downpayment and closing costs needed to purchase their first home. H.R. 1276 addresses this barrier by providing communities across America with $200 million in grants, which is anticipated to help more than 40,000 first-time low-income families to purchase their first homes.

H.R. 1276 will be administered as part of HUD's HOME Investment Partnership Program, an existing program that helps communities increase the availability of affordable housing for families most in need through grants to state and local governments. The American Dream Downpayment Act preserves the flexibility of the HOME program, so that states can tailor assistance to best meet the needs of local citizens.

H.R. 1276 has received the endorsement of: HUD Secretary Mel Martinez; America's Community Bankers; Consumers Bankers Association; Fannie Mae; Freddie Mac; Housing Assistance Council; Manufactured Housing Institute; Mortgage Bankers Association of America; National Association of Home Builders; National Association of Housing and Redevelopment Officials; National Association of Mortgage Brokers; and National Association of Realtors.

When families own their own home, they become stakeholders in their communities. H.R. 1276 will increase the ranks of stakeholders and bring stability and a new spirit of revitalization to our communities. By helping families purchase their own homes, we can give them the wealth-building opportunity that homeownership provides. Hard-working, low-income families across the country will finally have an opportunity to profit from both the community and economic benefits that come from owning your own home.

In addition to the many benefits for low-income families, homeownership helps to fuel the economy. People who own their homes spend money for home improvements. In fact, the housing industry itself has been one of the few bright spots in the national economy over the last three years.

Passage of the American Dream Downpayment Act represents an important step in closing the minority homeownership gap. I want to again commend Representatives KATHERINE HARRIS, MIKE ROGERS, Chairman NEY and Ranking Minority MAXINE WATERS for their hard work on this important measure and urge my colleagues to support it.

Mr. CASTLE. Mr. Speaker, I rise today to support the "American Dream Downpayment Act." I thank Congresswoman KATHERINE HARRIS, Congressman ARTUR DAVIS, Congressman MIKE ROGERS and all the members of the Financial Services Committee for their hard work on this important bill.

This legislation, which I am proud to have cosponsored, will help low and moderate income families purchase their first home. As Delaware's governor, I established a Housing Development Trust Fund that helped more than 5,400 low- to moderate-income families become homeowners. I am pleased to support this program which seeks to help more than 40,000 first-time, low-income families achieve their dream of homeownership.

We can be proud of the historic levels of homeownership we have reached in this country, we must also recognize that the number of people who pay more than half of their income in housing is also rising. We need to make our existing government housing programs more efficient and expand them through responsible programs that will help our constituents realize their dreams of homeownership. Equity in a home is the primary asset held by most American families and the best mechanism that families have for wealth creation.

I have maintained a longstanding commitment to affordable housing and expanding homeownership, this legislation is a positive step in furthering that goal. Thomas Jefferson once said the happiest moments of his life were those which he had passed at home in the embrace of his family. Mr. Speaker, I am pleased we are working to bring that sentiment to all Americans and I rise in support of this legislation.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 1276, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Earthquake Hazards Reduction Program Reauthorization Act of 2003".

SEC. 2. DEFINITIONS.

Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new paragraphs:

"(8) The term 'Interagency Coordinating Committee' means the Interagency Coordinating Committee on Earthquake Hazards Reduction established under section 5(a).

"(9) The term 'Advisory Committee' means the Advisory Committee established under section 5(a)(5).".

SEC. 3. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended—

(1) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Earthquake Hazards Reduction Program.

"(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

"(A) develop effective measures for earthquake hazards reduction;

"(B) promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments, national standards and model code organizations, architects and engineers, building owners, and others with a role in planning and constructing buildings, structures, and lifelines through—

"(i) grants, contracts, cooperative agreements, and technical assistance;

"(ii) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and

"(iii) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction; and

"(C) improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines, through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

"(3) INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

"(A) IN GENERAL.—There is established an Interagency Coordinating Committee on Earthquake Hazards Reduction chaired by the Director of the National Institute of Standards and Technology (referred to in this subsection as the 'Director').

"(B) MEMBERSHIP.—The committee shall be composed of the directors of—

"(i) the Federal Emergency Management Agency;

"(ii) the United States Geological Survey;

"(iii) the National Science Foundation;

"(iv) the Office of Science and Technology Policy; and

"(v) the Office of Management and Budget.

"(C) MEETINGS.—The Committee shall meet not less than 3 times a year at the call of the Director.

"(D) PURPOSE AND DUTIES.—The Interagency Coordinating Committee shall oversee the planning, management, and coordination of the Program. The Interagency Coordinating Committee shall—

"(i) develop, not later than 6 months after the date of enactment of this Act, and update periodically—

"(I) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

"(II) a detailed management plan to implement such strategic plan; and

"(ii) develop a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and submit such budget to the Director of the Office of Management and Budget at the time designated by that office for agencies to submit annual budgets.

"(4) ANNUAL REPORT.—The Interagency Coordinating Committee shall transmit, at the time of the President's budget request to Congress, an annual report to the Committee on Science and the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include—

"(A) the Program budget for the current fiscal year for. each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

"(B) the proposed Program budget for the next fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

"(C) a description of the activities and results of the Program during the previous year, including an assessment of the effectiveness of the Program in furthering the goals established in the strategic plan under (3)(A);

"(D) a description of the extent to which the Program has incorporated the recommendations of the Advisory Committee;

"(E) a description of activities, including budgets for the current fiscal year and proposed budgets for the next fiscal year, that are carried out by Program agencies and contribute to the Program, but are not included in the Program; and

"(F) a description of the activities, including budgets for the current fiscal year and proposed budgets for the following fiscal year, related to the grant program carried out under subsection (b)(2)(A)(i).

"(5) ADVISORY COMMITTEE.—

"(A) IN GENERAL.—The Director shall establish an Advisory Committee on Earthquake Hazards Reduction consisting of non-Federal members, including representatives of research and academic institutions, industry standards development organizations, State and local government, and financial communities who are qualified to provide advice on earthquake hazards reduction. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

"(B) ASSESSMENT.—The Advisory Committee shall assess—

"(i) trends and developments in the science and engineering of earthquake hazards reduction;

"(ii) effectiveness of the Program in carrying out the activities under (a)(2);

"(iii) the need to revise the Program; and

"(iv) the management, coordination, implementation, and activities of the Program.

"(C) REPORT.—Not later than 1 year after the date of enactment of this Act and at least once every 2 years thereafter, the Advisory Committee shall report to the Director on its findings of the assessment carried out under subparagraph (B) and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

"(D) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C. 14) shall not apply to the Advisory Committee.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "Federal Emergency Management Agency" and all that follows through "of the Agency" and inserting "National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute";

(ii) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) support the development of performance-based seismic engineering tools, and work with appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;";

(iv) by striking "The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director."; and

(v) in subparagraph (D), as redesignated by clause (ii), by striking "National Science Foundation, the National Institutes of Standards and Technology" and inserting "Federal Emergency Management Agency, the National Science Foundation";

(B) in paragraph (2)(A)—

(i) by striking "In addition to the lead" and all that follows through "Agency" and inserting "The Director of the Federal Emergency Management Agency (in this Act referred to as the 'Agency')"; and

(ii) by amending clause (iii) to read as follows:

"(iii) assist the National Institute of Standards and Technology, other Federal agencies, and private sector groups in the preparation and wide dissemination of building codes and practices for structures and lifelines, and aid in the development of performance based codes for buildings, structures, and lifelines that are cost effective and affordable;";

(C) in paragraph (3)—

(i) by inserting "and other activities" after "shall conduct research";

(ii) in subparagraphs (C) and (D), by striking "the Agency" both places it appears and inserting "the Director of the Federal Emergency

Management Agency and the Director of the National Institute of Standards and Technology'';

(iii) in subparagraph (E), by striking ''establish, using existing facilities, a Center for the International Exchange of Earthquake Information'' and inserting ''operate, using the National Earthquake Information Center, a forum for the international exchange of earthquake information'';

(iv) in subparagraph (F), by striking ''Network'' and inserting ''System''; and

(v) by inserting after subparagraph (H) the following new subparagraphs:

''(I) work with other Program agencies to coordinate Program activities with similar eathquake hazards reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

''(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance based design approaches.'';

(D) in paragraph (4)—

(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;

(ii) by inserting after subparagraph (C) the following:

''(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities;'';

(iii) in subparagraph (F) (as so redesignated), by striking ''; and'' and inserting a semicolon; and

(iv) by inserting after subparagraph (F) (as so redesignated) the following:

''(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and''; and

(E) in paragraph (5), by striking ''The National'' and inserting ''In addition to the lead agency responsibilities described under paragraph (1), the National''; and

(3) in subsection (c)(1), by striking ''Agency'' and inserting ''Interagency Coordinating Committee''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a), by adding after paragraph (7) the following new paragraph:

''(8) There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act $19,000,000 for fiscal year 2004; $21,000,000 for fiscal year 2005; and $23,000,000 for fiscal year 2006. Of such amounts appropriated, not less than $3,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.'';

(2) in subsection (b), by adding at the end the following: ''There are authorized to be appropriated to the United States Geological Survey for carrying out this Act $80,000,000 for fiscal year 2004, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; $83,500,000 for fiscal year 2005, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; $93,000,000 for fiscal year 2006, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; such sums as may be necessary for fiscal year 2007, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; and such sums as may be necessary for fiscal year 2008, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13.'';

(3) in subsection (c), by adding at the end the following: ''There are authorized to be appropriated to the National Science Foundation for carrying out this Act $39,000,000 for fiscal year 2004; $44,000,000 for fiscal year 2005; and $47,500,000 for fiscal year 2006.''; and

(4) in subsection (d) by adding at the end the following: ''There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act $8,000,000 for fiscal year 2004; $9,600,000 for fiscal year 2005; and $12,500,000 for fiscal year 2006. Of such amounts appropriated, not less than $2,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.''.

(b) Section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707) is amended by striking subsection (c).

(c) Section 14(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708(b)) is amended—

(1) in paragraph (3) by striking ''and'' at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $8,000,000 for fiscal year 2004;

''(5) $20,000,000 for fiscal year 2005, all of which shall be available for operations and maintenance; and

''(6) $20,000,000 for fiscal year 2006, all of which shall be available for operations and maintenance.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2608, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues know that I am a fiscal conservative; so in evaluating this bill, we looked at the justification for an authorized spending that is going to move us closer to being able to deal with earthquakes, to mitigate their damage.

There is no question that damaging earthquakes are inevitable however infrequent they may be. Some of our evaluation reported that annual damages from earthquakes in the United States are about $4.4 billion. This is annual. What we did in this bill is a slight reduction in the authorization; from the prior years. In California, the 1994 Northridge earthquake, the magnitude was 6.7; and it was the most costly earthquake in history, amounting to over $40 billion.

Of course, even though the State of California is very aggressive in trying to work with earthquakes and paying for some of the damages and working in their research to mitigate those damages; through FEMA, our Federal Emergency Management Agency, all of the taxpayers in the United States contribute to paying for some of the damage by earthquakes. So if we can mitigate that damage through research, which helps us engineer buildings and bridges and roadways that are less vulnerable to earthquakes, we are going to, by far, save more money than we are spending on this authorization bill.

The west coast, California, and certainly that area of the country, is assumed to be the location of earthquakes. But that is not the only part of the country that is very vulnerable. In fact, Alaska is more vulnerable than California in terms of the risk from earthquakes. The recent massive earthquake of 7.9 magnitude in Alaska was right where the Alaskan oil transline went through.

We heard testimony before our Committee on Science earlier this year that that quake went relatively unnoticed simply because of the extra precautions and wisdom of people like Lloyd Cluff, who recognized that this pipeline was being built over a vulnerable earthquake area and so he, in effect, built a flexable cradle for that pipeline. So when the earthquake happened, the pipeline was not so rigid and it withstood that huge quake. Without current technology and foresight damage to that pipeline could have cost billions.

There are 39 States that are within zones where the probability of an earthquake occurring is great, and recent research indicates that areas in the eastern and central United States are at greater risk than we ever thought. A 19th century quake in Missouri actually rang church bells in Boston. So the threat is there and the justification to be better prepared, to even possibly with new seismic technology increase the alert time by maybe 8 or 9 or 10 seconds can help us to be better prepared such as immediately shutting off gas lines, et cetera.

We are moving ahead in NEHRP, and so I commend the Democrats and Republicans for working with all of the agencies and organizations involved to develop this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 2608. H.R. 2608 is the National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

This legislation will strengthen a valuable Federal program which has the important goal of improving public safety. I want to acknowledge the leadership of the chairman of the Subcommittee on Research, the gentleman from Michigan (Mr. SMITH), and my colleague, the gentleman from Washington (Mr. BAIRD), in introducing H.R. 2608. I also want to thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for working in a bipartisan manner with this side of the aisle to further develop the bill and to move it expeditiously through the committee and to the floor.

The National Earthquake Hazards Reduction Program, often called NEHRP, was established 25 years ago to address a serious seismic hazard in the United States. The program has the major goal of determining how to lower the risk to people and to the built environment.

Today, 75 million Americans in 39 States are directly vulnerable to a serious earthquake. The potential economic losses in a large metropolitan area due to a major earthquake could be over $100 billion. These facts alone make the justification for NEHRP self-evident, and even after 25 years the relevance of the program continues.

Most observers of NEHRP believe it has made many valuable contributions. In particular, it has increased our understanding of earthquake processes and has provided detailed information about the geographic distribution of earthquake risk. Equally important, the program has helped to improve engineering design and practice for structures and lifelines suitable for earthquake-prone regions.

Nevertheless, much work remains to be done. The NEHRP can be improved and made more effective, which became evident from the hearings before the Committee on Science. More can be done on technology transfer that will bring into practice what has been learned from the research activities about the most effective and economical ways for enhancing seismic safety of the built environment.

Also, some deficiencies needed to be addressed regarding the planning and administration of the program. In 1993, the former chairman of the Committee on Science, Mr. George Brown, wrote the President to express concerns about NEHRP. He cited the lack of strategic planning, insufficient coordination and implementation of research results and a lack of emphasis on mitigation. Unfortunately, most of these concerns are still valid.

H.R. 2608 focuses on two aspects of the program most in need of improvement: program leadership and increased emphasis on transitioning the results of research into practice.

Leadership is addressed by designating the National Institutes of Standard and Technology, the lead agency for planning and coordinating the implementation of the interagency program. NIST is charged to convene a process to develop a strategic plan and work jointly with the other NEHRP agencies to prepare a detailed implementation plan and budget for the program for submittal to OMB during the budget formulation process.

The bill also creates an advisory committee of nongovernment experts to help guide implementation of the program and to assist the agencies in defining program priorities. Thus, H.R. 2608 puts in place mechanisms that will provide the leadership needed to ensure a well-coordinated, carefully planned, and effectively executed National Earthquake Hazards Reduction Program.

In addition, the legislation authorizes the resources needed to enable NEHRP to achieve its goals. It authorizes full funding for the Advanced National Seismic System. This distributed national facility, which has been the highest priority of the earthquake hazards reduction community, was first authorized in the year 2000, but has been funded at only 10 percent of the level required. I hope that with this authorization adequate appropriations will follow so that the Advanced National Seismic System may be completed without further delay.

The bill also specifies funding needed to complete the George E. Brown Network for Engineering Simulation and to support its operation. Moreover, the funding increases authorized will enable NEHRP agencies to expand their research activities so that this powerful new research tool can be fully employed.

Mr. Speaker, H.R. 2608 is a bill of national importance and will help improve public safety and mitigate earthquake hazards. I commend the bill to my colleagues and ask for passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume to just urge that our appropriators and the Senate look carefully and hopefully will quickly adequately fund the efforts that we have put forth in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time. Today I rise in support of H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

As chairman of the Subcommittee on Environment, Technology, and Standards of the Committee on Science, with jurisdiction over the National Institute of Standards and Technology, more familiarly known as NIST, I want to comment on the interagency coordinating committee in section 3 of H.R. 2608.

This section designates NIST as the Chair of the National Earthquake Hazards Reduction Program Coordinating Committee. While I believe that NIST is more than capable of carrying out these responsibilities, and should have this position, I am concerned that the institute will not receive adequate funding to perform these duties. In the past, NIST's earthquake research activities have not received the full funding authorized for them, and this section designates additional responsibilities for NIST.

Adequate funding for NIST labs continues to be a concern. The funding levels for NIST labs in the fiscal year 2004 House Subcommittee on Commerce, Justice, State and Judiciary appropriations bill are $30 million below the administration's request and flat compared to the fiscal year 2003 appropriations.

For the building and fire research lab, where NIST's NEHRP activities are based, the funding level in the fiscal year 2004 House bill is $3 million less than fiscal year 2003 levels.

The Senate Committee on Appropriations' representations for these labs are at the administration's request level. Given that the final number will likely be somewhere between these two, this budget situation could leave many of NIST's vital initiatives underfunded. Any funding level less than the President's request would result in a reduction in force of up to 50 scientists and staff from NIST labs.

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NIST is a world-class science institution, home to two Nobel Laureates and scores of other experts who diligently provide the scientific expertise and measurements and standards that is the basis of technologies we use every day. This Chamber has passed laws giving NIST new responsibilities for programs including voting standards, building safety, and nanotechnology. Yet, given the difficult budget climate, it has been a challenge to ensure NIST receives adequate funding to carry out these important duties. You simply cannot keep piling on additional duties without providing funding for them. I am very concerned about that trend.

Mr. Speaker, I would like to reiterate that I do support this legislation with NIST taking the lead on earthquake leadership activities. However, I intend to work with the other members of the NEHRP Interagency Coordinating Committee, the Office of Science and Technology Policy, the Office of Management and Budget, and the chairman and members of the Subcommittee on

Appropriations Commerce, Justice, State, Judiciary and Related Agencies to ensure that NIST receives adequate funding and support for these additional responsibilities. I ask my colleagues to join me in this effort and in supporting H.R. 2608.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the committee totally agrees with the concerns of the gentleman from Michigan (Mr. EHLERS). What we did in this bill is we increased the authorization of NIST from $2.5 million up to $8 million; but we will work with NIST, we will work with the appropriators because adequate funding is necessary.

The management, moving the management from FEMA, the lead agency management from FEMA to NIST, was a difficult decision in our committee; but we ended up with unanimous agreement because of the new obligations that have been put on FEMA as they go into Homeland Security. We felt that as the lead agency NIST could dedicate the kind of time and organization needed. So there is somewhat of an increased responsibility.

In conclusion, we will work with the gentleman from Michigan (Mr. EHLERS) to try to make sure that adequate funding is available.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, let me thank the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for all of their hard work to bring this bill to the floor today.

I represent an area in California that has been affected in the past by earthquakes. In fact, I remember very well the 6.9 Loma Prieta earthquake that shook the Bay Area in 1989. It was really an awesome experience, and I think anyone who has been through an earthquake like that can remember exactly what they were doing and how it felt. And to know that that level of earthquake is not the big one really does emphasize the need to take this whole area very seriously. That is what this bill does.

The bill is to make sure that the Federal Government provides the necessary resources and support needed by those in the earthquake research community who have dedicated much of their life's work trying to understand the causes of earthquakes, to anticipate when and where an earthquake may happen, and, most importantly, how we can best prepare ourselves to survive the potentially devastating results of earthquakes.

The National Earthquake Hazards Reduction Program was first created in 1977 in response to growing concerns about the threat of damaging earthquakes. Initially, the program focused on research in the areas of geotechnical and structural engineering and earthquake prediction. Over time, researchers acknowledging that earthquake prediction was a huge challenge and began to emphasize activities like seismic retrofitting and rehabilitation, risk assessment, public education, and outreach and code development. And the fact that San Jose, California, did not fall down in the Loma Prieta earthquake is testimony that good code enforcement and structural engineering does work and does save lives.

The program has achieved great progress since its inception and is considered by most to be a very successful undertaking. Through the efforts of those involved, we have seen a substantial decrease in the loss of life and injury. The capabilities of seismic risk assessment have improved greatly. We have learned important lessons in mitigating earthquake hazards as a result of technological advances in areas like performance-based engineering, information technology, sensing and imaging.

In the Committee on Science we were faced with many challenges in order to make this program even more helpful in our understanding of and our ability to mitigate the effects of earthquakes. Some have argued that the new knowledge and tools have not translated into a decreased overall vulnerability. The adoption by end-users of NEHRP innovations has been incremental and slower than expected. The cost of rehabilitating existing structures to be more earthquake resistant has often proved to be too high as is the cost of building new facilities to minimize risk.

We know that the private sector has not had adequate incentives and that most State and local governments lack adequate budgets to address these challenges.

I will be following these issues with great interest particularly when it comes to ensuring that the Federal Government provides sufficient funding and leadership to meet the research needs of this program. That a future large earthquake in a major U.S. urban area could result in damages of $200 billion should provide us here in the Congress with sufficient incentive to encourage our research in this vital area. This is a historic case where we know that we must not be "penny wise and pound foolish."

I remain concerned as to whether or not NEHRP can be reasonably expected to meet its goals at the level of funding it currently receives. And I look forward to working to increase the level of funding.

I was happy to work with the gentleman from Michigan (Mr. SMITH) as well as the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) in a bipartisan manner to make sure that the funding in the fiscal year 2004 was increased for the Advanced National Seismic System. I think they did a great job. And, actually, I think our committee worked well together to improve this bill. I look forward to continuing to work with the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the rest of the committee to try to make certain that those who are doing research in the sciences have the funds and support they need from our Federal Government.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I compliment the gentlewoman from California (Ms. LOFGREN) for bringing us the kind of information and dedication that she has to try to make this a better bill and to try to have government do a better job in terms of mitigating the consequences of earthquakes.

And I would mention that it is not just this country that NEHRP helps. We work worldwide in trying to share the research that we have done to help reduce the consequences of earthquakes all over the world. I think it is appropriate in terms of understanding that I just give a brief background on some of the agencies that are involved.

NEHRP is a long-term comprehensive interagency earthquake hazard reduction mitigation program. It was established in Congress in 1977, and four agencies participate in this effort. We have FEMA, the Federal Emergency Management Agency; the U.S. Geological Survey, USGS which has done a fantastic job in this area; the National Science Foundation, which is under the purview of our Subcommittee on Research because of the tremendous research efforts that we are making in this arena; and of course, NIST, the National Institute of Standards and Technology.

Each agency has distinct responsibilities to undertake in support of the overall program goals. NSF, with the geoscience, the engineering, the economic and social aspects of earthquakes; USGS carries out both the basic and applied Earth science and seismic research and monitoring; and FEMA has been responsible for overall coordination of the program, education outreach and implementation of research results, and now we are asking NIST as the lead agency to take a little larger role to conduct the research and development in earthquake engineering aimed at improving building design codes and construction standards.

Also, there needs to be additional support to reducing the damages from earthquakes. In addition to our efforts in government, I would call on the insurance industry to consider lowering its insurance rates for those municipalities and for those individuals who comply and build their structures to be more resistant to earthquake damage. It seems logical that if there is extra spending of money to protect against earthquakes in the building structures, whether they are municipal bridges, highways, buildings, or residential structures, that the insurance industry should consider encouraging the effort with lower premiums.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time. I urge this bill be passed, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude by saying that we should appreciate the bipartisan support and the support of the government agencies that are involved in this program. Certainly we know that earthquakes cannot be prevented, but we can mitigate their impact; and that is what this bill does. I ask for all Members to support the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2608, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALTH CARE SAFETY NET AMENDMENTS TECHNICAL CORRECTIONS ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3038) to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

The Clerk read as follows:

H.R. 3038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Safety Net Amendments Technical Corrections Act of 2003".

SEC. 2. TECHNICAL AMENDMENTS.

(a) HEALTH CENTERS.—

(1) IN GENERAL.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended to read as if—

(A) subparagraph (C) of the second paragraph (4) of section 101 of Public Law 107–251 had not been enacted;

(B) paragraph (7)(C) of such section 101 had not been enacted; and

(C) paragraphs (8) through (11) of such section 101 had not been enacted.

(2) AMENDMENTS PER PUBLIC LAW 107–251.—Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended by paragraph (1), is amended—

(A) in subsection (c)(1)(B), in the matter preceding clause (i), by striking "plan.." and inserting "plan.";

(B) in subsection (d)(1)(B)(iii), in subclause (I), by adding "or" at the end;

(C) by striking subsection (k);

(D) by redesignating subsection (j) as subsection (k);

(E) by inserting after subsection (i) a subsection that is identical to the subsection (j) that appears (as an amendment) in section 101(8)(C) of Public Law 107–251;

(F) by redesignating subsection (l) as subsection (r), by transferring it from its current placement, and by inserting it after subsection (q);

(G) by inserting before subsection (m) a subsection that is identical to the subsection that appears (as an amendment) in section 101(9) of Public Law 107-251, and by redesignating as subsection (l) the subsection that is so inserted;

(H) in subsection (l) (as inserted and redesignated by subparagraph (G) of this paragraph), in the first sentence—

(i) by inserting after "shall provide" the following: "(either through the Department of Health and Human Services or by grant or contract)"; and

(ii) by striking "(l)(3)" and inserting "(k)(3)";

(I) in subsection (p), by striking "(j)(3)(G)" and inserting "(k)(3)(G)"; and

(J) in subsection (r) (as redesignated, transferred, and inserted by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking "$802,124,000" and all that follows through the period and inserting "$1,340,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.";

(ii) in paragraph (2)(A)—

(I) by striking "(j)(3))" and inserting "(k)(3))"; and

(II) by striking "(j)(3)(G)(ii)" and inserting "(k)(3)(H)"; and

(iii) in paragraph (2), by striking subparagraph (B) and inserting a subparagraph that is identical to the subparagraph (B) that appears (as an amendment) in section 101(11)(B)(ii) of Public Law 107–251.

(b) RURAL HEALTH OUTREACH.—Section 330A(b)(4) of the Public Health Service Act (42 U.S.C. 254c(b)(4)) is amended by striking "799B" and inserting "799B(6)".

(c) TELEHEALTH.—Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (a)(4), by striking "799B" and inserting "799B(6)"; and

(2) in subsection (c)(1), by striking "Health and Resources and Services Administration" and inserting "Health Resources and Services Administration".

(d) MENTAL HEALTH SERVICES VIA TELEHEALTH.—Section 330K of the Public Health Service Act (42 U.S.C. 254c–16) is amended—

(1) in subsection (b)(2), by striking "subsection (a)(4)" and inserting "subsection (a)(3)"; and

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(3)(A)"; and

(B) in subparagraph (B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(3)(B)".

(e) TELEMEDICINE INCENTIVE GRANTS.—

(1) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"SEC. 330L. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

"(a) IN GENERAL.—The Secretary may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.".

(2) REPEAL.—Section 102 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(f) HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) IN GENERAL.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) in subsection (a)(1)—

(i) by striking "such date of enactment" and inserting "such date of designation"; and

(ii) by striking ", issued after the date of enactment of this Act, that revise" and inserting "regarding"; and

(B) in subsection (a)(3), by striking "330(h)(4)" and inserting "330(h)(5)";

(C) in subsection (b)(2), by striking "designation.." and inserting "designation."; and

(D) by adding at the end the following:

"(j)(1) The Secretary shall submit the report described in paragraph (2) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

"(A) a regulation that revises the definition of a health professional shortage area for purposes of this section; or

"(B) a regulation that revises the standards concerning priority of such an area under section 333A.

"(2) On issuing a regulation described in paragraph (1), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

"(3) Each regulation described in paragraph (1) shall take effect 180 days after the committees described in paragraph (2) receive a report referred to in such paragraph describing the regulation.".

(2) REPEAL.—Subsection (b) of section 302 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(g) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a)(1) of the Public Health Service Act (42 U.S.C. 254f) is amended by moving subparagraph (C) so that the margin of subparagraph (C) is aligned with the margins of subparagraphs (A), (B), and (D).

(h) PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.—Section 333A(c)(4) of the Public Health Service Act (42 U.S.C. 254f–1(c)(4)) is amended by striking "30 days" and inserting "30 days from such notification".

(i) CHARGES FOR SERVICES.—Section 334(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254g(b)(1)(B)) is amended by inserting "the payment of" after "applied to".

(j) NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—Section 338A(d)(1) (42 U.S.C. 254l(d)(1)) is amended by moving subparagraph (B) so that the margin of subparagraph (B) is aligned with the margin of subparagraphs (A) and (C).

(k) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(e) of the Public Health Service Act (42 U.S.C. 254l–1) is amended by striking "PARTICIPATION.—" and all that follows through "An individual" and inserting "PARTICIPATION.—An individual".

(l) BREACH OF CONTRACT.—

(1) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(A) in subsection (c)(1), by moving subparagraphs (A), (B), and (C), and the flush matter following subparagraph (C), 2 ems to the left; and

(B) by adding at the end the following:

"(f) The amendment made by section 313(a)(4) of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of such Act.".

(2) REPEAL.—Subsection (b) of section 313 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(m) MISCELLANEOUS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), and 318A(e), by striking "330, 330(h)" and inserting "330";

(2) in section 1313, by striking "329, 330, and 330(h)" and inserting "329 and 330"; and

(3) in section 2652(a)(2), by striking "section 340" and inserting "section 330(h)".

(n) HEALTH CARE SAFETY NET AMENDMENTS OF 2002.—The Health Care Safety Net Amendments of 2002 (Public Law 107–251) is amended—

(1) in section 404(c)(5), by striking "Health Care Financing Administration and the Health Research" and inserting "Centers for Medicare & Medicaid Services and the Health Resources"; and

(2) in section 501, by striking "solvency for managed care networks" and inserting "guarantees of solvency for managed care networks or plans".

SEC. 3. EFFECTIVE DATE.

This Act is deemed to have taken effect immediately after the enactment of Public Law 107–251.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 3038.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is considering H.R. 3038, the Health Care Safety Net Amendments Technical Corrections Act of 2003. H.R. 3038 introduced by the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman, makes technical and conforming amendments to the Health Care Safety Net Amendments Act of 2002.

As Members may recall, this act strengthens several public health programs for low-income and underserved populations, including community health centers and the National Health Service Corps. Just this past week, a study conducted by GW University found that community health centers have helped to reduce health disparities in areas such as infant mortality, prenatal care, TB case rates, and age-adjusted death rates. This study highlights the impact that community health centers are making in providing underserved Americans with access to affordable, high-quality health care.

H.R. 3038 strengthens the commitment that we have already made to community health centers. These changes are indeed technical, and they should be made to properly align the U.S. Code and clarify our original intent when we passed the bill last year. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for bringing this bill to the floor today. The Committee on Energy and Commerce recently reported out a number of important bills, and I am pleased that the House will consider the passage of this bill and two others.

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Chairman BILIRAKIS and I have sponsored the Health Care Safety Net Amendments Technical Corrections Act, and the bill is what it says it is; it makes a number of what are essentially housekeeping changes to important legislation reauthorizing America's network of community health centers.

The legislation that was passed last year was intended to help community health centers continue to serve a patient population, as my friend from Michigan said, that would otherwise fall through the cracks. Passage of these technical corrections will ensure that the bill meets this goal.

I think this bill is particularly important albeit it is a technical corrections bill, but it is particularly important as we see articles in the paper the last couple of days that the United States has 2.5 million more uninsured people than it did a year ago. I think this bill, while it is something we should do, underscores the failure of the Bush administration and of the Congress to address the important issues of the 2.5 million uninsured and all the unemployment in this country that has caused it.

Nonetheless, this bill is a step in the right direction. Community health centers are essential to take care of those who, neither through their workplace nor government, has been provided the health insurance that they should have. I ask my colleagues to support the legislation.

Mr. BEREUTER. Mr. Speaker, this Member wishes to express his strong support for the Health Care Safety Net Amendments Technical Corrections Act of 2003 (H.R. 3038) and would like to commend the distinguished gentleman from Florida [Mr. BILIRAKIS], the Chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio [Mr. BROWN] the ranking member of the House Energy and Commerce Subcommittee on Health, for introducing this important legislation. This Member would also like to commend the distinguished gentleman from Louisiana [Mr. TAUZIN], Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Energy and Commerce Committee, for their efforts to improve access to quality preventative and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

Yesterday, Nebraskans celebrated the opening of the People's Health Center of Lincoln—the first Federally Qualified Health Center (FQHC) in this Member's congressional district. The health center will provide valuable primary health care services to the residents of Lincoln and Lancaster County.

As the Peoples' Health Center of Lincoln becomes an established entity in the community and begins to grow in terms of size as well as patients served, this Member has no doubt that the facility will call upon the National Health Service Corps (NHSC) for assistance in meeting the critical needs of Nebraska's underserved population.

This technical corrections bill is extremely important to new and current FQHCs across the nation. The measure makes clarifying changes to reconfirm that facilities, like the Peoples' Health Center of Lincoln, automatically receive Health Professional Shortage Area (HPSA) designation, and subsequently become eligible for the placement of National Health Service Corps (NHSC) personnel. This Member would personally like to thank Representative Bilirakis and his staff for their help with clarifying the automatic HPSA language in particular.

The NHSC and the Health Centers program are both intended to address the health care needs of our nation's most underserved rural and urban communities. Previous requirements mandated that health centers and rural clinics apply for and obtain HPSA designation, even though each center already serves a Federally-designated Medically Underserved Area or population, to become eligible for the placement of NHSC personnel. This process certainly seems unnecessary and duplicative, resulting in a delay of needed practitioners at high-need health centers.

Mr. Speaker, in closing, this Member urges his colleagues to support H.R. 3038. Such action will reduce bureaucratic barriers and allow for the coordinated use of Federal resources in meeting the health care needs of areas that lack sufficient services.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3038.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL BONE MARROW DONOR REGISTRY REAUTHORIZATION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Bone Marrow Donor Registry Reauthorization Act".

SEC. 2. NATIONAL BONE MARROW DONOR REGISTRY.

(a) NATIONAL REGISTRY.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "except that" and all that follows and inserting "except that—

"(A) such limitations shall not apply to the Chair of the board (or the Chair-elect) or to the member of the board who most recently served as the Chair; and

"(B) 1 additional consecutive 2-year term may be served by any member of the board who has no employment, governance, or financial affiliation with any donor center, recruitment group, transplant center, or cord blood bank."; and

(B) in paragraph (4)—

(i) by striking "the Naval Medical Research and Development Command" and inserting "the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy"; and

(ii) by striking "Organ" after "Division of";

(2) in subsection (b)—

(A) in paragraph (4), by inserting "at least" before "annually";

(B) in paragraph (7), by striking "and comparisons of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers; and";

(C) in paragraph (8), by inserting "and outreach" after "and demonstration";

(D) at the end of paragraph (8), by striking the period and inserting a semicolon;

(E) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9);

(F) by inserting after paragraph (2), the following:

"(3) maintain and expand medical emergency contingency response capabilities in concert with Federal programs for response to threats of use of terrorist or military weapons that can damage marrow, such as ionizing radiation or chemical agents containing mustard, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;"; and

(G) by adding at the end the following:

"(10) conduct and support research to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Registry operations;

"(11) increase the number of umbilical cord blood units listed in the Registry and assist cord blood banks in the Registry program in accordance with subsection (c); and

"(12) establish bylaws and procedures—

"(A) to prohibit any member of the board of directors of the Registry who has an employment, governance, or financial affiliation with a donor center, recruitment group, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment group, transplant center, or cord blood bank; and

"(B) to limit the number of members of the board with any such affiliation.";

(3) in subsection (c)—

(A) in clause (ii) of paragraph (2)(A), by striking ", including providing updates"; and

(B) in paragraph (3), by striking "the availability, as a potential treatment option, of receiving a transplant of bone marrow from an unrelated donor" and inserting "transplants from unrelated donors as a treatment option and resources for identifying and evaluating other therapeutic alternatives";

(4) in subsection (d)—

(A) in paragraph (2)(C), by inserting "and assist with information regarding third party payor matters" after "ongoing search for a donor";

(B) in paragraph (2)(F)—

(i) by redesignating clause (v) as clause (vi); and

(ii) by inserting after clause (iv) the following:

"(v) Information concerning issues that patients may face after a transplant regarding continuity of care and quality of life."; and

(C) in paragraph (3)(B), by striking "Office may" and inserting "Office shall";

(5) in subsection (g), by striking "the bone marrow donor program of the Department of the Navy" and inserting "the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy"; ·

(6) in subsection (h)—

(A) by striking "APPLICATION.—" and inserting "CONTRACTS.—";

(B) by striking "To be eligible" and inserting the following:

"(1) APPLICATION.—To be eligible"; and

(C) by adding at the end the following:

"(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give substantial weight to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.";

(7) in subsection (i), by striking "include" and inserting "be"; and

(8) by striking subsection (l).

(b) BONE MARROW SCIENTIFIC REGISTRY.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended—

(1) in subsection (a), by adding at the end the following: "The scientific registry shall participate in medical research that has the potential to improve transplant outcomes.";

(2) in subsection (c), by striking "Each such report shall in addition include the data required in section 379(l) (relating to pretransplant costs)."; and

(3) by adding after subsection (c) the following:

"(d) PUBLICLY AVAILABLE DATA.—The scientific registry shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, and patients.".

(c) BONE MARROW AND MARROW DEFINED.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended—

(1) by redesignating section 379B as section 379C; and

(2) by inserting after section 379A the following:

"SEC. 379B. BONE MARROW AND MARROW DEFINED.

"For purposes of this part, the terms 'bone marrow' and 'marrow' include bone marrow and any other source of hematopoietic progenitor cells the acquisition or use of which is not inconsistent with Federal law.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379C of the Public Health Service Act, as redesignated by subsection (c), is amended to read as follows:

"SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $32,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008.

"(b) EMERGENCY CONTINGENCY RESPONSE CAPABILITIES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the maintenance and expansion of emergency contingency response capabilities under section 379(b)(3).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is considering today H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act to extend Federal support for a national bone marrow registry for an additional 5 years.

Bone marrow transplants are often one of the last options available to patients struggling to fight debilitating and often terminal diseases. Sadly, finding a bone marrow match is most difficult. In fact, every year nearly two-thirds of patients in need of a bone marrow transplant will not find a marrow donor match within their family and must rely on the help of strangers. The National Bone Marrow Donor Registry facilitates marrow and cord blood transplants for patients with life-threatening diseases who do not have matching donors in their families.

In addition to the 5-year reauthorization period, H.R. 3034 amends the functions of the National Bone Marrow Donor Registry to reflect new directions that the National Bone Marrow Donor Registry is undertaking to improve its capabilities. Notably, the legislation directs the registry to maintain and expand medical response capabilities, in concert with Federal programs, for responding to terrorist threats that can damage marrow. The registry is also directed to increase the number of umbilical cord blood units listed in the registry and assist cord blood banks in the registry program. This is of special importance to many minority populations who are less likely to find a bone marrow match.

H.R. 3034 also includes provisions to improve data collection and facilitate information sharing with physicians, other health care professionals and the public regarding transplants from unrelated donors.

Each month, the National Bone Marrow Donor Registry coordinates more than 150 transplants. With a diverse registry of more than 4 million potential volunteer bone marrow and cord blood donors, the National Bone Marrow Donor Registry offers hope to thousands and thousands of patients. It is important that we reauthorize this successful program.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

The National Bone Marrow Donor Registry Reauthorization Act offers significant improvements to a very successful public health initiative. I commend the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New York (Mr. TOWNS), the gentleman from Georgia (Mr. LEWIS) and my colleagues in the Congressional Black Caucus for taking lead roles in advancing this legislation.

Tragically, Americans in need of lifesaving bone marrow transplants often face daunting odds. In fact, the chance of finding a compatible unrelated donor is only about one in 20,000. As the largest and most diverse list of potential donors, the registry is America's best chance to improve those odds. With a database of roughly 4 million potential donors, it offers hope to the thousands of Americans diagnosed every year with blood, metabolism or immune system disorders.

The registry has facilitated over 14,000 transplants since 1987, but there is much work that needs to be done. The legislation before us today permits that work to continue and expand with enhanced efforts to educate the general public about the registry, as well as significant outreach to minority populations. The bill also creates important new authority to apply the knowledge gained in treating marrow diseases to the task of preparing the Nation for radiological and chemical attacks.

I would be remiss if I did not also thank the gentleman from Florida (Mr. YOUNG), who has done remarkable work on this issue for as long as I have been in Congress. I thank him for his participation and urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to say that the gentleman from Florida (Mr. YOUNG) not only has a great legacy in this House for so many different issues, particularly as chairman of the Committee on Appropriations, but one of the issues that bonded our friendship early on was his direction and sponsorship of this issue.

I would like to say that when I was, I think, a freshman or a sophomore Member in this House, because of the battle he helped lead, I joined with so many other Members of this body to actually register myself with the National Bone Marrow Donor Registry. I hope someday that I will be called. Thus far, I have not, but I am one of those that has voluntarily registered. I would love the afternoon that I might get a phone call to say, "Come on down; I want to draw a sample."

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman very much for yielding me the time, and I appreciate his management of this bill and also the gentleman from Ohio (Mr. BROWN).

This is an important piece of legislation. We actually got this program started without an authorization bill by working it through an appropriations bill back in 1985. It has been an ongoing program and an ongoing commitment of mine for a long time.

I appreciate also the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, and the gentleman from Florida (Mr. BILIRAKIS), the chairman of the subcommittee, for moving this bill and working with us to make sure that it meets all of the new, modern requirements of the bone marrow program.

I will be very brief, Mr. Speaker, and say that back in the 1980s when we determined that it was necessary to have a program of this type, those in our government who dealt with health issues said, It can't be done. They said, You'll never get maybe 20-, 30-, 40,000 people willing to be a bone marrow donor and that wouldn't work because the chances of finding a donor are about one in 20,000 of finding a donor that will actually match the patient. It is critical that the bone marrow of the patient and the donor match.

And so I am happy to report that although they said it could not be done, we have 5 million people in the registry today, and we are exchanging bone marrow and patients across the oceans with 14 other countries that have patterned bone marrow programs like ours to join with us.

It is a very successful program. We are learning more about it every day. We are saving lives every day. As the gentleman from Michigan said, this is the last resort. You do not go to a bone marrow transplant unless your disease is terminal. This procedure can be used in 60 or more types of blood diseases.

There are thousands and thousands of heroes out there who have actually made donations of their bone marrow to help save a life. It is a life-changing experience to become a bone marrow donor and know that you personally have saved the life of a young child or even an adult, and you have at least given them a second chance for life.

I would like to include in my remarks some of the early heroes like Admiral Zumwalt, who was one of the real soldiers in this battle to make this happen.

Again, I just thank the Congress for the tremendous support that we have had all the way through as we create this program, as we appropriate the money to keep it funded.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 3034, legislation I have introduced to reauthorize the National Bone Marrow Donor Registry.

At the outset, let me thank the Chairman of the Energy and Commerce Committee, my colleague from Louisiana Mr. TAUZIN, and the Chairman of the Subcommittee on Health, my colleague and neighbor from Florida Mr. BILIRAKIS, for helping expedite the consideration of this legislation. I have worked closely with them and with their staffs throughout the drafting of H.R. 3034 to ensure its timely and smooth passage through both the House and Senate.

Mr. Speaker, the National Marrow Donor Program is a true modern medical miracle that saves lives here and throughout the world every single day of the year. Since its establishment more than 16 years ago, the registry has grown to more than 5,000,000 volunteers. These are true volunteers in every sense of the word. They have given of their time to take a simple blood test to be listed in the national registry. For more than 16,000 who have been called upon to donate bone marrow, they have undergone a relatively simple surgical procedure to donate their bone marrow to save the life of a man, woman or child with leukemia or one of 60 otherwise fatal blood disorders.

Having had the great pleasure to meet with hundreds of donors and patients, I can tell you that donating bone marrow is a true life-changing experience. The experience of giving life to another human being is beyond mere words.

Through the National Marrow Donor Program, we have also made marrow donation a world-changing experience. On any given day, bone marrow from our registry is being flown around the world at the same time bone marrow is being flown to a U.S. hospital through our formal relationship with 14 other international registries.

Mr. Speaker, at a time when our Nation seeks to bring the nations and the people of the world closer together, to live in peace, and better understand each other, we can look to the National Marrow Donor Program as one important way to achieve these goals. There is no greater cause then to save a life, and with the ongoing support of every member of this House we can adopt this legislation today to continue to work of this program for the next 5 years.

There are many heroes who have contributed to the work and vision of this program. From the early days when we sought a home for the program, and had a few doors slammed in our faces, there was Admiral Elmo Zumwalt, Jr. and Dr. Bob Graves. There was Captain Bob Hartzman of the United States Navy who connected us with the Navy Medical Command where we appropriated the first small amount of funding to give birth to the program. There were the early medical pioneers such as Dr. Robert Good, Dr. John Hansen, Dr. Donnell Thomas, and Dr. Jerry Barbosa, all of whom helped perfect the science of marrow transplantation and who assisted us in our legislative quest to establish a federal registry.

There were Members of Congress, past and present, who stood by me as I sought funding to start up the program, to recruit marrow donors, and to perfect the marrow transplant procedures. There were my colleagues on the Appropriations and Energy and Commerce Committees who helped expedite these funding requests and the consideration of several authorization bills.

There were the members of the board of the National Marrow Donor Program and the Marrow Foundation, who have volunteered their time to establish a finely tuned international registry that quickly and efficiently matches marrow donors and patients to give them the best chance of a successful transplant. There is the staff of the NMDP, based in Minneapolis, Minnesota but with operations throughout our nation, who manage the flow of information and marrow around the world. And there is the staff and medical teams at the transplant and donor centers who use their medical expertise to complete the transplantation procedure.

Finally, there are the true heroes of the program, the patients and donors. Every patient that has sought a marrow transplant has helped the doctors and researchers perfect the marrow transplant procedure to improve the outcome for every future patient. And every donor who has rolled up his or her sleeve to sign up for the national registry and ultimately give a bit of their bone marrow has given the ultimate gift of life. They are the heroes without whom we would not have this tremendously successful national and international life-saving program.

Mr. Speaker, in closing, let me again thank Chairmen TAUZIN and BILIRAKIS for their ongoing support and for the support of the members of the Energy and Commerce Committee in moving this legislation so quickly. Finally, let me thank every Member of this House for their partnership in helping us continue the work of the National Marrow Donor Program. With your support, we are giving hope to thousands of patients here and throughout the world today and into the future.

Mr. TOWNS. Mr. Speaker, The National Bone Marrow Donor Registry, operated by the National Marrow Donor Program (NMDP), is a precious national resource that we must continue to support. I was happy to join my colleagues, Chairman BILL YOUNG and Chairman MIKE BILIRAKIS, in introducing H.R. 3034, "The National Bond Marrow Registry Reauthorization Act." In particular, I am extremely pleased that we are considering this bill in an expeditious manner to ensure that there is no gap in the continuation of this important program. I am also pleased that my colleagues, Mr. FORD of Tennessee and Mr. LEWIS of Georgia have indicated their endorsement for this legislation.

Since its inception, the NMDP has worked tirelessly to build a Registry that helps Americans in need. I applaud the donors who are true American heroes. They are willing to help individuals who they do not even know by taking the time to donate their marrow, blood, or cord blood. We can all hope to emulate their generosity and selflessness.

We honor these men and women, of all races and ethnicities, by reauthorizing the Registry. Since 1986, there have been many scientific advances in the area of bone marrow transplants. The NMDP continues to work diligently to improve the odds of every American being able to find a match through the Registry. Its efforts have led to an increase of the number of minority donors who participate in the Registry, as well as the number of minorities who have access to these life-saving transplants.

Today, I call on my colleagues to continue their support of the NMDP and its important mission. We should approve H.R. 3034 today so that we can ensure a timely reauthorization of the Bone Marrow Registry.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act.

I want to commend the work of the co-sponsors of this legislation, the Representative of Florida, and Representative of New York. Your leadership on this issue has been remarkable and I commend your efforts.

It is a tragedy for Americans in need of bone marrow or stem cell donation to remain unconnected with willing donors. The National Bone Marrow Donor Registry has helped connect thousands of Americans in need of assistance with donors across the country. The additional resources this bill authorizes will help us expand this network and save even more lives.

I want to particularly commend the Registry's effort to recruit minority donors for their database. Blood diseases extract an especially heavy toll on minority populations, and improving the diversity of the donor pool should be an important part of our response to this problem.

Mr. Speaker, I want to commend the efforts of St. Luke's Hospital in Kansas City. Their Kansas City Blood and Marrow transplant program recruits new donors, finds matches, and coordinates the donation process. Since its inception in 1996, the Transplant Center at St. Lukes has performed over 450 transplants and connected thousands in our region with needed care. As a result of their hard work, the Center has been named a member of the United Resource Network centers of excellence program. These courageous efforts save thousands of lives each year. I congratulate them for being a model to our Nation.

Mr. Speaker, this bipartisan legislation is vital. I urge my colleagues to join me today in support of H.R. 3034.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act.

Today we are able to prolong hope for so many individuals waiting for a match to their bone marrow by reauthorizing the National Bone Marrow Donor Registry for another five years. For many people waiting for a transplant due to various illnesses, the task of finding a donor is a long and costly process. Each year two-thirds of patients awaiting bone marrow transplants are unsuccessful in finding a match within their family. This is why the establishment of a national registry was crucial.

About seventy percent of leukemia and other blood disorder patients do not find a match within their family. A match would be someone with certain white blood cells, called antigens, which are similar or identical to the patient's. These transplants enable patients the opportunity to live a full life, whereas without the transplant they would have little or no chance of survival.

From the organization of a donor registry through the United States Navy in 1986 to this current extension of the National Registry, it is clear that Congress takes this issue to heart. Each member of this House has someone in their district who has been touched by one of the debilitating diseases that need a bone marrow transplant, often as a last option.

Mr. Speaker, in closing, I would like to thank Chairman YOUNG for his leadership on the National Bone Marrow Donor Registry Reauthorization Act. Because of his family's own experience with the seriousness of bone marrow transplants, he has emerged as a leader in the issue and is committed to the cause. I urge all my colleagues to support this important reauthorization.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 3034 which reauthorizes the National Bone Marrow Donor Registry. I commend Chairman YOUNG for his leadership in this critical program. Through his efforts in establishing the National Bone Marrow Donor Registry he has given countless people another chance at life.

Through the recruitment of the National Marrow Donor Program (NMDP), which manages the Registry, patients there are over 5 million potential donors. Through NMDP outreach efforts in 19 countries, patients have access to an additional 2.5 million potential donors. In fact, approximately 40 percent of transplants facilitated by NMDP involves a U.S. patient receiving stem cells from an international donor or an international donor receiving stems cells from a U.S. donor.

The importance of the Registry cannot be overstated and I commend and fully support the efforts of the National Marrow Donor Program for their recruitment efforts, especially for their efforts to recruit potential donors from diverse racial or ethnic groups.

The critical need for donors of African-American, Asian/Pacific Islander, Hispanic, American Indian/Alaska Native descent was made clear to me by the story of a five-year-old little girl from Guam whose life was cut short by leukemia.

Her name was Justice Taitague. Her best chance for life was a marrow transplant from a member of her ethnic group. The donor list at the time could not provide a match, but everyone involved in her care would not give up. Through the efforts of Dr. Thomas Shieh, the Guam Medical Society, and the National and Hawaiian Marrow Donor Programs, the first ever marrow drive on Guam was held on her behalf. This "Drive for Justice" registered thirty-four hundred volunteers in just three days.

Tragically, she passed away less than a week after the drive. But her life has given hope to others of Asian/Pacific Island descent needing a stem-cell transplant and helped us to understand the importance of the National Marrow Donor Program.

Mr. Speaker, I fully support H.R. 3034 to reauthorize the National Marrow Donor Registry. There is still a critical need for donors from the Asian, Pacific Islander and other minority communities to give the gift of life. Join the Registry.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3034, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1260) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

The Clerk read as follows:

H.R. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Drug User Fee Act of 2003".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

"PART 4—FEES RELATING TO ANIMAL DRUGS

"SEC. 739. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

"(2) The term 'supplemental animal drug application' means—

"(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

"(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

"(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

"(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

"(5) The term 'investigational animal drug submission' means—

"(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

"(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

"(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

"(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

"(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

"(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

"(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(F) Development of standards for products subject to review.

"(G) Meetings between the agency and the animal drug sponsor.

"(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

"(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses incurred in connection with the process for the review of animal drug applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

"(B) management of information, and the acquisition, maintenance, and repair of computer resources,

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

"(D) collecting fees under section 740 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2003.

"(11) The term 'affiliate' refers to the definition set forth in section 735(9).

“SEC. 740. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

“(a) Types of Fees.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) Animal drug application and supplement fee.—

“(A) In general.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

“(i) A fee established in subsection (b) for an animal drug application; and

“(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required, in an amount that is equal to 50 percent of the amount of the fee under clause (i).

“(B) Payment.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

“(C) Exception for previously filed application or supplement.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(D) Refund of fee if application refused for filing.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

“(E) Refund of fee if application withdrawn.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph B if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

“(2) Animal drug product fee.—Each person—

“(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

“(B) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

“(3) Animal drug establishment fee.—Each person—

“(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

“(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

“(C) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

“(4) Animal drug sponsor fee.—Each person—

“(A) who meets the definition of an animal drug sponsor within a fiscal year; and

“(B) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

“(b) Fee Amounts.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

“(1) Total fee revenues for application and supplement fees.—The total fee revenues to be collected in animal drug application fees under subsection (a)(1)(A)(i) and supplemental animal drug application fees under subsection (a)(1)(A)(ii) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

“(2) Total fee revenues for product fees.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

“(3) Total fee revenues for establishment fees.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

“(4) Total fee revenues for sponsor fees.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

“(c) Adjustments.—

“(1) Inflation adjustment.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

“(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established; or

“(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2004 under this subsection.

“(2) Workload adjustment.—After the fee revenues are adjusted for inflation in accordance with subparagraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004 to reflect changes in review workload. With respect to such adjustment:

“(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

“(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under subparagraph (c)(1).

“(3) Final year adjustment.—For fiscal year 2008, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal year 2009. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2008.

“(4) Annual fee setting.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

“(5) Limit.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

“(d) Fee Waiver or Reduction.—

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—

"(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

"(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

"(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

"(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds, or

"(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation)),

"(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication, or

"(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

"(3) RULES FOR SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

"(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

"(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 739(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

"(f) ASSESSMENT OF FEES.—

"(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

"(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

"(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

"(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

"(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of animal drug applications—

"(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

"(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

"(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $5,000,000 for fiscal year 2004;

"(B) $8,000,000 for fiscal year 2005;

"(C) $10,000,000 for fiscal year 2006;

"(D) $10,000,000 for fiscal year 2007; and

"(E) $10,000,000 for fiscal year 2008;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

"(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

"(k) ABBREVIATED NEW ANIMAL DRUG APPLICATIONS.—The Secretary shall—

"(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications, and

"(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.".

SEC. 4. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to Congress for the goals and plans for meeting the goals for the process for the review of animal drug applications for the fiscal years after fiscal year 2008, and for the reauthorization of sections 739 and 740 of the Federal Food, Drug, and Cosmetic Act (as added by section 3), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) PERFORMANCE REPORTS.—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) FISCAL REPORT.—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the lead sponsor of the Animal Drug User Fee Act of 2003, I am very pleased that we are taking up this bill on the House floor today. Closely modeled after the very successful Prescription Drug User Fee Act of 1992 for human drugs, the Animal Drug User Fee Act is designed to give the FDA's Center for Veterinary Medicine the resources and incentives needed to significantly improve the animal drug review process.

This bill was unanimously approved by the Committee on Energy and Commerce and is supported by a broad coalition of veterinary and producer groups, including the American Veterinary Medical Association and the American Farm Bureau, to name just two of the coalition members.

We would not be here on the floor today were it not for the strong bipartisan support that this legislation received in our committee. I would like to especially acknowledge my original cosponsor and author of the bill, the gentlewoman from Colorado (Ms. DEGETTE), committee chairman and ranking member, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL), our Subcommittee on Health Chair, the gentleman from Florida (Mr. BILIRAKIS), and the ranking member, the gentleman from Ohio (Mr. BROWN), who is here today, as well as the Members on both sides of the aisle who have cosponsored this legislation.

I am grateful, too, for the hard work of our committee staff, Brent Delmonte, Patrick Ronan, and John Ford and for the assistance we have received from the FDA and the Animal Health Alliance, particularly my staff, Jane Williams.

This legislation is sorely needed. Despite a statutory review time of 180 days, the average new animal drug application review currently takes about a year and a half and it may drag on for even longer. The slowdown in review time is jeopardizing the supply of new, safe and effective animal drugs needed to keep our pets, flocks and herds healthy and help provide American consumers with a safe and wholesome food supply.

Under this proposal, H.R. 1260, the additional revenues generated from fees paid by the pioneer animal drug industry would be dedicated for use in expediting the testing and review of new animal drugs in accordance with the performance goals that have been mutually agreed upon by the FDA and the animal drug industry.

As FDA Commissioner Mark McClellan has noted, a faster, more predictable review process is expected to spur more spending on research and development by the industry, promoting animal health by increasing the availability and diversity of new, safe and effective products.

I encourage my colleagues to vote for this much-needed bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Animal Drug User Fee Act. I thank the gentleman from Michigan (Mr. UPTON), also the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL) for their excellent work on this bill, especially the work that the gentlewoman from Colorado (Ms. DEGETTE) did as the author of this legislation.

H.R. 1260, Mr. Speaker, builds on a successful program for fee-funded expedited review of new human drug applications authorized in 1992 by something called the Prescription Drug User Fee Act, known as PDUFA, the congressional acronym that we are wont to do around here.

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We also reauthorized PDUFA some years ago. Congress has done a generally good job in speeding the approval process through the Prescription Drug User Fee Act. We have done not quite as good a job on expediting the approval of generic drugs, something that we need to work with the FDA to accelerate. It takes oftentimes as long as 18 months for a generic drug, something that costs consumers money by the slowness of the approval process.

I think this legislation on animal drugs is almost as important as those other two in terms of what it does with pets, what it does with zoos, and especially what it does with cattle and poultry. We have found, Mr. Speaker, in terms of an issue of antibiotic resistance where we have drugs that are on the market to cure animals, and sometimes those drugs have lost their effectiveness, as they have in the human population, and it is important that this legislation, H.R. 1260, the gentleman from Michigan's (Mr. UPTON) bill, get through Congress because it does, in fact, help to put more drugs on the market, more antibiotics in some indications to deal with the problems of antibiotic resistance.

We have had debates on the House floor that the gentleman from Florida (Mr. BILIRAKIS) has been part of on this whole issue of antibiotic resistance. We have seen the use of nontherapeutic drugs given for prophylactic purposes to cattle and poultry, given for growth treatments for cattle and poultry where there has been some residue from those drugs in the human population that have caused problems with antibiotic resistance, both in the animals and, after human consumption, in human beings. And it is especially important in light of the fact that we really have not fixed that problem. We still use far too many drugs for nontherapeutic purposes for cattle and poultry. It is important that this legislation passes because I think H.R. 1260 will help us deal with that.

I again ask for support for this legislation. It matters for our pets. It matters for zoos. It matters for production of cattle and poultry, and it ultimately matters in human health. I ask my colleagues to support H.R. 1260.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), my friend and an important supporter of this legislation, a member of the Committee on Energy and Commerce.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, who is chairman of the Telecommunications and the Internet Subcommittee and has been very active in this, for yielding me this time.

I obviously rise in support of H.R. 1260, the Animal Drug User Fee Act. By funding more FDA drug reviewers, Mr. Speaker, this act will help accelerate approval of important veterinarian drugs, resulting in the comfort and treatment of countless companions, pets, zoo animals and livestock.

This is very important. I am proud of the major veterinary school in my congressional district. The College of Veterinary Medicine in the University of Florida, Florida's only veterinary college, offers comprehensive service to the public through a fourfold mission: teaching, research, extension to the community, and patient care. And I am proud, Mr. Speaker, to be wearing a University of Florida tie in honor of their efforts and their leadership this morning. In fact, at this school, no creature is too small, too large, too pesky, or too dangerous for these fine veterinarians to treat, such as the endangered Florida panthers or even some exotic tropical birds. They have a Performance Animal Physiology Clinic, a Pharmacology and Disease Division, which, in fact, studies humane treatment of equine and greyhound species, athletes among pets. All of these animals, all of them, will benefit from innovative pharmaceuticals that are brought to the market in a more expedited manner.

In addition, one of the Nation's foremost thoroughbred horse industries is located in my hometown of Ocala, Florida. We are actually known as the horse capital of the world. We have 460 horse farms located in Ocala and in Marion County. The Florida Thoroughbred Breeders' and Owners' Association, Florida Thoroughbred Charities, and other equine-related concerns all serve a tremendously important part of our economy and this Nation's entertainment.

Do they demand the best medicines available in the world, available as quickly as possible for their pets and their assets? Absolutely. This bill will help, and that is why I am pleased to support this, and I thank the gentleman from Michigan (Mr. UPTON) for his very energetic work on behalf of this, and, of course, for my vet school and horse-owning friends in Florida's 6th Congressional District.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado (Ms. DEGETTE), author of the bill.

Ms. DEGETTE. Mr. Speaker, I would like to add my thanks to the gentleman from Michigan (Mr. UPTON) for taking the lead on this important piece of legislation and also for his diligence in making sure that it was brought to the floor today and the leadership on both sides of the aisle of the House subcommittee of the Committee on Energy and Commerce. It is always a pleasure to write and pass a bill with full bipartisan support.

The bill will improve the public's health, the efficiency of FDA's drug approval process, and perhaps most importantly to some, the health of the family pet and of our livestock in this country. In our society, pets have become even more important to Americans, and just like with humans, pharmaceuticals have helped improve the quality of our pets lives. My sister has a 16-year-old dog that is on insulin and several antiinflammatory drugs for arthritis just like senior citizens in this country, and her pet's health has been helped by these drugs, and thereby her family's situation has been improved, and they are happy to have their pet.

Unfortunately, up until now, drugs have not been able to be approved with speed like they are for humans, and the Animal Drug User Fee Act is closely modeled after the Prescription Drug User Fee Act, which was enacted 10 years ago. The purpose of this legislation is twofold: to increase resources available to the FDA so that it may speed up the approval process for pharmaceuticals, and also to maintain monitoring of the safety and efficacy of all pharmaceuticals. Decreasing delays of the approval process is a necessary step to keeping up with medical innovation, and this applies to drug for animals as well as for humans. The monitoring is an essential function that safeguards the public's health.

Ensuring the safety and efficacy of pharmaceuticals is of paramount importance. I am well aware of some of the issues with PDUFA, some of which were discussed by the gentleman from Ohio (Mr. BROWN), but I feel strongly that we must increase the FDA's work capacity. This bill has been carefully crafted on both sides of the aisle to avoid the problems of the past, and as my colleagues have heard, it was unanimously passed by the Committee on Energy and Commerce.

This bill, ADUFA, requires the Center for Veterinary Medicine at the FDA to meet performance standards in exchange for a 5-year infusion of funds.

By collecting fees from animal drug manufacturers, the FDA will be able to decrease the review time of new drug applications. These delays, which have been considerable in the past, prevent pharmaceuticals from entering the market. I am very pleased that the FDA has also worked very closely with us on the bill and is willing to implement the new program.

Increasing access to animal drugs not only helps lengthen and improve the lives of the family pet, but it will also, and perhaps more importantly, have a wide-ranging impact on our Nation's food supply and will improve prevention of food-borne disease epidemics. For example, for more than 40 years, antibiotics have played a critical role in keeping our Nation's food animals healthy. Without such treatments, illness would be transmitted to humans, and the livestock market would be more susceptible to devastation. Therefore, we must continue to develop new treatments and quickly bring them to market, but we cannot do that without the speedy approval of the FDA.

I am particularly concerned about the food and medicine supply of this country. This commitment to safety that we are showing today through this legislation starts with the FDA's examination and approval of new pharmaceuticals and continues as these legal drugs are manufactured and distributed throughout the Nation. Commitment to safety must always be a part of the system.

The benefits of this bill are substantial, and, therefore, I am very pleased to cosponsor the bill. Vote yes on H.R. 1260, the Animal Drug User Fee Act.

Mr. GOODLATTE. Mr. Speaker, animal medicines are used to assist livestock producers raising and maintaining healthy, high quality stock and ultimately, in delivering safe and wholesome food to American dinner tables. They are also used to keep pets healthy, which contributes to the quality of life for millions of companion animal owners.

The Food and Drug Administration's Center for Veterinary Medicine (CVM) is currently experiencing unprecedented delays in its review of new product submissions. The delays are severe and problematic for the submission sponsors, for CVM, and for veterinarians, livestock and poultry producers, and pet owners in need of new and innovative products to combat animal disease—at a time when animal disease around the world is capturing headlines. The deadlock at the Center also has a chilling effect on the animal health industry's investment in important research and development, threatening the pipeline of products that will be important to livestock and poultry producers in managing their production in the future. The lack of these tools imperils not only animal health but also has implications for the food supply and food safety.

In 1966 Congress, with industry support, enacted the Animal Drug Availability Act to streamline drug review and approval procedures. Contrary to Congressional intent and despite additional resources, it is now more difficult than ever to get new products approved. Unfortunately, this situation is detrimental to veterinarians, to livestock and poultry producers, to food producers and to the public. As a result, it is important for Congress and the Administration to take action to ensure that the CVM can better manage its resources and personnel and make institutional changes to fulfill its mandated mission and responsibilities.

Modeled after the successful Prescription Drug User Fee Act, the Animal Drug User Fee Act will increase efficiencies in review times for new animal pharmaceuticals by providing CVM with additional resources to allow for improved communication between FDA and product sponsors and more expeditious FDA actions on applications.

Mr. Speaker, I congratulate Congressman UPTON for his leadership and that of the full Committee on Energy and Commerce for bringing this important legislation to the floor today and urge all Members to support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1260.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING FORT DETRICK ON 60 YEARS OF SERVICE TO U.S.

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 271) congratulating Fort Detrick on 60 years of service to the United States, as amended.

The Clerk read as follows:

H. CON. RES. 271

Whereas April 10, 2003, was the 60th anniversary of the founding of the Army installation in Frederick, Maryland, named Fort Detrick;

Whereas Fort Detrick is designated as an Army Medical Installation and is home to the United States Army Medical Research and Materiel Command (USAMRMC), one of two campuses of the National Cancer Institute (NCI-Frederick), and 36 other organizations of the Department of Defense and other Federal departments;

Whereas the primary missions of the organizations at Fort Detrick include biomedical research and development, medical materiel management, and global telecommunications;

Whereas throughout that installation's 60-year history, the personnel and organizations assigned to that installation have contributed scientific breakthroughs and medical solutions for the Armed Forces and the Nation;

Whereas Fort Detrick is a focal point for the Nation's biomedical scientific leadership and has contributed extensively to protecting and improving public health in the United States;

Whereas Fort Detrick has been home to preeminent researchers in bacteriology, microbiology, clinical and preventative medicine, biochemistry, neurology, botany, virology, and genomics;

Whereas the research program at Fort Detrick was a pioneer in the laboratory facility designs, equipment, and procedures that are used for infectious disease research in laboratories worldwide;

Whereas researchers at Fort Detrick have improved public health throughout the world through the creation of botulinum antibodies, which have been used to treat both infant and adult victims of botulism;

Whereas the Venezuelan equine encephalitis vaccines, which were created at Fort Detrick, have been used to control human and animal outbreaks of Venezuelan equine encephalitis, and the Rift Valley Fever vaccines, which were also created at Fort Detrick, have been used to protect people in Egypt, Saudi Arabia, Yemen, and other countries who are at high risk of Rift Valley Fever;

Whereas, on January 27, 1969, the Office of the Surgeon General of the Army established the United States Army Medical Research Institute of Infectious Diseases (hereinafter in this resolution referred to as the "Institute"), which is located at Fort Detrick and is the Department of Defense's lead laboratory for medical aspects of biological warfare defense;

Whereas when outbreaks of hantaviral disease began in the southwestern United States in 1993, the Institute was called upon by the Centers for Disease Control and Prevention and by various State health departments for consultations;

Whereas when the Ebola virus was first carried to the shores of the United States in late 1989 by a primate colony found in Reston, Virginia, it was researchers at the Institute who diagnosed and contained the outbreak;

Whereas the Institute also played a key role in the identification of and response to the initial outbreak of West Nile virus in New York;

Whereas the Institute continues its lifesaving work by collaborating with the Centers for Disease Control and Prevention and the National Institutes of Health on the development of diagnostics and the evaluation of antiviral drugs for Severe Acute Respiratory Syndrome;

Whereas the Institute created a vaccine against hemorrhagic fever in the 1980s, which has possibly saved thousands of lives in Argentina, including the lives of agricultural workers at risk for exposure to this hemorrhagic fever virus;

Whereas the Institute was the only Federal laboratory to maintain a continuous diagnostic reference capability on a 24-hour per day basis after the attacks of September 11, 2001, and provided expertise in medical diagnostics and decontamination that was key to ensuring that congressional office buildings were safe to reoccupy after the anthrax mail attacks in the fall of 2001;

Whereas leading vaccine candidates for anthrax, plague, tularemia, and botulinum neurotoxins were all originally developed at the Institute;

Whereas the basic research program at the Institute is responsible for some of the most promising medical countermeasures against the leading biological threats that are on the "A" List of the Centers for Disease Control and Prevention;

Whereas the Institute has established a partnership with the National Institute of Allergy and Infectious Diseases of the National Institutes of Health to collaborate and accelerate biodefense research that will protect all Americans against the threat of biological and chemical attacks by terrorists;

Whereas in 1974, the United States Army Medical Materiel Agency was relocated to Fort Detrick and the Navy, Air Force, and Army all now conduct medical logistics planning and management at Fort Detrick in support of global military operations;

Whereas the Foreign Disease-Weed Science Research Unit of the Agricultural Research Service of the Department of Agriculture has conducted high-priority research in the Plant Pathogen Containment Facility at Fort Detrick for over 30 years, providing the agricultural community with basic epidemiological information and rapid diagnostic assays for exotic threatening and emerging crop diseases, such as Karnal bunt of wheat, soybean rust, potato late blight, and plum pox virus;

Whereas Company B, 4th Light Armored Reconnaissance Battalion, 4th Marine Division, United States Marine Corps Reserve, which has been assigned to Fort Detrick since October 1987, had a mission of reconnaissance and security in support of a Marine Air/Ground Task Force and received the Meritorious Unit Citation for its service during Operation Desert Storm;

Whereas the Army's 1108th Signal Brigade at Fort Detrick provides important strategic communication support to the White House and the Joint Chiefs of Staff; and

Whereas the National Cancer Institute-Frederick at Fort Detrick, one of two campuses of the National Cancer Institute of the National Institutes of Health, is an internationally recognized center for scientific excellence in the prevention, detection, and treatment of cancer and AIDS: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates Fort Detrick, Maryland, on 60 years of service to the Nation; and

(2) commends the military and civilian personnel of the Army, other elements of the Department of Defense, and other Federal departments and agencies who have worked diligently at Fort Detrick since its founding—

(A) to defend the United States against biological and chemical attack; and

(B) to develop vaccines for all types of illnesses.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Texas (Mr. ORTIZ) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

As the cosponsor of H. Con. Res. 271, I rise to congratulate Fort Detrick on 60 years of outstanding service to our Nation. Fort Detrick, located in Frederick, Maryland, employs men and women who are among the Nation's most preeminent researchers in bacteriology, microbiology, clinical and preventive medicine, biochemistry, neurology, botany, virology, and genomics. These scientists and technicians have an unparalleled record protecting the men and women in America's Armed Forces from the scourge of biowarfare.

They have also led the world's fight against many infectious diseases. Today workers at Fort Detrick are helping to protect and improve the health of all Americans, as well as people around the world.

During the height of World War II, in 1943, scientists converged at Camp Detrick when the War Department began to address the threat of biological warfare. In 1956, the U.S. Army Medical Unit was formed to develop medical countermeasures which included rapid and effective diagnostic and identification procedures. Throughout the Cold War, Fort Detrick developed and matured many of the standard protocols and technology utilized in biomedical research.

In 1969, the U.S. Army Medical Research Institute of Infectious Diseases, USAMRIID, was established to continue America's defense against biological agents.

Of today's top six biological threats, the CDC's "A" list, the leading candidate countermeasures for at least five of the six have come from the basic research program at USAMRIID. Leading vaccine candidates for anthrax, plague, and neurotoxins were all originally developed at USAMRIID. The technology used to develop a new smallpox vaccine was first demonstrated at USAMRIID. The National Cancer Institute-Frederick is an internationally recognized center for scientific excellence in the prevention, detection, and treatment of cancer and AIDS. Three billion dollars in congressionally directed research into breast and prostate cancer have been done at the NCI, which is located at Fort Detrick.

Fort Detrick is also a home of the 1108th Signal Brigade, the U.S. Army Medical Material Agency, and the 4th Light Armored Vehicle Battalion of the U.S. Marine Corps Reserve. The Foreign Disease-Weed Science Research Unit of the Department of Agriculture is also located at Fort Detrick and has conducted high-priority research in exotic threatening and emerging crop diseases for over 30 years.

The National Institutes of Health will be constructing an integrated biomedical research facility at the post to support the biodefense mission of the National Institute of Allergy and Infectious Diseases. The Department of Homeland Security is considering joining NIAID and USAMRIID in an expanded biodefense campus at Fort Detrick. Fort Detrick is the logical location because of the 60-year record of accomplishments, the existing facilities and the productive partnerships already in place between the military and many civilian agencies of the Federal Government.

Fort Detrick is a focal point for America's biomedical scientific leadership. I congratulate all of the thousands of former and current employees for their outstanding service to our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. ORTIZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague from Maryland (Mr. BARTLETT) in support of this resolution and urge my colleagues to support it as well.

Fort Detrick is one of the most important lines of defense should we ever be attacked with a chemical or biological weapon. Since 1969, it has been our Nation's lead laboratory for the medical aspects of biological warfare defense.

□ 1215

The September 11 attacks used civilian airplanes as weapons of mass destruction; but it raises the specter of a terrorist attack that would use a chemical, biological, or nuclear weapon against us. I hope such an attack never occurs; but if it does, the men and women of Fort Detrick are devoted to improving the ways to quickly detect the use of chemical or biological weapons, halt the spread of chemical and biological agents as quickly as possible, and treat the victims of the attack.

But the mission of Fort Detrick goes beyond just protecting against chemical or biological attack. Fort Detrick has played a leading role in protecting our Nation and other nations against all types of infectious diseases. They helped identify the West Nile Virus several summers ago, and they created a vaccine in the 1980s that probably saved the lives of thousands of Argentinians from an agricultural virus. Fort Detrick has been a world leader in research of microbiology, biochemistry, botany, and other scientific disciplines that are necessary to understanding how to detect and treat lethal viruses.

Fort Detrick also serves as home to one of the two campuses of the National Cancer Institute of the National Institutes of Health. This NIH campus is internationally recognized for its contribution to cancer and AIDS research.

The mission of Fort Detrick goes beyond research as well. Since 1974, all medical logistical support of global military operations is planned and managed by Fort Detrick. This is an extremely important mission as our troops are flung worldwide in the global war on terrorism. And as my good friend, the gentleman from Maryland (Mr. BARTLETT), mentioned, the Army's 1108th Signal Brigade at Fort Detrick provides strategic communications support to the White House and the joint chiefs.

This is just a symbol of the accomplishments and missions of Fort Detrick, not an inventory of what they do. They do a great job.

Mr. Speaker, I commend and congratulate my good friend, the gentleman from Maryland (Mr. BARTLETT), for bringing this resolution to the floor.

Mr. RUPPERSBERGER. Mr. Speaker, as Congressman from Maryland's Second Congressional district home to Aberdeen and Fort Meade . . . I know what it means to represent our brave military men and women who continue to defend this nation abroad and here at home.

Many who protect us do so with weapons . . . and many protect us in other ways. . .

Fort Detrick is the premier military base for medical and biological research. The men and women that work at the Detrick have led the way in infectious disease and chemical warfare research.

Detrick began as a chemical research facility housing the research branch of The Army Chemical Warfare Service. It is also the home to the Armed Forces Medical Intelligence Center (AFMIC).

Detrick is also home to the U.S. Army Medical Research Institute of Infectious Disease (USAMRIID). These state of the art laboratories are continuing to develop vaccines and treatments to defend against offensive bioweapons. USAMRIID also has a large staff dedicated to finding cures for cancer.

I am proud that the United States has dedicated a military base to these problems and I am proud it is in my home state of Maryland. It is imperative in this day of terrorism to be prepared for the new chemical and biological weapons. Today I am happy to honor the 60 years of research that Detrick has provided for the National Security of this Nation.

Mr. ORTIZ. Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SESSIONS). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 271, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution congratulating Fort Detrick, Maryland, on 60 years of service to the Nation.".

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2691), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2691 be instructed to provide an additional $400,000,000 of emergency funding for fiscal year 2003 forest fire suppression costs.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. DICKS) and the gentleman from North Carolina (Mr. TAYLOR) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

This motion would instruct the conferees to agree to the additional $400 million of emergency firefighting funds in the Senate version of the fiscal year 2004 interior appropriations. These funds are desperately needed to repay the Department of the Interior and the Forest Service accounts that have been emptied to fight forest fires during the current fiscal year. We need this additional money. In fact, the agencies estimate that we need $171 million more than was provided by the Senate.

The decision of Chairman BURNS in the Senate to add an additional $400 million was in response to new agency estimates that show a shortfall of $860 million for fire. While the other body's amount does not fully address the problem, it would go a long way towards repaying the construction and land acquisition accounts of these agencies that have been pillaged, all because the administration did not request enough to fight fires.

My colleagues from the West understand this problem all too well, but I hope everyone is aware that other areas beyond the West face similar fire risks from record low rainfall. The National Fire Center reports that as of today, more than 3.1 million acres have burned. Nineteen large fires are still burning, affecting more than 350,000 acres.

The Forest Service and the BLM have already spent the money; they had no choice. But unlike other agencies, FEMA, for example, that get reimbursed, the Forest Service and BLM are forced to cancel construction projects, land acquisition, reforestation programs in our national forests, endangered species work, processing of grazing fees, and many other activities. These agencies simply cannot function and cannot do the work Congress directs them to do if year after year their accounts are drained for fires that we already know will occur, and if Congress does not reimburse these accounts.

In 2002, the Forest Service and BLM spent nearly $1.2 billion fighting fires. The administration requested repayment of $825 million, leaving $334 million still owed to the Forest Service and the BLM. This borrowing is over the amounts that Congress had previously appropriated. This cannot happen again and again. These cuts have real impacts and, in some cases, only compound the problems we have in our forests if the agencies do not have the money to do the thinnings and fuel-load reduction work that is necessary to avoid fire risk in the first place.

We all know this money is needed and that it is needed now. The conference should agree to the additional $400 million added by the Senate. I urge a "yes" vote on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sympathize with the comments of my good friend, the gentleman from Washington (Mr. DICKS). We have had a hard fire season this year. We just passed $289 million, the President just signed it yesterday, so we have added that amount in. We are working with the administration on the new amount, and I have no objection to the recommendation the gentleman has to the committee.

Mr. Speaker, I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKS. So when this comes back up, I have to be here to ask for a recorded vote?

The SPEAKER pro tempore. At that point the Chair will put the question de novo.

Mr. DICKS. I thank the Chair.

☐ 1230

RECESS

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess for 10 minutes.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock and 41 minutes p.m.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. CASE. Mr. Speaker, I offer a motion to instruct conferees on H.R. 1.

The Clerk read as follows:

Mr. CASE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. CASE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Hawaii (Mr. CASE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by my calendar, we now have 16 days until the October 17th deadline announced by the President and the Senate majority leader for completing the pending conference on the so-called Medicare reform bill. And still before this House, before this Chamber and the Senate and the country the unanswered question, in my mind, is: Does the current administration and does the congressional majority really care about health care for the American people?

Now, I know a lot of people around here really care about a lot of people around here that make a lot of money off of health care. And I know that a lot of people around here really care about spending money on a lot of things other than health care. I have seen that in my time here in Congress. And I have certainly heard a lot of talk, a lot of talk about health care. I have certainly heard a lot of talk about Medicare. But the question is: Do they really care? What do their actions demonstrate? Do they care about the people at the end of this food chain?

It is a long food chain from the halls of this Congress through the Federal Government and out through the health care community and down into the communities where people live, work and get sick. Do they really care about the people at the end? All of us do not just want affordable and available health care; we need it, and it has to be available and affordable.

When we look at where the people of our country live, who most want and most need health care, and when we look at where the assistance of our Federal Government should go, it is in the rural areas of our country, our small cities, our small towns, our hamlets, our isolated outposts, out where people live away from these urban centers where we live and do our work. And the reasons for that need are well documented, and I do not think anybody else has to tell us any more.

We all know why health care is so important to the rural areas of our country. First of all, we have less available preventive care throughout life, so when people get sick younger, they get sick worse in the rural part of our country. In the rural parts of our country today and down the road, people are older than in the urban parts of our country; they need health care more.

□ 1245

In the rural parts of our country people have lower incomes, higher unemployment, and when we have lower income and higher unemployment, health care suffers.

In the rural parts of our country, it always has been true that there has been less access to medical care and specialization, and that is getting worse.

Finally, in the rural parts of our country, there is simply less availability and coverage of health care insurance.

These are not just abstract thoughts. We can read about these in Federal reports. We can debate them here in Congress, but let us talk about real America, what happens out there in these communities, and let me talk about my community, the community that I represent, because I represent rural Hawaii. I do not represent downtown Honolulu. I represent the rural parts of my State, islands all of them, islands that are rural, islands with small cities, small towns, hamlets and outposts every bit as rural as the rest of our rural country, every bit as prone to all of these problems. They may have different names, but the concerns are the same.

Let me give my colleagues just a couple of examples of areas of my District which are just like any part of our country in terms of health care. Let us talk about the Hamakua Coast on the island of Hawaii, my home. The Hamakua Coast is about as rural as one can get in Hawaii. It is an agricultural-based economy. Its largest crop, sugar, failed along that coast 10, 15, 20 years ago. And these small towns now have people that grew up in the sugar industry and are trying to make a go of small business in agriculture in those small towns, small towns like Pepeekeo and Papaikou, Laupahoehoe, Paauilo, Honokaa, and their problem is health care.

Let us take West Hawaii, the other side of the same island, a part of my Hawaii that has some most of the rural areas of our whole State, North Kohala, Ocean View down in South Kona and Kau. They want those rural communities to survive. West Hawaii used to have a surgeon that qualified for Medicare reimbursements. That surgeon is no longer there. There is no surgeon in West Hawaii at the moment for Medicare people.

So when I walk into the coffee shops, when I walk into the small family stores and small post offices of my district, when I go into the bon dances that are so much a part of our culture during the summer, and I sit down, and I talk to my constituents, and I ask them what is on their mind, they say health care, health care and health care.

This is not an abstract thought. They are scared about the availability of health care. They are scared about the availability of prescription drugs. They are scared about chronic disease and chronic illnesses and their ability to be able to take care of their medical needs. They are scared about long-term care, and their children are scared for their parents.

These are the realities of rural America. The availability of physicians in this part of my district is significant in the example that it shows for what is happening in rural health care. There are about two physicians per 1,000 in urban Honolulu, but if one gets out there into the rest of the communities in my district, the percentage drops well below one, down to 0.1 in communities like Molokai.

Let us talk about Molokai, because that is another good example. The island of Molokai, about as rural as one can get in America, an island, an island of 7,000 people living on it. They cannot hop a bus or a train or a boat to get to some critical access hospital when they have medical care. They have to fly, and flying is expensive. Thousands of dollars are being spent.

Hawaii is no different from the rest of rural America. I fly over rural America almost every weekend. I look down. I have been across it myself, and I look out, and I see places just like my rural Hawaii. They are their own islands. They may not be surrounded by water, but they are islands of isolation, islands of small towns, small hamlets, the prairie towns of the great plains, the mountain hamlets of the Sierra, the Rockies or Appalachia. This is our heartland, and they are scared about health care.

In rural America, health care is not an abstract thought either. It is a Federal program, Medicare. Health care in rural America is Medicare. For seniors in rural America, it is Medicare. For the disabled in rural America, it is Medicare, and because in rural America it is health care and health care is Medicare, as Medicare goes, so goes rural America.

If we do not have available and affordable medical coverage through Medicare, we have no rural America. If we do not have adequate reimbursements, no doctors, no hospitals, no clinics in rural America, we have no rural America. If we do not have adequate prescription coverage for our seniors and disabled that live in rural America through Medicare, we have no rural America.

So one of the things that it is incredibly important to realize is that the debate about Medicare is not just about Medicare. The debate about Medicare is not just about health care. The debate about America is about maintaining rural America. We have to take care of the needs of rural America, whether they are economic needs, where the manufacturing base is shrinking or whether they are land use needs, where the agricultural base is shrinking, and whether they are health care needs, where the needs are diminishing. That is the reality of Medicare.

H.R. 1, the Medicare Reform Bill, passed this House by a single vote. Like most of my colleagues on this sides of the aisle, I voted no on that bill, primarily because that bill did not help rural America. That bill did not do the job for rural America that we wanted it to do, and in fact, that bill hurt rural America, and I voted no. The motion before us today simply says this: Put your money where your mouth is.

There has been a lot of talk about helping rural America, but talk is cheap. Let us prove it. Do not get me wrong, there are some components in both the House version of Medicare reform and the Senate version of Medicare reform, there are isolated instances of help for rural America in both bills. That is not going to be good enough. As these 16 days tick by to the deadline set by our President and our Senate majority leader, our attention has to turn back to what are the best aspects of each bill for rural America, what are the best aspects of the bill that help the particular problems in rural America, what are the aspects of the bill that provide prescription drug coverage, what are the aspects of the bill that provide adequate reimbursements to hospitals and doctors.

On the island of Molokai, for example, we no longer have long-term care beds. Why? They cannot provide them under the reimbursement rate granted by Medicare. That may seem like an abstract thought, but imagine that a person has grown up their whole life on Molokai, and their family lives there, too, and it comes time for them to be taken care of in their old age, and they have to move islands, they have to leave their home because there is not the coverage available to be helpful to them if they are needy, and their family has to fly back and forth. That is not something we want to sanction.

We want to take the best of these two bills. We want to take the best of these bills on prescription drug coverage. We want to take the best of these bills on not cutting our hospital payments, and that is what this motion says.

This motion which has been brought three times now before this House by my colleagues, and I now bring it here today, simply says let us not talk anymore, let us do it. Let us take the best of these bills that we know will do the job, and let us adopt them in conference because we have the ingredients, right now, to do a good job for rural America. The question is will we do that job for rural America?

So this bill simply says, on prescription drug coverage, let us have a fall-back option. If there is no prescription drug coverage available under Medicare in our rural communities, then there is a fall-back provision on prescription drug coverage, not by the private sector, but by our government.

This motion says let us take the best of both the House and the Senate versions on reimbursing our providers. If we cannot provide basic services in our communities to those in need, there is something wrong, and we need to provide for the adequate reimbursements, and this bill says let us do that, and this bill also says that we need our hospitals, our critical access facilities in our rural areas. We need access in our rural areas.

Again, the example of Hawaii, a State that is an island State, where one cannot simply get to the urban center of Honolulu easily, where people are spending, like I said, thousands of dollars just on transportation needs because these are not available in their districts whether they be Kauai or Molokai or Maui or the Big Island, that we will provide the necessary payments to our hospitals to keep them open at a basic level of service for our rural areas. That is what this motion says, and I think it is pretty simple. It is a matter of priorities.

If our priorities are to ensure the health of our rural economies, our rural lifestyle, which is the heart land not only of our country but of our thinking, of our culture, then we need to protect these rural communities, and health care is the way to protect them.

So let us not avoid this anymore. Let us just vote on this motion, let us give our conferees direct instructions that we collectively care about rural health care and that we intend to follow through and that we will put our money where our mouth is.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman makes a very good case for rural health care, and I commend him for that and because we have heard the same case made time and time again, and this is why we have provided an approximately $25 billion increase in payments to rural providers.

Before I go into that, I would advise the gentleman through the Chair, if I may, that I certainly agree with him regarding wellness, preventive health care and whatnot, and for something like 60 years or 30 years after Medicare was devised, we did not have, in Medicare, provisions for preventive health care. And it was not until a few years ago, in the 1990s, in the late 1990s, when finally a group of us got together on a bipartisan basis and finally for the first time put some preventive health care coverage reimbursement, if you will, in order to cover those areas.

In the House bill, in the House bill, the gentleman has not referred to this, we have a provision to the effect that when a person is about to go under Medicare, there is a reimbursement coverage. In other words, provided payment by Medicare, for a one-time physical. It is a voluntary type of a thing, but a one-time physical to encourage people to take that physical before they go into Medicare, and with the idea, of course, that many problems, many illnesses, prospective illnesses might be picked up at a real early stage and thus save not only an awful lot of money, of course, to the taxpayer ultimately, but certainly save an awful lot of money and inconvenience and pain for the beneficiary.

This is what is in the House bill, as I understand it. It is not the Senate bill.

It is one of those provisions that we, on the Member level in conference, are going to have to address. The American Cancer Society supports that provision, and it is my idea, and so, certainly, I support it. So I agree with the gentleman about preventive health care, and it is something we are trying to do.

This is, as the gentleman indicated, the fourth time the minority has offered this motion to instruct conferees. I do find it perplexing that they continue to offer this motion, and for one reason only, and that is because by definition, by definition, it would reduce the amount of funding available for the new Medicare prescription drug benefit by 10s of billions of dollars.

So, yes, do we want to increase and are we, in fact, increasing the reimbursements to rural Medicare providers? Yes, we are doing that. If we increase that amount, we are taking it from where? We are taking it, of course, from the prescription drug benefits available to seniors.

The author would have the Medicare conferees accept every rural provider increase contained in both bills, as he indicated. I would note for my colleagues, and I have already said this, that the House has already recognized the need to ensure the rural Medicare providers are paid fairly. In fact, the House-passed bill contains a $24.9 billion increase in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans. So, if the House bill goes down, or if we do not have a bill, let us say both bills go down because we want perfection, the rural hospitals will lose $25 billion as a result of that decision.

Since the authors of this motion continue to emphasize that their motion will not cause us to exceed the $400 billion laid out in the budget resolution, we would have to reallocate funds, I have already said it, away from beneficiaries and towards whom? Towards rural providers.

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Would we like to do that? Yes. Would we like to take it away from prescription drug benefits? The answer is no. I do not support it. I think the House bill strikes the right balance between providing a meaningful prescription drug benefit and helping ensure that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

This motion would also, in some cases, require a type of government-run fallback. Although the House passed legislation, both bills have a fallback. The House passed legislation has a fallback. It already guarantees that every Medicare beneficiary will have a choice of the least two Medicare prescription drug plans.

In fact, the Congressional Budget Office tells us, and they are, of course, as bipartisan as you can be, that under both acts, CBO estimates that all Medicare beneficiaries would have access to prescription drug coverage. In spite of that, both bills have a fallback. They are good fallbacks. As time goes on, if, God forbid, we might have to fall back, if you will, to a fallback, and it looks like it is not working, then, of course, that is something that can be adjusted. But there really is not that much of a difference in terms of what the fallbacks are as I understand it. It is just the case of the Senate bill fallback would immediately fall back to the government picking up 100 percent of risk whereas the House bill affords flexibility, if you will, from the standpoint that one fallback may result in government picking up a certain percentage of risk in some areas and in some other areas and pick up a larger risk or smaller risk or something of that nature.

We have found that, in order to control costs, it is important that Medicare prescription drug sponsors share some of the risk associated with providing this new benefit. I am uncomfortable asking the Federal taxpayer to completely shoulder the weight of this new entitlement. That is why I do not think we need the government running prescription drug plans. But the fact of the matter is the fallback is there, and there is a guarantee in the House bill that a plan will be available for all beneficiaries.

And, finally, the motion instructs conferees to recede to the Senate and remove the hospital market-basket update adjustment contained in the House bill. I would note for my colleagues that we are not cutting hospital reimbursement. We are not cutting hospital reimbursement. We have hospitals all over, whether it be urban areas or rural areas, my area is somewhat in between, if you will, but we are not getting hospital reimbursements.

According to the Medicare Payment Advisory Commission, which we call MedPAC, it is the nonpartisan panel of experts that advises Congress on Medicare policy, hospitals currently make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients.

So I have already emphasized, if you will, MedPAC unanimously advised Congress to increase payments by 3 percent, which is what the House bill does. We have gone along with basically the experts in that regard, MedPAC.

The $25 billion approximate increase in provider payments in rural areas is based on certain formulas. Iowa hospitals would receive a certain percentage, Hawaii hospitals receive a certain percentage, increases above and beyond that 3 percent I might add.

Additionally, and it has not been mentioned in the motion to instruct, but under the current law, Medicare providers would have reduced their reimbursement by 4.4 percent. The House bill increases that by 1.5 percent. You are talking about a swing of 5.9 percent to Medicare providers, M.D.-type providers, if you will, which would take place if we enact this legislation into law. If we defeat this legislation and defeat any version of this type of legislation, those providers would be hurting. The rural providers would be hurting considerably more than they are now. And obviously, the beneficiaries, to whom we have promised prescription drugs of a sort, would be hurting.

Mr. Speaker, given the progress the conferees have made toward reaching an agreement, progress is being made, it is slow, there is no question about it, but it is moving, I would hope that conferees are given the opportunity to work through their differences between both bills. After all, that is what the system is all about. There are differences between the House version and the Senate version. And conferees were appointed on a bipartisan basis in order to try to work out those differences.

Basically what we are saying to the gentleman and to the entire House is give the conferees the opportunity to work, and hopefully we will be able to successfully address the many competing issues in a satisfactory way.

And more importantly, in addition to helping the rural providers and rural hospitals, all providers, et cetera, we will be providing our seniors with a prescription drug benefit that they need so very desperately.

Mr. Speaker, I reserve the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to my colleagues, I would simply note that as to the last comment made by the gentleman from Florida (Mr. BILIRAKIS) on the bipartisan nature of this conference, I think it is well known within this Congress, and I hope that it is well known outside of this Chamber, that the minority party is not particularly participating in that conference and is not particularly being consulted. And as a result, we are certainly willing and able to do that in the full glare of publicity before the whole country.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas (Mr. BERRY), a person who understands rural communities, understands rural concerns. He lives them.

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. CASE) for his leadership in this matter. And I can say that I know that my distinguished colleague, the gentleman from Florida (Mr. BILIRAKIS), cares about senior citizens and their health. I know that there are many Members on both sides of the aisle that have a genuine concern about what happens to our health care system and what happens to our senior citizens. But I have to tell you, Mr. Speaker, as we consider H.R. 1, and just as my distinguished colleague, the gentleman from Hawaii (Mr. CASE), just mentioned, every meeting of the conference committee does not include the Democrats. I do not know why that is, but that is the way it works around here.

I would probably call this H.R. 1 bill that we are working with right now, I would be more inclined to call it a fall-back or a fall-off or fell-off or jump-off or some characterization like that because this bill just simply does not provide any kind of a guarantee for our senior citizens as to what it will do or a guarantee to our health care industry as to what they need to see in the way of the ability to continue to provide services and do business.

And, certainly, in rural America there are no guarantees. We lose hospitals almost on a monthly basis across this country in rural America. We have providers now that just simply do not take Medicare patients any more. Most of this is as a result of the Balanced Budget Act of 1997, which I proudly voted against; and it has put our health care system in great jeopardy.

Now we are talking about another Medicare reform bill that would reduce payments in some cases to all hospitals, and certainly it would make it more difficult for our rural hospitals and rural providers to stay in business, and it does not guarantee any kind of a prescription drug benefit to our rural seniors who would need it the most.

So I would encourage my colleagues to look carefully at this and not do something that will hurt rural America and our seniors. It is very disappointing to think that the possibility even exists that we would not have a fallback provision that would ensure that our seniors in rural communities would have access to a Medicare prescription drug benefit.

Over the last 25 years, over 470 rural hospitals have closed. Rural hospitals all over the country are in danger of being forced to shut their doors. Currently, hospitals receive full inflation market-basket payments for inpatient and outpatient services. H.R. 1 would reduce hospital payment updates for the next 3 years, costing hospitals an estimated $12 billion.

Our health care system in this country is on the verge of serious, serious problems. All we are asking for is a fair deal for rural America and a fair deal for the people that provide the services to our senior citizens through Medicare so they can stay in business.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman, and I appreciate his comments because he is so very much concerned about health care for our seniors; but I mentioned the conference is taking place on a bipartisan basis, and the truth is it is. We have two United States Senators from the other party who are part of that conference, on an everyday basis, I might add.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding me this time and for the opportunity to address this issue.

Mr. Speaker, as previously pointed out, this is the fourth time the minority has offered this motion to instruct Medicare conferees. I personally find it perplexing that they continue to offer this motion, since by definition it would reduce the amount of funding available for the new Medicare prescription drug benefit by tens of billions of dollars. The author of this motion would have the Medicare conferees accept every rural provider increase contained in both bills, both bills.

I would note for my colleagues that the House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House-passed bill contains, as was previously pointed out by the chairman, almost $25 billion in increased payments to rural providers; and that will help rural hospitals and rural physicians continue to provide care to rural Americans.

Since the authors of this motion continue to emphasize that their motion would not cause us to exceed the $400 billion laid out in the budget resolution, they would have to radically reallocate funds laid out by the House bill in a manner that would disrupt the delicate balance laid out by the bill. The House bill strikes the right balance between providing a meaningful prescription drug benefit and helping provide incentives that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

This motion would force the Department of Health and Human Services to offer a Medicare prescription drug plan. This is a Big Government fallback that is shortsighted and unneeded. The House-passed legislation guarantees that every Medicare beneficiary will have the choice of at least two Medicare prescription drug plans. In fact, the Congressional Budget Office tells us that under both acts estimates are that all Medicare beneficiaries would have access to prescription drug coverage.

We have found that in order to control costs it is important that Medicare prescription drug plan sponsors share some of the risk associated with providing this new benefit. The taxpayers should not be asked to completely shoulder the weight of this new entitlement, and that is why we do not think we need the government running prescription drug plans.

Finally, the motion instructs conferees to recede to the Senate and remove the hospital market-basket update adjustment contained in the House bill. I want to be very clear about how the House bill approaches the hospital issue. The House bill does not cut hospital reimbursement. According to the Medicare Payment Advisory Commission, hospitals make a 10 percent profit in Medicare inpatient services, and a 5 percent profit on average for services provided to Medicare patients. The Medicare Payment Advisory Commission unanimously advised Congress to increase payments by 3 percent, which is what the House bill does.

Mr. Speaker, I think I also need to add that the gentleman from Arkansas who just spoke said that rural providers need our help. And I would submit that if the other side of the aisle wants to be helpful to rural providers, they would instruct Members of their party in the other body to take up and pass meaningful medical liability reform. A fair justice system would do more to help rural hospitals and rural providers than any other action.

Finally, Mr. Speaker, given the progress the conferees have made toward reaching an agreement, I would hope that the conferees are given the opportunity to continue to work through the differences in both bills. I am confident that we will successfully address many of the competing issues in a satisfactory way. Most importantly, we will provide our seniors with the prescription drug benefit that they so desperately need.

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Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

I would simply note, with respect to my colleague's comments, the Department of Health and Human Services under the motion would be required to do certain things; that is correct. The Department would be required to provide the reimbursements that are necessary to preserve rural health care through the hospitals.

I would also note that sometimes the Department does need to be required to do things. One of the principal issues on the Medicare Reform Bill remains whether the Department of Health and Human Services should be required to enter into basic bulk purchasing arrangements to lower the cost of prescription drugs. The bill that came out of this House would have prohibited them from doing that; and clearly, in this instance, the Department needs to be told to do what every American knows is the right thing to do.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DAVIS) who totally understands rural America.

Mr. DAVIS of Alabama. Mr. Speaker, let me thank my friend and colleague from Hawaii for his passion on this issue and for reminding us that in the United States the face of rural America is not simply Southern or Western, it can even be Pacific at times.

Let me begin, first of all, by saying or by reiterating something that my friend from Arkansas said, I do not think that any of us on this side of the aisle believe that any of our able colleagues on the other side want to do violence to the interests of rural America or do not care about what goes on in the heartland of America or in the rural parts of our country. We are not having a debate about intent today or a debate about goals today, but we are having a debate about making a system that will work.

It is a fact, and it is an eventuality under the bill that the Republican leadership so narrowly pushed through this body, that over a period of time, the prescription drug benefit, that all of us want and have endorsed in some sense, will be phased out and delivered through the private sector in significant parts of our country. Now, that sounds, from a technical standpoint, like a worthy enough aspiration. I have heard my colleagues on the other side defend that kind of a world in terms of the market choices it will open up. I have heard them defend that kind of a world in terms of the choices it will generate for the consumers, for senior consumers.

The reality, as so many of us on this side of the aisle know, is this: We can travel to those places in west Alabama, whole places in the rural parts of our country where you simply do not have a private provider network that is capable or available to carry this burden. So when we are talking about expanding market choices, what a wonderful thing it would be if those market choices would be available all around this country.

Our seniors are looking to us desperately for leadership on this issue. Our seniors are desperately looking to us to give them a benefit, but not just any benefit. They want one that is fair, and one that is workable, and one that is available all around America.

I am genuinely amazed that a lot of our colleagues on the other side of the aisle are willing to have us move into a system where, at best, we can trust the vagaries of the market to provide this benefit for our seniors. I talk as I move around my district to far too many seniors who are having to spend significant chunks of their limited, disposable income on prescription drugs. I run into too many seniors who are having to self-medicate, who are told that they have to take medicine for a certain number of days, and they chop the pills up to extend the timetable. All Members can cite those stories.

What a tragedy it would be if we had a huge ceremony and a huge fanfare, and the President stood up and said we had passed a prescription drug benefit bill, and then within 6 or 7 years from now, our seniors living in rural America saw what they expected to be a Cadillac turned out to be a much smaller, less efficient and less effective vehicle.

Mr. Speaker, I urge my colleagues to support this motion not because I think the folks on the other side of the aisle have a different set of values, but because I think they misunderstand the market that we have and the choices that will be left to our seniors.

I want to address one other point several of my colleagues make. There has been a lot of talk that we are fixing the rural problem because we are addressing the disparities in the reimbursement formulas; and I compliment the other side of the aisle for recognizing that the reimbursement formulas in Medicare have disadvantaged our rural areas, but I will make a very basic point here. If the Republican leadership of this body were serious about fixing the reimbursement formula, it could do it tomorrow. Just as we came to the floor in record time last week to speak to the court that ruled on the Do-Not-Call Registry, we could come to this floor in record time to pass a stand-alone bill that fixes the unfair reimbursement formulas.

Right now, the reimbursement formula fix is being held hostage to the completion of this bill. It is nothing more than a bargaining chip at this point to try to bring conservative Democrats and moderate Republicans to the table, and we ought to expose that for what it is. If the leadership were serious about fixing this problem, it should be done tomorrow as a stand-alone piece of legislation. Let us address the hard and serious problem of getting a prescription drug benefit, but let us address, in a separate context, the very real problem of disparities in this formula that burden so many of our areas.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Just to respond very briefly to the gentleman from Alabama (Mr. DAVIS), this is my 21st year in the House. Virtually all of that time, I have been a member of the Subcommittee on Health, and the question of reimbursements to rural providers has always been there. If it were simple to correct, it could have been corrected. It could have been corrected when the other party was in charge. It could have been corrected when this party has been in charge, which is a lot less years than when the other party was in charge. It is very difficult, but it is being addressed. The conferees are spending a lot of time on that particular issue, and, hopefully, they will reach agreement.

Again, I would say to my colleagues, I have talked to members of the AARP who have come into my office back home. Yes, we have all received a seven-page letter to the effect of what they want in that bill, but they say we want a bill which will help some people now, and, hopefully, provide a foundation we can improve upon as we go on.

If all of us are just going to stand fast and say this is not in the bill or that is not in the bill, or this is in the bill and I do not like it and we want perfection, we are not going to have a bill. As I said before, at least the rural providers are receiving some benefit, some help out of this bill. That $25 billion is certainly not chicken feed.

It is significant that we have a piece of legislation that is going to be of some help to the rural providers. It may not be enough, it may not be as much as the gentleman would like, and I do not blame him. This is a representative system of government, and they are representing their people, and they are doing a good job of it insofar as wanting to help their rural communities. But again, we have to have a bill, and it is critical that we all try to work together as much as we can.

All of the conferees are not always meeting together in every conference that we have. That is unfortunate, but there are some Members who have indicated that they are against anything at all involving this type of legislation; and, consequently, I suppose those are the reasons. I do not make those decisions, but it is unfortunate. But a lot of work is being done every day at 3 p.m., Monday through Friday, on a bipartisan basis.

Mr. Speaker, I reserve the balance of my time.

Mr. CASE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank the gentleman for bringing this subject to the floor.

I think we all, as Americans, understand this prescription drug issue very well, and I think we understand the importance of Medicare to this Nation. I like to tell my constituents back home that since the advent of Medicare 40 years ago, there has been a significant decline in the level of folks below the level of poverty. Prior to the advent of Medicare, if you reached the age of 65 in this country, there was a greater than 50 percent chance that you would be below the poverty level. Today that figure is less than 10 percent. There is a dramatic drop in poverty in this country, and we think much of that can be credited to the successful Medicare and Social Security programs we have had in place.

I think everybody knows that we need a prescription drug component because of the changes in health care and technology in the last 30 to 40 years. We have to reform the Medicare program. We all understand that. It is absolutely going to break this country as we move into the retirement of the baby boomers if we do not do something. This Congress, both sides of the aisle, have laid aside $400 billion to deal with this issue. I want to commend the leaders of this House, including the gentleman from Florida (Mr. BILIRAKIS) for his attempts to reform Medicare and bring those issues to the floor of the House and try to get a bill that we can get the President to sign.

The thing that I want to encourage, though, is that we have got to keep the provisions of the current Medicare system that work. One of the key components of the current Medicare system is that it is a defined benefit. When you reach eligibility age, everybody qualifies for it. I do not care what the situation is, if you live rural America, urban America, you qualify because it is a defined benefit, and everybody receives that. We have some Medicare+Choice-type programs within Medicare now that try to set up HMOs or insurance incentive programs to deliver prescription drugs to folks, and they do not work. They do not work in rural areas. My constituents do not get them because the insurance companies cannot make enough money on them, so they go to the larger communities, the urban communities, the big cities, where they can make money.

Mr. Speaker, I just would encourage us to keep those provisions that work, and one of them is the defined benefit, the fall-back provision which the gentleman from Hawaii (Mr. CASE) is stressing here.

The House bill fails to meet the needs of one-fourth of the Medicare beneficiaries of this country that live in rural areas. The Senate bill addresses this problem by establishing a guaranteed fall-back provision. Again, we need reform, but I would encourage the leadership and the conference committee to include the fall-back provision.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, this has been a good but all-too-short discussion which has highlighted some of the principal differences between the majority and the minority on the issue of Medicare.

I would like to respond to some of the points made by the gentleman from Florida (Mr. BILIRAKIS). I agree with my colleagues on the minority side that the gentleman from Florida (Mr. BILIRAKIS) does care about Medicare. In fact, he reminds me of a country doctor, nice, calm, reassuring presence. And if I was the majority party, I would want a nice, calm person to stand up and talk about Medicare, and I have no doubt about his sincerity.

But I will say that in terms of the positions which have been taken by his party, the positions that have been advocated by this administration and the positions that are now pending in Congress, actions speak louder than words. Perception is not reality. We would not be standing here bringing this fourth motion, and we bring this fourth motion because we care about rural America. We care about health care in rural America, and we believe that it is at risk, serious risk right now.

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We want people to know that so that in the 16 days remaining before the largest health care reform initiative in decades, if you want to call it reform, comes up to us for a final yes or no vote, the people of this country can weigh in. That is why we keep on bringing this motion and we will keep on bringing this motion.

I want to highlight some of the things that were said here today. First of all, much has been said about affordability. Affordability is a matter of priorities. Affordability is a matter of where you put your money. You ask any rural hospital, rural clinic, any senior living in rural America where they think that the resources of this country should be devoted and they will tell you health care, and they will be right.

So this is a box that the majority has put itself in. It has decided that there are these limits and that is all that we are going to give to this problem and then we are going to live within these limits.

When we on this side say, those limits are not accurate, those limits are not good, they say, well, you are trying to get out of the box. You bet we are trying to get out of that box. That box does not work for America.

Reforming Medicare is one thing. We all agree that Medicare needs reforming. We all agree that Medicare needs fixing, but reforming it should not be destroying it, and that is what is at risk here.

There are good ingredients in both the House and the Senate versions. All we are asking in this motion is to take the best of both the House and the Senate provisions, homogenize them, do not duplicate them. We are not asking for things to be duplicated and run up; we are saying take the best. Guarantee a prescription drug coverage where the private sector is not going to provide it if, in fact, the effort to privatize Medicare is successful. Make sure that our rural areas have basic hospitals.

We do not want a country where everybody has to take a train, plane, boat or other means of transportation to get to some big city that has some big hospital. That is not the answer to health care in this country. That is what we care about.

I would close by saying again that this motion, this issue, is not just about Medicare. It is not just about health care. It is not just about seniors. It is about rural America. And when it is about rural America, it is about the America that we live in and that we want to preserve.

I urge my colleagues to support this motion. It is a simple motion. Just take the best. Do what is necessary for rural America. Put rural America first.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Hawaii (Mr. CASE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CASE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Alabama. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DAVIS of Alabama, moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not

later than the second legislative day after adoption of this motion.

Mr. DAVIS of Alabama (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Alabama (Mr. DAVIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, periodically when I go back to my district, one of the questions I get most frequently asked is, why do we keep turning on our C-SPAN television in the afternoon and hearing this debate on the child tax credit? Why do we keep seeing these motions brought to the floor?

I suppose the best answer that I can give, Mr. Speaker, the best answer I can give my colleagues is a very simple one. The reason that this side of the aisle continues to press this issue, the reason that this side of the aisle continues to implore our colleagues to act is because more than any other issue, any other debate we have encountered this year, this question speaks to the fundamental difference between our parties.

We continue to make these points because it speaks for, frankly, why we stand on the Democratic side as opposed to the Republican side. And while we may do this every few days, it is always helpful to look at the history of how we got here.

Late in the evening of the night that the Republican-inspired tax cut passed this body, there was a relentless effort to get inside the $350 billion number, and for all of the efforts of all of the geniuses that we have on the other side and all of the efforts that were expended on getting inside this limit, there were $3.5 billion outside of $350 billion.

One would wonder, if you had to save $3.5 billion at the last minute of a long debate, where would you turn? You might turn to the various corporations who are using offshore accounts in the Bahamas. You might turn to people who are earning over a million dollars a year and getting a tax cut. You might turn to some of the obvious examples of waste and fraud that could have been found. But rather than turn to any of those places, the Republican leadership decided to literally reach into the pockets of families earning between $10,000 and $26,000 a year, the very weakest people in our society.

We have learned just in the last few weeks that the number of children living in poverty has grown by 1 million in the last year. We have learned in just the last few weeks that after a decade of people moving from poverty to the middle class, that the trend is now in the other direction. Every single month, different numbers of families fall below the statistical line that separates deprivation in this country from some measure of success.

For all of the differences and all of the debates that we have on this floor, I can confidently say that my party would never reach into the pockets of the most vulnerable families in this country to satisfy a $350 billion tax cut number. We need to, and frankly it is nothing less than shameful, Mr. Speaker, that in the last months we have not managed to, find a way to make this simple, corrective step.

We have heard some on the other side of the aisle say, well, why give a tax credit to families earning between $10- and $26,000 a year or why expand the tax credit for them? A lot of them do not pay taxes, we have heard. Or a lot of them do not pay a lot of taxes. The reality is, of course, these individuals do pay State income taxes and in many of our States in this time of tough budget woes, those individual State tax burdens are rising.

We also know, frankly, that there has never been any controversy around the child tax credit applying to low-wage-earning families. There has never been any controversy over whether the original $600 credit applied. The controversy over this credit arose only when the majority needed to save $3.5 billion.

It is interesting that the President wants to fix this. It is striking that the U.S. Senate has voted almost unanimously to fix it, but for some reason, the Republican leadership in the House continues to be unmoved on this question. To put the cynicism in some context, H.R. 1308, the bill that was brought to this floor that purports to fix the gap in the child tax credit does not even allow the tax credit to kick in for these families until sometime next year.

There is another basic point, Mr. Speaker. We are experiencing a stagnant, slow, jobless recovery. We are experiencing a recovery where companies are saving costs by cutting back on health insurance and laying off workers. It is a very stale recovery for a lot of our people.

So the President talks about stimulus. The President talks about providing a jolt to this economy. What better way to put some life in this economy, what better way to put some energy and some spending power into this economy than by giving this credit to families who are struggling by the margins every single day to survive, the families earning between $10- and $26,000? If stimulus is the rationale for this tax cut, there is no reason that this credit should not be extended to these families.

Mr. Speaker, I certainly look forward to this debate today. I certainly invite my colleagues to finally do the right and simple thing, to spend $3.5 billion to fix a problem of fundamental fairness.

Mr. Speaker, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe the Members of the body are very familiar with the issues at stake in this motion to instruct conferees, for I believe this is the 13th time now that this body has debated the motion.

Let me say at the outset, Members on both sides of the aisle want to provide for immediate increased refundability of the child credit. That is exactly what the bill that passed the House would provide to many low-income families. But let me remind my colleagues of the families who would be disadvantaged by this motion to instruct conferees and this goes really to the heart of this debate, Mr. Speaker.

Under the motion brought by my friend from Alabama, the same low-income families who would benefit from the increased refundability of the child credit would see their credit actually drop in the year 2005, after the elections. By contrast, the House-passed bill would ensure that the child credit remains at $1,000 per child through the year 2010. Will low-income families need this crucial tax relief any less in the year 2005? Of course not.

Under the motion brought by my friend from Alabama, the marriage penalty in the child credit would be eliminated only in the year 2010. By contrast, the House-passed bill immediately eliminates the marriage penalty, which is unfair and unconscionable and discriminates against people who are married, taxpayers who are married, and denies millions of children the full benefit of the child credit simply because their parents are married. Why should a married couple anywhere, let us say a teacher and a firefighter, be denied this crucial tax relief for their children?

Under the motion also brought by my friend from Alabama, families would actually receive less tax relief, those families in the military. Let me repeat that. Military families would actually receive less tax relief under the motion brought by my friend from Alabama.

Under the House-passed bill, the child credit is not denied to military families. Military families, including those serving so bravely abroad, are already receiving a refundable child credit and will continue to receive this credit under the House-passed bill. This motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. At the same time, the motion to instruct would deny over $800 million in tax relief to military families. That is a lot of money and that is real money to those troops serving us so bravely and so well.

The House bill contains the military tax relief that has passed this body a number of times. By contrast, the bill passed by the other body, which this motion to instruct would have us adopt, does not contain this essential tax relief for the brave men and women defending our country.

Mr. Speaker, let me remind my colleagues of the military tax relief that is missing, that is absent from the other body's bill. Our House-passed tax relief bill ensures that members of the Armed Forces and Foreign Service are not denied the very important capital gains exclusion on home sales if they cannot meet the 5-year residency test because they are transferred away from home on official extended duty, which happens obviously frequently to members of both the Armed Forces and the Foreign Service.

Our bill ensures that the full $6,000 death gratuity payment received by survivors of military personnel is tax-free. Only half of the payment is tax-free under current law.

Our bill furthermore ensures that payments received by members of the Armed Forces under the home owners assistance program are tax-free. These payments compensate our men and women of the military for a drop in home values resulting from military base closures or realignments.

Moreover, our bill extends the combat zone filing rules to individuals serving in contingency operations so they are given more time to file tax returns and meet other deadlines. As I have heard from many military families who have loved ones in combat zones currently, this provision is also very important.

Further, Mr. Speaker, our bill modifies the definition of a qualified veterans organization to make it easier for veterans organizations to retain their tax-exempt status. This is very important, as members of the American Legion and VFW and the other veterans organizations have told me repeatedly.

Also, Mr. Speaker, our bill clarifies that dependent care assistance provided under a military dependent care assistance program is tax-free.

□ 1345

Further, the House-passed bill ensures that families are not hit with that dreaded 10 percent penalty for withdrawals from their Qualified Tuition Plans from Section 529 Plans or the Coverdell Education Savings Account if their children are appointed to military academies. This practice is simply wrong, and we correct that. This is the same treatment given to families whose children receive scholarships.

Finally, Mr. Speaker, our House-passed bill provides an above-the-line deduction for up to $1,500, $1,500 of training expenses incurred by members of the National Guard and Reserve who serve more than 100 miles away. I am proud to say, Mr. Speaker, that this provision is based on legislation I sponsored with the help of many others on both sides of the aisle.

So let me conclude, Mr. Speaker, by saying this, and this really is the bottom line: The House-passed bill provides more tax relief to more families. The House-passed bill provides more tax relief to more members of our military. I urge my colleagues to defeat this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Alabama. I yield myself such time as I may consume.

I certainly agree with my friend from Minnesota that we need to correct the disparity of military families being left out of this relief. We need to correct all the omissions regarding military families, and for that reason this motion to instruct would provide coverage for families of military personnel serving in Iraq, Afghanistan, and other combat zones as an essential and critical of part this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Texas (Mr. HINOJOSA) whose district includes so many families who would be deeply affected by this motion to instruct and who has been such a consistent advocate for children living in poverty in this country.

Mr. HINOJOSA. Mr. Speaker, I thank the gentleman from Alabama (Mr. DAVIS) for yielding me this time.

Mr. Speaker, for 109 days now, we have demanded fairness for the 6.5 million families that were denied their equitable share of the child tax credit provisions in the Jobs and Growth Tax Relief Reconciliation Act. These families, headed by workers who pay taxes from their paychecks and on their purchases as well as paying property taxes and excise taxes, represent 12 million children. Those families include rural families. The 12 million children are more than half of the sons and daughters of rural farmers and farm workers. They are one out of every four children of nurses and nurses' aids. They are more than half of the children of janitors, maids, and cooks. The children left out are one in ten children of teachers and teachers' aids. More than 120,000 of these children are the dependents of active military personnel.

Just as we must not leave children behind in the classroom, we cannot ignore working families and their children when the Treasury Department mails out checks. We have said it again and again and again: Tax relief for families should be fair and equitable. We must come together and provide a refundable credit to demonstrate our commitments to all working families.

Mr. Speaker, I support the Davis motion to instruct, and I urge everyone else to vote in favor of this motion.

Mr. RAMSTAD. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BISHOP). The gentleman from Georgia has distinguished himself in this institution not just as a voice for fiscal prudence and fiscal sanity as a conservative Democrat, but he has also distinguished himself as a distinguished advocate for the families who are left behind in this country. His district, like mine, includes large numbers of rural families and large pockets of children living in poverty.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker I rise today in support of the gentleman from Alabama's (Mr. DAVIS) motion to instruct conferees on H.R. 1308, the child tax credit, and I thank the gentleman for this very important motion because tax relief and tax fairness are the very core of what we in Congress should be doing to improve the lives of Americans in each and every community across this Nation.

Mr. Speaker, let me take a moment to recognize the bipartisan work of the United States Senate which has already voted 94 to two to provide Americans with real and meaningful tax relief in the form of a child tax credit. The Senate knew that this was the right thing to do, and they made no bones about coming together for hard-working American families. In fact, the President of the United States, through his press secretary, said that we ought to pass this legislation, legislation that has been held hostage in this House by the Republican leadership for 111 days. This is wrong, Mr. Speaker, and it ought not to happen in America because tax relief for American families, a real child tax credit, is not a Democrat issue, not a Republican issue. It is a children issue.

The relief it provides is targeted to parents who need it the most, those earning between 10,000 and $26,000 a year, about 6.5 million families and 12 million children. They await relief while the Republican leadership in the House stalls on this bill.

The House version of the child tax credit also shortchanges our servicemen and women and particularly those who are putting their lives on the line in Iraq. The House Republican leadership insisted that the calculation of the allowable child tax credit be based on taxable income, that is, wages in excess of personal exemptions and deduction, rather than on total earned income. This accounting gimmick adversely affects our military personnel who are in combat because, while in combat, their pay is not treated as taxable income. For example, a stateside grade E–6 serviceman or woman earning $29,000 a year, supporting a spouse and two children, would enjoy the full $1,000 child tax credit for each of their two children. But if that servicemember is deployed in Iraq for as much as 8 months, he or she could lose the entire child tax credit. That is because two-thirds of his or her income would not be taxable and the remaining one-third would fall below the $10,500 threshold at which the refundable portion of the child tax credit begins to be calculated. In fact, some 260,000 children, one in five children of the military, in 200,000 active duty military families would be left out of this unfair House version while the Senate version avoids this problem entirely.

Last month the census released new figures showing that the number of families and children living between below the poverty line rose by 1.3 million last year, 1.3 million more families than there were last year. Times are really tough. They need help, Mr. Speaker, and they need it now. I would like to say that help is on the way, but the truth be told, Mr. Speaker, help is going away. Our fiscal priorities are not in touch with real needs.

A recent House Committee on the Budget staff analysis reveals that the true cost of the war in Iraq and the postwar reconstruction effort will be more than $178 billion and could exceed $400 billion during the period 2003 to 2013. That is pretty big money. Who pays that bill? Hard-working Americans and their families, including the servicemen and women who have been disproportionately disadvantaged by the unfair tax policy in America today.

In May of this year, this House passed a tax cut, despite the mounting deficit and the cost of the war in Afghanistan and Iraq. I am a big supporter of tax relief, but the last round of tax cuts excluded the full benefit for most working Americans and was fiscally irresponsible.

We have before us today an opportunity to level that playing field for most American families. I hope that we will. I urge my colleagues to stand with us for tax fairness and to vote for the gentleman from Alabama's (Mr. DAVIS) motion to instruct conferees on this very important bill.

Mr. RAMSTAD. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just remind the body that the motion to instruct brought by my friend from Alabama would deny over $800 million in tax relief to members of the military and their families.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

I think we may just simply have a factual disagreement between my friend from Minnesota and myself. The motion to instruct would include those families.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE) who has so often come to the well of this House to speak on behalf of our party and to speak on behalf of families in need in this country.

Mr. PALLONE. Mr. Speaker, I thank my colleague from Alabama for yielding me this time.

I want to point out I have been on this floor so many times making the same point which is that my Republican colleagues, including the gentleman from Minnesota, keep talking about the House bill, the House-passed Republican bill, and how that is so much more generous and is going to provide much more tax relief than the bill that passed the other body. But the bottom line is we know that this House bill will never become law. And the whole purpose of this exercise was to make sure that these kids and their families making between the 10- and 20-something thousand dollars a year annual income would be able to get the same kind of child tax credit or relief as the other families of higher incomes. And so the other body passed a bill that would simply do that and nothing more. It cost, I think, about $3.5 billion, and it was paid for by some kind of increased customs duty, fully paid for. It does not increase the debt.

What the Republicans in the House do, they come in and say that is not good enough. We have got to pass a much larger bill. I think it is $80 billion, but there is no money to pay for that. So when our Republican colleagues in this House keep saying they want this larger bill that is going to do all these wonderful things and provide all this additional tax relief, that is just another way of saying we do not want anything because they have not had the conference even meet. The two bodies have not gotten together. The chairman of the House Committee on Ways and Means has made it quite clear that he is really not interested in having any kind of compromise or effort to reach out to the other body on this issue.

So we have a stalemate because the House Republicans refuse to have a conference, refuse to meet, and refuse to simply go along with the bill passed by the other body. So I mean this is becoming increasingly a joke.

The bottom line is the House Republicans have no intention of ever passing anything that is going to pass both houses and go to the President's desk. And unless that happens, it is just a cruel hoax on these families that they are ever going to get any kind of relief. I am not interested in hearing what is going to happen in 2 years or what is going to happen with the people that are not directly impacted by this. We have already had several tax cut bills that have provided money back to taxpayers, mostly at the high end. We just simply want to address this problem for these people in this income bracket who are working, who are paying taxes, and who need some relief. And it is a question of fairness; they should get the same $400 that everybody else gets.

I have mentioned many times, July came around, I got a $1,200 check. A Member of Congress, I guess we make about $150,000 a year. I have three children, so I got $1,200. But the other person on my block who is at the lower-income scale, still working as hard I am, they did not get the money, and it is not fair. As far as the military is concerned, they can just take up the bill that is at the desk here and provide the relief to the military families. But do not talk to us about this House bill that is more generous, is going to provide more money, provide more tax relief. That is "pie in the sky." We have a $500 billion deficit. That is never going to happen.

Mr. RAMSTAD. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just remind my friend from New Jersey that this is not a joke to many low-income families. Under the motion brought here today, the same low-income families who would benefit from the increased refundability of the child credit would see their credit actually drop in 2005, coincidentally, right after the elections. By contrast the House-passed bill would ensure that the child credit stays at $1,000 per child through the year 2010. I challenge anyone to say that low-income families would need this crucial tax relief any less after 2005. This is not a joke. This is serious business.

Mr. Speaker, I yield back the balance of my time.

□ 1400

Mr. DAVIS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do have these debates every few days; and nothing new, frankly, has been said over the course of the last 4 months. That is depressing, in some sense; but I think, again, it speaks to the very fundamental difference between our parties.

No one has yet to come to the well of this House, and today only one speaker even bothered to come down to debate this issue from the other side; no one has yet to come to the well of this House from the Republican side of the aisle to explain why we leave behind families earning between $10,000 and $26,000 when it would not cost us more than $3.5 billion. No one has explained why we leave out of a stimulus package the families who are most in need of having their economic fortune stimulated.

The gentleman from New Jersey (Mr. PALLONE) is exactly right. The very leadership that brought this bill to the floor, and actually, to be perfectly correct about it, it is not a bill. The Republican leadership, rather than actually bringing a bill to the floor, brought a rule to the floor and invoked a rare procedural maneuver to take this measure directly to conference, rather than to bring it forward as a bill. Putting that aside, the very leadership that brought this rule to the floor announced a day beforehand that the child tax credit was dead. That had no intent, they have no intent, and they will have no intent to ever create this expanded relief for the families in our country who are working so hard.

I close on this note, Mr. Speaker. We wonder sometimes why so few low-income people participate in the voting process in this country. We wonder sometimes why so many low-income families feel left out and feel locked out. We wonder why they feel disengaged. When we have our town hall meetings, they do not even bother to come. We have an answer to that question with the way this issue has been handled: because these individuals who are locked out of so many things in life turn on their television and they hear that tax relief is being passed for millionaires, they hear that tax relief is being passed for the owners of large corporations, and they hear that wider and broader and additional tax relief is contemplated. Yet they hear that they are not worthy of additional relief at all. They are told, as some of my colleagues on the other side have said, that they are welfare cases who really do not contribute to the system and really do not pay taxes anyway, so why get any kind of benefit.

We ought to recognize as elected officials, Mr. Speaker, that we cannot leave people out of the system and expect them to continue to have faith in the system. That may be a small cost to my colleagues on the other side of the aisle, because a lot of these folks are not a big part of their voter base, but they are part of the America that we have. This party that I speak for today will always be proud to speak for these families, because the kids in this country who live in families earning at the edge of the poverty line and slightly above it, they cannot come to this city and have fly-in week. They cannot hold $50,000 fund-raisers. They cannot hold thousand-dollar-a-head events. Somebody has to speak for them. Somebody has to take the time to come to this floor to speak for their needs and advocate for their cause. The ones of us who do that represent the Democratic Party in America, and those of us on this side of the aisle will always be proud to be part of the party that speaks for those who have been left behind, who lack any other voice.

So with that said, I urge my colleagues to vote for this motion to instruct and to finally fix this fundamental unfairness in what was purported to be a tax fairness bill earlier this year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1535

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 3 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to instruct conferees previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 2691, de novo;

Motion to instruct on H.R. 1, by the yeas and nays;

and motion to instruct on H.R. 1308, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the de novo vote on the motion to instruct conferees on H.R. 2691.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 165, answered "present" 1, not voting 9, as follows:

[Roll No. 527]

YEAS—259

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Buyer
Cannon
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gonzalez
Goodlatte
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Rehberg

Renzi
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—165

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
English
Everett
Feeney
Flake
Foley
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hayes
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Linder
Lucas (OK)
McCrery
McHugh
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oxley
Paul
Pence
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Taylor (NC)

NOT VOTING—9

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hyde
Issa
Slaughter
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1601

Messrs. BOOZMAN, PORTMAN, TAUZIN, and PETRI changed their vote from "yea" to "nay."

Messrs. REHBERG, OSE, HERGER, HEFLEY, FLETCHER, GALLEGLY, LEWIS of Kentucky, NEY, BASS, FRELINGHUYSEN, FERGUSON, LoBIONDO, MANZULLO, LAHOOD, BOEHLERT, McKEON, FORBES, QUINN, SAXTON, and SWEENEY, and Mrs. EMERSON and Mrs. JO ANN DAVIS of Virginia changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1602

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the remainder of the series of votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Hawaii (Mr. CASE) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 215, not voting 11, as follows:

[Roll No. 528]

YEAS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri

Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hensarling
Hunter
Hyde
Issa
Kirk
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1610

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 1308 offered by the gentleman from Alabama (Mr. DAVIS) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama (Mr. DAVIS).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 207, nays 219, not voting 8, as follows:

[Roll No. 529]

YEAS—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hyde
Issa
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1617

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. TAYLOR of North Carolina, REGULA, KOLBE, NETHERCUTT, WAMP, PETERSON of Pennsylvania, SHERWOOD, CRENSHAW, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, HINCHEY, OLVER and OBEY.

There was no objection.

PRIVILEGED REPORT REQUESTING PRESIDENT TO TRANSMIT REPORT ENTITLED "OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED" AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POSTWAR IRAQ

Mr. BEREUTER, from the Committee on International Relations, submitted a privileged report (Rept. No. 107-289, Part 1) on the resolution (H. Res. 364) requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of postwar Iraq, which was ordered to be printed.

The SPEAKER pro tempore. The report will be received as Part 1.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during the week of September 22, I missed several votes due to the passing of my father.

Had I been present, I would have voted in the following manner: On votes number 509, 510, 511, 513, 514, 515, 516, 517, 519, 520, 521, 522 and 523, I would have voted aye. On vote number 518 I would have voted no.

Mr. Speaker, I appreciate the understanding of the House and thank each Member and each of my colleagues for their kind words.

The SPEAKER pro tempore. The gentleman has our condolences.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. FLAKE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. FLAKE of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed within the scope of conference to include income thresholds on coverage.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. INSLEE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the energy bill.

The form of the motion is as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of the House of Representatives with regard to "high-level radioactive waste" as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the prescription drug bill.

The form of the motion is as follows:

Mr. BISHOP of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House bill.

SUPPORT THE SUPPLEMENTAL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the President has issued a supplemental appropriation request for $87 billion to go towards our continuing efforts in Iraq and Afghanistan. The Wall Street Journal recently tallied the cost to our country and the economy from the 9–11 attacks. Another similar attack will surely happen if terrorists are left to their own devices.

The terrorist attacks 2 years ago cost this country a lot of money. Here is just a sample: $78 billion lost in income for families of the victims, $21 billion to New York City for direct damage costs, $4 billion for the Victims Fund, $18 billion to clean up Ground Zero, $6.4 billion in reduced or lost wages for workers in New York City industries, $11 billion in lost business to the airline industry, and $15 billion Federal bailout of the airline industry.

Mr. Speaker, these are just a sample. The total cost, if we add all the ones that were included in the article, is $355 billion to the American people. Now we are debating this question. This would cost Americans a lot more money if we do not pass this supplemental.

Mr. Speaker, the President has issued a supplemental appropriations request for $87 billion to go towards our continuing efforts in Iraq and Afghanistan.

The Wall Street Journal recently tallied the costs to our country and economy from the 9/11 attacks. Another similar attack will surely happen if terrorists are left to their own devices. The terrorist attacks 2 years ago cost much. Here is just a sample: $78 billion in lost income for families of the victims; $21 billion to New York City for direct damage costs; $4 billion for the Victims' Fund; $18 billion to clean up Ground Zero; $700 million to repair the Pentagon; $6.4 billion in reduced or lost wages for workers in NYC industries; $150 billion in reduced GDP; $50 billion in costs to the insurance industry; $11 billion in lost business to the airline industry; $15 billion Federal bailout of the airline industry; $38 billion in costs for new border security, protection against biological threats, and emergency preparedness; $1.3 billion in costs to State governments for homeland security; and $33 billion in spending by the private sector for new protective services.

Total cost of these and others is over $355 billion to the American people. Now we are debating spending $87 billion to prevent terrorists from taking over a weak nation? If we left Iraq in the condition as it was before, or is now after, the end of the Saddam regime, we would be guilty of allowing terrorists and their power and pocketbooks to fester. This would cost Americans a lot more money, not to mention lives.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent to replace the gentleman from New York (Mr. HINCHEY) and proceed at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

GOLD-PLATING AND WAR PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the President has asked the United States Congress to borrow another $87 billion to finance ongoing action in Iraq, and of that, the President is asking the United States Congress to borrow on behalf of the American people $20.3 billion to engage in an extensive reconstruction of Iraq. There has already been discussion on the floor of the no-bid contracts and the favoritism and extortion prices to Halliburton and other companies, war profiteering, but now there is also, now that we have seen the list, questions about the priorities in a couple of ways.

There are questions about what they are going to spend the money on. On the list is Wifi. A lot of people do not even know what Wifi is. Iraq is a country where I do not think the average Iraqi or even the elite Iraqis own laptop computers. We are going to give emergency spending money, which the American people are going to borrow, to give them Wifi capability in Iraq, when the people in the rural parts of my district do not even have broadband. They have hardly decent telephone service, but we are going to do Wifi in Iraq.

We are going to give them Zip codes in Iraq, an American invention. We are going to give them a national 911. Is that not nice? The American people are going to borrow money to install 911 in Iraq. Why would we do that? Why is that necessary? They did not have 911 before the war. We did not destroy it with bombing. Why are they going to have it now?

Then there is the executive training. We are going to provide $10,000 for a 4-week course for Iraqi executives that exceeds the cost of sending them to Harvard University for the same period of time, let alone a community college in my district that could do a fine job for a quarter the price, but no, it is not just that. It is the fact that this is gold-plated and out of control.

Here are a couple of examples. Major General David Petraeus, in charge of North Iraq, told a congressional delegation, his engineers said and we priced rebuilding a cement plant for $15 million. Well, the Iraqis were in kind of a hurry. So they decided to do it on their own and not wait for the $15 million and the U.S. contract. They did it for $80,000, a tiny fraction of the price. So at least the American taxpayers did not get gouged for that and did not have to borrow $15 million to do an $80,000 job on a cement plant. Maybe that was isolated. Well, unfortunately, no.

We also have another instance, $25 million to refurbish 20 police stations in Basra and a member of Iraq's governing council kind of laughed at that and said, we could do it for five and still make a bunch of money.

So the American people are going to be asked to borrow $25 million for a gold-plated contract to do something that would cost something less than five. The American people are being asked to borrow money to build houses in Iraq at a price that is 10 times the value of the average Iraqi house. Maybe it would be better if we give them a little of the wherewithal, some materials and nails and cement, and let them go at it themselves. They have 60 percent unemployment. I think they would be happy to build their own houses.

But that is not the way the Bush administration wants to do this. They want to gold-plate it. They want to make the American people borrow $20 billion and pay for it the next 30 years, the gold-plate and war profiteer, for the reconstruction of Iraq.

Then, finally, there is Ahmed al-Barak, a member of the Ruling Council, very prominent, who became unpopular with this administration, although previously had been very favored by them, when he said the savings could be a factor of 10 if the Iraqis did their own work. Basically, where they spend $1 billion, we would spend a hundred million.

So I offer the 10 percent solution to this administration. Two point three billion dollars is still a lot of money where I come from, but it is a lot better than $20.3 billion, and the Iraqis could do it for that price. We could do the reconstruction, whatever we are really obligated to because of the destruction of the war, but we do not need to give them exotic things they never had before.

I have heard we have to rebuild the electrical infrastructure. We have kind of got a failing one here, and the reason was they have got boilers from the 1950s and 1960s. Guess what? Our war did not install boilers from the 1950s and 1960s, so why is it the American people have to borrow the money to give them brand new boilers or new high-efficiency turbines to generate electricity when we could use that money here at home to put Americans to work? If we spent $20.3 billion on real infrastructure projects that are underfunded by this administration in the United States of America, we could put one million Americans to work.

So, no, to the gold-plating, maybe a 10 percent solution if that is justified, but we should not be borrowing in the name of the American people $20.3 billion and indebting generations of Americans to pay for the gold-plated war profiteering in Iraq.

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Madam Speaker, I ask unanimous consent to take the gentleman from Michigan's (Mr. SMITH) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

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PARTISAN STRIFE WEAKENS NATIONAL RESOLVE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, I am relatively new to Congress. When I first came here 2½ years ago, I was surprised and somewhat disappointed by the partisanship that I encountered. I was from a competitive arena, and yet I had really never encountered anything like it. And then 9–11 came, and for 2 or 3 months I saw Congress function as it could. What we saw was unity of purpose. Welfare of the country was the primary priority. Partisanship, personal ambition was set aside.

Now here we are 2 years later and it seems as though we are drifting toward and have drifted toward business as usual. We are told that this is an election year that is coming up. Partisanship is escalating and some people say, well, we really cannot get much done next year because this is going to be an election year. Yet I would submit that the threat to our Nation is just as great as before 9–11 at this time. The battle lines are more clearly drawn. The stakes are higher. And still the internal dissension intensifies.

To me, this is a little bit mystifying. The great majority of people I have gotten to know, both sides of the aisle here in Congress, are genuinely good people. Yet that is really not the image that we project. Most people in my district are totally turned off by the discord they see. They do not seem to understand it; and they dismiss it as, well, that is just politics.

Certainly not all Democrats are tax-and-spend liberals with no moral compass. Certainly all Republicans are not heartless pawns of big business. And yet many times that is the way we portray each other. Certainly the President of the United States has not started a war to boost his approval ratings. Those types of comments are alarming, and they are very disturbing.

Unfounded congressional comments impugning motives and denigrating character only give substance to the belief we have no national resolve or unity. Where there is unity of purpose, the whole exceeds the sum of its parts. And I saw that consistently in athletics. If people were committed to a common goal, they pulled together and the dissenting factors tended to fall away. But where there is a lack of unity, the whole is less than the sum of its parts. Sometimes I feel that that is what characterizes this body as we get fragmented, as we throw rocks at each other.

It is critical at this time in our Nation's history that both parties pull together, that civility is exercised. As far as I am concerned, we are at war. It is a different type of war. At a time of war we cannot afford partisan strife that weakens national resolve.

THIMEROSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, as we approach the flu season, many of my colleagues will visit the doctor's office here on Capitol Hill and receive a flu shot. And before they go, I think all my colleagues ought to know that that flu shot contains mercury, which is a substance that is toxic to the human brain. That is not to say you should not get your flu shot if you want to, but there is a lot of neurological disorders that have been caused by mercury, and I think everyone should know there is mercury in that vaccine.

That is not the only vaccine that contains thimerosal. From anthrax to hepatitis, from lyme disease to DTaP, which is given to infants to protect against diptheria, tetanus and whooping cough, numerous vaccines exist that contain mercury, a harmful preservative. And parents around this country, I am sure, would be very upset if they knew that.

Scientific evidence continues to accumulate regarding the biologically-plausible connection between mercury and thimerosal, autism, and other neurological developmental disorders. Yet several well-known and firmly established pharmaceutical companies continue to put mercury into vaccines as a preservative, and it has never been tested. That is very interesting. Although the U.S. Food and Drug Administration asked vaccine manufacturers to begin removing the mercury-latent thimerosal from vaccines in 1999, they did not order them to do it. So the pharmaceutical companies continue to put that in our vaccines.

During my tenure as chairman of the House Committee on Government Reform and Oversight, a myriad of scientists testified at a series of hearings before the committee that mercury in vaccines is a contributing factor to developing neurological disorders, including Alzheimer's disease and autism in children. Fifteen years ago, one out of every 10,000 children were autistic. Now it is one out of 150. And many scientists believe that is because of the mercury in vaccines.

In May of this year, the California Department of Developmental Services released a report entitled "Autistic Spectrum Disorders, Changes in the California Caseload: 1999 to 2002." And the findings are very alarming. California's autistic population has nearly doubled in 4 years, from 10,360 cases in 1998 to over 20,000 cases in 2002.

This growth rate represents a 97 percent increase in just 4 years and a nearly 100 percent increase in California's case law since 1999. And they are not alone. The rate of growth in the population of persons with autism across this country is really horrible, and it is very bad in States such as Georgia, Minnesota, and Massachusetts. We have an absolute epidemic on our hands. And if this trend is allowed to continue at a constant rate, we could have as many as 4 million autistic children in America in the next 10 years.

Despite a growing body of science linking autism to mercury and thimerosal, and the protests of hundreds of thousands of concerned parents across the country, the pharmaceutical industry continues to put mercury into vaccines for both children and adults even though they know mercury is toxic to the human brain. Pharmaceutical companies are concerned that they may be held liable in potential class action lawsuits for brain damage caused by the mercury-based preservative, which is still found in childhood vaccines diptheria, hepatitis B and the flu shots. Because of these liability concerns, language was inserted at the last minute under the cover of darkness in the homeland security bill to protect the pharmaceutical industry from class action lawsuits. However, because we caught it, we were able to get it out of there because a lot of Members of the House and Senate thought it was terrible what they did.

Numerous scientists have testified there is a simple way to prevent this, and that is to go to single-shot vials. Those little glass containers. They would not have to put thimerosal or any preservative in if they did that. Moving to single-shot vials could have an enormously positive impact in helping to minimize, perhaps even eliminate, some of the cases of Alzheimer's and autism and other neurological disorders linked to mercury.

This is something that the pharmaceutical companies must address. Our Food and Drug Administration and our health agencies are asleep at the switch. They are letting children and adults be damaged day after day after day by allowing mercury to continue to be put into vaccines for adults and children.

We have a growing number of people who are becoming Alzheimer's patients, a dramatically growing number. We have one in 10,000 children 10 years ago that were autistic, now it is one in 150. And scientists before my committee say it is in large part because of the mercury in the vaccines. We have to get the FDA on the stick. They have to demand that pharmaceutical products having mercury be taken out of them very, very quickly. If not, we are going to continue to have an epidemic on our hands that America does not need and should not tolerate.

COMMEMORATING THE LIFE OF ALTHEA GIBSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Madam Speaker, tonight I am introducing a resolution to commemorate the life of the very talented Althea Gibson. Miss Althea Gibson represents an honorable and indelible mark on the history of America and the history of African Americans.

On this day, we seek to commemorate the life and achievements of Althea Gibson, a pioneer who left an unforgettable mark on sports as she broke the color barrier in tennis in America in the 1950s and helped pave the way for future generations of black athletes.

On Sunday, September 28, Miss Gibson died at the age of 76. Though the general public had largely forgotten her name in sports, Althea Gibson will always be a giant in sports history. The eldest of five children, Miss Gibson was raised in the Harlem section of New York City. She began studying tennis privately through the support of friends while furthering her education by attending Florida A&M University where she graduated in 1953.

Althea Gibson was the first black player on the Ladies Professional Golfers Association tour. She was a self-described born athlete who broke racial barriers not only in tennis but also in the Ladies Professional Golf Association. In a capstone to her career, she toured with the Harlem Globetrotters basketball team after retiring from tennis.

Miss Gibson won the American Tennis Association's Women's Singles Tournament 10 years in a row. However, tennis tournaments outside the ATA remained closed to her until 1950. In that year, white tennis player Alice Marble wrote an article in American Lawn Tennis magazine, noting that this excellent player was not able to participate in the better-known championships for no other reason that bigotry.

So later that year, Althea Gibson entered the Forest Hills, New York, national grass court championship, the first African American player of either sex to be allowed to enter. In 1950, Gibson became the first black player to compete in the U.S. tennis championships, and she played at Wimbledon in 1951. She captured the Wimbledon and U.S. championships in 1957 and 1958, and also won the French Open, and three Wimbledon doubles titles from 1956 through 1958. Her presence helped pave the way for later stars, such as Arthur Ashe, Venus and Serena Williams, and, of course, Tiger Woods.

On this day, let us all commemorate Miss Althea Gibson's fighting spirit and championship efforts. Miss Gibson came from the depths of racism and overcame much adversity. She proved as much as anyone that desire can beat the burdens of racism.

In closing, I would like to end with a quote from Miss Gibson: "In sports, you simply aren't considered a real champion until you have defended your title successfully. Winning it once can be a fluke; winning it twice proves you are the best." Today, we would like to commemorate Althea Gibson, truly one of the best.

H.R. 693, REPEALING TAX ON DEATH GRATUITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I am on the floor again. I come to the floor about once a week to talk about a bill, H.R. 693, to repeal the tax on the death gratuity.

The history of this is that in 1991 the United States Congress enacted legislation that created going from $3,000 to $6,000 the death gratuity. The death gratuity is a payment to the families who have lost a loved one in uniform, whether they be training or they be in war.

A couple of years ago I heard about this tax; and I thought about how unfair, how unacceptable that any family who has given a loved one in uniform for this country should have to pay a tax on a very small amount of money known as the death gratuity of $6,000. A year ago I introduced a bill that would take care of this tax and remove it. It was put in a larger package by the House leadership, which I appreciated, and sent over to the other body; but they did not act on the legislation. So we went another year that families who lost loved ones paid a tax on their gift of that loved one to this Nation and for freedom.

Again this year, Madam Speaker, we sent a bigger bill over with this language in it that would repeal the tax, but the other body will not take it up. And I want to give some examples of this, Madam Speaker.

From September 2001 through December 2001, 292 families in America had to pay a tax on their gift, that gift being a family member in uniform. In the year 2002, 1,007 families had to pay Uncle Sam for their gift of their loved one in uniform who died fighting for freedom. Already this year it is over 300. I do not know what the total will be when we reach December 31.

Madam Speaker, let me show a photograph of a young man who is 6 years old. His name is Tyler Jordan. Tyler is holding the American flag under his arm as he is looking at his daddy's casket. Tyler's father was a gunnery sergeant named Phillip Jordan, who was killed in Iraq fighting for freedom.

□ 1645

I look at this little boy, I saw it in the newspaper and it struck me so personally, I decided to try to get a copy of this young boy's face. Tyler's mother is going to get a bill from Uncle Sam, is not giving your daddy enough without receiving a tax from Uncle Sam on a small amount of money, $6,000, the death gratuity.

I want to read an e-mail from a father who e-mailed me last week. "Dear Representative JONES, Thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure there are numerous young widows who do not need another complication in their life.

"Our country should not add to their burden with additional taxation. Let me know if there is anything I can do to help you in Illinois to get this bill passed. Speaker HASTERT is my Congressman, and I would be happy to get in touch with him."

Madam Speaker, I am asking the House leadership to please bring to the floor H.R. 693 as a stand-alone bill and let us send it to the other body. The photographs behind me are a few of the faces of young men and one woman who have died fighting for Afghanistan in Iraq. I have written to the President of the United States and the Speaker of the House of Representatives, and I am calling on Republicans and Democrats. This is an issue of morality. It is the right thing to do to say to the families who have given their loved ones, you do not owe us a tax.

Madam Speaker, I thank God for the gift of our men and women in uniform. I ask God to please bless them. Those who have lost loved ones I ask God to please hold in his arms and comfort those who have given their loved ones for freedom.

Let us pass this legislation before we leave in November. Let us not ask Tyler Jordan and his mother to pay a tax on the gift of his father and her husband.

God bless America.

WASHINGTON WASTE WATCHER SPEAKS OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I was not going to speak today but I felt compelled after I heard some remarks by one of our distinguished colleagues from the other party about the spending that the United States is proposing to do in Iraq and his concerns for the deficit situation in the United States of America. And I share his concern for the deficit, but I need to clarify some facts if we are concerned about the deficit, and then we must be consistent.

Madam Speaker, that same party in this Congress, and this is my first term here, has proposed amendments to major pieces of legislation that would have increased the deficit by $890 billion. Members heard me right, almost a trillion dollars of an increase on top of the deficit that exists right now. And yet in the Committee on the Budget when the chairman proposed a 1 percent cut, just a 1 percent cut in waste, fraud and abuse, Madam Speaker, the distinguished members of the other party all, 100 percent of them, voted no. The chairman did not get one single vote to cut just 1 percent in waste, fraud and abuse in that committee.

Is it because there is no waste, fraud and abuse in the Federal Government? Is the Federal Government so efficiently run that we cannot find 1 percent in waste, fraud and abuse?

Madam Speaker, I have been mentioning lots of examples as part of the Washington Waste Watchers Group that the gentleman from Texas (Mr. HENSARLING) and the gentleman from Florida (Mr. FEENEY) and I created with a number of our colleagues, but let me mention a couple of small examples to illustrate how much waste exists.

For example, Medicaid alone paid $1.6 million to a Wisconsin transportation company for multiple round-trip billings for people that were dead or that were hospital-bound that were not moving anywhere.

There is a lot more. The Veterans Affairs inspector general has identified over 5,500 possible cases of individuals who may be defrauding the government by receiving benefits intended for veterans who have died, who are dead, who are not there, who do not exist. Totally fraudulent. Again, that is money that does not go to the real veterans that deserve it.

Over the past 5 years, 6,733 fugitives have been arrested for illegally receiving food stamps. By the way, 1,500 of those were drug offenders, 31 were murders, 45 were sex offenders and child molesters, and hundreds were wanted for assault and robbery, and yet they received benefits they are not qualified for.

And yet some will say it is not enough to cut 1 percent in waste, fraud and abuse, and we see what they request as opposed to that, and we hear time and time again, the Democrats keep saying we have to raise taxes. We have to raise taxes because there is not enough money, because the Federal Government is run so efficiently that we cannot cut 1 percent of waste, fraud and abuse.

Madam Speaker, the facts do not bear that out. The Federal Government does waste people's money. The Federal Government loses almost $20 billion a year that just evaporates, they do not know where it is. The Federal Government cannot even misspend it because it is lost. And then they still say, the Democratic side, that we have to raise the hard-working American taxpayer's taxes because there is no waste, fraud and abuse.

Madam Speaker, the American people know better. We can and we must cut waste, fraud and abuse; and clearly, the days of raising taxes on the American people have to be over, and they are.

THROWING MORE MONEY AT IRAQ IS NOT THE ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, earlier this week U.S. Secretary of State Colin Powell spoke to a business forum in Detroit. His topic, the Middle East. His message, the nations of the Middle East need to transform themselves.

The Bush administration, having failed to find weapons of mass destruction, failed to find Saddam Hussein, failed to capture Osama bin Laden, failed to eradicate the Taliban, failed to implement the road map to peace between the Israelis and Palestinians, and of course failed to secure the peace in Iraq, is trying to salvage something out of its disastrous policy so they are talking about this policy of transformation.

The Bush administration is trying to get the American people to believe that throwing $87 billion more at Iraq will begin the process of transformation by building the garden spot of the Middle East and that other nations will magically follow the lead.

It will not work. Their policy is doomed to fail, throwing more money is not the answer in Iraq.

As the Detroit Free Press reported, although Secretary Powell had plenty of advice for Middle Eastern nations about how to conduct their affairs, he offered no plan for the road to peace. That is not surprising because the Bush administration has no plan for peace in the Middle East, no plan for postwar Iraq, no plan for getting the United States out of Iraq, and fundamentally, no long-term plan for energy independence for America which would give us the leverage we need to play the role of honest broker instead of dependent addict.

Secretary Powell said in Detroit that the Arab nations are plagued by poverty, alienation and despair. He said the Arab world needs to embrace free trade and democratize in order to break out of the cycle. But free trade cannot bring democracy. If that were true, the Arab world would be a democratic paradise and have already broken the cycle of poverty, alienation and despair.

Instead, the oil oligarchies of the Middle East have already been trading for decades and decades. We trade extensively with the Bush administration's close friends in the Kingdom of Saudi Arabia. In fact, we have an oil trade deficit with them of over $8 billion a year. We trade extensively with the Bush family's close friends in Kuwait. We have an oil trade deficit with them of over $1 billion a year. And what about Iraq, home to the second largest set of oil reserves in the world? We had over a $3.5 billion trade deficit with them, even when sanctions were being imposed. The problem with the oil oligarchies is hardly a lack of trade.

The Detroit Free Press also ran a story "Oil, Gas Tighten U.S. Connection to Mideast," and "Alternative Fuels Dismissed at Forum."

As reporter John Gallagher wrote, "The U.S.-Arab Economic Forum gave a glimpse Monday at the future of American energy policy. It sure looked a lot like the past." And therein lies the problem. The past is filled with war and conflicts, much of it tied to the politics that come from the oil field across the Middle East. That is what the future will look like unless the United States achieves energy independence here at home.

Indeed, oppression and oil seem to go hand in hand, and it is a world that previous U.S. administrations, doing the bidding of Exxon, Chevron, Royal Dutch Shell, BP and other big oil companies have had a big hand in creating for over half a century. The United States at the dawn of this century is utterly dependent on Middle East oil. Our biggest trading partner, the Saudis, are increasingly brazen about the nature of our relationship, and their oil minister said in Detroit on Monday, "Detroit makes a lot of cars, we produce a lot of oil; you can see the connection." You send us the oil, and we send them our dollars.

It is easy to see that the Saudis have George W. Bush exactly where they want him. They have DICK CHENEY exactly where they want him. They have Colin Powell exactly where they want him. And they have the American people exactly where they want us. They have us addicted to their oil and begging for our next fix. To me, that is unacceptable.

Here is what David O'Reilly, CEO of Chevron Texaco said in Detroit, "We are in for a long period of dependence on fossil fuels." Well, that is no problem as long as we do not mind American dollars going to the Middle East for oil only to end up in the hands of terrorists who then kill us. The Bush administration might be comfortable with our relationship with those oil states, but I am not. That is why I have introduced the Biofuels Energy Independence Act of 2003, H.R. 130, and ask my colleagues to cosponsor it.

Oil, Gas Tighten U.S. Connection to Mideast

(By John Gallagher)

The U.S.-Arab Economic Forum being held in Detroit gave a glimpse Monday at the future of American energy policy. It sure looked a lot like the past.

Speakers on a panel devoted to energy needs agreed that a reliance on Middle East oil and natural gas is the cornerstone of any future American policy.

Far from fostering a U.S. policy of independence from Middle Eastern producers, the panel suggested that ever-closer ties with the region and its vast oil and natural gas reserves will be needed to meet U.S. consumption.

Ali bin Ibrahim Al Naimi, minister of petroleum and mineral resources in Saudi Arabia, captured the almost cozy nature of the discussion when he quipped to the audience: "Detroit makes a lot of cars. We produce a lot of oil. You can see the connection."

Indeed, any stresses and strains in the energy relationship between the United States and Middle Eastern nations were simply not mentioned Monday. Panelists used the words "partner" and "partnership" multiple times. Alternative fuels such as solar and hydrogen were brought up just long enough to be dismissed.

"It's hard for people to visualize how massive the oil and gas industry is," panelist Lee Raymond, chairman and CEO of ExxonMobil Corp., said at one point.

Even if alternative fuels were to grow at a rate of 20 percent a year, they would still supply just 1 percent of U.S. needs while the vast, vast majority of capital in the energy industry is going into oil and gas," he said.

Clarence Cazalot, president and CEO of Marathon Oil Corp., underscored the point by declaring that Marathon has no projects in the works dealing with alternative sources of energy.

The panel was convened to talk about Middle Eastern oil policy, so it was not surprising that it did not take up broader energy problems.

And the business-as-usual approach probably was assured by the make-up of the panel. Two Middle Eastern oil ministers, four U.S. oil company chief executives, and former Michigan Sen. Spencer Abraham, now U.S. Secretary of Energy in President George W. Bush's cabinet.

Even so, it was surprising how little mention was made of broader energy problems. There was no discussion of this summer's surge in gas prices, except when Al Naimi declared that the war in Iraq had produced no significant increase in prices this year. Nor was there any discussion of the recent blackout that left metro Detroit, much of the Northeast and parts of Canada in the dark.

Instead, oil producers and oil company executives agreed that there was no getting around the realities of the United States being the world's biggest energy consumer and the Middle East holding the world's biggest reserves of oil and natural gas.

"We're in for a long period of dependence on fossil fuels," said David O'Reilly, chairman and CEO, of Chevron Texaco Corp., told the audience at the Detroit Marriott Renaissance Center.

U.S. energy consumption is expected to grow 50 percent by 2025; Al Naimi estimated, a figure that no one disputed.

Yet around the edges of the discussion Monday, a few glimpses of potential problems crept into the discussion.

If the United States is worried about a stable supply of oil and natural gas, it turns out that producing nations like Saudi Arabia and Qatar are worried at least as much about a stable demand.

Russia, Mexico and other non-Arab oil-producing nations are clamoring for more access to the U.S. markets. The panelists noted that Middle Eastern nations can't afford to make massive new investments in their facilities without assurances that the U.S. market will still be open to them.

And there was just the barest mention of civil unrest in some Middle Eastern nations, where forces of modern secular capitalism vie with religious fundamentalism. O'Reilly noted that a solid relationship with the United States is needed to help young Arab men and women meet their potential.

As if to mirror the mostly up-beat discussion Monday, gasoline prices in Michigan continued their recent slide.

The statewide average price for a gallon of self-serve, regular gasoline is down more than 10-cents from a week ago, AAA said. It marked the second straight 10-cent drop in as many weeks.

[From the Detroit Free Press, Sept. 30, 2003]

MIDDLE EAST MUST END ITS CYCLE OF TERRORISM, DESPAIR, POWELL SAYS

(By Niraj Warikoo)

The Arab world is trapped in a cycle of despair and fury that will continue to breed terrorism unless nations radically change their policies, said U.S. Secretary of State Colin Powell in a toughly worded speech to business leaders in Detroit Monday night.

Powell gave few specifics on how the Middle East can bridge the gap but cautioned that if it is to survive, the region urgently needs solid jobs, along with respect for rule of the law, the individual and religious tolerance.

"It is no exaggeration to say that without a transformation of the Middle East, the region will remain a source of violence and terrorism," Powell said. "We must not let that happen. We will not let that happen."

Powell spoke at the first U.S.-Arab Economic Forum, an event designed to bring the two worlds together with the local Arab-American community acting as a conduit. Hundreds of U.S. and Arab business leaders gathered in Detroit's Cobo Center to hear him speak.

He urged the crowd to join him in transforming the Middle East into a region full of hope and where "all people worship God in a spirit of tolerance and understanding."

Some Arab Americans in the audience were unimpressed with Powell's speech, saying he should have announced a plan to relieve the suffering of the Palestinians.

"He brought no new ideas," said Ron Amen, executive assistant to Wayne County Executive Robert Ficano. "He brought no new hope."

Powell spoke at length about Iraq during his speech and during an earlier interview with the Free Press. He said he believes a weapons of mass destruction program will be found in Iraq.

"There is no doubt in my mind" the United States will find evidence of Saddam Hussein's weapons program, Powell said. "It wasn't a figment of anyone's imagination."

Powell criticized those who questioned whether Hussein had deadly weapons before the war.

Some people thought that "sweet Saddam Hussein, who was willing to gas 5,000 people on a spring day in 1988, was suddenly a different Saddam Hussein," Powell said during the Free Press interview.

"Other nations might have been willing to make that judgment, but not President Bush. He wasn't going to walk away from the challenge."

Powell said former UN weapons inspector David Kay is going through documents and interviews in a search for a weapons program. And Powell recounted his visit earlier this month to Iraq, saying he was touched by the northern city of Halabja.

Powell said he spoke with Iraqis whose family members were killed in that town in March 1988, when Hussein's regime used chemicals to kill an estimated 5,000 people.

He urged the American public to be patient with Iraq, reminding reporters that it took the United States more than 12 years—from 1776 to 1789—to draft a constitution.

"It isn't easy" to draft a governing document, he said.

Besides Iraq, Powell addressed the conflict between the Israelis and Palestinians. He said Palestinian Authority President Yasser Arafat "is not a partner for peace."

Powell said he has made it clear to Arafat that he must change his leadership approach.

Powell also questioned Israeli settlements and the way Israel is constructing a new security fence near its border.

Powell tried to quell concerns about how Arabs traveling to the United States will be treated at airports and by the government. He conceded there has to be balance between liberty and security in admitting new visitors and immigrants.

Said Powell: "We want to be a welcoming society."

JUMP-STARTING IRAQI ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, in the next few weeks Congress will be shaping and hopefully passing legislation aimed at jump-starting the Iraqi economy, hopefully laying the foundation for prosperity and democracy in that troubled land. The administration is proposing a $23 billion package out of an $87 billion program; and the question now is, what form will our support take in this first $23 billion assistance package to Iraq? Will it be given to Iraq in the form of a loan or will it be given in the form of an investment or will it be given in the form of a grant?

We are being told in Congress that it must be given in the form of a grant. We are being told that the people of the United States must give to Iraq $23 billion because if we try to give it in the form of a loan instead of a grant that it will hurt the Iraqi economy and they will not be able to prosper.

This is so much nonsense, State Department nonsense which is not taking into consideration the well-being of the people of the United States of America and taking the easy way out. Yes, let us just shovel money over there. That would not be good for the people of Iraq or the people of the United States.

□ 1700

The objection the State Department has is based on the idea that if we have any more debt accumulated on the people of Iraq, they will not prosper because they already have so much debt. In fact, their debt is estimated at $120 billion. That is no reason for us to just give away $23 billion of the money of the people of the United States. No. What we should be doing is saying, who loaned that money to Iraq? And, in fact, what we are talking about here is $120 billion given not to the people of Iraq but to Saddam Hussein, to Saddam Hussein's regime by our supposed allies, by big international banks.

Our position should not be that the Iraqi people have to repay that debt. We should be encouraging the new democracy in Iraq to repudiate the debt of countries that gave money to Saddam Hussein which he then used to buy weapons to repress and oppress his own people. Repudiation of that debt will permit the Iraqi people to prosper and permit us rather than to penalize our own people in order to repay, yes, the money is not going directly back to those big international banks, but it will be going back to them if we simply shovel our money into Iraq right now.

No, we should help Iraq establish the foundation for prosperity by insisting that the loans that were given to Saddam Hussein are not the responsibility of the people of Iraq who want a democratic government. If those big bankers in France and Germany want their loans back which they gave to Saddam Hussein, let them find Saddam Hussein and collect those loans from Saddam Hussein, not the people of Iraq. Our assistance should be based not on giving money to the people of Iraq because we have no choice because Iraq already owes so much money. What we should do is help them get out of that debt situation by repudiating that illegal debt and, instead, structure our support as loans when we can, or even investments.

Much of what is being suggested for Iraq is upgrading their post office, their water system, their oil production, their electric system. All of those things are based on services that are provided to the Iraqi people which they will pay for. Let us structure the $23 billion we give to Iraq as an investment in those things rather than just giving them the money and expecting no repayment for the American people in return. This would be actually more efficient in the end because it would put a profit-type of incentive into the mix when people are setting up the post office and the water system and the oil production and the electric system in Iraq. No, let us reconfirm to the world by supporting the repudiation of Saddam Hussein's debt; let us reconfirm the principle that anyone who loans money or does business with dictators does so at their own risk and the American people should never bail them out if that dictatorship is overthrown. We should be on the side of the democratic forces and give them an incentive to get rid of the dictator and by doing so, get rid of their debt rather than have to bear the burden of their own oppressor.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, this week as the other body takes up the

President's request for an $87 billion supplemental appropriation bill for Iraq, we must do more for our troops and their families who are under increasing duress. Specifically, Congress should grant a $1,500 bonus to all those who serve in Iraq and Afghanistan. Not since Vietnam have such a large number of troops been deployed for so long. The pressure this puts on our troops and their families is tremendous. This summer, the Department of Defense increased deployments for troops serving in Iraq and Afghanistan to 1 year, and not until last week did the Department of Defense offer these troops who are living under highly primitive and stressful conditions a 2-week leave for rest and recuperation. And tragically this month, our U.S. casualties in Iraq surpassed the number of those killed in the first gulf war. We now have lost more than 300 soldiers, sailors and airmen.

Recognizing the increasing gravity of U.S. military involvement abroad, I introduced H.R. 3051 to qualify all active duty military personnel deployed for any length of time in Iraq and Afghanistan for a $1,500 bonus. This bonus proposal should be made part of the supplemental appropriation bill. As Members of Congress, we may have different ideas about the U.S. policy in Iraq, but we can all agree our service- men and -women deserve our sincere recognition for their courageous efforts. $1,500 will not only help boost morale but will send a strong bipartisan message to our troops that Congress is unified behind them.

The Bush administration is lobbying Congress for $21 billion in direct grants to support infrastructure developments in Iraq in this $87 billion supplemental appropriations bill. First of all, I see no reason why we cannot separate this $87 billion into two separate bills: one, the $66 billion defense portion, which I think we all support, and $21 billion for the reconstruction portion and then let us as a Congress require Iraqi oil to be used as collateral for international loans to finance Iraqi infrastructure projects and ensure that Iraq construction contracts are competitively bid. Either way, U.S. citizens should not be expected to support Iraqi development while many Americans are facing shortfalls in funding here at home, in health care, prescription drug coverage, schools, road construction, and other critical infrastructure improvements. Congress must continue to work to restore Iraq to a stable and self-governing state, but not at the expense of Americans here at home and our troops abroad.

I also question several items contained in the administration's supplemental bill for Iraq, like the $4 million to develop a set of telephone numbers and $150 million for a national 911 system; $100 million to build seven planned communities with 3,258 houses; $10 million to finance 100 prison-building experts; $100 million for 2,000 garbage trucks; $20 million for Afghanistan consultants; $850 million for health facility construction and medical equipment replacement; and $900 million to import petroleum products, such as kerosene and diesel, to a country with the world's second largest oil reserves.

Instead of again coming back and dipping into the pockets of working Americans and risking veterans benefits for our troops when they return home, I support proposals to suspend the tax cut for the top 1 percent of income earners to pay for the Bush administration's $87 billion supplemental appropriation bill for Iraq. Again, I urge Congress to consider my bill, H.R. 3051, to include support for our troops in the supplemental aid package to Iraq. Again, my bill provides a $1,500 bonus to military personnel who serve under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and Reserves in a combat zone in Iraq or Afghanistan. In the coming year, an estimated 150,000 young men and women will not see their families. They will be deployed overseas in Iraq and Afghanistan. A record number of Reservists and Guards-men and -women will put their private sector opportunities and jobs on hold, and thousands of children from every part of America will pray for their parents' safe return.

These extraordinary times deserve an exemplary measure. I urge my colleagues to support my bill, H.R. 3051, to provide for our troops in Iraq and Afghanistan and to make it a part of the supplemental appropriations bill. Give our troops the $1,500 bonus they deserve.

REPORT OF WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Madam Speaker, I am delighted to rise tonight and join the gentleman from Texas (Mr. HENSARLING) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) as we have established the Washington Waste Watchers. Ronald Reagan once defined the American taxpayer as somebody who works for the Federal Government but does not have to take the civil service exam. Unfortunately, he was far too correct. According to Americans for Tax Reform, the average American family has to spend 193 days working to pay their total cost of government: Federal, State and local taxes and the regulatory burden. 130 of those 193 days are the cost of funding the Federal Government. Imagine working 193 days for the average American. That is more than half the year by far. It is time that our families were able to spend most of their time working for their families and themselves and not for the Federal Government, the Federal bureaucracy.

We are facing a time of a dramatically expanding new deficit. We understand the need on homeland security. We understand the aftermath of September 11. We understand the need to support our troops over in Iraq. But the bottom line is that, here at home, we have a lot of spending that is simply out of control. The best place to attack this spending, in our view, in the Washington Waste Watchers Caucus, is to go after wasteful spending, is to look at programs that simply are not being well run, are not efficient or are meaningless altogether. There are many, many examples of this. Over time, the Washington Waste Watchers will be reminding not just our constituents but we will be reminding people who are the stewards of the American taxpayers in all of the different Federal agencies that they do not want to be the next group or the next individual embarrassed because of what they have done on their watch with the taxpayer dollars.

There are lots of examples. I want to go through a few tonight. In the Pell grant program, for example, if ideally run, it helps empower many thousands of American men and women get through college. An administrator at the Beacon Career Institute in my home State of Florida, however, defrauded the Department of Education of nearly $1 million. The administrator submitted false documents to justify the disbursement of $720,000 in improper Pell grants. This money could have been used to pay for some 600 Pell grants when combined with the other $2.4 million in fraud. The Department of Education estimates that in the year 2001, some $336 million in Pell grants were improperly disbursed, given to the wrong people. That is wrong. Unfortunately, some of our friends in the Democratic Party still want to raise your taxes.

If you look at the Bureau of Indian Affairs, for example, there is a lot of fraud that is denying legitimate Indian needs out there in America. In New Mexico, for example, a Bureau of Indian Affairs bookkeeper embezzled $66,000 of Federal money intended for the Wingate High School. Also in Arizona, the neighboring State, two Bureau of Indian Affairs bureaucrats skimmed over $60,000 intended for Indian education programs. Again, a lot of our Democratic colleagues still want to raise your taxes.

In the Virgin Islands, if you look at the Office of Insular Affairs, in the Virgin Islands the Department of Health failed to effectively administer grants that total over $30.5 million. Errors included failure to engage in competitive bidding, improper land acquisition, undocumented cost claims and even the failure to complete a health clinic. Again, a lot of our Democratic friends still want to raise your taxes.

Finally, the Federal Emergency Management Administration. A lot of my colleagues understand in the aftermath of tornadoes, wind storms, and the recent hurricane that came up through the east coast, we want an emergency management agency to help people in severe need as they are rebuilding their communities. We want to make sure that police and fire and fundamental services are taken care of. But in response to the most recent wind storm, do you know what the Federal Emergency Management Administration is funding in this part of the world right outside of the Capitol here? Free stress reduction and personal growth classes as a response to the hurricane. They ask questions like, does stress make you feel unbalanced? Do you sometimes feel sad, depressed or empty? Do worrisome thoughts make you feel overwhelmed? By the way, if so, FEMA, the emergency management administration, thinks it has got an answer for you. What does it have? Multicultural initiatives, presenting a series that will allow discussion of who we are, where we are from, why we are here and how we are doing, a Federal program supposedly responding to emergencies in our States.

Multicultural town meetings. We have future workshops to address the issues of diversity, peace and violence versus nonviolence. These may be worthwhile things, but do you think that your tax dollar in the emergency management administration should be spent on them? Finally, anger management programs are being funded with your tax dollars in the Federal Emergency Management Administration.

Lastly, I will tell you that they are using your tax dollars, supposedly used to respond to emergencies, to do things like a yearlong celebration of trees, of gardens and other healing places. Ladies and gentlemen, some of them on the Democratic side still want to raise your taxes.

We are going to go after the waste in government.

THE SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, earlier this evening, one of our Republican colleagues, a very fine and thoughtful gentleman, came to the well here to lament the fact that the dialogue here, the discussion in the House, has become somewhat partisan lately. I have to agree with him that that is the case. He also said that earlier, after September 11, 2001, immediately thereafter, there was a sense of unity and purpose here, we were united. There is no question that that also is true. There are legitimate reasons for both circumstances.

After the attack of September 11, of course we were united. We were united as a country and the Members in this House were united purposefully to deal with the problems associated with that attack.

□ 1715

The President and the Members of Congress here identified the source of that problem. It was al Qaeda network being harbored by the Taliban in Afghanistan, and we all united together to make sure that that problem was eliminated. Some of us even went to Afghanistan to be with our military personnel to show them our support for the efforts there. That military action is over. Unfortunately, due to the lack of attention of the administration, however, it is rapidly deteriorating.

But I want to talk more about the situation that exists in Iraq because that has become the major focus of our attention, and indeed it has taken on a partisan perspective, and there are very good reasons for that because we have major differences of opinion. First of all, with regard to the rationale for attacking Iraq and, secondly, with regard to how the circumstances there are being carried out by this administration and especially by the Defense Department under this administration.

Everyone will recall that the President, when he spoke here in this House to a joint session of Congress and the American people, said over and over and over again directly and indirectly that there were ties and relationships between Saddam Hussein and Osama bin Laden, between Iraq and the al Qaeda network, and that was the reason why we had to go to war. Just recently the President has had to admit that that was not the case. There was no connection between Saddam Hussein and al Qaeda or Osama bin Laden.

Then the administration was telling us that they had to go over weapons of mass destruction. They knew there were chemical and biological weapons there in Iraq, and we had to go in there because those weapons were dangerous and they had to be taken care of. We have been there now for 5 months. We have found no chemical or biological weapons, no trace of any program dealing with nuclear weapons in spite of the fact that the President, from the podium here in this House, said that he had good solid information that the Iraqis were importing enriched uranium from Niger to facilitate the development of their nuclear program. All of that has turned out to be false. And so, yes, we raised the question why did we go to Iraq? For what purpose are we there? Why did we disrupt that country? Why have we created a situation of chaos there that has resulted in the death, up to this moment, of more than 300 American soldiers and the injury, the wounding, many of them very serious, of hundreds more, not to mention the deaths of tens of thousands, perhaps hundreds of thousands of Iraqis and others from other countries? Yes, we question that.

Now, we find out other things. For example, we have learned recently that there are now, according to General Abizaid, who is the highest-ranking American military officer in the Persian Gulf, that there are 650,000 tons of conventional weapons in Iraq, and they are essentially unguarded. The administration is running around the country there looking for so-called weapons of mass destruction. They have not paid a bit of attention to 650,000 tons of conventional weapons, grenades, surface-to-air missiles, 500-pound bombs, things of that nature that are scattered in places all over that country.

The destruction of the UN headquarters in Iraq recently, which resulted in the death of the highest-ranking United Nations official in Iraq, is something that we are all deeply concerned about and lament. What caused that? It turns out that under an FBI investigation, they found remnants of a Russian-made 500-pound bomb that, in all likelihood, came from one of these arsenals that are scattered around Iraq unguarded from which the terrorists can get all of the explosives and all of the conventional weapons they want, because we are not paying sufficient attention to them because we are looking for something that the administration has known from the beginning, based upon intelligence from the Central Intelligence Agency, the FBI, and elsewhere, that there were no weapons of mass destruction in Iraq.

They have taken us down a blind alley. We see through it. We see the falsehood. We see the mendacity. And, of course, we have an obligation, a responsibility to speak out against it. That is why the tone has turned in this House to a more partisan nature, because the administration and the leadership in this House pulled the wool over the eyes of the American people and many of the Members of this House who voted for that war resolution back last October. And now it is evident that they did so under false pretenses. It was a fraud, and we need to take action to correct it.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–290) on the resolution (H. Res. 383) waiving points of order against the conference report to accompany the Senate bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RECEIPT

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman from Guam (Mr. BORDALLO) is recognized for 5 minutes.

Ms. BORDALLO. Madam Speaker, I have on my desk a small card which has the words of my predecessor Congressman Ben Blaz. It says "I am a Member of Congress, but not one of its Members." I read those words today, Madam Speaker, because I had them reinforced to me when I tried to sign the discharge petition here in Congress to give the veterans concurrent receipt that they deserve. We have veterans on Guam, 15,000 of them, in fact, but I was told as a Delegate, I cannot put my name on that discharge petition. More soldiers from Guam have died, per capita, in foreign wars than any other State in the Nation. But Madam Speaker, I cannot put my name on that discharge petition. Pacific Islander veterans suffer disproportionately from posttraumatic stress disorder, but I cannot put my name on that discharge petition. I am a cosponsor of H.R. 303, but I cannot put my name on that discharge petition.

What can I do? I have decided to come to the floor today to appeal to my colleagues. I urge them to sign the discharge petition, Republican or Democrat; it does not matter. Do it for the veterans in their district. Do it for the veterans of Guam. Do it for their colleague who has been denied that right. I appeal to my colleagues on behalf of the disabled veterans of America. I see them at town hall meetings in my district all the time, and it breaks my heart. Veterans like Mr. Victor Pangelinan Tabios, who is 100 percent disabled.

Madam Speaker, the people of Guam are shy people. It takes a lot of courage for them to stand up in public and to speak out their mind. So when Victor spoke to me about concurrent receipt, I listened. He served our country with duty and honor and pride, and now it is time for us to step up and do the same. If just one of my colleagues will sign that discharge petition today, they will have the deepest thanks from the people of Guam and a very grateful Delegate who cannot sign the petition.

Mr. FILNER. Madam Speaker, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. FILNER. Madam Speaker, would it be in order to ask unanimous consent to request to allow the gentlewoman to sign the discharge petition?

The SPEAKER pro tempore. No, the Chair will not entertain that request.

Mr. FILNER. Why is that?

The SPEAKER pro tempore. The respective rights and privileges of the Members and Delegates are established by rules and by law; so that unanimous consent request will not be entertained.

Mr. FILNER. Madam Speaker, I thank the gentlewoman for bringing this up because this is an insult to her constituents, it is an insult to her. I will say if the Democrats get control of the House, the right to vote and sign discharge petitions, we hope, will get back to the delegates.

Ms. BORDALLO. Madam Speaker, I thank the gentleman for his interest and concern.

THE WAR IN IRAQ AND ITS AFTERMATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, 160 or so years ago, former President John Quincy Adams, then a Congressman, came to the House floor and shared with Members of Congress letters from his constituents, mostly from women, who at that time could not vote. In those days, the conservative leaders of the House of Representatives actually passed a House rule prohibiting, banning the discussion or the debate of slavery in the U.S. House of Representatives. John Quincy Adams, believing that slavery should be abolished first and, second, believing that the elected Representatives of our country should be allowed to debate that issue, came to the House floor day after day, night after night, week after week, sharing those letters from constituents protesting the actions of the conservative leadership in this Congress.

In that tradition, I have, night after night since July, come to this House floor sharing letters from my constituents about their concerns about the war in Iraq and about what has happened now with the President's not owning up and telling us the truth about the war and the aftermath of the war. We have faced the same problem here where this Congress has refused to debate many of the questions investigating whether the President and the administration told the truth about our reasons going into Iraq and told the truth since about the unbid contracts going to Halliburton, about how much money we are spending, about our plan to get out of the war, about how he is, in fact, taking care of our troops, something that unfortunately has been forgotten. And I want to share letters from my constituents today with Members of the House of Representatives.

I will start with Tonya who writes: "I am a veteran, and I know better than most people what the military needs right now. I support our troops in every way possible," Tonya, a veteran, writes. "They all deserve raises and increases in their hazardous-duty pay," something that President Bush has opposed. "In my opinion, our troops should be brought home. Let the UN and the Iraqi people clean up the mess." This can be done. "Use that same $87 billion to stimulate the economy in the United States."

Ann writes: "Congress must shift from the passive stance taken after September 11 and accept their constitutional responsibility of oversight. Congress has required far too little accountability from the Bush administration and allowed them far too much discretion. This President has proven to be a failed leader incapable of running this country." What Ann is talking about is the unbid contracts. We are spending $1 billion a week in Iraq right now. Three hundred million dollars of that has gone to private contractors, many of them the President's friends, many of them people who contributed money to the President's campaign. One of those companies that Ann is talking about is Halliburton, a company which has been beneficiary of hundreds of million of dollars in unbid contracts and just happens to be the company where Vice President CHENEY used to be the CEO, and a company that is still paying Vice President CHENEY $13,000 a month. That is Ann, a constituent.

Peter writes: "The President and his clique should recognize the mistakes of the past and do what's fair to the Iraqi people. Let them decide for themselves, let them become a sovereign nation under the auspices of the UN. Bring back the troops, work through and with the UN. Spend the $87 billion and more at home for schools, health care, basic infrastructure. Take care of the people at home."

George writes: "If Bush wants his mess cleaned up by U.S. taxpayers, then he needs to concede that the tax cuts for the wealthy cannot stand." What George is referring to is that 42 percent of the tax cuts this Congress passed went to the 1 percent wealthiest people in this country. The average millionaire got a $92,000 tax cut, while half of my constituents got literally zero. George writes: "Nothing good will come of this, with control passing to the UN for rebuilding." And, yes, we must pay for what we broke. "The tax cuts for the wealthy should be repealed immediately."

The last letter I will read, Barbara writes: "We cannot leave Iraq in the mess we have created. However, if the $87 billion is to be used to rebuild, we should have contractors from Iraq do the work, not Halliburton." Remember, that is the company where Vice President CHENEY still receives $13,000 every month from while our Government is giving unbid contracts to that company to the tune of hundreds of millions of dollars in Iraq. "We need to turn this disaster over to the UN, if it is willing, get the world involved and turn this into a worldwide humanitarian effort. Bush has been extremely successful at raising money for his unopposed" in the primary "reelection campaign. Perhaps he should get out there and start requesting donations to rebuild Iraq, and let's not forget Afghanistan. I would gladly return my $400 tax rebate, and I am sure that his supporters would continue to attend the $2,000-a-plate dinners for the cause they support."

□ 1730

Madam Speaker, it is pretty clear that people all over my district, my State, this country are unhappy with how the President has failed in supporting the troops by opposing pay raises, by cutting veterans benefits when they come home, and that my constituents are concerned about the billions of dollars we are spending in Iraq with no accountability. Madam Speaker, my constituents are concerned about the corruption coming right out of the White House where unbid contracts are going to the President's friends, the President's contributors, and the Vice President's company, which still continues, continues every month since he has been Vice President, every month since they have been given contracts in Iraq, continues to give Vice President CHENEY $13,000 every single month.

THREE SIMPLE STEPS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, today, as ranking member of the Committee on the Judiciary, I am calling upon the White House to take three simple steps which would send a signal that they want to get to the bottom of the growing controversy concerning the leaking of a CIA operative's name to the press.

The first thing I would ask them to do is to call upon the Attorney General to appoint a special counsel. The second thing I would ask that they do is to order any and all staff advisors to comply with a lie detector test. Third, I would ask the President to order his staff and advisors to waive any journalistic privilege they have as confidential sources with regard to the press.

This probe has led to the following news breaks: NBC, Brokaw, the leak: Did someone in the White House blow the cover of a CIA agent to discredit a critic of the administration?

This is from the National Journals daily briefing on politics. CBS's Rather: The CIA scandal charges that the White House blew the cover of an undercover CIA agent. An investigation is launched.

ABC's Jennings: the President's advisor says he did not leak the name of a CIA officer whose husband criticized the President.

CNN's Jay King: the President quickly left the room after this afternoon's bill-signing, ignoring shouted questions. His spokesman says Mr. Bush sees no need for an internal White House investigation and no need for an outside investigation by a special prosecutor.

White House chief of staff Andy Carr told senior staffers Monday that anyone with information about the leak should contact the Justice Department. But at this time, there is no formal directive to the White House staff, and the President is not asking for an internal review, despite reports that the illegal leak came from within the White House.

CNBC's Seigenthaler, tonight on the news: Did someone at the White House break the law by leaking the name of a top secret CIA agent?

FNC's Hume: Washington is in a frenzy over the alleged White House leak of a CIA agent's identity, but is there any evidence that it was the White House?

NBC's Miklaszewski: At the White House today, President Bush was beginning to feel political heat.

And CBS's Roberts: the White House tried to jump out in front of the potentially damaging controversy today, insisting that it would never authorize the leaking of a CIA operative's name.

Now, my recommendation is that the President call upon the Attorney General to appoint a special counsel. It is the only way to ensure the American public that the investigation will be performed fairly and impartially, to call upon the Attorney General to appoint the special counsel.

Now, if we read the Code of Federal Regulations, volume 28 at section 600.1, the Attorney General is required to appoint a special counsel when a "criminal investigation of a person or matter is warranted"; and, two, the investigation "by a United States Attorney's Office would present a conflict of interest for the Department"; and, three, "it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter."

Now, it so happens all of the facts are present here. First, the allegations, if true, constitute an obvious serious criminal violation under 50 United States Code section 421. The disclosure of a name of a covert agent is punishable by up to 10 years in a Federal prison.

CONSTITUENTS EXPRESS THEIR VIEWS ON PRESIDENT'S REQUEST FOR $87 BILLION SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Speaker, I wanted to join my colleague, the gentleman from Ohio (Mr. BROWN), who, along with him, I have been reading some letters and e-mails from constituents regarding their view on the ongoing war in Iraq, and their views about the request for $87 billion. A number of these e-mails that I have gotten have been generated by moveon.org that has an online petition where hundreds of thousands of people have signed on, and many of them have written comments regarding their unwillingness to spend $87 billion, particularly while the leadership team that got us into Iraq is still in place, and as long as we fail to internationalize the effort in rebuilding Iraq.

So I thought it would be useful to read some of the letters and the e-mails that I have gotten.

Rebecca from Park Ridge says, "This Congress has a responsibility to ensure that our tax dollars are used well, but President Bush is demanding another enormous blank check. Congress must withhold the $87 billion requested by President Bush until he dismisses the team responsible for the quagmire in Iraq, starting with Defense Secretary Rumsfeld, and end the U.S. occupation of Iraq by transferring authority for rebuilding to the United Nations."

Doralee of Evanston says, "I beseech you as moral people who care about the survival of this world to deny Bush's request for $87 billion and fire Rumsfeld and develop a whole new approach to restoring Iraq by involving the United Nations. This is such a serious matter that you cannot give Bush blanket authority anymore. He has not handled this situation in a competent manner."

And Barbara from Wilmette says, "I was stunned and disheartened to read that President Bush is asking for $87 billion from Congress for an occupation in Iraq that has only led to the death of our soldiers and Iraqi civilians and further bitterness of the Iraqi people toward the United States."

Oletta from Chicago says, "This war has been fiscally and morally mismanaged and should not garner any further financing without an exact budget and defined timelines. Don't let Bush and his administration continue to bankrupt America because he still doesn't know what he is doing or is going to do."

Pamela says, and she is from Chicago, "I believe we need to invest in rebuilding Iraq and protecting our troops, but we need to do it in a sensible way, in concert with the world, and in a way that benefits the people of Iraq. So, the quid pro quo for the money is a change in policy and in leadership."

Cecelia, also from Chicago says, "I don't begrudge funding, as long as I feel that the war is properly managed. I don't. Our soldiers are vulnerable, the Iraqis seem to hate us, the terrorists are picking us off, and we don't seem to have a plan to change any of this. Firing Rumsfeld would be a start."

David from Chicago says, "I hear story after story of parents of our men and women serving in Iraq sending regular care packages with things like sun screen because their children are not being provided these items by the military. It is clear that the money being spent is not being targeted to those in the service and apparently not to the Iraqi people who still lack power, water, food, and medical facility. It does appear that Halliburton is profiting quite nicely from its no-bid contract. I object to sending more money until Mr. Rumsfeld is removed and we get an accounting of how the money is being spent and who is getting their pockets lined with it."

Janice from Chicago says, "Congress must withhold the $87 billion requested by the President until he dismisses the team responsible for the quagmire in Iraq, starting with Defense Secretary Rumsfeld, and ends the U.S. occupation by transferring authority for rebuilding to the United Nations."

Jonathan from Chicago says, "Don't reward failure. The war in Iraq was won handily, but the Defense Department's hamfisted attempts to run things in Iraq, over the objections of the more experienced State Department, has been dismal and embarrassing. By all means, fund the continued rebuilding efforts in Iraq, but not while the architects of the current mess are still choosing how to spend our money."

And David from Chicago says, "Please make sure we don't alienate the rest of the world more than we already have. Please make this administration admit that it has made a misstep by not involving the world community in the Iraq situation from the outset."

Jeffrey from Chicago said, "This is outrageous, given the fiscal crisis our States are in, and the fact that the money would go a long way to shore up education or help programs that confront the issues of homelessness or poverty. Get up and do something about this. I'm keeping track."

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CONFERENCE REPORT ON H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. OXLEY submitted the following conference report and statement on the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-291)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu, of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Check Clearing for the 21st Century Act" or the "Check 21 Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
Sec. 4. General provisions governing substitute checks.
Sec. 5. Substitute check warranties.
Sec. 6. Indemnity.
Sec. 7. Expedited recredit for consumers.
Sec. 8. Expedited recredit procedures for banks.
Sec. 9. Delays in an emergency.
Sec. 10. Measure of damages.
Sec. 11. Statute of limitations and notice of claim.
Sec. 12. Consumer awareness.
Sec. 13. Effect on other law.
Sec. 14. Variation by agreement.
Sec. 15. Regulations.
Sec. 16. Study and report on funds availability.
Sec. 17. Statistical reporting of costs and revenues for transporting checks between Federal Reserve banks.
Sec. 18. Evaluation and report by the Comptroller General.
Sec. 19. Depositary services efficiency and cost reduction.
Sec. 20. Effective date.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) In the Expedited Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

(B) directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.

(3) Check truncation is no less desirable in 2003 for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate check truncation by authorizing substitute checks.

(2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.

(3) To improve the overall efficiency of the Nation's payments system.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term "account" means a deposit account at a bank.

(2) BANK.—The term "bank" means any person that is located in a State and engaged in the business of banking and includes—

(A) any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act);

(B) any Federal reserve bank;

(C) any Federal home loan bank; or

(D) to the extent it acts as a pay or—

(i) the Treasury of the United States;

(ii) the United States Postal Service;

(iii) a State government; or

(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.—

(A) COLLECTING BANK.—The term "collecting bank" means any bank handling a check for collection except the paying bank.

(B) DEPOSITARY BANK.—The term "depositary bank" means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or

(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(C) PAYING BANK.—The term "paying bank" means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection; or

(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(D) RETURNING BANK.—

(i) IN GENERAL.—The term "returning bank" means a bank (other than the paying or depositary bank) handling a returned check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4-202(b) of the Uniform Commercial Code.

(4) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term "business day" has the same meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term "check"—

(A) means a draft, payable on demand and drawn on or payable through or at an office of a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a travelers check; and

(B) does not include a noncash item or an item payable in a medium other than United States dollars.

(7) CONSUMER.—The term "consumer" means an individual who—

(A) with respect to a check handled for forward collection, draws the check on a consumer account; or

(B) with respect to a check handled for return, deposits the check into, or cashes the check against, a consumer account.

(8) CONSUMER ACCOUNT.—The term "consumer account" has the same meaning as in section 602(10) of the Expedited Funds Availability Act.

(9) CUSTOMER.—The term "customer" means a person having an account with a bank.

(10) FORWARD COLLECTION.—The term "forward collection" means the transfer by a bank of a check to a collecting bank for settlement or the paying bank for payment.

(11) INDEMNIFYING BANK.—The term "indemnifying bank" means a bank that is providing an indemnity under section 6 with respect to a substitute check.

(12) MICR LINE.—The terms "MICR line" and "magnetic ink character recognition line" mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(13) NONCASH ITEM.—The term "noncash item" has the same meaning as in section 602(14) of the Expedited Funds Availability Act.

(14) PERSON.—The term "person" means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(15) RECONVERTING BANK.—The term "reconverting bank" means—

(A) the bank that creates a substitute check; or

(B) if a substitute check is created by a person other than a bank, the first bank that transfers or presents such substitute check.

(16) SUBSTITUTE CHECK.—The term "substitute check" means a paper reproduction of the original check that—

(A) contains an image of the front and back of the original check;

(B) bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(C) conforms, in paper stock, dimension, and otherwise, with generally applicable industry standards for substitute checks; and

(D) is suitable for automated processing in the same manner as the original check.

(17) STATE.—The term "State" has the same meaning as in section 3(a) of the Federal Deposit Insurance Act.

(18) TRUNCATE.—The term "truncate" means to remove an original paper check from the check collection or return process and send to a recipient, in lieu of such original paper check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without subsequent delivery of the original paper check.

(19) UNIFORM COMMERCIAL CODE.—The term "Uniform Commercial Code" means the Uniform Commercial Code in effect in a State.

(20) OTHER TERMS.—Unless the context requires otherwise, the terms not defined in this section shall have the same meanings as in the Uniform Commercial Code.

SEC. 4. GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS.

(a) NO AGREEMENT REQUIRED.—A person may deposit, present, or send for collection or return a substitute check without an agreement with the recipient, so long as a bank has made the warranties in section 5 with respect to such substitute check.

(b) LEGAL EQUIVALENCE.—A substitute check shall be the legal equivalent of the original check for all purposes, including any provision of any Federal or State law, and for all persons if the substitute check—

(1) accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) bears the legend: "This is a legal copy of your check. You can use it the same way you would use the original check.".

(c) ENDORSEMENTS.—A bank shall ensure that the substitute check for which the bank is the reconverting bank bears all endorsements applied by parties that previously handled the check (whether in electronic form or in the form of the original paper check or a substitute check) for forward collection or return.

(d) IDENTIFICATION OF RECONVERTING BANK.—A bank shall identify itself as a reconverting bank on any substitute check for which the bank is a reconverting bank so as to preserve any previous reconverting bank identifications in conformance with generally applicable industry standards.

(e) APPLICABLE LAW.—A substitute check that is the legal equivalent of the original check under subsection (b) shall be subject to any provision, including any provision relating to the protection of customers, of part 229 of title 12 of the Code of Federal Regulations, the Uniform Commercial Code, and any other applicable Federal or State law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with this Act.

SEC. 5. SUBSTITUTE CHECK WARRANTIES.

A bank that transfers, presents, or returns a substitute check and receives consideration for the check warrants, as a matter of law, to the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) that—

(1) the substitute check meets all the requirements for legal equivalence under section 4(b); and

(2) no depositary bank, drawee, drawer, or endorser will receive presentment or return of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check such that the bank, drawee, drawer, or endorser will be asked to make a payment based on a check that the bank, drawee, drawer, or endorser has already paid.

SEC. 6. INDEMNITY.

(a) INDEMNITY.—A reconverting bank and each bank that subsequently transfers, presents, or returns a substitute check in any electronic or paper form, and receives consideration for such transfer, presentment, or return shall indemnify the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser, up to the amount described in subsections (b) and (c), as applicable, to the extent of any loss incurred by any recipient of a substitute check if that loss occurred due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney's fees and other expenses of representation) proximately caused by a breach of a warranty provided under section 5.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of a warranty provided under section 5, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—

(1) IN GENERAL.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party's indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection reduces the rights of a consumer or any other person under the Uniform Commercial Code or other applicable provision of Federal or State law.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—

(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time that the original check or copy is provided to the indemnified party; and

(B) have a right to the return of any funds it has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not absolve the bank from any liability on a warranty established under this Act or any other provision of law.

(e) SUBROGATION OF RIGHTS.—

(1) IN GENERAL.—Each indemnifying bank shall be subrogated to the rights of any indemnified party to the extent of the indemnity.

(2) RECOVERY UNDER WARRANTY.—A bank that indemnifies a party under this section may attempt to recover from another party based on a warranty or other claim.

(3) DUTY OF INDEMNIFIED PARTY.—Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

SEC. 7. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer's account for a substitute check that was provided to the consumer;

(B) either—

(i) the check was not properly charged to the consumer's account; or

(ii) the consumer has a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and

(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(2) 40-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 40-day period beginning on the later of—

(A) the date on which the financial institution mails or delivers, by a means agreed to by the consumer, the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the date on which the substitute check is made available to the consumer.

(3) Extension under extenuating circumstances.—If the ability of the consumer to submit the claim within the 40-day period under paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 40-day period shall be extended by a reasonable amount of time.

(b) Procedures for Claims.—

(1) In general.—To make a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer's account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss;

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge to the consumer's account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) Claim in writing.—

(A) In general.—The bank holding the consumer account that is the subject of a claim by the consumer under subsection (a) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(B) Means of submission.—A bank that requires a submission of information under subparagraph (A) may permit the consumer to make the submission electronically, if the consumer has agreed to communicate with the bank in that manner.

(c) Recredit to Consumer.—

(1) Conditions for recredit.—The bank shall recredit a consumer account in accordance with paragraph (2) for the amount of a substitute check that was charged against the consumer account if—

(A) a consumer submits a claim to the bank with respect to that substitute check that meets the requirement of subsection (b); and

(B) the bank has not—

(i) provided to the consumer—

(I) the original check; or

(II) a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check, as of the time at which the original check was truncated; and

(ii) demonstrated to the consumer that the substitute check was properly charged to the consumer account.

(2) Timing of recredit.—

(A) In general.—The bank shall recredit the consumer's account for the amount described in paragraph (1) no later than the end of the business day following the business day on which the bank determines the consumer's claim is valid.

(B) Recredit pending investigation.—If the bank has not yet determined that the consumer's claim is valid before the end of the 10th business day after the business day on which the consumer submitted the claim, the bank shall recredit the consumer's account for—

(i) the lesser of the amount of the substitute check that was charged against the consumer account, or $2,500, together with interest if the account is an interest-bearing account, no later than the end of such 10th business day; and

(ii) the remaining amount of the substitute check that was charged against the consumer account, if any, together with interest if the account is an interest-bearing account, not later than the 45th calendar day following the business day on which the consumer submits the claim.

(d) Availability of Recredit.—

(1) Next business day availability.—Except as provided in paragraph (2), a bank that provides a recredit to a consumer account under subsection (c) shall make the recredited funds available for withdrawal by the consumer by the start of the next business day after the business day on which the bank recredits the consumer's account under subsection (c).

(2) Safeguard exceptions.—A bank may delay availability to a consumer of a recredit provided under subsection (c)(2)(B)(i) until the start of either the business day following the business day on which the bank determines that the consumer's claim is valid or the 45th calendar day following the business day on which the consumer submits a claim for such recredit in accordance with subsection (b), whichever is earlier, in any of the following circumstances:

(A) New accounts.—The claim is made during the 30-day period beginning on the business day the consumer account was established.

(B) Repeated overdrafts.—Without regard to the charge that is the subject of the claim for which the recredit was made—

(i) on 6 or more business days during the 6-month period ending on the date on which the consumer submits the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(ii) on 2 or more business days during such 6-month period, the balance in the consumer account was negative or would have become negative in the amount of $5,000 or more if checks or other charges to the account had been paid.

(C) Prevention of fraud losses.—The bank has reasonable cause to believe that the claim is fraudulent, based on facts (other than the fact that the check in question or the consumer is of a particular class) that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent.

(3) Overdraft fees.—No bank that, in accordance with paragraph (2), delays the availability of a recredit under subsection (c) to any consumer account may impose any overdraft fees with respect to drafts drawn by the consumer on such recredited amount before the end of the 5-day period beginning on the date notice of the delay in the availability of such amount is sent by the bank to the consumer.

(e) Reversal of Recredit.—A bank may reverse a recredit to a consumer account if the bank—

(1) determines that a substitute check for which the bank recredited a consumer account under subsection (c) was in fact properly charged to the consumer account; and

(2) notifies the consumer in accordance with subsection (f)(3).

(f) Notice to Consumer.—

(1) Notice if consumer claim not valid.—If a bank determines that a substitute check subject to the consumer's claim was in fact properly charged to the consumer's account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine whether or not the consumer's claim is valid; and

(B) an explanation of the basis for the determination by the bank that the substitute check was properly charged, including a statement that the consumer may request copies of any information or documents on which the bank relied in making the determination.

(2) Notice of recredit.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(3) Notice of reversal of recredit.—In addition to the notice required under paragraph (1), if a bank reverses a recredited amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the recredit, a notice of—

(A) the amount of the reversal; and

(B) the date the recredit was reversed.

(4) Mode of delivery.—A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.

(g) Other Claims Not Affected.—Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under section 6 or 10.

(h) Clarification Concerning Consumer Possession.—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.

(i) Scope of Application.—This section shall only apply to customers who are consumers.

SEC. 8. EXPEDITED RECREDIT PROCEDURES FOR BANKS.

(a) Recredit Claims.—

(1) In general.—A bank may make a claim against an indemnifying bank for expedited recredit for which that bank is indemnified if—

(A) the claimant bank (or a bank that the claimant bank has indemnified) has received a claim for expedited recredit from a consumer under section 7 with respect to a substitute check or would have been subject to such a claim had the consumer's account been charged;

(B) the claimant bank has suffered a resulting loss or is obligated to recredit a consumer account under section 7 with respect to such substitute check; and

(C) production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the customer account or any warranty claim connected with such substitute check.

(2) 120-day period.—Any claim under paragraph (1) may be submitted by the claimant bank to an indemnifying bank before the end of the 120-day beginning on the date of the transaction that gave rise to the claim.

(b) Procedures for Claims.—

(1) In general.—To make a claim under subsection (a) for an expedited recredit relating to a substitute check, the claimant bank shall send to the indemnifying bank—

(A) a description of—

(i) the claim, including an explanation of why the substitute check cannot be properly charged to the consumer account; or

(ii) the warranty claim;

(B) a statement that the claimant bank has suffered a loss or is obligated to recredit the consumer's account under section 7, together with an estimate of the amount of the loss or recredit;

(C) the reason why production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(D) information sufficient for the indemnifying bank to identify the substitute check and to investigate the claim.

(2) REQUIREMENTS RELATING TO COPIES OF SUBSTITUTE CHECKS.—If the information submitted by a claimant bank pursuant to paragraph (1) in connection with a claim for an expedited recredit includes a copy of any substitute check for which any such claim is made, the claimant bank shall take reasonable steps to ensure that any such copy cannot be—

(A) mistaken for the legal equivalent of the check under section 4(b); or

(B) sent or handled by any bank, including the indemnifying bank, as a forward collection or returned check.

(3) CLAIM IN WRITING.—

(A) IN GENERAL.—An indemnifying bank may, in the discretion of the bank, require the claimant bank to submit the information required by paragraph (1) in writing, including a copy of the written or electronically submitted claim, if any, that the consumer provided in accordance with section 7(b).

(B) MEANS OF SUBMISSION.—An indemnifying bank that requires a submission of information under subparagraph (A) may permit the claimant bank to make the submission electronically, if the claimant bank has agreed to communicate with the indemnifying bank in that manner.

(c) RECREDIT BY INDEMNIFYING BANK.—

(1) PROMPT ACTION REQUIRED.—No later than 10 business days after the business day on which an indemnifying bank receives a claim under subsection (a) from a claimant bank with respect to a substitute check, the indemnifying bank shall—

(A) provide, to the claimant bank, the original check (with respect to such substitute check) or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine the bank's claim is not valid; and

(B) recredit the claimant bank for the amount of the claim up to the amount of the substitute check, plus interest if applicable; or

(C) provide information to the claimant bank as to why the indemnifying bank is not obligated to comply with subparagraph (A) or (B).

(2) RECREDIT DOES NOT ABROGATE OTHER LIABILITIES.—Providing a recredit under this subsection to a claimant bank with respect to a substitute check shall not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under section 6 or 10 with respect to such check.

(3) REFUND TO INDEMNIFYING BANK.—If a claimant bank reverses, in accordance with section 7(e), a recredit previously made to a consumer account under section 7(c), or otherwise receives a credit or recredit with regard to such substitute check, the claimant bank shall promptly refund to any indemnifying bank any amount previously advanced by the indemnifying bank in connection with such substitute check.

(d) PRODUCTION OF ORIGINAL CHECK OR A SUFFICIENT COPY GOVERNED BY SECTION 6(d).—If the indemnifying bank provides the claimant bank with the original check or a copy of the original check (including an image or a substitute check) under subsection (c)(1)(A), section 6(d) shall govern any right of the indemnifying bank to any repayment of any funds the indemnifying bank has recredited to the claimant bank pursuant to subsection (c).

SEC. 9. DELAYS IN AN EMERGENCY.

A delay by a bank beyond the time limits prescribed or permitted by this Act shall be excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of a bank and if the bank uses such diligence as the circumstances require.

SEC. 10. MEASURE OF DAMAGES.

(a) LIABILITY.—

(1) IN GENERAL.—Except as provided in section 6, any person who, in connection with a substitute check, breaches any warranty under this Act or fails to comply with any requirement imposed by, or regulation prescribed pursuant to, this Act with respect to any other person shall be liable to such person in an amount equal to the sum of—

(A) the lesser of—

(i) the amount of the loss suffered by the other person as a result of the breach or failure; or

(ii) the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) OFFSET OF RECREDITS.—The amount of damages any person receives under paragraph (1), if any, shall be reduced by the amount, if any, that the claimant receives and retains as a recredit under section 7 or 8.

(b) COMPARATIVE NEGLIGENCE.—

(1) IN GENERAL.—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability due to that person under subsection (a) shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection reduces the rights of a consumer or any other person under the Uniform Commercial Code or other applicable provision of Federal or State law.

SEC. 11. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) ACTIONS UNDER THIS ACT.—

(1) IN GENERAL.—An action to enforce a claim under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.

(2) ACCRUAL.—A cause of action accrues as of the date the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action.

(b) DISCHARGE OF CLAIMS.—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the identity of the indemnifying or warranting bank, the indemnifying or warranting bank is discharged from liability in an action to enforce a claim under this Act to the extent of any loss caused by the delay in giving notice of the claim.

(c) NOTICE OF CLAIM BY CONSUMER.—A timely claim by a consumer under section 7 for expedited recredit constitutes timely notice of a claim by the consumer for purposes of subsection (b).

SEC. 12. CONSUMER AWARENESS.

(a) IN GENERAL.—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—

(1) how a substitute check is the legal equivalent of an original check for all purposes, including any provision of any Federal or State law, and for all persons, if the substitute check—

(A) accurately represents all of the information on the front and back of.the original check as of the time at which the original check was truncated; and

(B) bears the legend: 'This is a legal copy of your check. You can use it in the same way you would use the original check.'; and

(2) the consumer recredit rights established under section 7 when a consumer believes in good faith that a substitute check was not properly charged to the account of the consumer.

(b) DISTRIBUTION.—

(1) EXISTING CUSTOMERS.—With respect to consumers who are customers of a bank on the effective date of this Act and who receive original checks or substitute checks, a bank shall provide the notice described in subsection (a) to each such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.

(2) NEW ACCOUNT HOLDERS.—A bank shall provide the notice described in subsection (a) to each consumer who will receive original checks or substitute checks, other than existing customers referred to in paragraph (1), at the time at which the customer relationship is initiated.

(3) MODE OF DELIVERY.—A bank may send the notices required by this subsection by United States mail or by any other means through which the consumer has agreed to receive account information.

(4) CONSUMERS WHO REQUEST COPIES OF CHECKS.—Notice shall be provided to each consumer of the bank that requests a copy of a check and receives a substitute check, at the time of the request.

(c) MODEL LANGUAGE.—

(1) IN GENERAL.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Board shall publish model forms and clauses that a bank may use to describe each of the elements required by subsection (a).

(2) SAFE HARBOR.—

(A) IN GENERAL.—A bank shall be treated as being in compliance with the requirements of subsection (a) if the bank's substitute check notice uses a model form or clause published by the Board and such model form or clause accurately describes the bank's policies and practices.

(B) DELETION OR REARRANGEMENT.—A bank may delete any information in the model form or clause that is not required by this Act or rearrange the format.

(3) USE OF MODEL LANGUAGE NOT REQUIRED.—This section shall not be construed as requiring any bank to use a model form or clause that the Board prepares under this subsection.

SEC. 13. EFFECT ON OTHER LAW.

This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.

SEC. 14. VARIATION BY AGREEMENT.

(a) SECTION 8.—Any provision of section 8 may be varied by agreement of the banks involved.

(b) NO OTHER PROVISIONS MAY BE VARIED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 15. REGULATIONS.

The Board may prescribe such regulations as the Board determines to be necessary to implement, prevent circumvention or evasion of, or facilitate compliance with the provisions of this Act.

SEC. 16. STUDY AND REPORT ON FUNDS AVAILABILITY.

(a) STUDY.—In order to evaluate the implementation and the impact of this Act, the Board shall conduct a study of—

(1) the percentage of total checks cleared in which the paper check is not returned to the paying bank;

(2) the extent to which banks make funds available to consumers for local and nonlocal checks prior to the expiration of maximum hold periods;

(3) the length of time within which depositary banks learn of the nonpayment of local and nonlocal checks;

(4) the increase or decrease in check-related losses over the study period; and

(5) the appropriateness of the time periods and amount limits applicable under sections 603 and 604 of the Expedited Funds Availability Act, as in effect on the date of enactment of this Act.

(b) REPORT TO CONGRESS.—Before the end of the 30-month period beginning on the effective date of this Act, the Board shall submit a report to the Congress containing the results of the study conducted under this section, together with recommendations for legislative action.

SEC. 17. STATISTICAL REPORTING OF COSTS AND REVENUES FOR TRANSPORTING CHECKS BETWEEN RESERVE BANKS.

In the annual report prepared by the Board for the first full calendar year after the date of enactment of this Act and in each of the 9 subsequent annual reports by the Board, the Board shall include the amount of operating costs attributable to, and an estimate of the Federal Reserve banks' imputed revenues derived from, the transportation of commercial checks between Federal Reserve bank check processing centers.

SEC. 18. EVALUATION AND REPORT BY THE COMPTROLLER GENERAL.

(a) STUDY.—During the 5-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall evaluate the implementation and administration of this Act, including—

(1) an estimate of the gains in economic efficiency made possible from check truncation;

(2) an evaluation of the benefits accruing to consumers and financial institutions from reduced transportation costs, longer hours for accepting deposits for credit within 1 business day, the impact of fraud losses, and an estimate of consumers' share of the total benefits derived from this Act; and

(3) an assessment of consumer acceptance of the check truncation process resulting from this Act, as well as any new costs incurred by consumers who had their original checks returned with their regular monthly statements prior to the date of enactment of this Act.

(b) REPORT TO CONGRESS.—Before the end of the 5-year period referred to in subsection (a), the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the evaluation conducted pursuant to subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

SEC. 19. DEPOSITARY SERVICES EFFICIENCY AND COST REDUCTION.

(a) FINDINGS.—The Congress finds as follows:

(1) The Secretary of the Treasury has long compensated financial institutions for various critical depositary and financial agency services provided for or on behalf of the United States by—

(A) placing large balances, commonly referred to as "compensating balances", on deposit at such institutions; and

(B) using imputed interest on such funds to offset charges for the various depositary and financial agency services provided to or on behalf of the Government.

(2) As a result of sharp declines in interest rates over the last few years to record low levels, or the public debt outstanding reaching the statutory debt limit, the Department of the Treasury often has had to dramatically increase or decrease the size of the compensating balances on deposit at these financial institutions.

(3) The fluctuation of the compensating balances, and the necessary pledging of collateral by financial institutions to secure the value of compensating balances placed with those institutions, have created unintended financial uncertainty for the Secretary of the Treasury and for the management by financial institutions of their cash and securities.

(4) It is imperative that the process for providing financial services to the Government be transparent, and provide the information necessary for the Congress to effectively exercise its appropriation and oversight responsibilities.

(5) The use of direct payment for services rendered would strengthen cash and debt management responsibilities of the Secretary of the Treasury because the Secretary would no longer need to dramatically increase or decrease the level of such balances when interest rates fluctuate sharply or when the public debt outstanding reaches the statutory debt limit.

(6) An alternative to the use of compensating balances, such as direct payments to financial institutions, would ensure that payments to financial institutions for the services they provide would be made in a more predictable manner and could result in cost savings.

(7) Limiting the use of compensating balances could result in a more direct and cost-efficient method of obtaining those services currently provided under compensating balance arrangements.

(8) A transition from the use of compensating balances to another compensation method must be carefully managed to prevent higher-than-necessary transitional costs and enable participating financial institutions to modify their planned investment of cash and securities.

(b) AUTHORIZATION OF APPROPRIATIONS FOR SERVICES RENDERED BY DEPOSITARIES AND FINANCIAL AGENCIES OF THE UNITED STATES.—There are authorized to be appropriated for fiscal years beginning after fiscal year 2003 to the Secretary of the Treasury such sums as may be necessary for reimbursing financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or a designee of the Secretary, to be performed by such financial institutions on behalf of the Secretary of the Treasury or another Federal agency, including services rendered before fiscal year 2004.

(c) ORDERLY TRANSITION.—

(1) IN GENERAL.—As appropriations authorized in subsection (b) become available, the Secretary of the Treasury shall promptly begin the process of phasing in the use of the appropriations to pay financial institutions serving as depositaries and financial agents of the United States, and transitioning from the use of compensating balances to fund these services.

(2) POST-TRANSITION USE LIMITED TO EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—Following the transition to the use of the appropriations authorized in subsection (b), the Secretary of the Treasury may use the compensating balances to pay financial institutions serving as depositaries and financial agents of the United States only in extraordinary situations where the Secretary determines that they are needed to ensure the fiscal operations of the Government continue to function in an efficient and effective manner.

(B) REPORT.—Any use of compensating balances pursuant to subparagraph (A) shall promptly be reported by the Secretary of the Treasury to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) REQUIREMENTS FOR ORDERLY TRANSITION.—In transitioning to the use of the appropriations authorized in subsection (b), the Secretary of the Treasury shall take such steps as may be appropriate to—

(A) prevent abrupt financial disruption to the functions of the Department of the Treasury or to the participating financial institutions; and

(B) maintain adequate accounting and management controls to ensure that payments to financial institutions for their banking services provided to the Government as depositaries and financial agents are accurate and that the arrangements last no longer than is necessary.

(4) REPORTS REQUIRED.—

(A) ANNUAL REPORT.—

(i) IN GENERAL.—For each fiscal year, the Secretary of the Treasury shall submit a report to the Congress on the use of compensating balances and on the use of appropriations authorized in subsection (b) during that fiscal year.

(ii) INCLUSION IN BUDGET.—The report required under clause (i) may be submitted as part of the budget submitted by the President under section 1105 of the title 31, United States Code, for the following fiscal year and if so, the report shall be submitted concurrently to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(B) FINAL REPORT FOLLOWING TRANSITION.—

(i) IN GENERAL.—Following completion of the transition from the use of compensating balances to the use of the appropriations authorized in subsection (b) to pay financial institutions for their services as depositaries and financial agents of the United States, the Secretary of the Treasury shall submit a report on the transition to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(ii) CONTENTS OF REPORT.—The report submitted under clause (i) shall include a detailed analysis of—

(I) the cost of transition;

(II) the direct costs of the services being paid from the appropriations authorized in subsection (b); and

(III) the benefits realized from the use of direct payment for such services, rather than the use of compensating balance arrangements.

(d) TECHNICAL AMENDMENT.—The 2d undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended—

(1) in the 3d sentence, by inserting "or any other asset of a Federal reserve bank" before the period at the end; and

(2) in the last sentence, by inserting ", or are otherwise held by or on behalf of," after "in the vaults of".

(e) EFFECTIVE DATE.—Notwithstanding section 20, this section shall take effect on the date of the enactment of this Act.

SEC. 20. EFFECTIVE DATE.

This Act shall take effect at the end of the 12-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

And the Senate agree to the same.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,
STEVEN C. LATOURETTE,
MELISSA A. HART,
PATRICK J. TIBERI,
BARNEY FRANK,
HAROLD E. FORD, Jr.,
Managers on the Part of the House.

RICHARD C. SHELBY,
ROBERT F. BENNETT,
WAYNE ALLARD,
PAUL S. SARBANES,
TIM JOHNSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment.

The Managers on the part of the House and the Senate met on October 1, 2003 (the House chairing), and reconciled the differences between the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE; TABLE OF CONTENTS; FINDINGS AND PURPOSES

House Bill

Section 1 of the House bill establishes the short title of the bill, the "Check Clearing for the 21st Century Act," or the "Check 21 Act", and provides the findings and purposes of the legislation.

Senate Amendment

Section 1 of the Senate amendment provides the short title of the bill, the "Check Truncation Act of 2003", and a table of contents. Section 2 of the Senate amendment also provides the findings and purposes of the legislation.

Conference Agreement

The Senate recedes to the House.

DEFINITIONS

House Bill

Section 2 of the House bill defines certain terms, including "substitute check," "reconverting bank," "collecting bank," "depositary bank," "claimant bank," and "truncate."

Senate Amendment

Section 3 of the Senate amendment defines certain terms, including "indemnifying bank", "MICR line", "reconverting bank", "truncate" and "substitute check".

Conference Agreement

The House recedes to the Senate with an amendment removing the definition of "claimant bank".

GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS

House Bill

Section 3 of the House bill allows a person to deposit, present, or send for collection or return a substitute check without an agreement with the recipient. This section mandates that a substitute check have the legal equivalence of an original check if the substitute check: (i) accurately represents all of the information on the front and back of the original check at the time the original check was truncated; and (ii) contains the legend "this is a copy of your check. You can use it the same way you would use the original check."

The reconverting bank must ensure that the substitute check bears all the endorsements applied by all of the parties that previously handled the check and must identify itself as the reconverting bank.

Senate Amendment

Section 4 of the Senate amendment allows a person to deposit, present or send for collection or return a substitute check without an agreement with the recipient. This section mandates that a substitute check have the legal equivalence of an original check if the substitute check: (i) accurately represents all of the information on the front and back of the original check at the time the original check was truncated; and (ii) contains the legend "this is a copy of your check. You can use it the same way you would use the original check."

The reconverting bank must ensure that the substitute check bears all the endorsements applied by all of the parties that previously handled the check and shall identify itself as the reconverting bank.

Conference Agreement

This provision is not in disagreement.

SUBSTITUTE CHECK WARRANTIES

House Bill

Section 4 of the House bill provides that a bank that transfers, presents or returns a substitute check and receives consideration for the check is deemed to have warranted that the substitute check meets all requirements for legal equivalence and that no entity will be asked to make a payment on a check already paid.

Senate Amendment

Section 5 of the Senate amendment states that a bank that transfers, presents or returns a substitute check and receives consideration for the check is deemed to have warranted that the substitute check meets all requirements for legal equivalence and that no entity will be asked to make a payment on a check already paid.

Conference Agreement

This provision is not in disagreement.

INDEMNITY

House Bill

Section 5 of the House bill grants an indemnity to the transferee by a reconverting bank and each bank that subsequently transfers, presents or returns a substitute check and receives consideration for the transfer, presentment, or return up to either the amount of the loss proximately caused by the breach of the warranty provided in section 4 or, in the absence of such a breach, the amount of any loss up to the amount of the substitute check plus any interest or expenses.

This section also allows for comparative negligence if a loss results in whole or in part from the negligence or failure to act in good faith on the part of the indemnified party, reducing that party's indemnification by the amount of negligence or bad faith.

Senate Amendment

Section 6 of the Senate amendment bill grants an indemnity to the transferee by a reconverting bank and each bank that subsequently transfers, presents or returns a substitute check and receives consideration for such transfer, presentment or return up to either the amount of the loss proximately caused by the breach of the warranty provided in section 4 or, in the absence of such a breach, the amount of any loss up to the amount of the substitute check plus any interest or expenses.

This section also allows for comparative negligence if a loss results in whole or in part from the negligence or failure to act in good faith on the part of the indemnified party, reducing that party's indemnification by the amount of negligence or bad faith. Section 6(c)(2) of this section states that nothing in the comparative negligence provisions of section 6(c)(1) reduces consumer's rights under other laws.

Conference Agreement

The House recedes to the Senate.

EXPEDITED RECREDIT FOR CONSUMERS

House Bill

Section 6 of the House bill provides an expedited recredit to a consumer if the consumer asserts that the bank charged the customer's account improperly or the customer has a warranty claim with respect to the substitute check. The customer must show that they suffered a loss and that the production of the original or a better copy of the original is necessary to determine the validity of any claim. This claim must be made within 30 days after receiving their periodic statement and may have an additional 30 days to file a claim under extenuating circumstances. According to this section, if the bank has not determined if the claim is valid within 10 business days, the bank must recredit the lesser of the amount charged, or $2,500 with interest and any remaining amount must be recredited within 45 calendar days. Additionally, a consumer does not have to be in possession of the substitute check in order to make a claim.

Senate Amendment

Section 7 of the Senate amendment requires the consumer to make a claim for expedited recredit within 40 days after the bank transmits the periodic statement or receipt of the substitute check, whichever is later. Under extenuating circumstances, including extended travel or illness of the consumer, the bank shall extend the period for a reasonable amount of time.

Section 7(c)(1)(B) requires that banks do not have to provide copies of documentation relied upon in denying an expedited recredit claim. Instead, a bank must provide a statement of right of the consumer to request such documentation.

Conference Agreement

The Conference Agreement consists of the Senate provisions relating to (1) the time period for expedited recredit; (2) the extension of the time period for expedited recredit; and (3) allowing electronic submission of expedited recredit claims. Further, the Conference Agreement provides that, when resolving customer claims, the delivered copy of the original check must read that the check "accurately represents all the information" on the original check standard and that the bank does not have to provide copies of documentation relied upon in denying expedited recredit claim. Instead, a bank must provide a statement of the right of the consumer to request such documentation.

The Conference Agreement also adopts the House provision providing that a consumer who receives a substitute check does not need to currently have the substitute check to make a claim for expedited recredit.

EXPEDITED RECREDIT PROCEDURES FOR BANKS

House Bill

Section 7 of the House bill permits a bank to make a claim against an indemnifying bank for an expedited recredit if the claimant's customer has made a claim for recredit, the claimant bank has suffered a loss, and production of the original check, a substitute check or a better copy of the check is necessary to determine the validity of the charge. This claim must be made within 120 days of the transaction. This claim must be in writing and must describe the claim and demonstrate a loss.

Senate Amendment

Section 8 of the Senate amendment permits a bank to make a claim against an indemnifying bank for an expedited recredit if the claimant's customer has made a claim for recredit, the claimant bank has suffered a loss, and production of the original check, a substitute check or a better copy of the check is necessary to determine the validity of the charge. This claim must be made within 120 days of the transaction. This claim must be in writing and must describe the claim and demonstrate a loss.

Conference Agreement

This provision is not in disagreement.

DELAYS IN AN EMERGENCY

House Bill

Section 8 of the House bill permits delays in compliance with the provisions of this legislation if they are caused by circumstances beyond the control of a bank, and if the bank used such diligence as the circumstances require.

Senate Amendment

Section 9 of the Senate amendment permits delays in compliance with the provisions of this legislation if they are caused by circumstances beyond the control of a bank, and if the bank used such diligence as the circumstances require.

Conference Agreement

This provision is not in disagreement.

MEASURE OF DAMAGES

House Bill

Section 9 of the House bill makes persons who breach a warranty or fail to comply with the bill, or regulations under the bill, liable for the lesser of the amount of the loss or the amount of the substitute check plus interest and expenses. This section applies a comparative negligence standard for the determination of damages.

Senate Amendment

Section 10 of the Senate amendment makes persons who breach a warranty or fail to comply with the bill, or regulations under the bill, liable for the lesser of the amount of the loss or the amount of the substitute check plus interest and expenses. This section applies a comparative negligence standard for the determination of damages.

The amendment also provides that nothing in the comparative negligence provision of section 10(b)(1) reduces consumer's rights under other laws.

Conference Agreement

The House recedes to the Senate.

STATUTE OF LIMITATIONS AND NOTICE OF CLAIM

House Bill

Section 10 of the House bill provides for a 1 year statute of limitations from the time that the customer learns of the claim.

Senate Amendment

Section 11 of the Senate amendment provides for a 1 year statute of limitations from the time that the customer learns of the claim.

Conference Agreement

This provision is not in disagreement.

CONSUMER AWARENESS

House Bill

Section 11 of the House bill requires that each bank provide notice to its customers describing the process of check substitution and a description of the consumer recredit provision. This section applies to both new and existing customers.

Senate Amendment

Section 12 of the Senate amendment states that notice to consumers only has to be sent if consumers get their original checks or substitute checks back in their periodic statements.

Banks also must provide notice to customers that request a copy of a check and receive a substitute check from the bank.

Banks must provide customers that receive original checks or substitute checks with a brief informative notice for the first three years that the Act is in effect.

Conference Agreement

The Conference Agreement adopts the House position regarding the permanance of the consumer notice provisions.

The Conference Agreement also merges language from Senate section 12(b)(1)(C) and House section 11(b). The Conference Agreement adopts the Senate provision regarding the 9 month time frame within which the FRB must publish model language and requiring notice to include (i) description of substitute check process; and (ii) description of consumer recredit rights.

EFFECT ON OTHER LAW

House Bill

Section 12 of the House bill supersedes any inconsistent Federal or State laws to the extent of the inconsistency.

Senate Amendment

Section 13 of the Senate amendment supersedes any inconsistent Federal or State laws to the extent of the inconsistency.

Conference Agreement

This provision is not in disagreement.

VARIATION BY AGREEMENT

House Bill

Section 13 of the House bill permits provisions of section 7 to be varied by the banks involved.

Senate Amendment

Section 17 of the Senate amendment permits provisions of section 8 to be varied by the banks involved.

Conference Agreement

The Conference Agreement makes only technical changes related to cross-references and maintains the substance of both provisions.

REGULATIONS

House Bill

Section 14 of the House bill allows the Federal Reserve to write regulations related to the operation of this legislation. Additionally, the Federal Reserve is required to report on the increased speed of check processing and the prices it charges for transportation services.

Senate Amendment

Sections 14 and 15 of the Senate amendment allows the Federal Reserve to regulate the operation of this legislation. However, it differs in the study and monitoring of funds available. The Senate amendment mandates a study of implementation of the Act, including impact on funds availability.

Conference Agreement

The Conference Agreement adopts the Senate provisions regarding the authority of the Federal Reserve to issue regulations as it deems necessary to implement, prevent, circumvent or evasion of, or facilitate compliance with the legislation and the reporting requirements.

The Conferees also agree to a provision which requires the Federal Reserve Board to publish statistical data on costs and revenue related to transporting commercial checks (exclusive of the checks the reserve banks handle as fiscal agents) between Federal Reserve Bank offices by air or ground couriers. In the past, such statistics have been of interest to certain organizations. This provision does not mandate specific methodologies for imputing or estimating revenues. Further, this section does not change the Monetary Control Act's requirement that the Federal Reserve Banks, over the long run, recover the costs of their priced services or affect the Federal Reserve Board's ability under its pricing principles to determine what constitutes a major service category.

The House recedes to the Senate on a funds availability study.

EVALUATION AND REPORT BY THE COMPTROLLER GENERAL

House Bill

The House bill contains no similar provision.

Senate Amendment

Section 16 of the Senate amendment provides for the Comptroller General of the United States to evaluate the implementation and administration of this bill within 5 years.

Conference Agreement

The House recedes to the Senate.

DEPOSITARY SERVICES EFFICIENCY AND COST REDUCTION

House Bill

The House bill contains no similar provision.

Senate Amendment

The Senate amendment contains no similar provision.

Conference Agreement.

The Conference Agreement includes langue requested by the Department of Treasury which authorizes the Treasury Department to directly compensate financial institutions that provide depositary services to the Federal Government.

Additionally, the Conference Agreement includes language requested by Federal Reserve Board to effect technical changes to the Federal Reserve Act in the way currency is collateralized which will allow for greater liquidity in case of a national emergency.

EFFECTIVE DATE

House Bill

Section 15 establishes the effective date as 18 months after the date of enactment.

Senate Amendment

Section 18 establishes the effective date as 12 months after the date of enactment.

Conference Agreement

The House recedes to the Senate.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,
STEVEN C. LATOURETTE,
MELISSA A. HART,
PATRICK J. TIBERI,
BARNEY FRANKS,
HAROLD E. FORD, JR.,
Managers on the Part of the House.

RICHARD C. SHELBY,
ROBERT F. BENNETT,
WAYNE ALLARD,

PAUL S. SARBANES,
TIM JOHNSON,
Managers on the Part of the Senate.

CALLING ON REPUBLICAN LEADERSHIP TO BRING H.R. 303, A BILL TO END CONCURRENT RECEIPT, TO THE FLOOR OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Madam Speaker, I rise this afternoon to talk about an issue of fundamental unfairness which burdens many of our veterans: concurrent receipt. I organized this Special Order to focus attention on the unfairness of the concurrent receipt law and to give Members the opportunity to demand that the Republican leadership bring to the floor H.R. 303, the bill that would end concurrent receipt.

Madam Speaker, today we will hear Democratic Members from districts throughout the Nation call for an end of concurrent receipt. Concurrent receipt is a Civil War-era law that prevents disabled veterans from receiving both military retirement and veterans disability benefits. Under the law, for every dollar that a veteran receives in disability pay, $1 is taken away from their retirement pay. The effect of the concurrent receipt law is to tax a veteran for being injured while serving in the military. This is an extremely unfair burden that we place on our wounded veterans.

Madam Speaker, America's veterans have made huge sacrifices in order to protect our freedoms. We should not repay their sacrifice by denying them the benefits they have earned and deserve. Congress must repeal the concurrent receipt law.

Over the past several years, there has been a strong bipartisan effort to repeal this law. In this Congress, the bill to repeal concurrent receipt, H.R. 303, has 370 cosponsors. The gentleman from Florida (Mr. BILIRAKIS), a longtime Republican Member, is a sponsor of H.R. 303. Madam Speaker, 370 cosponsors is an extraordinary number of cosponsors for any bill. As all of us know, there are few bills introduced in this body that have 370 cosponsors. There are even fewer bills that do not come to the floor for action by Members of the House.

Yet despite this tremendous bipartisan support, the House Republican leadership, as well as the White House, has refused to support this bill. In fact, the Secretary of Defense has said that he would recommend that the President veto any legislation that includes language which would eliminate concurrent receipt. The House Republican leadership continues to ignore the will of the Members, and our constituents, and refuses even to allow H.R. 303 to come to the floor for action.

The opponents of this bill say that it will cost too much money. They cite a study from the Congressional Budget Office which estimates that it would cost the Federal Government $3 billion in fiscal year 2004 to cover the 400,000 eligible veterans. It is incredible that the opponents would offer such a poor excuse for why they refuse even to bring this bill to the floor.

□ 1745

Give me a break.

Mr. Speaker and Members, the Bush administration has spent almost $80 billion in Iraq and Afghanistan and is seeking a supplemental appropriation of $87 billion for the war in Iraq and Iraqi reconstruction. Yet, the administration will not seek the resources required to protect the retirement pay of veterans who had the misfortune of becoming disabled while serving their country. What a cruel, sick joke. These veterans earn their retirement pay, and they deserve both a full retirement benefit and their disability compensation.

We must not walk away from our obligations. How can we put a price on the service that these men and women gave to our country? How can we put a price on going through life without a limb or without the ability to see or hear? They did their job with bravery and dedication. Now, we must do ours. The Federal Government should provide full benefits to veterans who protected our people. Simple fairness and decency requires it.

Because of the opposition of the Republican leadership to this bill, Democrats have had to file a discharge petition in an attempt to bring H.R. 303 to the floor and force consideration of this bill. A successful discharge petition requires 218 signatures. To date, however, even though H.R. 303 has 370 cosponsors, there are only 203 signatures on the discharge petition.

Nearly every Democrat has signed the discharge petition, but only two Republicans have signed. Because of the opposition of the Republican leadership, not even Congressman BILIRAKIS, the sponsor of H.R. 303, has signed the discharge petition.

Mr. Speaker, it is shameful that the Republican leadership has strongarmed their Members into not supporting the discharge petition on H.R. 303 and prevented the Congress from providing this essential relief to our veterans.

The Republican leadership's unfair and outrageous refusal to bring H.R. 303 to the floor for action is harming our veterans and keeping many veterans from obtaining a decent quality of life. Unfortunately, there are hundreds of thousands of veterans suffering under the concurrent receipt law. Because the United States military is committed to missions throughout the world that will result in additional veterans becoming disabled, the number of veterans who will be subjected to this tax will only grow.

Unfortunately, this is only one of the many policies that this administration and the Republican party have adopted which harms our veterans. For example, although it is not uncommon for a veteran to wait 6 months or more to see a doctor, the Republicans' budget did not provide enough funding to shorten these waiting periods.

Mr. Speaker, it is disappointing to see the President constantly using our veterans for photo-ops, but when it comes to providing the necessary funding to give our veterans a good quality of life, the Republicans are nowhere to be found.

We, Democrats, have another way. We appreciate the sacrifice that all veterans have made and believe that the government must provide the necessary funding for veterans to receive the medical, educational, and other benefits they need and deserve. We particularly appreciate the men and women who were injured while serving their country and believe we should provide them with their full retirement benefits, as well as their full disability compensation.

Mr. Speaker, I urge this body to pass H.R. 303 and help our disabled veterans.

Mr. Speaker, I yield time to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I thank the gentlewoman from California (Ms. WATERS) for calling this special order together because it is a very important subject.

Today in Iraq, our Nation is creating more than 130,000 veterans. These future veterans are fulfilling their duty to America in a time of war. We must commit to fulfill our own responsibilities to them in times of peace.

Three hundred and seventy Members of the House of Representatives are on record supporting a concurrent receipt bill to provide full health and retirement benefits for our Nation's veterans, but when the time came to actually bring this important legislation before the House of Representatives for a vote, 201 Democrats and only two Republicans signed their names to bring the bill to the floor of the House. It takes 218 names and signatures in order to force the majority party to bring this issue before us.

Concurrent receipt should not be a Democrat issue, and it should not be a Republican issue. Instead, this is an issue of fulfilling our commitment to those who have proven their commitment to us, to our Nation's veterans. The White House has estimated the health and retirement benefits for our veterans will cost $58 billion over the next 10 years. That is $6 billion a year to support the troops who have sacrificed for this country.

This is the same President that recently came to the Congress requesting $87 billion to pay for our war in Iraq that he announced many months ago had ended. The President's $87 billion supplemental request includes money for museums and memorials in Iraq, radios and phones for Iraqi businesses, and computer training and graduate school for Iraqi citizens. Certainly, we must invest in restoring the stability in a war-torn country, but these programs are not more important than health care for America's veterans.

What kind of message does this sent to our veterans and our troops currently in the field when the President tells them that paying for Iraqis to go to graduate school is more important than paying for veteran's health care? We are talking about men and women who fought for America, who were wounded for America, who have lost friends who have died for America. But when the time comes to pay their health bills, America's purse is shot. This is worse than irresponsible. It is downright dishonorable.

President Bush said last year that every country around the world, and I quote him, "is either with us or against us," unquote. Our veterans deserve to ask the same question. "Mr. President, are you with America's veterans or against them? Will you fight for them the way they are fighting for you?"

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I rise today to ask several questions. Why does the Republican leadership in this House want to put an additional tax on our veterans? Why does the Republican leadership in this House oppose eliminating the disabled veterans tax? Why is it okay to eliminate taxes for millionaires in this country, our most privileged, but not eliminate tax for our veterans? Why is that, Mr. Speaker? Why?

Mr. Speaker, as you know, under current law, disabled American veterans who are entitled to military retirement benefits have their retirement benefits reduced dollar for dollar by the amount they receive in disability payments. Now, they earn their military retirement, and they earn disability pay. However, these amounts are all set against each other.

Why does the Republican leadership and the administration support such a situation for our veterans in this country?

Military retirees and veterans with service-connected disabilities are the only Federal employees subject to this offset and are essentially funding their own disability benefits. They are funding their disability with their own money that they earned serving this country. As a result, the disabled veterans tax, that is supported by the administration and the Republican leadership, subjects our Nation's veterans to worse treatment than any other class of Federal retirees, bar none.

The Bush administration contends that allowing military veterans to draw their earned benefits is too costly, and it competes with funding that we need for other very important matters, such as tax cuts for millionaires.

A dollar is a dollar. While the Republican leadership has concluded that devoting $58 billion over 10 years to relieve an unconscionable burden for nearly 700,000 of our Nation's veterans is a budget buster, they see absolutely no problem of giving away approximately $90 billion over that same period to 184,000 people in this country that are making $1 million or more per year. The hypocrisy of that is shocking. It is galling, and it is shameful.

The other body is doing the right thing. In its version of the fiscal year 2004 Defense authorization legislation, the Senate has provided for full and immediate disability payments without any offset from the military retirement benefit to which they are entitled. That is doing the right thing.

Mr. Speaker, we can do the right thing in this House. We can stand up for the veterans against the Republican leadership, Mr. Speaker, and against the administration, and say we are going to do the right thing. We are fighting to pass bipartisan legislation on this side, H.R. 303, the Retired Pay Restoration Act, to help the more than 700,000 disabled veterans who are military retirees.

We believe on this side that it is important that our disabled military retirees receive both the disability pay and retirement pay that they have earned and that they deserve. It is critical for the administration to stop penalizing our disabled veterans at the very time we have our military in harm's way. We have to stop penalizing disabled veterans, if we are going to fulfill our commitment to those who served the country. Let us respect our veterans. Let us do the right thing and give our veterans what they have earned.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) and my colleagues for organizing this very important special order, because I believe the information brought forward in this debate will be of great surprise to most of the people that might happen to listen to this discussion. Certainly, the people I represent in North Dakota, I believe, are largely unaware of the fact that we, essentially, have a disabled veterans tax.

This tax is imposed when you have someone that has earned a military retirement and on the other hand also had a disability payment from service in the military as a result of a service-connected injury resulting in permanent disability. The disabled veterans tax occurs when you have a 100 percent reduction of the retirement benefit by the disability payment receipt.

So let me make it simple. The injured veteran receiving a disability payment would, upon retiring from the military, have their military retirement reduced 100 percent by the amount of the disability payment. Now, if that is not a disabled veterans tax, I do not know what is. And it is completely unacceptable. There is not another classification of Federal employee treated in this fashion. There is not a civil service employee upon getting their Federal retirement that would have their Federal retirement reduced by their military disability. Only those who have made a career of distinction and honor in serving our military have their retirement reduced 100 percent in the value of the disability benefit received.

We have to change this bill. This is a law that is on the books that is having a pernicious and unfair effect on our veterans. We need to act and we need to act now.

I commend the Republican sponsor of the legislation that wants to address this for bringing this before the Chamber. I am certainly pleased to participate. It ought to be bipartisan, if anything before us should be bipartisan.

□ 1800

Unfortunately, we have seen majority leadership refuse to bring this matter up for a vote. In fact, notwithstanding the very strong support reflected by the number of cosponsors, as reflected by the number of signatures on the discharge petition, we have seen them refuse to allow us for a vote.

Is it not ironic that as we seek to advance this very important relief for our veterans, we are not even allowed a vote on this matter? Our veterans are fighting, have fought, for democracy; our soldiers today are fighting for democracy, and yet when it comes to this important question, the majority leadership is not allowing democracy in this House because they are not allowing us to vote on this proposition.

In order to bust through this deadlock imposed by the majority leadership, we have brought forward a discharge petition which has now been signed by 203 Members of the House, including two Republican Members, all of the Democratic Members and two Republican Members.

I would ask the majority leadership if at least you will not allow us a vote, for goodness sake, discharge your members. Let them vote their conscience by signing a discharge petition and bringing it to the floor over your expressed wishes to the contrary. Let them serve their constituents on this one, not the majority leadership. Let them represent the veterans in their districts that are having their benefits unfairly taxed by the Federal Government.

Finally, if that is too much to ask, if it is too much to ask to bring this to a vote, if it is too much to ask to allow majority leadership to discharge their Members, to sign a discharge petition, then I would say to my friends in the majority, on this one you have to stand with your people irrespective of your leadership. Come up to the well. Sign the discharge petition. You have veterans who are having their retirement benefits reduced and reduced unfairly, reduced for suffering a service-connected disability. This must end.

If your leadership cannot see that, surely you can. And if you have questions about it, all you have to do is ask the veterans organizations so capably representing the veterans in your district. Ask your American Legion commander what he thinks of this matter. Ask the Veterans of Foreign Wars commander what they think of this matter. Ask the Disabled Veterans of America in your district what they think of this matter. That will quickly bring you to the conclusion that it is time for this tax to end. It is time for this House to have some democracy on this question. It is time for us to vote on getting the veterans the relief they need and they so richly deserve.

I thank the gentlewoman for letting me participate in this discussion.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to urge this body to seriously consider our treatment of those who sacrificed nearly everything for our country. I am referring to America's disabled veterans and the archaic law that prevents them from receiving both their retirement pension and disability compensation, two payments that they earned.

Unfortunately, across our Nation, hundreds of thousands of veterans are denied their full retirement pay because we have yet to correct a senseless law passed 112 years ago. In California's 53rd Congressional District, a district that I am very proud to represent, 2,659 disabled veterans collectively lose out on $13 million in VA benefits each year.

Since coming to Congress, I have heard from my veterans and I can tell you many of them struggle to get by each month because our government withholds so much from their pensions. Please understand, Mr. Speaker, we are talking about the brave men and women who sustained the most severe injuries to defend this Nation and to protect our liberties.

Take, for example, a 69-year-old Air Force lieutenant colonel from San Diego who has a 100 percent disability rating from exposure to Agent Orange during the Vietnam War. After 28 years of dedication, he retired only to learn that it was true. His hard-earned retirement pay would be offset dollar for dollar from his disability compensation. This proud veteran wrote me just recently and told me that he has finally given up on this government. He has communicated with his elected leaders about this inequity ever since he retired, and unfortunately, he has been told the same thing over and over again. Do not worry. Legislation is pending. We will pass concurrent receipt soon and take care of this for you.

Well, Mr. Speaker, it has been 17 years since he retired and nothing has been done. It is time to show our disabled veterans that we value the incredible sacrifice they made and are making for us. It is time to repeal the disabled veterans tax and end this mistreatment once and for all.

Right now, this Congress is faced with the ability to finally deliver meaningful concurrent receipt legislation to the President. We need only a few more signatures on the discharge petition to bring the Retired Pay Restoration Act to the House floor. I urge my colleagues to sign this petition and take us a step closer to overturning this inequity.

Mr. Speaker, I thank the gentlewoman for bringing this forward.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for taking the leadership on this, as she has done on so many issues in this Congress.

I want to add my voice to urge all of our colleagues to listen to the voice of our veterans. Find it in your hearts once and for all, this unjust disabled veterans tax.

A resident of my congressional district, the 51st in California, in San Diego, named Miguel Gonzalez, was wounded in service and declared eligible for VA disability compensation. After retiring from the military, he was also entitled to his retired pay, as every American is entitled to their retired pay. But unlike every other Federal employee, Mr. Speaker, for every dollar that he receives in his disability compensation, he gives back to the government a dollar from his retirement. What an unfair and demoralizing tax on the brief bravest and best in our Nation.

Today this tax is especially galling as we ask and expect our young men and women to fight the threats of terrorism. There has recently been an uproar, justifiably, about the charge that wounded servicemembers were billed for their hospital bills as they lay recovering from their wounds. They got a bill for the food while they were in the hospital.

I cannot see any difference between that case and the case we are talking about this evening, except that the disabled veterans tax costs our servicemembers much more than the hospital bill that we were so upset by. Why were we expecting the young men and women who spent the better part of their lives in service to their country to pay for their own retirement? It does not make sense, and it is an insult to these veterans.

Last year we passed this concurrent receipt in the House and in the Senate, and in a secret conference committee backed by the President of the United States it was removed. The will of the Congress, the will of the American people was frustrated by a secret meeting of a few people in concert with the White House.

Now we are trying a new process: 200 of our colleagues have signed the discharge petition, a process to get this to the floor in spite of the leadership's unwillingness to do so. We can get, with 218 signatures, we can move this bill from the committee where it is stalled, to the full House of Representatives for a vote. We know it will pass, 370 members of this body have already signed on to it. A lot of them do not seem to have the courage to sign the discharge petition and that should not even be necessary.

It is shameful that we must resort to such a means to get a vote on this bill which would end this disabled veterans tax.

We are told that this bill will cost money. What does not? But it is a matter of priorities. We are willing to give our troops everything for their fighting in Iraq, now it is $87 billion for the next few months, but why are we not willing to give them all they need when they return home? What is our highest priority if not caring for our Nation's veterans? It seems to be tax cuts for the wealthiest of us all.

We must send a message to the men and women who right this moment are fighting in Iraq. They did not hesitate when called to duty. Many are serving much longer than anticipated. Some are returning home with disabilities that they will have to live with for the rest of their life.

What kind of nation are we? We must tell them that we value their service and that we value them. We must let them know that their Nation will honor them, not just in word, but in deed. Service-connected military retirees, I think we all know, have earned their retirement pay. They deserve their disability compensation. Let us not make them wait any longer for justice to prevail. We must end the disabled veterans tax.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for organizing this special order.

Mr. Speaker, I rise today to discuss an issue that is very important to the veterans that I represent. In my district, Las Vegas, Nevada, I hear from veterans every day regarding the disabled veterans tax.

Las Vegas has one of the fastest growing veterans populations in the country, and about 2,500 of these brave veterans lose military retirement benefits due to this unjust tax. Each of these individuals who was disabled due to service to our Nation loses thousands of dollars every year. That is thousands of dollars that can cover their health care costs, enable them to support their families, pay their rents, buy food and improve the quality of their lives.

Under this unfair tax, disabled veterans who retire from the military lose $1 from their military retirement pay for every dollar they receive for a service-connected disability. When a retired Marine Corps major from Nevada was diagnosed with Lou Gehrig's disease, he lost more than $2,000 in monthly retirement pay because of the disabled veterans tax. To make up for that loss of income, his wife, instead of being able to cut back on her hours so that she could care for him, instead she had to work overtime just to make ends meet at home.

But as unfair as this tax is to our disabled military retirees, what is more shocking, what is more unconscionable is the Republican leadership that will not let us vote on this legislation that would correct this long-standing inequity.

There are over 300 cosponsors of H.R. 303 which would eliminate the disabled veterans tax. And more than 200 members of Congress have signed the discharge petition to force H.R. 303 onto the floor for a vote.

Mr. Speaker, the Republican leadership says they support veterans and they say they support ending the disabled veterans tax, yet they refuse to do what is right for veterans and bring H.R. 303 to the floor for a vote.

I invite my colleagues on the other side of the aisle to stand up and take care of the folks back home. The Republican leadership must put this bill on the floor for a vote. We should honor the commitments that we made to those who fought and are currently fighting around the world for our great Nation.

Support for our veterans is more than rousing rhetoric. It is more than a photo op. It is doing what is fair and moral to fulfill our duties and promises to them. We owe it to our veterans to keep our word, and Congress must take action to end this unfair tax on our veterans. We must take action now.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend from California (Ms. WATERS) for yielding to me.

We are talking about ending the disabled veterans tax. Now, there may be people listening or watching who do not fully understand what we mean when we say disabled veterans tax. Well, let me just explain it briefly.

We know that disabled military retirees are the only Federal employees forced to pay for their own disability. Dollar for dollar they have got to give up their pension benefits in order to collect their disability benefits. We know that over 600,000, maybe some of them are watching today, 600,000 disabled veterans across this country, 10,000 disabled veterans in my State of Ohio, are paying millions of dollars every year because of this tax that we are trying to eliminate.

We know that the administration and the President himself, the President cannot escape this issue.

☐ 1815

The Bush administration has told Congress that if we pass legislation to eliminate this unfair disabled veterans' tax, that the President will veto the legislation.

So what is Congress going to do? What are we going to do? Most of my Democratic colleagues have signed what we call a discharge petition. When the leadership of this House refuses to bring a bill to the floor, we have a mechanism called the discharge petition, and if we can get 218 Members of this House to sign that petition, that bill comes to the floor automatically.

How many have signed this discharge petition? Two hundred and three Members have signed this petition. We need 218 signatures to bring the bill to the floor. How many Republicans have signed this petition? Only two. Two hundred and one Democrats have signed the petition, only two Members of the Republican party. I am proud to say that every Democrat from the State of Ohio has signed this petition, and I am disappointed that not a single Republican from the State of Ohio has signed the discharge petition.

Why are they not signing the petition? I suspect it is because their leadership is telling them that they better had not, they better had not buck the leadership, there is a price to pay if they go against the leadership. Who are we here to represent, the leadership of the Republican party or the men and women, especially the disabled veterans, who have voted for us and sent us to represent them in this Chamber?

People listening may think, well, this is just a Democrat harangue against the Republicans, this is just a partisan issue, but I have, here in my hands, a news release that was sent out by the national veterans' groups. I will tell my colleagues who they are: The AMVETS, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Vietnam Veterans of America. They put a heading on their press release that is pretty strong. They say, Congress declares war against disabled veterans, and I would like to share with my colleagues just some of the things these national representatives of the veterans have said in their press release.

They begin by saying, The House majority leadership has shown callous contempt for the sacrifices of America's defenders by attempting to impose overly restrictive conditions that would limit benefits for disabilities from military service. That is what these organizations say.

They continue, An untold number of men and women will return from Iraq and the war on terror with disabilities. The military and veterans' organizations worry that many of them will not be able to directly identify or prove the origin of their ailments, but that certainly does not mean that they should be ignored. Any suggestion to the contrary is outrageous and shameful, they say.

Then they conclude their press release by saying, Our Nation is engaged in a war with a hostile enemy that would willingly kill innocent civilians. Yet it seems that some members of our government would shortchange those who protect us.

They continue, Disabled veterans should not have to fight their own government for the benefits they have earned. In a callous effort to limit government's obligations to our former, current and future defenders, authors of the provision in the Defense authorization bill took it upon themselves to rewrite the law regarding benefits for disabled veterans.

That is what the national veterans' organizations are saying. This is not just a Democratic attack upon the Republican leadership or upon the President. We can solve this problem quickly. If we just had a few more Republicans who would walk down here to the well of the House and put their signatures on this discharge petition, within a matter of hours that bill would be brought to this floor, and we could end the disabled veterans' tax.

Probably a lot of veterans are watching today or families of veterans or just simply Americans who care about veterans. I think it is fair for me to point out that President Bush is willing to spend millions in Iraq to develop a ZIP code system, but he is not willing to spend for America's veterans. He is willing to spend millions building roads in Iraq, but he is neglecting to provide for our veterans. He is willing to spend millions to build hospitals and clinics in Iraq, but he is unwilling to support eliminating this disabled veterans' tax.

We need to get our priorities right, and I hope the people in this country start letting the Members of this House who are unwilling to sign this discharge petition know how they feel about it. Every Member of this House who goes back to their Districts this weekend should be confronted with veterans saying, sir or ma'am, have you signed the discharge petition, and if you have not, why not?

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, this issue goes beyond politics. I sincerely respect and honor the active and retired members of our Armed Forces, as well as their families. I believe they deserve the respect of all Americans, and that respect should be demonstrated through words and actions.

The concurrent receipts issue was new to me when I first took Federal office. Learning about a policy that is tantamount to taxing veterans for being disabled infuriates me, and ending it simply makes sense. That is why I chose to cosponsor H.R. 303 and look forward to its passage in the House.

I am obviously not the only Member of this Chamber to feel this way. H.R. 303 has 366 cosponsors which is about as bipartisan as legislation can get these days. The idea of ending this disability tax appears to make sense to a supermajority, and we should have passed it months ago.

Here we are again, in yet another Congress, with concurrent receipts locked up in committee since January of this year, a full nine months ago. Our actions are not matching our words. Veterans' groups and individuals across the country and in my home district, the 2nd Congressional District of Maryland, have told me that passing H.R. 303 is one of their top priorities. They want it sooner rather than later, and frankly, they deserve it.

We seem to understand this on this side of the aisle, but we do not have the power to report it out of committee. We do not have the power to bring it to the floor, and we do not have the majority to pass it, but with 366 cosponsors, that should not matter.

So my Democratic colleague from Georgia filed a motion to discharge the bill to bring it to the floor. The entire Democratic Caucus has signed that petition, and as of today, two Republicans have signed on. Could someone please explain to me 366 cosponsors and only 203 signatures to discharge? What is going on?

I have heard that the majority leadership in the House and Senate are considering offering some version of concurrent receipts in the Department of Defense authorization. Some would prefer to wait for that option. I ask them, how much longer must we make our veterans wait when the language the veterans support, the bill they want, has already been introduced, has already been referred to committee and is ready for a vote and that is H.R. 303?

The veterans' disability tax or concurrent receipts, whatever one likes to call it, has been a partisan football in the political game for a while now. I cannot comment on that, I am a freshman, and this is my first try for the end zone on this bill. Whether Democrats or Republicans win or lose in this game, the veterans do need our help. Our citizens, who served and sacrificed for freedom we enjoy every day, deserve better. If the majority leadership is serious about that issue, then let us just bring H.R. 303 to the floor and vote on it. They control the agenda, and they can bring it to the floor today, right now.

Are words of respect enough? Should we not show the veterans how much we truly do respect them and their action and their sacrifices, including their families? Our side of the aisle has. We have done everything within our power. We have cosponsored the bill. We have signed the discharge petition. We have come to the floor today to speak on behalf of this bill, and we have vowed to vote for it when it reaches the floor. Our actions have matched our words.

We challenge our colleagues on the other side of the aisle to do the same.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentlewoman for organizing this for tonight.

I rise to ask why? Why are we not giving our veterans what they deserve? Time and time again we are reminded of the great sacrifices made by this Nation's veterans. These are people who sacrificed their lives for our lives, for our country, for our rights and freedoms.

I am honored to represent a large amount of veterans, and now they need our help, but unfortunately, the House Republican leadership is turning its back on our veterans.

Currently, there is an outmoded and unfair system dating back to the Civil War of compensation for disabled veterans who are retired from the military. Under current law, veterans who are entitled to both a retirement benefit for the military service and service-connected disability compensation are not able to receive both retirement and disability payments. This is an outrage. I do not understand. Here we are Representatives in this House, we are talking about spending $87 billion on a war and our young men and women are over in Iraq fighting for our freedoms, and yet we will not take care of the great veterans that have already preserved this for us.

H.R. 303, the concurrent receipt bill and/or ending disability veterans' tax, has over 370 Members. I know down here in Washington I have learned an awful lot. Usually, one would think if we had 370 people on a bill, it is going to fly through. That means 370 people, Representatives from across the country, agree bipartisanly this is something that we should be doing. Yet, we cannot bring it up on the House floor. The Republican leadership refuses to bring it onto the floor.

There is a discharge petition, which a lot of people that are listening to this might not understand. If we cannot get a bill through committee to be talked about and onto the floor, we have a right to try and get Members to sign a discharge petition so that we are forced to bring it onto the floor. We have 203 signatures; we need more. And our veterans out there, please write their Congressman, e-mail them, tell them this is what they need.

The Republican leadership does not want to bring the bill to the floor for a vote. The Republican-led Senate passed this provision in the Defense authorization bill. Yet, the House Republican leadership refuses to bring it to the floor of the House. Veterans' policy should be nonpartisan, but unfortunately, at the cost of the veterans, it has become a partisan issue.

Mr. Speaker, we should all be standing together for our veterans. I implore the House Republican leadership to bring it on to the floor. Let there be an up and down vote. Very easily, who is supporting our veterans and who is not, and let us give our veterans what they rightly deserve. After all, they have done so much for us. This is the least we can do for them.

The last couple of weekends I have been meeting with so many veterans' groups, and this is the only thing they are talking about. Last Friday, I was at Northport Hospital and talking to so many prisoners of war that have survived from the Korean War, and they are saying why? Are you waiting for us all to die? Is that what you are doing, to save some money? I do not understand it. We have our young men and women that are going to be our future veterans. If we do not keep our promise, why should they care about defending this country? We have to make a difference..

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

□ 1830

Mrs. MALONEY. Mr. Speaker, I thank my colleague for yielding to me, for organizing this Special Order, and really for her outstanding leadership not only on behalf of veterans, but in so many areas of deep concern and importance to our Nation.

I join her and many of my colleagues, well over 366 colleagues, to be specific, in calling for an end to the disabled veterans tax. The government decided many years ago, in 1891, to take disability benefits from retirees, to take it away from our veterans when they retired. It was wrong then, it is wrong now, and we need to change it.

Common sense tells us that there is a tremendous difference between what you receive for retirement and what you receive for a disability. If you are disabled, you have an injury. You may live in pain for the rest of your life, and you are entitled to that disability benefit. Veterans are likewise entitled to their retirement.

To show how outrageous this policy is, you could have a veteran who was injured and they decide to retire because of that injury. They then get disability benefits. But if another veteran who is injured decides to serve 20 years before he retires, when he or she retires, they only get their retirement. They do not get the disability benefit. In the private sector, if you have a disability, you get a disability benefit. If you retire, you get your retirement.

So this is a tremendously unfair policy, particularly when there are so many men and women risking their lives for our security. As we stand on this floor, they are in harm's way in Afghanistan and in Iraq, and we should change this unfair policy.

I must say that like many Americans I had a yellow ribbon in front of my apartment building for Ryan Dixon, my neighbor, who, in my opinion, is a great hero. He was part of the Special Forces. He served in Iraq. Thank God, he came back safe and he was not injured. But there are many other men and women who are injured, in Afghanistan and in Iraq, and they are entitled to their disability benefits.

Our Nation's veterans deserve nothing less than the benefits which they are entitled to, and we owe them an enormous debt of gratitude for their service to the Nation. It is time that we showed them our thanks by correcting this unjust and very unfair law. So I urge the majority, finally, to show its commitment to providing relief to the veterans across the country who rely on these critical benefits to live.

I really feel that it is a disincentive for people to stay in the military, to know that they will not receive their just retirement and disability benefits. So I call upon my colleagues, and particularly the leadership on the other side of the aisle, to bring this bill to the floor so that we can correct this injustice to our veterans.

Ms. WATERS. Mr. Speaker, may I inquire as to the time left on the hour.

The SPEAKER pro tempore (Mr. KLINE). The gentlewoman from California has 8 minutes remaining.

Ms. WATERS. Mr. Speaker, it gives me great pleasure to yield to the gentleman from Georgia (Mr. MARSHALL), who has truly been a leader on this issue all over the country, and he is the Member who filed the discharge petition.

Mr. MARSHALL. Mr. Speaker, I want to start by thanking the gentlewoman from California (Ms. WATERS) for organizing this, and I want to thank all of my Democrat colleagues who have spoken here today about a subject that is very important for our country, and actually is a national disgrace.

I visited a soldier who was wounded in Walter Reed not too long ago. He had come back from Iraq. He had an injury that is very similar to the injury that General Shinseki suffered earlier in his career. He had lost part of his foot. General Shinseki chose to stay in the military. He had a full career. He had a wonderful career and just retired as chief of staff of the Army.

This young man and I talked a little bit. I had been wounded in Vietnam, and I felt like maybe I could give him some solace by saying, look, they are going to be able to repair your foot; you are going to be able to stay in the military and have a career like General Shinseki had; somebody that everybody in the Army is very proud of. And he replied, sir, they tell me it is a better deal to get out.

Now, a lot of Americans do not know what I am talking about. For years, it has been referred to as concurrent receipt. It is a prohibition on receiving retirement benefits and disability benefits. Because that young man was injured in Iraq, lost part of his foot, he is going to be entitled to receive disability benefits. I was injured in Vietnam. I have shrapnel in my left leg. I get disability benefits. I have been getting disability benefits for 30-some-odd years. I get those benefits despite the fact that I only served my country 2 years. Had I stayed in the service and served my country for 20 years or more and been entitled to military retirement benefits, I would not get any disability benefits. Serve more, get less. It makes no sense.

And that is what that young man was referring to as he lay in his bed in Walter Reed. It is a better deal for me to get out of the Army because I will get my disability benefits. If I stay in the Army, serve my country more, I will not get my disability benefits; they will be taken away from me.

Well, we are calling this problem the disabled veterans tax, and many Members of Congress want to end the disabled veterans tax. Unfortunately, we have not been able to do that. The gentlewoman from California (Ms. PELOSI), our leader, gave me an opportunity to file a discharge petition, which I did. The discharge petition is designed to force a vote on this issue. I know if we get a vote we will pass it and we will end this tax on disabled veterans. The question is whether or not we will get a vote.

Now, I have had the honor and the pleasure over the last month or two to speak to many veterans groups. I spoke to the National Convention of the American Legion, the Veterans of Foreign Wars, Disabled American Veterans, Vietnam Veterans of America, and many, many others. The key to whether or not we are going to be successful in ending what is a national disgrace is those of you who are watching this program today and others.

Veterans need to continue to put the pressure on. Those of you who do not know much about this issue and want to learn more about it can go to the Web site of any of the veterans organizations. You will find it either under the name of concurrent receipt or disabled veterans tax. You can go to my Web site, and you will get an awful lot of information about it. It is the congressional Web site for Jim Marshall.

We will not get this done by ourselves. Democrats can push as hard as they want to. They will not be successful. It is going to require the involvement of folks who are watching this show and all of the veterans who are interested in ending what is a national disgrace. We have 366 Members of Congress who have signed on to the legislation that would end the disabled veterans tax. We just cannot get a vote on it. We keep the pressure up, we can get the vote. At the very least, if we keep the pressure up, what we will do is get a giant step in the right direction proposed by the administration. I hope one or the other happens.

There needs to be some relief given to veterans. There is no excuse in this country for somebody like me, who served for a lesser period of time, to receive more than somebody who served more. With that, Mr. Speaker, I want to once again thank the gentlewoman from California (Ms. WATERS) for having led us today.

Ms. WATERS. Mr. Speaker, I certainly thank the gentlewoman from Georgia.

Mr. Speaker, I would like to thank not only the gentleman from Georgia but all of my colleagues who spoke this evening. We are spending so much time on this issue because our veterans should be special and should be very important to all of the Members of Congress and to public policymakers in general.

Our veterans have been so loyal, not just to our country because of their service but they are always loyal to the Commander in Chief. They have allowed themselves to be misused, to be ignored, and to be marginalized too much, and particularly by this administration. We find ourselves fighting and the veterans are scratching and clawing trying to just get the kind of benefits that they deserve.

They are in these veterans hospitals across the Nation waiting in line for service, cannot get appointments. We do not have enough beds for them in nursing care homes. And now we hear about this particular issue on the floor tonight, and it seems to me that the President of the United States would put an end to this. This is a Commander in Chief that is now saying that he needs $87 billion more to continue the war in Iraq? We are going to have more veterans who will be disabled, who will come home, who will have to suffer this great injustice.

This is the President who has already spent $79 billion and who is coming back for more. And this is the President, along with others in the administration, who is talking about we all have to make sacrifices. Our soldiers are dying, our soldiers are being crippled and disabled. They are losing their limbs. How long do we have to beg? How long do we have to plead with this President?

I am here tonight, along with my colleagues, to ask my colleagues on the other side of the aisle to please sign that discharge petition. Please send a message to the veterans that during this time when we are at war, at a time when many of those who watch us on television who are fighting in Iraq, who may be the victim of some sniper's bullet any time, any day, let them know that should something happen, should they be crippled, should they lose a limb that they can depend on their government to see to it that they get both their retirement and the disability benefits that they deserve. I do not think that is too much to ask, Mr. Speaker.

I certainly feel a little bit ashamed this evening that we have to carry this debate this far. I served on the Committee on Veterans' Affairs when I first came to the Congress of the United States. I interacted with all of the service organizations. I made a lot of friends, and I discovered at that time that there are many in the Congress who will wave the red, white, and blue flag and they will talk the talk; but they will not walk the walk. They will not stand up and ask for the dollars. They will not defend the services. They will not even take the time to help the veterans fight through the bureaucracy of veterans affairs to get the benefits that are coming to them.

My office makes this its number one priority. Not only do we work for the veterans, we have had to organize a whole chapter of the Vietnam-era veterans in my district because they were being ignored and they were not being serviced. We think that that is the least that a Member of Congress can do, to service the veterans, to fight for them, to make sure that they get justice. And on this issue, this should be the highest priority of our veterans agenda.

Mrs. LOWEY. Mr. Speaker, I rise in support of eliminating the tax on disabled veterans, and thank my colleague MAXINE WATERS for organizing the time to discuss this important matter.

Those who spend their career serving our nation in the military deserve our respect and gratitude; yet, military retirees remain the only group of federal employees who must waive retirement pay in order to receive VA disability compensation. Our nation is stronger and more secure because of their service and dedication, and fulfilling our obligations to those who fought for our freedom must always be a national priority.

It is time to stop penalizing the more than 700,000 disabled veterans who are military retirees. Attempts to redefine who qualifies as a disabled veteran are unnecessary, and achieve nothing more than providing benefits to one group of veterans at the expense of others.

The solution is obvious, yet resolution has been difficult, I was disappointed last year when a threatened presidential veto caused the elimination of the veterans tax to be scaled back in the Defense Authorization bill and, again this year when the House Defense Authorization failed to include language to repeal the tax.

At a time when our Nation is asking more men and women to risk their lives and security on behalf of our country, we should make every effort to fulfill our promise to them upon their return. The strength of a nation is measured not only in the might of its military, but also the compassion shown by and to its members.

It is time to put a permanent end to the disabled veterans tax; their commitment to excellence in service to our country should not be answered with deficient services from that country.

Ms. LEE. Mr. Speaker, I thank my colleagues, the gentlewoman from California, Ms. WATERS and the gentleman from Illinois, Ranking Member EVANS for their work on this important issue.

Mr. Speaker, I rise today outraged by the Majority Leadership's continual short-changing of American veterans. I appreciate Members' from both sides of the aisle, who work to support our retired soldiers. I find great irony in the support that this body gives in creating veterans in Afghanistan and Iraq, but the lack of assistance in sustaining these and previous veterans upon their return.

Mr. Speaker, I would appreciate the Republicans and this Administration responding to an outraged constituent who asked me earlier this year if, "We are just going to reward our fighting men with medals and praise, then let them fend for themselves after they have suffered the insults and injuries of war?". How do I respond to this person and others, when I know that I voted against the VA–HUD appropriations bill which under-funded the Department of Veteran Affairs by an embarrassing $1.8 billion.

I know that I co-sponsored H.R. 2569, which would authorize concurrent receipt of military retirement pay and VA compensation benefits, make health care for veterans more accessible and affordable, allow veterans' surviving spouses to receive adequate benefits, and expand educational opportunities for reservists. H.R. 2569 further enhances benefits for the families of those killed while on active duty, and gives an essential "thank you" to our troops now returning from Iraq and Afghanistan.

Mr. Speaker, I am a co-sponsor of H.R. 303. This legislation would permit retired members of the armed forces with service-connected disabilities to be paid both military retired pay and veterans' disability compensation. H.R. 303 would rectify the injustice which has penalized those who sacrifice to serve our country for over 100 years. Additionally, I joined my colleagues to sign the discharge petition to bring this legislation to the floor.

As a veteran's daughter, I, along with 365 Members of this body, am frustrated by our constant attempts to support those who sacrificed for this nation. I find it morally reprehensible that this President continues his reckless policy of cutting taxes for the richest 1 percent of this country, yet refuses to guarantee our veterans basic benefits. And I ask: how much longer is this body willing to punish those who sacrifice and suffer for serving and defending this nation?

SECURING THE PEACE IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I appreciate this opportunity to open an important discussion before the Congress on the topic of securing the peace in Iraq.

I am going to be brief in my opening remarks, Mr. Speaker, because we have some colleagues here who want to participate in this debate and who have other obligations. But let me simply start by saying that I believe it is absolutely essential for this Nation, now that we have deposed Saddam Hussein, to rebuild that country and to secure for them the peace. And what I mean by that is that it is simply not adequate in this world we live in today to get rid of a dictator like Saddam Hussein and then walk away. Tragically, America has done that all too often in its foreign policy, with disastrous consequences.

There will be discussion on the floor here tonight in the course of this debate of how we did that after World War I. We not only walked away, but we demanded reparations. The result was the rise of an atrocious dictatorship in Germany and another world war.

I want to point to another example just briefly here at the outset of this debate. When we helped the people of Afghanistan fight off the Russian invaders, the Soviet invaders in their country, we did the right thing. But sadly, tragically, when that effort ended, and the Soviet Union retreated from Afghanistan and turned it back over to the people of Afghanistan, we simply walked away and we did not help them rebuild their nation. We did not help them set up an economy. The result was absolutely disastrous. It was the Taliban regime that we have now deposed.

I know firsthand the situation in Afghanistan today. I was there a year ago August. I know firsthand the situation in Iraq, because I spent 3 days inside Iraq just this last August, and I learned a great deal. I went to several different parts of the country. And it is absolutely critical that we not just depose Saddam Hussein but that we help the people of Iraq to structure a functioning government. That will pay dividends for years to come.

□ 1845

I want to not only talk in this hour about the importance of having deposed Saddam Hussein and now securing the peace by aiding the people of Iraq, but why it is a bad idea to demand that this be repaid out of oil proceeds or to demand that this be a loan from the American Government.

There may be times when we need to make loans. I think right now the aid that the President has asked for should be given as a grant, because I think it is critical for us to demonstrate not just to the people of Iraq, but to all of the people of the Middle East, indeed the Muslim world, that when the United States injects itself as we did in Iraq and deposes a terrible leader like Saddam Hussein, the United States then follows through with its commitment and keeps its word.

Mr. Speaker, with that as kind of an introduction, I yield to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I recently joined 10 other Members of Congress to visit our troops and those working to restore peace to Iraq. What I saw there was absolutely amazing. There are many good and positive changes occurring in Iraq almost daily. The most remarkable and appreciated fact is the fact that Saddam Hussein is no longer in power. He clearly made the Iraqi people live in horrible fear.

Five miles from the historic city of Babylon we visited one of the 59 mass graves which has been discovered, which contained the remains of 3,000 Iraqis. To date, 2,100 have been identified and returned to their families for burial. There are still 900 unclaimed bodies in clear view of where we stood which await identification and a proper burial by their families.

There are a total of 300,000 missing Iraqis. With each new discovery of another mass grave, that number shrinks, bringing closure to many families.

The bright spot in this bleak description are the men and women in our military who not only liberated Iraq, but work every single day to bring peace and prosperity to this deserving country. Our men and women have repaired the power system so now light and air conditioning abound throughout Iraq. The sanitation and water systems that were in total disarray just 3 months ago are becoming more and more operational each and every day. Our men and women in uniform are reopening schools so all Iraqi children can attend school. Our troops have rebuilt and reopened the police academy in Baghdad so the Iraqis can be trained to provide for their own safety and their own security.

Everyone in America should be proud of what our troops are doing there. They are the best, and there are none better anywhere in the world. They do their jobs in intense heat under the most difficult circumstances, and they do it because it is the right thing to do; and they will tell you that as well. Every Iraqi we talked to thanked us and told us to thank President Bush when we saw him next. To a person, they all begged us not to leave their country too early. That is their greatest fear, the fear that we will cut and run.

This $87 billion supplemental is a tremendous investment in our future security. It will sustain our military forces in the war on terrorism and invest in the future of Iraq and, consequently, the future stability of the entire Middle East. The stakes are too high for us to fail.

Remember, only $20.3 billion of the supplemental spending request is for Iraq. It seems that the 10 Democratic Presidential nominees have either failed to look at the details of the President's proposal, or they are purposely misleading the American people into thinking all $87 billion is for the reconstruction in Iraq. Only $20.3 billion is for Iraq. The rest is to support our military in the war on terrorism.

The Vice President has said that in no way, shape or form will funds provided by the United States be used to pay foreign debts from the Saddam Hussein era in Iraq. The Iraqi Governing Council has asked the World Bank to assist in developing a proper accounting of their foreign debt. It is estimated to be about $120 billion. The Governing Council feels strongly that governments that knowingly lend money to a sadistic dictator such as Saddam Hussein to buy weapons and oppress his people do not deserve to have that money paid back.

There are key members of the Iraqi Governing Council who propose to repudiate all foreign debt from that era since that money was used to buy weapons and oppress the Iraqi people, and we should strongly support that policy.

We must continue to encourage the development of functioning local institutions in Iraq, not dependency on foreign administrators. This will take time and persistence. To transfer power before governmental institutions have properly developed would be reckless and dangerous. What matters most in developing states such as Iraq is leaders and law, not aid. The Iraqi Governing Council is committed to developing a constitution that creates a secular, democratic, strong federal government which embodies principles of equality for all Iraqis. They have already passed some of the most progressive laws in the Middle East in terms of encouraging foreign investment, allowing for dual citizenship, and establishing income and corporate tax structures, but it is too early to turn over control completely to the Iraqis.

In the short term, we must continue to increase the level of involvement of the Iraqi people in three key areas: security, control of money raised by oil revenues, and empowering them to represent themselves in world forums, such as OPEC and the United Nations. We will retain control of the funding that is provided in the supplemental. We have made unprecedented progress, and we must continue to be patient and stay the course.

There are many examples of our success to date. Approximately 5,000 small businesses have opened in Iraq since May 1, and an Iraqi central bank has been established. This took 3 years in postwar Germany. Almost all major hospitals and universities have been reopened, and hundreds of secondary schools will start school this fall.

An Iraqi Governing Council has been formed and appointed a cabinet of ministers. This took 14 months in postwar Germany. A 56,000 person security force has been armed and trained, and is contributing to Iraqi security. This took 14 months in postwar Germany.

There is still a tremendous security challenge, but more troops are not the answer. The Iraqis are eager to be responsible for their own security. Once the coalition trains Iraqis to be responsible for the governance and security of their own country, then we will be able to leave.

Mr. Speaker, I want to commend the gentleman from Georgia (Mr. MARSHALL) on a fantastic op-ed piece that he wrote, which ran in today's Washington Post. The gentleman emphasized that the version of events that we see each day on the news is distorted and heavily skewed towards destruction and death and not the birth of a new nation that is taking place.

I want to quote from JIM's op-ed. "We not only need Iraqi tips and intelligence, we need Iraqis fighting by our side and eventually assuming full responsibility for their internal security." He says, "Many in Washington view the contest for the Presidency and control of Congress as a sum-zero game without external costs and benefits. Politicians and activists from both parties reflexively embellish news that is bad for the opposition, but to do that with regard to Iraq harms our troops and our efforts. Concerning Iraq, this normal political tripe can impose a heavy external cost."

I agree with the gentleman from Georgia and commend him for his vision and candor. American journalists in Iraq have freely admitted that their editors are not interested in printing good news from Iraq, but only reporting on death and destruction. Those editors are doing a tremendous disservice not only to their readers, but to every American serving in Iraq, to the Iraqi people and to our country. We must tell the story of the successes as well as the setbacks.

There is still a long way to go in Iraq, but there are thousands of dedicated, intelligent and educated Iraqis eager to assume leadership roles and be responsible for the future of their country. They desperately need our help.

Our credibility, our security and the security of the Middle East are tightly linked to their success. We must stay the course and provide the support needed. The return on our investment is stability, democracy and partnership. The failure of our efforts is too frightening to contemplate.

Mr. Speaker, I strongly urge my colleagues to support the President's requests for additional funding for Iraq. It is absolutely essential.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his thoughtful comments and I appreciate the gentleman participating in this discussion tonight. I know that the gentleman has family obligations, but his attendance here speaks to how important he thinks this topic is.

I also thank the gentleman for pointing out that only $20.3 billion, not the entire $87 billion, is dedicated to reconstructing Iraq. And I also think it is important that we listen to his comments about the Interim Governing Council and the fact that they are making progress, but this money is going to be spent by Americans right now, and I think to assert that although Americans are spending this money, the Iraqis ought to repay it seems unfair.

I also commend the gentleman about Iraqi involvement and responsibility. At the end of the day, this is an Iraqi responsibility and ultimately we have to get those people involved in recreating their nation, and I very much appreciate the gentleman's comments. I also appreciate him pointing out that this is a bipartisan discussion; and our colleague, the gentleman from Georgia (Mr. MARSHALL) has written and spoken on this topic, and I think he will join us in this discussion.

Mr. Speaker, I went to Iraq this August and spent time there. Interesting in this debate, people who have been to Iraq and seen what is on the ground tend to support the President's position. Those who are critical tend to be those who have not been there.

Ambassador Bremer, I think, laid the groundwork by these remarks in a hearing just last month. He said the $20.3 billion in grants to Iraq the President is seeking as part of this $57 billion supplemental speed the grandeur of vision equal to the one which created the free world at the end of World War II. What he is referring to is the Marshall Plan, and I think for Americans to understand this discussion, they need to understand this aid, put in perspective.

As I mentioned earlier, at the end of World War I, we walked away. Indeed, we demanded reparations. We did not help Europe rebuild. That resulted in Hitler and another world war following that. But following World War II, we changed our policy rather dramatically, and we understood that rebuilding Europe was critically important. That was the Marshall Plan.

This second graph shows in current dollars that the Marshall Plan was dramatically more expensive than we are talking about in the President's request here. I think it is vitally important for the people of America to understand that if we are being asked to put up this money to rebuild Iraq, how does that compare to our prior experiences.

And with that, Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for doing this special order, and maybe we can have a dialogue.

The gentleman, myself, along with a couple of our other colleagues had the opportunity to spend 3 days in Iraq in August. I had an opportunity to go back in September to complement that trip and see some things we were not able to see in August; and in coming back, there are some things we agreed on.

Number one, we agreed on the quality of our troops. We have very, very talented young men and women who fought a war in Iraq and now are providing the security zone to allow this country to restructure itself.

Mr. SHADEGG. Not just their quality, their enthusiasm. They are committed to this task. They can see in the faces of the Iraqi people that they are trying to help every day what it is doing for that country and for their people.

Quite frankly, I think if every Member of Congress were to go to Iraq, and for that matter, I urge the administration to take business leaders, take average Americans over there, let them see when we help the Iraqis by fixing a well that is no longer working or by opening a school that is no longer functioning, and we will discuss education later in this Special Order, when we do that, the faces of those people light up. And these are people embracing the concept of freedom and democracy for the first time.

When we look into the eyes of our troops and soldiers, they know we are enabling these people to be free for the first time and to understand prosperity for the first time. I could not agree more with the gentleman's comments.

Mr. HOEKSTRA. Mr. Speaker, the media is portraying a very different story regarding what is going on in Iraq than what we saw. There is no doubt that Iraq is still a dangerous place. At least it was in August, it was in September, and it probably still is today. But as we flew over the city of Baghdad there were cars, buses and trucks on the streets. There was commerce. Much of the city of Baghdad was functioning.

We met with a couple of divisional military commanders who talked about the thousands of projects that they had going on, rebuilding schools, cleaning irrigation ditches, working on clinics, and they talked about the progress that they were making. We met with a number of talented people.

The second trip I had over there I met with Peter McPherson, who is the president of Michigan State. He is now back at Michigan State. He was kind of the shadow finance minister. I asked him, what about the plans? You guys did not have a plan for reconstruction.

He said, What do you mean we did not have a plan? Did you see our currency collapse? No.

He said there was a debate about whether Iraq should keep this currency that had Saddam Hussein's picture on it. He said, we made a conscious decision, we planned to keep that currency because we did not want the currency to collapse, we did not want a run on the banks. Commerce continued in Iraq after the war.

□ 1900

The plan is in place. They now have a tax code, 15 percent top rate. They have a tariff structure, and they also now have one of the most progressive foreign investment laws in the Middle East. They have thought through all those things. Now they are working with the Iraqi Governing Council to implement it.

Another individual from Michigan who was kind of their shadow health care minister, he said, "What do you mean, no plan? Did you see a breakout of malaria? Did you see a breakout of cholera or diarrheal diseases after the war? That is very typical after you have had a military conflict.

"Those things did not happen. We had plans in place to try to prevent that, and we were successful in preventing those things from happening. We kept the clinics open. We kept the hospitals open. The doctors kept coming to work. We were able to treat the people. There were plans in place. We have got talented people who have run major universities, major businesses, major sectors of this country who are now helping put Iraq together."

Does that mean everything has worked perfectly? Absolutely not. But these folks have a plan, they are implementing the plan and as they get new information they are adjusting it.

Mr. SHADEGG. I could not agree with the gentleman more. Certainly I think it is helpful to hear those kinds of comments. And understand when I said at the outset of this special order that we want to discuss securing the peace, maybe that confuses people, but for the average American what I mean is, we are in a war, a war on terrorism; and the battleground of that war is a war to win the hearts and minds right now, first and foremost, of the Iraqi people.

We cannot win their hearts and minds if, for example, they do not have electricity to cool or air-condition their homes and it is 140 degrees out. We cannot win their hearts and minds and tell them we have a better system for them if, for example, they cannot get gasoline to run their cars.

There has been some complaining about the President wanting to send refined fuels into Iraq. Why do we need to do that? They do not have gasoline to run their automobiles to conduct their business lives. We saw that great progress has been made, but the aid the President is seeking now is so that more progress can be made. I commend the gentleman for his thoughts.

Mr. HOEKSTRA. Let me add one thing. I do have another commitment. A lot of our colleagues are here tonight. That is great to see.

Mr. SHADEGG. I am thrilled to see so many of them here. I have got to get them all on.

Mr. HOEKSTRA. We talked about the horrors of Saddam. I will give you one of the ones that I have not seen published anywhere, but that I heard on my last trip.

I had the opportunity to go through the Ministry of Health. Then I had the opportunity to go through a hospital. We have heard about the mass graves, the slaughter of the Kurds and all of these types of folks. The one anecdote that somebody asked if I had heard about, they said, have you heard about our cornea transplant policy in Iraq? I said, no. He said, all the cornea transplants were done on Monday and Thursday. Executions were done Sunday night and Wednesday night.

Just one other example and these are stories that come from the Iraqis.

These folks are thankful that this man is gone. They are thankful that we are there, and they want us to stay because they trust us a whole lot more than they trust the U.N. We put together a good coalition in a very difficult situation, and as demonstrated by our colleagues here tonight, there are a whole lot of folks who have a lot more to add to this because we are going out and we are getting a complete picture by having this many Members participating in the debate, but also spending the time over in Iraq and everybody picking up their own little gems of information to give us a complete picture.

Mr. SHADEGG. I thank the gentleman. Without further ado, because we do have so many Members who want to participate, let me yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I appreciate so much the opportunity to be here tonight. I want to thank the gentleman for his efforts because he cares about the people of Iraq. He cares about the people of America, because that is what we are talking about, the security of the people of the United States.

We are in a war against terrorism. It began, not of our own making, on September 11, 2001. We are responding to a very vicious enemy, being the terrorists who have determined that the targets of their attack are the people of the United States. And so I thank you for doing this.

I additionally want to point out that the people who are here tonight, this is the largest outpouring I have ever seen of people who are genuinely concerned about our country, about the war on terrorism. I also want to point out that I particularly appreciate your pointing out the situation of how we assisted in the redevelopment of Germany after World War II. That is exactly what we are doing right now.

The reason that we redeveloped Germany was not to show any appreciation of the war that they brought upon the world during World War II, but it was to redevelop Germany so it would not be a breeding ground for Communists because that is where we were. We were getting ready, as we all knew, to go into the Cold War. And we were able to redevelop Germany, and then we were able to defeat the Communists.

The exact same principle is at hand here. We are trying to redevelop Iraq so that we can avoid Iraq continuing, it already has been, now we need to stop it, as a breeding ground, a country that supported or harbored terrorists, because we are in a war against terrorism. We defeated communism. We can defeat terrorism thanks to the efforts of the people who are here tonight.

It is really very heartwarming that the opportunity I had, I returned 2 weeks ago from the visit to Iraq. This was a trip put together, a congressional delegation, by the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services, and one of the very fine persons with us was the gentleman from Georgia (Mr. MARSHALL).

I want to congratulate him on his courage. He has been very outspoken in what he saw in Iraq. He saw the progress that the American forces and the coalition forces from all over the world, from 32 countries that are serving in Iraq.

In fact, in today's Washington Post, I would like to commend him, and he will be appearing apparently in a few minutes, on an op-ed which appeared in today's Washington Post. He had an excellent op-ed in the Atlanta Constitution. I just want to read one part. I do not mean to preempt his ability to speak this evening, but the gentleman from Georgia indicated, "I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality."

Mr. Speaker, the text of the op-ed is as follows:

[From the Washington Post, Oct. 1, 2003]

DON'T PLAY POLITICS ON IRAQ

(By Jim Marshall)

My first trip to a combat zone occurred in 1969. I was a 21-year-old staff sergeant, naive as hell, a freshly trained Army Ranger who had left Princeton University to volunteer for ground combat in Vietnam. I vividly recall feeling way out of step with my Ivy League colleagues.

Well, that same out-of-step feeling is back. But this time it's about Iraq and involves some of my professional colleagues, political leaders and activists who carelessly using words, and phrases such as "quagmire," "our failure in Iraq," "this is just another Vietnam," or the "Bush administration has no plan."

I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces. Some will attribute this to a grand left-wing conspiracy, but a more plausible explanation is simply the tendency of our new media to focus on bad news. It sells. Few Americans think local news coverage fairly captures the essence of daily life and progress in their hometowns. Coverage from Iraq is no different.

Falsely bleak Iraq news circulating in the United States is a serious problem for coalition forces because it discourages Iraqi cooperation, the key to our ultimate success or failure, a daily determinant of life or death for American soldiers. As one example, coalition forces are now discovering nearly 50 percent of the improvised explosive devices through tips. Guess how they discover the rest.

We not only need Iraqi tips and intelligence, we need Iraqis fighting by our side and eventually assuming full responsibility for their internal security. But Iraqis have not forgotten the 1991 Gulf War. America encouraged the Shiites to rebel, then abandoned them to be slaughtered. I visited one of the mass graves, mute testimony to the wisdom of being cautious about relying on American politicians to live up to their commitments.

For Iraqis, news of America's resolve is critical to any decision to cooperate with coalition forces, a decision that can lead to death. Newspaper start-up ventures and sales of satellite dishes absolutely exploded following the collapse of Saddam Hussein's regime. With this on top of the Internet, Iraqis do get the picture from America—literally.

> Many in Washington view the contest for the presidency and control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish news that is bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.
>
> It is too soon to determine whether Iraqis will step forward to secure their own freedom. For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.
>
> Democratic candidates for the presidency should repeatedly hammer home their support, if elected, for helping the Iraqi people secure their own freedom. It is fine for each to contend that he or she is a better choice for securing victory in Iraq. But in making this argument, care should be taken not to dwell on perceived failures of the current team or plan. Americans, with help from commentators and others, will decide this for themselves.
>
> Instead of being negative about Iraq, Democratic presidential candidates should emphasize the positive aspects of their own plans for Iraq. Save the negative attacks for the issues of jobs and the economy. Iraqis are far less likely to support the coalition effort if they think America might withdraw following the 2004 election.
>
> Finally, no better signal of our commitment to this effort could currently be provided than for Congress to quickly approve, with little dissent or dithering, the president's request for an additional $87 billion for Iraq and Afghanistan. Of course no one wants to spend such a sum. But it is well worth it if it leads to a stable, secular representative government in Iraq, something that could immeasurably improve our future national security.

I minored in journalism at Washington & Lee University, and I served as a reporter for the Post and Courier in Charleston, South Carolina. What I have seen in Iraq is really sad, and that is that the level of news reporting has been of the police blotter, and that is that in lieu of covering what is going on in a community, a country, a State or a capital, what has occurred is that the reporters have gone to the police station, gotten the very negative reporting of incidents of violence, level of violence, and then reported that as the news. That is inappropriate. I would hope that they would cover the positive.

I brought some indications, I feel like show and tell tonight, but I brought several items that I want to show that I believe indicate the progress.

First of all, the gentleman from Illinois (Mr. KIRK) has been so good in bringing to our attention earlier today on the floor of Congress that the schools have reopened today, October 1, 2003, in Iraq. This is very significant. Many of the schools were closed, particularly in communities that did not support Saddam Hussein. Thanks to the work, the civil action projects of the American military, the schools have reopened.

By American standards, we would be appalled. These are one-room schoolhouses that have been repainted; we are not talking about elegant schoolhouses, but they reopened today. When they did reopen, the teachers and the students were given tablets so they could write on them what they learned and what they were having the ability to learn.

For the first time, they were in classrooms where they were not given propaganda. The propaganda in subliminal messages on the mathematics were how evil the Western world is, how evil the American people were. Now they know that there is an open society in the United States and in the Western democracies, and it is one that can be positive for the people of Iraq.

I am excited. Today is a big day for the people of Iraq. Over 1.5 million students have received the new textbooks and the new book bags to carry and go to school.

Another indication of progress is the money itself of Iraq. Those of us in South Carolina are very proud that George Wolfe, who is the general counsel of the U.S. Department of Treasury, is serving with the Coalition Provisional Authority in Iraq in one of Saddam's palaces. What they are doing is that on October 15, 2 weeks from today, they will be turning in the money which is currently in Iraq and they will be, first of all, deleting the dictator Saddam Hussein's picture, and the new money will be issued.

It will be dinars. It will be from what we have learned from prior experience, and that is, it will not be currency manipulation; the people will receive dinar per dinar. It will be of the new money. It is being done at 150 locations in a very large country, 26 million people throughout the country to turn in the money, and Saddam Hussein will be gone in terms of the money. That is very important.

A final point in my show and tell tonight, it was very exciting for me to be with the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. FORBES) and the gentleman from Florida (Mr. MILLER) to visit the reopening of the Kisik Oil Refinery. This is very significant. It is in the northern part of the country. The person who really coordinated this is General David Petraeus of the 101st Airborne Division.

They had the opportunity, again just 2 weeks ago, of reopening this refinery. It had closed 4 years ago; under the dictatorship of Saddam Hussein, the refinery had closed. But it was reopened. Now we have production of gasoline and kerosene which will be used by the people of northern Iraq, it will be traded to the country of Syria. Syria was so confident of all things, and that had not been identified as one of the countries that has been favorable to us, but Syria actually provided, by way of barter, electricity several weeks ago, anticipating the opening of the refinery so that this electricity could be forwarded into northern Iraq, which is already democratically operating and operating fully, and it will be sent to Baghdad.

And so we saw firsthand tremendous progress. I want the American people to know the progress that has been made, how much we appreciate the sacrifices of the Armed Forces that are serving there, the competence of their leadership and themselves; and for the family members who have young people serving in Iraq, the equipment that is there, the technology to protect our troops. And I say that as a parent of three people in the military, as a retiree 2 months ago yesterday of 31 years in the Army National Guard.

Again, I want to thank the gentleman from Arizona for his leadership as we bring this. It should not be, but it seems to be new news to the people of the United States.

Mr. SHADEGG. I thank the gentleman for his comments in support of this effort. I know that he believes deeply, as I do, that we have an obligation, having thrown out Saddam, as was needed to be done, a terrible dictator, to now help the Iraqi people. I think his illustrations of what we have done have helped.

Quite frankly, when I do these special orders, I like to have them be a discussion between several people, back and forth. Stunningly, we have so many people here tonight that it is almost not possible to follow that form.

One of our colleagues is the gentleman from Florida (Mr. WELDON). He is here, and I know he feels passionately that we need to rebuild Iraq, that the President is going in the right direction and that it is indeed a mandate in history, that this has lifelong consequences for our war against terror.

I yield to the gentleman from Florida.

Mr. WELDON of Florida. I thank the gentleman for yielding. I will be brief because I know there are several people who have been to Iraq.

I believe my physician colleague, the gentleman from Texas (Mr. BURGESS), may get up in a little while and talk about the medical situation over there, which was really abominable under Saddam Hussein.

I just want to state that I support the President's request to make this grant to Iraq. It is the right thing to do from a military strategy, it is the right thing to do from a political strategy and I am very, very pleased that this is going to be a bipartisan special order.

I just want to make one comment. I was so glad that you put this poster up here, because this $100 billion that we spent rebuilding Europe after World War II was somewhat in our own interests in that Europe was in such disarray that Communist forces were beginning to take over.

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And those funds that were spent helped stabilize Europe, helped the democracies in Europe to emerge, and we essentially got a tremendous dividend from this investment in that there was a tremendous decade of peace and free trade, and ultimately in the end our economy benefitted from that.

And the situation here today is very similar. We have a unique opportunity to create a Western, U.S.-friendly, democratic beachhead in the middle of what has been a very problematic area in the Middle East that could have tremendous positive implications in decades and decades to come. And if we fail, the results could be absolutely horrible, not only in terms of dollars spent but as well in human lives. So I think the President's approach is right. All the military leaders say that this is desperately needed. All of the Members, and they are going to be speaking more tonight like the gentleman from Michigan (Mr. HOEKSTRA), say it is very much needed. I thank the gentleman for yielding.

Mr. SHADEGG. Mr. Speaker, in the dialogue format, I just want to make one point. The gentleman points out the consequences in human lives, and I think he has spoken eloquently upon that topic. I just want to throw it back to him. I think he has made the point very clear that if we back away from Iraq right now, all those people in the country who are helping us right now, their lives will not be worth a penny, and I would like the gentleman to make a quick comment on that.

Mr. WELDON of Florida. Mr. Speaker, I mentioned that at the House Republican conference last week, and it is a point that I do not think has been emphasized enough. If we fail, what is likely to happen? One of the scenarios is that another brutal, vicious, murderous dictatorship regime could come back. The worst case scenario, of course, is that Saddam himself could crawl out from under a rock and regain the reins of power. And we all know what he did in Basra after the first Gulf War. He executed 10,000 people. I think the bloodshed this time around would be much worse. So we really need to follow through on this, and we really need to make sure it is a success.

I think the President's proposal is very much the right thing to do, and I think all of us in the House and in the Senate should be backing him. This is money, I believe, that will be very well-spent in the long-term. This war on terror, I believe very strongly, it could end up resembling the Cold War. It may take decades or generations, and this is a very critical moment for us. If we succeed, it could have huge positive implications for the future. If we fail, it could be disastrous. And I yield back.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his comments.

One of the most eloquent spokesman who has gotten a lot of national coverage for his courage in speaking out, who makes this discussion tonight bipartisan and who makes this debate bipartisan, though there will be many, many Democrats who will vote with the President next week when we take up this legislation, is the gentleman from Georgia (Mr. MARSHALL). I yield to him on this topic.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for yielding. And I guess I would say that had I had a little bit more notice and appreciated the attempt to have a bipartisan effort here, I could have had plenty of Democrats on this side. There is no question about it. What we are going to find is that on the Democratic side, also on the Republican side, and I do not know how publicly on the gentleman's side, but certainly on the Democratic side, there will be questions concerning exactly how the money is planned to be spent. Is this appropriate? Is that appropriate? And there may be some who say this is inappropriate and that is inappropriate. But, in general, I think what we will find, and to a person this is what I have heard, Democrats are certainly in support of this effort to help the Iraqi people create a secular, representative government.

I do not want to take too much time because there are a number of people, and that might have caused a problem with my bringing a whole bunch of Democrats; so I do not want to steal the gentleman's thunder here. Let me say this. I appreciate the comments about my op-ed in the Post this morning.

Mr. SHADEGG. Two of our colleagues have already commented on it.

Mr. MARSHALL. And those who are viewing, if they wanted to get a more complete version of how I analyze our current situation, that would be a good place to go, and I would encourage people to do that.

I was a recon platoon sergeant in Vietnam. Vietnam is similar to the Iraqi situation and very dissimilar in other respects. In Vietnam, Russia and China were supporting the insurgency. So we had North Vietnam, Russia, and China. It made it very difficult for us to stamp the insurgency out, an insurgency that had been there for decades, was very well-organized. Iraq is very different from that. We do not have an external government with an awful lot of oomph, as China and Russia did at that time, and a great deal of commitment, as China and Russia had at that time, backing this insurgency. The insurgency is not something that is well-developed, but it could become so.

Here is the similarity: My job was to go out, find, engage the enemy. It was hard as heck to do. Iraqis, Iraqi troops, have a comparative advantage over any alien force, including Americans, that we simply cannot match. They speak the language. They read the street signs. They understand the culture. They can sort out friend from foe. Having their cooperation is critical to this endeavor. And, in part, I think one can understand why it is critical to the endeavor, because what we are trying to do is establish a representative government for the Iraqi people. One can force a dictatorship on folks, but one cannot force them to have a democracy. One cannot force people to be free. They have got to take it for themselves.

I think, as a country, we need to recognize that, that we have tremendous capabilities militarily, but there are some things that we just simply cannot do, and we cannot force freedom on people. They need to be coming forward and take it for themselves.

What does that involve? It involves Iraqis taking help from us. At least at this point they cannot do it on their own. They have got to step forward and be willing to cooperate with Americans. That involves taking risk. It is a tremendous benefit to us, and I think everybody here knows that. Right now, we are discovering about 50 percent of what they are calling IEDs now, improvised explosive devices. When I was in Nam, it was booby traps. We are discovering about 50 percent of those things, a little less than 50 percent, because people give us tips. They tell us where they are. Guess how we discover the rest of them? It is when our soldiers get hit by them, pretty much. More cooperation makes it safer for our soldiers. We find out where the ambushes are, where the booby traps are. We identify who the bad guys are. We are able to get them before they get us. But, very importantly, cooperation leads to people stepping forward, Iraqis stepping forward, taking up arms and going after the guerillas enthusiastically themselves. Simply having a police force, simply having an army, I do not care how many thousands of people, is not going to do it. They are going to have to be enthusiastic.

If I am an Iraqi, after 1991 when we encouraged the Shiites to rebel, then we withdrew and they were slaughtered, and some of my colleagues have been to the mass graves, as I have been, I am not going to step forward if I do not think the United States is committed.

So I encourage all of us to speak words of commitment, speak positively about the future of Iraq. We can differ on how we are going to get there, what is the best plan, when to bring in, how to bring in international folks, whether we can entice international folks, how we made mistakes in the past; but all of us should be talking about that. And, in addition, I think it is a good idea to go ahead and approve the President's request. It is a clear signal to Iraqis that we are committed. That is a big number, $20 billion for reconstruction.

The troops in Iraq told me repeatedly money is ammo, and what they meant by that was not that they did not have enough bullets or shells. What they meant by that is money enables them to do these reconstruction projects. These reconstruction projects build relationships and commitments with the Iraqis, lead to intelligence, lead to assistance, and ultimately lead to the commitment that we need from them if we are going to be successful here.

I have already spoken too long. The gentleman can tell I am passionate about this. I appreciate the gentleman's giving me an opportunity to speak, and I can tell my colleagues we would have tons of Democrats up here doing the same thing if we had just a little bit more notice.

Mr. SHADEGG. Mr. Speaker, I think the gentleman points out this is not partisan. This is largely a divide on who has been there and who has not been there, but I want to compliment the gentleman on one particular point, and that is I have been saying now for lo these many weeks that this has been on the discussion table, America, that the $20.3 billion for so-called reconstruction is as important to our military's success as the $60-some billion for the military side, but the gentleman said it so eloquently. The real reason is, as the gentleman explained, and it certainly comes from his background having been in Vietnam. People, and that is if the Iraqi people are on our side, if they believe in us, if they want to help us, they are a resource that is absolutely invaluable. It is a resource that is worth ten times, in my opinion, $20 billion, if they come forward and say, "There is an improvised explosive device right over here, and you need to go get it and get it out of there before it kills an American."

Mr. MARSHALL. Mr. Speaker, if the gentleman would yield, in fact, what would be better is if they just take care of it themselves.

Mr. SHADEGG. Absolutely.

Mr. MARSHALL. They do not come to us and say, "There it is. Would you take care of it?" They go take care of it themselves. Ultimately, they have to be responsible for the security of their country. We do not need to be doing that. We will be able to tell in the next 6 months or a year or something like that, I cannot put a time frame on it, whether or not we are actually going to be able to entice them to come forward, and by gosh, we ought not to shrink from that effort right now, not after what we have spent, not given the opportunity that we have got as a country to make an immeasurable improvement in our future security.

Mr. SHADEGG. And this reconstruction aid is a way for us to illustrate that we are on their side, and for them to come to realize we are on their side, and for them to decide they need to be on our side and not on the side of the terrorists who want to destroy that country and bring Saddam back or some other regime that would be anti-American and be in line with the rest of the countries in that part of the world where terrorism is brewing against it.

So I think the gentleman's comments are eloquent, and I thank him for his participation and for all of his remarks on the topic.

I now yield to the gentleman from Arizona (Mr. FLAKE). I think he feels passionately about this issue as well.

Mr. FLAKE. Mr. Speaker, I thank my colleague from Arizona for arranging this special order and for all of those who have spoken. The most important part about this tonight, I think, is to hear from so many who have been there, and given what we hear in the news, I think that is particularly important because just watching the news channels, we simply do not get a good picture of what is going on there. We get a much better feel from those who have just returned. So I have appreciated this opportunity to hear that.

And I appreciated the concern that was raised before that not only do we make sure that we do not impose more debt on the Iraqi people, but that we ensure that the other debt that is held already is forgiven. It is extremely important. When we look, estimates vary anywhere from $60 billion to $150 billion and some more as far as outstanding debt. A lot of it is held by countries that are friendly with us and are on our side here, most of them, in fact. And I would hope that the administration, and I know they will, would exert all the pressure they can on these countries to make sure that we are not the only ones who are leaving Iraq debt-free and with an opportunity to grow and progress, that they have a responsibility to do so as well. I think if we want the support of Americans in this endeavor, we have to make sure that our partners around the world participate in this regard as well.

I would also encourage the administration to do what it can to exercise with us in Congress, and I think we need to remind our colleagues continually here to exercise fiscal restraint domestically. The primary function of the Federal Government, we all know, is national security. That is our first and primary function. This is important, what we are doing here. And we need, because of the situation we are in with a large deficit and a big debt, to make sure that we husband our resources properly and spend them where we need to and where the Federal Government has priority, and that is in our national defense. Again, I just want to thank my colleague from Arizona and all of the others who have appeared so far, and I just appreciate learning more myself and also to lend my support to this effort.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his input.

In the light of the fact that I want to get all of the remaining Members here who want to speak, a chance to speak, let me yield to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Arizona for yielding but also for organizing this special order.

I think this is extremely important. Others have said it more eloquently than I will. I think the fundamental reality here is we have an opportunity as well as a responsibility to win the peace just as we won the war, and the President's proposal is about winning the peace. The $20.3 billion that will go towards rebuilding Iraq is about one winning the peace in Iraq. It is about helping the Iraqi people build a viable society that will not be a threat to its neighbors and to us anymore.

The President's determined that this money is needed soon after the decades during which Saddam Hussein's tyranny and the wars that he has brought on the Iraqi people has made this need urgent, and I hope we will all fully support this President's request.

I do, however, want to introduce an idea that I think is perfectly consistent with funding this request, and that is an idea that goes to the heart of what we ought to be doing here in Congress, and I think that is establishing our priorities, funding our priorities, and tightening our belts and living with some fiscal discipline throughout our budgeting process.

Today just happens to mark the first day of a new fiscal year for the Federal Government, and, unfortunately, it is a fiscal year in which we are going to undoubtedly run a several hundred billion dollar deficit. Given that situation, I think it is all the more important that we exercise the fiscal discipline and identify the priorities that we need to.

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This is a priority. So I have proposed, together with our colleague, the gentleman from Texas (Mr. HENSARLING), that we fund this, and we fund this fully but, at the same time, over the next several years, we find offsetting spending reductions in other foreign aid proposals, programs, areas that are not as high a priority, frankly, as rebuilding Iraq; and we reduce that spending by an amount that will, over time, add up to the amount we are spending in Iraq so that at the end of the day, the American taxpayer is not paying any additional net new sum of money to do this vital function. I think it is about priorities.

There are a number of areas that I would not suggest that we reduce funding in our foreign aid budget. For instance, our aid to Israel and Egypt is fundamental and very important. For other reasons, diplomatic and embassy security. There are a number of programs we should not touch. But frankly, if we were to trim by about 15 percent a year for the next 4 years, the next 5 years, I correct myself, for the next 5 years, we could fully offset this critical $20.3 billion expenditure that we need to make for our own security and for the security of our troops in Iraq and for the sake of the security of that region.

So I appreciate the opportunity to speak tonight. Again, I am very supportive of the President's request, but I would urge my colleagues to join me in an effort to find the appropriate offsets over the next several years so that this vital priority gets funded and some less important foreign aid programs wait until we have the resources to do it.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his participation, and I want to express my appreciation for his thoughtful analysis of this issue. We do have to prioritize, and the suggestion he makes is a good one. As was mentioned earlier, today was the first day of school in Iraq; and in my visit there, we learned that America has done a great deal to rebuild the schools, although Americans will say, well, why are we rebuilding their schools and not ours. As I explained earlier, what we are doing is going in and painting existing school buildings.

But helping the people of Iraq educate their children is a critically important role for America. Again, it helps us to win over their hearts and minds and to do what our colleague, the gentleman from Georgia (Mr. MARSHALL), said, and that is have the Iraqi people side with us in this struggle. For example, for them to help our troops find an explosive device that is planted and intended to kill an American, they are the best ones who can do that. Education is a big part of that effort; and to discuss education in Iraq further, I yield to our colleague, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank my colleague from Arizona. People have asked me what the trend is in Iraq, for better or for worse. I just returned from Iraq and the trend is for the better. The last time I was in Iraq, I was in uniform flying at 20,000 feet and the Iraqi Air Defense network was shooting at us. That force is now gone.

Now that the allies have won, I think we should follow several key principles. One, the war on terror must be fought overseas and not in America's cities. I come from Chicago, home to America's tallest building. The Sears Tower is still standing, and we want to keep it that way.

Second, we must finish the job in Iraq; otherwise, we condemn a future generation of young Americans to refight this war. If Desert Storm had a key lesson, it is that unfinished work ensures a new Middle East war. I think we should make sure that no future generation of Americans has to fight again, and that is why we need to finish what we are doing in Iraq.

Our goals must match the best ideals of Americans: an Iraq that does not invade another member of the U.N. each decade; an Iraq that governs by the consent of Iraqis; and an Iraq that cooperates with the United Nations, not confronts it. These are worthy missions and if we accept these missions, we must accept that we need to give our troops the tools they need to complete this job.

This is a difficult job. Let us look at Iraq under Saddam. Life expectancy in Iraq totaled just 58 years. Forty-seven percent of children did not attend school. Half of Baghdad's phones did not work. Iraq had the highest infant mortality rate in the Middle East. Seventy of 90 city water systems did not work. Saddam's health budget totaled 75 cents per person per year. There was only one newspaper, Uday Hussein's newspaper.

Under the allies now, the situation has changed. Ninety percent of Iraqi school kids started class today. Power generation is up 100 percent from 1,200 megawatts to 3,700. Five million school books were delivered, but these school books did not have the anti-U.S., anti-Semitic rhetoric. Now there are several dozen newspapers. I brought them back with me. These are newspapers that did not exist before May 1, like Azzaman, al-Balad, Al Mutamar, Ashraa, and even an English language newspaper, Iraq Today.

When I was in Iraq, I learned that 90 percent of Western reporters have left Iraq and for those young reporters who remain, their editors have told them that they are only interested in one story: injuries to Americans. We are not allowed to know about anything else happening in Iraq, but there are many developments in Iraq that we should know about.

I want to tell one last story. As my colleague from Arizona said, today is the first day of school in Iraq. And we, the United States Government, have prepared a school kit with the U.S. emblem on the front. This school kit is a book bag with pens, a calculator, school supplies, all intended for Iraqi children. The U.S. Government delivered 1.5 million of these school kits to the children of Iraq to ensure a good start with the school year. This was a start of the school year which did not include half of Iraqi children; it included 90 percent. They got a good start. Each day, Iraqi children, when they open their book bag, will see the U.S. emblem on the front. And that is a powerful message that they will remember: who helped them in their earliest years in class.

I think this represents some of the best ideals of America. It is showing that we are part of the future of this country. The situation is changing and changing for the better, and I thank my colleague for having this Special Order.

Mr. SHADEGG. Mr. Speaker, the gentleman illustrates how exactly we are going about winning the hearts and minds of the people of Iraq, and I thank him.

I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for putting on this Special Order, and I really feel privileged to be a part of this story tonight.

I too traveled to Iraq the last week in August. I came back to this country and turned on the national network news one night and the lead story was about Iraq. But honestly, I did not recognize the country that they were talking about, the country I had just left a few hours before. Perhaps General James Conway of the First Marine Expeditionary Force summed it up best when he said, "Iraq is a vivid success story." Iraqis are concerned not that we will stay too long, but that we will leave too soon.

Let me talk for just a minute about health care in Iraq. Put this in the context that there was no health care infrastructure improvement in over 30 years. A member of the 385th Civil Affairs Brigade, Lieutenant Colonel Michael Keller, a good west Texas boy, had been to the medical library in Baghdad. He reported to me that within the medical library he could not find a medical text that had a copyright date later than 1984. Pharmaceutical agents that were manufactured in Iraq were useless; and, in fact, after the end of the combat phase, we relied heavily upon donations of medicine from the Kuwaitis. Saddam's per capita medical expenditures were 50 cent a person, compared now to $45 a person in the last 6 months.

Perhaps the most searing comparison was the opulence of the palaces compared with the dreadful poverty of the hospitals in Iraq, palaces that had marble veneers on every wall, two-story-high fireplaces, and hospitals that did not even have linoleum on the floors, hospitals that did not even have medical gases piped in.

Mr. Speaker, one of the points that was brought up earlier was the humanitarian disaster that did not occur in Iraq. Let me point out that if there had been 15,000 heat-related deaths in Iraq this summer, we would have been blistered in this country because of that. The 15,000 heat-related deaths occurred in France. We barely heard a word about it from our news media.

I know time is tight, so I yield back to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman who brings a great perspective. I yield to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I appreciate my colleague yielding to me.

I rise in very strong support of the supplemental appropriation that the President has requested. In doing so, I do not take the position, and I am sure my colleagues do not, that this supplemental appropriation will be free of scrutiny. We will look it over; and, frankly, we will check it out, and I have no doubt in the legislative process we will improve it greatly.

But I think as to the big question, the President has it right, and I think he has it right for three reasons. First, as has been alluded to several times by a number of speakers tonight, our own history gives us the lessons that we should be drawing in this particular case. In the First World War, we won the war, we participated with our allies, but we did not do anything to rebuild a shattered Europe afterwards. Less than a generation later, young Americans were dying again in the same fields, in the same countries, for the same cause. In the Second World War, we took a different approach and it was extraordinarily successful. We not only won the war, we won the peace, we secured Europe; and, in doing so, we set up a powerful example in Europe that saved that continent from the awful tyranny of Communism.

There is even a more recent example and, frankly, a less happy one that I think as Americans we ought to reflect upon. We were engaged indirectly and, to some extent, directly in the struggle in Afghanistan to push out the old Soviet Union, and we were successful in that. We walked away from the problem. And in walking away, we left a country that was destroyed, that was devastated, that was divided; and in less than a generation, frankly, in a matter of a few years, terrorists set in, took over and planned and launched a deadly attack on the United States that we have lived with the consequences of. We should learn from our own history.

The second reason I support this supplemental is, quite frankly, the situation in Iraq. There is no question Iraq is a potentially rich country, but it is not rich today. The oil revenues, the revenues that the people of Iraq generate from their hard labor and work need to be reinvested in Iraq and will be reinvested in Iraq. The reality is there is simply not enough wealth to be created to get the job done and to get the job done in a timely, expeditious way, a way that is good for Iraq and, frankly, in a time frame that makes it possible for our own people to leave as quickly as possible, which is what we want and what they want.

Finally, and most powerfully, I think I favor this resolution simply because I support our American troops that are on the ground there. We have asked a generation of young Americans to perform a dangerous and difficult task.

I serve on the Committee on Armed Services, Mr. Speaker; and every single military person that has come to visit with us has told us this is an important part of winning the war, securing the peace, and that these dollars, particularly spent on civilian projects and rebuilding and reconstruction in Iraq, enhance the security of American forces that are deployed. I want American troops to be looked upon as what they are: liberators and benefactors. I do not want them to be regarded as conquerors, occupiers, and exploiters; and I think the latter will be the case.

So, Mr. Speaker, I think this is a historic opportunity. All of us have a responsibility, I think, to do what previous generations of Americans have done: rise up, meet this challenge.

In closing, Mr. Speaker, I just want to thank the gentleman for his leadership. He has not only spoken eloquently tonight, but I too heard the gentleman repeatedly in groups, caucuses, and organizations; and the gentleman is doing a fantastic job.

Mr. SHADEGG. Mr. Speaker, rather than closing, my colleague, the gentleman from Indiana (Mr. CHOCOLA), is here. I know he feels passionately about this. I guess we have 15 seconds left. The gentleman led his own Special Order on this issue last night, and I yield to the gentleman to close.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman very much, and I think the fact that we only have 15 seconds left, we have had so many Members here tonight to tell the real story.

Mr. SHADEGG. Mr. Speaker, I do not think I have ever seen a Special Order with this many speakers.

Mr. CHOCOLA. Mr. Speaker, the fact that we have so many Members who want to share the real story of Iraq I think speaks well, for the facts are that there is great hope, there is great optimism. Supporting the President's request is the right thing to do. We have one chance to get it right.

I thank the gentleman very much for hosting this evening's discussion.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman. It is clear to me that we need to win over the hearts and minds of the Iraqi people. As our colleague, the gentleman from Georgia (Mr. MARSHALL), said from the other side of the aisle here tonight, we absolutely must have them on our side. This is the way to do it. I urge my colleagues to join us in supporting the President's full request.

COMMEMORATION OF THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF CYPRUS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I actually did not come tonight to discuss Iraq or to respond to what my colleagues said on the Republican side, but I could not help but when one of my colleagues got up and showed that book bag and I think suggested that there were over a million Iraqi children that were going to receive that very nice book bag, I just could not help but think, well, what about all of the American children that went to school; I do not remember any of them getting a free book bag.

So part of the problem is that when the Republicans talk about all of these wonderful things that are going to be given to the Iraqis, they seem to forget that many of these things, whether it is education or health care needs, are not provided to our own citizens here in the United States.

But in any case, Mr. Speaker, this evening I want to mark the 43rd anniversary of the independence of the Republic of Cyprus. Since the end of 80 years of British rule in 1960, this remarkable island of Cyprus and its people have endured great hardships and great triumphs. Despite being divided for the past 29 years, Cypriots have not given up hope to one day see the end of the Turkish occupation and the reunification of the island. I recently traveled to Cyprus in August; and I firmly believe that all people, Greek, Turkish, Armenian and all of the inhabitants of the island, want to see the end of the intransigence of the Turkish leaders and greet each other as fellow citizens once again.

As we all know, Mr. Speaker, on July 20 of 1974, Turkey unilaterally invaded the sovereign nation of Cyprus, resulting in the ethnic cleansing of the northern third of the island of Greek Cypriots.

□ 1945

This action was, and continues to be, widely condemned by the international community. And dozens of U.N. resolutions have been passed about this illegal occupation. And the European Union has made it clear that Turkey's entrance into the European Union eventually will be based in part by its ability and willingness to settle the situation in Cyprus.

Now, I have to say many of us know that this past year there seems to have been an opportunity to reunify the island and even the Turkish occupation of the northern part of Cyprus because Cyprus, it was finally agreed, would enter the European Union on its own. In fact, the accession to the European Union is scheduled to take place next May in 2004. In April of this year the decision was finally made by the European Union to accept Cyprus as a member.

The United Nations under Secretary General Annan put together a plan for the reunification of Cyprus. And back in the early part of this year, there were negotiations between the Turkish occupied government in the northern part of Cyprus and the government in Nicosia, the Greek government which represent the entire island as well as the Turkish government. And we were hopeful that there would be some agreement on a reunification plan before the decision was made in April that Cyprus would join the European Union. It certainly made sense to have Cyprus join the European Union as a unified island. But unfortunately because of the intransigence by the Turkish-Cypriot leader, Ralph Denktash, those talks led to nowhere. And everyone agreed, not only the Secretary General of the U.N. but also our government agreed and specifically stated that the reason why the talks broke down and no unification plan under the auspices of the U.N. was adopted was because the leader of the Turkish Cypriots, Mr. Denktash, refused to budge and refused to effectuate any real negotiation according to the U.N. plan.

Mr. Speaker, I wanted to share my outrage over a statement made by Mr. Denktash yesterday. Frustrated by the unity of the international community identifying him as the obstacle to reunification, he compared Secretary General Kofi Annan's plan for the reunification of Cyprus with the genocide committed by President Milosevic of Yugoslavia. Now, that is an outrage in itself. Here is the U.N. under the Secretary General trying to bring peace to a divided island, trying to reunify the island for all its people, and that is compared to the genocide by the President of Yugoslavia?

For Mr. Denktash, a man that has repeatedly flouted the will of the U.N. and his own citizenry, this ridiculous claim is, I think, the most egregious action that he has taken so far. It is not enough for him, it seems, to operate outside international norms; he must now accuse the U.N. of committing the worst of crimes against humanity.

Mr. Speaker, I sent a letter to Mr. Denktash today which I would insert into the RECORD.

OCTOBER 1, 2003.

Mr. RAUF DENKTASH,
Washington, DC.

Mr. DENKTASH: I was shocked to learn of your comments yesterday in an interview with the Anadolu Agency that compared United Nations Secretary General Kofi Annan with indicted war criminal Slobadan Milosevic. This could not be further from the truth. Milosevic is accused of the worst of crimes against the ethnic Albanians, and Kofi Annan works tirelessly for the advancement of global truth and justice. In order to set the record straight, I ask that you issue an apology to the Secretary General and recommit yourself to the reunification process with Greek Cyprus.

Your statement clearly is not helpful to the reunification process of Cyprus. In sharp contrast, Greek Cypriot President Tassos Papadopoulos has proven to bend over backwards in order to move the talks forward. After the failure of the talks in March at The Hague, he did not waiver from his determination to arrive at a solution, stating that despite his "understandable sense of disappointment, we will not abandon our efforts for a Cyprus solution, which would be functional and viable."

It is also evident that you are not truly representing the will of your own citizenry. As you well know, tens of thousands of Turkish Cypriots protested in support of the U.N. plan for reunification with Greek Cyprus earlier this year. They demanded that they be given the same rights that are enjoyed by the Greek Cypriots, and reunite the country once again after 29 years of division. Your decision to open up the border to Cypriots on both sides for daily trips was a positive first step towards the cessation of tensions, but a first step is all it will remain if you do not return to the negotiating table.

A solution can still be reached in the Cyprus problem. You still have the chance to heed the advice of the international community and the demands of your own people. An apology regarding your recent comments about Kofi Annan, accompanied by a sincere commitment to the reunification talks, will go a long way for the people of Cyrpus to have their country back.

Sincerely,

FRANK PALLONE, Jr.,
Member of Congress.

Mr. Speaker, in that letter I demanded that he apologize for his statement and recommit himself to the U.N. peace process. His behavior further demonstrates what Mr. Annan stated about how it was solely Mr. Denktash who was the reason why these reunification talks broke down. I would ask him to start up the reunification talks again. This is what should be done, not making these outrageous statements about the U.N.

HURRICANE ISABEL RECOVERY

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes.

Mr. ETHERIDGE. Mr. Speaker, this evening I will be joined here by a number of my colleagues from not only North Carolina but from States along the east coast that were hit by Hurricane Isabel with devastating force several weeks ago, and a number of lives were lost in my home State. More lives were lost, of course, as the storm made its way up the east coast through Virginia into the District of Columbia as it continued to move forward. And, of course, the amount of water that was dropped created flood conditions in some parts of the east coast that they have not seen for a long time.

This evening, though, let me speak specifically about North Carolina and then we will cover some of the other issues. And my colleagues are going to join me in a few minutes. But I want to express my appreciation this evening, Mr. Speaker, to some hard-working folks who came to North Carolina really before the storm hit, from FEMA and the emergency management people in North Carolina, Under Secretary Beatty and Governor Easley, who really were planning in getting ready.

We had a lot of advance planning and time to get ready for the storm when it was a category 5. Unfortunately, no matter how well you plan, you cannot stop the wind damage, nor can you stop the tidal surge. And that is what created tremendous damage. We have roughly 400 FEMA workers in North Carolina as I speak this evening helping door to door.

I appreciate this opportunity to bring to my colleagues' attention in this House the issues as they relate to recovery costs from this devastating hurricane. I have to my right here a photograph of a road. You know, most of us think it hit the coast and that is where it ended. This was well inland. This really is a road here, and you see how it was washed out.

I want to turn, though, to the next photograph. And I am going to leave this up and refer to it from time to time. This is a small rural village, the county seat, of Hyde County. It is not in my district, but I have a lot of friends who live there. When I was State superintendent of schools, I spent time with my friends there. And this small town is under water, or was under water.

What is so sad and devastating about this situation is when Hurricane Floyd hit in 1999, they saw flooding, substantial flooding. They borrowed money through SBA and other sources and with the FEMA money razed their homes, did the things they needed to do. And now the whole town is flooded, not just part of it, the whole town.

And I could cite stories all over the East, and my colleagues are going to talk about more of those this evening, so I will let them join me in just a minute. But as it roared ashore on Thursday, September 18, I could not help but think that Hurricane Fran that hit in 1996 came on a Thursday, Hurricane Floyd which was the 500-year flood, came on a Thursday, it seems like Thursdays in September are not the kind of days in North Carolina when you have got a storm coming you want to look forward to:

But as this storm roared through North Carolina and into Virginia and Maryland, its effects were felt all the way up into West Virginia and Pennsylvania and finally ultimately in Canada. Although it lost its strength as it came inland, it was a huge storm. And the fury of this storm touched millions of people along the east coast. A lot of folks were without power for a week. I was told today that finally, after now roughly almost 2 weeks, all the power is back on in North Carolina.

It destroyed homes, as I said. It destroyed whole towns, it flooded them, and it literally devastated crops. And I will talk about that more as the evening goes on with my colleagues.

And I am sorry to say that in North Carolina we lost five of our citizens as a result of this storm. And as is the case many times with a hurricane or storm that moves inland, we lose more lives from freshwater flooding than we do along the coast.

We asked our friends in North Carolina to send a photograph to us tonight to use to share with our colleagues, because many have seen the photographs or the things on TV as it relates to the Outer Banks and Hatteras and Ocracoke and others. This little small town is in a rural county; and, I dare say, no one has seen this photograph in Hyde County of Swan Quarter, a fishing village with some great people.

So far, 26 counties in North Carolina have been declared Federal disaster areas. And we just got word that the declaration may be extended to several more counties, and it should be. And I trust the people at FEMA will do it quickly. Because there is a lot of debris.

I talked this evening with a person who works for the State of North Carolina who works with our fishermen on the coast. And because of all the debris that has been washed on shore and clogged up the channels, many of our fishermen who would like to go out and earn a living, that even though the storm has passed, there is so much debris they cannot set the nets, their crab pots have been washed away. It is just devastating to their economic livelihood.

Preliminary damage estimates indicate, and these are only preliminary, the numbers will change, that North Carolina local governments have incurred more than $55 million in damages, an assessment for individual losses thus far and is continuing to rise as those numbers come in.

This is a State, as I said earlier, that was hit with Hurricane Fran in 1996 that created untold hundreds of millions of dollars, actually in the billions of dollars, of damage, a devastating flood in 1999, ice storms et cetera. I will talk about that more later. 1.8 million acres of three of our State's most important crops were heavily damaged: peanuts, cotton, and soybeans. And the shame of it is it comes to one of the areas of my State where there is very little manufacturing. Agriculture is the lifeblood of many of these communities. And it comes less than 1 year after our farmers suffered one of the worst droughts that we have faced in a long, long time.

Sometimes those of us in North Carolina feel that our State has become a sort of disaster central. We get an awful lot of disasters. Some have said that when you dial 911, it rings in North Carolina. They are really talking about when hurricanes head in. And they normally hit North Carolina because it sort of sticks out in the ocean, if you look at the maps.

In the past several years, as I have said, we have had two major hurricanes, a major ice storm, and a drought. That is why the economy of our State is in such tough shape right now. Along with the manufacturing jobs we have lost, it has had a heavy impact. We have lost the second largest number of manufacturing jobs in the country, second only to Michigan.

Fortunately, because of the advanced technology that we enjoy today, Isabel was one of the best forecast storms that we have had in a long, long time. We needed direction and they told us about where it was going to hit and it hit there, the approximate wind speed, and they were right. But as I said earlier, we could not control the waves; we could not control the wind. And a lot of damage was done.

However, as these two photographs show, there is water in every house in this small town. The whole town is flooded. One thing that we can improve upon that we do not now have the ability to do is that we ought to be able to determine the hydrology of how much water is going to fall so we will know what the flood levels are.

Most of our Nation's hurricane preparedness efforts have been focused on tracking storms, telling close communities to leave, and they did in this one. It saved a lot of lives, and we are grateful for that. But we cannot deal with the surge. With early warnings, communities can take necessary preparedness and protect our citizens and, in many cases, protect property as was done along the North Carolina coast to the extent we could.

However, as was demonstrated by Hurricane Floyd in 1999, Tropical Storm Alison in 2002, and now Hurricane Isabel this year, we need to improve our ability to raise the awareness of our inland residents of the destructive nature of flooding.

□ 2000

And we can do something about it. A study done by Ed Rappaport of the Tropical Prediction Center shows that since 1970 fresh water flooding has caused 59 percent of storm deaths in the United States in all storms, whereas only 1 percent of the losses of life have come from coastal storm surges, and that is true in this storm.

That is why in the 107th Congress my colleagues joined me as I introduced and we got passed the Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act. That is a long title to say we need a little bit of money to find out where the flash floods are going to be, how high they will be, so when we tell a person there will be a flash flood, they will know whether it will be 6 inches or 6 feet. There is a big difference in that to save lives.

This law authorizes a small sum, only $1.15 million a year for 5 years to provide the National Oceanic and Atmospheric Administration, or NOAA, with additional resources to enhance the science of flood prediction and, most importantly, develop an important, effective flood warning index that will really save lives. We can do it. We have the technology to do it. It takes just a few dollars to help make our citizens here in the United States of America, who are paying the taxes, safer and to save lives.

We need to better understand the damage these storms can cause and better inform our citizens of the danger these storms pose.

I am working hard with my colleagues and this delegation and others to provide the funding this year to bring the process of developing an inland flood forecasting and warning system that our communities will have so that when the next hurricanes come, hopefully we will have a way to deal with it and we will be better informed to share with our citizens.

Mr. Speaker, it is now my privilege to yield to my colleague really from the Northeast, whose district encompasses a lot of the area that received substantial damage, a hard-working member who has really spent a lot of time working with his colleagues, working to make sure we get the money, to make a difference, to help his people back home, the gentleman from North Carolina (Mr. BALLANCE). I thank the gentleman for his hard work.

Mr. BALLANCE. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, for organizing this special order tonight. And we thank our other colleagues who are going to join us, the gentleman from North Carolina (Mr. PRICE) and others.

I represent the First Congressional District of North Carolina, all or part of 23 counties. Most of these 23 counties were sort of in the eye of the storm, but there were about seven or eight who were actually hard hit and power was knocked out for more than a week.

We are here tonight because we want to talk about this storm and its impact on the communities, the cleanup and recovery process that has gone on and is going on. Tragedies such as these kinds of storms bring out the best in our people, and we want to talk a little bit about that and congratulate all of the volunteers and those who worked so hard. People find that in these kinds of tragedies they can lean on one another and they can lean on their faith and they can have hope for a brighter future, even while they are sitting in the dark, maybe with a candle flickering as the only light in their household.

As my colleague has pointed out, Hurricane Isabel made land 2 weeks ago, hitting North Carolina's coast and coming right across Greenville and Roanoke Rapids and Hoskey and on into Virginia and on up the coast and right across the District of Columbia. The resulting impact left entire communities in the dark for the better part of an entire week. As we learned today, the last out customer in Hartford County was to have their lights by dark tonight, and one customer in Washington County hopefully by midnight tonight.

There may still be a few isolated power outages where the storm has damaged the home itself or the meter box, and the power companies are not able to turn the power on until those areas are fixed. But people were left without lights, without water, without the necessities. And I know that there are some people who depend on their telephone as a lifeline. At some point, after a day or two, in most of these areas, telephones were out, roads were out and impassable.

I wanted to say a hearty thank-you to the thousands and thousands of volunteers, first responders who comprised about 95 percent of the relief operations early on in all of these communities. They, the firemen, were out there almost in the middle of the storm, the police officers, the sheriffs' departments. And then just individuals who knew that there were problems with trees across the highways and they went out with their chain saws, and they removed those trees so that people could get home; or if there was an emergency, they could get to the emergency relief.

And as the gentleman from North Carolina (Mr. ETHERIDGE) has pointed out, we are pleased that almost all of the power in these communities is now back on.

I want to talk about a few of the communities that I visited. My staff and I tried to go to every one of these 23 counties. It was a little difficult for me to get to all of them, but I got to maybe about eight or nine. But over in Northampton County, which was hard hit and out of power, we went to Jackson and to the emergency relief operation. They had just completed their building with help from the USDA rural development grant and loan and that building, they told me, was right on time. They had a generator there and they had power there, and they had some space for people to sleep. After about 24 hours, they needed about an hour's sleep and they could go in and get a little relief.

Over in Martin County I was pleased to go by and ride with a county commissioner, Mr. Lilly, and he took me into areas of that county where trees had blown across the highways. And he told me how the fire departments, even in the dark of night and early into the next morning, were out there with their chain saws. I said, well, how did they decide whose jurisdiction they were in? He said, Well, they did not worry about that. They just decided they would get together and work and solve the problem.

We went down to Bertie County, and the one thing that they were concerned about, the county manager and the emergency personnel and the elected officials were all there at the center, and they said, We need generators because we are worried, they have a county-wide water system, we are worried about the water system. We have got some water, but we need generators to pump water into the holding tanks so we will not lose our water system, and they get contaminated.

In Hartford County we had similar situations and one of the churches just opened its doors. The National Guard brought a generator down to Mount Nebo, and they fed for 5 days; and the church just picked up the tab itself until they got some other people who gave food and allowed them to feed people who had no way of preparing their own food and many of whom had run out of money.

Mr. ETHERIDGE. Mr. Speaker, since the gentleman is talking about the number of meals, I was looking through my notes here, and I think it is a good point to share with my colleagues.

As these things happen, it is amazing what happens with our neighbors and friends and our first responders. In many of these areas, especially in the gentleman's area and down east, almost all of them are volunteers. They are very few paid fire, rescue and other folks. They were out working 24 hours a day really in some cases. As a matter of fact, in Franklin County we lost a volunteer firemen who was killed as a result of being out that night, hit by a tree.

My notes indicate, as of today, a note I just received from Secretary Beatty, the governor's person who is in charge of Emergency Management, Crime Patrol and Public Safety, that in North Carolina the volunteer groups and Red Cross and Salvation Army, the North Carolina Baptist Men, and I am sure a lot of these that you talked about in churches, probably are not in this number that had prepared meals. They had prepared 623,168 meals to people in eastern North Carolina.

That gives you some idea what the devastation was. For many of these folks, not only are they living in shelters; FEMA has had to move in portable trailers because their homes are uninhabitable as they try to work through it.

Mr. Speaker, I yield back to the gentleman.

Mr. BALLANCE. Mr. Speaker, this spirit of volunteerism, that was what impressed me most as I toured around these counties. And people who had trees to fall literally on top of their houses, well, I am thankful that it was not any worse than it was.

That kind of buoyed my spirits because when you go in and see the people and look at the devastation, it just touches you, and you have a feeling of, what can I do to help?

I am here because I want to let you know that those of us who represent you in Washington and those who represent you in the State of North Carolina and the Federal and the State and the local governments are all coming together to try to fix this problem.

We went to Gates County, and over in Gates it is amazing. It was one of the hardest hit counties. They lost all of on their electric power. They lost their telephone power, and they even lost their radio power. The only way they could communicate for a while was by cell phone, and then they lost their cell phone power. It was amazing. The way they figured out to do it was they got some signs, and as people would ride by, they would have on the signs where they could go to get ice and water and food and help.

I talked to the sheriff over there and he was telling me that he was so proud of not only his employees but every last person that came out and volunteered their time and said, What can I do to help?

He did tell me, and I hope I am not stepping over the line to say this, at one point he saw some power trucks coming through his community to head down to the coast. He started to pick up the next phone to say that the next one that comes through, I am going to hijack them and make them help. But he did not do that. He said he knew they were directed where to go and they had an obligation.

But for several days the community was cut off from the rest of the world, and they were left to their own devices of how they were to communicate. They were able to do it and they were successful. And after first striking out with DOT, they were able to get some of those battery-powered signs that they could put up and to help them with their communication.

Over in Washington County, another county that was hard hit and the power knocked out, the story is told of residents who could not travel down the main highways, but they had to use, instead, dirt roads on the farmers' farms, and the farmers were on standby with their tractors just in case someone got stuck and could not get through. That is the kind of spirit that this hurricane brought out.

But it was so devastating and there are still people who, even though they have their power, they have damage in their yards, to their homes, and it is going to be a long time before they can recover and get back to a normal life.

But yet I want to say that the emergency management, FEMA people, everybody that I saw as I traveled through was working just as hard as they could. And the private insurance companies, I am told, I did not see them, but I am told they came in and tried to set up stations and do what they could.

We have already talked about the agricultural loss, $168 million loss of prospects. We grow a lot of peanuts, a lot of cotton and corn. We do not know yet all of that damage that has taken place, but yet we are hopeful that we are going to come through. And we had eight counties in this district that were initially not declared, Greene, Lenoir, Vance, Warren, Nash, Granville and Wilson; and I understand they have been and are being added to the list and they can get some relief. That will take some of the pressure off of the local government.

Mr. Speaker, I want to come back later and talk about one little community in Bertie County, Colerain, and the fishery that was destroyed down there, but I will yield to the gentleman at this time.

□ 2015

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, I just have gotten a copy of a document from Department of Homeland Security and FEMA where those counties have now been declared part of this disaster area.

I now want to yield to my colleague, the gentleman from the 4th Congressional District (Mr. PRICE). When he was talking about being without power, he and I remember very vividly, as busy as we were with Floyd, Fran hit us real hard, and I will never forget being out of power for a week. One of the things I always said, you really knew who your friend was then. It was the people who shared ice with you in September when it was really hot, but that being said, we need not forget tonight that a lot of these people in eastern North Carolina, even though we have got FEMA there working, all of our friends working, there is some insurance available, there is going to be a lot of hurt and need, and we are going to need to work together to make sure resources are available because, if not, some of these communities, as total communities, will have real problems continuing to exist, and a lot of our agricultural friends will not be able to make it. There is not enough insurance. The State's going to have to come up with about a 25 percent match. I think these are the kind of times when our States face some tough times, but the gentleman from North Carolina (Mr. PRICE) has been there every step of the way helping in this, and I want to thank him, and I yield to him now for his comments.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding to me and for taking out this special order tonight. It is a real service, I believe, not only to the people of North Carolina but to our fellow citizens across this country to point out the dimensions of this disaster and to point out the human needs and to line out what we in the Congress, and in government at all levels, are going to need to do to meet this challenge.

I also thank the gentleman from the 1st District (Mr. BALLANCE) for his words. He is a fine Representative for that part of North Carolina and has shown that once again in these recent days by being out there with his people, assessing the needs, offering words of support and comfort and coming back here to fight for the support that is needed.

So we are facing, once again, a challenge. As the gentleman indicated, it is one that we have had some personal experience with. North Carolina has had more than our share, it seems, in recent years of these kinds of disasters, I believe, being days without power in the aftermath of Hurricane Fran, days without power in very cold weather last December with the ice storms. This time in our area it was only a little over a day without power; although I think most of us did spend most of our weekends, the last couple of weekends, cleaning up debris and getting our property back in order.

The fact is that to the east of the 4th District and of the 2nd District, the devastation is far worse, and we understand that, and we understand the need for all the members of our congressional delegation to pull together and to look out after our friends and neighbors in eastern North Carolina, particularly the northeastern part of our State, an area which the gentleman from North Carolina (Mr. BALLANCE) represents so well.

We are mindful also of the needs of our friends in Virginia, in Maryland, in all the States and counties along the path of this devastating storm, Isabel.

Once again, we are facing the daunting challenge of recovering from a major hurricane. It has devastated our coast in North Carolina. It has caused major damage to homes and public facilities. It has displaced thousands of families. Preliminary damage assessments indicate that at least $55 million in damage costs have been incurred by local governments. The losses to individuals are still being determined, but that is going to be a very high number. Agricultural damages are over $160 million, and that number also is very, very likely to climb.

Twenty-six of North Carolina's counties have been designated as disaster areas. We are almost certain that 10 more will be added and perhaps more after that.

As with Hurricane Floyd and Hurricane Fran, the North Carolina congressional delegation is already working together to support the State's recovery efforts in every way that we can, and as my colleagues have expressed tonight, we are very, very grateful for the partnership that we have experienced with Federal agencies being on the scene, State agencies, local governments, volunteer groups, congregations, civic-minded individuals, people who have demonstrated once again the importance of reaching out to those in need, the importance of that value of community, that notion that we are all in this together and that when adversity strikes a portion of our community, we have all got to do our part to make the community whole.

The Federal relief agencies, of course, we in the Congress pay special attention to, and I am happy to say that they have been on the job. This storm did give some ample warning. We had actually very accurate predictions this time of when this storm would arrive, and where it would go, and FEMA and other Federal agencies were on the ground as the storm approached. That is also true of our State agencies. They came in before the storm. They have remained in the State, and they have worked together cooperatively. I think we can be proud of the Federal-State-local cooperative effort, the public-private cooperative effort that this storm has brought forth. Once again, adversity sometimes brings out some of the best aspects of our communities, and we have experienced that.

Most of the Federal assistance, Mr. Speaker, is going to come through FEMA's regular disaster assistance programs. They will pay 75 percent of the costs borne by the State and local governments associated with the disaster. In the worst hit counties, FEMA will make special assistance available to individuals. They will help make repairs to their homes and for other immediate needs.

Congress replenished recently FEMA's disaster account by some $1.4 billion through two supplemental appropriations bills. This funding was provided in response to an administration request based on disasters in other parts of the country earlier in the year. Unfortunately, the money that Congress has thus far provided does fall short still of the administration's request, and the administration's request itself was not intended to cover Isabel or future disasters.

So, once again, we have a disaster coming in the period between two fiscal years, and we have some important questions we must address about the funding that is available from existing resources and also the funding that is available in the fiscal 2004 Homeland Security bill. That bill, by the way, was signed by the President today in a very impressive ceremony over at the Department of Homeland Security. That bill contains funding for FEMA, money that we are going to have to draw on.

I am not sure the money in that bill will be sufficient to carry us through the next fiscal year. In fact, I am fairly certain that it will not be because there are surely more disasters to come, and we are still in the midst of assessing the costs for this disaster.

I spoke last week on the House floor, Mr. Speaker, about the shortfalls that could occur in the disaster relief accounts and the impact of such shortfalls on disaster victims. Our colleagues know that when the balance of these accounts begins to shrink, FEMA is obligated to stop the flow of relief to ensure that they have enough funding to help victims of disasters that might be just around the corner.

So I am determined, Mr. Speaker, that we are not in this case going to put either FEMA or the victims of Isabel in that kind of position. I am a member of the Appropriations subcommittee that funds FEMA, and I am already conferring with that agency about the status of their disaster account and whether or not it has sufficient resources to also cover the needs resulting from Hurricane Isabel, and we are going to assess that in very short order. We will be working with the administration and with the Congress to act quickly on any supplemental spending requests, if they are needed, so that the disaster relief account has adequate resources, and FEMA assistance is able to flow quickly and efficiently to North Carolina and to other affected areas.

There are other disaster-related programs, Mr. Speaker, at the Department of Transportation, at the Natural Resources Conservation Service, at the Small Business Administration, and they are also going to need to be tapped. So we will need to keep an eye out for those programs as well.

As we get more details about the agricultural losses, and I know that our colleague from the 2nd District is in a particularly good position to assess that, because of the nature of these districts and also his service on the Committee on Agriculture, we will need to work with the administration and our colleagues in Congress to provide relief to farmers, as we normally do following major disasters.

So we have a lot of work to do. There is a lot to be heartened by, the kind of human sympathy and compassion that has been displayed in the face of this awful disaster, the kind of cooperation we have seen among governmental agencies and private organizations, but there is a lot of work yet to do.

We are going to need to cooperate with Members from all over the country, but particularly with Members from Virginia and Maryland and other affected States, and we are going to need to work across party lines, with the administration and with each other, to ensure that the Federal Government is a full partner in this effort, that it does all that it can do and all that it should do to aid in this recovery effort.

So I am appreciative, Mr. Speaker, of the chance here tonight to join with these colleagues and to highlight some of the needs and to serve notice that we are going to be working as hard as we know how and as cooperatively as we can possibly manage, to address these needs in the weeks ahead, and I thank my colleague for giving us the chance to make our case and to look toward the challenges facing us in the future.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague for not only joining us this evening but, more importantly, for his leadership and his hard work on the Committee on Appropriations, as we work through other issues dealing with a host of other issues. I remember the challenge we had with Hurricane Floyd, which was one of the most devastating things we dealt with in FEMA, and you were there carrying a full load and a half, and we appreciate that and all your efforts, and I thank the gentleman for his leadership in this area, and I know the people of North Carolina appreciate it as well and others across the country because I think you appropriately pointed out, and I thank you for that, it is really when one part of the country is affected, all of us as Americans are affected and as tax-paying citizens.

I want to express again my appreciation to our friends in North Carolina at the Emergency Management. I was there on Wednesday evening late, and again Thursday morning for the briefings, and I would encourage my colleagues in the Congress, if you have not been to visit the folks, you ought to go by and visit them. It is kind of hard to say you ought to go when they are having an emergency, but when you have got an impending disaster, to see all these groups come together, FEMA, the power companies, the different areas, the National Guard, the Red Cross, all these different volunteer groups who are in the same meeting and they get all the briefings on the weather, et cetera, and each one has to report what they are doing, where they are throughout the day, as they get ready, as the storm is approaching.

I did that on Thursday morning and then went down to Fort Bragg which was the staging area for FEMA where they brought in something like 19 or 20 trailers loaded with fuel. That just happened to be one of many staging areas in North Carolina. They were ready for the storm to hit, and as soon as it hit and they could get in, they started disbursing things. It shows that I guess in North Carolina, we have been through it a lot, and they sort of know how to get ready, but so does a lot of other parts of the country. It is a great tribute I think to how we work together to get things done, Federal, State and local, and we can work together when we need to, and I appreciate that.

I know on Friday morning after the storm had hit and such devastation was out there, I joined with the interim Agricultural Commission to fly around the State to take a look at not only the home loss and road damage, but also agricultural damage. And we flew over to Lewisburg and Rocky Mount, Roanoke Rapids over by Hoskey, landed in Elizabeth City where they had no power. Everything was being run by a generator. Part of the buildings were gone, as you can appreciate in a major hurricane, and back over Edenton, a beautiful city right there on the Sound and back into the Raleigh, and it almost breaks your heart to see these, as we know, the really colonial towns that took such a hammering in the storm.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, the town of Edenton, North Carolina, is a beautiful town. At one time, it was capital of North Carolina. It took a devastating hit in this storm, and the previous high-water mark, I think, was probably Hurricane Hazel in the 1950s, to say nothing of Fran and Floyd later, and this storm in that part of North Carolina topped all of those. The damage was far greater, and so it is important to stress that while the Outer Banks are hurt very badly, and there has been a great deal of attention focused on that area, and that carries with it, of course, a lot of agricultural damage, those inland areas in northeastern North Carolina are hit fully as hard and have a huge challenge in this road back.

□ 2030

Mr. ETHERIDGE. Mr. Speaker, I thank my friend and colleague, the gentleman from North Carolina (Mr. PRICE), for all his hard work and for those remarks. He is absolutely correct.

Mr. Speaker, I would now yield to my colleague, the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank my colleague for yielding to me, and I too want to thank the gentleman from North Carolina (Mr. PRICE). He mentioned the SBA. We know that 75 to 80 percent of all of our businesses in this country are small businesses.

One of the problems that we are going to have in this devastated area is that a lot of these small businesses are wiped out and they are going to have difficulty cranking back up. Some of them did not have insurance. I want to just mention one. This is not necessarily a small business, Perry-Wynns Fish Company, out on the Chowan River, in a little town called Colerain, not far from Edenton. They had seven buildings there on the river, and every last one of them was blown down.

Mike Perry was searching through the debris looking for his whistle he blew at the end of every workday, and he could not find it. Hopefully, by now, he has found that whistle. He said he had $2 million worth of property that was not insured, but he said he is going to rebuild. He is going to back up a little bit from the river and rebuild and start again.

I think that is the spirit that we are going to see in a lot of our small businesses, whether they had insurance or whether they did not have it. The attitude that I saw is that we are not going to let this defeat us. We are going to get right back in the game. We are going to start our business back. We are going to serve this community as we have done in the past.

One of the other items I want to mention is, as the gentleman has said, we were able to predict this storm with great accuracy. One of the things I think we are going to have to do in the future is to stockpile, at least in certain strategic areas, generators. Somebody mentioned to me that maybe firemen ought to have as part of their issuance in rural North Carolina a chainsaw, so that they can put it on their fire truck and have it as part of their standard equipment, because we have a lot of trees, a lot of pine trees and other trees in this area, and they need to remove those.

But I want to close on the point of again saying how much I admire and still admire all of our citizens and all of our people in the community and all of our first responders and all of our FEMA people for the spirit that was displayed in the face of all of this devastation. Everybody was upbeat and ready to go and ready to help.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, and then I will yield back to him, because I think that is important to remember.

The gentleman mentioned our firemen and others who used chainsaws. So many times when we think in terms of our first responders, emergency folks, the EMS people who save lives and go out, we fail to realize they do more than that. They are doing other things in the community, especially our firemen, and especially in rural parts of this country.

I remember as a small child growing up in rural eastern North Carolina seeing a tobacco barn burn, because that is where I grew up, and I will never forget watching it burn. There was nothing my parents could do. And I am sure they did not have insurance on it. And the gentleman knows exactly what I am talking about, as he grew up there. What a frightening thing that was as a child. And I had no concept, as small as I was, that that was part of the year's income for the family and that was going to be devastating for the family in terms of the economic loss. But to see that fire as it moved, and there was nothing you could do, absolutely nothing.

Then we started to form volunteer fire departments, and they had just trucks. And today we call on them to do more than that. In this flood they did not have to put out a fire; they were saving people from flooded buildings. They were going in with their heavy equipment where they could and getting people out of buildings, as were our emergency personnel. We call on them to do more and more. And we in this Congress, I think, beyond FEMA and the things we need to do, should not forget that we have a partnership with these local volunteers, Federal, State and local, to help them and their families. Because they are giving an awful lot of time in emergencies. They are at the table. They are called to be at the table.

Our National Guard folks in North Carolina, we called them up, what few we had left. About half of them had been called up for Iraq, but we called up something like 800 to 1,000. And we still have tonight, I understand, somewhere in the neighborhood of 220, 230 still on duty in different places of the State, especially in eastern North Carolina where they are still trying to continue to move things before they are deactivated.

And, Mr. Speaker, I yield back to my colleague.

Mr. BALLANCE. Mr. Speaker, I join my colleague in those sentiments. Many times we do not even say thank you collectively to this group of people. They do not ask any questions. They are sort of like soldiers. When they see a problem, they just grab their equipment and go; and the community depends on them. We depend on them, and they save the government a lot of money. We hope that in some way we can figure out how to make available to them at least some types of equipment.

I heard, as I mentioned earlier, I heard the word "generator" mentioned over and over again. Hopefully, we can figure out a way to make some funding available to these small towns, rural areas, to have generators available to them when these crises come into the community. They can at least keep the water system and the sewer system going until we can get the power back on.

Mr. ETHERIDGE. Along that line, Mr. Speaker, as we were talking about our volunteers, we have a bill in, as the gentleman well knows because he is a cosponsor of it and which I introduced, to provide a benefit. This fireman that lost his life in Franklin County may have very well have been eligible as a volunteer for the death benefit for those who are saving people's lives or helping save lives and ultimately give their life in that regards. That is something this Congress can do. I think currently we have about 276 Members who have signed that piece of legislation. Last time I checked, it takes about 218 to pass it. I hope we will move it.

Mr. BALLANCE. Mr. Speaker, let me thank the gentleman again for organizing this Special Order tonight and thank him for that bill. I am very proud to be a part of it and am hopeful that it will come to fruition.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman, my friend from the first district, for joining me this evening in this Special Order and to share with our colleagues here what North Carolina has gone through. And it is not just North Carolina when a hurricane hits. This one hit in North Carolina, but bad storms do not really know where county lines or State lines are; they just keep rolling. In this case, it rolled right through Virginia, where there was tremendous devastation in Virginia and in Richmond; and it rolled up into Maryland and the District of Columbia, where we saw power lines down, and we have seen here recently where people lost power and there was a fear that we would have flooding on a scale here in this city unlike what we had seen since the 1930s.

So it was a devastating storm that caused immense damage and a lot of heartache and loss of life. And the loss of lives were substantially more in Virginia and Maryland as it moved up the coast. Lives were lost, and the storm caused hundreds of millions of dollars in damage to homes, roads, crops, and livestock. In North Carolina, I have to add beyond livestock, poultry too. We sort of think of that as being a little different.

The truth is many of these people that lost, even though FEMA is there helping and they have some insurance, they will not be made whole. They are coming up short. And the shame of it is that for many of them they had the flood in 1999, some of them did, the drought hit them last year, and now they have gotten a real bad body blow this year with another storm. I have talked to a number of the farmers and the interim commissioner of agriculture, and he is afraid some of these people just will not make it. And it is not because they are not good folks, they are not good farmers, they are not good people. It is just the fact that nature has hit them hard.

I hope that FEMA and the Department of Homeland Security, the administration, and certainly this Congress, recognize the need to support these storm-damaged areas through recovery and rebuilding, not only just on the outer banks of North Carolina, as we suffered in our State, but in Virginia, Maryland, the District of Columbia, and other places in Pennsylvania and up West Virginia, matter of fact, traveling all the way into Canada. I do not really think we are going to reach to Canada, but certainly we want to help our people here at home.

The United States has an outstanding and a very commendable record of responding to disasters around the globe. We are usually the first ones there. But I think now we need to respond with the same kind of effort and the same level of enthusiasm when disaster hits here at home. These are our neighbors. They are our friends. They are taxpaying citizens of the United States of America. And as my friends and colleagues have pointed out, they are not looking for a handout. They do not want that. They want an opportunity to get back in business, to get their lives back in order, and to once again be contributing taxpaying citizens of America.

They will do it. But they would do it a whole lot quicker if we could help them. North Carolina is suffering through one of the toughest economic times we have seen in a long time, and I commit to my colleagues that we are going to join hands and ask all our other colleagues from North Carolina and across the aisle, because these people in North Carolina need our help, and in Virginia and Maryland. It is our obligation, in my opinion, to make sure the job gets done.

Let me thank my colleagues one again, the gentleman from North Carolina (Mr. PRICE) and the gentleman from North Carolina (Mr. BALLANCE), from the first district, whose district really was hit hard. Very hard. I think I only have about three counties, well four, Vance, Franklin, Nash, and possibly Sampson may be put in that group that have been declared disaster counties. Others may be added. At least one more. But it is tough.

I remember going through Floyd, when almost all of them were in it, and it is tough to see people lose everything they have. I remember when I went in the Rocky Mountains, and the lady was sitting beside the road trying to go through a family Bible. It was wet, and that was all she had been able to save because that had her family photographs in it. These are the kinds of things that happen. These are the things you cannot replace. But we sure can help them get their lives back in order.

I thank my colleagues for their help in this Special Order this evening. We will keep our colleagues up to date on what is happening in North Carolina and with our friends in Virginia and Maryland.

PARTIAL-BIRTH ABORTION BAN ACT

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 60 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I am pleased to say that there is finally light at the end of the tunnel in what has been a long battle. Tomorrow, the House is poised to pass the conference report on S. 3, the Partial-Birth Abortion Ban Act of 2003. This conference report represents several years of hard work on the part of the Congress to produce a bill that passes constitutional muster.

Since 1995, State legislators in both Houses of Congress have passed laws with broad bipartisan support banning this barbaric procedure. Although successful in 31 States, twice bills passed by Congress to ban partial-birth abortion were vetoed by President Clinton. However, I am happy to say that President Bush has indicated that he will sign this bill into law and ban what he calls this abhorrent procedure that offends human dignity.

We have several Members here joining me to speak on why this needs to happen, and I want to first yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding to me; and more importantly, I thank the gentleman for hosting this critical Special Order on the eve of some extraordinarily good news for the right to life in America.

As the gentleman from Minnesota just suggested, it is astonishing to think how long it has taken this Congress to address this issue, literally first coming to the floor of the 104th Congress on November 1, 1995. That was the day that Congress first considered the Partial-Birth Abortion Ban Act. And here we stand in October of 2003, 8 years almost to the day since; and we are on the eve of this legislation actually becoming law, passing a conference report that will go to a President who, unlike the past administration, will not veto this ban of this barbaric procedure, but will sign it with the humility and the gratitude of the American people in his heart.

□ 2045

Mr. Speaker, partial-birth abortion is truly an antiseptic word to describe a barbaric procedure, and I believe it is important as we begin this conversation today to reflect however briefly on the barbarism of this procedure, aided as we are by some less-than-graphic images, but nonetheless effective.

What is described in these images, hopefully tastefully, for families that may be watching across the country, happens several thousand times a year. Healthy mothers carrying healthy babies in the fifth or sixth month of pregnancy undergo a procedure which has come to be known as partial-birth abortion. As is depicted in these images, a doctor inserting the forceps forcibly causes the unborn child into a breech position in the birth canal, feet first for lay people like me.

After that with the assistance of the forceps, the child is then forcibly pulled out, delivered breech through the birth canal out of the mother by his or her leg, and once the child is removed from the birth canal, at least until the base of the head is available, the procedure is quite horrible in and of itself, but it becomes fitting to refer to it as barbaric from there, for here, as I emphasize, Mr. Speaker, children who in most cases would be able to live outside the womb, literally inches from birth, are then held in the birth canal, stabbed at the base of the back of their skull and the contents of their brains forcefully removed by a suction vacuum device. Once the head is collapsed, the remains of the unborn child are removed.

It is no small wonder that that liberal lion, the late great Senator Daniel Patrick Moynihan, referred to this procedure as "near infanticide." Tonight, I know we will hear from many of our colleagues, and the gentleman from Minnesota (Mr. KENNEDY) who chairs this Special Order, we will hear arguments about constitutionality and about why this law which will come to this Chamber tomorrow and go to the President's desk within days is superior to laws which have been challenged successfully at the State level at our own Supreme Court.

But I would like to begin our Special Order tonight with none of those arguments, none of the discussion about constitutionality or endorsements, or even that the American Medical Association said that "this procedure is never the only appropriate procedure, never medically necessary." I would rather begin tonight by suggesting that what is not arguable to the overwhelming majority of the American public is that this practice is inherently, morally wrong.

What is not arguable is the practice of delivering an unborn child feet first and holding it in the birth canal while the back of its head is stabbed with a suction device is evil. That is not arguable. What we will render unlawful tomorrow and then with the President's signature is what virtually every American knows in their heart is evil and morally wrong, and so the polls attest to that moral conscience of the American people.

As I yield back to the gentleman, I am mindful of that Bible verse that whatsoever you do for the least of these, you do for me, the Lord tells us. And I submit what we will do in this Congress tomorrow, banning this barbaric procedure known as partial-birth abortion, is the least we can do for the least of these.

Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman for his leadership on this critical issue on the eve of such an important legislative accomplishment.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) for clearly and crisply outlining why we find this procedure so abhorrent and why we find it important to pass this tomorrow.

Since I had a young nephew that was born less than 2 pounds, a pound and then some, sadly, three to 5,000 young children, most of them, many of them bigger than my nephew was born, have lost their lives through partial-birth abortion; and it is time that we end this. It is deplorable that a country like ours which was founded on the respect for life has continued to allow this terrible practice.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, no matter where we stand on the abortion issue, most Americans agree the brutal and horrific practice of partial-birth abortion needs to end. In previous Congresses, legislation to ban partial-birth abortion has been thwarted by Presidential veto. This year President Bush will sign this bill into law, making it the first abortion-limiting law on the books since Roe v. Wade was enacted.

This is truly a historic moment and a milestone for the rights of the unborn. This is also a historic time for this Congress. We have listened to the will of our constituents, and we hear them loud and clear. They demand a ban on partial-birth abortion. According to a recent Gallup Poll conducted earlier this year, 70 percent of Americans favor a law which would make this procedure illegal except in cases necessary to save the life of the mother.

The outrage over this grotesque practice is nothing new. The American Medical Association has said, "The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. It degrades the medical practice and cheapens the value of life."

As a husband and father of four beautiful children, I have a deep respect for the sanctity of life and the miracle of childbirth. I have been at every one of my children's births, and what the gentleman from Indiana (Mr. PENCE) described as having to stop the head of a child because if it comes out, you cannot kill it, you have to stop the head, and to stick a device in the back of the head and suck the brains out should not happen in the United States of America or anywhere else in the world. There is no place in a civilized society for this horrific act.

This evening we can take solace in the fact that the nightmare of partial-birth abortion will soon end. I urge my colleagues to vote in favor of the conference report.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. SULLIVAN), and he and I are not alone in the position that this should end. A Gallup Poll conducted in January found that 70 percent of those surveyed favored banning this horrible procedure. Even doctors agree on this point. The overwhelming share of doctors believe this procedure is not necessary. The partial-birth abortion procedure has been labeled as not good medicine by the AMA. Respected medical professionals like former Surgeon General Everett Koop testified in 1996 that partial-birth abortion is never medically necessary to protect the mother's health and future fertility.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise tonight in great anticipation of a historic action we will be taking tomorrow in this House. Tomorrow we will vote on a conference report that will ban the cruel practice of partial-birth abortion. With the passage of this conference report, we will finally eradicate a brutal practice that is inflicted upon the most innocent of our society, the unborn.

I am not going to outline the gory details of this practice, because others have done that; but I will say that medical experts have repeatedly testified that fetuses are fully able to feel pain after 20 weeks of development, the time at which most partial-birth abortions take place. Thus, these babies are fully able to feel the terrible pain that is being inflicted upon them.

Opponents of this bill argue that it is unconstitutional because it does not provide an exemption for when the health of the mother is at risk. I would point out that health experts have testified time and time again that a partial-birth abortion is never needed to save the life of a mother. In fact, the American Medical Association has stated that this procedure often poses a serious health risk to the mother.

Mr. Speaker, life is the most precious gift and opportunity we are given as human beings. Robbing children of that opportunity is wrong, wrong, wrong. Three times the House of Representatives has passed a ban on partial-birth abortions. President Clinton vetoed it twice, and last year the leadership in the other body refused to take up the bill. We finally are presented with an opportunity to take a giant step forward in banning this gruesome practice. President Bush has said he would sign a ban on partial-birth abortion, and I encourage all Members to vote for the conference report tomorrow, and finally we will put an end to a violent attack on our most innocent citizens.

Almost 3 years ago when I started to run for office, I told the people of the 9th Congressional District of Pennsylvania that it would be a great day in America when we passed a bill banning partial-birth abortion. Tomorrow it will be a great day in America.

Mr. Speaker, I thank the gentleman from Minnesota (Mr. KENNEDY) for putting this Special Order together, and God bless America.

Mr. KENNEDY of Minnesota. Mr. Speaker, even the strongest abortion rights supporters have a hard time defending this procedure. In four of the last five Congresses, Congress has passed a partial-birth abortion ban by a two-thirds majority. Instead, abortion rights supporters insist this procedure is rare and used only in the most extreme positions to avoid serious physical injury to the mother. Nothing could be further from the truth. Hundreds of obstetricians have stated they regularly treat women for medical conditions used to rationalize partial-birth abortions, and these babies are regularly delivered with no threat to the mother's health or future fertility. These medical reasons include depression and other treatable conditions like emotional trauma, psychological problems, and age. While these may be serious, I do not think that they warrant the life of an otherwise healthy unborn child.

Even Dr. Martin Haskell who has performed more than a thousand of these abortions has stated that 80 percent of those were purely elective, meaning the health had nothing to do with it. What is most disturbing is that multiple doctors have testified that this procedure is typically done on healthy women with healthy unborn children after 20 weeks when a baby can often survive without assistance for hours outside the womb.

Mr. Speaker, I yield to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today to show my support for the partial-birth abortion ban. On June 5, I stood in these very Chambers and took the oath of office to be sworn in to the 108th Congress. I said at that time while I was on the floor that the only regret I had was that I was not here the day on June 4 when this body passed the partial-birth abortion bill and sent it to the Senate. I said that day I was looking forward to tonight and tomorrow when we are going to have an opportunity, I will have an opportunity to cast that very vote, that very important vote.

Mr. Speaker, we have been at war in this country for many years. Americans are working hard today to stop the killing fields in Iraq, and tomorrow we are going to stop the killing fields in America.

□ 2100

These cultural wars have divided our country. Yet our desire for respecting life will win out tomorrow.

The issue of abortion is a very personal and emotional one that requires considerable reflection. I believe the sanctity of human life must be honored and the rights of the unborn need to be protected.

I believe that some women are not ready for the enormous responsibility of motherhood, and that is the reason that we need to make sure that we make other options available to them. And the parents should play a very active role in helping, sometimes, children make these very important decisions.

I know that during the Clinton administration, the President vetoed this bill twice, and I am happy to be working with a President who once and for all will sign this bill into law. I know my constituents would certainly like to see this practice banned, and I intend to watch this happen on this floor tomorrow.

No compassionate person wants to see a woman suffer the personal tragedy of abortion. Women deserve better than partial-birth abortion. The argument that partial-birth abortion provides some benefit, even in tragic cases, is false, and women should not have to bear the psychological burden that is the result of such flawed reasoning.

Women who experience abortions also experience the psychological pain of being present at the destruction and disposal of their babies, suffering that is virtually incomprehensible to anyone who has not experienced it. What is more, many women look for a way out at the last moments before an abortion, by whatever method, but their appeals are sometimes disregarded. This is especially true when many of those are sedated during this procedure.

We stand on the precipice of a great victory for the pro-life movement tomorrow. By committing to our children, we are investing in the future of America and the future greatness of our proud country. I appreciate this opportunity to speak on behalf of this bill.

Mr. KENNEDY of Minnesota. I thank my friend from Texas.

I would just remind us to keep in mind that under Federal and most State laws, a live birth is when a baby is entirely delivered from a mother and shows any sign of life, regardless of whether or not it has yet reached the stage where it can survive independently of the mother. Under the doctrine set by the Supreme Court, such a baby, no matter how premature, is a person and is protected under the law. Even worse, scientists have shown that babies at such a stage certainly experience great pain during partial-birth abortion. On this fact alone, we should ban this procedure.

I yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman for yielding.

Mr. Speaker, you may recall that I stood here in June to tell the story of little Samuel Alexander Armas, the little boy who was operated on at 21 weeks for his spina bifida condition. Baby Samuel's famous grasp of the doctor's finger as he reached out of the mother's womb gave us all a new and profound gratitude for the miracle of life. And now, Mr. Speaker, just this month, doctors in England have recorded the smiles of unborn children at just 24 weeks through advanced ultrasound. I would ask you, Mr. Speaker, without this legislation, how many smiles will we miss having the privilege of sharing?

But, Mr. Speaker, an historic day is nearly upon the United States Congress, for tomorrow we will extend the hand of hope to the unborn. We will vote to protect unborn children from this unspeakable and horrifying procedure called partial-birth abortion.

Seven years ago, such a bill was first passed by Congress, but then, tragically, it was vetoed by President Bill Clinton. Since then, unborn children numbering in the thousands have been unmercifully killed by this barbaric, nightmarish procedure. There is no greater mark of shame or disgrace upon the Clinton administration.

But now, thankfully, Mr. Speaker, this Nation has a new President, and President George Bush will sign this bill into law and a new day will have dawned in America. Because even though this bill will not protect the other 4,000 unborn children that die each day in America from abortion on demand, it marks a turning point in the soul of this Nation, because it points to a day when that warm sunlight of life will finally break through the clouds and shine once again on the faces of unborn children in this country.

When that day comes, and it will, Mr. Speaker, history and coming generations will remember that it was George Bush and Members of this Congress who found the courage to reach out and take the tiny hand of an unnamed baby and refuse to let go until the storm was gone.

Mr. KENNEDY of Minnesota. I thank the Member from Arizona.

Partial-birth abortion, it is often said is there, to try to help the women's health. But so often it is detrimental to the very things that people say it is trying to help. So often women suffer from depression and psychological stress after having performed this procedure. So this again is something that we need, as a Congress, to act on tomorrow.

I am pleased to yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I would like to do something just a little different now and step back just a small amount from our debate. Sometimes it is good to step back and see the forest.

And so what I would like to do would be to ask a question of those of you who are paying attention to this rather grave moment in the history of our Nation; and that is a very simple question. What is it that has made America, America? What was it that caused people from every nation and every tribe and all over the globe to come to this great land and live in a land where there is prosperity and freedom? I understand there are the detractors, but all of the paths across our borders that are being beaten by immigrants tell the story that there is something special about America.

What is that special thing? If somebody put a camera in front of you and said, what is it that makes America a special place? How would you summarize in one sentence the essence, the formula that is America?

If it were me, I would look back to the document of our birthday, to that great second paragraph of the Declaration of Independence, a long sentence. It says, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The sentence goes on from there and says that the purpose of government is to protect those God-given rights: life, liberty and the pursuit of happiness. That means that there is a very simple formula that is the heart of America: There is a God, He grants us unalienable rights, and the job of government is to protect those rights.

If the government does not protect those basic rights of life, liberty and the pursuit of happiness, gentlemen, we have failed in the basic function of why we were here in the first place. We might as well jump on our airplanes and go home and stick our heads in the sand, because that is the purpose of why we are here.

There are some people today who would say, I don't like the formula, I don't agree with that, I don't think there is a God that gives unalienable rights. There were people in those days, we called them Tories, who felt that way as well. But they did not win.

America was built on that basic set of ideas. As we have gone along in time, that set of ideas has proven the test of time and we have been blessed with freedom and prosperity.

But there have been those, those days which I think of as pages in our history that we are not as proud of. There are some gray days in our history. One was in some of our relations with our own brothers, the Indians. There was a Trail of Tears of the Cherokee people that was a gray page in our history.

In the mid-1800s, there was an even grayer page as our Nation grappled and dealt with the terrible scourge of slavery in this land. At that time, the first President of my political party, the Republicans, took charge and under his administration saw fit to try to get rid of those dark pages in America's history.

And then we moved forward to the time when I was born, and unfortunately during the time that I have been alive, the blackest page yet in American history was opened in the process of abortion, where we denied the most basic tenet of what makes America, the right for people to be alive, because if you are not alive, it does not do any good to have freedom of speech or freedom to own property or any other right if you are dead. And of these practices of abortion, the worst, the most obviously evil, is this practice of partial-birth abortion.

As an ironic history, as a matter of fact, some pro-lifers brought it to the attention of the media and the media said, Oh, that couldn't possibly happen. They checked with the pro-abortion people. Oh, that doesn't happen. Then the media found out that they had been lied to.

That is the only thing that seems to make the media really mad is when they get lied to. So they started to let people know what this practice of partial-birth abortion is. I did not like biology very well, and the pictures that I see of it I can hardly stand.

Consider that there is a child that has lived 9 months, he is instants away from taking his first breath of fresh air, of freedom and we are going to poke a hole in the back of his skull and suck out his brains. It makes me sick. It made a lot of other Americans sick as well.

And so it is now that we come to this momentous time, tomorrow, when there is a possibility that we can close again a dark page of America's past. We can close the page on the nightmare of partial-birth abortion. And we can once again reaffirm those truths that we stand by, that there are basic rights given to all mankind everywhere by our God and that the most basic right of any government is to protect the life, that precious life made in the image of our Creator, the life of our little children.

Mr. KENNEDY of Minnesota. I thank the Member from Missouri. I thank him for calling us all back to our roots, to what this country has always stood for, what this country was built upon, the respect for life, liberty and the pursuit of happiness.

I would also like to call on the gentleman from Texas (Mr. BURGESS) for his remarks.

Mr. BURGESS. I thank my friend from Minnesota for showing the leadership of gathering this special order tonight.

Mr. Speaker, I wanted to speak out tonight to express my strong support for the passage of the conference report on the Partial-Birth Abortion Ban Act of 2003. As a physician who has dedicated over two decades of my life to the practice of obstetrics, I believe this unnecessary procedure should be banned.

I have delivered over 3,000 babies. I am personally opposed to abortion; but in particular, the only reason to select the partial-birth abortion procedure is to ensure one thing, and that is that you have a dead baby at the end of the procedure.

As a physician, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, deliver the baby by C-section. Whether the infant lives or dies is then determined by the severity of the medical complications and the degree of prematurity. But the outcome is dictated by the disease process itself. The fate of the infant during the partial-birth abortion procedure is predetermined by the nature of the procedure and is uniformly fatal to the baby.

During my two decades of obstetrics, with my share of high-risk pregnancies, I never, never encountered a situation where the partial-birth abortion procedure was required. I believe it is an inhumane act that is not ever medically necessary.

The procedure itself, always fatal to the baby, carries risks for the mother as well. Partial-birth abortions are done in the third trimester, and at that point, the child has all the characteristics of what we normally associate with a healthy newborn. Through the use of technology, prospective moms and dads have the opportunity to see how life develops before birth. Parents can now watch the beating of their unborn child's heart as early as 21 days after conception and can see the movement of the child's arms and legs at 3 months.

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In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning the partial-birth abortion procedure, calling it "basically repulsive." I agree with the AMA that it is repulsive, and, moreover, it is unnecessary. I strongly support the passage of the conference report to the Partial-Birth Abortion Ban Act of 2003. Just like my good friend from Missouri, I believe that the United States Constitution is very clear when it guarantees a right to life. Partial-birth abortion has no place in a civilized society. Thankfully, after tomorrow it will no longer be around.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Texas, and with great authority with his medical experience he speaks out the truth that this is a procedure that America must ban.

I yield to the gentleman from Georgia (Mr. GINGREY), someone who has equal authority from the medical field.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding and giving me an opportunity tonight as a physician Member, and particularly as an OBGYN physician Member, just like my colleague from Texas.

During my campaign and these 9 months that I have served in Congress since the election, back in the district probably the most frequent question that I am asked is "Phil, do you miss it? Do you miss your practice? You gave up a great profession, and you delivered all those babies, over 5,000 during a 27-year career." And the answer to them is, of course, I miss it. I miss it tremendously. What a wonderful opportunity and a calling it was to be a physician, and, in particular, to bring life into the world. And I am very proud, of course, to say that in all those 27 years, I have never once performed an abortion. But maybe God, and I guess, Mr. Speaker, it is okay for me to say "God" in this Chamber, maybe God had a higher calling for me, wanted me to have an opportunity to do something even greater, Mr. Speaker, than bringing a precious life into the world.

One of my supporters during the campaign, when I asked him for help in helping me get elected, he said, "Phil, I am going to support you if you promise to do one thing. I want you to promise me that you will just do good when you get to the Congress."

I know now tomorrow, I have an opportunity to do something very good, an opportunity to vote to ban an abominable procedure known as partial-birth abortion, and I do not know how many years of life I have got left, but when I cast that vote tomorrow, and I have that privilege, that honor, that distinction of being one of 535 Members of this Congress out of some 275, 280 million people to make that vote, and when we pass this bill, yet once again for the third time, we have a President in George W. Bush who is committed to finally end this abomination. And I just cannot help but think about all the lives that now I have an opportunity to save forever, and maybe it will be far more than the 5,200 that I have already delivered.

We have heard from other Members on this issue and seen the graphic description of this procedure, and I will not go into that again, but I can tell my colleagues as a physician, there is no reason, there is never a reason for the health of the mother to perform an abortion in the third trimester of pregnancy. We are talking about, for those who do not understand trimester, we divide a pregnancy into thirds, but when one gets into that third trimester, we are talking about children, fetuses if they want to call them that, but literally who are 4½ to 5 pounds, fully capable of life outside the womb. And what people are doing in this procedure is, literally, killing these children, as the gentleman from Texas (Mr. BURGESS) indicated, so that they are born dead, and, therefore, are characterized as an abortion, but what they are doing is no different than taking, literally, a child that is lying there in the bassinet at 4½ pounds and sticking a knife through his chest. It is the exact same effect. One is legal and one is not legal. One is called an abortion. The other is called murder, but there is no difference and make no mistake about it. What the mother is put through in this process of partial-birth abortion in the interest of preserving her health is one of the most dangerous medical procedures one could possibly do.

It is something that is so clear in my mind as a physician, as a compassionate human being, that I cannot really understand how anybody could not vote to ban this procedure. And I say to my colleagues on both sides of the aisle, men and women, this is not about Roe v. Wade. This is not even so much pro-life and pro-choice, although the Members of this body that are speaking tonight are passionately pro-life. But this procedure needs to be banned because it is nothing more than murder in a so-called legalized fashion, and it does nothing to protect the health of the mother.

So I am very proud to tell my colleagues tonight that my vote will be very strong to ban this abomination known as partial-birth abortion, and I want to thank the gentleman from Minnesota for giving us this time tonight to talk about this procedure and, specifically, giving me time to address it.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Georgia.

Mr. Speaker, I think one can see the passion that we who are gathered here today have for ending this cruel procedure. We have heard from the AMA. We have heard from two doctors in a row who confirm the AMA's belief that this procedure is not only not necessary, as the AMA would say, but as the last two physicians so eloquently said, is a cruel procedure that's time has long since passed, should have never started, should never have been allowed to start in the first place, but now we are calling upon it to end.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SMITH), the dean of the pro-life caucus, a man who has dedicated decades of his life here in Congress to try to lead the effort on repealing partial-birth abortion and so many other pro-life issues, and will be a big factor in our success when President Bush finally signs this.

So again, it is an honor for me to yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my very good friend and colleague not only for his leadership tonight, but for many years on behalf of the rights of the unborn and their mothers. He has been a stalwart. He has been compassionate, and I thank him for his leadership. And I would like to thank my colleagues who have spoken, the two docs, and the other Members who have spoken tonight so eloquently and passionately in favor of protecting the most innocent and the most at-risk minority in America today and that is the unborn children and the other victims of abortion, who every time that victim is the mother, many of whom who have been cast aside. They have been hurt and hurt very severely as a result of abortion.

Just a couple of months ago we hosted, a number of us, a group of four women including Jennifer O'Neil, the actress who was in "Summer of '42." She was a former Cover Girl. Melba Moore, an accomplished singer, four women who have had abortions, who have become part of a group called Silent No More. They have spoken out, and I encourage women who might be listening to this or men or who know someone who has had an abortion and is living with that agony to know that there is hope, there is reconciliation. The pro-life movement has always been about speaking truth to power, to Government and to those who would take the life of an unborn child, but also speaking truth and reconciliation to those women who have been victimized by abortion, including partial-birth abortion. Silentnomoreawareness.org can be accessed through the Web or through contacting our various offices. It is an outstanding means of reaching out to these women who are hurting.

During the course of their conversations, one woman who had two abortions talked about how she had so many sleepless nights. She thought that she could never hold a child again in her hand. Jennifer O'Neil had talked about the pressure that had been put upon her time and again by her family members who thought they were doing something benign and good for her, while actually hurting her severely, unwittingly but nevertheless hurting her severely. And she carried that pain for years, and now speaks out passionately to the women of America to come forward and know that there is reconciliation and to warn other women not to march into that abortion clinic and get a partial-birth abortion or any of the other methods that dismember or chemically poison unborn children.

I just would point out to my colleagues that some 62 years ago, from a podium right up there by the Speaker, Franklin Delano Roosevelt gave his famous speech after the attack on Pearl Harbor and called December 7 "a day that would live in infamy." I would point out to my colleagues that as a result of that, as we all know, some 55 million people around the world lost their lives to that global conflict.

Another day of infamy less visible but no less lethal, the imposition of abortion on demand by the U.S. Supreme Court in Roe v. Wade on January 22, 1973, has unleashed an assault on innocent human life that is absolutely staggering, about 44.4 million dead babies, children, and counting. The loss of so many innocent children by chemical poisoning, by literal dismemberment and suction machines 20 to 30 times more powerful than an average vacuum machine that all of us have in our homes, ripping apart that child; and now we see this cruel and unthinkable method where a baby, very late-term, as the doc pointed out a moment ago, third trimester, some in their second trimester but late second trimester, very mature babies where a doctor literally punctures their brains, usually with Metzenbaum scissors, to make a hole so that the baby's brains could be sucked out.

That is pathetic child abuse, and thankfully tomorrow the House, with the leadership of so many Members, especially with our President, will be putting into effect when the Senate finally adopts it as well, which they will, signs this ban into law.

Let me just give an idea of the numbers again, because I think sometimes we, in our entertainment-oriented age and the fact that we can go from one distraction to another, forget how many people have been lost. I mentioned 44.4 million. I am a big Yankee fan.

Mr. KENNEDY of Minnesota. We have a disagreement on that issue.

Mr. SMITH of New Jersey. My team lost to his last night. Yankee Stadium was filled to capacity, 56,292 people. The number of lives that have been lost since Roe v. Wade, 44.4 million, and picture this, it would be like filling Yankee Stadium every single day for 788 days full of children who are then slaughtered. The horrific loss of life, that is a staggering loss of life, is beyond almost any of our comprehensions to grasp, and yet that is what has happened in the 30 years since Roe v. Wade.

It has been done in what seems to be the pristine environment of an abortion clinic. We know that is not often case. Many of these so-called doctors are anything but. They are at the lower level of the medical chain, if you will, food chain, and I have known some abortion doctors, some of whom have actually become pro-life, and they talk about the squalor, the killing that goes on every day and the mental impact it even has on them.

So I just want to say to my colleagues that tomorrow we take, I think, a major step forward in trying to stop some of this killing, and I think the logical among us, the logical people out there in America, will begin connecting the dots and saying if it is so horrific to kill a baby with partial-birth abortion, why is suction okay? Why is D & E and all the other methods that are no less gruesome but a little bit more invisible because they do not happen as late in the stage of the pregnancy and they are not as visible as a partial-birth abortion, why are they any less of an act of child abuse? And this is all about child abuse. Again, there are two victims in every abortion, and my hope is that tomorrow we take a step forward in protecting these children from this cruelty.

I thank my good friend.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from New Jersey. I thank him for his leadership on this very important issue, on protecting the lives of those babies that have been lost in this horrific procedure, to keep this from happening in the future.

I now yield to the gentleman from Indiana (Mr. SOUDER) to also continue the reasons why it is we need to, as a Congress, pass this bill tomorrow and send it to the President's desk.

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Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. KENNEDY) for his leadership in organizing this tonight and letting me participate in this.

I have been involved in the pro-life movement for many years. Not as long as Grandpa SMITH who literally, along with the gentleman from Illinois (Mr. HYDE), have been the crusaders in the United States Congress and have kept this issue alive and have never let anyone in this Congress, House or Senate, or the administration, forget the importance of this. This is just a huge day for him in particular. Because I have been in many meetings with leadership over the years and different things and they say, man, that CHRIS SMITH, sometimes he just gets obsessed on this issue. And he has, literally, while he has done many other things here in Congress, has focused on this issue and helped keep Congress focused on this.

I want to share a little bit of a different thought, not about the procedure itself, but some of the history behind it, because I am a little older than some of the other guys here. When the pro-life movement really started in the late 1960s and early 1970s, as we became concerned that California and New York had opened up abortion procedures and were letting people from States like Indiana where people had chosen not to have abortion moved to those States, we were stunned.

I was in graduate school at the University of Notre Dame. We had organized a conservative club there, and we had started to look at the abortion movement when, on January 22, 1973, the Supreme Court took in its hands, overruled all of the States in America, and said, these poor little children are unprotected. We were stunned. In those first 48 hours, Dr. Charles Rice, who was our advisor to our group, wrote the Human Life Amendment for then-Congressman Larry Hogan, and it was introduced shortly after that decision. Dr. John Wilke, who was one of the original founders of the National Right to Life's daughter was at Notre Dame and she and I, along with Chuck Donavan and Rich Maji and Leo Bukinani and others, formed a group called the Student Committee for the Human Life Amendment within 48 hours of that decision. We organized across the country.

In fact, one of the first meetings I was at was with the bishop in South Bend with a lot of the leaders, different priests and other activists; and after we talked about abortion a little bit, they talked about baptizing the fetuses. I held up my hand and I said, I think that actually is a religious issue. And the bishop leaned back and said, ah, a Protestant among us. The truth is that in the early days of the pro-life movement, the Protestant Church was asleep. Most of America was asleep. The Catholic Church understood more what was happening.

Over the years, the pro-life movement got organized, and we thought that we could roll back that decision politically. The Human Life Amendment, surely, the American people, when they saw the truth, we could change this. As they understood the slaughter that the gentleman from New Jersey (Mr. SMITH) just described of millions of babies, surely they would overrule.

In 1980, when Ronald Reagan won and the Republicans took the Senate, where pro-lifers and conservatives for the first time started to look at the political system and said, we need to get involved, we thought it would change. We got tax cuts, we fought back communism, but we did not make progress on abortion; and it was incredibly frustrating over the years, as people came out for 30 years to march here in Washington.

One of the things we hear back home repeatedly is, does it do any good? I have been working in this movement for 30 years. Does it do any good? Is there any hope? What has happened in America? Is anybody sensitive? I remember one time when I was an undergraduate in our student government office, there was a debate about whether unwanted children should be born, and one of my friends turned to one of the abortion advocates and said, you know, my mom told me that at the time I was born, she really did not want me, and if abortion had been legal, she would have killed me. And he turned to this person and said, you would have killed me. I would be dead.

Do my colleagues know what? One of my big fears about talking tonight is that somehow, something is going to go wrong. It seems like after 30 years, we cannot possibly get something into law. But after all of those years of marches, we have not made a lot of progress, but this is an important step. Because if we pass this and then the Senate passes this, and then we have this President, we are actually going to save some babies' lives. We are actually going to pass legislation so people like my friend can say, I am alive because of how people voted, how people marched, how people spoke out. When people say there is no difference, that I cannot make a difference in this system, that my involvement does not do any good, I say to them, when this bill passes, those of us who have worked in the trenches, those of us who have been speaking out for years, those of us who have gotten involved in campaigns, in fact, your vote makes a difference, your actions make a difference; and there are going to be babies growing up to be young adults and adults who will create families who would have been dead if you had not been involved.

So I thank my colleagues for their work. I thank the Members here, because this is a great day for America and a great day for those children.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Indiana. I thank him for the passion that he has had for this issue since his time at Notre Dame. I am very pleased to have a son there at Notre Dame. I am very pleased that my oldest daughter was the first president of the Fire for Life chapter at her high school. And as the father of four, it is hard to imagine not having those children. It is hard to imagine children not having the opportunity to have the same experience that each of us as parents have had the opportunity to grow up with and watch and watch them develop.

As someone who is very familiar with children and has a passion for life, I would also like to yield to my good friend, the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I am sure my colleagues have all heard the statement that says that years from now we will not remember what kind of houses we lived in or what kind of cars we drove, what material possessions we possessed; but we will remember if we made a difference in the life of a child.

Some years ago, actually before I decided to run for the State senate, I remember working in a newborn intensive care unit at Mercy Hospital in Pittsburgh. There and at McGee Hospital, part of my job was to see the infants who had been born prematurely. I worked with the families and infants and made sure that we took care of dealing with any risks that they may have had for developmental disabilities, and dealing with the families and dealing with a child who was born at perhaps 27, 26, 25, 24 weeks.

It amazed me the miracles that I saw of these babies no bigger than my hand, no bigger than my hand, frail, transparent skin, eyes, in some cases they were so young, barely opened, of how we saw them struggle, but how we saw them breathe. And their hearts beating, you could see beneath their skin. And how, as time went on, we worked with the families and the nurses to help these young babies learn to deal with their world, not stress them too much so that they would grow up. It is amazing to me now, years after I started that career, to be seeing these children graduating from high school and graduating from college; children at that age that otherwise people would see as throwaway babies, throwaway babies; but they are very real.

As the history of our Nation is written, each generation that perhaps has been in this Chamber or the former Chamber has had its core issues it has dealt with. Initially there was the forming of our Nation. What did the Constitution mean? There were also issues of the expansion west. There were issues of slavery. There were issues of civil rights, the women's suffrage, the different generations of folks who worked in these Chambers dealt with. I think one of the issues that will define our generation as legislators will be what we did to be meaningful in the life of a child.

I look upon this as perhaps there is no more humbling, but prouder, thing to do than to save a child's life. Many of us have also, I am sure, heard the phrase that says, if we get here, if we can make one small difference in the world, one small improvement, the votes we will take on this bill will do that, not just for one child, but for thousands and thousands, perhaps millions of children, who otherwise would have seen life untimely ripped from them, as it was.

But for me it is particularly important because I have seen these children live. I have seen children much younger than those we are talking about preventing their deaths thrive. I have talked to them. I have played baseball with them. We have laughed together; we have cried together. And it is important that we understand that it is part of that, that this is not just tissue. It is not just some amorphous cells there floating about; but these are real beings, real beings.

I am also struck as being a father. I know a lot of us speaking here tonight are men, and so many times those who are involved in this issue, they talk about, well, perhaps this is a women's rights issue. Let me speak about fatherhood. I do not think there is any more important thing we do as men on this Earth, outside of having a good relationship with our wives, than being fathers. That is the next generation we deal with. I think part of our role as fathers is to make sure we are there to nurture our children, to feed them, to clothe them, to provide for them, to play with them, to help teach them in the ways of life. But that is important, and it is not diminished because we are males. Our love and our compassion and our caring for children, it is very real. But it always has distressed me when sometimes these arguments come out about pro-life or pro-choice or abortion, that somehow, because a person is only a man, he does not get to have input on that.

If we were able in this Nation to bring men back in the fold, to work more with children, what a great Nation this would be. No longer having the troubles that so many children have, who have been abandoned by a parent, struggling along, a mom or a dad struggling with single parenthood, trying to make ends meet, but really working with them. How much better children's lives would be, if all men took that responsibility as a father seriously and not just there; but you have to continue to not just create life, but nurture children along the way.

It is because of that feeling as fathers that I think we also have an important role in making sure we preserve and work to protect the lives of these children as well. We love them as much, we cry when they are hurt, we shed a tear when they get married or when something sad happens to them. We love them as much, and we have every right to protect those lives. It is part of our responsibility as men and as fathers. And when people say it is not, that is part of something that weakens the American fabric of the family.

If you want to measure the strength of society, you can measure that strength by the integrity of the families within that society. If you want to see the weakness of the family, watch how culture after culture has tried to dismantle families, move parents away, split them up, raise them one way or another. It loses the core, loses the core of its being. We have that in America with families as long as we care for them and love them. That is why it is our duty, that is why it is our responsibility to make sure that we are there to protect the lives of these young children. So that years from now when we look back, we can say it did not matter what kind of house we lived in, what kind of car we drove, what we accumulated. We will be able to say with peace in our hearts, we were important in the life of a child.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for speaking out with such passion and with such authority.

Mr. Speaker, I would like to close by sharing a story that is in my heart, a story and some thoughts on a community in my district that has recently shown us all the way that we should respect each other, that we should respect life itself.

When I heard for the first time that a shooting had occurred at Rocori High School in Cold Spring, Minnesota, last week, my first thought was disbelief. That is the last place in the world that I would have ever expected something like that to happen. Cold Spring is a community with well-maintained homes, clean-cut students, and active parents.

When I heard that the coach at that school bravely averted further bloodshed, I was not surprised. Many teachers from my time in high school came to mind that may have done the same thing. The Rocori school staff and the Cold Spring community reacted to the incident in a commendable fashion.

I have met many of the people from the community there and the St. Paul Parish community, including Father Clydis, at a pro-life dinner hosted in the parish school last year. The parish school gym was packed and the local community members served dinner. I remember the idyllic community scene, complete with a church and an American flag, painted on a wall in the gym. I remember the community choir who entertained us that evening and the song, they sang a German song; and the whole room joining in except for me singing that German song. I know of no town in this great land where it takes their heritage, their families, their community, their faith, their life, people's lives more seriously.

Therefore, I had high expectations when I attended a service for Aaron Rollins, a 17-year-old senior who had been shot by a 15-year-old freshman. But I was taken aback when I walked into this beautiful, modern church that seated over 1,000. For a town of less than 3,000 to have such a commitment to a building in and of itself shows their commitment to each other and their faith. But over 1,500 people came out for that service, students, parents, townspeople. The service lasted over 2 hours, 2 hours; but it flew by. Nearly the entire senior class lined up on either side of the aisle as honorary pall bearers. We saw looks of devastation comforted by a quiet faith on the faces of children who had never before experienced such a loss.

□ 2145

A large number of them were dressed in khaki slacks and skirts, black shirts and camouflage ties to honor Aaron's love of hunting.

But what allowed the gathering not to be overcome with grief was their deeply held belief that even though Aaron barely missed last weekend's duck hunting opener in Minnesota, he now had a new home where the ducks were probably even more plentiful.

But watching this family and how they coped with it and the grief that they felt was just overwhelming. They prayed for Seth Bartell who was also shot and remained in critical condition. But the part of the service that really blew me away, really elevated me further for my respect for the people of Cold Spring and really showed us the true spirit of love and life was when twice during the service the young man who shot Aaron and Seth was lifted up in prayer.

They prayed that that family who struggled to cope with tragedy, that the community show them the compassion and understanding that we want to see in this world.

I think Cold Spring indeed calls us to a higher level. If they can reach out for such compassion towards someone who has inflicted so much pain, how can we not reach out with an equal amount of compassion to those who have done no harm to anyone, the unborn?

That is why we gather here.

I encourage all my colleagues to vote for this ban of partial-birth abortion.

This city whose granite has built beautiful memorials on the Mall here in our Nation's Capital, they have shown us that their values are as solid as that granite. Let us follow their example.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Ms. ESHOO (at the request of Ms. PELOSI) for today and the balance of the week on account of a family illness.

Mr. HYDE (at the request of Mr. DELAY) for today after 2:00 p.m. and the balance of the week on account of a surgical procedure.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. BORDALLO, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1261. An act to reauthorize the Consumer Product Safety Commission, and for other purposes; to the Committee on Energy and Commerce.

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 30, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 3146. To extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

ADJOURNMENT

Mr. KENNEDY of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, October 2, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, RAVI SAWHNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 11 AND APR. 20, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ravi Sawhney[3]	4/11	4/20	India				2,418.00		1,154.00		3,573.00
Committee total							2,418.00		1,154.00		3,573.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Office of Representative Sheila Jackson-Lee.

RAVI SAWHNEY, July 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel F. Scandling		5/23	USA				7,051.31				7,051.31
	5/24	5/25	Kuwait		778.00						778.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait								
	5/28		USA								
Committee total					778.00		7,051.31				7,829.31

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL F. SCANDLING, June 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank R. Wolf		5/23	USA				7,051.31				7,051.31
	5/24	5/25	Kuwait		778.00						778.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait								
	5/28		USA								
Committee total					778.00		7,051.31				7,829.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, July 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONALD A. MANZULLO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Donald A. Manzullo	6/27	7/2	Italy		2,532.00		(3)				2,532.00
Committee total					2,532.00						2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Chairman, July 17, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TED VAN DER MEID, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ted Van Der Meid	6/27	7/2	Italy		2,532.00		(3)				2,532.00
Committee total					2,532.00						2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

TED VAN DER MEID, Aug. 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CHRIS CONNELLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Chris Connelly	6/27	7/2	Italy	2,212.00	2,532.00					2,212.00	2,532.00
Committee total				2,212.00	2,532.00					2,212.00	2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS CONNELLY, July 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, DENMARK, THE NETHERLANDS, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 25 AND AUG. 4, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dennis J. Hastert	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Alcee L. Hastings	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dana Rohrabacher	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Jim Nussle	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Peter Hoekstra	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Doc Hastings	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Sue Wilkins Myrick	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Charlie Norwood	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Vito Fossella	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dennis R. Rehberg	7/26	7/28	United Kingdom	540	861.00		(3)				
Bill Livingood	7/26	7/28	United Kingdom	540	861.00		(3)				
Dr. Eisold	7/26	7/28	United Kingdom	540	861.00		(3)				
Scott Palmer	7/26	7/28	United Kingdom	540	861.00		(3)				
Ted Van der Meid	7/26	7/28	United Kingdom	540	861.00		(3)				
John Feehery	7/26	7/28	United Kingdom	540	861.00		(3)				
Darren Willcox	7/26	7/28	United Kingdom	540	861.00		(3)				
Kevin Fromer	7/26	7/28	United Kingdom	540	861.00		(3)				
Christy Surprenant	7/26	7/28	United Kingdom	540	861.00		(3)				
Vanessa Griddine	7/26	7/28	United Kingdom	540	861.00		(3)				
David Roth	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dennis J. Hastert	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Alcee L. Hastings	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dana Rohrabacher	7/28	7/30	Denmark	3,757.50	582.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, DENMARK, THE NETHERLANDS, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 25 AND AUG. 4, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Nussle	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Peter Hoekstra	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Doc Hastings	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Sue Wilkins Myrick	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Charlie Norwood	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Vito Fossella	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dennis R. Rehberg	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Bill Livingood	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Dr. Eisold	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Scott Palmer	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Ted Vander Meid	7/28	7/30	Denmark	3,757.50	582.00		(3)				
John Feehery	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Darren Willcox	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Kevin Fromer	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Christy Surprenant	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Vanessa Griddine	7/28	7/30	Denmark	3,757.50	582.00		(3)				
David Roth	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dennis J. Hastert	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Alcee L. Hastings	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dana Rohrabacher	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Jim Nussle	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Peter Hoekstra	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Doc Hastings	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Sue Wilkins Myrick	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Charlie Norwood	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Vito Fossella	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dennis R. Rehberg	7/30	7/31	Netherlands	143.39	165.00		(3)				
Bill Livingood	7/30	7/31	Netherlands	143.39	165.00		(3)				
Dr. Eisold	7/30	7/31	Netherlands	143.39	165.00		(3)				
Scott Palmer	7/30	7/31	Netherlands	143.39	165.00		(3)				
Ted Vander Meid	7/30	7/31	Netherlands	143.39	165.00		(3)				
John Feehery	7/30	7/31	Netherlands	143.39	165.00		(3)				
Darren Willcox	7/30	7/31	Netherlands	143.39	165.00		(3)				
Kevin Fromer	7/30	7/31	Netherlands	143.39	165.00		(3)				
Christy Surprenant	7/30	7/31	Netherlands	143.39	165.00		(3)				
Vanessa Griddine	7/30	7/31	Netherlands	143.39	165.00		(3)				
David Roth	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dennis J. Hastert	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Alcee L. Hastings	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Dana Rohrabacher	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Jim Nussle	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Peter Hoekstra	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Doc. Hastings	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Sue Wilkins Myrick	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Charlie Norwood	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Vito Fossella [4]	7/31	8/3	Spain	1,010	883.00	1,819.77	2,094.68				
Hon. Dennis R. Rehberg	7/31	8/4	Spain	1,010	1,148.00		(3)				
Bill Livingood	7/31	8/4	Spain	1,010	1,148.00		(3)				
Dr. Eisold	7/31	8/4	Spain	1,010	1,148.00		(3)				
Scott Palmer	7/31	8/4	Spain	1,010	1,148.00		(3)				
Ted Van der Meid	7/31	8/4	Spain	1,010	1,148.00		(3)				
John Feeheny	7/31	8/4	Spain	1,010	1,148.00		(3)				
Darren Willcos	7/31	8/4	Spain	1,010	1,148.00		(3)				
Kevin Fromer	7/31	8/4	Spain	1,010	1,148.00		(3)				
Christy Surprenant	7/31	8/4	Spain	1,010	1,148.00		(3)				
Vanessa Griddine	7/31	8/4	Spain	1,010	1,148.00		(3)				
David Roth	7/31	8/4	Spain	1,010	1,148.00		(3)				
Committee total				109,117.80	54,855.00	1,819.77	2,094.68				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Left trip early—returned one day per diem to State Department.

Dennis J. Hastert, Speaker of the House.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, AND NORWAY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUGUST 6, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	7/26	8/2	Italy		2,356.52						2,356.52
	8/2	8/6	Norway		1,208.00		5,739.84				6,947.84
Committee total					3,564.52		5,739.84				9,304.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Sept. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TAIWAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 2 AND AUG. 9, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amanda Parsons	8/2	8/9	Taiwan		1,500.00		2,750.00		70.00		4,320.00
Committee total					1,500.00		2,750.00		70.00		4,320.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMANDA PARSONS, Sept. 8, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Boehner[4]	11/23	11/29	Italy		2,080.00		(3)				2,080.00
	11/29	12/1	Greece		236.00		(3)				236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Hon. George Miller	12/14	12/15	Taipei		282.00		5,291.76				5,573.76
Roundtrip commercial airfare	12/15	12/18	Hanoi		615.00						615.00
Roundtrip commercial airfare	12/18	12/19	Hong Kong		411.00						411.00
John Lawrence[5]	12/14	12/15	Taipei		282.00		6,163.76				6,445.76
Roundtrip commercial airfare	12/15	12/18	Hanoi		615.00						615.00
Roundtrip commercial airfare	12/18	12/19	Hong Kong		411.00						411.00
Committee total					5,128.00		11,455.52				16,583.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] To participate in CODEL of Hon. David L. Hobson.
[5] To participate in CODEL of Hon. George Miller.

JOHN BOEHNER, Chairman, July 18, 2003.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sherwood Boehlert[3]	1/18	1/20	Australia		$4,386.47		2,254.96		3,379.58		10,021.91
Committee total					4,386.47		2,254.96		3,379.58		10,021.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. curency is used, enter amount expended.
[3] Other CODEL participants—additional per diem received for accomodations.
[4] Local transportation.

SHERWOOD BOEHLERT, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB GOODLATTE, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Knollenberg	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Hon. Chet Edwards	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/19	Belgium		434.00						434.00
									735.80		735.80
							(3)				
Part commercial airfare									559.30		559.30
Valerie Baldwin	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Thomas Forhan	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Kevin V. Cook	4/13	4/18	Japan		1,695.00						1,695.00
Commercial airfare							7,832.91				7,832.91
Hon. C.W. Bill Young	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Hon. Rodney Frelinghuysen	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Douglas Gregory	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Susan E. Quantius	4/24	4/25	Canada		307.00						307.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
									52.00		52.00
Commercial airfare							402.60				402.60
Scott Lilly	4/14	4/16	Belgium		852.00						852.00
	4/16	4/18	Germany		596.00						596.00
	4/18	4/23	Italy		2,035.00						2,035.00
	4/23	4/24	Spain		280.00						280.00
									96.92		96.92
Commercial airfare							8,117.31				8,117.31
Hon. Jim Kolbe	4/16	4/17	Kuwait		389.00						389.00
	4/17	4/19	Jordan		476.00						476.00
Commercial airfare							5,684.78				5,684.78
Scott B. Gudes	4/16	4/17	Kuwait		389.00						389.00
	4/17	4/20	Jordan		714.00						714.00
	4/20	4/24	Serbia & Montenegro		900.18						900.18
									588.91		588.91
Commercial airfare							7,627.40				7,627.40
Hon. James P. Moran	4/13	4/16	Colombia		581.00						581.00
Hon. Frank Wolf	5/24	5/24	Kuwait		389.00						389.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait		389.00						389.00
Commercial airfare							7,051.31				7,051.31
Hon. Jim Kolbe	5/24	5/26	Brazil		436.00						436.00
	5/26	5/31	Argentina		1,560.00						1,560.00
Commercial airfare							6,618.40				6,618.40
Scott B. Gudes	5/24	5/26	Brazil		436.00						436.00
	5/26	5/31	Argentina		1,560.00						1,560.00
Commercial airfare							6,618.40				6,618.40
Hon. Dave Weldon	5/25	5/29	Uganda		110.00						110.00
	5/29	5/30	England		160.00						160.00
									80.00		80.00
Commercial airfare							8,265.00				8,265.00
Committee total					24,972.99		58,777.41		12,831.59		96,581.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOHN A. BOEHNER, Chairman, July 17, 2003

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to South Korea, April 13–19, 2003:											
Hon. Madeleine Bordallo	4/13	4/17	South Korea		1,244.00						1,244.00
Commercial airfare							4,866.42				4,866.42
Visit to Vietnam, April 21–26, 2003:											
Hon. Rob Simmons	4/21	4/26	Vietnam		547.00						547.00
Commercial airfare							9,189.35				9,189.35
Travel to France, April 22–26, 2003:											
Hon. Curt Weldon	4/24	4/26	France		686.00						686.00
Commercial airfare							4,543.25				4,543.25
Travel to North Korea and South Korea, May 30–June 2, 2003:											
Hon. Curt Weldon	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Solomon P. Ortiz	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Silvestre Reyes	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Jeff Miller	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Joe Wilson	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Mr. Douglas C. Roach	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Mr. Robert W. Lautrup	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Travel to Cuba, June 6, 2003:											
Hon. Roscoe G. Bartlett	6/6	6/6	Cuba		13.16						13.16
Hon. Loretta Sanchez	6/6	6/6	Cuba		13.16						13.16
Hon. Phil Gingrey	6/6	6/6	Cuba		13.16						13.16
Mr. James M. Lariviere	6/6	6/6	Cuba		13.16						13.16
Ms. Erin C. Conaton	6/6	6/6	Cuba		13.16						13.16
Committee total					16,920.80		18,599.02				35,519.82

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, July 31, 2003

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN A. BOEHNER, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	5/25	5/27	Egypt		343.00		6,988.77				7,422.77
	5/27	5/29	Israel		724.00						724.00
	5/29	5/31	Lebanon		244.00						244.00
	5/30	6/1	Syria		268.00						268.00
	6/1	6/1	Qatar (transit)								
	6/1	6/1	England (transit)								
Committee total					1,607.00		6,988.77		388.48		8,595.77

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, July 23, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Davis	4/13	4/16	Colombia		721.00				32.37		
Randy Kaplan	4/13	4/16	Colombia		721.00				32.37		
Susie Schulte	4/13	4/16	Colombia		721.00				32.37		
David Marin	4/13	4/16	Colombia		721.00				32.37		
Chris Donesa	4/13	4/16	Colombia		721.00				32.37		
Peter Sirh	4/13	4/16	Colombia		721.00				32.37		
Mason Alinger	4/13	4/16	Colombia		721.00				32.37		
Ron Martinson	4/13	4/16	Colombia		721.00				32.37		
Tony Haywood	4/13	4/16	Colombia		721.00				32.37		
Hon. Jim Cooper	4/13	4/16	Colombia		721.00				32.37		
Grace Washbourne	6/9	6/15	Switzerland		2,215.58		6,429.50				
	6/15	6/16	Germany		114.00						
Lawrence Halloran	6/10	6/15	Switzerland		1,323.95		6,368.00				
	6/15	6/16	Germany		114.00						
John Hunter	6/9	6/15	Switzerland		2,215.58		6,429.50				
	6/15	6/16	Germany		114.00						
Corinne Zaccagnini	6/7	6/15	Switzerland		2,215.58		6,259.10				
	6/15	6/16	Germany		114.00						
Hon. Ron Lewis	4/14	4/18	Italy		288.00						
	4/18	4/21	Belgium		334.00						
Rep. Christopher Shays	4/15	4/16	Kuwait		878.00		347.98		1,149.33		
	4/16	4/17	Jordan		238.00				1,149.33		
	4/17	4/23	Israel		1,810.00				1,149.33		
Nicholas Palarino	4/12	4/15	Qatar		936.00		7,090.98		1,149.33		
	4/15	4/16	Kuwait		878.00				1,149.33		
	4/16	4/17	Jordan		238.00				1,149.33		
	4/17	4/23	Israel		1,810.00				1,149.33		
Nick Coleman	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						
Chris Donesa	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						
Hon. Mark Souder	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						
Hon. Henry Waxman	6/27	7/2	Italy		2,532.00						
Hon. Candice Miller	6/27	7/2	Italy		2,532.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					31,269.69		48,117.51		8,369.01		87,756.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, July 23, 2003.

CORRECTED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Douglas Anderson	4/22	4/29	South Korea		1,818.00		3,958.33				5,776.33
Hon. Cass Ballenger	4/21	4/22	Nicaragua		30.00						30.00
	4/22	4/24	Brazil		241.00						241.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
	5/4	5/5	Venezuela		60.00		(3)				60.00
Ted Brennan	4/21	4/22	Nicaragua		115.00						115.00
	4/22	4/24	Brazil		222.00						222.00
	4/24	4/26	Dominican Republic		336.00		(3)				336.00
	5/4	5/5	Venezuela		198.00		(3)				198.00
Hon. Dan Burton	4/26	4/29	Costa Rica		384.00		1,298.00				1,682.00
Jean Carroll	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Malik Chaka	5/26	5/31	Ivory Coast		845.00		6,135.93				6,980.93
Hon. William Delahunt	4/13	4/16	Colombia		721.00		(3)				721.00
	5/4	5/5	Venezuela		298.00		(3)				298.00
Hon. Eliot Engel	5/30	6/2	North Korea		669.00		(3)				669.00
Hon. Eni Faleomavaega	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Paul Gallis	5/24	5/29	Czech Republic		2,085.00		6,258.72				8,343.72
Matthew Gobush	4/25	4/27	Syria		536.00						536.00
	4/27	4/28	Israel		362.00						362.00
Round trip airfare	4/25	4/28					6,899.93				6,899.93
	5/27	5/30	Czech Republic		932.00		5,240.78				6,172.78
Dennis Halpin	4/22	4/29	South Korea		1,820.00		3,958.33				5,778.33
Hon. Katherine Harris	4/13	4/16	Colombia		721.00		(3)				721.00
Noelle Lusane	5/25	5/29	Ivory Coast		676.00		6,135.93				6,811.93
Joathan Katz	4/26	4/29	Turkey		814.00		4,299.84				5,113.84
David Killion	4/13	4/16	France		1,029.00				[4] 236.09		1,265.09
	4/16	4/19	Switzerland		1,623.30						1,623.30
Round trip airfare	4/13	4/19					6,442.59				6,442.59
Kay King	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		262.00		(3)				262.00
Robert King	4/21	4/22	Nicaragua		110.00						110.00
	4/22	4/24	Brazil		263.00						263.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
	5/26	5/28	Thailand		364.00						364.00
	5/28	5/31	Laos		321.00						321.00
Round trip airfare	5/26	5/31					9,719.97				9,719.97
Hon. Tom Lantos	4/25	4/27	Syria		536.00						536.00
	4/27	4/28	Israel		362.00				[4] 1,996.00		2,358.00
Round trip airfare	4/25	4/28					5,825.36				5,825.36
Bob Jones	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Tanya Mazin	5/27	5/31	Czech Republic		932.00		5,240.78				6,172.78
Caleb McCarry	4/21	4/22	Nicaragua		161.00						161.00
	4/22	4/24	Brazil		346.00						346.00
	4/24	4/26	Dominican Republic		409.00		(3)				409.00
	5/4	5/5	Venezuela		201.00		(3)				201.00
Alan Makovsky	4/25	4/27	Syria		452.00						452.00
	4/27	4/28	Israel		321.00						321.00
Round trip airfare	4/25	4/28					6,899.93				6,899.93
	5/28	6/1	Turkey		797.00		5,096.34				5,893.34
John Mackey	4/13	4/16	Columbia		721.00		(3)				721.00
	5/29	6/2	Austria		868.00		5,586.63				6,454.63
Hon. Gregory Meeks	5/4	5/5	Venezuela		218.00		(3)				218.00
Vince Morelli	5/26	5/28	Belguim		380.00		5,685.49				6,065.49
Paul Oosturg Sanz	4/21	4/22	Nicaragua		120.00						120.00
	4/22	4/24	Brazil		213.00						213.00
	4/24	4/26	Dominican Republic		415.00		(3)				415.00
Frank Record	4/21	4/22	Nicaragua		176.00						176.00
	4/22	4/24	Brazil		366.00						366.00
	4/24	4/26	Dominican Republic		426.00		(3)				426.00
	5/25	5/28	Belgium		805.00						805.00
	5/28	5/31	Italy		1,119.00						1,119.00
Round trip airfare	5/25	5/31					6,470.00				6,470.00
Walker Roberts	5/24	5/31	Japan		2,350.00		8,063.29				10,413.29
Hon. Edward Royce	4/13	4/17	South Korea		1,244.00		3,927.42				5,171.42
Hon. Dana Rohrabacher	5/24	5/25	Netherlands		339.00						339.00
	5/26	5/30	Israel		1,660.00						1,660.00
	5/30	6/2	Austria		267.00						267.00
Roundtrip airfare	5/24	6/2					9,290.76				9,290.76
Doug Seay	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Hon. Nick Smith	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Samuel Stratman	4/21	4/22	Nicaragua		201.00						201.00
	4/22	4/24	Brazil		391.00						391.00

CORRECTED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/24	4/26	Dominican Republic		401.00		(3)				401.00
Roundtrip airfair	5/25	5/31					6,470.00				6,470.00
	5/27	5/31	Czech Republic		932.00		5,240.78				6,172.78
Hon. Adam Schiff	4/13	4/17	South Korea		1,244.00		4,426.42				5,670.42
Thomas Sheehy	4/12	4/17	South Korea		1,244.00		4,094.92				5,338.92
Hon. Thomas Tancredo	4/16	4/18	Hungary		508.00						508.00
	4/18	4/22	Italy		1,911.09				[4] 1,679.81		3,590.90
Roundtrip airfare	4/16	4/22					1,734.32				1,734.32
Hillel Weinberg	5/25	5/28	Belgium		795.00						795.00
	5/28	5/31	Italy		1,119.00						1,119.00
Roundtrip airfare	5/25	5/31					6,040.00				6,040.00
Hon. Jerry Weller	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Hon. Robert Wexler	4/26	4/29	Turkey		814.00		4,299.84				5,113.84
	5/31	6/1	Syria		268.00						268.00
	6/1	6/3	Israel		628.00						628.00
Roundtrip airfair	5/31	6/3					6,365.82				6,365.82
Peter Yeo	5/26	5/28	Thailand		364.00						364.00
	5/28	5/31	Laos		321.00						321.00
Roundtrip airfair	5/26	5/31					9,719.97				9,719.97
Committee totals					53,502.39		170,826.42		3,911.90		228,440.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates delegation costs.

HENRY J. HYDE, Chairman, July 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Todd Willens	4/21	4/26	Switzerland		1,945.00		6,031.56		430.00		8,406.56
Matt Miller	4/21	4/26	Switzerland		1,945.00		6,031.56				7,976.56
Amie Brown	5/25	6/1	Switzerland		2,730.00		4,680.31				7,410.31
Steve Ding	6/17	6/20	Germany		1,086.00		7,619.77				8,705.77
Todd Willens	6/15	6/20	Germany		1,810.00		6,775.46				8,585.46
Dave Whaley	6/15	6/22	Germany		2,534.00		6,487.77				9,021.77
Catherine Ware	6/15	6/21	Germany		2,172.00		6,487.77				8,659.77
Committee total					14,222.00		44,114.20		430.00		58,766.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD W. POMBO, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dom. Republic		714.00						714.00
							687.22				687.22
Brad Smith	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dom. Republic		714.00						714.00
							687.22				687.22
Committee total					2,712.00		1,374.44				4086.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, July 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS AND OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Angela Ellard	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
David Kavanaugh	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
Viji Rangaswami	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
Hon. Zavier Bacerra	4/13	4/17	South Korea		1,244.00		3,938.92				5,182.92
Hon. Philip S. English	6/27	7/2	Rome		2,532.00		(3)				2,532.00
Committee totals					6,827.00		22,169.92				28,996.92

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL THOMAS, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Patrick Murray	4/11	4/18	Europe		2,434.00		287.45				2,721.45
Commercial Aircraft											5,519.17
Merrell Moorehead	4/11	4/18	Europe		2,434.00						2,434.00
Commercial Aircraft							5,519.17				5,519.17
Brant Bassett	4/11	4/18	Europe		2,434.00						2,434.00
Commercial Aircraft							5,519.17				5,519.17
Hon. Alcee Hastings	4/14	4/21	Europe		3,199.00				674.80		3,873.80
Commercial Aircraft							5,743.58				5,743.58
Wyndee Parker	4/15	4/29	Europe		3,342.00						3,342.00
Commercial Aircraft							6,293.33				6,293.33
Elizabeth Larson	4/15	4/28	Europe		3,120.00						3,120.00
Commercial Aircraft							5,716.40				5,716.40
Michael Ennis	4/20	4/25	Europe		1,624.00						1,624.00
Commercial Aircraft							5,523.40				5,523.40
Marcel Lettre	4/20	4/25	Europe		1,624.00						1,624.00
Commercial Aircraft							5,523.40				5,523.40
John Keefe	4/20	4/29	Europe		2,944.00						2,944.00
Commercial Aircraft							6,206.71				6,206.71
Hon. Anna Eshoo	4/23	4/28	Europe		1,538.00						1,538.00
Commercial Aircraft							6,393.37				6,393.37
Hon. Rush Holt	4/23	4/29	Europe		1,460.00				65.11		1,525.11
Commercial Aircraft							6,688.42				6,688.42
Patrick Murray	5/27	5/31	Europe		1,552.00						1,552.00
Commercial Aircraft							6,490.00				6,490.00
Committee totals					27,705.00		71,423.57		739.91		99,868.48

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, July 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Janice Helwig		4/21	USA				5,413.00				5,413.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/22	8/1	Austria		15,363.00						15,363.00
Erika Schlager		4/5	USA				5,410.00				5,410.00
	4/6	4/8	Slovakia		462.00						462.00
	4/9	4/12	Austria		625.00						625.00
Hon. Alcee Hastings	4/21	4/26	Copenhagen		1,410.00		2,276,00				3,686.00
Chadwick Gore		4/23	USA				4,499.00				4,499.00
	4/24	4/26	Copenhagen		436.00						436.00
Maureen Walsh		5/11	USA				4,706.00				4,706.00
	5/12	5/16	Poland		1,043.00						1,043.00
	5/16	5/24	Czech Republic		2,032.00						2,032.00
Marlene Kaufmann		5/13	USA				6,119.00				6,119.00
	5/14	5/17	Switzerland		849.00						849.00
	5/17	5/20	Austria		651.00						651.00
	5/20	5/22	Czech Republic		732.00						732.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL AUTHORIZED BY THE SPEAKER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 1, AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Ochs		5/20	USA				6,650.00				6,650.00
	5/22	5/27	Armenia		921.00						921.00
	5/27	5/29	Georgia		518.00						518.00
	5/29	5/31	Azerbaijan		679.00						679.00
Ronald McNamara		6/15	USA				6,558.00				6,558.00
	6/16	6/17	Belgium		322.00						322.00
	6/17	6/21	Austria		1,523.00						1,523.00
Hon. Christopher Smith		6/18	USA				5,583.00				5,583.00
	6/19	6/21	Austria		749.00						749.00
Hon. Alcee Hastings		6/18	USA				5,659.00				5,569.00
	6/19	6/21	Austria		749.00						749.00
K. Hamilton Thames		6/17	USA				4,841.00				4,841.00
	6/18	6/22	Austria		903.00						903.00
	6/22	6/25	Hungary		568.00						568.00
Donald Kursch		6/15	USA				6,022.00				6,022.00
	6/16	6/18	Belgium		525.00						525.00
	6/18	6/21	Austria		889.00						889.00
	6/21	6/24	Hungary		790.00						790.00
	6/24	6/27	Austria		703.00						703.00
Robert Hand		6/23	USA				1,241.00				1,241.00
	6/24	6/27	Austria		492.00						492.00
Committee total					33,934.00		64,887.00				98,821.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, July 31, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4483. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxysulfuron; Pesticide Tolerance [OPP-2003-0286; FRL-7325-1] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4484. A communication from the President of the United States, transmitting the request and availability of funds for the Department of Homeland Security's Counterterrorism Fund, pursuant to Public Law 106-554, and Pub.L. 108-7; (H. Doc. No. 108-134); to the Committee on Appropriations and ordered to be printed.

4485. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108-133); to the Committee on Appropriations and ordered to be printed.

4486. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Determining Eligibility for Free and Reduced Price Meals in Schools—Verification Reporting and Recordkeeping Requirements (RIN: 0584-AD20) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4487. A letter from the Deputy Assistant Secretary, Department of Education, transmitting the Department's final rule—Community Technology Centers Program; Notice [CFDA No.: 84.341] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4488. A letter from the Deputy Assistant Secretary, Department of Education, transmitting the Department's final rule—Community Technology Centers Program; Notices [CFDA No.: 84.341] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4489. A letter from the Secretary, Department of Health and Human Services, transmitting Certification From the Secretary of Health and Human Services Pursuant to Section 604(c)(2) of the Balanced Budget Refinement Act; to the Committee on Education and the Workforce.

4490. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 195-1195a; FRL-7559-9] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4491. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to Regulations Within the Forsyth County Local Implementation Plan[NC 105-200331a; FRL-7559-5] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4492. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina; Miscellaneous Revisions to the North Carolina State Implementation Plan [NC 106-200336(a); FRL-7558-9] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4493. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Mexico; Redesignation of Grant County to Attainment for Sulfur Dioxide [NM–43–1–7600a; FRL–7556–7] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4494. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI111–1a; FRL 7547–5] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4495. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Operating Permits Program; State of Iowa [IA 183–1183a; FRL 7559–8] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4496. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerators [No. R803CISWI; FRL–7560–2] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4497. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Revision to Operating Permits Program in North Dakota [No. R803NDT5REV; FRL–7560–5] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4498. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified and San Joaquin Valley Unified Air Pollution Control Districts [CA–271–0412a; FRL–755108] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4499. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

4500. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting President Bush's certification that the Board of the International Fund is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and that disbursements from the International Fund will be distributed in accordance with principles of economic justice; and will address the needs of both communities in Northern Ireland and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment, pursuant to Public Law 99—415, section 5(c) (100 Stat. 948); to the Committee on International Relations.

4501. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4502. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2003 through September 30, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108–132); to the Committee on House Administration and ordered to be printed.

4503. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30384; Amdt. No. 3072] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4504. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30383; Amdt. No. 3071] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4505. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30381; Amdt. No. 3069] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4506. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30382; Amdt. No. 3070] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4507. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30385; Amdt. No. 3073] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4508. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airways V–13 and C–407; Harlingen, TX [Docket No. FAA 2003–15061; Airspace Docket No. ASD 03–ASW–1] (RIN 2120–AA66) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4509. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2003–NE–29–AD; Amendment 39–13300; AD 2003–18–09] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4510. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth Flugzeugbau GbmH Model Duo-Discus Gliders [Docket No. 2003–CE–33–AD; Amendment 39–13282; AD 2003–16–51] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4511. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –145 Series Airplanes [Docket No. 2002–NM–88–AD; Amendment 39–13189; AD2003–12–04] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4512. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Dynamics (Convair) Model P4Y–2 Airplanes, General Dynamics (Consolidated-Vultee) (Army) Model LB–30 Airplanes, and General Dynamics (Consolidated) (Army) Model C–87A Airplanes [Docket No. 2003–NM–164–AD; Amendment 39–13292; AD 2003–18–01] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4513. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 369A, D, E, H, HE, HM, HS, F, and FF Helicopters; Correction [Docket No. 2003–SW–17–AD; Amendment 39–13215; AD 2003–08051] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4514. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 2002–NE–41–AD; Amendment 39–13258; AD 2003–16–05] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4515. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce RB211 Series Turbofan Engines; Correction [Docket No. 2000–NE–13–AD; Amendment 39–13200; AD 2003–12–15] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4516. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes [Docket No. 2000–CE–17–AD; Amendment 39–13279; AD 2003–17–05] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Piaggio Aero Industries S.p.A. Model p-180 Airplanes [Docket No. 2003–CE–30–AD; Amendment 39–13277; AD 2003–17–03] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4518. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters [Docket No. 2003–SW–34–AD; Amendment 39–13276; AD 2003–15–51] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4519. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211–535 [Docket No. 202–NE16–AD; Amendment 39–13290; AD 2003–17–15](RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4520. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with General Electric Model CF6–80C2 Series Engines [Docket No. 2002–NM–128–AD; Amendment 39–13269; AD 2003–16–16] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4521. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc., Model 600N Helicopters [Docket No. 2003–SW–04–AD; Amendment 39–13264; AD 2003–16–11] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4522. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems, Inc. Hub Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 [Docket No. 2003–NE–32–AD; Amendment 39–13285; AD 2003–17–10] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4523. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG Dart 528, 529, 529D, 531, 532, 535, 542, and 552 Series Turboprop Engines. [Docket No. 2003–NE–10–AD; Amendment 39–13286; AD 2003–17–11] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4524. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2003–NM–142–AD; Amendment 39–13272; AD 2003–16–19] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2003–NM–141–AD; Amendment 39–13262; AD 2003–16–09] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4526. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego (WSK) PZL–10W Turboshaft Engines [Docket No. 2003–NE–30–AD; Amendment 39–13295; AD 2003–18–04] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4527. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace Corning, IA [Docket No. FAA–2003–15727; Airspace Docket No. 03–ACE–69] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4528. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 155B, SA–365N and N1, AS–365N2, and AS 365 N3 Helicopters [Docket No. 2002–SW–53–AD; Amendment 39–13294; AD 2003–18–03] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4529. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarion, IA [Docket No. FAA–2003–15726; Airspace Docket No. 03–ACE–68] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4530. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Chariton, IA [Docket No. FAA–2003–15725; Airspace Docket No. 03–ACE–67] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4531. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Wichita Mid-Continent Airport, KS [Docket No. FAA–2003–15454; Airspace Docket No. 03–ACE–52] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4532. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Window Rock, AZ [Docket No. FAA–2003–15299; Airspace Docket No. 03–AWP–9] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002–NM–62–AD; Amendment 39–13246; AD 2003–15–04] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003–NE–03–AD; Amendment 39–13249; AD 2003–15–06] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly Allied Signal) Model RE220 (RJ) Auxiliary Power Units [Docket No. 2002–NE–42–AD; Amendment 39–13250; AD 2003–15–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal) Model RE220 (RJ) Auxiliary Power Units [Docket No. 2002–NE–42–AD; Amendment 39–13250; AD 2003–15–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–66–AD; Amendment 39–13248; AD 2003–15–05] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, and –400F Series Airplanes; and Model 747SR Series Airplanes [Docket No. 2001–NM–117–AD; Amendment 39–13261; AD 2003–16–08] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002–NM–16–AD; Amendment 39–13260; AD 2003–16–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with General Electric CF6–45 or CF6–50 Series Engines [Docket No. 2001–NM–232–AD; Amendment 39–13259; AD 2003–16–06] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2003–SW–33–AD; Amendment 39–13255; AD 2003–14–51] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket

No. 2002–NE–41–AD; Amendment 39–13258; AD 2003–16–05] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2003–NE–28–AD; Amendment 39–13252; AD 2003–15–09] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines [Docket No. 2001–NE–34–AD; Amendment 39–13257; AD 2003–16–04] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines [Docket No. 94–ANE–08–AD; Amendment 39–13256; AD 2003–16–03] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes [Docket No. 2003–NM–144–AD; Amendment 39–13254; AD 2003–16–02] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes [Docket No. 2001–NM–357–AD; Amendment 39–13253; AD 2003–16–01] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4548. A letter from the Chairman, International Trade Commission, transmitting pursuant to section 204(a)(2) of the Trade Act of 1974, a report on Investigation No. TA–204–9 entitled, "Steel, Monitoring Developments in the Domestic Industry," and a report on Investigation No. 332–452 entitled, "Steel-Consuming Industries: Competitive Conditions With Respect to Steel Safeguard Measures"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Resolution 364. Resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq; adversely (Rept. 108–289, Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 383. Resolution waiving points of order against the conference report to accompany the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–290). Referred to the House Calendar.

Mr. OXLEY: Committee of Conference. Conference report on H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes (Rept. 108–291). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIAHRT (for himself, Mr. Ryun of Kansas, and Mr. Otter):

H.R. 3213. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. Delahunt, Mr. LaHood, Mr. Conyers, Mr. Coble, Mr. Scott of Virginia, Mr. Green of Wisconsin, Mr. Weiner, Mr. Schiff, Mr. Hyde, Mr. Cannon, Mr. Chabot, Mr. Smith of Texas, Mr. Bachus, Mr. Carter, Mr. Feeney, Mr. Forbes, Mr. Gallegly, Mr. Goodlatte, Ms. Hart, Ms. Jackson-Lee of Texas, Mr. Jenkins, Mr. Keller, Mr. King of Iowa, Ms. Lofgren, Mr. Meehan, Mr. Pence, Ms. Waters, Mr. Watt, Mr. Wexler, Ms. Pryce of Ohio, Mr. Abercrombie, Mr. Bass, Mr. Berman, Mr. Blumenauer, Mr. Boehner, Mr. Brown of Ohio, Mr. Calvert, Mr. Camp, Mr. Case, Mr. Capuano, Mrs. Christensen, Mr. Crowley, Mr. Cummings, Mr. Dooley of California, Mr. Emanuel, Mr. Engel, Mr. English, Mr. Evans, Mr. Farr, Mr. Filner, Mr. Gephardt, Mr. Gibbons, Mr. Gilchrest, Mr. Greenwood, Mr. Hoeffel, Mr. Hill, Mr. Hinchey, Mr. Holden, Mr. Holt, Mr. Jackson of Illinois, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. King of New York, Mrs. Maloney, Ms. McCarthy of Missouri, Mr. McGovern, Mr. McInnis, Mr. McNulty, Mr. Oberstar, Mr. Olver, Mr. Petri, Mr. Quinn, Mr. Rodriguez, Mr. Rush, Mr. Sanders, Mr. Sandlin, Mr. Serrano, Mr. Sherman, Mr. Smith of Washington, Ms. Solis, Mr. Spratt, Mr. Stark, Mr. Strickland, Mrs. Tauscher, Mr. Udall of Colorado, Mr. Walsh, Mr. Wolf, Ms. Woolsey, Mr. Stupak, Ms. Velázquez, Ms. Carson of Indiana, Mr. Green of Texas, Mr. Nadler, Mrs. Napolitano, Mr. Shimkus, Ms. Corrine Brown of Florida, Mr. Langevin, Mr. Moran of Virginia, and Mr. McDermott):

H.R. 3214. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. Hall, Mr. Akin, Mr. Bachus, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Bishop of Utah, Mr. Blunt, Mr. Boozman, Mr. Brown of South Carolina, Mr. Burgess, Mr. Deal of Georgia, Mr. Flake, Mr. Fossella, Mr. Garrett of New Jersey, Mr. English, Mr. Gingrey, Mr. Goode, Ms. Hart, Mr. Hoekstra, Mr. Isakson, Mr. Istook, Mr. Kingston, Mr. LaTourette, Mr. Linder, Mr. Gary G. Miller of California, Mrs. Musgrave, Mrs. Myrick, Mr. Ney, Mr. Norwood, Mr. Oxley, Mr. Pearce, Mr. Peterson of Minnesota, Mr. Pitts, Mr. Platts, Mr. Putnam, Mr. Rogers of Michigan, Ms. Ros-Lehtinen, Mr. Ryun of Kansas, Mr. Schrock, Mr. Sensenbrenner, Mr. Shays, Mr. Shimkus, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Wamp, Mr. Wilson of South Carolina, and Mr. Wolf):

H.R. 3215. A bill to establish a commission on tax reform; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3216. A bill to amend title 10, United States Code, to allow a participant in the military Survivor Benefit Plan who has designated an insurable interest beneficiary under that plan to designate a new beneficiary upon the death of the previously designated beneficiary; to the Committee on Armed Services.

By Mr. BOYD:

H.R. 3217. A bill to provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes; to the Committee on Agriculture.

By Mr. FLAKE:

H.R. 3218. A bill to amend the Immigration and Nationality Act to clarify that willful failure to depart from the United States by an alien against whom a final order of removal is outstanding is a continuing criminal offense, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. Rohrabacher, and Mr. Gordon):

H.R. 3219. A bill to establish an independent committee to oversee the National

Aeronautics and Space Administration's Space Shuttle return-to-flight plans, and for other purposes; to the Committee on Science.

By Mr. GOODLATTE (for himself, Mr. Boucher, Mr. Boehner, Mr. Smith of Texas, Mr. Chabot, Mr. Forbes, Ms. Pryce of Ohio, Mr. Ramstad, Mr. Wilson of South Carolina, Mr. Tiberi, and Mr. Barrett of South Carolina):

H.R. 3220. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3221. A bill to amend the War Powers Resolution to require the President to include post-conflict strategy in the report required under the Resolution, and for other purposes; to the Committee on International Relations.

By Mrs. LOWEY (for herself and Mrs. Kelly):

H.R. 3222. A bill to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr. Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 3223. A bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. Cunningham, and Mr. Weldon of Pennsylvania):

H.R. 3224. A bill to provide for the issuance of the Office of the Secretary of Defense Exceptional Public Service Award to journalists who accompanied units of the United States Armed Forces or coalition partners into Iraq during Operation Iraqi Freedom, a process referred to as "embedding", in order to provide first-hand and timely reports on the progress of the United States and coalition forces and the liberation of the Iraqi people; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. Kleczka, and Mr. Peterson of Minnesota):

H.R. 3225. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Ways and Means.

By Mr. WEXLER (for himself and Mr. Honda):

H.R. 3226. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. McCOTTER (for himself, Mr. Camp, Mr. Rogers of Michigan, Mrs. Miller of Michigan, Mr. Hoekstra, Mr. Ehlers, Mr. Knollenberg, Mr. Upton, and Mr. Smith of Michigan):

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States deeming Presidential nominees to be appointed at the time of nomination subject to disapproval by the Senate within 120 days of receiving the nomination from the President; to the Committee on the Judiciary.

By Mr. DeFAZIO:

H. Con. Res. 290. Concurrent resolution urging that the United States file a complaint in the World Trade Organization against oil-producing countries for violating their obligations under the rules of that organization; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Mr. Honda, Mr. George Miller of California, Mr. Owens, Mr. Berman, Mr. Gutierrez, Ms. Schakowsky, Ms. Linda T. Sánchez of California, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Grijalva, Mr. Crowley, Mr. Serrano, Mr. McDermott, Mr. Reyes, Ms. Roybal-Allard, Ms. Norton, Mr. Rodriguez, Mr. Towns, Mr. Payne, Mr. Filner, Mr. Lewis of Georgia, Mr. Baca, Mr. Frost, Mr. Becerra, Ms. McCollum, Mr. Kildee, Mr. McGovern, Mr. McNulty, Mr. Hinchey, Ms. Baldwin, Mr. Wynn, and Ms. Loretta Sanchez of California):

H. Res. 384. A resolution supporting the goals of the Immigrant Workers Freedom Ride; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. Fossella, Mr. Royce, Mr. Sessions, Mr. Crowley, Mr. Evans, Mr. Tom Davis of Virginia, Mr. Rangel, Ms. Millender-McDonald, Mr. Blumenauer, Mr. Schiff, Mr. Kirk, and Mr. McNulty):

H. Res. 385. A resolution recognizing the 50th anniversary of the U.S.-R.O.K (South Korea) Mutual Defense Treaty as a momentous occasion and as an excellent opportunity to reaffirm a mutual commitment and to continue to deepen cooperation and friendship between the United States and the Republic of Korea; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD (for herself, Mr. Bishop of Georgia, Ms. Norton, and Mr. Wynn):

H. Res. 386. A resolution honoring the life and accomplishments of Althea Gibson, a pioneer who left an indelible mark on sports, breaking the color barrier in the sport of tennis in the 1950s and helping pave the way for future generations of black athletes; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mr. Moran of Kansas, Mr. Rangel, Mrs. Emerson, Mr. Frost, Mr. Shays, Mr. Dicks, Mr. Jones of North Carolina, Mr. Taylor of Mississippi, Mr. Baker, Mr. McNulty, Mr. Upton, Mr. Alexander, Ms. Berkley, Mr. Brown of Ohio, Mrs. Capps, Mr. Cardoza, Mr. Clay, Mr. Crowley, Mr. Doyle, Mr. Emanuel, Mr. Ford, Mr. Green of Texas, Mr. Gutierrez, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, Mr. King of New York, Mr. Kucinich, Ms. Lee, Mr. Lucas of Kentucky, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. Meehan, Mr. Meek of Florida, Mr. Nadler, Mr. Ose, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Pomeroy, Mr. Sandlin, Mr. Schiff, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Smith of Washington, Mrs. Jones of Ohio, Mr. Turner of Texas, Mr. Udall of New Mexico, and Mr. Wamp):

H. Res. 387. A resolution expressing the sense of the House of Representatives that the Rest and Recuperation Leave program for members of the Armed Forces serving in combat zones in support of Operation Iraqi Freedom or Operation Enduring Freedom should cover all travel and transportation costs necessary to return members of the Armed Forces granted such leave to their homes located throughout the United States; to the Committee on Armed Services.

By Mr. RYUN of Kansas:

H. Res. 388. A resolution expressing the sense of the House of Representatives that "Put the Brakes on Fatalities Day" should be established; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of September 30, 2003]

H.R. 31: Mr. Gordon.

H.R. 218: Mr. Hensarling.

H.R. 284: Mr. Burgess.

H.R. 290: Mr. Gutierrez, Mr. Porter, Mr. Tierney, and Mr. Berry.

H.R. 303: Mr. Becerra, Mr. Berman, Ms. Eddie Bernice Johnson of Texas, and Ms. Majette.

H.R. 324: Mr. Bradley of New Hampshire.

H.R. 331: Mr. Honda.

H.R. 339: Mr. Garrett of New Jersey.

H.R. 348: Mr. Leach.

H.R. 391: Mr. Jenkins.

H.R. 401: Mr. Greenwood.

H.R. 466: Ms. DeGette.

H.R. 490: Mr. Leach.

H.R. 571: Mr. Green of Texas, Mr. Cannon, Mr. Vitter, and Mr. Jones of North Carolina.

H.R. 594: Mr. Bilirakis, Mr. Faleomavaega, Mr. Turner of Ohio, and Mr. Boozman.

H.R. 713: Mr. Stark.

H.R. 728: Mr. Rogers of Michigan, Mrs. Musgrave, Mr. Ney, and Mr. Jones of North Carolina.

H.R. 742: Mr. Wynn, Mr. Lewis of Georgia, and Mr. Honda.

H.R. 806: Mr. Boehlert.

H.R. 819: Mr. Case.

H.R. 852: Ms. Baldwin, Mr. Doggett, Mr. Sabo, Mr. Honda, and Ms. Kilpatrick.

H.R. 857: Mrs. Davis of California, Mr. Stark, Mr. Gutierrez, Mr. Farr, Mrs. Tauscher, and Mr. Wexler.

H.R. 869: Mr. Boehlert.

H.R. 876: Mr. Wamp, Mr. Blumenauer, and Mr. Gibbons.

H.R. 936: Mr. Towns.

H.R. 1070: Mr. Price of North Carolina.

H.R. 1093: Mr. Kildee, Mr. Jefferson, and Ms. Norton.

H.R. 1117: Mrs. Jo Ann Davis of Virginia.

H.R. 1125: Ms. Lee.

H.R. 1155: Mr. Olver, Mr. Cummings, Mr. Jenkins, Mr. Filner, Mr. Rogers of Michigan, and Mr. Miller of North Carolina.

H.R. 1157: Mr. Kennedy of Rhode Island.

H.R. 1196: Ms. Norton.

H.R. 1212: Mr. Van Hollen and Mr. Holden.

H.R. 1220: Mr. Knollenberg and Mrs. Bono.

H.R. 1229: Mr. Kingston.

H.R. 1260: Mr. Goodlatte.

H.R. 1285: Mr. Scott of Virginia.

H.R. 1301: Mrs. Musgrave.

H.R. 1345: Mr. Van Hollen and Mr. Rothman.

H.R. 1359: Mr. Payne.

H.R. 1367: Mr. Latham.

H.R. 1425: Mr. Sanders.

H.R. 1508: Ms. Roybal-Allard and Mrs. Lowey.

H.R. 1581: Mr. Porter.

H.R. 1633: Mr. Israel, Mr. Hinojosa, and Mr. Payne.

H.R. 1675: Mr. Rehberg.

H.R. 1708: Mr. Hobson.

H.R. 1738: Mr. Gordon and Ms. McCollum.

H.R. 1749: Mr. Chocola, Mr. McGovern, Mr. Janklow, Mr. Hayes, Mr. Brown of South Carolina, and Mr. Fossella.

H.R. 1755: Mr. EVERETT.

H.R. 1764: Ms. CARSON of Indiana, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. KING of New York, and Mr. TIERNEY.

H.R. 1776: Mr. MEEKS of New York.

H.R. 1828: Mr. GARY G. MILLER of California and Mr. PETRI.

H.R. 1861: Mr. KENNEDY of Rhode Island and Mr. TIERNEY.

H.R. 1874: Mr. HINOJOSA.

H.R. 1914: Mr. ACKERMAN, Mr. EHLERS, Mr. FOSSELLA, Mr. HEFLEY, Mr. HOYER, Mrs. MUSGRAVE, Mr. ROGERS of Michigan, Mr. SMITH of Michigan, Mr. TAUZIN, Ms. WATERS, and Mr. MCCOTTER.

H.R. 1943: Mr. BLUNT.

H.R. 1958: Mr. VAN HOLLEN.

H.R. 1994: Mrs. CAPPS.

H.R. 1999: Mr. ANDREWS.

H.R. 2045: Mr. BISHOP of Utah, Mr. SANDLIN, Mr. BONILLA, Mr. RENZI, Mr. JENKINS, Mr. POMBO, Mr. LUCAS of Oklahoma, Mr. DEAL of Georgia, and Mr. CUNNINGHAM.

H.R. 2047: Mr. WELLER.

H.R. 2094: Mr. CANNON, Mr. VITTER, Mrs. MUSGRAVE, Mr. PORTER, and Mr. OTTER.

H.R. 2181: Mr. RYAN of Wisconsin.

H.R. 2202: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2218: Mr. ISTOOK and Mr. ROGERS of Michigan.

H.R. 2347: Mr. CHOCOLA and Mr. TOOMEY.

H.R. 2369: Mr. FROST.

H.R. 2379: Mr. BOUCHER.

H.R. 2404: Ms. CORRINE BROWN of Florida.

H.R. 2418: Mr. CUMMINGS.

H.R. 2475: Mr. SHUSTER.

H.R. 2511: Mr. THOMPSON of California, Mr. RUPPERBERGER, Mr. JONES of North Carolina, and Mr. VAN HOLLEN.

H.R. 2512: Mrs. KELLY.

H.R. 2521: Mr. SANDERS.

H.R. 2538: Mr. KELLER and Mr. MILLER of Florida.

H.R. 2540: Ms. LINDA T. SÁNCHEZ of California and Mr. GUTKNECHT.

H.R. 2571: Mr. SMITH of Michigan.

H.R. 2574: Mr. HONDA and Mr. SABO.

H.R. 2582: Mr. EMANUEL and Mr. SPRATT.

H.R. 2585: Mr. MCGOVERN.

H.R. 2602: Mr. CANNON and Mr. GIBBONS.

H.R. 2625: Mrs. MCCARTHY of New York, Mr. NADLER, and Mr. MILLER of North Carolina.

H.R. 2640: Mr. CASE.

H.R. 2671: Mrs. KELLY and Mr. TOOMEY.

H.R. 2685: Mr. MCNULTY, Mr. FALEOMAVAEGA, Mr. EMANUEL, and Mr. BALLANCE.

H.R. 2705: Mr. BISHOP of New York.

H.R. 2732: Mr. NEY.

H.R. 2768: Ms. DEGETTE, Mr. CLAY, and Mr. LARSON of Connecticut.

H.R. 2801: Mr. CARDIN, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, and Mr. CLAY.

H.R. 2816: Ms. LINDA T. SÁNCHEZ of California, Mr. SANDLIN, Mrs. CHRISTENSEN, Mr. ISRAEL, Mrs. MALONEY, Ms. BORDALLO, Mr. CASE, Mr. FROST, and Mr. BOUCHER.

H.R. 2821: Mr. MCNULTY, Ms. LOFGREN, Mr. WALSH Mr. GORDON, and Mr. PAYNE.

H.R. 2823: Mr. TIAHRT.

H.R. 2828: Ms. LORETTA SANCHEZ of California.

H.R. 2837: Mr. VAN HOLLEN.

H.R. 2849: Mr. FRELINGHUYSEN, Mr. HYDE, and Mrs. MYRICK.

H.R. 2852: Mr. AKIN, Mr. LATHAM, Mr. MARSHALL, and Mr. DEMINT.

H.R. 2891: Mr. ISRAEL, Mr. CUMMINGS, Mr. MCDERMOTT, Ms. NORTON, and Mr. BISHOP of Georgia.

H.R. 2908: Mr. GRIJALVA and Mr. HINCHEY.

H.R. 2932: Mr. LEVIN, Mrs. MALONEY, and Ms. WOOLSEY.

H.R. 2954: Mr. SHAYS.

H.R. 2990: Mr. HOBSON, Mr. FROST, and Mr. DREIER.

H.R. 2998: Mr. FLETCHER, Ms. HOOLEY of Oregon, Ms. HARRIS, Mr. HOYER, Mr. SMITH of New Jersey, Mr. GINGREY, Mr. DEAL of Georgia, Mr. CLAY, Mr. NORWOOD, Mrs. CAPPS, Mr. CHABOT, Mr. DEMINT, Mr. UDALL of Colorado, and Mr. GUTKNECHT.

H.R. 3002: Mr. BACHUS and Mr. OTTER.

H.R. 3004: Ms. WOOLSEY.

H.R. 3012: Mr. QUINN and Mr. BOEHLERT.

H.R. 3022: Mr. EMANUEL and Mr. GRIJALVA.

H.R. 3023: Ms. MCCOLLUM, Mr. MCDERMOTT, and Mr. STUPAK.

H.R. 3035: Mr. MCHUGH.

H.R. 3049: Mr. BAIRD, Mr. SPRATT, and Mr. BISHOP of Georgia.

H.R. 3051: Mrs. MALONEY, Mr. GOODE, and Mr. BROWN of Ohio.

H.R. 3052: Mr. HAYWORTH and Mrs. MYRICK.

H.R. 3053: Mr. RYAN of Ohio, Ms. WOOLSEY, and Mr. PRICE of North Carolina.

H.R. 3058: Mr. WELDON of Pennsylvania, Mr. BAKER, Mr. BURTON of Indiana, and Mr. GOODLATTE.

H.R. 3069: Mr. BISHOP of Utah and Mr. BURTON of Indiana.

H.R. 3092: Ms. DUNN, Mr. TIAHRT, Ms. LOFGREN, Mrs. WILSON of New Mexico, and Mr. PUTNAM.

H.R. 3099: Mr. GUTIERREZ, Ms. WOOLSEY, Ms. DEGETTE, Mr. SANDERS, Mr. DEUTSCH, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. FORD, and Mr. JEFFERSON.

H.R. 3104: Mr. THOMPSON of California, Mr. LANGEVIN, and Mr. COOPER.

H.R. 3119: Mr. SOUDER, Mr. BERRY, Mr. OBBORNE, Mr. BEREUTER, Mr. RYAN of Wisconsin, Mr. BAKER, Mr. JANKLOW, Mr. PETERSON of Minnesota, Mr. BEAUPREZ, Mr. GREEN of Wisconsin, Mr. HOBSON, Mr. CHOCOLA, and Mr. GUTKNECHT.

H.R. 3120: Mrs. JONES of Ohio and Mr. GEORGE MILLER of California.

H.R. 3125: Mr. KINGSTON and Mr. SIMPSON.

H.R. 3130: Mrs. MYRICK and Mr. BOEHNER.

H.R. 3133: Mr. OLVER, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. GILCHREST, Mr. VAN HOLLEN, and Mr. MCNULTY.

H.R. 3149: Mr. RYAN of Ohio.

H.R. 3166: Mr. TOWNS, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. WEINER, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY, Mr. QUINN, Mr. OWENS, Mr. ACKERMAN, Mr. NADLER, Mr. SERRANO, Mr. FOSSELLA, Mr. REYNOLDS, and Mrs. KELLY.

H.R. 3167: Mr. TOWNS, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. WEINER, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY, Mr. QUINN, Mr. OWENS, Mr. ACKERMAN, Mr. NADLER, Mr. SERRANO, Mr. FOSSELLA, Mr. REYNOLDS, and Mrs. KELLY.

H.R. 3171: Mr. GUTIERREZ.

H.R. 3189: Mr. WEXLER.

H.J. Res 56: Mr. BACHUS and Mr. MCCOTTER.

H.J. Res 62: Mr. MCGOVERN, Mr. BROWN of South Carolina and Mr. TIBERI.

H. Con. Res. 37: Mr. ISAKSON.

H. Con. Res. 50: Mr. DEAL of Georgia.

H. Con. Res. 218: Mr. HASTINGS of Florida and Mr. BISHOP of Georgia.

H. Con. Res. 247: Mr. WOLF.

H. Con. Res. 264: Mr. BOOZMAN.

H. Con. Res. 275: Mr. CLAY.

H. Con. Res. 280: Mr. OBERSTAR, Mr. OTTER, Mr. MOORE, Mr. SHIMKUS, Mrs. CHRISTENSEN, Mr. HAYWORTH, Mr. DUNCAN, Mr. TANNER, Mr. WILSON of South Carolina, Mrs. TAUSCHER, Mr. GREENWOOD, Mr. MATHESON, Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. BERRY, Mr. HOLDEN, Mr. FOLEY, Mr. CASE, Mr. PICKERING, Mr. PASCRELL, Mr. SHUSTER, Mr. CARTER, Mr. BOSWELL, Mr. BURTON OF INDIANA, MR. ALEXANDER, Mr. DOOLITTLE, Mr. HAYES, Mr. MCINNIS, Mr. SCOTT of Georgia, Mr. MCGOVERN, Mr. REHBERG, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. NEY, Mr. ISAKSON, Mr. PEARCE, Mr. GILCHREST, Mr. WICKER, and Mr. VITTER.

H. Con. Res. 282: Mr. FARR and Mr. MCCOTTER.

H. Con. Res. 285: Mr. BALLENGER, Mr. GOODLATTE, and Mrs. MYRICK.

H. Res. 42: Mr. WU.

H. Res. 103: Mr. BISHOP of New York, Mr. MURPHY, and Mr. GUTKNECHT.

H. Res. 362: Mr. BUYER and Mr. ENGLISH.

H. Res. 373: Mr. GORDON, Mr. UDALL of Colorado, Mr. FRANK of Massachsetts, Ms. SOLIS, Mr. MCNULTY, Ms. KILPATRICK, Mr. WALSH, Mr. LEVIN, and Mr. BLUMENAUER.

[Submitted October 1, 2003]

H.R. 20: Mr. CARSON of Oklahoma, Mr. GUTIERREZ, and Mr. LARSEN of Washington.

H.R. 31: Mr. SCHROCK.

H.R. 36: Mr. MILLER of Florida.

H.R. 110: Mrs. MUSGRAVE.

H.R. 135: Mr. KINGSTON.

H.R. 195: Mr. KENNEDY of Minnesota.

H.R. 251: Mr. FROST.

H.R. 303: Mr. BELL.

H.R. 594: Mr. ROGERS of Kentucky, Mr. KANJORSKI, Mr. FORD, and Mr. JACKSON of Illinois.

H.R. 645: Ms. SLAUGHTER, Mr. MORAN of Kansas, and Mr. COLE.

H.R. 664: Mr. MATSUI.

H.R. 857: Mr. GREEN of Wisconsin.

H.R. 920: Mr. PAYNE.

H.R. 930: Ms. HOOLEY of Oregon.

H.R. 936: Mr. BECERRA and Mrs. MALONEY.

H.R. 962: Mr. MICHAUD, Mr. ISRAEL, and Mr. CROWLEY.

H.R. 1057: Mr. STRICKLAND.

H.R. 1081: Mr. BARTLETT of Maryland and Mr. MICHAUD.

H.R. 1105: Mr. NEY.

H.R. 1136: Mr. CUMMINGS.

H.R. 1160: Mr. GALLEGLY and Ms. HOOLEY of Oregon.

H.R. 1177: Mr. HYDE.

H.R. 1236: Mr. MCHUGH.

H.R. 1322: Mr. SANDLIN, Mrs. LOWEY, Mr. EMANUEL, Mr. ISRAEL, and Mr. COSTELLO.

H.R. 1358: Mr. GREENWOOD.

H.R. 1381: Ms. MCCARTHY of Missouri and Mr. HOLT.

H.R. 1385: Mr. MCINTYRE, Mr. GREEN of Wisconsin, and Mr. BISHOP of New York.

H.R. 1422: Mr. TERRY.

H.R. 1532: Ms. ESHOO, Mr. CROWLEY, Mr. FROST, Mrs. KELLY, Mr. KILDEE, Mr. GUTIERREZ, Mr. RAMSTAD, and Mr. ENGEL.

H.R. 1547: Mr. KINGSTON and Mr. MILLER of Florida.

H.R. 1554: Mr. MICHAUD.

H.R. 1592: Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, and Mr. RODRIGUEZ.

H.R. 1622: Mrs. MUSGRAVE.

H.R. 1684: Mr. BACA, Ms. LEE, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. SMITH of Washington, Ms. PELOSI, Mr. ORTIZ, Mr. HOEFFEL, Mr. OSBORNE, and Mr. DEUTSCH.

H.R. 1692: Mr. PAYNE and Mr. FOLEY.

H.R. 1704: Ms. BERKLEY and Ms. HOOLEY of Oregon.

H.R. 1708: Mr. SNYDER.

H.R. 1742: Mr. BURGESS, Mr. HENSARLING, and Mr. NUNES.

H.R. 1749: Ms. BERKLEY and Mr. ROGERS of Kentucky.

H.R. 1778: Mr. BEAUPREZ.

H.R. 1793: Mr. COX, Mr. HOSTETTLER, and Mr. BLUNT.

H.R. 1819: Mr. UDALL of New Mexico.

H.R. 1905: Mr. MILLER of Florida.

H.R. 1910: Mr. SNYDER.

H.R. 1916: Mr. JOHN, Mr. NEY, and Mr. WALSH.

H.R. 1919: Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. HALL, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. RODRIGUEZ.

H.R. 1924: Mr. GRIJALVA, Mr. BAIRD, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Mr. FRANK of Massachusetts.

H.R. 1943: Mr. OXLEY.

H.R. 1983: Mr. FALEOMAVAEGA.

H.R. 2022: Mr. BEAUPREZ and Mr. PUTNAM.

H.R. 2133: Mr. HULSHOF.

H.R. 2154: Mr. FERGUSON.

H.R. 2203: Ms. ROYBAL-ALLARD and Mr. PAYNE.

H.R. 2214: Mr. TIAHRT.

H.R. 2224: Mr. GUTKNECHT.

H.R. 2232: Mr. CARSON of Oklahoma.

H.R. 2318: Mrs. LOWEY and Mr. JONES of North Carolina.

H.R. 2347: Mr. SHADEGG and Mr. GERLACH.

H.R. 2353: Mr. GUTIERREZ.

H.R. 2366: Mr. BALLANCE, Mrs. LOWEY, and Mr. DOOLEY of California.

H.R. 2371: Mr. FRANK of Massachusetts, Mr. WALSH, Mr. BLUMENAUER, Mr. HONDA, and Ms. WOOLSEY.

H.R. 2379: Mr. PUTNAM, Mrs. CAPPS and Mr. DAVIS of Tennessee.

H.R. 2404: Mr. CLYBURN.

H.R. 2515: Mrs. JONES of Ohio and Mr. CASE.

H.R. 2539: Ms. CORRINE BROWN of Florida and Mr. BISHOP of Georgia.

H.R. 2553: Mr. GUTIERREZ and Mr. HINOJOSA.

H.R. 2558: Mr. ENGLISH.

H.R. 2568: Mr. KIND.

H.R. 2632: Mr. TERRY.

H.R. 2637: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2700: Mr. ACEVEDO-VILÁ.

H.R. 2706: Mr. HONDA.

H.R. 2728: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.

H.R. 2729: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.

H.R. 2730: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.

H.R. 2731: Mr. AKIN, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.

H.R. 2732: Mr. TERRY.

H.R. 2733: Mrs. CUBIN, Mrs. WILSON of New Mexico, and Mr. MEEKS of New York.

H.R. 2743: Mr. DEMINT and Mr. BEAUPREZ.

H.R. 2759: Mr. GUTKNECHT.

H.R. 2823: Mr. MILLER of Florida.

H.R. 2849: Mr. MEEHAN and Mr. GIBBONS.

H.R. 2857: Mrs. WILSON of New Mexico, Ms. BALDWIN, and Mr. WELDON of Pennsylvania.

H.R. 2863: Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Mr. GOODE, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. CHOCOLA, Mr. TERRY, Mr. FILNER, Mr. NUSSLE, Mr. HOBSON, Mr. GRIJALVA, Mr. GREEN of Wisconsin, Mr. HOEKSTRA, Mr. FERGUSON and Mr. CROWLEY.

H.R. 2880: Mr. VAN HOLLEN.

H.R. 2911: Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. GUTIERREZ, Ms. KILPATRICK, Mrs. NAPOLITANO, Mr. HINCHEY, Mr. COSTELLO, Ms. ROYBAL-ALLARD, Mr. LANTOS, and Mr. LIPINSKI.

H.R. 2929: Mr. CALVERT.

H.R. 2932: Mr. KILDEE, Ms. KILPATRICK, and Mr. PAYNE.

H.R. 2952: Mr. MICHAUD, Mr. EVANS, Ms. BALDWIN, Mr. SABO, Mr. SANDERS, and Mr. STARK.

H.R. 3009: Mr. DEUTSCH, Mr. SHAW, and Mr. BERMAN.

H.R. 3015: Mr. BLUNT, Mr. FLETCHER, and Ms. DELAURO.

H.R. 3022: Mr. MCGOVERN.

H.R. 3053: Mr. NADLER.

H.R. 3084: Mrs. MALONEY.

H.R. 3085: Mr. REYES, Mr. SPRATT, and Mr. MENENDEZ.

H.R. 3099: Ms. WATSON.

H.R. 3104: Mr. MICHAUD.

H.R. 3108: Mr. MCKEON, Mr. BALLENGER, Mr. COLE, Mr. WILSON of South Carolina, and Mrs. BLACKBURN.

H.R. 3111: Mr. BLUMENAUER, Mr. PORTMAN, Ms. LEE, Mr. MCGOVERN, Mr. KILDEE, and Mr. MCDERMOTT.

H.R. 3119: Mr. JOHNSON of Illinois, Mr. TERRY, Ms. NORTON, Mr. MATHESON, Mr. BACHUS, Mr. ROGERS of Alabama, Mrs. JOHNSON of Connecticut, Mr. SIMPSON, Mrs. CAPITO, and Mr. BROWN of South Carolina.

H.R. 3122: Mr. QUINN

H.R. 3125: Mr. WAMP.

H.R. 3129: Mr. MCNULTY.

H.R. 3152: Mr. FROST, Ms. MILLENDER-MCDONALD, Mrs. MCCARTHY of New York, and Mr. HOLT.

H.R. 3157: Mr. WALSH.

H.R. 3160: Mr. GINGREY, Mr. FROST, and Mr. BURNS.

H.R. 3165: Ms. HARRIS.

H.R. 3166: Mr. MCHUGH, Mr. WALSH, Ms. VELÁZQUEZ, Mr. RANGEL, and Mr. SWEENEY.

H.R. 3167: Mr. MCHUGH, Mr. WALSH, Ms. VELÁZQUEZ, Mr. RANGEL, and Mr. SWEENEY.

H.R. 3184: Mr. GREEN of Wisconsin and Mr. TIERNEY.

H.R. 3190: Mr. TERRY.

H.R. 3197: Mr. REYES, Mr. FORBES, Mr. GREEN of Wisconsin, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. GRIJALVA, and Ms. CARSON of Indiana.

H.R. 3200: Ms. BORDALLO, Mr. TOWNS, Mr. BARTLETT of Maryland, Mr. POMEROY, Mr. KING of Iowa, and Mr. WICKER.

H.R. 3208: Mr. BRADLEY of New Hampshire, Mr. KING of Iowa, Mr. FORBES, Mr. BURGESS, Mr. JONES of North Carolina, Mr. DOOLEY of California, Mrs. KELLY, Mr. TANCREDO, Ms. HARRIS, Mr. DEFAZIO, Mr. OSE, and Ms. GINNY BROWN-WAITE of Florida.

H.J. Res. 70: Mr. COOPER.

H. Con. Res. 30: Mr. NUNES, Mr. TIERNEY, and Mr. OTTER.

H. Con. Res. 50: Mr. MILLER of Florida.

H. Con. Res. 87: Ms. WATSON.

H. Con. Res. 98: Mr. TANCREDO.

H. Con. Res. 106: Mr. WYNN, Mr. SAXTON, Mr. WEINER, Mr. NADLER, Mr. GOODE, Mr. WOLF, Mr. FALEOMAVAEGA, Mr. WEXLER, Mr. SHIMKUS, Mr. FOLEY, Mr. ENGEL, Mr. HINCHEY, Mr. GRIJALVA, Mr. BERMAN, Mr. STRICKLAND, Mr. DEUTSCH, Mr. LEVIN, Mr. MCNULTY, Mr. GARRETT of New Jersey, Ms. BERKLEY, Mrs. MALONEY, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. CANTOR, Mr. HOLDEN, Mr. NEY, Mr. OWENS, Mr. FROST, Mr. KINGSTON, Mr. CROWLEY, Mrs. LOWEY, Mr. SOUDER, Ms. KAPTUR, Mr. FILNER, Mr. MCHUGH, Mr. CANNON, Ms. HARMAN, Mr. GUTKNECHT, Mr. AKIN, Mr. SHADEGG, Mr. SCHROCK, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. BRADY of Texas, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. BEAUPREZ, Mr. CHOCOLA, Mr. NORWOOD, Ms. HART, Mr. NEUGEBAUER, Mr. WAXMAN, Mr. PENCE, Mr. BISHOP of Georgia, Mr. MCKEON, Mr. LEACH, Mr. SANDLIN, Mr. MICHAUD, Mr. ROSS, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Tennessee, Mr. SHAYS, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, and Mr. SCHIFF.

H. Con. Res. 247: Mr. UDALL of Colorado, Mr. MCGOVERN, Mr. KLECZKA, and Mr. MOORE.

H. Con. Res. 269: Mr. OWENS, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. FILNER, and Ms. WOOLSEY.

H. Con. Res. 271: Mr. WYNN, Mr. RUPPERSBERGER, and Mr. GILCHREST.

H. Con. Res. 280: Mr. GRAVES, Mr. WELDON of Florida, Mr. MCCOTTER, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. UDALL of Colorado, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. TOOMEY, Mr. BEAUPREZ, Mr. DAVIS of Tennessee, Mr. BURNS, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. BAIRD, and Mr. ROGERS of Kentucky.

H. Con. Res. 285: Mr. GREEN of Texas.

H. Res. 21: Mr. LEVIN.

H. Res. 198: Mr. BLUNT and Mr. NUNES.

H. Res. 254: Mr. EMANUEL.

H. Res. 268: Mr. RUPPERSBERGER.

H. Res. 320: Ms. WATSON.

H. Res. 378: Mr. ENGLISH Mr. HINCHEY, Mr. TERRY, and Mr. WALSH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 30, 2003]

H.R. 3193: Mr. PORTER.

[Submitted October 1, 2003]

H.R. 1078: Mr. MILLER of Florida.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF POINSETTIA SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Poinsettia School in Ventura, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Poinsettia School and two other schools in my district—Brookside School in Oak Park and Pinecrest School in Thousand Oaks—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Poinsettia School is an elementary school and is a model for the limitless educational potential when parents are involved in their children's education. More than 75 percent of the parents volunteer at the school. A new computer lab was funded by parental donations. Parental donations also pay for what is often considered "extras" at schools these days: a librarian, and music, art and physical education instructors.

Poinsettia parents recognize what President George W. Bush said about the importance of a full education: "From music and dance to painting and sculpting, the arts allow us to explore new worlds and to view life from another perspective. They also encourage individuals to sharpen their skills and abilities and to nurture their imagination and intellect."

Of course, when teachers and administrators see parents energized about their children's education, it energizes them as well.

I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Poinsettia Principal Cynthia Dillon, her entire staff, and the parents and students of Poinsettia for raising the bar and setting a strong example for others to follow.

REVEREND WON SANG LEE UPON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to pay tribute to Reverend Won Sang Lee as he retires after 26 years as the Senior Pastor of the Korean Central Presbyterian Church in Vienna, Virginia. He has taken a lead role in providing a spiritual center for the Korean-American community in the 11th district of Virginia.

Reverend Lee has demonstrated the importance of education with his extensive studies, which began at KeiMyung University in Korea where he received a Bachelor's degree in Philosophy. He went on to complete three Master's degrees, first in Philosophy from KyungBook University, Korea, next in Theology from Dallas Theological Seminary, and finally in Near Eastern Studies from the University of Pennsylvania. He was also awarded an Honorary Doctor of Philosophy from KeiMyung University, Korea.

During Reverend Lee's career, his focus has been community outreach, both local and international. The Reverend has made an impact globally by serving as the President of Seed International, which is a mission agency that provides support for missionary activities both home and abroad, and by holding a leadership position in the Korean World Mission Council for Christ.

On a national scale, Reverend Lee has served as the Moderator for the Coalition of the Korean Churches in the Presbyterian Church in America, and as Chairman of the Korean-American Food for the Hungry. Locally, Reverend Lee has been very involved in providing a bright future for children as Chairman of the Washington Youth Foundation. He also directed the Metro-Washington Council of Korean Churches as its President.

In November 2001, the Reverend's life long commitment to his fellow human beings was recognized when he received the Virginia Governor's Award for Outstanding Religious Institution. This award was granted in honor of his work in the Korean Central Senior Center, where he has served as the Chairman of the Board of Director's since 1994.

Mr. Speaker, in closing, I would like to applaud the efforts of Reverend Lee who has provided spiritual guidance to citizens all across the globe, and more importantly right here at home. I ask all my colleagues to join me in paying tribute to this great humanitarian.

HONORING COLONEL MICHAEL A. SHUPP, USMC

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to give my heartfelt congratulations to Colonel Michael A. Shupp, USMC on the occasion of his promotion to Colonel. Many of my fellow colleagues and I have had the distinct pleasure of knowing and working with Colonel Shupp for the last couple of years in his capacity as the Marine Corps Liaison to the House of Representatives.

Colonel Shupp was raised in Bethlehem, Pennsylvania. He attended the Virginia Military Institute and graduated with a Bachelors of Arts Degree in History. He completed the Airborne Course at Fort Benning, Georgia in 1979, and the Marine Officer's Candidate School at Quantico, Virginia, in 1980. He was commissioned a Second Lieutenant upon his graduation from VMI and entered the Marine Corps in May 1981.

In the more than twenty years since his original commissioning, Colonel Shupp has led a distinguished career in service to the Marine Corps and the country. In 1985, he reported to the United States Naval Academy, Annapolis, Maryland for duty as Southeast Regional Director of Candidate Affairs, Leadership Instructor, Brigade Drill and Ceremonies Officer, and as the Commanding Officer of the Ninth Company of the Brigade of Midshipmen. He was recognized for his performance by President Bush, Secretary of the Navy Webb, and selected by the Brigade of Midshipmen as an Honorary Graduate of the Naval Academy Class of 1989. His personal decorations include the Bronze Star with Combat "V" Distinguished Device, Meritorious Service Medal with gold stars in lieu of third award, Joint Service Commendation Medal, Navy-Marine Corps Commendation Medal, Navy-Marine Corps Achievement Medal, and the Combat Action Ribbon.

Colonel Shupp has been an outstanding representative of the Marine Corps to the Members and Staff of the House of Representatives. Colonel Shupp regularly accompanies Members on their official delegation trips abroad, and I often call on him for information and analysis of Defense issues.

I am exceptionally proud of Colonel Shupp's career accomplishments, however, I and many of my fellow Members are saddened that he will be leaving the Hill next spring to assume command of one of the most illustrious regiments in the Marine Corps, the 1st Marine Regiment based out of Camp Pendleton, California.

I sincerely wish Colonel Shupp, his wife Sherrye, and daughter Jessica all the best for a nice rest of their stay here in the nation's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

capital, and salute Colonel Shupp for his proud record of service to the Marine Corps and the country.

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF BROOKSIDE SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Brookside School in Oak Park, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Brookside School and two other schools in my district—Poinsettia School in Ventura and Pinecrest School in Thousand Oaks—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Brookside School is an elementary school whose teachers and administrators teach according to each child's ability. Principal Esther Winkelman and her staff recognize that a child who is strong in arithmetic may need extra help with reading. They teach according to those needs by grouping students of equal strengths in various subjects. Then, every six weeks the students are regrouped to keep them challenged.

Brookside also believes that teacher training is essential to a strong educational environment. And, Principal Winkelman has developed a culture where veteran teachers help novices increase their skills.

Mr. Speaker, I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. As ancient philosopher Epictetus noted, "Only the educated are free." Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Principal Winkelman, her entire staff, and the parents and students of Brookside for raising the bar and setting a strong example for others to follow.

RECOGNIZING JOANNE AMOS, PRESIDENT, REFLECTIONS PHOTOGRAPHY FOR 25 YEARS OF SUCCESS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to acknowledge the achievements of Joanne Amos, the President of Reflections Photography, as she celebrates 25 years in business.

Reflections, a photography firm that was founded in 1978 in Lexington, Kentucky, originally only catered to social events at nearby universities and the thoroughbred industry. Joanne Amos took the initiative to explore the possibility of expanding the business to begin covering political and corporate events. Since that decision, business has flourished and Reflections has risen to the top of the photography industry.

Over the years Reflections achieved many significant benchmarks, including serving as an official photographer for President Ronald Reagan's second inaugural ceremonies. Other major clients have included the National Governors Association, the U.S. Conference of Mayors, and the National Conference of State Legislatures. In addition, Reflections has been chosen to provide photographic coverage at every National Convention since 1984.

Reflections has grown to cover over 400 events a year, including proceedings with governors, members of Congress, and the administration. While much of their business is related to politics, they also boast a clientele list that includes a host of Fortune 500 companies and celebrities, such as the Washington Redskins, Sylvester Stallone, and even the Queen of England.

As the firm grew they opened an office in Washington, D.C. and in 1992 the headquarters was relocated here. Joanne Amos now resides in the 11th district of Virginia; from this base she will be providing event photography for the Bush-Cheney re-election campaign. This contract was won on the sheer quality of Reflection's reputation and will grant them the opportunity to show they can coordinate nationwide media coverage. Reflections will make full use of their extensive network of photographers and web-based technology to keep pace with the aggressive schedule set by the President's campaign.

Mr. Speaker, in closing, I want to applaud Joanne Amos on her outstanding guidance and leadership of Reflections photography. I call upon my colleagues to celebrate the success of this remarkable businesswoman and to wish Reflections Photography continued success.

A TRIBUTE TO FORMER MARYLAND CONGRESSMAN RICHARD E. LANKFORD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HOYER. Mr. Speaker, I would like to note the passing of one of my predecessors in representing the Fifth Congressional District of Maryland—Richard E. Lankford—who passed away at the age of 89 at his Easton home on September 22.

Born in Wilmington, Delaware, on July 22, 1914, Dick Lankford was raised on St. Paul Street in Baltimore's Guilford neighborhood. He earned a political science degree from the University of Virginia in 1937 and then received his law degree from the University of Maryland in 1940.

After being admitted to the Maryland Bar that same year, Dick practiced law in Annapolis, where later in life he worked as a tobacco and cattle farmer. However, his legal career was interrupted by World War Two, during which he served in the Navy as an intelligence officer in Europe.

After the war, Dick worked on the campaign of Governor William Preston Lane, Jr., and then in 1948 he entered public life himself when he was appointed to fill a vacancy in the Maryland House of Delegates. He won the election to retain that seat in 1950, and four years later he won election to this House of Representatives, defeating the incumbent, Republican Frank Small, Jr. Congressman Lankford was re-elected four times to the House of Representatives, serving 10 years in Congress, before deciding to retire in 1964.

Mr. Speaker, I vividly recall Congressman Lankford as my own Congressman when I was still completing my undergraduate studies at the University of Maryland in the early 60s. The old Fifth Congressional District, which I have been privileged to serve since 1981, then stretched all the way from South Baltimore to suburban Washington, and included industrial workers in the Curtis Bay area, tobacco farmers in Calvert County, Federal government employees in Prince George's County, and watermen in Charles County. It's a testament to Dick Lankford's ability that he successfully served constituents from such varied backgrounds and livelihoods.

In Congress, Dick Lankford worked hard to secure pay raises and to improve working conditions for Federal employees. He also was an early advocate for cleaning up Maryland's rivers and the Chesapeake Bay, as well as mass transit in the Baltimore-Washington areas. He also served with distinction on the Armed Services Committee.

I want to extend my sincere condolences to Dick's wife, Edna, as well as his daughter, Sallie, of Massachusetts, and son, Richard Jr., of Millington.

Dick Lankford was proud of his service in this House. He brought to his constituency and to our State energy and a commitment to his country that served all of them well. Today, we honor his service to the State of Maryland and these United States, and we affirm that it indeed will be remembered for many years to come.

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF PINECREST SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Pinecrest School in Thousand Oaks, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Pinecrest School and two other schools in my district—Poinsettia School in Ventura and Brookside School in Oak Park—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Pinecrest School is a private school that teaches preschool through middle school students. Its mission is "to provide a rich educational experience for the whole child" through academic basics and personal responsibility.

Led by Principal Jean Narbonne, the teachers and staff instill in each child the belief that they can be successful. They insist that every child realize his or her greatest potential. They also require parental involvement in their child's studies.

Mr. Speaker, as a father and grandfather—one of my children is now a schoolteacher—I am acutely aware that the most important tool we can give our children is a good education. As ancient philosopher Epictetus noted, "Only the educated are free." Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Principal Narbonne, her entire staff, and the parents and students of Pinecrest for raising the bar and setting a strong example for others to follow.

RECOGNITION OF THE LIFE OF MOTHER TERESA OF CALCUTTA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in recognition of the life of Mother Teresa of Calcutta who will be beatified by Pope John Paul II in Rome, on October 19 of this year. Mother Teresa was a heroic woman who was exceptional in her time on earth. We are all truly blessed in having been able to bear witness to the life and works of such an extraordinary woman. At 18 years of age Mother Teresa entered the convent, and from that point until her passing on September 5, 1997, she lived a selfless life. She is known mostly for her efforts with the destitute population of Calcutta, however, the hand of Mother Teresa extends much farther than the borders of India. Around the globe this remarkable woman served as a beacon for all that is good and pure in this world. She was the recipient of a host of awards; most notably, but not exclusive to, the Nobel Prize for Peace in 1979.

In the first week of September, six years ago, the world suffered an enormous blow. The woman who once said "there is joy in transcending self to serve others" was taken from us. In less than one month's time, this woman, who was the cornerstone for benevolence for the vast majority of the 20th century, will receive her immortality in the eyes of the Catholic Church. In light of her impending beatification for her life's work I would like to recognize and honor the memory of Mother Teresa of Calcutta.

STEVE YOUNG INDUCTED INTO THE LABOR HALL OF FAME

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. OXLEY. Mr. Speaker, I am honored today to pay tribute to the late Steve Young, former National President of the Fraternal Order of Police. Today, Steve was posthumously inducted into the Labor Hall of Fame for his tireless, dedicated service on behalf of law enforcement officers throughout the country.

Steve's 17 months as FOP president were the culmination of a distinguished career centered on protecting the rights of police officers and introducing new and innovative methods in law enforcement. Prior to his unanimous election as National President, Steve was FOP National Vice President for 4 years, and served as Ohio FOP President from 1988 to 1999. Steve died of pancreatic cancer on January 9.

Under Steve's leadership, the FOP developed a close and beneficial working relationship with the Bush Administration, laying the foundation for the smooth transfer of various law enforcement agencies to the new Department of Homeland Security. He worked directly with Labor Secretary Elaine Chao to secure a $2 million grant for a scholarship program for the spouses of officers killed in the line of duty. President Bush named Steve to his Homeland Security Advisory Council in 2002.

As a 26-year veteran of the Marion City Police Department in Marion, Ohio, Steve well understood the demands and responsibilities of law enforcement. He served the people of Marion with courage, honor, and distinction, earning the rank of lieutenant in 1997. He served as president of the Marion County FOP lodge in 1980 and 1981, and was honored with the title of President Emeritus in 2000.

Steve's induction into the Labor Hall of Fame today is a fitting tribute to an effective, well-respected voice in the law enforcement community. He joins a renowned group of Americans whose contributions have improved conditions for their fellow workers for generations. While nothing can take away the pain of losing a loved one, Steve's wife, Denise, and his sons, Steven and Staten, can take tremendous pride in his inclusion among this select group.

IN MEMORY OF ALTHEA GIBSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. RANGEL. Mr. Speaker, I rise today to commemorate a national hero: a woman who broke the color lines in tennis, pioneering in a sport which had closed its doors to people of color for many years. On September 28, 2003, Althea Gibson died, at the age of 76, at East Orange General Hospital in New Jersey.

Though unknown to many Americans, Althea Gibson paved the way for Black people in the sport of tennis, allowing athletes such as Venus and Serena Williams to reach their present level of prominence.

Althea Gibson was born in Silver, South Carolina, and soon moved to New York City's Harlem where she developed her love of the game. She won a series of tournaments for Black players, including the National Negro Girl's Championships in 1944 and 1945, which earned her great recognition. This acclaim persuaded officials at the U.S. National Tennis Championships, the precursor to the U.S. Open, to allow Ms. Gibson to compete in 1950. In participating in this preeminent tournament, Ms. Gibson became the first Black woman to desegregate professional tennis. The following year, she played in the Wimbledon tournament, but lost in the quarterfinals.

In 1955, Ms. Gibson joined the Goodwill Athletic tour, sponsored by the State Department and while touring in 1956, she became the first Black player to win French Championships. In the following year she won the singles and doubles championships at Wimbledon. In 1957 and 1958, Ms. Gibson returned to the U.S. National Tennis Championships, winning in both years and being named the Associated Press female athlete of the year each year, as well—the first Black woman to receive such an honor.

Due to racism, however, Althea Gibson was not able to acquire endorsements and tennis brought very little financial security. Ms. Gibson left the sport in the late 1950's and joined the Harlem Globetrotters Basketball Team tour, where she played exhibition tennis matches. After retiring from tennis, Althea Gibson took up competitive golf and desegregated the Ladies Professional Golf Association tour in the early 1960's. She settled in New Jersey, where she had several jobs from athletic commissioner to manager of the recreation department in the city of East Orange. Ms. Gibson wrote two autobiographies, "I Always Wanted To Be Somebody" (1958) and "So Much To Live For" (1968). With the death of Althea Gibson, America has lost one of its groundbreaking sports heroes; however, her memory and accomplishments will continue to live on.

TRIBUTE TO PORTER COUNTY COMMISSIONER LARRY SHEETS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. VISCLOSKY. Mr. Speaker, It is with great remorse that I rise today to pay tribute to Porter County Commissioner Larry Sheets, a special friend, a mentor and a very decent man. Larry passed away late Saturday evening at Northwestern Memorial Hospital in Chicago from a pulmonary infection acquired after undergoing a stem cell replacement to prevent the return of his leukemia. I knew Larry Sheets for many years and considered him a close personal friend. He was a good man with a good heart.

Larry was a man of true and outstanding character who loved his family, was loyal to his friends and was dedicated to making the lives of people he had never met better through politics. In all my years of association with him, I never once saw him do something that was mean or petty. He was a conciliator and a man of political courage. I always saw him place the public good before anything else when a decision had to be made. During an age of cynicism about those in public life, this alone is truly remarkable.

This has been a heartbreaking moment for all of us in Northwest Indiana, as Larry served Porter County very ably as a public official for 17 years. He was a fine public servant, a man who sincerely cared about his constituents, his fellow citizens and his civic responsibilities. Larry retired in 1999 after 34 years as a steel worker at Bethlehem Steel's Burns Harbor Plant and in 1982 won his first election as a Porter County Commissioner.

In the early 1980s, while working for the late Congressman Adam Benjamin, Jr., I had the privilege of first meeting Larry Sheets. Later, during my first bid for Congress in 1983, Larry was the first and one of only a few public officials to endorse me. At the time I was "nobody." Larry made me "somebody." Our friendship was extended to a shared passion. Along with my father, Larry, Bill Wallace and I would spend many fall Saturdays together in South Bend, Indiana, watching the Fighting Irish play football.

Although his work with the community put extraordinary demands on his time, Larry never limited the time he gave to his most important interest, his family. He and his gracious wife, Paula, have two terrific children: Amber and Larry Jr.

Mr. Speaker and my other distinguished colleagues, Larry Sheets was a wonderful man. We are going to miss him in Northwest Indiana. He represented the epitome of what a dedicated public servant should be, but seldom is, and for that he will always be remembered.

THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to commemorate the 43rd anniversary of the Independence of the Republic of Cyprus. On October 1, 1960, Cyprus became an independent republic after decades of British colonial rule.

Over the last decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Both countries gained their independence from Great Britain, and now each country celebrates the anniversary of that independence as their national holiday. More significantly, Cyprus and the United States share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under law.

The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus appreciate the leadership that America has shown in trying to end the division of Cyprus and bring about reunification. At the same time, the people of Cyprus stand with the American people and share in the firm resolve to uphold the ideals of freedom, justice and democracy threatened by the forces of international terrorism.

The government of Cyprus has pledged to cooperate fully with the Bush Administration in the battle against terrorism. Cypriots do not stand indifferent and passive in responding to heinous acts that target our sense of security, our civil liberties and our faith in the democratic process. Having achieved its independence after a bitter fight to uphold freedom and democracy, Cyprus understands that great determination and unity are needed in order to safeguard the treasured ideals we share.

As the Republic of Cyprus celebrates its 43rd Independence Day, I share the Cypriot's joy for having created a prosperous, open society based on solid foundations. Furthermore, I believe this is an opportunity for the United States of America and Cyprus to come closer together, as we stand united in our resolve to fight the battle on terrorism. As we move forward, I am confident that our friendship will continue well into the future.

A HAPPY 100TH BIRTHDAY TO ANGELA MARIE DARIA CARPINELLO OF CINCINNATI

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. CHABOT. Mr. Speaker, in honor of her 100th birthday, I would like to take a moment to recognize Angela Marie Daria Carpinello of Cincinnati, Ohio.

Angela was born in Cincinnati on September 28, 1903. She was the second of 14 children. She had nine brothers and five sisters. The family was raised in downtown Cincinnati. Angela's father was born in Letino, Italy and worked for the City of Cincinnati until he was accepted as a US Citizen at which point he began to work for the local phone company.

Angela met her husband, Nicola Carpinello in Cincinnati. Nicola worked at the Courthouse. Nick served in World War One and received a Silver Star and Purple Heart for his service to his country.

Nick and Angela purchased a home in Price Hill, a neighborhood of Cincinnati. While Nick worked at the Courthouse, Angela was busy raising her family. She loved to cook, clean, and care for her family and others around her.

Angela and "Nick" were married for 52 years. They have three children—Anthony, Malvina, and Evelyn. From these three children come the pride of Angela's life—her 24 grandchildren, 48 great-grandchildren, and seven great great grandchildren. To her family Angela is known as "Minnie". And, thankfully, Minnie is able to remember everyone's birthday, anniversary, and other special occasion. She has been truly blessed.

Angela often shares stories from her youth with her family. Her favorite stories include memories of the Great Flood of 1937, shopping at Shillito's with her oldest grandsons, going to God's Bible School with her siblings for Thanksgiving during the lean years, and her trip to Rhode Island to meet her husband's sister.

Angela had a few weaknesses in her life—stopping at bakeries, jewelry stores, and shopping at Gidding Jenny's. She was always well-dressed, treating herself to one new outfit per year. Angela made sure that she and Nick were always in style.

In Angela's 100 years, so much has happened, cars, buses, planes, mass communication, computers, the internet, fast food and she has taken advantage of them all. During the course of her life, Angela has traveled to Rhode Island and Florida.

Thank you, Angela, for your contributions over the past 100 years. From the United States House of Representatives, we would like to wish you a very happy 100th birthday and may God Bless you with many more.

ADMINISTRATION'S AMTRAK REFORM LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. OBERSTAR. Mr. Speaker, I join Chairman YOUNG in introducing, by request, the Administration's Amtrak "reform" legislation. It is a common practice for the Chairman and Ranking Member of a Committee to jointly introduce an Administration's bill, regardless of which political party controls the White House or Congress or the specifics of proposed legislation, and I do this as a courtesy to the Administration. However, introducing a bill "by request" should not be interpreted to imply endorsement. In fact, in the current instance, I am vehemently opposed to the direction the

Administration has chosen for intercity rail passenger service for our nation.

For nearly two years we have awaited the Administration's legislative proposal for the future direction of Amtrak. Time and again we have heard that the vision would be revealed "any day now." The Administration revealed the outline of its plan last year and now has given us the final product. It wasn't worth the wait.

The Administration's proposal is little more than a rehash of the widely discredited proposals of the Amtrak Reform Council (ARC): separate ownership of the Northeast Corridor infrastructure from operations; allow entities other than Amtrak to compete for franchises to operate service over potentially profitable routes; and replace the current national network with regional systems that shift the costs to the states. These are all ideas promoted by the ARC. The bill would also phase out Federal operating support for all intercity passenger trains over a four-year period. As a result, the proposal would eliminate nearly all long-distance train service by the end of the third year.

The bill places numerous restrictions on Amtrak management's discretion in running the Corporation—it even forbids Amtrak from using authorized funds for developing high-speed passenger train service. In short, Amtrak is to have no future. In addition, this bill also makes it clear that the Administration believes that labor is a large part of Amtrak's problem. The bill requires that Amtrak negotiate substantial operating cost reductions with its employees as the price of receiving its Federal operating grant.

The Administration is apparently placing its trust in the magic of privatization and decentralization to solve Amtrak's problems. These changes were at the heart of the ARC proposals. Those proposals missed the point when they were advanced more than 1½ years ago, and time has not transformed them into valid solutions.

Amtrak's problem has one root cause: money! From the outset back in 1971, the Corporation has been on a starvation diet. Its opponents insinuate that successive Amtrak managements have somehow conspired to misappropriate funds and not run a profitable operation. The truth is that a succession of hardworking and dedicated management teams could not do the impossible—that is, operate intercity rail passenger service in America and generate an accounting profit. Even under more favorable conditions, no nation in the world has operated intercity passenger trains profitably. But many in Congress have insisted on the impossible, and Amtrak's previous leaders have tried to demonstrate progress toward this illusive and ill-advised goal.

Now we have new leadership at Amtrak, and this Amtrak team has abandoned the long-standing defensive practice of telling Congress what Congress wants to hear. Amtrak's new President, David Gunn, has told Congress what is needed if we want to have decent and reliable intercity passenger rail service in this nation, and he says that this can be achieved without the dismantling of Amtrak as suggested by the Administration's legislative proposal. We should heed his advice and give him and his team a chance.

President Bush has begun naming a new Board of Directors, as well. I have met with the new Chairman, David Laney and he, too, is impressed by the efforts of David Gunn and his management team and their successes to date.

Therefore, while I join in introducing this bill as a traditional courtesy to the Administration, I want to be clear that I support none of its initiatives. I strongly support both H.R. 2572, the Amtrak Reauthorization Act of 2003, and H.R. 2571, the Rail Infrastructure Development and Expansion Act for the 21st Century (RIDE 21), recently reported with near unanimity by the Committee on Transportation and Infrastructure. I am hopeful that the House will soon consider this bipartisan legislation and begin to provide the necessary investment for our nation's intercity passenger rail system.

TRIBUTE TO PRIVATE EVAN O'NEILL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to United States Army, Private First Class, Evan O'Neill, who died on Monday, September 29, 2003, in service to his country.

Nineteen-year-old Evan O'Neill was a resident of Haverhill, Massachusetts, in my Fifth Congressional District. Evan graduated in 2002 from the Whittier Vocational Technical High School, where he studied auto mechanics.

Evan was a member of the 10th Mountain Division, based out of Fort Drum, and was in his third month of deployment in Afghanistan.

Evan O'Neill comes from a military family that is proud of their son's service to the United States. Evan's father, Michael, a lieutenant with the Andover, Massachusetts Fire Department, was a Vietnam veteran wounded twice, receiving two Purple Hearts and the Bronze Star for his service. Michael O'Neill was as proud as any of the parents of our servicemen and women when he pinned his silver Airborne wings on his son at Fort Benning, Georgia, after Evan successfully completed his fifth and final jump. Evan had wanted to follow in his father's footsteps by someday becoming a paratrooper. His parents were fortunate enough to have had a satellite telephone conversation with their son, just hours before his untimely death.

Evan suffered multiple gunshot wounds during a firefight with suspected Taliban militia, near a coalition base at Shkin, just a few miles from the Pakistan border, an area that still continues to see violent conflicts. Two of O'Neill's comrades were also wounded in the attack.

Evan's death is a grim reminder to us all that while our brave troops continue their battle to rebuild a peaceful Iraq, war is still being waged thousands of miles away, in Afghanistan, where our country's 'war against terrorism began 2 years ago. More than 11,000 coalition troops remain deployed in the hunt for Taliban members, as well as remnants of al-Qaeda.

I visited Afghanistan last year, and I know that our troops who continue to serve there remain committed to stabilizing that nation and ridding that country of the Taliban rebels, the likes of who executed the attack on our country on September 11th, 2001. Evan had told his family that he wanted not only to serve his country in our military, but also to honor the losses paid by the firefighters and police officers who died in the attack on our nation.

Evan, like many other soldiers who have answered their nation's call to service, paid the ultimate sacrifice in defense of our freedom and liberty.

Evan O'Neill was a loving son, brother, and fiancé, and his commitment to his Nation and his family is one for which he will be forever remembered. His family knows that Evan's dedication to his service was of great value to him.

Both Michael and his wife, Barbara, believe their son died a hero. They are correct. U.S. Army PFC Evan O'Neill served his family, his hometown, and his country, proudly and faithfully.

RECOGNIZING CONGRESSIONAL STAFF MEMBER JARED KUTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Kutz, a dedicated, loyal, funny, out-going and important member of my Liberty district office.

Jared has served in both my St. Joseph and Liberty offices for the last two years. As a constituent liaison he visited the northernmost counties of my district. His work keeping in touch with the people and the concerns of the sixth district was invaluable to me and my office.

Jared's easygoing style will be missed by my staff and all sixth district constituents who came in contact with him. Never in his tenure did he have a bad word to say about anyone. His outgoing and down to earth style ensured that he was never among strangers. He represents the very best of what a congressional staffer should be.

I know Jared very well from our many trips across the district together. He has worked long hours and sacrificed many of his own priorities to help do the work of the people of the sixth district. I am proud and grateful of the work he did and will miss him dearly.

Mr. Speaker, I proudly ask you to join me in commending Jared Kutz for his many important contributions to me, Missouri's sixth district and the United States House of Representatives. I also ask that you join me in extending to him our very best wishes for continued success and happiness in all his future endeavors.

AMENDING THE WAR POWERS RESOLUTION OF 1973 TO REQUIRE REPORTING A POST-CONFLICT STRATEGY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HASTINGS of Florida. Mr. Speaker, on March 21, 2003, President Bush reported to Congress, "consistent with the *War Powers Resolution*," (emphasis added) as well as P.L. 102–1 and P.L. 107–243 and "pursuant to" his authority as Commander in Chief, that he had "directed U.S. Armed Forces, operating with other coalition forces, to commence operations on March 19, 2003, against Iraq."

While declaring the beginning of war with Iraq, the Bush administration neglected to prepare for its aftermath. At that time, he should have also delineated his post-conflict reconstruction strategy because winning the peace is often harder than fighting the war.

The United States should not have waited for the end of the war to begin planning Iraq's post-conflict reconstruction. "Conflicts today," retired four-star General Anthony Zinni has said, "cannot be divided into two separate phases, the shooting and the peacekeeping parts. The war plan for the combat and the aftermath has to be 'seamless.'"

Not having had a clear strategy to shape Iraq's political landscape at the outset of war has had negative implications for the success of the United States-led postwar efforts. From this failure by the Bush administration, we learned that the United States must have military and political strategies in hand before armed intervention.

To make sure that future presidents do not again fail to protect United States military personnel during post-conflict reconstruction involvement, the War Powers Resolution of 1973 should be expanded to demand a clear strategy for winning the war, as well as winning the peace. In its amended form, it will include a post-conflict reconstruction strategy in its list of required reports to Congress.

Successful post-conflict reconstruction does not begin the day after. It begins the day before.

THE CENTER FOR CIVIC EDUCATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. ORTIZ. Mr. Speaker, the Center for Civic Education of Los Angeles, California, is a leader in promoting civic education in the United States, and promoting democracy throughout the world. They regularly contribute to civic understanding in the United States through a presence in each Congressional District.

Their excellence in teaching citizens to appreciate and participate in their government took an international approach seven years ago through annual "Leaders Seminars" in the Center's Civitas Exchange Program. I am proud that the 2003 Civitas Exchange Program Leaders Seminar was co-hosted by the Federal Electoral Institute (IFE) of our friend and neighbor, Mexico.

IFE is an autonomous agency of the Mexican federal government responsible for organizing federal elections and promoting civic education. From September 25–30, 2003 the Center held the seventh annual Leaders Seminar of its Civitas Exchange Program in Mexico City, Mexico, providing an international forum on civic responsibility in maintaining democratic principals in government.

IFE and the Center for Civic Education have forged a partnership to adapt Project Citizen, a civic education program for middle school students, for use throughout the Mexican school system. At the Leaders Seminar, Mexican students who have studied democratic practices and principles (through the work of IFE and the Center) analyzed national and community problems for more than 150 delegates from some 34 countries and 30 states of the United States.

A remarkable number of entities cooperate to make the Civitas Exchange Program a leading cooperative project of civic education organizations in the United States and emerging and established democracies throughout the world. The Civitas Exchange Program is administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress. International assistance comes from the U.S. Department of State and the Agency for International Development (AID).

The Center for Civic Education centers their mission on Thomas Jefferson's philosophy on the safekeeping of democracy: "I know of no safe depository of the ultimate powers of society but the people themselves."

For all the work the Center for Civic Education does—domestically and internationally—to better prepare our children to participate in the democratic life of our nation, I ask my colleagues to join me in commending this organization for their work to make this country—and the world in which we live—a better place for the generations that will follow us.

CONGRATULATIONS TO THE HAPPY COUPLES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the first day in which residents of Cook County, Illinois will have the opportunity to register their domestic partnerships with the Bureau of Vital Records. This is an important first step towards full equality for gay, lesbian, bisexual, and transgender people and I am proud to stand in solidarity with them on this historic day.

This day does not just represent a political victory for the LGBT community or a day in which, finally, same sex partners will be able to obtain proof of their relationships in an effort to get health and other benefits. It is also a day when friends and family will come together to celebrate two people's love and commitment to each other. It is a day on which a couple who committed themselves to one another years ago can finally make it official.

I would like to recognize and congratulate a few of my friends and constituents who will be registering: Gary Cozette and Joe Lada, Brandon Neese and David Wick, Mary Morten and Willa Taylor, Jackie Kaplan and Ann Perkins, Kelly Cassidy and Alex Silets, Gail Morse and Lauren Verdich, Phil Burgess and Jim Nutter, Mark Ishaug and Micah Krohn, and Michael Bauer and Roger Simon.

It is my hope, however, that our progress will not stop here. It is my hope that one day all couples in all states and counties will have the opportunity to register their partnerships and receive all the legal benefits currently enjoyed by heterosexual married couples. No one should ever have to spend time convincing a doctor to be allowed to see her partner in her hospital bed. No one should ever again have to go without health insurance if his partner's employer provides it. No one should be separated from a life partner because immigration laws don't recognize the relationship.

So, congratulations to all the couples celebrating today. This is a major victory in the fight for equality and justice.

THE BEATIFICATION OF MOTHER TERESA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HYDE. Mr. Speaker, I believe that if God finds a person more useless than me, He will do even greater things through her because this work is His—Mother Teresa.

Pope John Paul II will beatify Mother Teresa of Calcutta on October 19, 2003. The ceremony will take place in Rome after the shortest beatification process in modern history, a testament to the remarkable life and spirit of Mother Teresa.

Born in Macedonia, Mother Teresa became a Roman Catholic nun in 1928, which brought her to India where she taught school while living in a convent in Calcutta. Surrounded by human suffering of staggering proportions, Mother Teresa was moved to extend her commitment beyond the classroom and convent and began her lifelong ministrations to the destitute, sick and dying. She selflessly dedicated her life to alleviating the pain and suffering of the poorest of the poor. Embracing the destitute in the spirit of love and sacrifice, she came to be known as the "Saint of the Gutters." Her good works inspired people throughout the world and from all walks of life to join her in caring for the poor and suffering, and inspired many young women to follow her in establishing a religious order, The Missionaries of Charity. Prior to Mother Teresa's death in 1997, The Missionaries of Charity had grown remarkably to 517 missions in more than 100 countries with 5,000 sisters in her order. The Missionaries of Charity have also produced the Fruit of Contemplative Brothers and Fathers: the lay missionaries and coworkers of Mother Teresa.

Mother Teresa saw the spirit of God in each human being, which led to her tireless efforts around the world, as her fame grew, on behalf of all human life. "Among the works that flowed from Mother Teresa's heart, one of the most important is the adoption movement" (the words of Pope John Paul II). She not only administered to the dying, she saved thousands of young lives. Later in her life, the spirit of human life moved her to minister to those afflicted with HIV/AIDS.

Though Roman Catholic, Mother Teresa's work embraced all persons regardless of religion, race or nationality. In turn, her work achieved international acceptance and appreciation, transcending religious and political boundaries. At her death, in recognition of her life's work serving its poor, its sick, and its dying, predominantly Hindu India accorded her state honors. Mother Teresa was an honorary American citizen, a recipient of the Nobel Peace Prize in 1979 and the Medal of Freedom in 1985. But above all, Mother Teresa was a loving, pious servant to the poor throughout the world.

Mother Teresa's life's work of relieving the suffering of the poor is carried on today by The Missionaries of Charity and by her example of a worldly life illuminated by divine grace. Her greatest contribution, however, may be her spiritual enrichment of us all.

SPACE SHUTTLE INDEPENDENT OVERSIGHT ACT OF 2003

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HALL. Mr. Speaker, today I am introducing the "Space Shuttle Independent Oversight Act of 2003", legislation that will help the Space Shuttle fly more safely once it resumes its operations.

As the Congress reviews the implications of the *Columbia* Shuttle accident for NASA's Space Shuttle program, we acknowledge the excellent report of the *Columbia* Accident Investigation Board (CAIB), chaired by Admiral Hal Gehman. Released six weeks ago, the CAIB report clearly laid out what NASA needs to do before the Space Shuttle can be safety returned to flight, probably within the next year. Equally importantly, the report contains many recommendations and observations on what NASA should do to keep the Shuttle flying safely over the remainder of its operational lifetime, which may extend another decade or more.

NASA has already put in place an external task force, co-chaired by Tom Stafford and Dick Covey, to oversee its implementation of the CAIB's "return-to-flight" recommendations—those recommendations that must be met before the next Shuttle launch. Over the coming months, the Congress will be monitoring the task force's assessment of NASA's plans closely to assure ourselves and the American public that the next flight is as safe as is humanly possible.

However, a long-term oversight problem remains. The Stafford-Covey task force will conclude its activities when the Shuttle resumes flying, or even earlier. Admiral Gehman has repeatedly registered his concern that once the Shuttle is flying again, there may be no effective oversight mechanism to ensure that NASA follows through on the long-term CAIB recommendations—those designed to keep the Shuttle flying safely over the next decade. I share his concern.

My bill will establish an external, independent, and technically competent committee to monitor NASA's implementation of the CAIB's recommendations. The committee will be selected and run by the National Academy of Sciences and the National Academy of Engineering and will provide its timely assessments to both the Congress and NASA. Following the 1986 loss of the Space Shuttle *Challenger*, the National Academies provided a similar function in overseeing the re-design of the Shuttle's solid rocket motors (SRM), as well as reviewing other post-*Challenger* Shuttle modifications. History shows that the National Academies served a vital role in providing high-quality, independent advice and assessments to NASA during that difficult time. They were tough—rejecting several redesigns and test plans before approving the final design—but they were fair, and there have been no problems with the SRMs since *Challenger*.

Why can't the Congressionally established Aerospace Safety Advisory Panel (ASAP) monitor the long-term CAIB recommendations? Because a week ago—on September 22—all nine ASAP members tendered their resignation, a distress signal that we in Congress should be taking very seriously. In interviews with the press, ASAP members have noted both their lack of independence from NASA and the discouraging fact that NASA has regularly dismissed the ASAP's safety recommendations. The oversight Committees, including the Science Committee, on which I serve as Ranking Member, need to get to the bottom of the ASAP situation. Perhaps the ASAP will need to be re-constituted legislatively to provide it with greater independence and resources.

At the same time, however, we need to establish a dedicated group that can effectively oversee NASA's implementation of the CAIB's longterm recommendations. I recognize that there may be many ways to reach this goal, and I call on the leaders of the relevant oversight Committees to convene hearings promptly to examine the various options. The strengths of my legislation are that it gives the Shuttle oversight group complete independence and it follows a model that has been proven to work effectively in the past. It also ties the oversight body to standing institutions—the National Academies—that can provide it with the support and stability it needs for the long run.

I offer this legislation with the goal of helping the NASA Administrator to promote safety in the human space flight program. I urge my colleagues to support the legislation and to speed its enactment into law.

TRIBUTE TO MARJORIE SELLERS DAY UPON HER RETIREMENT FROM ALABAMA COOPERATIVE EXTENSION SYSTEM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the long and distinguished career of Marjorie S. Day who blessed the First Congressional District of Alabama with 31 years of service and devotion. Marjorie committed her life to the betterment of young children through the many years she dedicated to 4–H youth programs in the State of Alabama. She blessed the 4–H program with her exceptional gift of warmth and sincerity.

Marjorie Day graduated from Auburn University in 1970 where she obtained a Bachelor's degree in Secondary Education. She continuously worked to further her education by participating in various courses and training programs. In 1985, she graduated from the University of Alabama with a Master's of Science in Home Economics, Food & Nutrition.

Before her involvement in 4–H programs, Marjorie's career began in the Conecuh County public school system in Evergreen, Alabama, as a vocational home economics teacher. Driven by a tireless passion for serving children, she began her 31 year journey with 4–H programs in 1972 in Heflin, Alabama. Here, Marjorie worked with 600 adoring young people from fifteen different 4–H clubs. In 1977, she moved to Mobile, Alabama, where she spent the next 25 years of her career working as a county agent for Alabama Cooperative Extension System of Mobile County. Here, her youth groups continued to expand until she eventually assumed responsibility for the entire 4–H program with the assistance of other agents.

Marjorie was recognized for her exceptional talent as the recipient of various awards and honors including a 25 Years of Service Award in 1998 and a 30 Years of Service in the Government of the United States of America Award in 2002. Marjorie's undying passion to help others is an irreplaceable gift that goes above and beyond any other. There is no doubt she holds a special gift of compassion that will truly be missed.

Marjorie will surely enjoy the well deserved time she now has to spend with family and loved ones. On behalf of a grateful community, I wish her the best of luck with all future endeavors.

RECOGNIZING OF THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. ANDREWS. Mr. Speaker. I rise before you today in recognition of the 43rd anniversary of the independence of the Republic of

Cyprus. On October 1, 1960, Cyprus broke free from 80 years of British colonial rule to become its own independent Republic. Despite the hardships that the people of Cyprus have had to endure over the past four decades, they now have one of the most vibrant economies in all of Europe, and remain committed to the core principles enshrined in the Cyprus Constitution that guarantee basic rights and freedoms to both Greek Cypriots and Turkish Cypriots.

Over the past year, the people of Cyprus have had much to celebrate. The Republic was formally admitted into the European Union, the so-called Green Line that separates the southern, government-controlled portion of the island from the northern occupied territory was partially opened so that Greek and Turkish Cypriots could explore the entirety of their homeland for the first time in nearly thirty years, and the Greek-Cypriots created and implemented a package of measures designed to assist their compatriots from the north in the areas of education, employment, healthcare, and trade.

However, despite each of these positive advancements in the divided Republic, reunification of the island has yet to occur. Due to the obdurate stance of the Turkish-Cypriot leader, Rauf Denktash, negotiations have stalled and the United Nations has ceased its efforts to bring the two sides to an agreement. At this crucial juncture, it is absolutely imperative that the United States government continues to show support for reunification of Cyprus. Fueled by international support, the Greek and Turkish Cypriots will continue their calls for reunification, and the Turkish and Turkish-Cypriot leadership may be persuaded to reconsider their positions.

In an effort to advance the peace process in Cyprus, I have introduced a bill, H. Res. 320, which calls for the removal of Turkish troops from the island. Reunification negotiations would be greatly facilitated by demilitarization of the area, as this current threat of violence is certainly not conducive to a peaceful process. I strongly urge each of my colleagues to cosponsor this important resolution. In addition, I ask that my colleagues join me in calling upon the Foreign Operations Appropriations subcommittee to work in conference to ensure that Cyprus receives funding at the $15 million level as it has in past fiscal years. US funding for Cyprus is used primarily for bicommunal programs that aim to encourage cooperation between the Greek and Turkish communities in Cyprus. The continuation of these worthwhile programs is absolutely essential to the reunification process, and, because of this, US funding is needed now more than ever.

As the citizens of the Republic of Cyprus celebrate the 43rd anniversary of their nation's independence, I remain hopeful that the coming year will bring further advancements towards the reunification that both Greek and Turkish Cypriots have desired for decades.

TRIBUTE TO THE FAMILY VISITOR PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding organization from my district. The Family Visitor Program of Glenwood Springs, Colorado works to promote healthy families by supporting parents of newborns. The program's caregivers go to new parents, giving them a helping hand and reminding them that they are not alone. The program has worked tirelessly to strengthen Colorado's families, and I am honored to recognize the Family Visitor Program here today.

The Family Visitor Program began in 1983 after a study by the University of Colorado found that parents of newborns were often located far away from their extended families. This separation contributes to a sense of isolation and loneliness, especially when planning and caring for a new baby. The program began sending caregivers to the homes of families of newborns and expectant mothers in order to combat these feelings of loneliness, and they have continued to do so for twenty years. Newborns that were visited in the early days of the program are now parents themselves and are utilizing the benefits of this program.

Mr. Speaker, the work done by the Family Visitor Program strengthens the very core of our community: the family. For twenty years, new parents have been able to turn to the program for guidance and support, and their children have been given the chance to begin life in a happier environment. For these reasons and for their hard work, I am honored to join with my colleagues in paying tribute to the Family Visitor Program here today.

A TRIBUTE TO FORMER REPRESENTATIVE TOM LEWIS OF FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SHAW. Mr. Speaker, I rise today as Chairman of the Florida delegation in honor of former Representative Tom Lewis, a dear and trusted friend and colleague for more than a decade. Tom recently passed away, and although his death is saddening, his life should be remembered with celebration. Tom was much more than just a Florida Republican representing the people of his state and his district, but Tom was a man of immense character and a firm believer in public service. In fact, much of Tom's life was spent protecting our great country from many different evils in a wide variety of ways.

Before Tom even thought of running for national office, he was a brave member of the Air Force of the United States. For 11 years Tom courageously and selflessly served his country in World War II and the Korean War. Wrapping up his tour of duty with the Air Force, Tom was assigned to Morrison Field in Florida, today known as Palm Beach International Airport. Becoming attached to Florida and the community, Tom and his wife, Marian, decided to stay and raise their family. Tom became chief of jet and rocket operations for Pratt and Whitney, supervising the company's work to make sure everything was up to both military and commercial standards. However, public service once again called and Tom started on what is a very impressive and influential journey that not only benefited his community and state, but his country as well.

From 1964 until 1971, Tom served as both a city councilman and mayor in North Palm Beach. He was elected to Florida's House of Representatives in 1972 and served eight years. In 1980, Tom ran successfully for the Florida Senate where he served for two years, and was recognized by his peers as the most effective first term senator. Then, in 1982, he ran successfully for a new congressional district, where he proudly served in Congress until his retirement in 1994. During his time in Congress, Tom served on the Science, Space, and Technology Committee where he wrote and passed the Air Safety Research Act requiring the FAA to establish new methods to detect aging aircraft defects and improve safety. He also passed legislation mandating a system of finding and correcting aircraft problems before they cause serious accidents.

When it appeared the U.S. Air Force was going to scrap the hurricane hunter reconnaissance program, Tom led the successful congressional charge to keep this vital program intact. As a result of this and other related priorities, the National Hurricane Conference named Tom Legislator of the Year.

Tom also served as a member of the Agriculture Committee where he was a leader in negotiating an agreement with Japan to open its markets to U.S. agricultural products, including Florida's beef and citrus. He was also a key member of the Florida delegation in working with the Office of the U.S. Trade Representative to negotiate an acceptable North American Free Trade Agreement between Mexico, Canada, and the U.S.

Never forgetting his military roots, Tom remained a friend to veterans the many years he served in Congress. His leadership and persistence ensured funding for a 400-bed Veterans hospital and nursing home in Palm Beach County. This facility opened in 1995 and serves 300,000 veterans in South Florida today.

Children were always a priority for Tom. As a way to help the thousands of school children who were watching the Challenger explosion as they were awaiting their first lesson in space, he created a program to involve them in naming the next orbiter. More than 70,000 children participated in the inter-disciplinary project sponsored by N.A.S.A., and ultimately led to the naming of the shuttle Endeavor. When Amtrak cancelled their contract, Tom successfully negotiated a new agreement with them to continue bringing more than 2,000 members of the Palm Beach County Safety Patrol members on their annual trip to the nation's capital.

Tom recognized early the transportation needs of south Florida. The work he started in the Florida legislature, and completed when he was elected to Congress, led to the completion of the "mission link" of I–95—creating safer traffic flow and better north-south evacuation. Using already committed I–75 right-of-way funds and other state and federal funds, Tom worked with then-Senator Lawton Chiles to add 160,000 acres of pristine marshland to the Big Cypress Preserve, contributing to the Everglades restoration.

There also exists a road in Florida, U.S. 27 that is a tiny, narrow, two-lane stretch of lane where more than 100 people were killed from 1982 through 1997. Tom and his wife Marian were instrumental in raising a reported $66 million to restore and renovate this deadly stretch of highway. The highway now bears the names of those two public servants, an honor bestowed on two of the most influential of Florida's public servants.

Tom was indeed a very close friend of mine, and my prayers go out to his family; his wife Marian, his three children, his seven grandchildren, and his one great-grandchild. Mr. Speaker, Tom Lewis will always have a place in the hearts of everyone he represented and his memory will no doubt live forever in the State of Florida.

H.R. 49, THE INTERNET TAX NONDISCRIMINATION ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise to share my concerns about H.R. 49, the Internet Tax Nondiscrimination Act. I support extending the moratorium on internet access taxes, but this legislation goes far beyond that. It will costs cities around the country millions of dollars. This bill could have a lasting impact on our states and localities ability to collect existing telecommunications taxes.

Illinois and Chicago do not charge internet access taxes, however, the bill's definition of "internet service" is so broad and open ended that it could prevent state and local governments from collect existing telecommunication taxes. I am afraid that localities and states will not be allowed to charge existing taxes on voice and fax transmissions that are bundled with internet service.

In the City of Chicago, for example, the expansion of the term "internet access" could mean millions of dollars in tax revenue annually; which is currently used to pay for first responders, education, and other essential services.

Declining federal support and the failed economic policies of the Bush Administration have placed an awful burden on states and localities across the country. In the past few years Chicago and Illinois have been forced to cut funding for essential services. This legislation could make a bad situation worse.

Extending the moratorium on internet access taxes is prudent public policy. Nonetheless, I am concerned that the bill's definition of "internet access" would have a detrimental impact on cities and states across the country. The rights of our states and localities to collect existing telecommunications should not be placed in jeopardy.

TRIBUTE TO MIKE COPP–

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I stand before you today to pay tribute to a remarkable citizen and civil servant from my district. Mike Copp of Glenwood Springs, Colorado recently announced his upcoming retirement as City Manager after twenty years of service. Mike has been a valuable citizen and public servant, and I would like to take this time to honor him and his two decades of hard work before this body of Congress and this nation here today.

Mike came to Glenwood Springs twenty years ago to fill the position of City Manager. Throughout his tenure, Mike has received numerous offers to manage larger cities, but he has chosen to stay put and continue to work in the city that he proudly calls home. Mike's shoes will not be easy to fill, and thankfully he has committed to stay on and help find and train his replacement. Mike has spearheaded many projects that have benefited the city over the years, and his leadership will be sorely missed.

Mr. Speaker, the position of city manager is not an easy one to fill and bears a tremendous amount of responsibility. Mike Copp did a wonderful job of meeting and exceeding those expectations. As he prepares for his future beyond public service, I would like to extend Mike my best wishes on whatever he chooses to pursue next. I thank him for his twenty years of service to the Glenwood community.

RECOGNIZING LAS MISIONES—PRESERVING SAN ANTONIO'S LIVING HISTORY WEEK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GONZALEZ. Mr. Speaker, next week Old Spanish Missions Inc. will launch the $15 million Las Misiones—Preserving San Antonio's Living History capital campaign. This campaign will provide critical funds to preserve and restore the San Antonio Missions. These missions are among the most important historical sites in America. Today I am paying tribute to this important campaign to keep the unique history and culture of San Antonio alive.

The King of Spain sent families to establish missions that became the heart of San Antonio. Though the missions were originally built to expand Spanish New World influence northward from Mexico, the missions' Franciscan Fathers have, throughout San Antonio's history, provided valuable charitable services and ministered the needs of the native people who were displaced by the settlements.

Each of the San Antonio Missions has its own story, which together comprise a significant part of the tumultuous and beautiful history of central Texas. Mission San José was used as a garrison during battles. Mission Concepción became the center of religious activity. Mission Espada is known for its unusually crooked archway—perhaps a mistake by the builder. Mission San Juan's rich farmlands made it a regional supplier of agricultural produce. At a time when our city is developing faster than ever, the Las Misiones campaign is preserving an important piece of our past, so the stories of the San Antonio Missions will not be forgotten.

Today I thank the Las Misiones Campaign for helping save these crown jewels of San Antonio by educating the public and raising funds to prevent their deterioration. Over 1.5 million people visit the San Antonio Missions each year and they have become San Antonio's third biggest tourist attraction. As President Lyndon B. Johnson once said, "If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it." To those of us who cherish the relics of the past, we should be indebted to the Las Misiones Campaign for their work to care for the buildings whose foundations were laid by our ancestors many years ago.

RELIGIOUS PERSECUTION OF ROMAN CATHOLICS IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. WOLF. Mr. Speaker, you may recall that on September 25, I shared with our colleagues that I have been meeting with a number of groups who have been working for years to document and bring to our attention the numerous abuses committed by the Chinese government upon its own people.

The Roman Catholic Church is one such group whose bishops, priests and congregations face continual harassment and persecution. I urge colleagues to read the following statement, provided by the Cardinal Kung Foundation, and hope that it will move them to action as it has moved me.

"IN THEIR OWN WORDS" STATEMENTS ON PERSECUTION OF THE UNDERGROUND ROMAN CATHOLIC CHURCH IN CHINA PROVIDED BY THE CARDINAL KUNG FOUNDATION

The promise of religious freedom in China is a false one. The Chinese government severely and systematically persecutes members of China's spiritual communities, including Roman Catholics, Protestants, Evangelical Christians, Tibetan Buddhists, Uighur Muslims, and members of the Falun Gong movement.

The Chinese government views religion as a threat to its power.

The Religious Affairs Bureau screens religious groups for official approval or disapproval; monitors membership in religious organizations; and controls locations of meetings, religious training, selection of religious hierarchy, publication of religious materials, and funding for religious activities. Those groups that defy the control of the Religious Affairs Bureau face severe consequences: mass campaigns, surprise raids, imposition of heavy fines, imprisonment, and torture.

The Chinese government officially permits only those Catholic churches affiliated with the CCPA. The Chinese Catholic congregations that continue to recognize the authority of the Pope constitute the Catholic underground in China.

The government considers the underground church illegal. Penalties for belonging to the underground Roman Catholic Church include exorbitant fines, imprisonment, house arrest, beatings, and labor camp internment.

Currently, every one of the underground Roman Catholic Church leaders is either in jail, under house arrest, under strict surveillance, or in hiding.

Bishop Su Zhimin, the underground Bishop of Baoding, Hebei was arrested in 1997 and has not been heard from since. His location and whether he is alive or dead remain unknown.

Bishop An Shuxin, the underground auxiliary Bishop of Baoding was arrested in March 1996 and is still in jail.

Bishop HaN Dingxiang, the underground Bishop of Yong Nian, Hebei was arrested in December 1999 and remains in jail.

Bishop ShI Enxiang, the underground Bishop of Yixian, Hebei was arrested on April 13, 2001 and is yet to be released.

Priests face similar harassment.

Fathers Pang, Ma, and Wang were arrested in July 2002 and were sentenced to three years in a labor camp for "disturbing the peace of society" under the "cult" law.

In March 2002 Father Ma Shunbao, 50, was arrested while he was offering Holy Mass on Easter Sunday and in March 2002 Father Wang Limao, 32, was arrested.

In December 2002, Father Pang Yongzing, 30, was arrested in his home.

Rev. Dong Yingmu, 37, an underground Roman Catholic priest serving the diocese of Baoding was kidnaped by the Chinese authorities during Christmas 2002 when he was on his way to offer a Holy Mass.

The abuses have continued, recently Father Lin Daoming of Fuzhou, Fujian was arrested in May 2003 when he returned home to visit his mother.

In June 2003 Father Lu Xiaozhou of Wenzhou, Zhejiang was arrested when he was preparing to administer the Sacrament of Anointing of the Sick to a dying Catholic.

In July Fathers Chen Guozhen, Kang Fuliang, Li Shujun, Pang Guangzhao, Joseph Yin of Baoding, Hebei were arrested while on their way to visit another underground priest, Father Lu Genjun, who was just released from labor camp after serving there for three years.

As figureheads for the church Roman Catholic Bishops and Priests are regularly harassed. However, their congregations are not exempt from state oppression.

On December 12, 2000, the Agency French Press reported that "authorities in eastern China have shut down, and in many cases blown up, 450 Catholic and Protestant churches, as well as Taoist and Buddhist temples." Many more churches have been destroyed since then.

Six Roman Catholics from Wenzhou and Zhejiang went to DongLu in Baoding, Hebei and were arrested May 2002. They were fined a total of $3,850 for the "illegal pilgrimage."

In July 2002, 31 underground Roman Catholics, 26 of whom were students under the age of 18, were arrested during a summer vacation catechism class in a private home.

The National Catholic register reported that "as many as 23,686 Christians have been arrested since 1983; 20,000 have been beaten; and 129 have been killed in an effort to stamp out the underground churches."

In January 1997, the Cardinal Kung Foundation published a secret Chinese government document titled "The Procedures Legally to Implement the Eradication of Illegal Activities/Operations of the Underground Catholic Church."

The above are but a few of the many examples of the harsh and ongoing persecution of underground Roman Catholic clergy and laypersons in China. The Cardinal Kung Foundation has documented many other instances and reported them in its press releases.

TRIBUTE TO GUY THOMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to a remarkable public servant from my district. Sergeant Guy Thoms of Pueblo, Colorado recently retired from the Pueblo Police Department after twenty-nine years of service, and I would like to take this opportunity to thank him for his many years of dedication to the citizens of Pueblo.

Guy embarked on his service to our country in the early 1970s when he enlisted in the United States Marine Corps. He later served as a police officer in New York in 1974 where Guy served on the SWAT team until he relocated to Colorado. In 1978, Guy joined the Pueblo Police Department in the patrol division, where his mettle was steadily rewarded with promotions. In 1990, Guy was made a Sergeant and focused his efforts on combating the growing threat posed by gang violence in the region.

Guy's altruistic spirit extended beyond his official duties as a police officer and could be witnessed in his generosity towards his fellow officers. He donated portions of his vacation time to officers who were in need of time off due to injury and illness. Guy also served on the Pueblo Police Pension Board for many years.

Mr. Speaker, it is difficult to say goodbye to such a dedicated officer as Guy Thoms, and his hard work and determination will certainly be missed. The city of Pueblo has greatly benefited from its quality police force, a force that owes much of its success to officers like Guy. I thank him for his years of service and wish him all the best in the future.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mrs. MALONEY. Mr. Speaker, I rise today in honor of the 43rd anniversary of the Republic of Cyprus. It was on this day in 1960 that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

This year, Cyprus' Independence Day occurs at a time of great hope for the people of Cyprus and significant advances in U.S.-Cyprus relations.

Since the last celebration of Cyprus Independence Day, Cyprus has experienced events of major historic importance. On April 16, 2003, Cyprus signed the Accession Treaty to the European Union at a special ceremony in Athens, Greece. Cyprus is slated officially to join the EU in May 2004.

Later this month, we will welcome a new Ambassador of Cyprus, Mr. Euripides Evriviades, a career diplomat with a distinguished record. He will succeed Ambassador Erato Kozakou-Marcoullis, who has left after five years of exemplary service during a remarkably eventful time for Cyprus and in our bilateral relations.

However, the commemoration of Cyprus' Independence Day this year, as in the past, is clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be illegally occupied by the Turkish military forces, in violation of UN Security Council resolutions.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

In fact, Cyprus was among the first nations to express its solidarity with the United States immediately following the September 11th terrorist attacks. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators and financiers of terrorism. For example, Cyprus has endorsed and implemented all resolutions and decisions of the U.N. Security Council, the EU and other International Organizations pertaining to the fight against terrorism.

Unfortunately, Cyprus is not without its own difficult history. 37 percent of this nation is still occupied by a hostile foreign power, and it has been for almost thirty years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Earlier this year, the Turkish occupation regime partially lifted restrictions on freedom of movement across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the UN ceasefire line to visit their homes and properties or areas of their own country that were inaccessible to them for nearly 30 years. The peaceful and cooperative spirit in the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots bodes well for the successful reunification of Cyprus.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The U.S. has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together celebrating democracy and freedom, hopeful that a peaceful solution will soon be negotiated and a united Cyprus will join the EU.

TRIBUTE TO ROBERT McCARROLL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, it is with solemn heart that I rise before you today to pay tribute to the life of Robert McCarroll of La Jara, Colorado. Robert was a dedicated county commissioner, member of his church and, above all, a family man. Robert was a pillar of the La Jara community, and as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others. I would like to pay tribute to this lifetime of service before this body of Congress and this Nation.

Robert served his country and his community in a variety of positions throughout his remarkable life. As a member of the Air Force during the Korean conflict, Robert served in Japan, Korea and Guam and is a member of the local Veterans of Foreign Wars Post.

Most recently, Robert served as a Conejos County Commissioner after being elected to his first term in 2000. After his retirement from his work in warehouses, Robert decided he needed to keep busy and that pursuing his interest in politics was the best way to do so. Robert was also a dedicated member of his church. Despite all of his associations and positions, his most impressive role was serving as a loving husband, father, grandfather and friend.

Mr. Speaker, it is my honor to pay tribute to the life and memory of Robert McCarroll before you today. He was a truly outstanding citizen, and he will be missed by many in his community. It is with admiration, respect and a sense of sadness that I recount Robert's seventy-three years of life before this body of Congress. Although Robert has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my thoughts and deepest sympathies to Robert's family and friends during this difficult time.

HONORING BISHOP ERNESTINE C. REEMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. LEE. Mr. Speaker, I rise today to honor Bishop Ernestine C. Reems, Senior Pastor and Founder of Center of Hope Community Church for her lifetime of ministry and community service. She has served as a champion of faith and love for the congregation at the "Church for all People" in Oakland, California for 35 years.

Bishop Reems was the third child in a family of nine. She was stricken with tuberculosis at the age of thirteen and was ill for several years, but determined to live for God. Her foundation in ministry comes from her father, Bishop E. E. Cleveland. As a young adult, she traveled extensively as an evangelist with her brother, Reverend Elmer Cleveland. Although women in the ministry were rare, Bishop Reems would not be denied and continues to follow her calling.

With little more than faith and a vision, the Center of Hope Community Church was founded in 1968 with four members. Today its membership exceeds 1500. Bishop Reems has a uniquely charismatic and humorous preaching style. Her sermons speak to people's hearts and are rich with poetic commentary, startling insights, and contemporary applications of the Bible's message. Her devotion is evidenced through a practice of intercessory prayer and fasting that has made her dear to the congregation of Center of Hope. In the audience, passionate praise, worship, and spontaneous dancing always punctuate her words.

The hallmark of Bishop Reems' ministry is her tireless compassion for people in need. Her non-judgmental attitude is one of the keys to her success in helping recovering drug addicts, prostitutes, prisoners, ex-prisoners, the homeless and others. Bishop Reems' drive is evident in her successful efforts to open a 56-unit senior housing complex, a 17-unit transitional housing program for homeless single women with children, and a 150-unit affordable housing complex. Additionally, she has founded a number of community-based services and is chairman of the boards of Hope Housing and Hope Development Corporations.

In 1988, Bishop Reems organized the E.C. Reems Women's International Ministries. Under her direction and leadership, its charter is to encourage and energize women to be active partners in the gospel and to work in their local churches. Each year the participation continues to exceed the previous year. E.C. Reems Women's International Ministries also organizes and hosts regional conferences around the USA.

She wrote two books, "Counting Everything as Joy!" and "Through the Storm." In addition to her ministerial duties, she is the loving mother of two sons, Brondon and Brian. Her husband Paul Reems passed away recently after 41 years of devoted marriage.

Finally as I honor Dr. Reems today, I want to thank her on behalf of the entire 9th Congressional District for being a great religious and community leader. Bishop Reems has shared her wisdom and provided me tremendous support. Most of all, I thank her for her friendship and prayers.

I take great pride in joining her friends, family, and members of the congregation to salute the extraordinary Bishop Ernestine Cleveland Reems.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to bring recognition to one of the 20th century's greatest public servants, the Honorable Mother Teresa of Calcutta, whose birthday was August, 27 and who will be beatified by Pope John Paul II in Rome on October 19, 2003. Her life was a steadfast devotion to providing needed assistance to the most destitute of her fellow neighbors.

Mother Teresa was born Agnes Gonxha Bojaxhiu in Albania, August 26, 1910. She decided to become a Roman Catholic Sister at the tender age of 18. She left home to join a community of Irish nuns in Calcutta. Here she took the name 'Sister Teresa,' after Saint Teresa of Lisieux, the patroness of missionaries. She spent the following 17 years teaching and being principal of 500 students at St. Mary's High School.

In 1946, she fell ill with suspected tuberculosis and was sent to the town of Darjeeling to recover.

"It was in the train I heard the call to give up all and follow him to the slums to serve him among the poorest of the poor," she recalled. Pope Pius XII would later grant her permission to leave her order. She arrived in the slums of Calcutta to start a school for children. It was there that she was first addressed as Mother Teresa.

Her impact was mostly felt in her adopted home, Calcutta. Over time, the work of her order, the Missionaries of Charity would spawn a global network of homes for the poor reaching from Calcutta to New York, including one of the first homes of AIDS victims. Missionaries of Charity continues its service to this day in locales across the United States and throughout the world. By 1996, she was operating 517 missions in more than 100 countries.

Mother Teresa was a paradigm of humility. When Pope Paul VI gave her a white Lincoln Continental, she auctioned the car, using the money to establish a leper colony in West Bengal. Despite her humble nature, even she was not without critics for holding steadfast positions against abortion, divorce and war.

Mother Teresa was undeterred by criticism stating, "No matter who says what, you should accept it with a smile and do your own work."

After an increasing frequency of heart problems, she passed away on Sept. 5, 1997.

When asked how she managed to do all she did, Mother Teresa responded, "What matters is why you do it. If you do it out of duty or obligation, it will deplete you; but if you do it out of love, it will not; it will energize you."

These words should be taken to heart by all public servants, in the House of Representatives and beyond.

TRIBUTE TO FIRST UNITED METHODIST CHURCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation to pay tribute to a landmark institution from my district. The First United Methodist Church of Pueblo, Colorado has served its parishioners and our community for one hundred forty years. By working to promote a spirit of unity and cooperation, the church has shaped the Pueblo community for the better. For its many years of service to the people of Pueblo, I am honored to pay tribute to the First United Methodist Church here today.

Founded in 1863, the First United Methodist Church has worked tirelessly to meet the needs of its parishioners and the community at large. Its work includes everything from promoting its missionary efforts to reaching out to less fortunate members of the community. First United Methodist is also active in the Pueblo Interfaith Hospitality Network, a program to house homeless families, and the Downtown Cooperative Care Center, a program to provide food, clothing, and assistance to the less fortunate.

Mr. Speaker, First United Methodist Church's efforts to meet the needs of the community and foster a spirit of generosity are an inspiration to us all. The church is the kind of institution that our community turns to for guidance and encouragement in their daily lives, and I am honored to join with my colleagues today in thanking the people of the First United Methodist Church for their tireless work.

TRIBUTE TO ZONIA SANDOVAL WALDON

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements and invaluable contributions of Zonia Sandoval Waldon over the last 30 plus years in Santa Clara County. Her dedication to families, adults and children has been laudable.

Born and raised in El Salvador, Zonia Waldon came to the United States at age eight and went to school in San Francisco and Daly City. She is a proud mother of twin sons and has resided in Santa Clara County most of her adult life.

Ms. Waldon began her career with the Social Services Agency in 1972 starting out as an eligibility worker—what was then referred to as the "blind unit." The unit was unique in that it combined the efforts of all staff members including eligibility, social workers and supervisors in resolving issues.

Learning to work well with people, both clients and staff, Ms. Waldon was given increasingly more responsible positions such as: Supervisor for General Assistance, Supervisor for Aid to Families with Dependent Children, and Supervisor for the Medi-Cal Unit at Valley Medical Center. Zonia's ability to "get the job done" led to her next assignment as District Office Manager of the East Valley Office of Social Services. Her role in management of facilities led to other managerial roles such as branching into labor management issues. She served as Steward, State Delegate, and Negotiator for the Union Local 535, SEIU. Zonia created the first Supervisory Chapter of Union Local 535. She was a co-founder and served as the first President of the Supervisory Chapter.

Other projects Zonia was involved with included a Family Preservation Pilot Project awarded by the State Department of Social Services. Highlights of accomplishments included: parent education, child respite care, counseling, development of Family Resource Centers, community-based child welfare services and community collaboratives. She also helped to initiate the Youth Leadership Gang Prevention Program funded by the State and the City of San Jose Mayor's Gang Task Force. This program currently serves youth throughout Santa Clara County and has graduated more than 2,000 youth to date.

In February of 2001, Zonia Waldon was promoted to Deputy Director of the Department of Family and Children's Services. Zonia believes that her greatest accomplishment in her career was her never-ending desire to mentor people around her and to assist them in carving out their career paths. She has been a true leader and extremely instrumental in improving the quality of Social Services our community has today. I wish her all the best in the next chapter of her life. She will be sorely missed, but never forgotten.

FORTY-THIRD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. CROWLEY. Mr. Speaker, today marks the forty-third anniversary of the independence of the Republic of Cyprus, after 80 years of British colonial rule. Independence is particularly significant for the Cypriot people because of their ancient and extensive history of conquerors, empire builders, and invaders. Throughout history Cyprus has endured oppression and occupation by preserving its unique identity and culture. While this is a day of celebration for the progress and successes that the Republic of Cyprus has achieved, it is also a solemn reminder of the Turkish occupation under which 37 percent of the island struggles.

Since Turkish troops invaded in 1974, Turkey has expelled 200,000 Greek Cypriots, moved 80,000 settlers from the Turkish mainland into Greek Cypriot homes in an attempt to change the demographics of the area and restricted the rights of the few Greek Cypriots who remain in the north. The United Nations Security Council and the European Union have condemned these actions by the Turkish government as explicit violations of international law.

After 29 years of illegal occupation, the Turkish-Cypriot leadership under Rauf Denktash has proven itself unwilling to resolve this situation. Tens of thousands of Turkish Cypriots have demonstrated in the occupied areas of the north, urging Mr. Denktash to support the U.N. peace process. But Mr. Denktash has not only rejected the plan, he has refused to allow his constituency to voice their opinion through a referendum. Due to this intransigent policy, the opportunity has been lost for all Cypriots—both Turkish and Greek. However, throughout this long path towards peace, the people of Cyprus have held on to their independence and taken huge strides in building a prosperous and flourishing nation.

Today—after 43 years of independence—Cyprus continues to grow economically, develop democratically and foster regional stability as it takes momentous steps toward joining the European Union. On April 16, 2003, along with nine other countries, Cyprus signed the Accession Treaty to the European Union with the intention of officially becoming a member-state of the EU in May 2004. The Accession of Cyprus will proceed whether it is as an island with a partition or as an island newly reunified.

The positive impact of the forthcoming EU accession will bring great benefits to all Cypriots both Greek and Turkish. It will bring foreign investment; access to markets and jobs throughout Europe, and additional development assistance to the areas of northern Cyprus. Having looked out across the Green line during my last visit to Cyprus, I strongly believe that the unification of Cyprus into a bi-zonal, bi-communal federation—as called for by United Nations Security Council resolutions—is the only solution that can guarantee economic development and equal political representation for all inhabitants of the island.

Globally—the United States, the EU and the international community and locally—the government of the Cypriot Republic, and the people of Cyprus, both Greek and Turkish, are committed to finding a peaceful settlement in the near future—it is time to work in good faith to make it a reality.

Despite the ongoing conflict and the obstructionist stance of the Turkish-Cypriot leadership, the Government of Cyprus has continued to also strengthen its close partnership with the United States, and it has proven the strength of these ties by providing its support in our fight against global terrorism.

Immediately after the September 11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Cyprus has granted blanket clearance for U.S. military aircraft to fly over Cyprus and to use its airports, and is sharing intelligence with and providing legal assistance to various U.S. agencies.

Cyprus has also introduced tough new criminal laws and regulations to deter and punish terrorists and their supporters, taken measures to freeze the assets of terrorists and increased security measures at seaports and airports and at the U.S. Embassy in the capital of Nicosia.

Cyprus has also endorsed and implemented U.N. Security Council Resolution 1373 (2001) to freeze the assets of terrorists and their supporters; implemented all other relevant resolutions and decisions of the U.N. Security Council, the EU and other international organizations; and ratified the International Convention for the Suppression of the Financing of Terrorism.

And most recently, on September 18, the United States and Cyprus signed a Mutual Legal Assistance Treaty that will promote closer coordination between the two countries in the fight against global terrorism, organized crime, drug trafficking and related violent crimes.

As an active member of both the Congressional Hellenic Issues Caucus and the House Committee on International Relations, I have supported a number of legislative initiatives to resolve the Cyprus dispute and promote the accession of the government of Cyprus to the European Union.

I strongly support the accession of Cyprus to the European Union, whether or not a solution to the island's division has been reached beforehand. I have cosponsored legislation calling on the U.S. Government to support EU accession, and I have written to President Bush on this matter as well.

I have co-sponsored legislation introduced in the House to end restrictions on the freedoms and human rights of the Greek Cypriot enclaves in northern Cyprus. I personally tried to visit the enclaves during a recent trip to Cyprus so I could see for myself the condition of the Greek Cypriots living there, but I was prevent from doing so by the Turkish Cypriot leadership.

I support the Administration's allocation of $15 million each year to promote measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus.

I believe it is critical that the Turkish Cypriot side provide information on the five American citizens of Greek Cypriot descent who have been missing since 1974. As a purely humanitarian matter, the Turkish side must make progress on this issue.

My district includes a large Cypriot-American community in Queens and I have listened to their needs and concerns regarding their homes and families in Cyprus many times. On this day of independence and celebration for Cyprus, I believe that it is important that both the United States and the Republic of Cyprus renew the commitment towards strengthening relations and working towards a peaceful and durable settlement for this divided island. I sincerely hope that the Turkish Cypriot leadership decides to make the compromises necessary to end the division of Cyprus so that the entire island can continue to prosper and develop as an active member of the international community.

Until that time comes, I congratulate the people of Cyprus on the 43d anniversary of their independence.

TRIBUTE TO JOSEPH FARIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen from my district. Joseph Faris of Walsenburg, Colorado recently passed away at the age of eighty-two. Joseph was a man of integrity and vision who dealt fairly with everyone he encountered. As his family and friends mourn Joseph's passing, I am honored to pay tribute to his life and achievements here today.

Joseph was a kind and friendly man who left a mark on everyone he met. He was a gifted businessman who built his company, Faris Land and Cattle Company, into a thriving business. As an active member of the community, Joseph spent time at the Pueblo Elks Lodge and supported the Pueblo Dodgers baseball team. In addition, he loved to participate in charity golf tournaments.

Mr. Speaker, Joseph Faris had a great passion for life, and he loved to share that passion with others. While Joseph has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Joseph here today. My thoughts are with Joseph's family during their time of bereavement.

APPOINTMENT OF A SPECIAL COUNSEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to discuss a matter of great importance to this country—impacting the national security of our Nation, the integrity of our branches of government, and the public trust.

Earlier this week, the Central Intelligence Agency urged the Justice Department to open a criminal inquiry into whether Administration officials leaked the identity of a CIA agent, in order to discredit a critic of the Administration's intelligence claims with respect to an alleged uranium program in Iraq.

Mr. Speaker, prior to the war, the Members of this House were provided with specific intelligence information with regard to weapons programs in Iraq—and this country went to war based on that intelligence. However, we are now learning that some of this intelligence information was seriously flawed, including information that was explicitly featured in a State of the Union address. The syndicated newspaper column that quoted "senior administration officials" identifying the undercover CIA operative by name was printed in order to discredit a critic of these very claims.

Disclosure of the identity of a CIA operative is a serious setback to our national security. Such actions also undermine any efforts to candidly assess the intelligence flaws we are now discovering. Because the sharing of classified information by an administration official for political or malicious purposes is such a serious abuse of power, an independent investigation of this matter should be commenced immediately.

As a former Assistant United States Attorney, I had the opportunity to handle both corruption and espionage cases. In my view, we have a clear conflict of interest if the Attorney General and other Justice Department officials are given primary responsibility for the investigation of this potential illegality, because of the alleged involvement of high-level Administration officials.

Such an investigation will not only be difficult to pursue, but the conflict will undermine the results of the investigation, and cause the public to question its result. Rather, this investigation should be pursued by an independent and impartial special counsel appointed by the Attorney General with the full confidence of the public.

INTRODUCTION OF THE BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend Mr. BOUCHER, the Business Activity Tax Simplification Act of 2003. This important legislation provides a "bright line" that clarifies state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the taxing jurisdiction and even though the Supreme Court has ruled that the Constitution prohibits a state from imposing taxes on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In order for businesses to continue to become more efficient and expand the scope of their goods and services, it is imperative that clear and easily navigable rules be set forth regarding when an out-of-state business is obliged to pay business activity taxes to a state. Otherwise, the confusion surrounding these taxes will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Previous actions by the Supreme Court and Congress have laid the groundwork for a clear, concise and modern "bright line" rule in this area. In the landmark case of Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a "substantial nexus" with the taxing state. However, the Court did not define what constituted a "substantial nexus" for purposes of imposing business activity taxes.

In addition, over forty years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose in-state presence was nominal. Public Law 86–272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses' activities involved the solicitation of orders for sales. However, like the economy of its time, the scope of Public Law 86–272 was limited to tangible personal property. Our nation's economy has changed dramatically over the past forty years, and this outdated statute needs to be modernized.

That is why we are introducing this important legislation today. The Business Activity Tax Simplification Act both modernizes and provides clarity in an outdated and ambiguous tax environment. First, the legislation updates the protections in PL 86–272. Our legislation reflects the changing nature of our economy by expanding the scope of the protections in PL 86–272 from just tangible personal property to include intangible property and services.

In addition, our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Specifically, the legislation establishes a "physical presence" test such that an out-of-state company must have a physical presence in a state before the state can impose franchise taxes, business license taxes, and other business activity taxes.

The clarity that the Business Activity Tax Simplification Act will bring will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate that encourages businesses to make investments, expand interstate commerce, grow the economy and create new jobs. At the same time, this legislation will ensure that states and localities are fairly compensated when they provide services to businesses with a physical presence in the state.

I urge each of my colleagues to support this very important bipartisan legislation.

CELEBRATING LAS MISIONES DE SAN ANTONIO WEEK

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. RODRIGUEZ. Mr. Speaker, we are fortunate in San Antonio and the 28th District of Texas to be home to one of the few national parks located within an urban center, the San Antonio Missions National Historic Park. Today the missions represent a virtually unbroken connection with our past. Bearing the distinctive stamp of generations of Indian and Spanish craftsmen, the historic missions are still part of our daily lives as active parishes and cultural centers. In addition, some 1.5 million tourists visit the missions each year.

The four mission churches—San Jose, Concepcion, Espada and San Juan—are colonial era churches which the Spanish established to bring European religion and culture to the native and immigrant populations of the region. Today, the San Antonio Missions are among the relatively few intact examples of the colonial missions in the Southwest. Unfortunately, the four missions were largely neglected after secularization in 1824 as the functioning farms and ranches ceased operation. Today, the mission church structures are in dire need of restoration and preservation to protect the unique record of the architecture, art, and culture of the Spanish colonial period in Texas.

With the goal of preserving and restoring the church structures of Mission San Jose, Mission Concepcion, Mission Espada, and Mission San Juan, community leaders have formed the Las Misiones capital campaign. By educating all Americans about the historic, economic, architectural, cultural and spiritual significance of the churches and surrounding buildings, the three-year initiative will culminate with the restoration of the four mission church structures.

I would like to take this opportunity to commend the San Antonio community as they launch Las Misiones de San Antonio week, October 5th—October 11th. The missions are part of every Texan's history. The missions contributed to the agricultural and commercial development of central and south Texas, and they were critical to the growth of San Antonio region and the state as a whole. It is my wish that we as a community unite to preserve San Antonio's first skyline and the largest cluster of Spanish missions in the United States. By preserving our past, we help build our future.

H.R. 1829

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. FROST. Mr. Speaker, while H.R. 1829 has been placed on the Union Calendar and I can no longer remove my name as a cosponsor of the legislation, I would like to indicate that I am no longer supportive of the bill.

While I do support providing small businesses greater access to government contracts, removing the Federal Prison Industries (FPI) mandatory source preference would result in countless inmate jobs being lost. Idle prisoners increase the likelihood of prison unrest and eliminating the program would remove the opportunity for inmates to learn vital job skills. These jobs teach the prisoners a trade that they can use after they reenter the workforce. The program is so popular that there currently are not enough jobs to fill all the requests for prison employment. Money earned by the prisoners is often used to make child support payments and pay restitution.

Mr. Speaker, under current law, federal agencies can purchase products from the private sector if their prices are lower than FPI. Doing away with FPI will cost local prison jobs and only present the possibility of creating additional domestic manufacturing jobs elsewhere.

RECOGNIZING THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 43rd anniversary of the independence of the Republic of Cyprus. On this important day, I join the Greek Cypriots in celebrating their freedom from Great Britain in 1960.

Over 43 years, the Republic of Cyprus has overcome hardships to become a steadfast and committed democracy on the threshold of joining the European Union in 2004. Unfortunately, since a Turkish invasion in 1974, the island remains divided between the Turkish Cypriots and the Greek Cypriots despite attempts by the United Nations for a reunification settlement. Shortly after Cyprus agreed to join the European Union, the Turkish Cypriot authorities opened the borders and allowed Cypriots to cross over the line for the first time in 30 years. This past April was the first time that Cypriots from either side were able to travel through the 120-mile barrier, which continues to be guarded by U.N. peacekeeping forces.

A divided Cyprus also has the potential of blocking Turkey's bid to join the European Union, since its occupation of the northern part of Cyprus is illegal under international law. I urge the Turkish government to take steps toward uniting Cyprus and also put pressure on Rauf Denktash, the Turkish Cypriot leader, who has fallen out of line with the wishes of his people. The majority of Turkish Cypriots want to have the equality and prosperity of their neighbors.

As the Republic of Cyprus has stood by the United States during its war on terrorism, we must continue to support negotiations so that all sides benefit from reunification. There is still potential for all of Cyprus to join the EU with continued support from the European Union and the United Nations. It may be a long road to mend the strains between Turkey and Greece, but reuniting Cyprus is an important step in the right direction.

Again, I celebrate this important day for the Republic of Cyprus.

CONGRESSIONAL BLACK CAUCUS SPECIAL ORDERS ON IRAQ

HON. BARBARA LEE

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 1, 2003

Ms. LEE. Mr. Speaker, I also want to thank the distinguished chairman of the Congressional Black Caucus for holding these special orders.

Over 300 Americans have died in Iraq. Over 1200 have been wounded. And we're spending a billion a week to finance this quagmire.

Now, Congress is being asked to approve another $87 billion to fund the Administration's war. That brings up the total to $166 billion, and there's no end in sight—no end to the deaths, no end to the bills, and no end to the war.

That $87 billion is the latest installment on the President's foreign policy doctrine of preemption.

We went to war under this doctrine: the President told the American people, Congress, and the world that we had to go to war because Iraq's weapons of mass destruction, including a nuclear weapons program, posed an imminent danger to us.

Well, we haven't found the weapons yet, so now the Administration is changing the mission: now Iraq isn't about weapons of mass destruction or regime change, now it's terrorism.

The American people want to know how this $166 billion is being spent, what our exit strategy is, and just how much we are going to have to pay to build Iraqi houses, connect Iraqi electrical grids, and construct Iraqi schools.

It's not that we begrudge the needs of the Iraqi people—it's just that we also see dire needs here at home.

We're not isolationists—it's in our national interest to help create stability in Iraq and it's a moral imperative to repair the damage our bombs did, but there has to be a vision of how to get us out.

We must leave an Iraq that is stable and secure, but we must leave.

And we all need to understand that this war against Iraq is not an isolated act but part of the Doctrine of Preemption that could also lead us to war against North Korea, Iran, Syria, or almost anyone else.

Dr. Martin Luther King, Jr. would recognize this war. As he warned us, "In the wasteland of war," he said, "The expenditure of resources knows no restraints."

Dr. King knew that war could be a bottomless pit, into which this great nation could pour all of its resources, all of its young people, and never come out safer or stronger.

We have to stop this. That is our call to arms.

Because if we don't stop them, this $87 billion bill will be followed by more and more installment payments, and those 304 Americans who have died in Iraq will be followed by far too many more young men and women.

Let's find our way out of this wasteland.

HONORING CYPRUS INDEPENDENCE DAY

HON. RUSH D. HOLT

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 1, 2003

Mr. HOLT. Mr. Speaker, on behalf of the many Cypriot Americans in New Jersey I rise today to honor the 43d anniversary of the Independence of the Republic of Cyprus. Cyprus became an independent Republic in 1960 after 80 years of British colonial rule and hundreds of years under the yoke of the Ottoman Empire. Despite a series of tragic events during the past four decades, the Government of the Republic of Cyprus remains committed to the core principles enshrined in the Constitution of Cyprus guaranteeing the basic rights and freedoms of the people of Cyprus—Greek Cypriots, Turkish Cypriots and Cypriots from all ethnic and religious communities.

This year, Cyprus's Independence Day arrives at a time of great hope for all the people of Cyprus. Since the last celebration of Cyprus Independence Day, Cyprus has experienced events of major historic import—most notably the signing of the Treaty of Accession to the European Union in April of this year. Cyprus is now on target to join the EU in May 2004 and that is no small achievement for a nation that has endured such a long list of tragedies.

As in past years, however, the continued de facto division of the island nation clouds the commemoration of its Independence Day. Thirty-seven percent of the Republic's territory continues to be occupied by Turkish military forces in violation of U.N. Security Council resolutions and international law.

While the Cyprus problem continues to elude a final, just, and peaceful solution, never before in the 29 years since Turkish forces split the island in two, have Cypriots been so close to a settlement. And yet they are so far away. The last year has been fraught with opportunities lost—many of us here in Congress thought that the Copenhagen Summit last winter offered a unique opportunity for Greek and Turkish Cypriots to finally resolve their differences. A new Turkish leadership in Ankara looked poised to make history and then didn't.

We had hope. The plan put forth by U.N. Secretary General Kofi Annan continued to gain momentum. Thousands of Turkish Cypriots were protesting in the streets against their leader Rauf Denktash calling on him to accept the Annan plan. There was anticipation that referenda would occur this past spring and finally liberate Cypriots from the oppressive division of their island.

And then as has often happened in the history of Cyprus an opportunity was lost. Mr. Denktash, the Turkish Cypriot leader, would not take the Annan plan to his people for a referendum. Denktash abandoned the Annan plan. And a frustrated U.N. closed up shop and went home.

And then something wonderful happened. Mr. Denktash unilaterally opened up the borders. Some on Cyprus and in Congress have looked upon this action with suspicion, but I don't think anyone can dispute that the results have been overwhelming positive for the Cypriot people. There are a lot of experts with different opinions on why Mr. Denktash did what he did, but one thing is for certain. Cypriots have begun talking to Cypriots again. An artificial line has been eliminated and I don't think there's any turning back.

One of my constituents, Theo Hadjitheodosiou from Holmdale, New Jersey, was born in Cyprus. He is Greek Cypriot and recently returned to Cyprus to cross the Green Line to see one of the homes where some of his family used to live before the 1974 invasion. He said it was nice to go, but that he remained saddened by the continued occupation by Turkish forces.

Can you imagine having to show your passport to go from Trenton to Pennsylvania? That's what it's like. The division has been particularly hard on the Turkish Cypriots, he said. Like many other Cypriots, Theo sees the opening of the border as only a first step on the road toward a settlement.

I am hopeful that the renewed human contact between Greek and Turkish Cypriots will accelerate the political process. Eventually, trust will be rebuilt among people. And then the enemies of peace will have no choice but to let go of their stubborn, outdated positions to make way for a new generation that will embrace a peaceful future—a future of one Cyprus, made up of Turkish and Greek Cypriots—in which all citizens are not only Cypriot, but more importantly, European.

I will continue to do what I can in Congress to support a Cyprus solution based on the Annan plan. I will continue to urge the Bush administration to convince the Turks in Ankara that a solution in Cyprus will provide the gateway to Turkey's own goals of a European future. As elections approach in the Turkish-occupied area, I will ask the administration to make it clear to Ankara not to interfere. Polls recently conducted on Cyprus indicate that if free and fair elections were held in the North, the Turkish Cypriots would elect a new, pro-settlement leadership. A new Turkish Cypriot leadership that represents the aspirations of a majority of Turkish Cypriots would be a welcome development and would probably lead to the renewal of settlement negotiations.

Mr. Chairman, I rise today on Cyprus Independence Day to celebrate the progress that Cyprus continues to make as an incoming member state of the European Union, as a vibrant democracy with a robust market economy, and as an increasingly important partner of the United States. And I hope, as I do each year, that the people of Cyprus will soon enjoy the benefits of a peaceful settlement.

HURRICANE ISABEL

HON. STENY H. HOYER

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 1, 2003

Mr. HOYER. Mr. Speaker, last month, our region was subjected to nature's unbridled wrath. And, despite the advances in technology that gave us fair warning that a storm of this magnitude was approaching, there was little anyone could do to escape the destruction Isabel left in her wake. The five counties I represent all suffered enormous damage, families were displaced and without power for days, homes and businesses were demolished, and our natural resources were destroyed by the strength of the winds and rain that accompanied this vicious hurricane.

Our region responded quickly and directed the full force of its resources to assist residents and business owners with their recovery efforts. I am extremely grateful to our first responders, local and state officials, and disaster assistance teams from the Federal Emergency Management Agency (FEMA), the Maryland Emergency Management Agency (MEMA), the Army Corps of Engineers, law enforcement officials and community volunteers who I saw throughout our communities when I visited parts of St. Mary's, Anne Arundel, and Calvert counties in the week following the storm.

On Thursday, September 25 I joined Senators SARBANES and MIKULSKI, as well as my colleagues in the Maryland Congressional Delegation, to hear from representatives from several federal and State of Maryland agencies on relief efforts underway to help the citizens of Maryland and small businesses throughout the State. We were informed that the counties were completing their Preliminary Damage Assessments which would be submitted to MEMA and FEMA so that funds could be designated to assist with the cleanup and recovery.

Thus far, Maryland has qualified for federal assistance with debris removal and emergency protective services. If the damage in other areas meets the threshold for disasters, Maryland could become eligible for more categories of federal assistance, including repair of roads and bridges, water control facilities, buildings and equipment, utilities and parks.

Recovering from this storm will be a long process, and we all will face challenges along the way. I will continue to work with elected officials and residents throughout the 5th District of Maryland to provide any resources I can to help in this recovery process.

GROUPS RALLY TO SUPPORT YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. LANTOS. Mr. Speaker, on September 23, 2003 I introduced H.R. 3139, the Youth Worker Protection Act, (YWPA). This bill will make necessary common sense changes to America's child labor laws, which have not been significantly amended since their creation nearly 70 years ago.

Mr. Speaker, according to the National Institute for Occupational Safety and Health (NIOSH) an average of 230,000 teenagers are injured on the job each year and even more shocking is the fact that an average of 67 teen workers die each year from injuries sustained while on the job. That means a teen worker dies from work related injuries in this country every five days.

The YWPA, addresses two major aspects of child labor: the deaths and serious injuries suffered by our young workers and the negative impact which working excessive hours during school can have on a child's education. I am honored to have the support of numerous organizations, including; the National Consumers League, the National Education Association (NEA), United Methodist Women, the International Initiative to End Child Labor, and Youth Advocate Program International. Mr. Speaker, these extraordinary organizations have dedicated themselves to advocating an end to exploitive child labor and I request that their letters be placed in the CONGRESSIONAL RECORD.

YOUTH ADVOCATE
PROGRAM INTERNATIONAL,
Washington, DC, September 3, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: Youth Advocate Program International would like to voice its strong support for the Youth Worker Protection Act and urge you to present this act to Congress at your earliest convenience.

YAP International believes that everyone, including children, can contribute to society through work. We believe job-skill training should be provided to young people and that youth should experience the pride that comes from work well done. We understand that in some situations children must work to meet their own survival needs and those of their family. However, gaining an education should be a youth's primary job and we support the Youth Worker Protection Act for formally recognizing and promoting this principle.

We support monitoring of child labor practices to ensure that work does not compromise the child's overall health, well-being, and access to free, compulsory and meaningful education. We strongly urge that monitoring efforts not only include the formal sector—work in a factory or business setting—but also work in the informal sector, including domestic workers, agricultural workers, street vendors, and heads of households/caregivers.

Youth Advocate Program International commends your leadership to update and strengthen child labor laws in the United States, and we urge you to continue supporting the Youth Worker Protection Act. Feel free to contact our office if we can provide any assistance to you in further promoting the rights of children. Thank you for your time and continued advocacy on behalf of youth worldwide.

In Service to Youth,

PATRICK J. SCHOOF,
Director.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC.

Representative TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LANTOS: On behalf of the National Education Association's (NEA) 2.7 million members, we would like to express our support for the Youth Worker Protection Act.

NEA believes that young people should focus on education as their primary job and that excessive and unusual working hours are detrimental to students' attention span and academic achievement. Unfortunately, many minors are employed for as many as 15 hours during the school week, with some youth working more than 25 hours a week. In addition, too many very young children—some as young as age five—are employed as migrant and seasonal farmworkers. Such work clearly interferes with and undermines the educational process.

By strengthening the Fair Labor Standards Act's child labor provisions, the Youth Worker Protection Act will ensure that minors can enjoy the benefits of workforce experience, while maintaining their focus on education. We thank you for your leadership on this important issue and look forward to working with you to protect our nation's children.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

NATIONAL CONSUMERS LEAGUE,
Washington, DC, September 10, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE LANTOS: The National Consumers League (NCL) commends you for addressing critical child labor problems in your Youth Worker Protection Act. These problems can be corrected. The status quo cannot remain.

In the first two weeks of August, four young workers, all of them 16 years old, died on the job—one in roofing, one in a wrecking yard, and two in commercial agriculture.

Every 30 seconds, a young worker under the age of 18 is injured on the job. One teen dies due to workplace injury on average every five days. These statistics are not from a developing country. They reflect the reality of youth employment in the United States, based on statistics from the National Institute for Occupational Safety and Health. Yet, the Hazardous Orders (HOs) found in the Fair Labor Standards Act (FLSA) have not been comprehensively reviewed and updated since they were enacted in 1938. These HOs are our first line of defense in protecting youth from dangerous occupations, industries, and machinery that threaten their health and safety.

Research shows that students who work more than 20 hours a week demonstrate higher incidence of academic distress, alcohol and drug abuse, and autonomy from parents. Yet, in the United States, a student who is 16 years old and older can work unlimited hours per day or week, at any time of day or night during a school week. More U.S. teens are employed and work for longer hours during the school week than in any other affluent country—especially in those countries that are outperforming this country in academic scores.

In commercial agriculture, as many as 800,000 youth under the age of 18 are hired farmworkers, harvesting our nation's fruits and vegetables. Children of migrant and seasonal farmworkers are routinely exposed to dangerous pesticides and insecticides, hazardous equipment and tools, and work that stresses their developing bodies. These children may legally work as young as ten years old under the FLSA. Youth working in agriculture are less protected than youth working in non-agricultural occupations. They may perform hazardous work at 16 and may legally work at younger ages, for more hours, at any hour of the day or night (outside of school hours).

No one questions that employment offers youth many benefits. NCL supports appropriate and safe youth employment. But, too much of youth work today is neither. The FLSA's child labor provisions are inadequate. It is critical that they be updated to reflect the realities of youth employment today, new technologies and hazards, and the educational competitiveness our youth and country need to maintain to succeed.

Founded in 1899, NCL is America's oldest national consumer advocacy organization. Its mission is to represent consumers in the marketplace and the workplace through investigation, education and advocacy. One of our first and continuing concerns is protecting working minors and ending child labor exploitation in the United States and abroad.

NCL is pleased to endorse this bill and is committed to employing our resources to promote the bill's passage at the earliest time. Again, thank you for your leadership on this important issue.

Sincerely,

LINDA F. GOLODNER,
President.

GENERAL BOARD OF GLOBAL MINISTRIES, THE UNTED METHODIST CHURCH,
Washington, DC, August 26, 2003.

Representative TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: I am a part of the Child Labor Coalition (CLC) as a representative of my organization, the Women's Division of the General Board of Global Ministries of the United Methodist Church. As part of the CLC, we have been shown a summary of the Youth Worker Protection Act, your new and improved comprehensive child labor bill. I am impressed with how you have updated and strengthened the federal child labor laws in this.

My organization has always been concerned for the needs of women and children. In recent years, we have participated as part of the Child Labor Coalition and supported organizations like RUGMARK, anti-sweatshop efforts, and shared concerns for children in the fields, specifically migrant children. We join with the whole United Methodist Church as stated in their BOOK OF RESOLUTIONS 2000, #58 "to work toward the reform of United States labor laws to provide better protection of farm workers' rights and to bring child labor restrictions into conformity with international standards." These standards include the Convention on the Rights of the Child and the International Labor Organization's Convention 138 for Minimum Age for Admission to Work.

The Youth Worker Protection Act places a priority on education by restricting the hours a youth may work. This is of special concern to United Methodist Women since taking on a Children's Campaign to advocate for free, quality public education in our country. Given that the overall well-being of a child affects his/her ability to learn in school, it is easy to recognize that before/after school and weekend jobs can be a major factor in how the child will learn.

I support this effort you are making to bring a 1938 Act with revisions over the years up-to-date and will encourage United Methodist Women to be informed about this new legislation in order to express support to their legislators.

Thank you for protecting young workers in our country,

JULIE A. TAYLOR,
Children, Youth and Family Advocacy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 2, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

9:30 a.m.
Armed Services
To hold a closed briefing on the interim report on Iraq's weapons of mass destruction programs.
S–407, Capitol

OCTOBER 14

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider S. 811, to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, S. 300, to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson, and the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce for Export Enforcement, Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce for Export Administration; to be immediately followed by a hearing on the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, and Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.
SD–538

OCTOBER 15

10 a.m.
Indian Affairs
To hold hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

OCTOBER 22

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

OCTOBER 30

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

HOUSE OF REPRESENTATIVES—*Thursday, October 2, 2003*

The House met at 10 a.m.

The Reverend Charles L. Moseley, Pastor, Great Bridge Baptist Church, Chesapeake, Virginia, offered the following prayer:

Our heavenly Father, today we come into Thy presence with thanksgiving and praise for the privilege of calling upon Thy name. Through Thy Son Jesus Christ, we lift this assembly to Thee asking for divine wisdom and Thy leadership upon each one. We thank Thee, O God, for the dedication and sacrifice of these who serve, realizing the tremendous burden upon each one in the decisions that must be made day by day.

Help us to remember the heritage that is ours and make us an example to the world of what freedom and democracy are all about. Let us never forget the price that has been paid, and help us to always honor those who have gone before, making this day possible.

God bless the President, the congressional leaders, and God bless America to make us great because we have kept the faith.

In the name of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURNS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURNS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bill of the House of its following title:

> H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".

The message also announced that pursuant to provisions of Senate Resolution 98, agreed to July 25, 1997, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Idaho (Mr. CRAIG) to the Global Climate Change Observer Group.

WELCOMING THE REVEREND CHARLES L. MOSELEY

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, it is a privilege to welcome my friend and pastor, Reverend Charles Moseley, as guest chaplain of the United States House of Representatives. We are thankful for his presence today and for his humble ministry to God.

In over 30 years of service at Great Bridge Baptist Church in Chesapeake, Virginia, Reverend Moseley has steadfastly led his congregation in the footsteps of Christ, touching thousands of lives with the joy and peace of the Lord. Through the many years that my family and I have attended Great Bridge Baptist, I have come to know Reverend Moseley as a model of selfless service and great spiritual leadership. He has also been my pastor for over 30 years.

Reverend Moseley came to Great Bridge Baptist Church from South Carolina in 1969 and has served as pastor ever since. He and his wife, Lou, are devoted to their five children and six grandchildren, to each other, and to their extraordinary faith in the Lord. Through this great faith, Reverend Moseley has given countless people hope, inspiration, and spiritual strength.

We are honored to have Reverend Moseley with us today and we warmly welcome him. I thank him for his prayer today and for his spiritual guidance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair will entertain 10 one-minute speeches from each side.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today the House will vote on a historic bill, the conference report on the partial-birth abortion ban. As a physician who has delivered over 3,000 babies, I am personally opposed to abortion, but in particular the only reason to select the partial-birth abortion procedure is to ensure that the baby is dead when delivered. As a physician, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby may be delivered by C-section. Whether the infant lives or dies depends upon the severity of the medical complications and the degree of prematurity, but that outcome is dictated by the disease process itself. The fate of the infant during the partial-birth abortion procedure is predetermined by the nature of the procedure performed and is uniformly fatal.

In 1995, a 12-doctor panel representing the American Medical Association recommended banning partial-birth abortion, referring to it as, and I quote, basically repulsive, close quote. I agree with the AMA's panel. The procedure is repulsive and after today will be illegal.

FREEDOM RIDERS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Immigrant Workers' Freedom Ride and its participants.

On September 20, hard-working men and women from every corner of this country set off on a journey in support of immigrant workers' rights. These men and women support our economy through their work. Men and women who support all of us with their dedication, their taxes, their skills. Men and women who are involved in their communities, in our communities.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Much like the freedom riders of years past, they are calling for what many would consider to be just basic rights. They are calling for family reunification. They are calling for the restoration of labor protections for all workers in the U.S. They are calling for our country to acknowledge their civil rights.

These men and women are as much a part of our Nation's history as they are a part of our Nation's present and future. For years they have proven their dedication to our country. They deserve more than a simple tour of our country. They deserve our respect.

HONORING THE SOUTH CAROLINA STATE FAIR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it is a wonderful time of the year in South Carolina. It is a time when families from all over the State bring their children and friends to the State Fair in Columbia. The tradition of our State Fair dates back 134 years, when it started as an agricultural convention sponsored by the State Agriculture and Mechanical Society of South Carolina, raising funds for charities. Its facilities are a great resource for expositions and conventions year-round.

Today, the Fair attracts almost 600,000 people who come to enjoy educational exhibits, arts and crafts, livestock, games, rides and popular entertainment. I am proud to have attended the Fair since my childhood, and I am proud to recognize this as an example of the American spirit of community. I want to thank Society President Cante Heath and Fair Manager Gary Goodman for their hard work in making this year's Fair a tremendous success.

I ask all of my colleagues to join me in wishing the people of South Carolina a safe and enjoyable time at this year's State Fair.

In conclusion, may God bless our troops.

IMMIGRANT WORKERS FREEDOM RIDE

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to welcome and salute the Immigrant Workers Freedom Ride.

Inspired by the 1961 freedom rides that sought to integrate bus terminals in the South, today's riders are visiting cities and towns across the country. They are raising awareness about the plight of immigrant workers and advocating for comprehensive change to our immigration system. Like Dr. Martin Luther King, Jr., these Americans refuse to believe, and I quote, that there are insufficient funds in the great vaults of opportunity in this great Nation.

Let me share the story of one of those Americans. Salvador Guillen is the proud leader of the Hotel Employees and Restaurant Employees International Union, Local 681. He is the father of three children and has worked as a housekeeper at Disneyland's Paradise Pier Hotel for over 15 years. Salvador was born in Zamora, Michoacan, and has lived in the United States for 18 years. He is now a proud citizen of the United States.

In his own words, Salvador states: "I want workers like my two sisters who have not been able to legalize and who are forced to work jobs where they are abused, overworked and underpaid to have the same opportunity."

Together we can implement sensible immigration policies that bring all immigrants one step closer to the American dream.

COMMENDING MEDICAL COLLEGE OF GEORGIA AND FORT GORDON COMMUNITY FOR THEIR EFFORTS TO FIGHT TERRORISM

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, in the wake of the September 11, 2001, attacks, the Medical College of Georgia, the U.S. Army Signal Center and the Southeast Regional Army Medical Command at Fort Gordon have joined together to train military and civilian personnel in disaster response, emergency medical response and emergency response coordination. I commend them for their efforts to develop the Training Center for Disaster Medicine Preparedness and a Disaster Response Simulation Center.

These three organizations combine to include world-class medical education facilities, faculty and advanced communications infrastructure, ensuring well-trained and prepared personnel in the event of a natural disaster or a terrorist attack serving not only east Georgia but indeed the entire Nation.

Mr. Speaker, I commend MCG and the Fort Gordon community for their efforts on behalf of our Nation.

MONEY-MAKING OPPORTUNITIES IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I remember the time that this administration came to the Congress and asked us to support the troops and then turned around and cut veterans benefits by $25 billion. Today, while we are being told to vote for $87 billion for Iraq to support the troops, we find that those who will benefit financially from the war are the armies of lobbyists who have ties to this administration.

In yesterday's Hill, a column by Josh Marshall points out, and this is a quote, "The President's right-hand man quits his government job just before the bombs start falling. He sets up shop in the offices of one of the biggest GOP lobbyists in town. And he starts selling his services to clients who want a piece of the big Iraqi reconstruction contracts pie—the pie his old bosses are in charge of slicing up."

From today's Washington Post:

"Getting the rights to distribute Procter & Gamble products would be a gold mine," said one of the partners at New Bridge who did not want to be named. "One well-stocked 7-Eleven could knock out 30 Iraqi stores; a Wal-Mart could take over the country," he said.

Here we are with a hostile takeover led by our men and women whom we pride. Stop this administration from using troops to justify a war and war profiteering. Get out of Iraq.

PARTIAL-BIRTH ABORTION BAN ACT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I came here with a prepared text, but I just could not resist this smiling face. Through the miracle of modern technology, this is the picture of a baby in the womb. It is clearly a baby. It is clearly smiling. It is clearly a human being.

I did not bring with me some other visuals that would show you what is going to happen to Sarah in the partial-birth abortion procedure. She is going to be turned around in her mother's womb, and she is going to be delivered feet first. Not quite delivered. Her head is going to be left in the birth canal and then a trocar is going to be stuck in the back of her head, just where the spinal cord enters the brain. And then her soft brain tissue is going to be sucked out. Obviously, her life expired. This is partial-birth abortion. We are going to ban this hideous procedure today.

IN SUPPORT OF THE BAN ON PARTIAL-BIRTH ABORTIONS

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP OF UTAH. Mr. Speaker, often times we do things that are popular in America, but wrong. Today, we are going to do something that is popular with the majority of Americans, but very right.

H.R. 760 does not overturn the Roe v. Wade ruling, but it eliminates a heinous process that was never intended to be protected in the original judgment. When the Supreme Court bypassed the legislative process to make abortions legal 30 years ago, the legislative voice opposing abortion, was never heard. Thus the ruling laid the foundation for the outrage and protest we have today. The people were not allowed to be heard through their elected Representatives.

Many judges who today uphold the Roe v. Wade ruling today, oppose the procedure by which it became reality. By approving the conference report on the partial-birth abortion ban today, we will be enacting legislation the correct way. Both Chambers of Congress will have debated and spoken on this bill, and now the President will have the same opportunity.

The partial-birth abortion ban will be a good law, a righteous law, and it will be enacted the right way. I support this legislation because it protects the most important minority in America: those who cannot speak for themselves. I urge my colleagues to do the same.

IRAQ SUPPLEMENTAL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as we debate the Presidential supplemental request for Iraq, one point I do want to address is the idea of placing some of the requested funds for reconstruction to Iraq in the form of a loan. I believe it is possible to do this considering the enormous assets of this country. I am not persuaded by the argument that we do not want to add to Iraq's current debt of $200 billion, which is largely owed to France, Germany, and Russia. I find it difficult to believe that if these countries truly want to contribute to the stability of the region, they would not seek to forgive a substantial portion of their debt.

The American families sacrificed much to win the freedom in Iraq. However, we cannot expect Iraq to pay back funds first to those very countries that sat back and let our men and women undertake the risks to win the freedom in Iraq.

SUPPORT THE PARTIAL-BIRTH ABORTION BAN ACT

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today this House is set to pass a historic bill, the partial-birth abortion ban. We have passed it several times in the past, but this time is different. In this case, we have a President who has said that he will sign this important bill to end this horrific practice.

I have a nephew that was born a few years ago less than two pounds, and many of the young men and women waiting to be born that have been killed by this procedure have weighed more than Alexander. So I call on my colleagues to rise to this historic moment, pass this important bill, and protect those, the most innocent among us.

IMMIGRANT WORKERS FREEDOM RIDE

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, immigrants who come to this country today work hard in the lowest-paying jobs, sometimes working two or three jobs just to support their families. They earn very little money for their efforts, but they bring the richness of hope to our civic and our cultural communities. They pay taxes. They are overwhelmingly honest and hardworking, and they deserve our respect. They wanted only a fair opportunity to share in the prosperity of this great country. They only want what so many others received before them.

Today, because of outdated and unnecessarily burdensome immigration restrictions, many immigrants live their lives underground, cannot get an opportunity for a more formal, legal status and get the opportunity to work for citizenship. Immigration laws and policies that deny people opportunities for permanence or that leave them exploited should certainly be challenged. We should allow immigrant workers without documentation to seek permanent residency status without being forced to leave the country.

Undocumented workers, who have lived here lawfully and productively, should be eligible for immigrant visas based on family relationships and job skills. They should have the opportunity to become legal permanent residents and eventually U.S. citizens.

I join the gentlewoman from California (Ms. SOLIS) in her support of the Freedom Ride Resolution and urge the President to reform our broken immigration system.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. OSE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate.

Mr. Speaker, on Wednesday the Committee on Rules met and granted a rule to provide for the customary 1 hour of consideration for the Partial-Birth Abortion Ban Conference Report of 2003.

The rule waives all points of order against the conference report to accompany S. 3 and against its consideration. It also provides that the conference report shall be considered as read.

This conference report makes it illegal in the United States for a physician to perform a partial-birth abortion. As an original cosponsor of this legislation, I am very pleased to see this conference report reach the floor of the House of Representatives. I have been waiting for this day to come since 1995.

I am sure that President Bush is eagerly awaiting the opportunity to put an end to this horrific act of human violence by signing this legislation into law. Finally, we have a President in the White House who will not veto this monumental legislation..

I also want to thank my colleagues on the other side of the Rotunda for passing this important legislation. I must say, as a mother and a grandmother, it is astonishing to me that this horrible practice is even remotely legal in America today, and as we will no doubt hear on the floor today, it is practiced all too often in there country.

Partial-birth abortion is the procedure where a pregnant woman's cervix is forcibly dilated over a 3-day period. On the third day, her child is pulled, feet first, through the birth canal until his or her entire body, except for the head, is outside the womb. The head is held inside the womb by the woman's cervix, and while the fetus is stuck in this position, dangling partly out of the woman's body and just a few inches from a completed birth, the abortionist inserts scissors into the base of the baby's skull, and the scissors are opened, creating a hole in the baby's head. The skull is either then crushed with instruments or a suction catheter is inserted into the hole and the baby's brain is suctioned out. Since the head is now small enough to slip through the mother's cervix, the now lifeless body is pulled the rest of the way out of its mother and the baby's corpse is discarded, usually as medical waste.

The vast majority of partial-birth abortions are performed on healthy babies and healthy mothers. Congressional findings have shown that the procedure is not medically necessary and actually poses a significant threat to the mother's health and her future fertility.

This conference report would also punish those who perform the procedure with fines and prison terms of up to 2 years. Husbands or parents of women younger than 18 would be able to sue for damages.

Although language banning this procedure was struck down in the past by the Supreme Court, this new legislation has been tailored to address the Court's concerns. The five-justice majority in Stenberg v. Carhart thought that Nebraska's definition of partial-birth abortion was vague and could be construed to cover not only abortions in which the baby is mostly delivered alive before being killed, but also the more common "dilation and evacuation," D & E method. The conference report defines partial-birth abortion as an abortion in which "the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the naval is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus."

The tighter definition not only clarifies the procedure so that the court will not reject it, it also draws attention to the violence of partial-birth abortion by describing how far out the baby can be. We have changed the bill, adding findings of fact to overcome constitutional barriers, and I am confident it will survive judicial review.

This is a historic day for the American people. A civilized society cannot tolerate the barbaric nature of the partial-birth abortion procedure. Mr. Speaker, the public wants this bill in overwhelming numbers, believing in their hearts that we as a Nation are better than this. We are a better people. To that end, I urge my colleagues to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, it is indeed a historic day for America, for more, I think, than most people in here realize. For the first time in the history of the Republic, the Congress of the United States is poised to outlaw a medical procedure. A majority that wants the government off everybody's backs, wants to preserve privacy, is inserting itself between a woman and her family and her physician.

I wonder what is next. Perhaps they will decide that one cannot have a hysterectomy during child-bearing years, even though one may have some serious disease, or maybe we will outlaw vasectomies. That would be something we could do in here today too. And maybe we would not even like gallbladder operations. Who knows? There may be some reason we would not want to do those. All of them are pretty gruesome to describe.

Mr. Speaker, yesterday was the beginning of a new fiscal year and only three of the 13 bills appropriating funds for the new year have been signed into law. Millions of Americans are unemployed. Jobs continue steadily to disappear. More families living in poverty for the second year in a row, another historic day for America that has not happened before. Tens of millions of families live without any health insurance. The Federal debt is projected to reach $5 trillion. Thousands of American troops are in Iraq working in dangerous conditions. And instead of addressing these pressing issues, we are once again considering legislation that violates fundamental constitutional rights and threatens women's health.

Three years ago, the United States Supreme Court settled this issue, they thought once and for all, when it struck down similar legislation that banned safe and effective abortion procedures. The Court again confirmed the constitutional foundation of women's reproductive rights as recognized in Roe v. Wade and reaffirmed 2 decades later in Planned Parenthood of Southeastern Pennsylvania v. Casey. At the end of their last term, in the Lawrence v. Texas decision, the Court relied on the right to privacy that was recognized in Roe.

Despite the minor tinkering of the conference committee, S. 3 still suffers from the same constitutional flaws as the Nebraska statute thrown out by the Supreme Court, and this one we hope will meet the same fate. The ban on medical procedures is vague and overbroad and does not contain an exception to perform the procedure when a woman's health is threatened, and it goes so far as to give the father of the fetus the right to sue the woman or the doctor for money damages, even if he is not married to her or if he beats her or rapes her.

Obstetricians and gynecologists say that the term "partial-birth abortion" is not a medical term, and they are right. It is a political creation. We will not find the definition of the procedure that S. 3 seeks to ban in a medical dictionary or textbook. The nonmedical language in S. 3 could cover at least two different kinds of procedures, one of which is the most commonly used abortion procedure. This vague and overbroad definition would create so much confusion in the medical community that doctors would not know which medical procedure might land them in jail, and we should not make our doctors criminals.

S. 3 brazenly seeks to sidestep the Constitution. The Supreme Court has plainly determined that the Constitution requires an exception when the woman's health is endangered. Pages and pages of congressional findings will not change or will not fulfill the constitutional demand to protect a woman's health.

□ 1030

The authors of this bill hope that the Federal courts, most especially the Supreme Court, will defer to these congressional findings and waive this constitutional requirement. But the Court has squarely said that "the power to interpret the Constitution in a case of controversy remains in the judiciary." And the Court has said that simply because Congress makes a conclusion does not necessarily make it so. Just because the findings in the bill assert that there is no medical reason for a health exception does not make that true, and it does not change the demands of the Constitution.

Last June, when the House first considered this bill, Ruth Marcus noted in The Washington Post that "just as Clarence Thomas wrote in a different context that, if Congress 'could make a statute constitutional simply by finding that black is white or that freedom is slavery, then judicial review would be an elaborate farce.' "

Despite what politicians may say, the American College of Obstetricians and Gynecologists, the doctors who perform these procedures, say that the procedure this bill seeks to proscribe "may be the best or most appropriate procedure in a particular circumstance to save the life," I want to emphasize that, "to save the life or preserve the health of a woman," and that "only the physician, in consultation with the patient and based on her circumstances, can make this decision," not the Congress of the United States. We are not physicians here. I think we think we are omnipotent; we are not. Medical professionals in every Federal court in the country that has heard this issue, except for one, all have agreed that these are safe procedures and they may, in fact, be the safest procedure in some circumstances.

This, as I pointed out before, is the first time in the history of this Republic that Congress is banning a specific medical procedure. Physicians, and not politicians and pundits, should provide women and their families with medical advice. Women and their families, not the government, should make these difficult and private and medical decisions.

This bill would deprive doctors of the ability to care for their patients. By outlawing safe and effective medical procedures, Congress would subject women to more dangerous medical procedures, putting their health and their lives in jeopardy. Do we really want to do that? Women deserve the best medical care based on the circumstances of their particular situation. Instead of making abortion more difficult and dangerous, we should pass legislation that helps reduce the need for abortions; but we will not do that, by reducing the number of intended pregnancies. We should increase the funding for title X, and health insurance should cover contraception. It covers Viagra. Why not contraception? Emergency contraception should be more available. And research on other contraceptive methods should be fostered.

So why are we here today considering a rule for an unconstitutional bill? Richard Posner, Chief Justice of the U.S. Court of Appeals of the 7th Circuit who was appointed by President Reagan, gave us the answer when he wrote that the proponents of similar legislation "are concerned with making a statement in an ongoing war for public opinion, though an incidental effect may be to discourage late-term abortions. The statement is that fetal life is more valuable than women's health." Let me say that last sentence again: "The statement is that fetal life is more valuable than women's health." Judge Posner went on, writing that "if a statute burdens constitutional rights and all that can be said on its behalf is that it is the vehicle that legislators have chosen for expressing their hostility to the rights, the burden is undue."

The deliberate actions of the conference committee underscore the real aim of the bill. The majority of the other body passed a version, S. 3, that said, "The decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right, and such decision should not be overturned." Tuesday evening, the conference committee, along party lines, quickly stripped the Roe-supportive language out of the bill. This emphasizes the true purpose of the legislation: targeting a woman's right to privacy, with the hope that a Supreme Court with a new justice or two will weaken or reverse Roe. A Washington Post article said it plainly: "The political agenda is clear. Ken Connor, president of the conservative Family Research Council, spelled it out in an e-mail after the Senate voted last March. With this bill," he wrote, "we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade."

As a mother, grandmother, and a long-time advocate for women's health, I strongly believe that this bill is a threat to women's health, and an attempt to whittle away at a woman's constitutional right to her privacy and control of her body. I urge my colleagues to oppose this rule and to oppose S. 3.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, few things that we do in this life have significance as we go 10, 20 years down the road; but the work that we are doing today in this Chamber has enormous significance. Partial birth abortion defies logic. I try to imagine how an individual could even come up with this thing that is called euphemistically a "procedure." I am trying to imagine in my mind how a doctor, who is calling on his or her life to be a healer, to extend life for individuals, came up with this procedure. I am trying to imagine how sticking scissors into the brain of a child that is partially born is called a "medical procedure" that is to benefit the life of the mother, the mother whose body is getting ready to birth this child, a woman who is going through all of the things that we have gone through, getting ready to have the child.

It is an important thing in this Nation today that we have acknowledged what this really is, and it is a good day in America when our President will sign the partial-birth abortion ban into law.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, here we are at the end of the fiscal year with important unfinished work for the House of Representatives. Our fiscal year budget is not complete, our seniors do not have a prescription drug benefit, and our local communities still need support in the war against terror, to list only a few of the unfinished pieces of business that we have before us.

Yet, what does the majority decide to bring to the floor? A bill that everyone knows will not pass the muster of the Supreme Court. Because there is no exemption to protect a woman's health, this bill not only fails to meet moral requirements, it fails to meet constitutional requirements.

We have a moral obligation to protect and promote women's health, not endanger it. In fact, our debate should be about measures to reduce the number of unintended pregnancies and ensuring that all pregnant women have affordable access to the care they need so they can deliver healthy babies.

The Supreme Court has been clear. Our laws cannot take away a woman's right to a safe and accepted medical procedure when her health is in danger; and yet the antichoice lobby chooses to once again waste our valuable time pushing legislation that politicizes women's health and chips away at a woman's constitutional right to choose an appropriate lifesaving medical procedure.

As we know, a pregnancy can go tragically wrong in the final stages; and in these unimaginable circumstances, a woman must not be required to risk her health and future fertility by continuing a dangerous pregnancy. I am not a doctor, so I am not going to stand here and pretend that I have the necessary expertise to make medical decisions for my constituents, nor should any Member of the House, nor any Federal agency. Instead, I want every woman in my district and in this Nation to have access to the procedure she and her physician feel are the safest and most appropriate for her particular situation.

Let us be honest. The debate today is not about aborting viable, healthy children. Few late-term abortions occur, and those that do are tragically necessary to save the life or health of the mother. This debate is really about limiting a woman's right to privacy and restricting access to constitutionally protected medical procedures. The American people must know that while the necessary work of the House of Representatives remains undone, we are here debating a bill that makes an unconstitutional attempt to chip away at a woman's right to access for a particular medical procedure.

Mr. Speaker, I urge my colleagues to oppose this rule and oppose this conference report.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today to express my support for the conference report on the Partial-Birth Abortion Ban Act of 2003. For nearly a decade, Congress has attempted to see this legislation become law, and I am pleased that we will again be affirming the message that partial-birth abortion is wrong.

There is overwhelming support in the second district of Kentucky and across the Nation for a ban on partial-birth abortions. Eight versions of a partial-birth abortion ban have passed the House since the 104th Congress. This body also passed multiple overrides of Presidential vetoes on this issue during the Clinton administration. Throughout this time, we have seen numerous State legislatures take similar action and vote to end the savage practice of partial-birth abortions in their States.

There is a clear and consistent mandate throughout the Nation: partial-birth abortion is wrong and must be prohibited by law.

I realize that the issue of abortion is difficult and powerfully divisive for many Americans. There are well-intentioned, intelligent people on both sides of this debate who will continue to disagree. But I am deeply concerned about the value our society places on human life when we tolerate this practice, brutally denying a defenseless, unborn child its right to life. By condoning abortion, and especially the brutal practice and procedure of a partial-birth abortion, our greater human condition is significantly cheapened.

I am pleased that so many of my colleagues are taking a stand and acting in support of this legislation. This conference report demonstrates the bicameral and often bipartisan commitment of lawmakers in the 108th Congress to protect the sanctity of human life by outlawing a procedure that devalues and violently terminates its potential. I am also encouraged knowing that at this time we have an administration that is willing to take positive action and sign this ban into law.

The late Mother Teresa of Calcutta once said, "The greatest destroyer of peace is abortion because if a mother can kill her own child, what is left for me to kill you and you to kill me? There is nothing between." It is time we act strongly and unmistakably and vote once again to preserve life and ban this gruesome, inhuman practice.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, let us be crystal clear about what this House is doing today. We are making a medical judgment. That ought to be of deep concern to every American who believes that the Federal Government has no business injecting itself into the middle of the doctor-patient relationship. If we pass this partial-birth abortion conference report, elected representatives of the people of the United States, not the medical community, not doctors, not trained persons, will be telling every American woman that she cannot obtain certain medical procedures that are currently legal and available to her. If that does not trouble you, this should: this conference report is patently unconstitutional.

The proponents of this conference report are literally trying to paper over Supreme Court precedent in direct contradiction of the Supreme Court's decision 3 years ago in Stenberg v. Carhart. This conference report deliberately excludes an exception for cases in which a woman's health is in jeopardy. Instead, the proponents of this conference report have added dozens of pages of congressional findings that conclude that the prescribed abortion procedure is never medically necessary. The distinguished gentlewoman from New York (Ms. SLAUGHTER) quoted Justice Thomas in saying that that would not work and could not work.

Mr. Speaker, I do not believe that anyone here believes that abortion is a desired outcome to a woman's pregnancy; no one believes that. I think without question that this belief is even stronger when an abortion is obtained in the later stages of pregnancy. However, Mr. Speaker, the fact of the matter is, this legislation, and I have said it before and I will say it again, would not prevent one abortion.

□ 1045

This legislation will not prevent one abortion, not one. Why? Because it leaves in place other procedures. That is because, while it claims to ban a specific medical procedure performed in the most tragic of circumstances, it leaves other means of terminating a pregnancy in place. To that extent, this legislation is without effect.

I would challenge any proponent of this legislation to tell me why it prohibits the termination of a pregnancy. I understand the proponents say it prohibits a procedure, but there will be not one proponent because it will not be medically justifiable to say so, that it precludes the termination of a pregnancy at any stage.

Unfortunately, Mr. Speaker, this House has again missed an important opportunity to seize what common ground exists in this difficult issue. The bipartisan Late-Term Abortion Restriction Act, which failed on this floor, which I co-sponsored this year, addresses the heart of the matter: the termination of pregnancy in the late stages of pregnancy. That legislation would have precluded all late-term abortions by any method except to save the life or protect the health of the mother.

It is clear that the conference report before us is nothing but a veiled attempt to undermine the Supreme Court's landmark ruling in Roe versus Wade. It will fail. It will fail in the courts. How else can one explain the conferee's decision to strip out the Senate language reaffirming Roe? I hope my colleagues reject this bill.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to support the rule and passage of the Partial Birth Abortion Act of 2003. Eliminating the cruel and unusual punishment of partial birth abortion is a step in the right direction for the United States as a civilized society. We would never tolerate such a brutal form of execution for the most heinous criminal. It is right to end this method of killing innocent, unborn children in their mother's womb.

The facts of partial-birth abortion are gruesome, and I will not repeat them. They are humiliating. They are heinous. I am embarrassed in this civilized society to have to describe a procedure that should never be. Ending partial birth abortion will reaffirm the principle in our Declaration of Independence that human beings, that baby smiling in the womb, are endowed by their creator with a right to life.

I thank God for the support of President George W. Bush who will sign this bill into law to end this heinous practice.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership, and I rise in strong opposition to this rule and the underlying bill.

Contrary to what proponents have claimed, this bill has nothing to do with late-term abortions or with banning one specific procedure. Instead, this bill bans the safest procedures physicians perform, starting as early as 12 weeks of pregnancy. It also lacks any exception for the health of a woman.

The Supreme Court settled this debate 3 years ago when it struck down a nearly identical Nebraska ban for the same two reasons I mentioned, and the Supreme Court warned that this type of legislation would have, and I quote, "tragic health consequences," end quote.

More women will suffer serious medical complications including infertility, infection, and even death because of your actions today.

The question here is not whether this bill is unconstitutional; the question is, why are you passing an unconstitutional bill that is so dangerous to the health of your wives, daughters and friends?

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, partial birth abortion is but the tip of an ugly and an unseemly iceberg.

Just below the surface, the surface appeal of choice is a reality almost too horrific and cruel to contemplate, let alone face. Yet we persist in our illusions and denial, ever enabled by clever marketing, biased news reporting, and the cheap sophistry of choice.

Let us be clear. Abortion is child abuse, and it exploits women.

Women deserve better than having their babies stabbed, cut, decapitated, or poisoned. Women deserve nonviolent, life-affirming, positive alternatives to abortion.

Thirty years after Roe, the national debate about partial birth abortion has finally pierced the multiple layers of euphemisms and collective denial to reveal child battering in the extreme. The cover-up is over, and the dirty secret concerning abortion methods is finally getting the scrutiny that will usher in reform and protective statutes.

Mr. Speaker, there is nothing compassionate nor benign about stabbing babies in the brain with scissors so their brains can be sucked out. In like manner, there is nothing compassionate or benign about other methods of abortion, like injections of chemical poison that burn and blister or dismemberment by suction machines 20 to 30 times more powerful than household vacuum cleaners.

The loss of children's lives since Roe has been staggering, Mr. Speaker: 44.4 million babies dead. Picture this: Two days ago 56,292 fans packed into Yankee Stadium for the play-offs. The number of children killed since Roe would fill Yankee Stadium to capacity each and every day for 788 days. The shear number of children destroyed is numbing.

Then there is the terrible toll that abortion imposes on women. A new organization, Mr. Speaker, Silent No More, organized by women who have had abortions, including actress Jennifer O'Neill, shatters the myth that abortion somehow benefits women. "We are the face of women exploited," they say.

Women need real love, genuine compassion, and their voice will ultimately be heard. Mr. Speaker, the cover-up is over.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for New York (Ms. SLAUGHTER) for her steadfast work to preserve a woman's right to choose, as this bill does not, and to keep us from endangering that right from the thirteenth week on. And that is what this bill does.

I want to speak to the constitutional issues. I understand where many Americans are on what they think is misnamed partial birth abortion. You know, that is a 1984 gamut, call something what it is not, trying to focus the American people on a viable baby being aborted as it comes out of its mother's womb. My friends, that is not this bill.

This bill is a virtual twin of a bill in Nebraska law that was struck down 3 years ago by the Supreme Court in Stenberg versus Carhart. This is a redux of that unconstitutional law. And though there have been some attempts to fiddle with the bill in those terms, there is not a dime's worth of difference between this law and the Nebraska law.

Now, the Republicans are not as dumb as they look. They have read the decision. They are not even trying to ban one procedure. They are trying to dip into the second trimester, and, boy, have they done it. And Ms. and Mrs. America do understand that, beginning with the thirteenth week, the procedures most commonly used and understood to be the safest procedures for performing abortions after the thirteenth week would be banned by this bill. In the law we say it is unconstitutionally vague. That means it is so broad that it goes beyond what might be legal. Of course, this would not be legal because it has no health exception.

The majority is trying to practice medicine without a license. It certainly is not capable of practicing law without a license, because each and every time this and similar bills have been overturned. Worse, there is no health exception. It is as if Roe versus Wade never said that in order to be constitutional there always had to be a health exception. These folks just slide right over that.

I want to leave you with the words of the Supreme Court in Carhart, because you are going to be hearing them again. This is not my Supreme Court, this is a conservative Supreme Court. And it said, "Using this law some present prosecutors and future attorneys general may choose to pursue physicians who use the most commonly used method for performing previability, second trimester abortions. All those who perform abortion procedures using that method must fear prosecution, conviction, and imprisonment. The result is an undue burden upon a woman's right to make an abortion decision. We must quickly find the statute unconstitutional."

It was unconstitutional 3 years ago, my friends. It is unconstitutional today, even if we enact it.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, today we enter into the final weeks of debate, delay, and continued obstructionism surrounding one of the most corrupt laws ever forced upon this land by the Supreme Court, that of partial birth abortion. This horrific and violent procedure against pre-born American children unbelievably is still the law of this land.

As shown on this diagram, this law allows an abortionist to pull a fully developed baby out of its mother's womb by its feet. This is the law that still allows an abortionist to insert his scissors into the base of a child's brain stem, and this is the law that still allows an abortionist to vacuum out a baby's brains.

They deceive the American people by calling it choice. Hide the true facts and spin it until you are blue in the face, but the days of this Nation having a law that advocates child abuse and death to pre-born American children may finally have seen its own demise. We are on the verge of eliminating a decrepit and immoral law from the same books that contains our sacred rights and liberties.

As the father of 12 children, I want to teach my children to love this Nation unconditionally, to revere her, to respect her laws and be drawn into complying with the laws of this Nation because her laws represent goodness, because they are filled with integrity, and because we are bound by a moral sense of obligation to abide by them.

Let us love this Nation and hold her laws in esteem by eradicating this disgusting laws from our land. Stop the torture and infanticide of our pre-born American children and our future patriots. Let them have life and finally let us rid ourselves of this evil.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I need really to respond to the previous speaker.

First, Roe v. Wade does not allow abortions after the first trimester without a doctor's permission. These are fetuses in many cases with no brains, with no lungs, who may live for a moment or two. These are not children that are born and run around the room.

It is outrageous to stigmatize women who have had this procedure so that they can protect their fertility system so that maybe they, too, can have 12 children and not have to stop with one. Have a little compassion.

□ 1100

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this bill is not a serious attempt to save babies. It is a cynical attempt to make political points. Do you know what? There is a dirty little secret about this bill that is starting to get out, and that secret is that this bill does not outlaw late-term abortions. Let me repeat that.

Under this bill, late-term abortions under Federal law, will still be perfectly legal. Why do I say that? Very simply, because this bill only outlaws one late-term abortion procedure, while allowing all others to remain perfectly legal. For 8 years, I have asked on this floor the supporters of this bill to explain why they did not want to put in this bill an outlaw of all late-term abortion procedures like I helped do in the Texas legislature 13 years ago.

I think probably the honest answer to that was given by Ralph Reed a number of years ago when he said, "the partial-birth abortion bill is a silver political bullet." And I think the people in America who should truly be upset about this bill and the effort to pass it for 8 years, are not just the pro-choice people. It should be the genuine, decent pro-life people who in their own heart have been misled to believe that this bill would actually outlaw late-term abortions. It does not. And that is a dirty little secret that is starting to get out, even in the pro-life community.

In fact, let us go to a statement made just 2 weeks ago by Randall Terry, who is the founder of Operation Rescue, an ardently pro-life organization. This is what Mr. Terry, a pro-life citizen, said, "This bill, if it becomes law, may not save one child's life."

Yes, Mr. Speaker, the dirty little secret is getting out. There is another little secret that is getting out about this bill, and that is that it is absolutely, patently unconstitutional. So those who have pushed this bill have pushed a false promise on their pro-life constituents.

Why is it unconstitutional? It is as clear as the Supreme Court can say. When it puts a decision in italics, I think it is trying to make it a very clear point to those who would read it; but for those who cannot understand it, let me read Justice O'Conner's statement from the Stenberg v. Carhart decision in 2000, which outlawed a bill almost exactly like this.

"States may substantially regulate and even prescribe abortion, but any such regulation or prescription must," not maybe, "must contain an exception for instances," and this was in italics, "where it is necessary, in appropriate medical judgment, for the preservation of life or health of the mother."

Well, guess what, unlike the constitutional bill I passed in the Texas legislature 17 years ago abolishing all late-term abortion procedures, but constitutional because we had a health exception, this bill refuses to have a health exception, even when the mother's health is at risk.

This bill is a false promise. It will harm good decent women in this country, and it should be defeated.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule and I urge my colleagues to again support the Partial-Birth Abortion Ban Act of 2003.

I am pleased to stand here today on the brink of passage of this critical piece of legislation. In doing so, we reaffirm that partial-birth abortion is a heinous and unnecessary procedure that has already claimed the lives of too many innocent preborn victims.

We already know in statements, such as those of former Surgeon General C. Everett Koop, that a "partial-birth abortion is never medically necessary to protect a mother's health." Why then, Mr. Speaker, is there any question at all that this procedure needs to be banned?

We must stop victimizing the women and children of America through partial-birth abortion.

Mr. Speaker, the insanity of legalized murder will end with the passage of this long-awaited law. I urge my colleagues to support the rule and pass the partial-birth abortion ban.

Ms. SLAUGHTER. Mr. Speaker, does the gentlewoman from North Carolina (Mrs. MYRICK) have any further speakers?

Mrs. MYRICK. Mr. Speaker, I have about five more speakers.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of what is perhaps one of the most significant pieces of legislation that this House will ever consider. Why so significant? Because this bill will save lives. But even more than that, more than saving lives, it would save the lives of innocent children. And that is why I support the passage on the ban of partial-birth abortion.

This procedure, as some would like to call it, is a cruel, unusual, heinous, inhumane way of murdering our children.

As we pass this bill today, we will be doing so with the support of the American public. We will be doing so with the support of the people back in my State of New Jersey and with some 30 other States as well, who have tried as well to ban this heinous conduct. And the reason why they are supporting us in this endeavor is because they know we must save the lives of this and future generations of the American family.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I would like to commend the gentleman from Ohio for introducing this legislation and for his leadership on this, and I want to thank God today that we will finally pass, and send to a President who will sign it, a bill banning a barbaric, brutal procedure for killing unborn babies.

It seems to me having a legal ban on partial-birth abortion just strikes me as a minimal sort of threshold level indication of human decency for our society. To take an unborn baby, induce a partial delivery, kill the baby, then pull it out and discard it, demonstrates such a wanton contempt for human life, it really should be chilling for all of us.

This bill establishes what I see as at least a minimal level of respect for human life; but, frankly, we have got a long way to go. I would like to address the Roe v. Wade decision which has come up repeatedly. I think we just need to speak candidly about this decision, Mr. Speaker.

The fact is it is a terrible decision that has resulted in the deaths of millions of unborn babies. But even if the immorality of the decision does not move someone, I would think the contempt for the Constitution that it demonstrates ought to. Because let us face it, you can read the Constitution. It is written in English, and it is very clear. The Constitution does not guarantee a right to have abortions. A few Supreme Court Justices on the other hand, decided that they would rather be legislators than Justices and so they invented this right. They wrote it in a decision. And unfortunately, as unaccountable legislators, it is now the law of the land. But that is what it is. It is a terrible misreading of the Constitution.

I commend the conferees for striking the reaffirmation of Roe v. Wade from the bill that was passed in the other body. I commend them for bringing this bill to the floor today, and I urge my colleagues to support the rule and to support this conference report.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, no matter where we stand on the issue of abortion, most Americans agree the brutal and horrific practice of partial-birth abortion in this country must end. I have even had some of the hard-shell pro-death, pro-abortion come up to me in saying that this horrific action ends. They even think it is bad.

In previous Congresses, legislation to ban partial-birth abortion has been thwarted by Presidential veto. This year our President, President Bush, will sign this bill into law, making it the first abortion-limiting law on the books since Roe v. Wade was enacted.

This is truly an historic moment and a milestone for the rights of the unborn. This is also an historic time for this Congress. We have listened to the will of our constituents, and we heard them loud and clear. They demand a ban on partial-birth abortion. According to a recent poll conducted earlier this year, 70 percent, 70 percent of Americans favor a law that would make this procedure illegal, except in the case necessary to save the life of the mother.

The outrage over this grotesque practice is nothing new. The American Medical Association has said the partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. It degrades the medical practice and cheapens the value of life.

As a husband and father of four beautiful children, I have a deep respect for the sanctity of life and the miracle of childbirth. I have been at every one of my children's births. Recently, I had a child 8 months ago, and to think that if you could have stopped that head before it came out, but if it slips out you could not kill the child, but to stop the head but to stick a pair of scissors in the back of the skull, suck the brains out and deliver it dead is unimaginable and should not happen in the United States of America or anywhere else in the world.

There is no place in a civilized society for this horrific practice. Today we take solace in the fact that the nightmare of partial-birth abortion will soon end. I urge my colleagues to vote in favor of this rule and conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the rule and to the underlying bill.

Let us make it clear, the conference report and the bill before us will not prohibit any abortions. Alternative bills which would have outlawed late-term abortions have been rejected by the majority. This bill will not prevent any abortions.

The bill will prohibit a procedure. The abortion can still take place using another procedure, and I am not going to inflame the debate by describing in explicit detail the alternative procedures that may be used.

But I will point out that Nebraska had a law banning the so-called partial-birth abortion procedure. Three years ago the United States Supreme Court held that that law was unconstitutional. The Supreme Court said five times in its majority opinion and other times in concurring opinions, that in order to make a partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure where it is necessary in appropriate medical judgment for the preservation of life or health of the mother. That is what five Supreme Court Justices said is necessary to make the bill constitutional. All five are still on the Supreme Court.

In that case the Court said, The question before us is whether Nebraska's statute making criminal the performance of a partial-birth abortion violates the Federal Constitution. We conclude it does for at least two independent reasons.

They went on to say that the first reason was that it lacks the exception for the preservation of the health of the mother. The Court said, "Subsequent to viability, the State may, if it chooses, regulate or even prescribe abortion," and then they put this in italics, "except where as necessary in appropriate medical judgment for the preservation of life or health of the mother."

It goes on to say that the governing standard requires an exception, now listen up, because now they put it in quotes, "where it is necessary in the appropriate medical judgment, for the preservation of the life or health of the mother."

The Court continues talking about the health exception by saying that "our cases have repeatedly invalidated statutes that in the process of regulating the methods of abortion impose significant health risks." They make it clear that risking a woman's health is the same, whether it happens to arise from regulating a particular method of abortion or from barring abortion entirely.

Just in case we did not get it, the Court said again, "By no means must the State grant physicians unfettered discretion in their selection of abortion methods. But where substantial medical authority supports the proposition that banning a particular abortion procedure could endanger a woman's health, Casey requires that the statute include a health exception where the procedure is 'necessary in the appropriate medical judgment for the preservation of life or health of the mother.' "

Now, the record clearly reflects that there is substantial medical authority supporting the use in some cases of this procedure.

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law.

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law. The Supreme Court in one decision said at least five times that the health exception must be included for the statute to be constitutional.

□ 1115

Furthermore, they put the exact phrase to be used, "necessary, in appropriate medical judgment, for the preservation of the life or the health of the mother," in plain text, in italics and in quotations.

Here we have a bill without the health exception. It is clearly unconstitutional, and we ought to reject the rule and the bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding time to me; and Mr. Speaker, let me just say in regard to some of the comments that the gentleman from Virginia just made in regard to this ban on partial-birth abortion only eliminating one method of a late-term abortion, and he said he would not describe some of the other procedures of late-term abortion, and I wish maybe he had because I, as a physician, as an OB/GYN physician, do not know of any other procedures, late-term procedures that would result in the death of a child at this stage of pregnancy, and we are talking about infants, that are well past the point of viability.

We are talking about, in some instances, 4½-, 5-pound babies, that that pregnancy cannot be terminated, and resulting in a dead baby without doing a destructive procedure known as partial-birth abortion. It literally is the only option left for a woman who wants to choose death for her child in the third trimester. If you do a cesarean section, you have got the problem of delivering a live child. If you induce labor, you have the problem of having a live child, and that problem means that you cannot perform an abortion.

This is what it is all about, and the gentleman from Texas on the other side spoke a few minutes ago about the dirty little secret, the dirty little secret of this not banning late-term abortion. It certainly does when we eliminate this abhorrent procedure known as partial-birth abortion.

This question that keeps coming up about the health exception, how in the world could anybody consider that it would be a healthy thing to put a mother through this kind of procedure in the third trimester. It is not healthy. It is totally unhealthy. It is a complete farce.

I urge the adoption of the rule, and let us get on and pass this ban. It is time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is left on either side.

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 8¼ minutes remaining and has the right to close.

Ms. SLAUGHTER. Mr. Speaker, do I understand the gentlewoman has no more speakers?

Mrs. MYRICK. I just have one more speaker.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Mr. Speaker, let me just make this very clear. The other side cannot have it both ways. The gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. EDWARDS) argue that this legislation will not stop a single abortion, while the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from the District of Columbia (Ms. NORTON) took to the floor and argued that it would ban all abortions after 12 weeks. They cannot have it both ways.

Let us be very clear. Let us have intellectual honesty in this debate. We are trying to proscribe a horrific procedure wherein a baby who is partially born, only to have his or her brain jabbed with a scissors or some other sharp instrument and his or her brains are sucked out, thereby killing that child. This was invented by the abortion industry as a way of precluding what they considered a "dreaded complication," that is, late-term abortions where babies actually survive and go on to be adopted in many cases.

There have been many instances where babies survive an hour, 2 hours or longer. Some survive and are adopted, having survived later-term abortions. Partial birth abortion ensures that there is no survivor. They set out to kill the baby. The abortionist succeeds in his task.

Let me also point out that the gentlewoman from New York (Ms. SLAUGHTER), my good friend, argued that partial-birth abortions are performed on disabled children. First of all, I resent the fact that somebody would suggest that a disabled child ought to be executed in this fashion. The Americans with Disability Act and all the other disability legislation finally brought us to the point where we recognized disabled people as just as human, just as alive, just as entitled to the best possible life imaginable as everyone else. To say that somehow the disabled ought to have this method reserved for them because, of course, they are disabled, I think, is unconscionable.

Let me also say, Ron FitzSimmons from the Abortion lobby made it very clear Pro-Abortion side "lied through our teeth" about for whom this method was intended. It is intended for later-term, second-trimester and third-trimester abortions. They lied through their teeth about who it was these were performed on. And how often they are performed.

Most of the kids who are killed with partial-birth abortion methods are perfectly healthy, perfectly normal, and those kids, like their disabled brothers and sisters, should not be executed in this terrible way or in any other way.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of our time.

First, let me say that no one is advocating the killing of disabled children. That is offensive to all of us. The fact is that a fetus that is being born with no brain or one with no lungs is one that will not live. I believe even the OB/GYN would admit to that.

Let me then go on to say that this decision to terminate a pregnancy in the late term is an agonizing decision. Parents who have carried a child to late term desperately want that child. In many cases, they have already named that child. Listen to the story of Viki Wilson and her family.

She told in her own words: "In the spring of 1994, I was pregnant and expecting Abigail, my third child. My husband, Bill, an emergency room physician, had delivered our other children, and would do it again this time. At 36 weeks of pregnancy, however, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound that detected what all of my previous prenatal testing had failed to detect, an encephalocoele. Approximately two-thirds of my daughter's brain had formed outside her skull. What I thought were big, healthy, strong baby movements were in fact seizures.

"My doctor sent me to several specialists, including a perinatologist," I am sorry, I am so upset about this I can hardly speak, "a pediatric radiologist and a geneticist, in a desperate attempt to find a way to save her. But everyone agreed, she would not survive outside my body. They also feared that as the pregnancy progressed, before I went into labor, she would probably die from the increased compression in her brain.

"Our doctors explained our options, which included labor and delivery, C-section, or termination of pregnancy. Because of the size of her anomaly, the doctors feared that my uterus might rupture in the birthing process, possibly rendering me sterile. The doctors also recommended against a C-section, because they could not justify the risks to my health when there was not hope of saving Abigail." No hope of saving Abigail.

"We agonized over our options. Both Bill and I are medical professionals. I am a registered nurse, and Bill is a physician. So we understood the medical risks inherent in each of our options. After discussing our situation extensively and reflecting on our options, we made the difficult decision to undergo an intact D&E.

"Losing Abigail was the hardest thing that ever happened to us in our lives, but I am grateful," I am grateful, "that Bill and I were able to make this decision ourselves and that we were given all of our medical options. There will be families in the future faced with this tragedy. Please allow us to have access to the medical procedures we need. Do not complicate the tragedies we already face."

Oppose this bill.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

We have had a lot of debate this morning on this issue, and we will have a lot more debate on this issue as we go through the actual bill and not just the rule; and I hope the American people can see what we are talking about. I still find it very hard to believe as a mother, a grandmother, and a great-grandmother that anybody could allow this horrific procedure to happen to their child.

So I urge my colleagues to vote in favor of the rule and to vote in favor of the underlying legislation so it can finally be passed into law and signed by our President.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 383, I call up the conference report accompanying the Senate bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 383, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 2003 at page H 8991.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3, the conference report currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Partial-Birth Abortion Ban Act of 2003 would prohibit the gruesome and inhumane procedure known as partial-birth abortion that unfortunately we are now all too familiar with. An abortionist who violates this ban would be subject to fines, a maximum of 2 years imprisonment, or both. This ban includes an exception for those situations in which a partial-birth abortion is deemed necessary to save the life of the mother.

After two Presidential vetoes, this ban will finally become law and the performance of this barbaric procedure will come to an end. I am pleased to bring this conference report, which is the product of a House and Senate conference meeting held earlier this week, before the House. This bill, nearly identical to this conference report, passed the House of Representatives this summer by a 282 to 139 vote, and language identical to H.R. 760 passed the House last year by a 274 to 151 vote.

A partial-birth abortion is an unsafe procedure that is never medically necessary and should be prohibited. Contrary to the claims of partial-birth abortion advocates, this brutal procedure remains an untested, unproven, and potentially dangerous procedure that has never been embraced by the medical profession. As a result, the United States Congress, after receiving and reviewing extensive evidence, voted to ban partial-birth abortions during the 104th, 105th, and 106th Congress, and at least 27 States enacted bans on this procedure. Unfortunately, the two Federal bans that reached President Clinton's desk were promptly vetoed.

In June 2000, the United States Supreme Court struck down Nebraska's partial-birth abortion ban, which was similar, but not identical, to bans previously passed by Congress. In Stenberg v. Carhart, the court concluded that Nebraska's ban did not clearly distinguish the prohibited procedure from other more commonly performed second-trimester abortion procedures. The court also held, on the basis of the highly disputed factual findings of the district court, that the law was required to include an exception for partial-birth abortions deemed necessary to preserve the health of a woman.

The conference report's new definition of a partial-birth abortion addresses the court's first concern by more clearly defining the prohibited procedure than the statute at issue in Stenberg. The conference report also addresses the court's second objection to the Nebraska law by including extensive congressional findings, based upon medical evidence received in a series of legislative hearings, that, contrary to the factual findings of the district court in Stenberg, partial-birth abortion is never medically necessary to preserve a woman's health, poses serious risk to a woman's health, and, in fact, is below the requisite standard of medical care.

□ 1130

The conference report's lack of a health exception is based upon Congress' factual determination that partial birth abortion is a dangerous procedure that does not serve the health of any woman. The Supreme Court has a long history, particularly in the area of civil rights, of deferring to Congress' factual conclusions. In doing so, the Court has recognized that Congress' institutional structure makes it better suited than the Judiciary to assess facts based upon which it will make policy determinations. Indeed, the Supreme Court has recognized that, as an institution, "Congress is far better equipped than the Judiciary to amass and evaluate vast amounts of data bearing upon complex issues." As Justice Rehnquist has stated, the Court must be "particularly careful not to substitute its judgment of what is desirable for that of Congress or its own evaluation of evidence for a reasonable evaluation by the legislative branch."

Thus, in Katzenback v. Morgan, while addressing section 4(e) of the Voting Rights Act of 1965, the Court deferred to Congress' factual determination that section 4(e) would assist the Puerto Rican community in gaining nondiscriminatory treatment in public services, stating, "It is not for us to review the congressional resolution of the various issues it had before it to consider. Rather, it is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did."

Similarly, in Fullilove v. Klutznick, when reviewing the minority business enterprise provision of the Public Works Employment Act of 1977, the Court repeatedly cited and deferred to the legislative record the factual conclusions of Congress to uphold the provisions as an appropriate exercise of congressional authority.

The conference report's critics cite to Boerne v. Flores for support of their argument that the Court will strike this ban down. Yet Boerne addressed Congress' authority to determine the scope of rights protected by the Constitution, not the issue of whether Congress' factual determinations should be overruled by a court.

In Boerne, the Court explicitly confirmed that Congress' factual conclusion should be granted great weight, stating that it is for Congress in the first instance to determine whether and what legislation is needed to secure the guarantees of the 14th amendment and its conclusions are entitled to much deference, and that this judicial deference in most cases is based not on the state of the legislative record Congress compiles but on due regard for the decision of the body constitutionally appointed to decide.

Boerne does not stand for the proposition that Congress is bound to reach the same factual conclusions as the trial court did in Stenberg, particularly when Congress has reviewed extensive credible evidence, evidence that is more complete than the evidentiary record facing the Stenberg trial court, that directly contradicts the trial court's conclusions.

Substantial evidence presented and compiled at extensive congressional hearings, much of which was compiled after the District Court hearing in Stenberg and thus not included in the Stenberg trial record, demonstrates that a partial birth abortion is never necessary to preserve the health of a woman. The vast majority of partial birth abortions are performed on normal babies during normal pregnancies. Obstetricians who regularly treat patients suffering from serious medical complications during pregnancy or serious life-threatening fetal abnormalities utilize established, safe medical procedures, not the partial birth abortion procedure.

Previous bills that were nearly identical to this conference report enjoyed overwhelming support from Members of both parties precisely because of the barbaric nature of the procedure and the dangers it poses to women who undergo it. Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns but all vulnerable and innocent human life. Fortunately, we are only weeks if not days away from putting an end to partial birth abortions. I urge my colleagues to vote for this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have a very bad combination: Members of Congress who want to play doctor and Members of Congress who want to play Supreme Court. When we put the two together, we have a description for some very bad medicine for the women of this country.

Today's vote is different from previous votes. Every Member of this House should understand that this is not a free vote. This legislation will become law unless we stop it. We cannot count on the Senate, we cannot count on the President, and remember that this President is trying to pack the Supreme Court with reactionary justices. If this bill becomes law, it will be the first time since Roe vs. Wade was decided that Congress will have acted to criminalize the constitutional right to choose.

No one should think it will end here. This is only the first, not the last, bill that people who want to turn back the clock will bring forward. If my colleagues do not believe that this bill is intended as a direct assault on Roe, they should ask themselves why was a nonbinding statement supporting the right to choose pursuant to Roe and opposing efforts to overturn it dropped from the bill in the conference committee? Do not be fooled. Do not listen to what they say. Look at what they are doing.

Although this bill is blatantly and facially unconstitutional, the Supreme Court's decision striking down an almost identical Nebraska statute was a close vote. This administration is determined to pack the Court with justices committed to eliminating the fundamental right to keep government out of the most personal decisions involving women's life and health. So even though this bill is blatantly unconstitutional according to the Supreme Court, one cannot count on the Supreme Court maintaining that view if the President succeeds in packing it with reactionaries, which is why this bill is before us.

We will not find the term "partial birth abortion" in any medical textbook. The authors of this legislation prefer the language of propaganda to the language of science.

For one thing, the rhetoric behind this bill is really a rhetoric aimed at late-term abortion, at fetuses that look like human beings, that are almost born; late-term fetuses, as people understand the term. The fact is, though, that if we want to ban late-term abortions, I do not think there will be many people in this Chamber who would oppose that. Forty-one States have done so against almost no opposition.

The Supreme Court has said that we have the power to ban abortions after viability. Most States have done so. If the horror that is to be addressed, the alleged horror that is to be addressed is as described, just put in a bill that says no abortions after fetal viability. Very few people would oppose it. It would pass, and that would take care of the problem. But that amendment was also defeated in conference because that is not the intent here.

One of the problems with this bill from a constitutional point of view is that the term is so vaguely defined that it could easily refer to various different procedures that are necessary in second trimester, not late term, but second trimester, pre-viability abortions, when there are certain health problems attendant on the pregnancy. This bill is intended to forbid that, too, and to chill doctors from performing certain techniques which may be the best from a health point of view in second trimester abortions lest they have a prosecution under this bill, even though it is not clearly defined.

This bill reads as if the authors carefully studied the Supreme Court's decisions and then went out of their way to thumb their noses at 30 years of clear law. Unless the authors think that when the Court has made repeated and clear statements over 30 years of what the Constitution requires that the Court was just pulling our leg, this bill must be considered facially unconstitutional.

Outrageously, both from a substantive point of view and a constitutional point of view, there is no health exception. A partial birth abortion as defined would be prohibited even where necessary to preserve the health of the mother. That is just outrageous on its face. But, in addition to this, the Supreme Court has repeatedly said that we must have a health exception in a bill even with respect to post-viability abortions if that bill is going to be constitutional. We cannot prohibit abortions or abortion procedures necessary to save the life or health of the mother.

The exception for a woman's life in this bill is so narrow that it violates the Constitution and will place doctors in the position of trying to guess just how grave a danger to her life a pregnancy must pose to a woman before they can be confident that protecting her will not result in jail time.

I know that some of my colleagues do not like the clear requirements of the Constitution, but that is the law of the land, and no amount of rhetoric will change that. The drafters of this bill, as the distinguished chairman said a few minutes ago, say that the findings included in the bill, the findings that so-called partial birth abortions are never medically necessary, that these findings get around the constitutional requirement as established by the Supreme Court, that a medical procedure necessary to preserve the life or health of a woman cannot be denied. But Congress is not a doctor, and certainly Congress is not the doctor in a particular procedure performed on a particular woman. Only her doctor, who knows her medical condition, can decide what is medically necessary.

The Supreme Court has made clear that it is not interested in Congress' findings of fact, despite what the distinguished chairman said. Boerne and other cases, though they pay lip service to Congress' findings of fact, toss them out routinely. The Supreme Court will not ignore the significant body of medical opinion contradicting what the sponsors of the bill say.

Many supporters of this bill think all abortion is infanticide. They are entitled to their view, but it is not the mainstream view. This bill would foist this fringe belief on American women. This bill would criminalize abortions in the second trimester and turn doctors treating women with dangerously deformed fetuses, those that can never be born alive, into criminals.

We could prohibit post-viability abortions in situations in which a woman's life and health is not in jeopardy, but this bill does not do that. That is where the abortion itself would not put the woman's life or health in jeopardy. But that is not what this bill does. Forty-one States, as I said already, ban post-viability abortions. Almost nobody would oppose that bill. But that is not this bill.

Randall Terry, the founder of Operation Rescue, and one of the most radical opponents of a woman's right to choose, has called this bill a political scam and a public relations gold mine. He is right. The real purpose of this bill is not as we have been told, to save babies, but to save elections. Unfortunately, today, women's health takes a back seat to politics and political extremism.

Hopefully, the Constitution still serves as a bulwark against such efforts. Regrettably, we cannot be sure the current efforts to pack the courts will not succeed. We should all vote today as if women's lives depend on it. They do. And I hope this Chamber, this House will reject this bill, as it ought to.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

It has been almost a decade since the gruesome practice of partial birth abortion escaped the shadowy corners of the abortion clinics and was revealed to the public. In the years that followed, we have seen an overwhelming majority of the American people, many in the medical community, and a bipartisan coalition of lawmakers at all levels of government push for an end to this barbaric procedure.

In fact, the first initiative in Congress to ban partial birth abortions started with a small group of us back in 1995. When I first learned that these horrific acts were occurring, I thought for sure that they would be outlawed at least by the time we celebrated the new millennium. Yet Presidential vetoes, confounding court decisions, and tenacious partial birth abortion advocates have maintained this particularly troubling form of abortion in this country.

We stand here today, having overcome many obstacles, with a strong bipartisan majority in the House ready to stop a procedure that is akin to infanticide, with a President willing to stand up for the culture of life in America, with constitutional legislation that should satisfy any unbiased and open-minded court.

Of course, we will still hear vocal protests on the floor today and in the courts once this bill becomes law. Contrary to the claims of partial birth abortion advocates, however, this barbaric procedure has never been embraced by the mainstream medical community and remains untested, unproven, and absolutely dangerous.

The most common assertion that a partial birth abortion is necessary to preserve the health of the mother is simply inconsistent with the overwhelming weight of authority. Virtually all evidence, including information we obtained at extensive legislative hearings, demonstrates that partial birth abortion is dangerous to women and is never medically necessary to preserve a woman's health. In fact, according to the American Medical Association, and I quote, "There is no consensus among obstetricians about its use;" and, "It is not in the medical textbooks."

□ 1145

Even Dr. Warren Hern, the author of the standard textbook on abortion procedures, has testified that he had "very serious reservations about this procedure," and he would "dispute any statement that this is the safest procedure to use."

Those who continue to espouse the view that partial-birth abortion may be the most appropriate abortion procedure for some women in some circumstances have failed to identify such circumstances. Most in the mainstream medical community continue to view partial-birth abortion as nothing more than an experimental procedure, the safety and efficacy of which has never been confirmed. The American Association of American Physicians and Surgeons wrote to me earlier this year and stated "partial-birth abortion has no medical indications. We can conceive of no circumstance in which it would be needed to save the life or preserve the health of a mother." Clearly, women deserve better than this.

Partial-birth abortion is also brutal and inhumane to the nearly-born infant. Virtually all of the infants subjected to this procedure are alive and feel excruciating pain. In fact, the infant's perception of painful stimuli at this stage of development is more intense than that of newborn infants and older children.

In testimony to the Senate Committee on the Judiciary, Brenda Pratt Schaefer, a registered nurse, captured the true horror of partial-birth abortion. Ms. Schaefer observed Dr. Martin Haskell, who first introduced this rogue procedure to the abortion community over 10 years ago, use the partial-birth abortion procedure on at least three different babies. Describing what she saw performed on a child who was 26½ weeks along, she testified, "Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal, then delivered together the baby's body and the arms, everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping and his little feet were kicking. Then the doctor stuck the scissors in the back of his head and the baby's arms jerked out like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked another nurse and she said it was just reflexes. That baby boy had the most perfect, angelic face I think I have ever seen in my life." That is what this nurse said when she saw this happen.

I ask my colleagues in the House to quickly approve our conference report so we may send this important legislation to the President. Every day that we delay is another day that an unborn baby boy suffers unconscionably. Every day that we delay is another day that a baby girl's life is brutally ended. Every day that we delay is another day that we continue to live this national tragedy.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute to comment on some of what we just heard.

Mr. Speaker, the American Medical Women's Association, an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, states, "We recognize this legislation is an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman."

The American Public Health Association with 50,000 members from over 50 public health occupations writes the same. So to say it is universally recognized that there is no medical necessity for the procedures described in this bill or perhaps described in the imprecise definition of this bill is not correct.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in strong opposition to the conference report on partial-birth abortion. This legislation injects government into the private medical decisions made by a woman, her family, and her doctor; and in so doing, this bill violates a fundamental principle at the heart of the doctor-patient relationship, that the doctor in consultation with the patient and based on that patient's individual circumstances must choose the most appropriate method of care for the patient.

I would like to remind my colleagues that with a very small handful of exceptions, we are not trained physicians. We have no business interfering with a woman's medical privacy. Additionally, this bill is unconstitutional because it does not contain an exception to protect the health of the mother. Simple humanity alone should be sufficient to justify a health exception. But if my colleagues need more, the U.S. Supreme Court held in Stenberg v. Carhart that the Nebraska ban was unconstitutional because there was no health exception for the mother.

Mr. Speaker, why would we pass something that is already known to be unconstitutional? Simply put, this bill prevents doctors from doing their jobs and will prevent physicians from providing the best and safest care for their patients. I urge my colleagues to reject the conference report before us.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today in support of the conference report on the partial-birth abortion ban. Every year thousands of women are subjected to this traumatic medical procedure. It is routinely used during the fifth and sixth months of pregnancy. I know it sounds horrendous, and it is horrendous because it kills the baby just seconds before he or she takes their first breath.

This congressional body must act now to preserve the future of the next generation and of their mothers, or this Nation will reap the horrible consequences of allowing partial-birth abortion to continue. Some opponents like to say that it is safe, that the procedure is safe, and they are wrong. They have not informed the public on the effects of this practice on women. Numerous medical practitioners and the AMA have testified in committee that partial-birth abortion is never medically necessary in any situation and is severely below the standard of good quality care. Partial-birth abortion seriously threatens a mother's health and her ability to carry her future children to term. I urge my colleagues to remember their duty and vote for the conference report.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is important that America understand what is going on here today. This is more about 30-second ads in the next political campaign than it is about what is right and wrong.

I was a member of the conference committee, and we offered to reach across the aisle and do something that I think we can all agree on, which is to say that late-term abortions should not be an elective procedure; and I actually strongly believe that. You should not have a late-term abortion unless there is some overwhelming need, either you are going to die or there is going to be a very serious health consequence if it is not done. Only then, if that is not the case, does the government have a right to step in.

I look at this bill and I see the findings are just not correct. To say that this is never medically necessary is simply not true.

Mr. Speaker, the Congressmen in the conference committee and here in the House talk about these circumstances as if they actually knew what was going on. As it turns out, I actually know Vicki Wilson personally. Her mother-in-law, Susie Wilson, and I served together on the board of supervisors, and I remember when Susie found out that her daughter-in-law's pregnancy had gone terribly wrong. It was in the eighth month. They found out that the child they hoped to have, they had picked a name already, Abigail, that the brains had formed completely outside the cranium. There was no way that they were going to have a healthy child. And so the question soon became how was Vicki going to survive this, number one; and, number two, survive it so she and her husband, Bill, who is also a doctor, might have a child. They wanted to have a daughter.

Susie Wilson called me and my colleague on the board, Dianne McKenna, throughout the 2 days that this procedure, which, by the way, is not called partial-birth in the medical terminology, was going on; and Susie stayed with her daughter-in-law throughout the procedure.

To say that a bunch of Congressmen know what is best for this family is really an insult to the American people, and especially to women. So American women, watch out, these Congressmen are wanting to decide whether you survive and have a chance to have another child, and really to make the most personal decision for you instead of you making it with your husband and doctor. I think it is wrong, and I hope that we turn this bill down.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise today with great anticipation that our Nation is nearing the end of a tragic chapter in our American history, one in which the most helpless among us are vulnerable to the most heinous crimes. I believe that, with the passage of the partial-birth abortion ban, we will look back and remember this day as the day that America began to find its way back to its conscience.

Today we will hear people talking about choice when they know this bill is not about choice. We will hear about them talk about abortion, and this bill is really not about abortion. This bill substantively is about one procedure, one procedure that is so painful to an unborn baby that even the most extreme proponent of abortion has to look at it and say it shocks even their conscience.

This bill is simply about preventing egregious and unnecessary pain to an unborn child. Or if Members want to pick a different nomenclature, a fetus.

While everyone is entitled to his or her own opinion, people are not entitled to their own facts. On partial-birth abortion, the facts are out. The facts are clear. Partial-birth abortion is never really medically necessary. Partial-birth abortion is not a rare procedure. It happens many times, and it is not limited to mothers or babies who are in danger. It is performed on healthy women and healthy babies, and that is what the facts are.

The overwhelming testimony is that an unborn child experiences more pain at this particular juncture than it does even after it is born. This bill is not about having an abortion; it is about whether or not you can have a partial-birth abortion. Partial-birth abortion is repugnant to civilized society. Partial-birth abortion goes beyond abortion on demand. The baby involved is not unborn. This procedure is infanticide, and its cruelty stretches the limits of human decency.

This issue comes down to one simple question: Is there no limit, is there no amount of pain, is there no procedure that is so extreme that we can apply to this unborn child or this fetus that we are willing as a country to say that just goes too far?

Mr. Speaker, partial-birth abortion goes too far, and I hope we will pass this conference report.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the conference report on S. 3, in opposition to the underlying bill, the so-called Partial-Birth Abortion Ban Act of 2003, and in strong opposition to passing legislation that endangers the health of women and violates the U.S. Constitution.

Make no mistake about it, S. 3 endangers the health and safety of women. If this bill is signed into law, Congress will take the extraordinary step of banning a medical procedure that many physicians have concluded is safe for women.

☐ 1200

In fact, the American College of Obstetricians and Gynecologists concluded in their September, 2000, statement of policy that the procedure banned under S. 3 may be "the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

Congress should not second-guess the expertise of physicians. Likewise, Congress should not interfere with the doctor-patient relationship and limit the options available to women to protect their health. But this is exactly what the so-called Partial-Birth Abortion Ban Act of 2003 does. It endangers women's health by making a procedure that is the safest option for many women illegal and unavailable.

However, the Partial-Birth Abortion Ban Act does not stop at endangering a woman's health. This bill also blatantly violates the Constitution of the United States. In the Stenberg decision, the Supreme Court struck down a Nebraska statute that is practically identical to the legislation we are talking about today. The Supreme Court struck down the Nebraska statute as unconstitutional because it failed to contain a provision that would provide an exception to the ban when the procedure is necessary to preserve the life or the health of the woman.

Despite the Supreme Court's clear and explicit ruling that a law banning partial-birth abortion procedures must have an exception to protect the life or health of the mother, the drafters of S. 3 have refused to include the exception when the procedure is necessary to protect the health of the mother. By failing to include this health exception, the law is unconstitutional.

I oppose this conference report and urge my colleagues to do the same.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Wisconsin for the opportunity to rise in support of this conference report. No fewer than 77 percent of the general public supports a ban on this horrible procedure known as partial-birth abortion. 77 percent. No fewer than 25 States have passed laws banning this procedure. Since 1995, this House has passed a ban on this procedure in every session, the 104th, the 105th, the 106th, the 107th; and now the 108th Congresses support this ban.

Our opponents tell us that this law would be unconstitutional. It is clear that the committee has addressed the concerns of the Stenberg court. It is clear that this is a gruesome procedure which should never be allowed in a civilized society. Today is the day we will finally complete our task. We are going to vote on the side of civilization and compassion.

I wonder where we would be headed if we would continue to be a society that allowed this type of gruesome procedure, but fortunately today we are going to win, and a lot of innocent babies are going to win. A lot of innocent women are going to win. We are getting the point across and certainly have gotten it across to the general public that partial-birth abortion crosses the line. Partial-birth abortion nears infanticide, as former Senator and the late Daniel Patrick Moynihan had stated.

I am proud to be a supporter of this bill. I am proud that this House has passed it consecutively and patiently redrawn it to make sure that it comports with the Constitution. I urge my colleagues to support this conference report. I commend the chairman of the Subcommittee on the Constitution and the chairman of the Committee on the Judiciary for supporting this. I urge a positive vote on the conference report.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in strong opposition to the so-called partial-birth abortion ban conference report. This legislation is dangerous and deceptive; it is politically driven and filled with mis-characterizations for the sole purpose of inflaming the abortion debate. I strongly urge my colleagues to defeat this report.

Everyone in this House knows that "partial birth" is a political term, not a medical term. It was invented as political rhetoric designed to erode the protections of Roe v. Wade. In fact, the bill that passed the House this Congress would apply to more than just a single abortion procedure, the intact D&E or the D&X procedure, to include prohibitions on abortions well before viability. It is clear that the bill opens up a slippery slope where its ultimate goal is to ban abortion entirely.

The partial-birth abortion ban is opposed by numerous medical and health organizations. Among them are the American College of Obstetricians and Gynecologists, the American Medical

Women's Association and America Public Health Association, and the Medical Association of my State, California. All of these groups understand how the ban prevents women from receiving the level of medical care that would ensure their safety and their well-being. Most importantly, they recognize the fact that such medical care decisions must be left to the judgment of the physician and the woman.

We need to stop playing doctors here in this governmental institution. It is an intrusion into the woman's physical and mental health. No one on this floor is qualified to make that decision. The access to abortion is a constitutionally guaranteed protection. It is a private medical decision that should not be dictated by the Federal Government. I urge a strong "no" on this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, this truly is a historic moment in the House. I want to commend the chairman and the subcommittee chairman for their leadership on this issue.

The subcommittee chairman spoke about Brenda Pratt Shafer who, in 1993, a nurse with 13 years' experience, was assigned to an abortion clinic by her nursing agency. She was, quote, very pro-choice at the time. We have heard her actual words as she describes the procedure, what she saw. Ms. Shafer never returned to that clinic after witnessing that partial-birth abortion.

Those in favor of this procedure believe that Roe v. Wade is sacrosanct, that we should leave this pressing moral question to the whims of the unelected judges across the street. This type of abortion, partial-birth abortion, is more like a legal technicality. The baby must be delivered feet first so that the doctor actually forces the head to stay in the birth canal. Otherwise, he would be born and actually breathe. Most people would call this murder. But right now it is just a technicality.

There is no excuse for this procedure in a civilized nation. I urge my colleagues to vote for this conference report.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would ask the gentlewoman to remove the sticker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think my words will speak to my commitment; and it is in support of the Immigrant Freedom Ride that is here on this campus asking for justice, as we ask today; and I want to thank the distinguished gentleman from New York for his leadership over the years on this issue, the constitutionality, if you will, of this issue.

Mr. Speaker, I have remarks that I will submit into the RECORD ably done by my staff member and doctoral candidate, Sophia King, but I think today it is important to chronicle the history of this because I know that my good friend and colleague who has been a leader on this, the gentleman from New York, knows that we have been almost 10 years of generating over and over this repetitive legislation, really defined by the Gingrich Congress of 1995.

The first time that I came to this Congress, I had the pleasure of serving on the Committee on the Judiciary with the Honorable Pat Schroeder; and we sat through a number of passionate statements by women who pleaded with the Committee on the Judiciary to not take the rights away from them, their families, their God and as well their physicians. Tragically, this Congress did not listen then; and we continue year after year after year not to listen.

I heard the passionate pleas of mothers who said, all I want to do is to procreate and to have a healthy child. We heard the testimony of physicians who articulated the fact that if that mother did not have the procedure so named partial-birth abortion, they would not be able to have the opportunity to give birth and to have a nurturing relationship with a child.

And, lo and behold, those who suggest that they will take the role of God and now indicate what doctors and family members and mothers and God have them to do, we have this abominable legislation again on the floor of the House with the real notion that this is not serious. Because if it was serious, it would be a provision that protected the health of the mother. That is not in there. If it was serious, they would listen to the American Medical Association, the American College of Obstetrics and Gynecologists.

Interestingly enough, my good friend previously on the floor indicts the Supreme Court that passed Roe v. Wade, and Roe v. Wade is good law of which they took out of the bill, the Senate language, he indicts the very Supreme Court that elected the President of the United States, or selected him. That is an interesting conflict from my good friends on the other side of the aisle.

I maintain that this is a frivolous piece of legislation; and if the States want to do it, Mr. Speaker, then let them do it. But how dare you put yourself, this body, in the seat or the place of a mother who has seen a tragedy occur that will eliminate her opportunity to procreate. How dare we do it. This should be voted down, and we should never see this travesty come again and never take up the Supreme Court and indict them when they elected the very person that serves in the White House today.

Mr. Speaker, I rise in opposition to the Partial Birth Abortion Ban Conference Report (S. 3). Once again this body is considering anti-choice legislation that is unconstitutional and dangerous to women's health. I oppose this legislation and will continue to oppose any attempt to criminalize a woman's constitutional right to choose.

Contrary to repeated anti-choice claims, this bill does not ban only one procedure. S. 3 is not constitutional and the public as well as the medical community does not support this legislation. A recent poll confirms that a solid majority of Americans (61 percent) opposes this legislation because it fails to protect women's health.

This legislation is not only unconstitutional but it is yet another attempt to ban so-called "partial birth abortions." This is a non-medical term. The U.S. Supreme Court struck down a similar statute in Stenberg v. Carhart. The Court invalidated a Nebraska statute banning so-called "partial birth abortions." So, this legislation is at odds with the court's ruling. In Roe v. Wade, the court held that women had a privacy interest in electing to have an abortion, based on the 5th and 14th Amendments' concept of personal liberty.

Despite the fact that the Supreme Court struck down legislation virtually identical to S. 3 in the year 2000, anti-choice Members of Congress continue to jeopardize women's health by promoting this legislation to advance their ultimate goal of eliminating a woman's right to choose altogether. The Supreme Court struck down legislation calling for a so-called "Partial Birth Abortion Ban" just two years ago. So-called "partial-birth abortion" would ban safe, pre-viability abortions in violation of a woman's right to choose.

This type of legislation ignores the Supreme Court's explicit directive that women's health must be of the utmost concern. The Supreme Court, during the twenty-nine years since it recognized the right to choose abortion, has consistently required that when a State restricts access to abortion, a woman's health must be the paramount consideration. Just two years ago, the Supreme Court stated unequivocally that every abortion restriction—including bans on so-called "partial-birth abortion"—must contain a health exception that allows an abortion when "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." Carhart, 530 U.S. at 931.

Directly ignoring the Supreme Court's ruling, so-called "Partial Birth Abortion Ban" legislation does not allow an abortion necessary for a woman's health.

In Carhart, the Supreme Court rejected the argument made by this bill's sponsors that the legislation need not contain a health exception because intact dilation and extraction ("intact D&E" or "D&X") is never necessary for a woman's health. The Supreme Court stated that a law that "altogether forbids D&X creates a significant health risk," and therefore, is unconstitutional. Carhart, 530 U.S. at 938.

This bill would ban safe medical procedures, imposing an undue burden on women. The bill's sponsors use rhetoric about full-term fetuses, but this bill would ban abortions performed before a fetus is viable. Like the law before the Supreme Court in Carhart, "even if the statue's basic aim is to ban dilation and extraction (D&X), its language makes clear that it also covers a much broader category of procedures," and therefore, imposes an unconstitutional burden on women. Carhart, 530 U.S. at 939.

Even if such legislation banned only intact dilation and extraction ("intact D&E" or "D&X") abortions, it would compromise women's health. Legislation that contends that D&X is unsafe is simply untrue. If is a safe method of abortion and is within the accepted standard for care. ACOG has concluded that D&X is a safe procedure and may be the safest option for some women. And the Supreme Court explained in Carhart that "significant medical authority supports the proposition that in some circumstances, D&X would be the safest procedure." 530 U.S. at 932. Indeed, the Court concluded that "a statute that altogether forbids D&X creates a significant health risk." Id. at 938.

The D&X abortion procedure offers a variety of safety advantages over other procedures. Compared to D&E abortions, D&X involves less risk of uterine performation or cervical laceration because the physician makes fewer passes into the uterus with sharp instruments. There is substantial medical evidence that D&X reduces the risk of retained fetal tissue, a complication that can cause maternal death or injury. The D&X procedure is a safer option that other procedures for women with particular health conditions. Finally, D&X procedures usually take less time than other abortion methods used at a comparable stage of pregnancy, which can have significant health advantages.

In fact, as the American College of Obstetricians and Gynecologists (ACOG) has concluded, D&X may be "the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

This ban would undermine a physician's ability to determine the best treatment for a patient. Physicians must be free to make clinical determinations, in accordance with medical standards of care.

Allowing physicians to exercise their medical judgement is not only good policy—it is also the law. In Stenberg v. Carhart, 530 U.S. 914 (2000), the Supreme Court ruled that all abortion legislation must allow the physician to exercise reasonable medical judgment, even where medical opinions differ. The Court made clear that exceptions to an abortion ban cannot be limited to situations where the health risk is an "abortion necessity," nor can the law require unanimity of medical opinion as to the need for a particular abortion method. Id. at 937.

Mr. Speaker, women and their families, along with their doctors, are better than politicians at making decisions about medical care. Congress should not take decisions about medical treatment out of the hands of doctors and families. I must oppose this attempt to disregard the Supreme Court's clear message in Stenberg v. Carhart. Abortion bans that fail to protect a woman's health by banning safe abortion methods are unconstitutional.

PROPOSED AMENDMENT FOR CONFERENCE COMMITTEE MEETING ON S. 3

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING ROE V. WADE.

(a) FINDINGS.—The Senate finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973)); and

(2) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in *Roe v. Wade* (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, first, I want to congratulate my colleague from Wisconsin, the chairman of the Committee on the Judiciary, for his leadership on this issue. This bill has been called an abomination, frivolous.

Let us quickly examine what a partial-birth abortion is. In a partial-birth abortion, the abortionist pulls a living baby, feet first, out of the womb and into the birth canal as we can see right here, except for the head, which the abortionist purposely keeps lodged just inside the cervix. The abortionist punctures the base of the baby's skull with a surgical instrument, like a long surgical scissor or a pointed hollow metal tube called a trocar. Then he inserts the catheter into the womb and removes the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now dead baby. That is what is occurring in America today. This is happening right now. This vote will stop this from happening. I urge all of us to pass this bill.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I commend the gentleman from Wisconsin for bringing this diagram to the floor of the House so that we may be able to graphically see how a partial-birth abortion is performed. The difference between a partial-birth abortion, which this bill will ban, and first-degree murder is three inches. Three inches. That is why this bill is not a travesty. This bill is a serious attempt to get rid of a gruesome and barbaric procedure. Anyone who does not think this procedure is gruesome and barbaric ought to look at the diagram that the gentleman from Wisconsin has presented to the House.

Mr. RYAN of Wisconsin. I thank gentleman for his leadership. I urge all of my colleagues, Democrat and Republican, to vote for this and to save lives.

Mr. NADLER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. My colleagues, after commemorating the 30th anniversary of the Supreme Court's decision in Roe v. Wade just 9 months ago, we are reminded again that a woman's right to choose is never secure. In the debate today over so-called partial-birth abortion, do not ever forget this is about Roe v. Wade. We are here because supporters of this bill disagree with the Supreme Court.

Let us be clear. This is not about outlawing one method of abortion. It is about restricting access to safe medical procedures throughout an entire pregnancy. Ultimately, it is about the right of all women to choose. Proponents of this legislation want to overturn Roe v. Wade and Stenberg v. Carhart and go back to the days when women had no options, when they left the country or died in back alleys.

□ 1215

In reflecting on the long debate over this bill starting in 1995, I remember something that I heard Justice Sandra Day O'Connor say once. She said that she was drawn to the law because she saw the role it plays in shaping our society. "I don't think law often leads society," she said. "It really is a statement of society's beliefs in a way."

The proponents of this bill and I would likely agree with Justice O'Connor, except I believe that Roe v. Wade continues to express our society's beliefs, and they do not.

Roe said that the decision to terminate a pregnancy is private and personal and should be made by a woman and her family and her clergy without undue interference from the Government. I and the American people still believe that, supporters of this bill do not. Roe and Stenberg said that a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term. The woman's health must come first and be protected throughout her pregnancy. I and the American people still believe this, supporters of the bill do not.

And Roe and Stenberg said that determinations about viability and health risks must be made for each woman by her physician. A blanket Government decree about medicine is irresponsible and dangerous. I and the American people still believe that, supporters of the bill do not.

I urge my colleagues to not be fooled today by those who claim that sufficient changes have been made so that this bill agrees with the principles outlined in Roe and Stenberg. Make no mistake. The bill before us today still does not contain the health exception, which means it is still unconstitutional. It still bans abortion throughout pregnancy, which means it is still unconstitutional. Congress is wrong to pass this by ban, and the President would be wrong to sign it. Mr. Speaker, we believe that women matter. We believe that their health and lives are irreplaceable and worth protecting. That is why we oppose this ban. I urge my colleagues to respect the law of the land and support the values in Roe v. Wade and Stenberg v. Carhart. Leave decisions in the hands of families. Protect the health of women.

Mr. SENSENBRENNER. Mr. Speaker, the next two speakers on our side are medical doctors. We have heard a lot about people playing doctor here.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), M.D.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker let me just say this. What we are hearing from the opposition over and over again is that this is an attack on Roe v. Wade. It is not an attack on Roe. I will stand here and tell the Members that I think that January 22, 1973, will live on as a day in infamy, and I wish it had never happened, but this is not an attack on Roe v. Wade. This is an attack on one procedure, one abhorrent procedure called partial-birth abortion.

The other side wants to say that there is no medical terminology of "partial-birth abortion." It is as much a medical terminology as to say taking somebody's appendix out or a gallbladder out is medical terminology. I do not know what euphemism they want to use for this procedure, but this is a partial-birth abortion. Someone said earlier that it is akin to infanticide. I am not a legal scholar, but to me it is infanticide because when one delivers that human outside the mother's womb, and it has a beating heart, it no longer is a fetus. It is an infant, and if they kill it at that point, and that is what partial-birth abortion is, then that is infanticide.

Vote for this conference report, both sides of the aisle.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time and also for his leadership.

I rise today in very strong opposition to this conference report that would deny women their constitutionally protected rights, endanger women's health and criminalize safe medical practices. This is an attack on Roe v. Wade. Mr. Speaker, this conference report represents yet another victory in this President's very aggressive and very hostile antiwoman agenda, and like provisions of another attack on our civil rights, in this instance the Patriot Act, it is dangerous and it is unconstitutional. That is why if and when this fatally flawed and dangerous conference report is signed into law, it will be challenged in court.

Pregnancy and childbirth are among the most intimate and the most personal experiences of a woman's life. Meddling in these intensely private affairs violates our Constitution. Our freedom to choose is every woman's fundamental right. This should be a medical decision made between a woman, her family, and her doctor and her clergy. Government has no right to interfere. This bill is outrageous. It is reckless and it is unconstitutional. This conference report should be defeated here. Otherwise, the Supreme Court will rule it unconstitutional. Roe v. Wade must be upheld. Let us not go down this slippery slope and try to unravel it in this very dangerous and deceitful way. I urge my colleagues to vote no on this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS), M.D., for another medical opinion.

Mr. BURGESS. Mr. Speaker, I thank the Chairman for yielding me this time.

Mr. Speaker, I am a physician who has dedicated my life to the healthcare of women. I have delivered over 3,000 babies. The only reason to select the partial-birth abortion procedure is to ensure that a baby is dead when it is delivered. As a doctor, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby may be delivered by C-section. Whether the infant lives or dies in that scenario depends on the severity of the medical complications and the degree of prematurity, but that outcome is dictated by the disease process itself. The fate of the infant during this procedure, the partial-birth abortion procedure, is predetermined by the nature of the procedure performed and is uniformly fatal to the baby.

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning the partial-birth abortion procedure, calling it "basically repulsive." I agree with the AMA. It is repulsive. It is unnecessary. And, fortunately, it will soon be illegal.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard repeatedly, including from the last speaker, that so-called partial-birth abortion is never a necessary procedure to save the life and health of the mother, but fact is the American College of Obstetricians and Gynecologists, and I am reading now from the committee report, minority views, "the leading professional association of physicians who specialize in the health care of women, has concluded that the D & X" procedure, which is one procedure described by partial-birth abortion, "is a safe procedure and may be the safest option for some women. ACOG has explained that intact D & E, including D & X, is a minor, and often safer, variant of the 'traditional' nonintact D & E. ACOG has also stated that D & X 'may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman. Only the physician, in consultation with the patient and based on her circumstances, can make this decision.'"

That is why relying on this kind of medical evidence, "the Supreme Court concluded in Stenberg that 'significant medical authority supports the proposition that in some circumstances D & X would be the safest procedure.' Indeed, the Court concluded that 'a statute that altogether forbids D & X creates a significant health risk.'"

So much for the so-called findings in this bill, the Supreme Court has already thrown them in the trash basket.

That is why, in addition to the American College of Obstetricians and Gynecologists, numerous other medical groups have publicly opposed attempts by Congress to pass this legislation, and among those which have labeled this legislation as injurious to women's health, and therefore they oppose it, are the American Public Health Association, the American Nurses Association, the American Medical Women's Association, the California Medical Association, the American College of Nurse Practitioners, the Association of Reproductive Health Professionals, the Association of Schools of Public Health, the National Association of Nurse Practitioners in Reproductive Health. And, finally, "contrary to the claims of the sponsors of" this bill, "the American Medical Association does not support any criminal abortion ban legislation."

So, Mr. Speaker, the Supreme Court has already said, in so many words, that any legislation that altogether forbids some of the kinds of procedures that would be described by this legislation creates a significant health risk for women, and, therefore, is unconstitutional.

Mr. Speaker, I said a moment ago that the arguments that this is never a medically necessary procedure are refuted by all the different medical groups that I named and by the specific findings of the Supreme Court in the Stenberg case. And all the nonsense about findings by Congress will not avail to make this bill constitutional against the finding by the Supreme Court. This is a Supreme Court that does not care that much about findings by Congress anyway, and that has said, in so many words, that a statute that altogether forbids D & X, one of the procedures that clearly would be outlawed by this bill, creates a significant health risk and an unconstitutional health risk.

So this bill is clearly unconstitutional. It is unconstitutional because it does not give people a right to do what the physician and the patient regard as the safest procedure to save the health and life of the mother, which the Supreme Court says they must do. But beyond that, this is clearly an assault on Roe v. Wade, whatever else anybody may say.

If it is not an assault on Roe, if it is not deliberately an assault, getting the nose under the camel's tent to try to ban all abortions, to try to say that women should not have the right to make this choice, to try to say that the men and women in this Chamber have more to say about a woman's health choice than she does herself, then why did the conferees, the members of the conference, remove the nonbinding language that said this did not attack Roe v. Wade? Because they were a little more honest. The Senate was a little more honest than the people in this House are being. They recognize this for what it is, an attack on Roe v. Wade, and, frankly, the majority Members of the House also wanted to remove that language, and they were honest the day before yesterday.

So, Mr. Speaker, the current Supreme Court clearly considers this unconstitutional. A future Supreme Court packed with reactionary appointees by the President might not. This puts at risk the right of women to choose. And the fundamental question here is, as it has always been, there are fundamentally different religious views about when life begins, about what is appropriate and what is not appropriate, and we are all entitled to our views, be they motivated by religion or moral fervor or whatever. What we are not entitled to do is to use the force of law to impose the religious views of some people on other people who do not agree with that and to say to a woman they must risk their life, they must risk their health because we do not think it is right for them to have an abortion. That is what this is about.

□ 1230

That is what this is about. The right to choose is the key right here, and this bill is a direct assault on that. Therefore, we ought to oppose it. It will be a sad day when this House passes this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for the work, long, long work that he has placed into this bill. The people of the United States owe the chairman a great debt; and more importantly, children owe the gentleman a great debt for his work on this issue.

Mr. Speaker, at the end of this long debate that actually began 10 years ago, the opponents of the Partial-Birth Abortion Ban Act tell us that this bill will not save a single life. And I think we have to admit, it is a limited bill. After all, when we pass this bill, abortion will stay legal, its practitioners will remain in business, and heaven will still be crowded with America's invisible orphans. But its limitations are beside the point. Because like the children it protects, Mr. Speaker, the Partial-Birth Abortion Ban Act may be small, but not insignificant.

Make no mistake about it: our action today represents a big pivot in America's difficult answer to the abortion question. After a generation of bitter rhetoric, the American people have turned away from the divisive politics of abortion and embraced the inclusive politics of life.

Over the last 10 years, Americans on all sides of the abortion debate have learned about the partial-birth abortion procedure. They have recoiled at its barbarism and decided it has no place in a moral society. They have called on us to answer the muted cries of the innocent. Their message to us today and our message to the world is very simple: we can do better. For pregnant mothers, however desperate; for unborn children, however unwanted; and for our compassionate Nation, however divided. America can do better for them all, starting with the overdue prohibition on this cruel, dangerous, and medically unnecessary procedure.

But this, I say to my colleagues, is not a day of celebration. Passing this bill will be a victory, to be sure, but a victory for humanity, not just one side of this debate. It will be a victory for the democratic process, which the American people have engaged one heart at a time, not through the heat of public argument, but through the warmth of private conversation. And it will be a victory for a Nation of good and honest people who brought to this debate a thoroughly American respect for every opinion and for every life.

America can do better, Mr. Speaker, and by passing this bill today, at long last, we will.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to speak out loudly in opposition to the conference report on S. 3 and to urge my colleagues to vote against the report.

Once again, we have before us an unconstitutional and harmful bill. This bill would prevent doctors from being able to perform medically-necessary abortions. The government would prohibit doctors from acting to protect her patient's health, intruding into the doctor-patient relationship. The Supreme Court recognized this inequity and has already made such a law unconstitutional.

The leadership in this body insists that we ignore the Constitution and vote on this bill. Proponents of this bill refused to allow an exception for cases in which the mother's health was seriously at risk, and they refused to include language affirming the long-standing Supreme Court decision, Roe v. Wade.

Let's forget about the rhetoric we've been hearing from the proponents of this bill and talk about the truth. For us to be true to the Constitution, to be true to the sentiments of equality and freedom, women and must have control over their bodies. Instead, proponents of this bill, including the Bush Administration, are using this bill as part of a broader agenda to take away a women's Constitutionally guaranteed right to choose. This assault on a woman's right to control her body and her health must stop. I urge my colleagues to vote no on the Conference Report.

Mr. OBERSTAR. Mr. Speaker, this is a landmark day for those who, for more than 30 years, have worked to reduce the number of abortions performed in America. With today's vote on the Conference Report to accompany S. 3, The Partial-Birth Abortion Ban Act, we are finally closing in on the first statutory restriction on abortions—that is, other than appropriations restrictions—since the 1973 Supreme Court decision in Roe v. Wade.

I urge our colleagues in the other body to join the House in quickly passing the Conference Report and sending it to the President for signature.

This is also a good day for the legislative process, the art of compromise. Today we set aside our differences on various nuances of abortion and move by a decisive vote to ban a particular procedure, which—regardless of our differing views on the findings of Roe v. Wade—most of us find repugnant.

Because of what we do here today, there will be fewer abortions, more adoptions, and more healthy births in years to come in the United States. I take great comfort in that knowledge.

I am distressed, however, that so much of our legislative action the past 30 years in this body on the question of abortion has not had that result, but has instead polarized the views of those on both sides of the issue, while the number of abortions has continued to climb.

Today we take a step in the opposite direction. Instead of dividing, we have come together and have agreed that there should indeed be fewer abortions, at least with respect to this procedure. I sincerely hope that the comity we have achieved on partial birth will extend, in the future, to other aspects of the abortion issue.

Today I am proud of this body and proud of the process by which we serve our constituents.

Mr. BUYER. Mr. Speaker. I rise in support of this conference report to ban partial birth abortions. This is a good bill and a good day, though a long time in coming.

This measure bans a procedure in which a living fetus is partially delivered from the womb, and then destroyed prior to the completion of delivery. This is a particularly appalling procedure in which the difference between a complete birth and an abortion is a matter of a few inches in the birth canal.

There is an exception in the bill for instances in which the life of the mother is at risk and no other procedure will be sufficient to preserve the mother's life. Congress has conducted extensive hearings on this procedure. The medical evidence presented at these hearings indicates that a partial birth abortion is not necessary to preserve the health of the mother and is, in fact, dangerous to the mother. Partial birth abortion is "not an accepted medical practice." This procedure offends most Americans who value the sanctity of life.

Partial birth abortion is a particularly cruel and inhuman procedure which should be banned. I urge the adoption of the conference report.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this deceptive and dangerous conference report S. 3, brought to the floor today to ban what anti-choice lawmakers claim to be the so-called "partial-birth" abortion procedure. There is no medical procedure called a "partial birth" abortion. It is a political term, not a medical one. That is why what's happening today is so dangerous.

If this bill becomes law, it will be the first time since Roe v. Wade that performing an abortion procedure will be deemed a criminal act. Even more alarming, it will be the first time in this nation's history, that Congress will have ever banned a particular medical procedure. Make no mistake about it, what this bill does is put Congress in the position of making life and death medical decisions appropriately left to physicians.

Instead of dealing with the more pressing issues of the day—like the 44 million people who lack health insurance in this country, the 9 million people without jobs, or bringing our troops safely home from the war in Iraq—we are instead debating a safe medical procedure that is used only in very rare instances when a doctor determines it is the only procedure that can best protect the life or health of the woman.

In 2000, the Supreme Court struck down a Nebraska abortion ban, identical to this bill, as unconstitutional in Stenberg v. Carhart. The court found that the law unconstitutionally burdened a woman's right to choose by banning safe abortion procedures; and it lacked the constitutionally required exception to protect women's health. Both these constitutional flaws remain the bill before us today. This bill still lacks any health exception and remains vague so that it may be used to ban other safe abortion procedures in the future.

Anti-choice lawmakers have made claims today that the majority of Americans are in favor of banning what they understand to be partial birth abortions. But, a recent ABC News poll, found that 61% of Americans were in fact opposed to this legislation when they are informed that it lacks a health exception for a woman.

The most telling argument in this debate comes from our nation's medical community. They oppose this legislation. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association and the American Public Health Association all oppose this ban. They know full well that it will override their medical decision-making in an unprecedented and potentially life-threatening way.

I believe that a woman's right to choose is a private and very personal choice, and should continue to remain that way. Women's decisions about their reproductive health—especially when it comes to something as personal as abortion—should between a woman, her family and her physician—not the U.S. Congress.

I ask my colleagues to stand up for the privacy of women and oppose unwarranted interferences in their personal decisions. I also ask my colleagues to recognize that the vast majority of us in Congress have no medical training and are in no way qualified to choose among particular medical procedures. Doctors should be making medical determinations, not politicians. Vote no on this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong opposition to the so-called "partial birth abortion" legislation before us today.

Neither the Congress nor the courts should tell a woman how to manage her health or reproductive care. Unfortunately, what should be a private matter between a woman and her doctor has become a political football.

Doctors, not politicians, should decide which surgical procedures are appropriate when a woman's health is in jeopardy. The anti-choice proponents of the bill have used highly misleading statements to cloak the true purpose of this bill—which is to scare doctors and deny women the right to choose a safe and legal abortion.

Here are the facts:

The bill does not ban only one procedure. "Partial-birth" is a political term, not a medical term. These bans are designed to inflame the abortion debate through heated, graphic rhetoric. In describing what is banned, the bill does not reference a recognized, established medical procedure. It does not exclude other procedures. In fact, the bill's language is deliberately vague, banning safe and common procedures.

The bill is not a "late term" abortion ban. Because the bill lacks any mention of fetal viability, it would ban abortions throughout pregnancy. In Roe v. Wade and its companion case, Doe v. Bolton, the Supreme Court held that a woman has the right to choose legal abortion until viability. The Court said that states may ban abortion after that time, as long as exceptions are made to protect a woman's life or her health. In fact, 41 states have laws that address post-viability abortions. The legislation now before Congress is designed, in part, to deceive lawmakers and the American public about when abortions occur. Don't be fooled.

The bill is not constitutional. In 2000, the Supreme Court found Nebraska's so called "partial birth" abortion ban unconstitutional in Carhart v. Stenberg. The Court found that: (1) the law unconstitutionally burdened a woman's right to choose by banning safe abortion procedures; and (2) it lacked the constitutionally required exception to protect women's health. These flaws are present in the bill now before Congress. The bill still lacks any health exception, and its deliberately vague language still bans more than one procedure.

These bans are not supported by the medical community. Contrary to repeated anti-choice claims, the American Medical Association does not support this legislation. Furthermore, respected health organizations such as the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association and the American Public Health Association oppose these bans.

I urge my colleagues to reject this bill that turns back the clock on womens' rights in this country.

Mr. VITTER. Mr. Speaker, today the House of Representatives is set to vote on the conference report on S. 3, the Partial-Birth Abortion Ban Act. After a number of years and several attempts, the best chance for success in finally outlawing this gruesome procedure is here before us today.

I believe abortion has no place in our society. Partial-birth abortion is a procedure clearly beyond the pale. Even the medical community has said that this procedure is, in fact, never medically necessary. For all of the rhetoric from the other side about doctors and health care, we should listen to that medical bottom line and today ban this horrific procedure. Those who have seen it firsthand, those who understand it and have researched it, know that we are talking about something so close to infanticide.

This conference report before us respects what the Supreme Court has told Congress about past bans, and we have worked to address their concerns in the best and most thorough manner. This conference report is constitutional, well-thought out, and has tremendous support nationwide.

I strongly support this conference report and urge my colleagues to do so as well. Furthermore, I am happy to say that for the first time since Roe v. Wade passed, some 30 years ago, a restriction on abortion is finally going to be put into place.

I would like to express my appreciation to the many grassroots organizations who worked so hard on this issue for years, to fellow members of Congress who diligently kept working on a resolution, and to President Bush for his support of this legislation and his promotion of life.

Mrs. CUBIN. Mr. Speaker, "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are life . . ." The Declaration of Independence tells us this.

We are created—life is created and the womb is where that miracle of life develops. Biology tells us this.

It is immoral and illegal, in America, to deliver a baby for the sole purpose of taking this child's life, under the guise of a medical procedure. The legislation at hand tells us this.

We fight wars in the name of protecting human rights. We serve with human rights organizations all over this world, standing up for those who can't defend themselves and for those who are robbed of what many of us take for granted. It should be no different here today, with this very issue.

So we are not here to talk about reproductive choices. We are here to talk about preserving human life and protecting the most defenseless among us from suffering a barbaric death.

Human life should never be taken in the name of mere convenience—to do so is among the grossest of human rights violations. That is why partial-birth abortions should be banned. It is long overdue.

I support the rule, I support the conference report and I look forward to the day it is signed into law to protect the lives of the most helpless victims of violence in our country—our children.

Mrs. TAUSCHER. Mr. Speaker, I am submitting this statement for the RECORD as a sign of my strong disapproval for what we are about to do. As a pro-choice, pro-child mother and Member of Congress, I believe that abortions should be safe, legal, and rare.

For more than a quarter-century, the Supreme Court has drawn a clear line on this issue.

As Americans and lawmakers, we are bound by the Constitution—and we must realize that an all-out ban on late-term abortions fails to meet the "life and health of the mother" standard the Supreme Court established in Roe and upheld in both Casey and Webster. The bill we have before us today does not take into consideration the health of the mother. The Supreme Court has found similar laws unconstitutional and will do the same with this one.

If the bill banned all late-term abortions, but allowed for the constitutionally required exception when it would be necessary to save the mother's life or avert serious health consequences, then I would support it.

The anti-women's health majority that continues to push this legislation is putting their own convoluted political agenda above the health concerns of women and above the law. The choice whether or not to have an abortion is a private and personal decision. It should be made between a woman, her family, her doctor, and her God. The federal government has no business interfering.

I strongly object to this bill and urge all of my colleagues to vote "no" and defeat it.

Mr. GRAVES. Mr. Speaker, I come to the floor today to speak in support of the Partial Birth Abortion Ban. I support this legislation because I support life. I believe that life begins at conception and I will continue fighting to protect our unborn children.

Partial birth abortions are wrong. Under Federal law "live birth" occurs when a baby is expelled from the mother. During a partial birth abortion the baby is pulled out feet first until the head is the only part in the mother's body, then the baby is brutally murdered. Most partial birth abortions occur in the second trimester, when the child will actually gasp for air when removed from their mother.

As a father of three I support all pro-life measures. I understand how precious and beautiful life is, and I am dedicated to protect life at all stages of development. All children should be welcomed in life and protected by law, and as long as I am in a position to fight, I will continue to fight for life.

Mr. TERRY. Mr. Speaker, I rise in strong support of the conference report for the Partial Birth Abortion Ban Act of 2003 (H.R. 760/S. 3).

I am proud to support the effective compromise that has been reached on behalf of thousands of women and children in our nation. Enacting this legislation has been a long, hard road for many dedicated Members of Congress and concerned citizens across America. I commend Chairman CHABOT for his tireless efforts to debate and pass this legislation, and President Bush for his commitment to sign it into law to protect human life.

The grisly facts of the partial-birth abortion procedure are well known. Suffice it to say that the life and value of a child should not hinge on 3 inches—the 3 inches before a child takes its first breath or before a child meets the abortionist's knife. Partial-birth abortion has visited untold horror upon thousands of women and children since its inception. It would be impossible to count the physical and emotional cost of this procedure for the women who have experienced it, much less the little children who are killed before they have a chance at life.

One such experience merits recounting because of its undeniable message for the protection of human life. In 1993, a nurse practitioner named Brenda Pratt Shafer was working in an abortion clinic. She was a pro-choice nurse who quit her job the day after she witnessed a partial-birth abortion. She told Members of Congress that "what I saw is branded forever on my mind . . . the woman wanted to see her baby [after the procedure], so they cleaned up the baby and put it in a blanket and handed the baby to her. She cried the whole time, and she kept saying, 'I'm so sorry, please forgive me!' I was crying too. I couldn't take it. The baby boy had the most perfect, angelic face I have ever seen." Her testimony stands as a powerful witness for every Member of Congress to vote to ban this procedure in our nation.

Another significant testimony comes from a doctor who was asked to care for a baby who had undergone a partial-birth abortion and was still breathing. Dr. Hanes Swingle wrote his eyewitness account for the Washington Times: "I admitted this slightly premature infant [to the Neonatal Intensive Care Unit]. His head was collapsed in on itself . . . I did my exam (no other anomalies were noted) . . . then pronounced the baby dead about an hour later. Normally, when a child is about to die and the parents are not present, one of the staff holds the child. No one held this baby, a fact that I regret to this day. His mother's life was never at risk." Dr. Hanes concluded that partial-birth abortions must be banned "simply because it is the right thing to do."

Three years ago, the Supreme Court ruled 5 to 4 that my home state of Nebraska's ban on partial-birth abortion was unconstitutional. Justice Scalia wrote in his dissent that "the notion that the Constitution prohibits the States from simply banning this visibly brutal means of eliminating our half-born posterity is quite simply absurd." Passage of the conference report today will clearly show that the Congress stands with Justice Scalia and the many other Americans who respect the sanctity of human life.

It amazes me that in the year 2003, the United States still permits this procedure—this act of death. The Alan Guttmacher Institute, the research arm of Planned Parenthood, reported this year that the number of partial-birth abortions performed in our nation tripled between the years 1996 and 2000. Estimates were that about 650 such abortions were performed in 1996, and now 2,200 are performed annually.

Former President Clinton shamed our nation and broke faith with women and children by twice vetoing the Partial-Birth Abortion Ban Act. I am proud that President Bush will reverse this record and uphold the promise of human life and dignity in America. I urge all of my colleagues to join him in this goal by voting for the conference report on the Partial-Birth Abortion Ban Act.

Mr. BLUMENAUER. Mr. Speaker, one of my fundamental principles is that government not interfere with the basic freedoms for individuals and their families. A basic freedom is the health of women, which necessarily includes reproductive health choices.

This legislation threatens that freedom by inappropriately intervening in the decision making of patients and their doctors. It goes beyond restricting the procedure. It ignores real needs of women and their families. This procedure has long been accepted and is at times the only practice available to protect a woman's life and her ability to safely have a healthy baby in the future.

Years ago when we first started debating this legislation, I was struck by real cases of real families that would be devastated by this amendment. Sadly, nothing has changed. Real families would still be devastated.

The broad language is likely to be used as a wedge in further eroding reproductive choices. No one can predict what this Supreme Court will do, let alone a future one. This language would fly in the face of a previous ruling against Nebraska's legislation and could be a vehicle for judicial reinterpretation which would further restrict reproductive freedom. This legislation is part of an insidious ongoing assault to erode reproductive freedoms and would perpetuate a trend, as shocking as it is unfortunate, of Congress imposing its theology on our citizens regardless of people's own strongly held beliefs and individual needs.

Earlier this Congress, because of the Republican leadership's theological clash with science, voted to make it illegal to use potentially life saving therapies to help with Alzheimer's- and Parkinson's-like degenerative and traumatic diseases leaving people crippled and dying. The vote was not just to deny scientific research here, but deny the benefits if developed anywhere else. They would make all our loved ones suffer in their zeal to make a point.

People who oppose abortion should not have one. Nothing would make me happier than for every woman to have the knowledge, well-being, medical care and luck so that there would never be a need for an abortion. Until such a day comes, it is wrong to prevent a woman's doctor from offering professional skills so that she and her family can determine the safest and most appropriate medical care.

Mr. SOUDER. Mr. Speaker, it has now been more than a decade since partial-birth abortion was first exposed for the horrific and violent act that it is. In that time, tens of thousands of healthy babies have been brutally killed as they exited the birth canal—just moments from their first breath.

Then, as now, the details of the partial-birth abortion procedure led to public outrage among the American people. The most recent poll on this issue found that 70 percent of the public favors the ban we will vote on today.

How can it be that it has taken more than 10 years to ban a procedure so many Americans find outright repugnant and immoral?

Twice, Congress has passed similar legislation, only to be voted by the previous administration.

Today, I am grateful for the courageous stand of our current president, President George W. Bush, who, earlier this year in his State of the Union Address, called on Congress to pass the ban on partial-birth abortions. It is an honor to serve alongside this great president, and I look forward to his quick signature on this bill.

As we consider the partial-birth abortion ban conference report today, I'd like to address some of the misconceptions being circulated by those opposed to this bill.

Planned Parenthood, NARAL and others are claiming S. 3, The Partial Birth Abortion Ban Act, will "halt safe, pre-viability abortions from occurring, which violates a woman's right to choose." This is simply false. S. 3 was crafted carefully to ensure its constitutionality. It addresses the concerns cited in the Supreme Court's Stenberg v. Carhart decision, which struck down Nebraska's ban on partial-birth abortion, that the definition of partial-birth abortion was too vague and could prohibit a common abortion procedure known as dilation and evacuation abortions. Today's bill corrects any potential for misinterpretation by specifically defining partial-birth abortion as:

> The person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.

Secondly, some proponents of partial-birth abortion are advocating for a "health" of the mother exception in the bill. Such an exception is unnecessary, as the findings in the bill point out. The first section of S. 3 contains Congress's 14 factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman. In fact, the highly regarded American Medical Association has said the procedure is "not good medicine" and is "not medically indicated" in any situation. A more narrow "life of the mother" exception is included in the bill, which would allow partial-birth abortions in cases where it is necessary to save the life of the mother.

As we vote on final passage of the Partial Birth Abortion Ban Act today, let us keep in mind the faces of the babies whose lives might be saved as a result of this bill. Many newspapers around the country have recently run stories about new 4-D ultrasound technology that is able to photograph very real-life pictures of the baby in the womb. Gracing the tops of the stories have been pictures of a perfectly formed baby in the womb with a smile on her face. The baby looks so different than it does just a short time later after its birth. Who could possibly look at these pictures and still support the killing of such beautiful babies by the violent death of scissors being stabbed in the baby's head?

The long-awaited passage of the Partial Birth Abortion Ban Act today is a historic event, the answer to much prayer, and the result of the work of thousands of heroes across this country. I thank my colleagues in the House, Congressman CHABOT, and Chairman SENSENBRENNER, for their dedication to passing this bill. I also thank our House Leadership for making this bill a priority for so many years. Finally, I urge my colleagues to support this conference report and end the reprehensible procedure known as partial-birth abortion.

Mr. MILLER of Florida. Mr. Speaker, I rise today in strong support of the Partial Birth Abortion Ban Act. I commend Mr. CHABOT and Sen. SANTORUM for introducing this important legislation, and the conferees for their leadership in protecting the life of the unborn.

As elected representatives, banning what is probably the most hideous medical procedures that could ever be performed may be one of the most important things we can do.

Mythical reports by a few journalists indicate that partial-birth abortions are generally performed in cases in which the baby has profound disorders or the mother faces a dire physical threat.

But hard facts indicated that this horrific practice is far more common than its proponents will admit. In truth, this piece-by-piece abortion is performed thousands of times annually, and the vast majority are performed on healthy babies of healthy mothers.

It must be outlawed.

Today, many will repeatedly give us the details of this so-called "medical procedure."

Instead, I would refer my colleagues to these medically accurate images. Doctors have described to us how the baby is pulled partly out of the mother's body, only inches from a completed birth and how an abortionist inserts scissors into the skull creating a hole where the baby's brain can be suctioned out. We have all seen pictures of the lifeless body pulled from the mother and tossed away like trash.

After seeing this, why debate? Partial Birth abortion is murder—the devil is in the details. This isn't about a woman's right to choose. This is about a child's right to live. And no compassionate person wants to see a woman suffer the personal tragedy of abortion. Women deserve better than partial-birth abortion.

I would say that the choice is simple, but there is no choice inherent in our duty to ensure that the sanctity of human life is never compromised. The unborn child has no voice and cannot protect itself. It is up to all of us to guarantee their voices are heard and their right to life is protected.

I urge my colleagues to help protect the lives of the most innocent, helpless and defenseless among us and support the Partial Birth Abortion Ban Act.

Mr. SMITH of Texas. Mr. Speaker, I support S. 3, the "Partial Birth Abortion Ban Act of 2003."

This bill prohibits a heinous and inhumane procedure. Partial birth abortions are a procedure in which a fully viable child is killed just inches from being fully delivered.

This procedure is inhumane and barbaric, and has no place in a civilized society.

Also, a partial birth abortion is not safe for women, and is never necessary to preserve the health of the mother. Unlike other abortion procedures, partial birth abortion involves killing a child that is no longer in the womb.

I strongly support the passage of this conference report.

Mr. CONYERS. Mr. Speaker, today we are once again considering a deceptive, extreme, and a blatantly unconstitutional attempt to sensationalize the abortion debate through heated rhetoric. If this bill passes today it will be the first time since the passage of Roe v. Wade that the Congress will steal the right of women and their families to decide matters of their own health care in consultation with their doctors. This is not just an issue of women's rights anymore—this is an issue of preserving the privacy of all Americans to keep the government out of their Doctor's office.

Just three years ago, the Supreme Court decided Stenberg v. Carhart, in which the Court held unconstitutional a Nebraska statute banning so-called "partial-birth" abortions.

The Court invalidated the Nebraska law for two independent reasons: (1) it did not contain an exception to protect the health of the woman, and (2) it placed an "undue burden" on a woman's right to choose by banning the most common type of 2nd-trimester abortion procedure.

S. 3 shows complete disregard for the Court's decision in Stenberg and suffers from the same two constitutional defects. It's as if the drafters went out of their way to thumb their nose at the Court.

First, there is no question that S. 3 lacks an exception to safeguard women's health, which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion.

Even the Ashcroft Department of Justice recognizes that, in order for any abortion regulation to be constitutional, it must contain an exception to protect the woman's life and health.

This legislation attempts to justify its lack of a health exception by summarily asserting in the bill's "findings" that the banned procedure is "never medically necessary." Not only are these findings demonstrably false, they do nothing to rehabilitate the bill's unconstitutionality.

Much as the drafters may wish it to be otherwise, Congress cannot make a law constitutional simply by making "findings" that contradict the direct holding of a Court decision.

Simply stated, the bill's failure to include an exception to protect women's health will make it "Dead On Arrival" the minute it is challenged in court.

Second, the bill's definition of "partial-birth abortion" is so vague, overbroad, and internally contradictory that it would ban safe, pre-viability abortions in violation of woman's right to choose.

But even if the bill covered only a single, late-term abortion procedure—which it does not—the bill would still endanger women's health by banning a procedure that the American College of Obstetricians and Gynecologists has recognized "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

Congress should not take decisions about medical treatment out of the hands of doctors and families. But that is exactly what this bill sets out to do.

This legislation is a facially unconstitutional attempt to roll back a woman's right to choose. Fifteen pages of erroneous "findings" cannot change this sow's ear into a silk purse and rehabilitate this bill that puts politics ahead of women's health.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of the conference report on S. 3, the ban on the procedure known as partial birth abortion. I was appalled when I learned of the partial birth abortion procedure and have been working diligently to abolish it ever since. This heinous procedure involves partially delivering fully formed babies, and then killing them. It is one of the most horrible forms of abortion practiced. The difference between abortion and murder is literally a few inches. I believe that there is no justification for this brutal and heartless procedure, and only the most calloused among us can hear the description of this procedure and not react with disgust.

We must act now to ban this appalling procedure and protect the innocent unborn from violent deaths. A vote in favor of the conference report on S. 3 will stop the killing of innocent children and will send a message to the world that our Nation views life as a sacred and precious gift.

The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society. Thus, this vote on the conference report on S. 3 gives all of us an opportunity to join together in protecting innocent children from this horrific and gruesome procedure.

S. 3 is effective legislation to ban an unbelievably gruesome act. I urge each of my colleagues to support this legislation and to protect those who cannot protect themselves.

Mr. HOLT. Mr. Speaker, I rise in strong opposition to this bill, this so-called partial-birth abortion ban. It continues a troubling tendency that we have seen over the last few years for Congress to try to practice medicine.

Every day, patients make medical treatment decisions that are difficult, that are unpleasant, that are even dangerous and matters of life and death. Surely pregnant women deserve the same opportunities to decide with their doctors the best course of treatment. However, this bill denies women such opportunities and restricts their ability to access safe and appropriate health care. Furthermore, doctors who determine that the banned procedure is the most appropriate treatment will be subject to criminal sanctions simply for providing their patients with the best medical care.

All of us like to see fewer abortions performed in this country, and that is why I support education and prevention programs to help families avoid unwanted pregnancies. But the question of whether or not to have an abortion is one of the most difficult decisions any woman can face. Reproductive health care is a very personal, ethical, and medical matter that should be left to individuals, their doctors, and their families without interference from the government.

Proponents of this bill allege that it will protect life. In reality, it will jeopardize the health of women across this nation. Mr. Speaker, this legislation should be rejected.

Mr. CRANE. Mr. Speaker, I rise in strong support of the Partial-Birth Abortion Ban Act of 2003. By passing this legislation today the House will take its final step towards banning the truly horrifying practice whereby an innocent life is taken in a most gruesome way. The House has passed legislation in each of the last four Congresses banning partial-birth abortions. In the 104th and 105th Congresses, President Clinton vetoed the partial-birth abortion bans.

During this procedure, which is used in second and third trimester abortions, the infant's body is delivered, leaving only the head in the womb. At that point, the abortionist pierces the back of the infant's skull with a sharp instrument and then proceeds to vacuum out the infant's brain tissue, thus collapsing the skull, allowing the now-dead infant's body to be extracted.

Some opponents of this legislation have argued that they fear for the health of the mother in an emergency. I can assure them that this procedure is never used in a real emergency, because it takes three days to prepare and complete this procedure.

This legislation makes it a federal crime for a physician, in or affecting interstate commerce, to perform a so-called partial birth abortion, unless it is necessary to save the life of the mother. Under H.R. 760, anyone who knowingly performs a partial-birth abortion would be subject to fines and up to two years in prison. The bill provides that a defendant could seek a hearing before the state medical board on whether his or her conduct was necessary to save the life of the mother, and further provides that those findings may be admissible at trial.

Mr. Speaker, I urge my colleagues to vote in favor of this very important legislation. Thanks to President Bush, this Congress finally has an opportunity to ban the gruesome procedure without the threat of a presidential veto. By passing S. 3 today, we will finally be able to protect innocent babies who, through no fault of their own, have their lives taken.

Mr. WELDON of Florida. Mr. Speaker, I rise today to voice my strong support for the Partial Birth Abortion Ban Conference Report. For 9 years, I have been coming to this floor and speaking out against this barbaric procedure, so it is with great joy that I rise today in support of this bill knowing that we finally have a President who stands ready to sign this bill into law.

I first learned of this procedure 10 years ago, in 1993, when I was still practicing medicine. After a long day of seeing patients in my office, I opened the American Medical News and saw this procedure described. I was shocked, not only by its flagrant violation of the sanctity of human life, but its brutality. How could such an awful procedure be legal in this country? Now 10 years later, after years of House and Senate votes and vetoes by former President Clinton, we will finally see a ban on partial birth abortion signed into law.

The procedure is simply abhorrent. The mother is subjected to 3 days of slow inducement. Then the child's head is left in the mother's womb until the abortionist kills the child by puncturing the back of the child's neck. If the baby's head were 3 inches further out of the birth canal, this practice would be called murder.

Critics of a partial-birth abortion ban have asserted that the ban could endanger the life and/or health of the mother, but such is not the case. Even the American Medical Association has said that this procedure is not good medicine and is not medically indicated in any situation.

This procedure is clearly barbaric. It is unneccesary under any circumstance, and the legality of the procedure is an affront to the founding principles of this Nation. I remind my colleagues that we have come this far, we cannot stop short of doing what's right. Let's send this bill to President Bush's desk with the message that these lives are worth saving.

Ms. HARMAN. Mr. Speaker, I rise today in strong opposition to the conference report to ban so-called partial-birth abortions.

Regrettably, Congress poised to pass, and the President is prepared to sign, a bill that can only be described as unconstitutional.

I urge my colleagues not to be deceived by this legislation.

Partial birth is not a medical, factual, or legal term. Let's be frank—it is a political term.

This is not a debate about so-called partial-birth abortion or late-term abortion. This is a debate about efforts to roll back a woman's constitutional right to choose whether or not to have an abortion.

The so-called partial birth abortion ban contained in this bill is intended to erode the protections of Roe v. Wade and I believe will be found unconstitutional by the courts.

Even the sense of the Senate language included in the Senate-passed bill reaffirming Roe v. Wade has been stripped out of this bill.

Supporters of this bill argue that language defining the partial-birth abortion procedure has been tightened and that findings included stating that the procedure is never necessary to protect a woman's health.

This is simply smoke and mirrors. The bill is unconstitutional for the same reasons the Supreme Court struck down similar laws. Women are entitled to the right to the safest abortion procedure available. To ban one particular procedure is to deny women—in consultation with their doctor—that right.

Just as its authors intended, this bill would apply well before viability, banning a safe method of abortion that is often used in the second trimester.

In addition, it fails to include language providing an exception to protect the health of the mother.

I am distressed that more than 30 years after the Supreme Court's historic Roe decision, we are considering legislative measures that could revert us back to the time of dangerous back alley abortions.

Before voting, I hope that my colleagues will remember the struggles women faced before Roe.

Let us not forget the women who were injured or who died from unsafe procedures. This bill could well return us to that era again.

I urge my colleagues to uphold a woman's constitutional right to choose by voting against final passage of this conference report.

The SPEAKER pro tempore (Mr. SHIMKUS). All time having expired, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 142, not voting 12, as follows:

[Roll No. 530]

YEAS—281

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—142

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kind
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Boswell
Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hyde
Issa
Kirk
Pickering
Sabo
Walsh

□ 1254

Mr. BALLANCE and Mr. GONZALEZ changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 530 I was unavoidably detained. Had I been present, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on section 106 of the Senate amendment regarding overtime compensation under the Fair Labor Standards Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House bill does not contain and the Senate Labor HHS bill does contain an important provision which affects millions of American workers. That provision would preclude the Department of Labor from issuing any regulation that takes away overtime protection from workers who currently qualify for that protection. It would protect rights that workers in this country have had since the enactment of the Fair Labor Standards Act of 1938.

Under the Senate provision, the Department of Labor could proceed with its ongoing rulemaking process and modify the overtime regulations. Example: The department could proceed with making a long-overdue inflation adjustment that guarantees overtime protection for certain low-income workers earning $22,100 a year.

□ 1300

The Department of Labor says that this will result in an additional 1.3 million workers receiving overtime. I do not know if that estimate is right, but we agree with this provision. We, in fact, think that it would add far fewer number of workers than does the Department of Labor. The only shortcoming we see with it is that it does not go far enough and does not even keep pace with inflation, full adjustment to match inflation would require the department to increase the salary threshold in the rule to at least $27,560.

The Senate provision also would not stop the department from clarifying the overtime regulations to update them for the 21st century. For example, by eliminating an achronistic terms such as "straw boss" or "gang leader" or eliminating job classifications which no longer exist such as "teamster". Do not tell that to the Teamsters Union, however.

The Senate provision would provide the same protections to newly hired workers as to current workers. It does not grandfather in current workers but ensures the same overtime protections to all workers in a job classification.

Mr. Speaker, there is general agreement that workers are going to lose overtime protection under the administration's revised regulation. The question is how many will lose that protection? By some estimates as many as 8 million workers who are currently protected will lose that protection. Even if the Department of Labor concedes that a minimum of 644,000 workers currently covered would lose that protection and could be forced to work overtime without being compensated. Whether the number is 644,000 or 8 million, Mr. Speaker, the Bush administration should not put American workers in the position of being forced to work more than 40 hours a week without being paid overtime.

So to reiterate, the Senate provision would simply stop the Department of Labor from issuing a regulation taking away overtime protections from workers who currently have them. The Senate provision is absolutely essential to protect workers' overtime rights. It is not enough that more than 3 million workers have lost their jobs since this administration has taken office. Now the administration apparently wants to cut the pay of a number of workers who still have jobs by cutting their overtime protections. That is clearly not right. It is not fair. I do not think that the public would support it, and I would urge a yes vote on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the operative word here as stated by the gentleman from Wisconsin (Mr. OBEY) is they "apparently." Well, they have not finished this procedure. The Department of Labor has received 80,000 comments on the proposed change. What they are trying to do is to bring the rules on overtime into the new century. It has been over 50 years since the present rules were promulgated and the department thinks it is important to take a look in relationship to today's world, today's communications, today's structures of our labor programs that would be realistic.

I think one of the things that I want to put to rest is that this will affect certain groups. I have here a letter from the national president of the Fraternal Order of Police writing on behalf of the members of the Fraternal Order of Police to advise of their opposition to the motion to instruct. What they are saying is let us look, let us take these 80,000 comments and see what makes sense and is fair to everyone concerned. The Secretary of Labor is approaching it from that point of view. What is fair.

Likewise, it has been said that the nurses would come under this because they have do a lot of overtime and, again, the Nursing Executive Watch, a publication that goes to nurses says, "Contrary to popular belief, changes to overtime regulations won't affect nurses."

So, again, it is an effort by the Department of Labor to look at regulations that have been in place more than 50 years and say what is fair, what makes sense in 2003 and thereafter.

Now, there is another risk involved in all of this and that is the fact that the administration's leadership, the executive branch, has said they would recommend a veto.

Well, what would be the result of a veto? We would be living on a continuing resolution without increases voted by this House in support of the Labor, Health and Human Services, Education Bill, increases in the amount of money for many good programs. And let me tell you a few of these:

Special education gets an extra increase of $1 billion in the Labor H bill. Title I, which is designed to help children from low income homes gets an increase of $650 million. Reading programs, and we hear more and more evidence that reading is such a vital part of the education of any individual. They use scientific evidence to help children, and they are funded at over $1 billion. Impact aid, for those of you who have military bases, is increased by $50 million for a total of $1.2 billion. That is just education.

As I said many times, this is the people's bill. Every one of the 280 million Americans in one way or another, their lives are touched by the things we do in this bill. Health programs, many of you have community health centers, a very valuable asset in any community, and we recognize this, and based on the President's recommendation have increased the funding for these in the bill. Centers for Disease Control. The CDC has been much in the news in recent months because of a wide variety of diseases and, again, we increase the funding for the Centers for Disease Control. Substance abuse. We hear all the time about the problem of drugs. And again, we have increased the money for this program and, of course, the National Institutes of Health. This is the premier medical research institution in the world. Not only does it benefit the people in the United States, it has a worldwide impact on the health of people. We have substantial increases for the National Institutes of Health.

I could read off a whole list of agencies that get increases in this bill, Even Start, Reading First, Early Reading First, Literacy, Migrant Education, programs for neglected and delinquent youth, Comprehensive School Reform, Mathematics and science partnerships, after-school centers, education for homeless children, education programs for rural school districts, teacher enhancement programs, charter school grants, credit enhancement for charter schools, the list goes on and on, PELL grants, vocational education state grants, Historically Black Colleges and Universities, TRIO, GEAR UP, Teacher Quality Enhancement Grants, Howard University, education research, and so on.

All of these programs get increases under the bill under discussion, and we are going to put that at risk if we reject the efforts of Secretary Chao and that is what this amendment does. It says, do not pay any attention to the 80,000 comments that have been sent in to your agency to evaluate how it is presently working in comparison to what it would have been 50 years ago. We are saying, no, no, no, stop. And then you run the risk that if the President's advisors prevail and there is a veto, we could be on a continuing resolution even for the balance of this fiscal year. If that were to happen, all of these programs would be funded at levels below what we have put in the bill.

And I think as our Members contemplate making a decision on how to vote on this motion to instruct, that they ought to keep in mind that what they are doing is gambling the future of our children or gambling these increases in some great programs against what we think is a very orderly process, and that is to let the Secretary go forward, evaluate the 80,000 comments and make a decision on what the rules should be in terms of overtime pay for the next years.

So I say to all of my colleagues, weigh your vote carefully because you are not only voting on a proposal that was brought up in the Senate by way of an amendment, you are voting on the future of a lot of very good programs that are funded under the Labor bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I cannot believe one thing that I just heard. The distinguished gentleman from Ohio (Mr. REGULA) I believe said that if this were to be included in the conference report, the White House would veto the bill. I really want to see whether this President has the unmitigated gall to veto this bill because of protections that we place in the bill so that workers do not have to work more than 40 hours a week and still not be paid overtime. I want to see whether the President who has presided over the loss of 3 million jobs in this economy has the unmitigated gaul to then say to those workers, "Sorry, folks, you've got to work more than 40 hours without collecting overtime.

Now, I believe, given his track record, he would like to do that, but very frankly, I doubt that he has got the moxie to do that in the teeth of the miserable economic performance that he has provided this country on the economic front. It is outrageous to even think that the President would veto this bill over this provision.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself 1 minute.

Just let me say that the Secretary's proposal would allow, this is a proposal that she has the comments on, would allow an opportunity for overtime for over one million workers that are now not covered. And these are the workers that are at the low end of the wage scale. So you have to keep in mind what the administration is proposing to do here, although they have to evaluate the 80,000 comments.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I assume that came out of the gentleman's time?

The SPEAKER pro tempore (Mr. SHIMKUS). Is the gentleman from Ohio (Mr. REGULA) yielding to the gentleman from Wisconsin (Mr. OBEY)?

Mr. OBEY. Mr. Speaker, I was not asking that.

The SPEAKER pro tempore. The Chair is trying to decide who is controlling time. Has the gentleman from Ohio (Mr. REGULA) yielded back?

Mr. REGULA. Mr. Speaker, I have time I want to yield to some of my colleagues.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) reserves his time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have parliamentary inquiry. I was just trying to determine whether the gentleman's last remarks came out of his time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) had yielded himself 1 minute.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I want to make clear this instruction motion does not prevent the Labor Department substituting the change in regulations that allow additional workers to claim overtime, so that is included in our motion. The only thing we stop is, we stop the President from unilaterally taking away overtime from workers who get it now.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise in strong opposition to the motion to instruct conferees which would prevent the Department of Labor from implementing regulations to update complex and outdated, the key word is outdated, wage and hour regulations and provide additional overtime protections to millions of this country's workers.

Numerous hearings have been held in my Subcommittee on Workforce Protections of the Committee on Education and the Workforce in the last several Congresses, and they have demonstrated the need for the current regulations to be updated after 1938 to meet the needs of today's American workforce.

The Department's proposed regulations, Mr. Speaker, will guarantee overtime pay to 1.3 million workers who do not presently get overtime now. Now, remember, 1.3 workers are going to get an increase in the amount of money in their pocket. It has been of interest to me as I watched on national television some of the leaders of the opposition of this say, oh, just a few people are going to get overtime pay. Oh, just a handful. Well, it is not a handful if you are part of that 1.3 million.

☐ 1315

This also will ensure that 10.7 million workers who are eligible for overtime continue to get it. A vote to accept the Harkin amendment is a vote against giving overtime to those 1.3 Americans and a vote to truly threaten overtime pay for the 10.7 million working families.

I think it is imperative we take a minute and try to get the record straight as to what the proposed regulations do not do, because Big Labor and their friends in the Democratic Party have been playing fast and loose with the facts. These regulations do not take overtime away from 8 million people. In fact, those 8 million people do not make overtime now. They are made sure that they do not make overtime, but they could make more money, which is what they are interested in, because they work on their production and their production could yield a lot more money if they could work the hours they choose to work.

These are numbers which have been spread around not by economists but by lobbyists in a Democratic labor think tank. They simply do not add up. Check these numbers. They are plain and simple an untruth, the numbers that have been thrown around.

These regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Listen, these regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Whoever says that is not telling the truth. Workers in these jobs who get overtime pay today will continue to do so, and more of them will get overtime pay under these new rules.

These regulations do not affect a single union member who gets overtime under his or her collective bargaining agreement. These regulations do not affect a single union member. For workers whose rights to overtime pay is in their labor contract, these regulations simply have no effect.

Finally, these regulations are not a take-back by employers. This is not an effort to trim the payroll by denying workers overtime. In fact, the Department of Labor estimates that under the proposed regulations, businesses will pay almost $900 million more in overtime in next year alone. What employers support a rule that would cause them to pay more in overtime pay? Because, my colleagues, they know that the current system just does not work; and it does not fit the 21st century. It is outdated, it is complex, and it is broken. Employers cannot know who they have to pay overtime, and employees cannot know if they are entitled to overtime, and the Department of Labor cannot effectively and efficiently enforce the law. My colleagues want to keep that?

Who does support a Harkin amendment? Trial lawyers, for one, who have made a killing on gotcha class action litigation, filing lawsuits to try to get overtime pay for corporate executives and rocket scientists; and Big Labor supports the Harkin amendment, not because it has any effect on union members who are already protected under their contracts, but because labor has turned this into a scare tactic and an organizing tool to raise money and to collect more union dues. It is just that simple.

The Harkin amendment would only add to existing confusion, making matters worse for both employees and employers. It would result in fewer hardworking Americans getting overtime. It would result in fewer hardworking Americans getting overtime, and it is nothing more than a big tool of labor and the trial lawyers. That is why the President has vowed to veto the bill if the Harkin amendment, which would result in fewer workers receiving overtime, is included in this bill.

I urge my colleagues to reject this distortion, this misinformation, these outright untruths that have been spread and, I might add, spread very effectively about these regulations and all of us stand up and vote against this motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the gentleman from Georgia always gives a fine speech on the floor. The problem is he just gave a fine speech against a proposition that is not being offered.

The fact is that the motion that we are offering today does, I repeat does, D-O-E-S, does allow the Labor Department regulations that add people to overtime protection. We do accept those updated definitions. What we do not accept is the President unilaterally, without congressional action, knocking off from the overtime protection rolls workers who now have that protection.

The gentleman also says not a single union member will be affected by the Labor Department's suggested rulings. Let me point out two things. First of all, we ought to be worried about all workers, not just union workers; and, secondly, the fact is that right now unions do not have to negotiate this overtime provision in their contracts. Right now they have the protection of the law. If this is removed, then that is just another way that you are going to unbalance the bargaining table against workers by forcing them to have to go back and negotiate something which they have had by right since 1938. I dare the administration to go into any union hall in this country or any working plant in this country and claim to be a friend of workers if they veto this bill over our efforts to stop that kind of unilateral action.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, as a cochairperson along with the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Maine (Mr. MICHAUD) of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of this motion to instruct.

Mr. Speaker, the action that we are recommending today is necessary because the Department of Labor is indeed intending to implement new regulations that will place an undue burden on millions of American workers and their families. These proposed regulations would indeed block as many as 8 million American workers from receiving overtime pay, and we are not talking about CEOs of Fortune 500 companies here.

The exact language of these regulations would hurt the very men and women that are on the front lines of our war against terrorism, our first responders. There is no language in these regulations that would exempt our nurses, our firefighters, or our police officers that dedicate their working lives to protecting the safety of all of us.

Mr. Speaker, under the economic policies of this administration, more than 3.3 million jobs have been lost in this country since 2001; and as a result, unemployment is now at a 10-year high. Millions of additional workers are concerned about their pensions, health benefits, and ability to meet their basic needs such as rent and groceries.

This Congress today must act to protect American workers. If this new regulation is implemented, then millions of American workers will be put in a position where they are forced to work harder for less pay.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for his hard work on this; and I want to point out, the gentleman from Georgia just said that there is no effect on firefighters, on nurses or on police officers by this regulation. That is what this motion to instruct requires. If he truly believes that, then he should support this motion to instruct.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

I want to read the operative section of the so-called Harkin amendment: "None of the funds provided under this Act shall be used to promulgate or implement any," and I emphasize "any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act that were in effect as of September 3rd, 2003."

Now, with 80,000 comments to evaluate and if this were adopted, this amendment, the result would be that the Secretary would be very reluctant to do anything because it says none of the funds shall be used to promulgate or implement any regulation that exempts and so on. It would simply put a chill on trying to bring overtime regulations into this century.

The result would be that over 1 million people who are presently not getting the benefit of overtime pay would be denied this prospect for the future because the Secretary would look at this language and say, look, under those circumstances, I cannot even get involved because this language is so restrictive, and they are in effect denying the very people that the other side would say they want to help. They are denying them an opportunity to participate in overtime regulations and in effect get the time and a half that they would deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I will simply repeat again, the effect of this motion does not deny the Labor Department the right to add a single worker to overtime protections that they provide under their adjustments. All it does is to prevent, to prevent workers who now have that overtime protection from losing it. It is just that simple.

I am the author of the motion. I think I know what it says. I think I know what it means.

Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, as cochair of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of the motion to instruct conferees.

It is time to stop the all-out assault on workers in Maine and throughout our Nation who rely on overtime to make ends meet. It is time to abandon the proposal to block overtime pay for 8 million workers nationwide, and it is time that this Congress and this President listen to the hardworking American people.

I rise today on behalf of the families across our Nation and in my State of Maine whose overtime pay accounts for 25 percent of their entire income. What message could this be sending them? Mr. Speaker, after working 30 years in a paper mill, I know what message it sends to the working people of this country. It tells them that their work is of less and less value and that this Congress does not care that they are falling further and further behind.

I urge my colleagues to listen to the people who work hard, who built this country, made this country what it is today.

Mr. REGULA. Mr. Speaker, how much time is left for each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. REGULA) has 14½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 19½ minutes remaining.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I rise in support of the motion to instruct conferees on the Labor-HHS-Ed appropriations bill. This motion is urging support for Senator HARKIN's provision, which blocks the administration's effort to gut overtime pay as we know it should be adopted.

These proposed changes will imperil an estimated 8 million workers and make them ineligible for overtime pay. Most Americans have grown accustomed to working a little extra to make a little extra in their paychecks. This helps employers and employees. These workers do not consider overtime pay as frivolous or spare change. It is not a luxury in today's shaky economy.

Many workers who earn overtime receive 25 percent of their annual income from the extra hours on the job. We should not take away a very important component to our workers. This is unfair. It is unwise. We should not penalize workers who are playing by the rules and need overtime pay.

The other body successfully adopted an amendment to prevent the administration from implementing this harmful regulation, and I remain hopeful, I remain hopeful this House will see the merits of overtime pay and agree with the need to block the regulation.

I urge my colleagues to join me, to join us in support of this motion to instruct and keep fairness for all American workers.

Mr. REGULA. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

☐ 1330

Ms. DELAURO. Mr. Speaker, for 70 years, overtime pay has meant time and a half in this country. Without overtime, countless Americans, including police officers, firefighters, nurses, and EMTs would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

The administration's rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This comes at a time when we have more than 9 million Americans out of work, when income is declining, poverty is increasing, and nearly 44 million Americans are without health insurance. Mr. Speaker, this is a matter of values, of our country's long-standing contract with working people that says hard work deserves to be rewarded, especially when that work is above and beyond the call of duty, after normal working hours. That contract must be honored.

I urge our conferees to include the Harkin amendment in the conference report.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I have listened closely to the arguments offered on the other side in opposition to this motion to instruct, but I think something that should be pointed out is that just standing up here and saying something does not make it so, or saying this proposal will not affect certain people does not make it the truth.

Let us be very clear about what we are talking about here today. Under the Fair Labor Standards Act, employers are required, they are required to pay employees a premium for overtime work. They have been required to do so since the 1930s. An exception does exist for three categories: for executive, administrative, and professional positions.

Under this Department of Labor proposal, every proposed change to the duties test, which determines whether someone falls under one of those exception categories, every proposed change to the duties test would make it easier to avoid paying overtime, would make it easier for employers to get around their obligation to pay a premium for overtime work.

And my colleagues can say that certain jobs will not be affected, but look at the list. Look at the list of those who would be affected: mid-level office workers, lower-level supervisors, licensed practical nurses, newspaper reporters, policemen, firefighters, and the list goes on and on.

This is an unfair proposal. It is a lousy proposal. Vote for the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, as co-chair of the newly formed Congressional Labor and Working Families Caucus, which now has over 75 Members of this House, I urge my colleagues to vote in favor of this motion to protect overtime pay.

For many hardworking men and women, including cops and firefighters, nurses and first responders, overtime pay is not spare change. It helps families pay the mortgage, feed the kids, pay for college, and save for retirement. In this especially brutal economy, which has been so hard on America's working families, I urge my colleagues to not let the Bush administration shortchange our working families.

Mr. OBEY. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. SHIMKUS). Each side has 14½ minutes remaining.

Mr. REGULA. Mr. Speaker, I have one more speaker, and I understand the gentleman has the right to close, so I will reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this administration now seems intent on picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off at the employer's discretion.

Now, through administrative action, and without the input of elected representatives, the administration seeks to enact the most significant change to overtime rules since the Fair Standards Labor Act was passed in 1938. The result of these changes is that at least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects.

In 2000, overtime pay accounted for about 25 percent of the income for these workers. Their families will now have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller motion to instruct will stop the rollback of overtime pay. This motion will protect the wages of America's working people.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wonder what it is that President Bush does not understand about the difficulty that the American family today is having trying to provide for their needs. Some 9 million people are unemployed in this country, actively looking for work, perhaps dropping out of the job market because they are so discouraged. There are some 3 million new unemployed in the last 2 years, 400,000 last month.

Do they not understand what these families are going through, many of these families with two earners, many of these families single heads of household? Now they want to come along and suggest that for millions of Americans who now get overtime under the law that they would no longer get that. Do they understand what it means to provide for a family, the average working person in this country, how important overtime is to those individuals? It could be up to a quarter of their wages. This is how they qualify for their home mortgage. This is how they qualify for their automobile payment. This is important to their family income on an annual basis.

What is it that so angers the Republicans that they want to constantly attack average working people in this country? As mentioned before, they wanted to provide them comp time. As mentioned before, they will not raise the minimum wage to help them. Now they want to strip them of their overtime. Do they not understand that when somebody calls and says at the end of the day that someone has to work another 2 hours, 3 hours, or 4 hours that that individual has to scramble for child care, that they have to scramble for transportation, they have to find somebody to stay with the children at home? Do they not understand what those costs mean to families? Can they not identify with these families?

Apparently, they cannot because they continue this assault on working families in this country. They continue this assault. Now, administratively, they want to decide that engineers and draftsmen, and engineering technicians without college degrees in the automotive and aerospace industry, because they did not have a 4-year degree but now have work experience, they will not be eligible for overtime. Health care employees without a 4-year degree, licensed practical nurses, dental hygienists, ultrasound technicians, physical therapists, respiratory therapists, laboratory technicians will no longer be allowed to have overtime. Cooks and chefs, if they got educated in the Army on how to be a cook, on how to be a chef, they will not be eligible for overtime because they got educated in the Army.

What is it this administration does not understand? What is it they do not understand when we have EMT teams, emergency medical technicians, one of whom supervises the other two in an ambulance for that night, that that person is not eligible for overtime but the other two are? How can that be just, how can that be fair if they have to work 50 hours or 60 hours a week? Why is it one of the people in the vehicle gets overtime and the other does not, simply because they may take command of that vehicle for that particular night?

That is the unfairness of these regulations. These regulations, as was said the other day in the newspaper by the big-employer consulting firms across this country, all of these changes are for the benefit of the employer. All of these changes enable the employer to take away overtime pay. It does not take away overtime. Workers still have to work the 50 hours, they still have to work the 60 hours, they still have to work that Saturday, they still have to work that Sunday. They just do not get paid for the extra time, the premium pay for the inconvenience to the worker.

This is incredibly unfair, incredibly insensitive to how families are struggling in this Bush economy to not only hold on to their job, but now they find out if they go and get additional education to improve their skills, they may lose their overtime. If they simply try to improve their worth to their employer, to improve their employability, they find out under these regulations they will not have overtime.

If an employer asks you, what do you think about Joe and they say I think Joe should be fired, and Joe is fired, that employer will say that they gave particular weight to your comments and you are ineligible for overtime.

What the hell is going on here? These are people who go to work every day on behalf of America's economy, on behalf of our society. They come home tired. They want to see their children. They need the overtime pay, and the Bush administration and the Republicans in this Congress are insisting that they take it away from them.

The SPEAKER pro tempore. The gentleman's time has expired. The gentleman will suspend.

Mr. GEORGE MILLER of California.

* * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

* * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

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The SPEAKER pro tempore. The gentleman will suspend. The gentleman's time has expired.

Mr. GEORGE MILLER of California.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman will be reminded that he should not use profanity in debate on the floor of the House.

The Chair would advise Members that remarks uttered while not under recognition do not appear in the RECORD.

The Chair now recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

I think we need to clarify some things here. Number one, this proposed regulation will offer a lot of hardworking Americans that have been alluded to here an opportunity to get overtime pay. These are the people making less than $65,000. They will then be eligible under this proposed regulation.

Now, we understand that these comments have to be evaluated and that the Secretary of Labor will ultimately have to rule on what is fair. And what we are trying to do is to give her this opportunity.

I want to quote from a letter from the Fraternal Order of Police: "The proposed regulations offer an important opportunity to correct the application of the overtime provisions of the FLSA to public safety officers. We are therefore concerned that the retention of this amendment," as proposed by the other side, "during conference committee deliberations will undermine our efforts to successfully protect overtime compensation for more than 1 million public safety officers and hinder the DOL's," Department of Labor's, "ability to issue final regulations."

They would propose, as it is outlined here, to hinder the possibility and protection of overtime compensation for more than 1 million public safety officers.

Now, one of the things that has been tossed around is that nurses would come under this. As a matter of fact, they will not. And the Nurses Association makes it clear that they are not covered, that it will not affect them, as far as their availability of overtime.

It is a matter of being fair. None of us drive, or very few, an automobile that is over 50 years old, yet we are operating under standards promulgated more than 50 years ago. Let us bring these up to date so that more Americans will be eligible to participate in the American Dream.

We cannot discount the fact that there is a possibility of a veto. Because if this were to happen, and if we were to operate the Labor-HHS programs under a continuing resolution, as I have pointed out earlier, a lot of good programs would no longer get the increases that have been provided in our bill, starting with the $1 billion extra for IDEA.

Here is a chance to do something good for America. That is why the Secretary of Labor is proposing to take a look. And if you read this proposed restriction carefully, what it says is that none of the funds shall be used. I can see the lawyers in the Labor Department saying, hey, Congress has said none of the funds shall be used, and they put in certain conditions. So the Secretary of Labor, in all probability, would say we cannot take the risk so we will not do anything. The result would be that more than one million Americans would be denied an opportunity to participate in overtime.

I do not think Members here want to do that. I think they want to be fair. And the vote that is fair on this issue is to reject the motion to instruct and, in effect, reject the motion that we instruct the conferees to accept the Harkin amendment. Mr. Speaker, I urge Members to vote against the proposal of the gentleman from Wisconsin (Mr. OBEY).

□ 1345

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, is the transcript that is being taken of today's proceedings in English or is it in some other language?

The SPEAKER pro tempore. The Chair would advise the gentleman that the transcript of the proceedings is in English.

Mr. OBEY. I thank the Chair for that clarification.

Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I wanted to make sure that was the case because despite the comments of the gentleman from Ohio (Mr. REGULA), under our proposal that we are offering today, any worker who is added to the overtime protection rules by the new proposed rule is, by our motion, allowed to get that overtime protection. The only effect of our motion is to prevent the Department of Labor from knocking people off the overtime protection rules.

I have said it for the fourth time. I think I said it in English. I think the meaning is clear.

Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I want to be fair, and that is what this motion is all about, being fair to the working men and women of this United States.

I rise in strong opposition to the proposed rollbacks to protect overtime protection for American workers and to encourage my colleagues to support this motion to instruct conferees.

The language in the House-passed bill cheats working men and women of America out of just compensation for an honest day's work. The intent of overtime pay is to protect certain employees by establishing a 40-hour work week. It is an incentive to treat employees with dignity and fairness. I think most Members would agree with me that the vast majority of employers take great pains to protect their employees because they recognize the employees' ability to directly affect a business bottom line, but a few employers do not.

An empty promise for comp time at an undetermined time with no meaningful enforcement is not an incentive to protect workers. It creates hardships for working families in scheduling child care, it means a loss of income, and it is a cut in pay. That is what we have to remember. It is a cut in pay.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in opposition to this motion to instruct. The Department of Labor is attempting to modernize overtime pay regulations that are over 50 years old, yet there are many that are distorting their common-sense efforts. The Fair Labor Standards Act of 1938 has not been amended since 1949, and only protects overtime pay for employees earning under $8,060, below even minimum-wage standards.

The Department of Labor has proposed new regulations that would guarantee overtime pay for anyone making less than $22,100. This means an additional 1.3 million low-income workers will be guaranteed overtime pay regardless of any other criteria.

Critics have argued that anybody making over $22,100 would lose their ability to receive overtime pay. That is not correct. The truth is, according to the Department of Labor's new standards, only certain white-collar employees who meet specific tests will qualify for exempt status. All other employees, regardless of their income, would be guaranteed overtime pay.

Mr. Speaker, I urge my colleagues to help give overtime pay security to 1.3 million additional low-income workers and support the new 541 regulations and oppose the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

Again, that was a nice speech, but it was prepared against a proposition that is not before us. The proposition before us does allow the modernization of the law.

There, I have said it. I have said it five times in a row. It would be nice if someone heard it and paid attention. Otherwise we might as well adjourn because we are talking past each other.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, to reiterate what the gentleman from Wisconsin has just said, the 1.3 million people are protected by the gentleman's motion, and they will be advantaged; but the millions of people who will be disadvantaged by the proposal of the Department of Labor will be protected by the gentleman's motion. That is the issue.

Under the Bush administration and this Republican Congress, our economy has lost more than 3 million jobs, including 2.5 million manufacturing jobs. President Bush has the worst job creation record of any President since Herbert Hoover, and with a new unemployment figure out tomorrow, the Department of Labor reported today that jobless claims rose last week to nearly 400,000 Americans.

The fact is working families have borne the brunt of the Republican Party's failed economic policies. The poverty rating increased last year for the second consecutive year. The ranks of the uninsured swelled by 2.4 million. The median household income plunged for the third straight year under this administration.

While millionaires reaped an average tax cut of $93,000 from the GOP's tax bill this year, this Republican Congress has failed to extend the child tax credit to families earning less than $26,000, 6.5 million families, 12 million children and 200,000 military personnel.

Now, as if to add insult to injury, the GOP is pushing new regulations that would strip more than eight million people from their eligibility for overtime pay under the Fair Labor Standards Act on which they rely to support their families, pay college tuition for their kids, pay their mortgage payment and car payment. The Secretary of Labor claims that businesses are lobbying for that change, and listen to this, "not because they are getting any particular benefit but because they just want clarity." Give me a break.

"Firms that represent employers can hardly contain their glee," according to the Washington Post. Hewitt Associates, a human resources consultant, said "Employees previously accustomed to earning, in some cases significant amounts of overtime pay, would suddenly lose that opportunity," under the Department of Labor's proposal. And the law firm that represents clients who will be advantaged by this bill said, "Thankfully, virtually all of these changes should ultimately be beneficial to employers." I am for benefiting employers, but I am not for not benefiting employees.

Mr. Speaker, this Democratic motion instructs conferees to accept the Senate-passed provision to block the Bush administration's proposed rule changes that adversely affect employees while keeping those that do.

Mr. Speaker, we have been advised that profanity was out of order on this floor; doing things that are profane ought to be as well.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, it is just wonderful being on the House floor with no partisanship. Is not it wonderful for Democratic leaders to stand up and say how bad the Republicans are doing, no matter what bill we have up here?

We want to throw people out of houses, we want to do this, our economic policies are terrible, it is destroying the country. Well, there is an election coming up, Mr. Speaker, and they are desperate.

In 1993, they had the highest taxes against anybody ever. They cut military COLAS, they cut veterans' COLAS, they cut the gas tax. When they promised tax relief on the middle class, they increased that tax on the middle class. And then in 1994, we limited the tax on Social Security, we restored the veterans' and military COLAS. We cut the gas tax that they had in a general fund. And guess what, we eliminated most of their stuff.

And in 2000 there started to be a recession, and we had tax relief. According to Alan Greenspan that recession slowed, and then we had, guess what? 9/11. The billions of dollars that it took to restore not just New York, the Pentagon and the war on terror, but look at what it did to the stock markets and the economy. So I would curb a little bit of the partisanship from the Democrat leaders. They want this body, the other body, and they want the White House, and they are likely to say just about anything when they get up here, but it is not true, Mr. Speaker.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I have been here 17 years. I was not going to speak on this issue, but as I sat in my office I heard speaker after speaker mention the word "firefighter."

Now, I came to the Congress as a firefighter, and I spent the first part of my career when the other side had control of this body fighting on behalf of firefighters. It was not the other side who delivered a program for grants for fire departments in America, although we had bipartisan support, it was when we controlled the Congress that we passed the Assistance to Firefighter Grant Program, which this year is providing $750 million for fire departments across the country.

And it was not during the control of the other side, despite the rhetoric that we have heard out of the leadership on that side, and will hear later on, that we do not care about firefighters. It was not the other side when they controlled the Congress that started a grant program to hire more firefighters, but when the defense bill passes next week on the floor of the House, the conference report, there will be a $7.6 billion program for firefighters. That was done under Republican control of the Congress.

So when my colleagues stand up and say we are hurting firefighters, cut me a break. In my 17 years here, we have worked in a bipartisan way for firefighters, and for them to come to the floor today and say that somehow this is meant to gut them is an absolute lie.

I just got off the phone with the firefighters' union, the firefighters' union. I set up the meeting with Secretary Chao and the firefighters over a month ago, and they are satisfied and they told me I could say this on the floor, they are satisfied with the assurances they have that they will not be impacted by this, and neither will the paramedics and neither will the FOP and the first responder community.

So for the other side to stand up here and use that over and over again galls me because where were they when I was fighting for the firefighters for the years that they controlled this body? What did you do to give us a grant program? What did you do to put more firefighters into the cities? You did nothing. You did nothing. For you to stand up here and say somehow you are protecting the firefighters, you can be as smug as you want as you sit there, but you did nothing to support the firefighters and the emergency responders of this country.

This motion to instruct does not protect them. They are already satisfied. The leadership of the union told me that 10 minutes ago, so I stand up here and tell my colleagues on the Republican side, you can vote against this motion to instruct, and you are not going to hurt any firefighters. You are not going to hurt any paramedics or nurses or police, and their national associations will tell you that. Sure, they are not going to endorse this because the AFL–CIO has come out against it, but the facts are the facts.

So I ask my colleagues on the both sides of the aisle to consider it based on the facts and do not listen to the rhetoric that I heard out of every Member on the other side, or I would not have been here for the last few minutes' rail about how they are concerned about the Nation's firefighters. I urge Members to oppose the motion to instruct.

□ 1400

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Despite the hyperventilation we have just heard, the fact is that there will be up to 8 million workers hurt unless this motion is passed.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. OBEY. No, I will not. The gentleman has had his time to bloviate. This is my time.

As I was saying, Mr. Speaker, the issue is very simple. Are you going to protect the up to 8 million workers who will be knocked out of protection for overtime if this motion does not pass? That is the only issue before us, despite all the other claims to the contrary. In a few short moments, we will see who cares about workers and who does not.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), the chairman on the committee of jurisdiction for authorizing legislation of this type.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me this time and remind our Members that there is an awful lot of rhetoric that has been said on the floor today. If you had listened to all of it, you would think that the Labor Department was out to eliminate the overtime pay in America. Nothing could be further from the truth. We all know that the Fair Labor Standards Act that controls who gets overtime and who does not, what all the workplace rules are, has not been updated since I have been born, 1949. We all know that for decades we have had difficulties, employees have had difficulties, employers have had difficulties understanding the regulations in terms of who is entitled to overtime pay and who is not.

When you have all this confusion, guess who decided to come into the middle of this? The trial lawyers, of course; and they are filing class action lawsuits, trying to make some determination about what the law is.

So the Department of Labor has taken the courageous position of going out and issuing, or attempting to issue, regulations about bringing clarity to the situation so that workers will know whether they are entitled to overtime pay and employers will know what the law means, who is covered and who is not.

I think that the regulations that we have, the draft regulations that have been issued, needed a little work. I think most Members would agree. That is why the Department of Labor got 80,000 comments on their proposal. The Department currently is in the process of looking at those 80,000 and trying to determine whether they need to make adjustments.

Under the proposal, those people who today make a little over $8,000 are guaranteed overtime, regardless of what their position is. Under the proposal, that number would rise to $22,100. If you make that amount or less, you are guaranteed overtime. That would affect over 1 million American workers who will be guaranteed overtime who may not be guaranteed that they will get it today.

But why do we want to stop this proposal from moving? We do not have to do that. We do not know what the final regulations are going to be, and we do not know when they are going to come. We have got the Congressional Review Act if you disagree with what they finally propose, but I think bringing clarity to this situation is very important.

Let me also say that the effect of the gentleman's motion to accept the Harkin language from the Senate would effectively only do one thing, allow the Department to do one thing, and that would be to raise the threshold from over $8,000 to $22,100. Because it also goes on to say in the Senate language that any proposed regulation that would eliminate one person's ability to get overtime means that the proposal cannot go into effect. No job reclassifications. No new titles. It effectively eliminates all the modernization that we are trying to seek in these new regulations. That is unfair to American workers, and it is unfair to employers who are stuck in the dilemma today that we need to resolve.

Mr. Speaker, I would suggest to all of my colleagues today that we ought to allow this procedure to go ahead. Let the Department of Labor look at those 80,000 comments and make decisions about what the draft says and what the final regulations really ought to be. If in fact they issue regulations, we have the Congressional Review Act instituted in this Congress in 1995 to allow us under an expedited procedure in both the House and Senate to look at the regulations; and, if we disagree with them, we can overturn them just like we did with the ergonomics regulations that were issued 1 week after President Bill Clinton left office.

Vote "no" on the motion to instruct.

The SPEAKER pro tempore (Mr. SHIMKUS). The time on the majority side has expired.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his extraordinary leadership on behalf of working families in America.

This motion to instruct which he is bringing to the floor and supported by the ranking member on the committee of authorization, the gentleman from California (Mr. GEORGE MILLER), is a very, very important piece of legislation to support the position that was taken in a bipartisan way in the other body.

Much has been said earlier about the use of profanity on the floor of the House and that it should not be allowed, and we heard the earlier heated debate over that.

What about obscenities, Mr. Speaker? Are obscenities allowed on the floor of the House? Because what is in this legislation as it would come to the floor without the motion to instruct is an obscenity. It is an insult to America's working families.

We expend a great deal of rhetoric around here about how supportive we are of working families in our country. They are important to us. They do our work. They raise our families. Indeed, we are all a part of it. So when we see an initiative from the administration that undermines the ability of parents to provide for their families, I call that an obscenity.

The Bush administration proposal would mean a pay cut for 8 million workers in our country. Millions of workers depend on that overtime pay to make ends meet. Indeed, it triggers their ability to get a mortgage or a car loan or send their children to school. In the year 2000, overtime pay accounted for about 25 percent of the income of workers who worked overtime. Millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money under the Republican proposal. Millions more who have long depended upon overtime work to help make ends meet will face effective pay cuts as opportunities to work overtime are diminished. Even workers still covered by overtime pay could suffer a pay cut because employers would shift overtime assignments to the millions of workers who would no longer be entitled to overtime pay.

The Bush administration proposal would mean longer hours, effectively undermining the 40-hour workweek. The many millions of workers denied overtime protection under the Department of Labor proposal would no longer be paid anything, anything, for their overtime. More work, less pay. If employers no longer have to pay extra for overtime, they will have an incentive to demand longer hours; and workers will have less time to spend with their families.

This ill-advised proposal from the administration comes at a very bad time for our economy. Certainly Democrats and Republicans alike want to modernize the regulations regarding overtime. But we must not use that modernization to undermine pay and working hours for America's families.

But this proposal, as fraught with pain as it is for America's families, comes at a time, in fact, on the day when the new figures were released just today on unemployment claims. They are up nearly 400,000, the place where some economists think that you are at the definition of weakness in our economy in terms of the labor market relationship. This is on top of the 3.3 million jobs that have been lost during the Bush administration, the worst record of job creation of any President. He is in the category of Herbert Hoover.

Every President since Herbert Hoover has created jobs. Some more, some less. Under President Clinton, 22 million new jobs were created. Under President Bush, to date, over 3.3 million jobs have been lost. The figures for first-time people applying for benefits again is in the record-breaking category.

So, in that context, we have a regulation modernization being brought to the floor of this House that is very much needed to be amended; and that is what our distinguished ranking member on the committee is doing, along with the gentleman from California (Mr. GEORGE MILLER).

Median household incomes have already fallen $1,400 since Bush became President. Now he wants workers to be paid even less. Millions of workers who now receive time and a half for their overtime will be required to work longer hours, more hours for less pay. Millions of Americans depend on overtime pay, but the Bush proposal would deny overtime pay to 8 million workers who now earn such pay. It bears repetition.

In times of elections and even just to measure the popularity of a President, there is a question that is asked by pollsters that says, cares about people like me, yes or no. Today, this House of Representatives has the opportunity to say to the American people that we care about people like them. We care about middle-income working families.

This is not a labor issue. These are people who are not organized. Union people have their pay and working conditions and hours established in contracts. These are about other workers in our country.

Again, other speakers have gone into detail about how if you are just seen as supervising other workers, if that responsibility is yours, then you are not eligible for overtime. So the harder you work, the better you do, the less pay you will make. How can that possibly be fair? I think it is not only unfair, I think it is an obscenity.

Due to the remarks made earlier about profanities not being allowed on the floor, I do not think obscenities should be, either. That is why I commend the very distinguished gentleman from Wisconsin for presenting the motion to instruct for this House to agree in conference to the language of the Senate, to the Harkin amendment, if that is allowed to be said on the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to support this motion to go to conferees and to accept the important Senate provisions which would prevent the administration from once again taking their failed economic policies out on working families. We must block the provision which would deny the overtime that may be the only thing keeping many families going.

But also of great importance to me, and to millions of Americans from our racial and ethnic minority populations are the requests we made as this bill went through the subcommittee.

First, we would ask reconsideration be given to several measures that deal specifically with minority health.

Mr. Speaker, we would ask that in light of the increasing toll of HIV/AIDS on people of color, which cry out for the need for more funding that the Conference reconsider funding the Minority HIV and AIDS Initiative at the full $610 million requested, and that the language submitted also be included. I am deeply concerned by recent CDC reports regarding the instability in its recompetiton process and the strategy to only work with HIV positive populations. I believe that the HIV/AIDS epidemic demands a comprehensive prevention effort that includes primary and secondary approaches.

I would also submit that the escalating disparities in health and death rates for people of color that they requested for $66 million for the Office of Minority Health (OMH). OMH is the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities; $225 million for the National Center for Minority Health and Health Disparities to further address minority health and health disparities and to help improve the infrastructure associated with this research; as well as a $120 million for the Racial and Ethnic Approaches to Community Health (REACH) grants initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality also be considered.

Of equal concern and need is the request for full funding $45 million for the Health Careers Opportunity Program, (2) $45 million Minority Centers for Excellence, (3) $55 million for Scholarships for Disadvantaged Students, (4) $4 million for Faculty Loan Repayment and Faculty Fellowships and (5) $160 million for the Public Health Improvement of Centers for Disease Control. Diversity in the health professions, including increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals is a requirement to ensure competent service in our diverse Nation, elimination of health disparities and health for all.

Again, to help close the health disparities in our society, we ask you to urge the conferees to support the request of the Congressional Black Causus. I have attached a copy of my statement made before the Appropriation subcommittee to review the necessary justification. And I urge my colleagues to support this motion to go to conference.

STATEMENT OF HON. DONNA M. CHRISTENSEN BEFORE HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON LABOR, HEALTH AND HEALTH SERVICES AND EDUCATION, MAY 6, 2003

Thank you Mr. Chairman, Ranking member and other members of the committee, I appreciate the opportunity to testify on this important panel again this year.

You already have my written testimony which contains the details of the specific funding and language requests. Although I will be speaking specifically to issues in the African American communities, my remarks are generally applicable to all communities of color and many rural communities as well.

Let me say at the outset Mr. Chairman, that my colleagues and I remain grateful to you and your colleagues for the support you have given us both on the Minority HIV/AIDS Initiative, as well as on our efforts to end the disparities in health care.

When I appeared before you last year, I began my remarks by informing the subcommittee of the fact that this great country of ours ranks at the bottom of all of the industrialized countries of the world with regard to the quality of our health care system, we are not where we should be given our resources in infant mortality, HIV/AIDS, immunization, substance abuse and many of the major diseases. In most cases the reason is because more than one third of our population remains outside of the healthcare mainstream.

Today almost 43 million Americans are uninsured, of which 50 percent are minorities: 18 percent of the total elderly population has no coverage at all; 1 out of 6 Americans do not have health insurance; more than 100,000 people lose their health insurance every day; and an astounding 23 percent of African Americans have no insurance at all.

Our health care system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for African Americans who for almost every illness are impacted most severely and disproportionately—in some cases more than all other minorities combined. Every day in this country there are at least 200 African Americans deaths, which could have been prevented. Today we know that much of it happens because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us—not only in the private sector but in the public system as well.

What I am here to try to do today is to leave you with one indelible message: that there are gross inequities in healthcare which cause hundreds of preventable deaths in the African American community everyday and which tear at families, drain the lifeblood of our communities, and breed an escalating and reverberating cycle of despair which this subcommittee has the power to end today if it has the will to do so.

The choice if it can be considered that, is either to write off human beings—our brothers and sisters—who make up this segment of our population, or to make the requisite investment in fixing an inadequate, discriminating, dysfunctional health care system.

The current strongly held-to "cost-containment" paradigm while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in its costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got sicker, the sicker, ie. more costly, were and still are being dropped, and those who were the sickest were and remain locked out entirely. So not only are health care costs continuing to escalate, the overall health picture in this country is worse than ever.

What we now have is a system, which continues the failed paradigm in which African Americans and other people of color who because they have long been denied access to quality health care, now experience the very worse health status. Not doing what is needed to change this is to threaten the health of not just African Americans and other people of color but every other person in this country, especially at a time when we live under the cloud of possible bioterrorism.

Controlling the cost of health care, which can only be done in the long term, will never be achieved without a major investment in prevention, and leveling the health care playing field for all Americans through fully funding a health care system that provides equal access to quality, comprehensive health care to everyone legally in this country, regardless of color, ethnicity or language.

The funding requests I am outlining today are the bare minimum to ensure that our children have the opportunity for good health, that there are health care professionals who can bridge the race, ethnicity and language gaps to bring wellness within reach of our now sick and dying communities, that states and communities will receive the help to fill the gaps and repair the deficiencies of access and services, and which will enable the affected communities themselves to take ownership of the problems as well as the solutions to their increasing healthcare crisis—a crisis that threatens the health and security of all Americans.

If we have learned nothing in the last 10 years, we should have learned that cost containment strategies in our unequal system of care can never bring down healthcare costs. We can only insure that quality health care will be within the reach of future generations if we make a major investment in prevention and increasing access to care now.

On March 20, 2002, the Institute of Medicine (IOM) released a landmark report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care which was requested by Congressman Jackson. Among other key findings, the report documented that minorities in the United States receive fewer life-prolonging cardiac medications and surgeries, are less likely to receive dialysis and kidney transplants, and are less likely to receive adequate treatment for pain. Its first and most telling finding states that "racial and ethnic disparities in healthcare exist and, because they are associated with worse outcomes in many cases, are unacceptable."

And so I urge the committee to give serious and favorable consideration to our funding requests. Because of time limitations let me focus on just a few areas contained in the request.

$66 MILLION FOR THE OFFICE OF MINORITY HEALTH, OS, DHHS

As the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities, the Office of Minority Health (OMH) conducts and supports health promotion and disease prevention programs and activities designed to help reduce the high rates of death and disease in communities of color. OMH also serves as one of the focal points for the Department's initiative to eliminate health disparities. By increasing funding to $20.9 million, this office will be able to expand OMH's elimination of health programs in prevention, research, education and outreach, capacity building, and the development of community infrastructure. The increased funding is also needed to fund the State Partnership Initiative Grant Program; Cultural and Linguistic Best Practices Studies; State Health Data Management; Community Programs to Improve Minority Health Grants; Center for Linguistic and Cultural Competence in Health Care; Eliminating Obstacles to Participating in Government Programs; Technical Assistance to Community Health Program; and Community-Based Organization Partnership Prevention Centers.

$225 MILLION FOR THE NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES (NCMHD), NIH

Funding is needed to develop and implement programs necessary to further address minority health and health disparities and to help improve the infrastructure associated with this research and outreach. In addition, the loan repayment payment must be expanded to include master degree graduates from schools of public health and public health programs to ensure that efforts to build and disseminate research-based health information are intensified. As required, the Center is currently developing a strategic plan to guide the Center's efforts. To be effective, the plan must include and reflect the direct input of the NIH institutes and centers; consumer advocacy groups; the public; researchers; professional and scientific organizations; behavioral and public health organizations; health care providers; academic institutions; and industry. The resulting plan is needed to serve as a fundamental blueprint for the Center's activities, as well as a vehicle for helping to ensure a coordinated and effective response to minority health and health disparities.

$120 MILLION FOR THE RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH (REACH), NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION, CDC

The REACH program is a cornerstone CDC initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality. The increase is needed to fund additional Phase I planning grants, Phase II implementation and evaluation grants, expand and enhance technical assistance and training, and apply lessons learned. REACH received 211 applications in its first year, but only had enough funding to make 31 awards, leaving a very large number of meritorious projects unfunded. REACH must have the resources necessary to capitalize on the strengths that national/multi-geographical minority organizations can provide the initiative.

$300 MILLION FOR THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)

At a hearing before the Criminal Justice Subcommittee of the Government Reform Committee on May 21, 2002, AHRQ Acting Director Dr. Carolyn Clancy described the initiatives undertaken by her agency to attack health disparities. One of the most important of these is the EXCEED program, which funds Centers of Excellence to eliminate health disparities in nine cities around the country. These include efforts to address diabetes care for Native Americans, health disparities in cancer among rural African American adults, and premature birth in ethnically diverse communities in Harlem, New York. According to Dr. Clancy, "EXCEED encouraged the formation of new research relationships as well as building on existing partnerships between researchers, professional organizations, and community-based organizations instrumental in helping to influence change in local communities."

The EXCEED program exemplifies the type of initiative recommended by the IOM report, which urged "further research to identify sources of racial and ethnic disparities and assess promising intervention strategies" (Recommendation 8–1). Yet the Administration's 2003 budget would curtail these efforts. In the budget, total AHRQ funding falls from $300 million in 2002 to $251 million in 2003. About $192 million of the AHRQ budget is protected from the cutbacks, meaning that $49 million must be trimmed from the remaining $108 million of spending, a 46 percent cut. The EXCEED program and other research grants to study and reduce health disparities fall into this vulnerable $108 million.

INCREASE OF $14 MILLION DOLLARS FOR THE U.S. DHHS OFFICE OF CIVIL RIGHTS (OCR) AND A REWORKING OF AUTHORIZATION LANGUAGE TO TIE IT TO DISPARITY WORK U.S. DHHS OFFICE OF CIVIL RIGHTS TO ENFORCE CIVIL RIGHTS LAWS

Enforcement of regulation and statute is a basic component of a comprehensive strategy to address racial and ethnic disparities in healthcare, but it has been relegated to low-priority status. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant Federal statutes and regulations that prohibit discrimination in healthcare (principally Title VI of the 1964 Civil Rights Act), but the agency suffers from insufficient resources to investigate complaints of possible violations, and has long abandoned proactive, investigative strategies.

Despite an increasing number of complaints in recent years, funding for OCR remained constant in actual dollars from fiscal year 1981 to fiscal year 2003, resulting in a 60 percent decline in funding after adjusting for inflation. The decrease has severely and negatively affected OCR's ability to conduct civil rights enforcement strategies, such as on-site complaint investigations, compliance reviews, and local community outreach and education. Providing a substantial increase in funding for the Office of Civil Rights is necessary for OCR to resume the practice of periodic, proactive investigation, both to collect data on the extent of civil rights violations and provide a deterrent to would-be lawbreakers.

INCREASED FUNDING FOR INITIATIVES FOR HEALTH PROFESSIONS TRAINING

(1) $40 million for the Health Careers Opportunity Program ($5.2 million increase);

(2) $40 million Minority Centers of Excellence ($7.4 million increase);

(3) $52 million for Scholarships for Disadvantaged Students ($5.8 million increase); and

(4) $3 million for Faculty Loan Repayment and Faculty Fellowships ($1.67 million increase)

Diversity in the health professions offers numerous benefits, including "increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals". (IOM Report). Such efforts were supported by HHS in the past, but now are threatened with extinction.

The spring 1999 issue of the HHS Office of Minority Health's newsletter Closing the Gaps focused on the theme of "Putting the Right People in the Right Places." The newsletter highlighted the startling under representation of ethnic and minority groups within the health professions and stressed the important role of three programs: (1) the Health Careers Opportunity Program, which trains more than 6,000 high school and undergraduate students each year and is associated with acceptance rates to health professional schools that are 20 percent higher than the national average; (2) the Minority Faculty Fellowships Program, which addresses the problem that "just four percent of faculty at U.S. health profession schools are minorities"; and (3) the Centers of Excellence Program, which works with Historically Black Colleges and Universities and Hispanic Serving Health Professions Schools to "recruit and retain minority faculty and students, carry out research specific to racial and ethnic minorities, provide culturally appropriate clinical education, and develop curricula and information resources that respond to the needs of minorities."

Unfortunately, the very same programs highlighted by HHS in 1999 as successful have disappeared from the President's 2004 budget. In fact, all of these programs received zero funding or are scheduled for elimination.

To insure that no one is denied necessary health care because of race ethnicity or language, they must have the tools to do their job. Bringing equity into our healthcare system demands a funding increase for this office.

$50 MILLION TERRITORIAL HOSPITALS AND HEALTH DEPARTMENTS

Mr. Chairman, years of Medicaid caps have and continue to create a crisis in the healthcare systems in the offshore territories. To address and resolve this, last year I requested that the sum of $50 million be made available to the secretary for territorial hospitals and health departments to close some of their critical health care gaps and repair infrastructure deficiencies. I repeat this request again for this year's appropriation.

Because of the Medicaid cap, and a match that is not indexed for average income level, both which are Congressionally set, we are unable to cover individuals at 100 percent of poverty—for the Virgin Islands it is closer to 30 percent below that income level. Under the cap, spending per recipient is at best one-fifth of the national average.

Our hospitals are struggling, because the cap prevents them from collecting full payments for the services they provide, and they are also unable to collect Disproportionate Share payments, despite the fact that about 60 percent of their inpatients are below the poverty level. About one third of these qualify for Medicaid, which as I indicated before, never fully reimburses them. The rest of their patients have no coverage whatsoever.

Long-term care is limited, and thus unavailable to persons and their families who need it, not because the rooms are not there, but because we do not have enough Medicaid dollars to pay for them, even though the federal funds are matched 2 to 1 by local dollars—far above our requirement. While many states are covering women and their minor children well above 100 percent of poverty, we cannot even come close.

Along with my fellow representatives from Guam American Samoa and Puerto Rico, I have introduced bills to both remove the Medicaid Cap as well as, for the first time, provide for the creation of a Disproportionate Share payment to our hospitals.

Our final request Mr. Chairman once again deals with the Minority HIV/AIDS Initiative. We are here today once again to request funding for the full amount of our request for the MAHI in the amount of $610 million. While our review of the current programs demonstrates the need for increased funding, in light of our other requests which all have the potential to impact this epidemic to some degree, and the budgetary constraints of our government we are requesting a need-based increase over our 2002 request of $70 million. We strongly believe that the $610 million request is absolutely necessary if we are to have any success whatsoever in stemming the tide of this epidemic which continues to ravage our communities.

Once again, the purpose of the special and targeted funding is to provide technical assistance and to increase the capacity of our own communities to administer programs aimed at prevention and treatment, and to bolster or build the infrastructure needed to make all life saving measures accessible.

The Minority HIV/AIDS request is not meant to be the total funding for communities of color but should be utilized in such a way to better enable our communities, that are hard to reach and out of the mainstream, to access the $8 billion plus that is available for HIV and AIDs.

It is also important to point out that as serious an issue as it is, HIV and AIDS is just one symptom of all that is wrong in our communities, many of which come under the purview of this subcommittee. This funding will not only be successful in the fight against long term HIV & AIDS but also in all other areas, if in the long term the underpinnings of our communities are also strengthened.

There is a critical part of the Minority HIV/AIDS initiative request, which does not involve money. It is one of language.

Mr. Chairman, the intent of the MAHI is to ensure that its funds, which are only a small part of overall HIV/AIDS funding, are used to build capacity within African American and other communities of color which are the ones now being disproportionately impacted. The current of the language initiative has not maintained that focus. We are therefore requesting that the original FY 1999 language be restored or be mirrored, in your 2004 bill, with the following change which I believe meets the concerns of the Department with regard to discrimination, while empowering our communities which is the only way we can effectively control this and the other diseases which create the disparties.

In summary, I join my colleagues here this morning to call on this esteemed and distinguished subcommittee to make a commitment to eliminate the disparities that have existed for centuries and are increasing today for African Americans, and to finally ensure equality in health care for us and every one in this otherwise great country.

The cost in dollars today will be significant, but the cost in lives and to our economy in the future are risks that we must not take.

There is no question that health disparities are deeply rooted in our medical system and in our culture. Eliminating them is going to take a lot more than one leadership summit or one media campaign. It will take a long-term commitment. It will take a long-term investment.

This subcommittee and the larger committee have the power to eliminate disparities in health care. This is an important part of the stewardship on which we will all be judged.

Dr. Martin Luther King, Jr. once said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." We have a moral obligation to end injustice in health care and health disparities among Americans. I urge my colleagues to support this request.

On behalf of the Congressional Black Caucus, and personally, I thank you once again for the opportunity to testify.

PRESS RELEASE

HOUSING AND URBAN DEVELOPMENT SENDS FUNDING TO THE VIRGIN ISLANDS

(WASHINGTON, DC, October 2, 2003).—Delegate to Congress Donna M. Christensen is pleased to announce that the following two agencies have received funding from the U.S. Department of Housing and Urban Development.

University of the Virgin Islands receives F'sted Development Grant

The University of the Virgin Islands will receive $541,000 in the form of a Historically Black Colleges and Universities grant. This grant will be used to address community development needs on the islands of St. Croix, specifically in Frederiksted. UVI and Our Town Frederiksted will revitalize neighborhoods and address critical community development needs. They will work on infrastructure improvements and community reinvestments to stabilize the town and build the economy of the area.

Housing receives $1.3 million in HOME Investment Partnership's Program

The Government of the Virgin Islands will receive $1,340,000 for Fiscal Year 2003 HOME Investment Partnerships Program. This program will include activities such as mortgage buy downs through construction of affordable housing and homebuyers assistance.

U.S. DEPARTMENT OF COMMERCE DELIVERS FUNDING

The Delegate is pleased to announce that the Virgin Islands Department of Planning and Natural Resources will receive $481,350 in grants from the U.S. Department of Commerce.

The first grant in the amount of $131,500 will provide financial assistance for National Centers of Central Coastal Ocean Science. The program will assist in the expansion of coral reef monitoring and resources assessments in the VI, through collaborative efforts among individuals from territorial and federal agencies and organizations. An effort will also be made to develop a Marine Park Monitoring Plan.

The second grant in the amount of $349,850 will be used for Coastal Zone Management Administration Awards program. This program will provide funding for the VI for our Coral Reef Management projects. This will include the implementation of an enforcement action plan, and education and outreach action plan and a water quality monitoring action plan for newly established East End Marine Park and the development of a research and monitoring action plan for the East End Marine Park.

Mr. CUMMINGS. Mr. Speaker, I rise today to lend my wholehearted support to the motion to instruct the conferees, offered by Mr. OBEY and spearheaded by Mr. MILLER of California, on the Labor, Health and Human Services and Education Appropriations bill, which would instruct the conferees to recede to the Senate and accept the Harkin amendment. This amendment prohibits the Department of Labor from issuing regulations that take away overtime protection from employees who are currently entitled to receive it.

Mr. Speaker, the national economy and our working families are struggling. This White House administration has the dubious honor of having the worst job creation record since the Great Depression. Since 2001, over 3 million jobs have been lost. The Nation's jobless rate hovers around 6.4 percent and is substantially higher in communities of color, at over 10 percent.

Additionally, the administration's rounds of tax cuts are projected to cost the Federal treasury $3.12 trillion over the next decade. We have gone from a $5.6 trillion surplus to a $4 trillion deficit. While real wages continue to fall, simultaneously the income gap continues to widen and middle class taxpayers are being asked to sacrifice more each day.

Mr. Speaker, now to add insult to injury, the Bush Labor Department is now proposing regulations that will hit as many as 8 million hard working American families. If these regulations are implemented the Federal Government will reach into the pockets of these hard working Americans and cut the overtime pay they depend on to pay their mortgages, feed and educate their children, care for their sick and elderly parents, and preserve their standard of living. It is estimated that overtime pay accounts for roughly 25 percent of the income of people who work overtime. Hardest hit will be our first-responders and healthcare professionals, amongst others.

Mr. Speaker, it is irresponsible to grant huge tax cuts to the wealthiest 1 percent of U.S. taxpayers while cutting the legs from underneath middle-class working Americans. Is this the message we want to send to those whom we have asked to sacrifice their sons and daughters in Iraq? To those who are sacrificing better schools, safer communities and access to healthcare while the Federal deficit grows exponentially, meaningful programs are cut and the wealthiest 1 percent enjoy an enormous $84,000 tax cut.

I urge my colleagues to protect middle-class working Americans by supporting this motion to instruct. Many American families are already struggling to make ends meet with one wage earner. Cutting overtime pay will put them in further economic hardship. Let's be fair to our nation's most valuable assets—our working men and women and their families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the assault on overtime pay is nothing less than an attempt to pick the pockets of millions of hardworking Americans.

By stripping 8 million workers of their right to be paid for the hours they work, Republicans have issued another callous insult to families struggling to make a living. Since many of those who will be affected are nursing professionals, police, firefighters and other "first responders," it sends another stinging message to the people we turn to and who routinely undertake the most thankless tasks in our times of need.

Mr. Speaker, over 3 million Americans have lost their jobs since President Bush took office, and countless others don't appear in the employment statistics because they have given up hope of finding a job.

Isn't in enough that the Bush administration has presided over the loss of 3 million private-sector jobs. It has failed to raise the minimum wage. It is allowing millions of older workers to lose half their private pension benefits. It has denied unemployment benefits to millions of workers who exhausted their Federal unemployment benefits. It has gutted worker safety protections, and denied working family's tax cuts—including the child tax credit—while showering hundreds of billions in cuts to the wealthiest of Americans.

As an experienced nurse, I want to draw your attention to serious dangers posed by this measure which threatens not only the pay of millions of nurses and other health care workers, but also the safety of patients in our health care facilities.

Healthcare professionals, particularly nurses, are working an increasing amount of mandatory overtime, patient care and contributing to the ranks of the over 500,000 trained nurses who have left their field.

Mr. Speaker, the current nursing workforce is aging. The shortage of registered nurses in my home State of Texas is becoming more critical. Texas will experience a deficit of 10,000 RNs by 2005, 16,000 by 2010 and 50,000 by 2020, according to a July 2002 report from the Health Resources and Services Administration.

I am afraid that this will lead to drive even more nurses away from clinical settings at a time when the Nation is struggling to develop policies that will keep today's nurses at the bedside and attract more students into nursing for the future. It is unrealistic to imagine that nurses will remain in jobs where they have lost the guarantee that they will be paid premium wages, or any wages at all, when they are forced to work overtime hours.

Mr. Speaker, what in the world is it about Americans who are working hard to provide for their families that this administration just can't stand?

I urge my colleagues to vote "yes" on the motion to instruct conferees to accept Senate-passed provisions. We must block the Bush administration regulations that would deny overtime pay to millions of employees.

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Obey motion to instruct conferees on the Labor-HHS Appropriations bill.

The Bush administration continues to have a failing record on supporting our nation's working families. Instead of giving workers a leg up, the administration continues to hold working Americans down. By altering overtime regulations this administration is cutting the pay for as many as 8 million workers. Among those workers are those critical to the safety of our communities: firefighters, police officers and nurses.

In these hard economic times, workers need all the help they can get to support their families and their homes. Instead of working to create jobs, this administration is working to undermine the jobs that already exist. By taking away overtime pay, they would be removing income that many of these already underpaid workers have come to rely on to make ends meet.

That's why I support the Obey motion to instruct because it will prevent the Department of Labor from issuing any regulations that take away overtime protection from workers who already qualify.

Mr. Speaker, we must show our nation's working families that we support them instead of taking away their hard earned dollars. I urge my colleagues to support the Obey motion to instruct.

Ms. PELOSI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 2660 will be followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 11, as follows:

[Roll No. 531]

YEAS—221

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NAYS—203

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Brady (TX)
Dooley (CA)
Dreier
Eshoo
Evans
Fletcher
Hyde
Issa
Sabo
Saxton
Walsh

□ 1437

Mr. SOUDER changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule 1, the Journal stands approved.

APPOINTMENT OF CONFEREES TO H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, SIMPSON, YOUNG of Florida, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the coming week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week. We will take any votes called on the three pending motions to instruct, we will take votes on those next week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules, and any votes called on those measures will be called at 6:30 p.m. on that day.

On Wednesday, the House will meet for legislative business at 10 a.m. In addition to potentially considering additional legislation under suspension of the rules, Members should be aware that we may be considering a number of conference reports. These include, but are not limited to, H.R. 1474, Check Clearing for the 21st Century Act; the Fiscal Year 2004 Military Construction Appropriations bill; the Fiscal Year 2004 Department of the Interior Appropriations bill; the Energy and Water Appropriations bill; and potentially the Labor-HHS and Education Appropriations bill.

Finally, I would like to remind all Members that we do not plan to have votes next Thursday, October 9, or Friday, October 10. I thank the gentleman for yielding, and I would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the majority leader. I appreciate the information the gentleman has given us. Essentially, we will be meeting Tuesday night and Wednesday next week.

The gentleman did not mention the Iraq supplemental, I do not believe. I would like to know because, obviously, that is a matter of great concern to every Member of this body and to the American people, when the gentleman expects to consider that supplemental appropriation on the floor. And additionally, can the gentleman assure Members that we are going to have a full consideration and fair process to consider this bill on the floor, a process that will allow a full debate so that Members will have the ability to address all of their concerns? They may well want to support it, but I think the Congress and the American people want to know exactly what we are doing.

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations has informed me that he plans to proceed with regular order. He also plans under that regular order to circulate the supplemental appropriations bill with committee members on Monday. Then he plans to hold a markup next Thursday and, assuming things go according to plan, the bill will lay over the requisite number of days, and we should be able to bring it to the floor the following week, the week of October 13, I believe.

□ 1445

Mr. HOYER. Is it the gentleman's expectation now that the bill as reported from the Committee on Rules to the floor will be subject to amendment?

Mr. DELAY. I anticipate that the bill will come to the floor as most appropriations bills do, and there would be pretty much an open rule. Yes, I would suspect so.

Mr. HOYER. Further conference reports from the Committee on Appropriations. The Majority leader mentioned several conference reports that would come up next week or may come up next week. I would note that neither the Medicare prescription drug legislation nor the child tax credit legislation is on that list, but could Members be told which of those that were listed are most likely to come to the floor? I know we have had them on the list a number of times. Does the gentleman have any greater feel for which bills would be most likely to come to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, of those that I listed, the Check Clearing for the 21st Century Act has already been filed, so we know that we will be voting on those. And we have every reason to expect that we have a good possibility of having the military construction and Department of Interior appropriations bills come to the floor. It may be a little more difficult to get Labor HHS to the floor.

As far as Medicare and its conference, the conferees have had formal meetings, meetings with the President, informal meetings in small groups. The conference chairman, the gentleman from California (Mr. THOMAS), is working nonstop to try to reach a final agreement before the end of the first session, which I hope we can conclude by the end of October.

Progress has been made, very good discussions have been held, and the future looks good for actually bringing a conference report on Medicare to the floor.

As far as the child tax credit bill, we are still having problems with the Senate accepting the fact that child tax credits should be a permanent thing and we should not raise taxes on families after a certain period of time. So, until the Senate agrees to that, I think that conference is going to have a very hard time.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand from those last comments, then, the position still is, if we cannot do it permanently we will not do it temporarily.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield. The gentleman from Maryland (Mr. HOYER) is correct. Temporarily means that you cut taxes for a family and then raise them a year or 2 later, and we think that is incredibly unfair. We think people should not be charged for having children by the government, and it ought to be made a permanent thing.

Child tax credits are something that the American family enjoys. They like having more of their hard-earned money to pay for their children rather than for government, and we are standing with the American family.

Mr. HOYER. Reclaiming my time, I understand what the gentleman is saying about standing with the American families, but the American families, at least the 6 and a half million and 12 million children that we talked about and the 200,000 military families, are not getting relief because, as I understand it, they cannot get permanent relief.

I would suggest to the Majority Leader that we passed a major tax bill that expires in 2010. So by its definition, therefore, it was temporary in nature, and, notwithstanding that fact, we passed it. I would urge the majority to apply the same logic to the child tax credit, to those families making less than $26,000 in our society, most in need of help, very frankly, as opposed to those of us who are doing much better and some, of course, doing much, much better than we are doing but we are doing well. So I would urge the gentleman to look at that.

With respect to the Medicare conference, we have heard some information on this side that the President and some of the majority conferees have reached an agreement that there is going to be an effort to reach agreement by October 17 in the conference. Is that information accurate?

Mr. DELAY. Mr. Speaker, the information is accurate in the fact that it is a goal that both the House, the Senate and the President have placed on wrapping up the conference on Medicare. Obviously, this is probably the most complicated issue that we have had to deal with in many a year; and there are many different positions by many different Members, both in the House and Senate. So it is a very complicated issue; it is very difficult. People are working very, very hard to meet that goal. And if God is on our side, maybe we will meet the goal.

Mr. HOYER. I do not want to speculate on which side God is on the Medicare prescription drug bill. I have my own perspective, however, I will tell my colleagues.

The gentleman indicated that there are a number of meetings going on of conferees discussing this. And lamentably I want to tell the leader that the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. RANGEL), and the gentleman from Arkansas (Mr. BERRY) are not aware of any meetings that have occurred involving, at least, them; and they are conferees. If we are going to be able to pass this legislation, in my opinion, it will be necessary for us to proceed in a bipartisan way.

Could the gentleman comment on the fact that the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Arkansas (Mr. BERRY) have not been in any of these meetings to which he has referred?

Mr. DELAY. Just any formal meeting of the conference that has been held, the gentlemen he has listed have been invited to those meetings. The other meetings, the informal meetings and group meetings that have been held around the Capitol, the gentleman knows are being held with people that actually want to get a bill.

We are working with those, both Democrats and Republicans, who actually want to get a bill and are serious about negotiating that bill. And it is such a complicated bill. Different parts are being negotiated by different people. The gentleman knows how a conference can work and how difficult it is to hold it together. So to the extent that people want to actually get a bill to the President's desk, they are having great and strong input in the negotiations that are going on.

Mr. HOYER. Reclaiming my time, very seriously I want to tell the gentleman that any implication that the gentleman from Michigan (Mr. DINGELL), who has fought for Medicare and health care legislation longer, harder, than any member on this floor from either party, and whose father preceded him in that fight, is somehow not interested in passing a bill is inaccurate, Mr. Speaker. The gentleman made a mistake if that is his premise. I want to advise him, respectfully, that he is wrong.

I also believe that Mr. BERRY and Mr. RANGEL are extraordinarily interested in passing a bill. Now, their perspective may be different. As far as we know, there have been no conference meetings in the sense of the conferees getting together and discussing differences and trying to iron those differences out in the last 2 months.

Mr. DELAY. There have been formal conference meetings, and the gentlemen that have been outlined have been invited to those meetings.

Mr. HOYER. Mr. Speaker, rather than go back and forth on it at this point in time, I will be glad to ask Mr. DINGELL and Mr. RANGEL when the last meeting was that they were invited to.

Mr. DELAY. Mr. Speaker, I was at the last meeting; and it was last week with the President of the United States.

Mr. HOYER. That was a meeting with the President. I agree with the gentleman. It was not a conference meeting, however. It may have been a meeting with the President.

We hope that we will proceed.

The FAA conference report, we were told that that was going to be on the floor last week and this week. We understood that we would consider it this week. The rule was not brought up. Can the gentleman illuminate for the Members where that bill stands? I know the previous week we could not find the papers, as I recall. This week we understand the papers have been found, but we did not move ahead on that. Can the Majority Leader tell us why we have not proceeded on that and what he perceives to be the future of the FAA reauthorization bill?

Mr. DELAY. I appreciate the gentleman yielding.

As the gentleman knows, and people should take notice, that FAA activities are currently operating under the short-term continuing resolution that we passed last week. In the meantime, Chairman YOUNG and Chairman MICA are working with their Senate counterparts and the committee members on their conference committees to reach the necessary accommodations so that we can have the reauthorization signed into law before this current C.R. expires. So, work is ongoing. As soon as the agreements are made between the House and the Senate, I think we can proceed.

Mr. HOYER. I thank the gentleman for that information because I know we need to move ahead on that authorization. If the gentleman could answer the question, however, we understand there seems to be a disagreement. However, the House passed a provision that directed that there be no privatization of the air traffic controllers. The Senate passed a provision providing that there should be no privatization of air traffic controllers. But we understand there is a difference in the conference on this issue. Can you explain to me, Mr. Leader, when the House took a position on behalf of insuring on the continued public nature of the air traffic controllers and the Senate took the same position, why there might be a difference on that issue?

Mr. DELAY. Well, I have to admit to the gentleman that I am not privy to the intricate negotiations that are going on in this bill. We are leaving that up to the chairmen that are presiding over the conference committees. So I cannot answer the question because I do not know the machinations that have been going on in detail, and I certainly do not want to mislead the House.

Mr. HOYER. I thank the gentleman for his candor on that. Each of us finds ourselves in that position from time to time. I would urge the gentleman, however, because both Houses have taken the same position on that very critical issue, in my opinion, to the security of our Nation, if you might urge the conferees at least to take that item on which apparently the House and Senate both acted in concert off the table, it might facilitate the movement of the conference.

Mr. DELAY. I will certainly advise Chairman YOUNG and Chairman MICA of the gentleman's concern.

Mr. HOYER. Mr. Speaker, I thank the Majority Leader for the information.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2022

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2022.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003, OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of the House of Representatives with regard to "high-level radioactive waste" as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII the gentleman from Washington (Mr. INSLEE) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I advise other Members we do not intend to take our entire allotted time. We hope to go through this fairly expeditiously.

This is a motion brought to assure that nothing happens in the conference report that could jeopardize completion of our statutorily-mandated mission for the Department of Energy to complete the cleanup of about 100 million gallons of high-level radioactive waste now at various sites in the United States.

□ 1500

As Members know, we have created by an act of 1982, the obligation to complete a cleanup of those wastes that have been created by the Department of Defense activity, and this does refer to waste that is not commercial but rather through the Department of Defense.

In my State, for instance, there are 53 million gallons at Hanford, at Savannah River, there are several million gallons, in New York State, in Idaho, and we need to complete this cleanup. Unfortunately, for a variety of reasons the concern has been expressed that in the conference committee there could be an attempt to essentially give unfettered discretion to the Department of Energy to reclassify this waste, essentially give it a different name, rather than to complete with the certain rigor and completion of the type of cleanup that is now mandated in Federal law.

We think it is very important to clean up this waste rather than just to rename this waste. So we are bringing this motion to essentially move in that direction in this conference report.

I may note that we consider this a bipartisan effort. Attorneys general from the States of Washington, Oregon, Idaho and South Carolina, both Democrats and Republicans alike, have written to the Department of Defense urging that we work together with the States and the Federal Government to find a technological solution to these last remnants of the 100 million gallons, rather than try to end run through the conference committee.

So we look forward to working on a bipartisan basis. My friend, the gentleman from Washington (Mr. HASTINGS) certainly has knowledge of Hanford and others to work through this, but we want to make sure we do not go through the back door of the conference committee.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would indicate to my friend that there is no back room. We are doing everything in the front room.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington State (Mr. HASTINGS), from the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding me time. I thank the committee for their work on this and taking the position that they have had that they are simply not going to move forward on these delicate issues and extremely important issues with the States that are affected by this without the concurrence of those agencies within those States. I appreciate the gentleman taking that position.

Mr. Speaker, let me say very bluntly, as I can, that the Department of Energy language that was proposed and potentially proposed in this conference report was simply not acceptable to any of the States that were involved. I know they were not acceptable in my case because in the past I have been focused on trying to get these issues resolved with our State Department of Ecology who has jurisdiction in Washington State at Hanford. Because these things will not move forward, the acceleration that we have had success with at all of these sites, will not move forward unless you have the cooperation; and I have been focussed on getting that sort of cooperation enacted.

But I have to state what frustrates me in my case and specifically at Hanford is that I know, genuinely know, at that time Department of Energy and the Department of Ecology want to get this site cleaned up in a safe and timely manner. But I also have to say to be here on the floor and condemn the language that DOE had suggested does not solve this problem, and it will not resolve the long-term disputes that may arise in the future. So I do not consider that. This passed and will pass, of course, unanimously. This is not really a victory for the States. It is not a victory for the DOE.

The reason I say that, once again, Mr. Speaker, is to reemphasize the States, in my case the State of Washington Department of Ecology and DOE have the shared responsibility to resolve these matters and to move forward and keeping the cleanup, the acceleration, timely and safe for the workers at all these sites.

Mr. Speaker, I intend to continue to work on this to try to resolve this because, in my view, the most important thing we can do for our constituents is to make sure that this acceleration and cleanup goes in a timely and safe manner.

Mr. Speaker, I once again want to thank the subcommittee chairman, the gentleman from Texas (Mr. BARTON) and the committee as a whole for their commitment to making sure that any legislation that is offered has the concurrence and the input of the States that are involved.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, South Carolina is an unenviable host to one of the largest concentrations of military-generated radioactive waste in our country, if not in the world. There are over 37 million gallons of highly-radioactive waste stored in 49 single-lined tanks at the Savannah River site. This waste contains over 400 million curies of radioactivity and represents potentially the single most hazardous threat to the environment and to the people of South Carolina and Georgia, and for that matter, the whole region because it sits atop the Tuscaloosa aquifer.

There are millions more gallons of this kind of waste stored at DOE sites from upper New York State to Washington State.

Over the years, the Department of Energy has worked with these States, my own State of South Carolina, to develop plans to manage the waste by separating out the highly-radioactive contents, transform it into a glass waste solid, suitable for shipment to a national repository for ultimate disposal, and until then, store it on-site in a special interim storage facility. The remaining waste, the residue containing relatively small amounts of radioactivity, is supposed to be mixed with a special sort of concrete and disposed of on-site.

Recently, the Department of Energy proposed to dispose directly of approximately 20 million additional curies of this high-level radioactive waste right there on-site, at the Savannah River site, which is a major change in plans. This amount of waste on-sight will require about 300 years of oversight and maintenance.

The Department of Energy, DOE, however, ran into a problem with this approach. The Nuclear Waste Policy Act requires this type of high-level waste to be disposed of at a national repository. So to implement that proposal, the Department decided simply to reclassify the waste. They would not call it high-level waste anymore.

Well, they ran into another problem. The United States District Court ruled that the DOE order reclassifying this waste violated the statutory law, the Nuclear Waste Policy Act. The four affected States, Idaho, Washington, Oregon and South Carolina, all filed briefs in opposition to DOE's proposal and in effect they prevailed.

South Carolina, along with three other States involved in the district court action, has offered through a joint letter with the other States to the Secretary of Energy to work with the Department of Energy to develop a waste classification strategy that will ensure effective and cost effective and timely disposal of high-level waste in a matter that is consistent with the court decision. We are not trying to hold anybody up. I can assure you that the House Committee on Armed Services, on which I sit, is willing to work with the Department of Energy in next year's authorization process to address this matter in the proper form, with hearings, with questions and with the right kind of legislation.

But instead of engaging in earnest, the Department decided to appeal the district court decision but also to come to Congress with this proposal, to amend the Nuclear Waste Policy Act to allow DOE to determine how much high-level waste it can reclassify and directly dispose of it at several sites, including the Savannah River site. These provisions were not included in either bill, House or Senate. There were no hearings in either committee, House or Senate. This was to be added to the conference report as an out-of-scope provision.

If enacted, this proposal would allow DOE virtual carte blanche to reclassify high-level radioactive waste. This will create lower standards for storing, lower standards for treating, lower standards for processing these radioactive materials, making it all the more likely that some day a dreaded accident will occur, and we will have irreparable harm done to our ground water, our streams, the Tuscaloosa aquifer, affecting not just South Carolina but Georgia and much of the Southeast.

It should not come as any surprise, therefore, that the attorneys general of all four States have vigorously objected in writing to DOE's legislative proposal. In fact, these AGs have called the changes wholly unnecessary.

In conclusion, Mr. Speaker, to change a law as important as the Nuclear Waste Policy Act in this manner, at the 11th hour, without hearings, without a full discussion by all the stakeholders as an out-of-scope provision to a conference report, is inappropriate in this case, and is a precedent that we, as a Congress, should not create for future cases.

So I commend the gentleman from Washington (Mr. INSLEE) for his motion; and I urge every Member of the House on both sides of the aisle to vote to add this instruction to the conferees on the pending bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield to the gentleman from Washington (Mr. HASTINGS) for a question.

Mr. HASTINGS of Washington. Mr. Speaker, I just want to clarify the point, that it is your intent, as the subcommittee chairman and the chairman of the committee, that you will not proceed on this sort of legislation without the concurrence of the States that are affected, which, of course, are South Carolina, Idaho and Washington State.

Mr. BARTON of Texas. Mr. Speaker, that is not only my understanding, that is also the full committee chairman's understanding, and that is the understanding of the chairman of the conference, Senator DOMENICI.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for his commitment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not be long-winded.

Let me simply say, we do not oppose the Inslee amendment on the motion to instruct the conferees. We are prepared to accept it. We think it is an amendment that has merit, obviously, as we have heard from the other gentleman from Washington (Mr. HASTINGS), the gentleman from South Carolina (Mr. SPRATT) who just spoke. These are issues that are serious and that need to be addressed.

We can say that we had no intention to put in any language on this issue in the conference report unless we did have concurrence and agreement of the States and the Department of Energy. It is an issue that we are working on seriously.

It is unlikely that there will be specific language on this issue in the conference report, but certainly, if we consider it, we will work with the gentleman who offered the motion to make sure that the States involved are consulted with.

Let me indicate at the outset that this side is prepared to accept the motion. As the gentleman knows, it is nonbinding.

Let me also inform the gentleman that this issue is not one that either the Chairman of the conference from the other body or I are actively seeking to put into the conference report.

Having said that, DOE's high level waste problem is a complex issue that deserves the attention of the Congress. The Energy and Commerce Committee held a hearing on this issue in the Oversight and Investigations Subcommittee in July. We heard testimony from the States of Washington, Idaho, and South Carolina, where much of DOE's radioactive wastes are located.

At the hearing, the GAO recommended that Congress clarify the high level waste definition, so that DOE can settle on a strategy and move forward with cleanup plans at Hanford, Savannah River, Idaho, and other sites. Due to a recent Federal district court decision, it is uncertain whether DOE can proceed with its cleanup plans at these sites.

It is important that DOE reach agreement with the affected States on the appropriate solution to this matter. Without clarification of DOE's authorities with respect to high level wastes, we may experience cleanup delays as DOE tries to settle this in the courts. DOE has recently estimated that if Congress does not address this matter, we may incur an additional $60 billion in cleanup costs.

The gentleman from Washington should know that following the filing of his motion on Tuesday, we were informed by the Department of Energy that they are in advanced negotiations with affected governors on a solution. So while I have no objection to the motion today, I do want to put the House on notice that if the DOE and the affected States arrive at some kind of agreement, then I do anticipate that the administration will request that we include it in the conference report on H.R. 6. Not having seen the agreement, of course, I can't say with any certainty whether I will recommend honoring that request, but I intend to give it every consideration should it be transmitted.

THE SECRETARY OF ENERGY,
Washington, DC, October 2, 2003.

Hon. BILLY TAUZIN,
Chairman, House Energy and Commerce Committee, Washington, DC.

DEAR MR. CHAIRMAN: In early August, I transmitted to the Congress a legislative proposal designed to assure that the Department of Energy would remain able to exercise its longstanding authority to classify radioactive waste from reprocessing according to the risk it presents to human health and safety. This authority has been cast in doubt by a recent District Court decision. Failure to resolve this uncertainty could result in decades of delay in cleanup and increased risk to public health and safety.

In response to issues raised by stakeholders regarding this proposal, the Department has been in discussions with interested parties concerning revised language. These discussions remain ongoing. Legislation of this nature is a priority for the Department because it is critical to allowing us to proceed with confidence with our plans to accelerate cleanup at the sites where this material is located.

Contrary to some press reports, the Department is not seeking authority to "reclassify" high level waste so as to dispose of it anywhere other than at a repository for spent fuel. Rather, to repeat, all we are seeking is confirmation from Congress of our longstanding authority to classify various material from reprocessing according to the risk it presents so that it can be disposed of in a manner appropriate to those risks. Any waste classified as low-level waste would have to meet performance standards for disposal of low-level waste.

Our hope is that if a negotiated solution is reached, it can be included in the H.R. 6 Conference Report.

Sincerely,

SPENCER ABRAHAM.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY), a great advocate for the State of Nevada.

Ms. BERKLEY. Mr. Speaker, I rise in support of the Inslee motion to instruct conferees.

As everybody in this body knows, the State of Nevada has been unfairly and inappropriately singled out as the Nation's only high-level nuclear waste dump. I am strongly opposed to tens of thousands of tons of radioactive waste being stored in a repository in Yucca Mountain less than 90 miles from Las Vegas, Nevada.

I am also concerned about other DOE actions that could jeopardize the safety of millions of Americans throughout the country.

The DOE is trying to arbitrarily redefine nuclear waste stored in tanks in Washington and South Carolina and Idaho, that have already been classified as high-level, as low-level waste to avoid dealing with the problems it faces in the cleanup and disposal of high-level nuclear waste. Some might claim that DOE's plan would stop more waste from going to Nevada. The truth is that Yucca Mountain is already projected to be full.

As Nevadans know all too well, the DOE never lets the facts stand in the way of its decision making. The residents of Washington and South Carolina and Idaho are now finding out what the people of Nevada have known for years. The Department of Energy makes up the rules as it goes along. If it confronts an obstacle that it is unable to overcome, it simply changes the rules.

Rather than working with the States and local residents and the EPA to find a solution based on sound science, DOE is trying to ramrod through Congress its decision to change the classification. The courts have told the DOE no. The States have told the DOE no. And now the DOE has turned to the Members of Congress in a last-ditch effort to get its way.

Congress should not enable the DOE to reclassify this waste without regard to human health or the environment.

I urge my colleagues to support the Inslee motion to instruct to send a message to the DOE that it must learn to live within the rules and within the law.

□ 1515

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD) who represents the third district, which is down river in the Columbia River from the Hanford site.

Mr. BAIRD. Mr. Speaker, I thank my friend from Washington for yielding me the time, and I thank my colleague also from the other side of the Cascade Mountain.

The reason I am concerned about this, since I represent Vancouver, Washington, we call it America's Vancouver, it is on the banks of the Columbia River, and it is down river from Hanford. For years, DOE has assured us that they had the cleanup under control. We have thousands of gallons of liquid waste in unlined single-wall tanks, and we were assured that they would not leak into the aquifer for hundreds of years. In fact, we have discovered already that there is nuclear material in that aquifer and that aquifer connects directly to the Columbia River.

The solution to our problems of disposing of radioactive waste is not to redefine them and say the problem's gone away because we came up with a new definition. That is essentially what the Department of Energy is asking to do, and I applaud my colleague for this motion. I thank the Chair of the committee for rejecting that.

So I am glad we are going to support this, but I would say this is troubling to me that the Department of Energy has even made this request because I think it raises questions about their good faith, that they believe that the solution to cleaning something up is to define that it is already clean and we do not have a problem. I urge the chairman of this committee to insist that such language not be allowed to exist in a final conference report and would urge my fellow colleagues, should that language somehow get in, to reject it strongly.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Just as a closing comment, Mr. Speaker, the one message we hope that comes out of today is that when we have 100 million gallons of material, that if we spread a coffee cup of it on this floor in the House, it would be a lethal dose for everyone here. This is material that our constituents on a bipartisan, bicoastal basis want to make sure gets cleaned up in reality, rather than just in rhetoric; and that is why I think this motion is very important.

I am very appreciative of my friend, the gentleman from Washington (Mr. HASTINGS), and his efforts to work with the Departments and the States to try to hammer out some solution to this. I know he has been personally involved in trying to find that solution. I appreciate his efforts. We appreciate the gentleman from Texas (Mr. BARTON) in accepting this and moving this forward. He has also acted with honor and great wisdom, and I look forward to passage of this.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

We will not oppose the motion to instruct the conferees, and we thank the gentleman for offering it and the individuals who spoke in favor of it.

Mr. BLUMENAUER. Mr. Speaker, I support Representative INSLEE's Motion to Instruct Conferees on H.R. 6, the Energy Bill. This motion instructs the conference committee to not add a provision that would allow the Department of Energy to reclassify high-level waste. I oppose the provision because it jeopardizes the health of citizens in Oregon, Washington, South Carolina, and Idaho. Of particular concern to me is radioactive waste stored in Hanford, WA, that has already contaminated ground water near the Columbia River. I believe this is one of the greatest environmental threats we face in the Pacific Northwest.

I also oppose the provision because it circumvents a legal decision made last July by a Federal district judge in Idaho. We should not allow defendants unhappy with a court decision to run to Congress for a quick fix solution. Furthermore, Congress needs to resolve controversial issues through careful consideration and debate. The proposed provision was in neither the House nor Senate bills, and was not subject to debate or vote. Most importantly, Congress did not hold hearings to hear from experts on both sides of this contentious issue.

This issue is too important to play political games. The Department of Energy should focus efforts on being a better partner with States to devise an efficient and effective solution that is agreeable to the people who live and work near the contaminated sites. All four States oppose the provision indicating that the department has not yet found a common ground solution.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. PUTNAM). The gentleman from Washington (Mr. INSLEE) is entitled to close. Does he wish to do so?

Mr. INSLEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. INSLEE).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. BISHOP of New York. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. BISHOP of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House Bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. BISHOP) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. In form, this motion instructs conferees to eliminate from the legislation the tax-free savings accounts for medical expenses. These accounts are estimated to cost the Federal Government $174 billion over the next 10 years; and in my opinion, this funding would better serve seniors if it were used to close the enormous gap in coverage that exists in H.R. 1, as it currently is formulated, that leaves seniors without a dependable prescription drug plan.

Health savings security accounts are one of the many provisions in H.R. 1 that I find troubling. The health savings security accounts bill, like so many bills that this House has considered over the past few months, was brought to the floor in the middle of the night, in a last minute fashion, and was rammed through without debate. The bill passed largely along party lines and in the wee hours of the next morning was incorporated into the prescription drug bill through a rule. This Congress never had the opportunity to study such an enormous proposal.

Supporters of the tax-free savings accounts will tell my colleagues that these accounts are valuable tools to cover the uninsured; and clearly, we must prioritize providing health coverage to the greater number of the uninsured, especially since we learned recently that 2.4 million Americans joined the ranks of the now 43.6 million Americans who are uninsured in just the last year alone. However, these savings accounts will do very little to help the uninsured and are the wrong solution for several reasons.

The medical savings accounts are a bad idea because they will cost the States already struggling with deep financial difficulties $20 to $30 billion in revenues over the next 10 years and, as I indicated earlier, will cost the Federal Government $174 billion over the next 10 years. The significant costs associated with these accounts will go towards providing benefits that I believe are merely illusory. These accounts are presented as a device that will help the uninsured. Yet 36 percent of the uninsured have incomes below the poverty level so they pay little or no income tax. If their incomes are so low that they pay little in the way of income tax, then we cannot reasonably expect them to invest in medical savings accounts.

If the majority of the House feels that this $174 billion is available to us and that we can afford to spend it, then in my opinion there is a much better way for us to invest it.

The prescription drug bill that passed the House has an alarming gap in coverage. Just when seniors reach the point when their drug costs become unbearable and they need help the most, the prescription drug bill leaves them to their own devices. Under the bill that passed, seniors will be forced to pay 100 percent of their drug costs from between $2,000 and $4,900 a year. This gap is so huge that 48 percent of Medicare beneficiaries, almost one-half of seniors, will fall into the gap. And as if this were not enough, seniors with drug costs over $2,000 will continue to be required to pay their monthly premiums, even though they are receiving nothing in return.

I am increasingly discouraged that every time this Congress is faced with a choice of helping out those who need help the most or those who do not, we opt for those who need assistance the least. By eliminating the medical savings account provision from H.R. 1 and applying their $174 billion in savings to close the gap in coverage, we will be doing the right thing by helping those that need it the most. This amount of money will significantly close the coverage gap and will give seniors whose prescription drugs costs are past $2,000 a year great peace of mind. It is patently unfair to leave seniors to fend for themselves as their burden increases.

I urge my colleagues to support this motion and to do the right thing by our seniors by making this drug benefit more reliable. Let us send a strong message in support of seniors by giving them a prescription drug benefit with no gap in coverage.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, might I inquire of the gentleman from New York (Mr. BISHOP) if he has additional speakers.

Mr. BISHOP of New York. I have about eight additional speakers.

Mr. MCCRERY. Mr. Speaker, as far as I know, I am the only speaker on our side. So I reserve the balance of my time until such time as the gentleman from New York (Mr. BISHOP) has arrived at his last speaker, and I will deliver my remarks at that time.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, we have an opportunity today. We have an opportunity to make prescription drugs both available and affordable to our Nation's seniors. We have an opportunity to slam the door shut on the giant Republican-sponsored gap in coverage in their so-called prescription drug bill, aka the HMO Enrichment Act. We have an opportunity today to help people in need, not HMOs in want.

How do we do that? We must close the gap in coverage in prescription drugs that has been invented and advanced by our friends on the other side of the aisle, and we can do that by supporting this instruction.

Mr. Speaker, as my colleagues know, the Republican drug plan provides absolutely no prescription drug coverage at all to our Nation's seniors between the amounts of $2,000 and $5,000; but even though they are receiving absolutely no coverage, they are required to pay a premium each and every month. Who wrote that provision, the HMOs? They expect to get paid a monthly premium every month like clockwork and provide absolutely no benefits to the seniors. That is outrageous, and how, oh, how, Mr. Speaker, can our Republican friends support such an outrageous position and favor the wealthy HMOs over our worthy seniors? How can they take that position?

Mr. Speaker, some on the other side of the aisle say we cannot afford to make prescription drugs available to seniors. It is not that we cannot afford it. Let us be honest. It is that they do not want to do that because, Mr. Speaker, apparently we can afford huge tax cuts to the top 1 percent of American wage earners, but we cannot afford a prescription drug coverage. Apparently, we can afford to allocate $174 billion in tax cuts through the inclusion of HSAs, but we cannot afford prescription drug coverage.

Understand, Mr. Speaker, there is absolutely no requirement that the HSAs pass on savings to the employees. In fact, it is likely that employers will further burden American families by increasing deductibles and shifting costs to the employees; and understand, HSAs will not reduce the record number of uninsured in this country, and HSAs will not make prescription drugs more available for American seniors. It does none of that. In fact, just the opposite is true.

While HSAs will help almost no one in America, if we use those funds, that $174 billion with a B, we could help address the prescription drug needs for everyone in America.

Let us keep our priorities straight in this Congress. Let us do something to benefit all Americans, not just the wealthy. Please join me and America's seniors in supporting this motion to instruct by my fine colleague. We need prescription drugs for all, not just a tax shelter, Mr. Speaker, for the few.

Mr. BISHOP of New York. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time.

Let us take a look at the fiscal format of this country as we begin the debate on this measure this afternoon. We have seen revenue reestimate after revenue reestimate, all to the growing despair of those of us who care about running this country on a balanced budget, just like America's families run their financial affairs.

We are now looking at an annual deficit in excess of $500 billion. I know the people I represent in North Dakota are really struggling with this request of the President to send $87 billion to Iraq because they know that when we are $500 billion in debt for this year, that this $87 billion to Iraq is all borrowed money. That all falls on the heads of our children. It is important, I think, with that being the financial framework of our country, as we talk about this debate, that we look closely at what has happened to the staggering escalation in costs to this MSA, medical savings account, provision.

I am a member of the Committee on Ways and Means that considered this legislation. The initial proposal was scored by the Congressional Budget Office at $14.3 billion over 10 years. I will submit this score from the Congressional Budget Office as part of the RECORD in this debate.

When it came before the committee, of course, we had seen the effect of special interests. This had been stretched. It had been inflated. It had grown, and this tax cut at that point in time, the MSA tax cut for the affluent, at that point became a $71.5 billion bill. Because this country was in the red, I opposed this measure in committee. We had not seen anything yet in terms of the ultimate cost of the provision addressed by the gentleman's motion because the very next day there was a rewrite, not one that was accomplished in light of day, in committee of jurisdiction, where we could at least talk about the policy rationale for the further expansion of medical savings accounts; but when this measure came to the floor, many of us were astounded to see that a measure that had been passed out of committee costing $71 billion over 10 years was now slated to cost $174 billion over 10 years.

□ 1530

Somehow, overnight, $100 billion in tax loopholes had been added to this measure. No hearing, no discussion, no committee vote.

So as my friends in North Dakota scratch their heads about the $87 billion Iraq request of the President, they should know that is not the only thing to scratch your head about in Washington: $100 billion added to this MSA tax loophole from committee action to the time of the floor. In contrast to that $87 billion to Iraq, this is going to lose the Treasury $173 billion.

Now, when we look at a $173 billion hit to the revenue of this country, we ought to think, well, can we afford it? Well, with a $500 billion debt already, I do not think we can afford it. This will be paid for by further driving up the debt of our country. It will be ultimately borne by our children and grandchildren as we leave to them a country so swimming in red ink that it will be hard to figure out how they ever get back to a balanced budget.

Those days of surplus seem so long ago. And the reason we have gone down this terribly steep slope into these incredibly deep deficits is the very shenanigans we see before us. A bill that was $14 billion in cost when it came to the committee came out of committee inflated and stretched to $71 billion. And by the time it came to the floor, a further rewrite, not even in front of the public, not even in front of the committee of jurisdiction, not even with any discussion about the policy underlying the changes, and another $100 billion in tax loopholes is offered, so that now $173 billion in revenue is lost. There is an awful lot that can be done with $103 billion.

As a former State insurance commissioner, I can tell my colleagues that spending this kind of money on medical savings accounts is a very poor investment. Pass this motion, strip this tax windfall out of this provision.

Mr. Speaker, I submit for the RECORD the estimates of the CBO referred to earlier in my remarks:

ESTIMATED REVENUE EFFECTS OF H.R. 2596, THE "HEALTH SAVINGS AND AFFORDABILITY ACT OF 2003," SCHEDULED FOR CONSIDERATION BY THE HOUSE OF REPRESENTATIVES ON JUNE 26, 2003

[Joint Committee on Taxation, 6–26–03, JCX–65–03; fiscal years 2004–13; in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Health Savings Security Accounts and Health Savings Accounts:													
1. Health savings accounts	tyba 12/31/03	−146	−433	−484	−541	−586	−633	−676	−700	−707	−752	−2,190	−5,658
2. Health savings security accounts	tyba 12/31/03	−628	−4,665	−7,853	−11,155	−14,500	−17,666	−21,041	−24,542	−29,232	−32,165	−38,802	−163,448
Total of Health Savings Security Accounts and Health Savings Accounts		−774	−5,098	−8,337	−11,696	−15,086	−18,299	−21,717	−25,242	−29,939	−32,917	−40,992	−169,106
Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements	typba 12/31/03	−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,541	−8,662
Exception to Information Reporting Requirements Related to Certain Health Arrangements	pma 12/31/02	−23	−24	−24	−25	−26	−27	−27	−28	−29	−30	−122	−263
Interactions Among Health Provisions		32	146	236	331	418	503	585	653	706	784	1,162	4,392
Net Total		−1,126	−5,603	−8,892	−12,258	−15,614	−18,780	−22,151	−25,640	−30,317	−33,258	−43,493	−173,639

Note: Details may not add to totals due to rounding. Legend for "Effective" column: pma = payments made after; tyba = taxable years beginning after.

ESTIMATED REVENUE EFFECTS OF A CHAIRMAN'S AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2351, THE "HEALTH SAVINGS ACCOUNT AVAILABILITY ACT," SCHEDULED FOR MARKUP BY THE COMMITTEE ON WAYS AND MEANS ON JUNE 19, 2003

[Joint Committee on Taxation, 6–18–03, JCX–64–03; fiscal years 2004–2013, in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
1. Health Savings Accounts	tyba 12/31/03	−231	−1,785	−3,410	−4,876	−6,371	−7,503	−8,321	−9,271	−10,171	−10,668	−16,673	−62,607
2. Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements	tyba 12/31/03	−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,542	−8,664
3. Exception to Information Reporting Requirements for Certain Health Arrangements	pma 12/31/02	−23	−24	−24	−25	−26	−27	−27	−28	−29	−30	−122	−263
Net total		−615	−2,436	−4,201	−5,768	−7,316	−8,487	−9,340	−10,322	−11,255	−11,792	−20,337	−71,534

Note: Details may not add to totals due to rounding. Legend for "Effective" column: pma = payments made after; tyba = taxable years beginning after.

ESTIMATED REVENUE EFFECTS OF H.R. 2351, THE "HEALTH SAVINGS ACCOUNT AVAILABILITY ACT," SCHEDULED FOR MARKUP BY THE COMMITTEE ON WAYS AND MEANS ON JUNE 19, 2003

[Joint Committee on Taxation; #03–1 174 R, very preliminary, 6–18–03; fiscal years 2004–13; in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Health Savings Accounts:													
1. Income tax effect	tyba 12/31/03	−136	−405	−453	−507	−550	−594	−635	−655	−659	−702	−2,052	−5,598
2. FICA tax effect	tyba 12/31/03	−10	−28	−31	−34	−36	−39	−42	−44	−47	−50	−138	−360
Total of Health Savings Accounts		−146	−433	−484	−541	−586	−633	−676	−700	−707	−752	−2,190	−5,658
Dispostion of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements:													
1. Income tax relief	tyba 12/31/03	−207	−361	−447	−509	−543	−566	−589	−607	−627	−654	−2,067	−5,113
2. FICA tax effect	tyba 12/31/03	−154	−265	−320	−358	−377	−390	−403	−416	−428	−440	−1,474	−3,551
Total of Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements		−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,542	−8,664
Net Total		−507	−1,060	−1,252	−1,408	−1,505	−1,590	−1,669	−1,723	−1,762	−1,846	−5,732	−14,322

Note: Details may not add to totals due to rounding. Legend for "Effective" column: tyba=taxable years beginning after.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentleman from North Dakota, Mr. Speaker, and to those listening to the debate, that the entirety of the cost of this bill, as noted by the gentleman from North Dakota, is accommodated by the budget that this House voted on earlier this year by a majority vote. Also, we should know that this bill, in its current form, at its current cost, as noted by the gentleman from North Dakota, passed this House with a bipartisan majority, with 15 Members of the minority supporting this bill in its current form.

So while it may be true that the bill changed from the time it was introduced to the time it reached the floor, there is no one that was unaware of the cost when this was voted on by the Members of the House at large, and the amount is accommodated by the budget that we all agreed on earlier this year.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I thank my friend for yielding to me, someone I respect deeply on the Committee on Ways and Means, the gentleman from Louisiana.

The gentleman notes that the money is fully accommodated for in the House budget. What I want to know is what the relationship of the price tag is relative to the deficit. Now, as I understand it, this $173 billion will deepen the deficit. Is that not the gentleman's understanding?

Mr. McCRERY. Reclaiming my time, Mr. Speaker, as the gentleman well knows, the budget that was voted on by this House earlier this year, which takes care of all of the priorities of government which we have the duty and the obligation to do, did anticipate a deficit at the Federal level. So any spending that the gentleman wants to point out, whether it is for projects in his district or highways or any other thing, one could say that is going to drive us deeper into deficit.

But I think it is unfair for the gentleman to point out one item that we might pass and agree on and send to the President and say that is all going into the deficit. There are a great many other things we spend money on at the Federal level; and it would be fair to say, I suppose, that any one of those would be deficit spending.

Mr. POMEROY. Mr. Speaker, if the gentleman will continue to yield for one brief question, is the $87 billion for Iraq requested by the President in the budget, or will that drive the deficit figure even deeper?

Mr. McCRERY. Reclaiming my time once again, Mr. Speaker, as the gentleman knows, the $87 billion is in the form of a supplemental request from the administration, and that is not covered by the budget that we passed earlier this year.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Bishop motion to reject the use of $174 billion for health savings accounts included in the Republican prescription drug bill.

On June 26, I, along with many of my colleagues, voted against the Health Savings and Affordability Act, H.R. 2596. It sounds like a great bill, but in reality these health savings accounts are a $174 billion tax cut for the wealthy.

Republicans tell us these accounts will help those without health insurance, but in reality these people have incomes that are far too low to take advantage of the tax breaks in this bill. The truth is they do not have the additional $2,000 to $4,000 a year to put into these savings accounts.

While Americans are struggling daily, this Republican Congress is trying to give more tax cuts for the wealthy, and it is shameful to disguise it by putting it into the Medicare prescription drug bill.

At a time when our country is facing record deficits and so many seniors are struggling with rising drug costs, could $174 billion not be better used? Could it not be used, as the gentleman from New York (Mr. BISHOP) has suggested, to significantly close the gap in coverage found in the current prescription drug bill?

Asking our seniors to pay 100 percent of their drug costs above $2,000 until catastrophic coverage kicks in is simply unacceptable. This gap in coverage is the biggest problem in the prescription drug bill, and it would have a severe impact on millions of low-income Medicare beneficiaries.

That is why, instead of giving more tax cuts to the wealthy, we must help seniors cover their prescription drug costs. That is what seniors want, and that is what our seniors deserve. In fact, according to a survey conducted by AARP, four out of five seniors did not want the Republican plan that ultimately passed this Congress.

Why did seniors oppose this plan? The answer is very simple: because under the current bill, 48 percent, nearly half of all seniors, would fall into the coverage gap and be forced to pay 100 percent of their drug costs. And that is in addition to the $35-per-month premium, in addition to paying the first $250 worth of drugs, and in addition to paying 20 percent of all their drug costs up to $2,000 a year.

The coverage gap is unacceptable. It is no way to treat the seniors in our country. They expect more and they deserve more. Therefore, I urge my colleagues to support the Bishop motion and reject more tax cuts for the wealthy. Give our seniors the respect they deserve and the coverage that they need.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I would just point out, Mr. Speaker, that while we have had a couple of proponents of the motion to instruct mention that more money should be used for the prescription drug program, this motion to instruct does not direct any of the savings which would be gained from deleting division B of the Medicare bill to prescription drugs or for any other purpose. So while they may use conjecture to think about what they might use this money for, this motion to instruct has nothing to do with that.

Also, Mr. Speaker, I might point out that if this motion to instruct were to redirect that money to the prescription drug program, that would be in violation of the budget agreement that this House passed earlier this year.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I think the point of our contention that the monies saved by eliminating the Health Savings Security Act is that money that does not come into the Treasury is the same as money that comes in and is then spent. If the Treasury can afford to not take in an additional $174 billion, our point is that the $174 billion would be better spent in assisting people who really do need the assistance as opposed to providing comfort and benefit to those who really do not need the assistance.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New York (Mr. BISHOP) for offering this motion and for standing up for senior citizens and persons with disabilities.

We just heard that a motion that would put the money into closing the huge gap in coverage that seniors citizens are going to face if this so-called Medicare prescription drug benefit passes, that it would be somehow a violation of the budget agreement, that, instead, we would rather have some sort of another tax shelter that takes another $74 billion away in lost revenue is typical of the kind of proposals and the solution that have been offered.

Yes, the budget resolution says that we can give huge tax breaks to the wealthiest Americans; and now the way we are going to deal with the prescription drug plan is we are going to allow, again, people who have more money to be able to put it in a tax shelter so that they do not have to pay taxes on it.

What the Democrats are talking about, what the gentleman from New York is talking about is let us look at what the problem is. Senior citizens, persons with disabilities cannot afford the prescription drugs that they need. So if we have $174 billion that we can use, why not just close that gap? That is the choice. The choice is between a $174 billion tax shelter, unavailable to lower-income people, or using $174 billion to try and redirect that so that Medicare beneficiaries get the coverage that they need. It is really as simple as that.

One thing that has not been noted in this $174 billion tax shelter, that is the money lost to the Federal Government, is that it is also going to add about $20 billion to $30 billion in lost revenue to the States, according to the Center on Budget and Policy Priorities. Those lost revenues could further exacerbate the health care problem for low-income people. It might force States to make cutbacks in critical health programs, hurting, once again, the uninsured and the underinsured.

This kind of health savings account, this tax shelter, will also erode on-the-job coverage, because it will encourage employers to replace existing health coverage with high-deductible coverage. And it will especially hurt low-income families who cannot afford to pay those high deductibles, who cannot afford to contribute to a health savings account. What they are designed to do is to provide tax shelters and not to provide affordable coverage for the uninsured.

It is also very important to note, by the way, that the hole that exists in coverage for senior citizens and persons with disabilities for their prescription drugs does not exist in the health plan that is offered to Members of Congress. So if we want to make sure that President Bush is accurate when he tells senior citizens that he wants to give them what we have, what we have in our Federal employee plan, then we have to fill that gap. The hole in coverage right now is big enough so that 48 percent of seniors and persons with disabilities fall right in it.

We also know that nearly half of the Medicare beneficiaries live on less than $18,000 a year. Many of them are low-income women living alone; and for them, a $2,900 coverage gap is an insurmountable barrier to care.

□ 1545

That is what we have got right now. We will have senior citizens going to the pharmacy and saying I want the same medicine as I ordered last month, and the pharmacist will say, Mrs. Jones, that will cost you $75.

What do you mean, I thought I had a prescription drug coverage?

Oh, it has run out for awhile now. You already have used it up. We will not pick it up again until you spend another $2,900. Hello, people cannot afford that, nor can they afford a $174 billion tax shelter that will provide help only to those who really can afford it, not to the millions and millions of seniors who cannot afford their prescription drugs. This is the choice that we have in front of us today. Let us do the right thing and support the Bishop motion to instruct.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to express my support for the Bishop motion for several reasons. First of all, as the previous speaker mentioned, the biggest problem with the Republican so-called drug benefit, because I do not think it is that at all, is that it is not generous enough. This is a voluntary program. If seniors feel they have to pay more out-of-pocket than they actually are going to gain by paying a premium for this drug benefit, they are not going to opt for it, and it is going to be meaningless. I think that is the problem with the House Republican bill. Even the bill that the other body passed, although better, has the same problem. The benefit is not generous enough, not meaningful enough for the average senior citizen to want it.

If we look at the gap in coverage, the so-called doughnut hole, the House Republican bill leaves beneficiaries 100 percent financially liable for all prescription drug costs between $2,000 and $4,900 in drug spending. So they are going to get some help, I think rather meaningless help, up to $2,000, and then there is the catastrophic above the $4,900; but in between, they are paying 100 percent of the costs. This leaves beneficiaries with a gap of $2,900 where they still must pay premiums, but get absolutely no coverage for their plan.

So they are going to be paying so much a month under the House Republican plan, but after $2,000, they have to pay 100 percent even though they are paying a premium. If they figure out what it is going to cost them out-of-pocket, as opposed to what they are getting, they will not even opt for the drug benefit because it will not be worth its value.

The Bishop motion says rather than leave this gaping doughnut hole, why not eliminate the health savings accounts, which is a totally meaningless proposal which just helps some rich people and use the money that the House Republicans allocate from that, $174 billion over 10 years, to try to fill in at least part of the gap for the doughnut hole so that seniors get something for their value and the drug benefit has some meaning.

According to the Joint Committee on Taxation, the health savings accounts that are included, this bogus proposal included in the House Republican bill, costs $174 billion over 10 years. The health savings accounts provision will undercut employer-provided health care coverage. The benefits are available only if individuals are covered by high-deductible plans, in other words, plans providing no coverage for at least the first thousand dollars of medical expenses. A deductible of that size is approximately double the deductible of most employer plans. So what does it mean?

The provision will encourage employers to reduce coverage for workers and their families by increasing deductibles and shifting even more costs onto employees. The resulting cost savings will be enjoyed by the employer because there is no requirement that those savings be passed onto the employee.

For many American families, the tax benefits are completely worthless. The only thing they would receive from the health savings account provision is reduced health care coverage.

Most American families will not be able to take advantage of the tax shelter in these provisions because they do not have $4,000 per year in additional savings. The health savings account provisions are designed to benefit employers and upper-income management, not rank-and-file employees.

Mr. Speaker, I just want to be clear, the serious limitations of this prescription drug benefit really need to be resolved so there is some benefit. I am just trying to make it perfectly clear. We have a lousy benefit with this huge, gaping doughnut hole. It needs to be filled up in some way so the benefit has some meaning, and the best way to do it is to get rid of this huge boondoggle, $174 billion over 10 years from the health savings accounts, that is not going to help anybody. It is probably going to reduce employer coverage.

For the life of me, I cannot understand, of all of the motions that we have had on this issue, of all of the motions to instruct, this is the easiest for those on the other side to buy because they know when they go home and they talk to their constituents at home, a lot of them are concerned that the coverage in the House bill is meaningless, and they talk about the doughnut hole. If you have a forum, this is what the seniors talk about. Why not take away this lousy provision, the health savings account, which basically is not helping anybody, and use it to make a more generous benefit that maybe in conference, we could convince people on both sides, both in the Senate and the House, to adopt this as part of a conference report and have a meaningful drug benefit.

I would urge my colleagues to support the Bishop motion. I think it makes a lot of sense, and it should be passed on a bipartisan basis.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have heard several speakers today on the floor say that this is a tax loophole for the wealthy; it is just a way for the wealthy to be able to set aside tax free money because these high-deductible plans are not of use to anybody but the wealthy.

The high-deductible portion of this bill is the health savings account provision. The health savings account provision only accounts, according to the Joint Tax Committee, for $5.5 billion of $173.5 billion tax expenditure proposed by this bill. So it is not the high-deductible HSA, the health savings account, which has been alluded to here today, which accounts for the vast majority of costs under this bill. It is instead the health savings security accounts which eligibility for begins to phase out at $75,000 of income for an individual. I hardly think anyone would call an individual making up to $75,000 a year wealthy, able to take advantage of huge tax loopholes. I wanted to set the record straight on that.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, and appreciate the good work the gentleman has done on health care in this body.

Mr. Speaker, I rise in support of the Bishop motion. The health savings security account provisions of H.R. 1 are misguided, they are misplaced; and, frankly, they are misnamed, misnamed because health savings accounts do not promote health security, they actually undercut health security. HSAs coupled with high-deductible insurance are a magnet for healthier and better-off individuals, ones who can use the tax break and are not put off by the $1,000 deductible.

When the healthiest individuals leave existing insurance pools to buy high-deductible coverage, premium costs go up for everyone else. It is simple logic. Logic tells us that. So do studies by RAND, by the Urban Institute, and the American Academy of Actuaries. High-deductible health insurance discourages utilization of cost-saving preventive and routine care. It simply does not make sense to promote this type of coverage.

Do we really want to spend $174 billion to inflate the cost of employer-sponsored health insurance and encourage the purchase of outdated, counterintuitive high-deductible health insurance?

The HSA provisions are misguided because the Census Bureau just reported now, since President Bush has taken office, almost 3 million more uninsured people in this country, partly connected to the fact that we have lost 3½ million jobs in the United States since 2001. But most uninsured individuals will not benefit from the tax preferences built in the HSAs, so this proposal not only will not, but it simply cannot, make a dent in the large pool of uninsured. They are not a serious solution. We should not waste money on them.

These provisions are misplaced because this is a prescription drug coverage bill, not a health insurance coverage bill. If our goal is indeed to expand access to health insurance, then the conferees should be debating the best way to expand access to health insurance, and they are not doing that.

So do we want to get one thing right, or do we want to get two things wrong? Let us get the prescription drug coverage in this bill right, as the Bishop motion does. The drug coverage contained in this bill is woefully inadequate. Seniors with $5,000 in drug expenses under the Republican plan would pay $4,000 out of pocket. Five thousand dollars worth of drug expenses, and the government will only pay $1,000; hardly insurance. The bill's coverage gap forces beneficiaries to pay 100 percent of their costs after the first $2,000 of drugs have been purchased. The coverage does not begin again until drug spending reaches $4,000. That is not really insurance. It makes you wonder if Republicans really think it is a good idea to penalize people for being sick. This huge hole in the coverage, if you are spending between 2 and $4,000, you get no coverage on your drug costs. This motion, the Bishop motion, takes $174 billion allocated for health savings accounts and devotes it to beefing up the prescription drug coverage. The additional funding helps eliminate the hole in that coverage. The Bishop motion makes sense.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I will point out once again that the motion to instruct before the House today does not in any way devote any funding to the prescription drug benefit. It merely deletes division B from H.R. 1. It does not supplement in any way, by any amount of money, the Medicare prescription drug benefit.

Also, Mr. Speaker, I would like to point out that I am familiar with the RAND study, it is probably the same RAND study cited by the last speaker which showed that yes, when people are spending their own money for health care, there is a reduction in the utilization of health care services. But if Members read on in that same study, it says that there was no significant decline in health outcomes as a result of that. I would submit as we go forward with the baby-boom generation about to retire, we should be looking at the effectiveness of health care expenditures and health care outcomes, and not how much money we can spend on how many health care procedures.

Mr. Speaker, in closing, we have had a good discussion today, I think, about some of the attributes of the health savings accounts and health savings security accounts, and I am not going to give the big long speech which I have prepared here. I will submit that for the RECORD, and I also want to submit for the RECORD a recent article from the New York Times which talks about utilization of services in the health care system.

There has been a lot of talk today about wealthy people and low-income people and access to health care and health insurance and employer-provided health insurance.

Mr. Speaker, the whole idea behind health savings accounts and allowing employers to contribute on behalf of employees to health savings accounts, the whole idea of allowing employees to roll over $500 a year from their flexible spending accounts into a health savings account or health savings security account is to get people coverage for health care. We have too many people in this country today who are either uninsured or underinsured. This bill, which passed the House, is designed to allow some of those people to get insurance.

I am not sure that the Members who spoke today have focused on the advantages of this bill. I think they are trying to find some way to get some money to put into prescription drugs which would not be allowable under the budget agreement that we have.

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But this bill before us that is the subject of the motion to instruct today is designed to get more people in this country insurance.

Yes, they could opt for high-deductible insurance. We think that is a good thing. At least they would have some insurance. By having a high-deductible policy for minor medical expenses, they would be spending their own money. And, yes, as the RAND study shows, they would be more prudent with their health care choices when they are spending their own money. That could help get overall health care costs down. It certainly could help inject into the health care system some market forces that are not there presently.

Mr. Speaker, I think, unfortunately, this motion to instruct is ill-advised. It is not designed to supplement the prescription drug program. It is designed to kill a very worthwhile tax incentive to encourage people in this country to get health insurance, to insure their families for health care expenses, and even if they are lucky enough to be basically healthy for most of their lives, to be able to use their health savings accounts and health security savings accounts to provide long-term care in their old age if they should need it. This is a very good proposal.

Mr. Speaker, the Motion before us is an interesting one. Generally made by a member of the minority party, Motions to Instruct allow this Chamber to go on record with respect to one aspect of a measure pending in conference.

These motions generally tackle a specific piece of a bill and allow the moving party to encourage the House to recede to a Senate-passed provision or to force the House to take a position on a provision or provisions which were not subject to an individual recorded vote during House debate.

That is not the case here. The House has already voted, overwhelmingly, against the position being advocated by my colleague from New York.

While the Motion before us is a new one, the issue is not. The Motion asks the conferees to reject Division B of the House-passed Medicare bill, which, as my colleague from New York has noted, relates to the creation of tax-favored savings accounts to meet current and future health care needs.

Before becoming Division B of H.R. 1, the text in question was a stand-alone bill, H.R. 2596. On June 26 of this year, the House voted to pass that measure by a vote of 237 to 191. I should add that the vote was bipartisan, with 15 Members of the minority supporting the provision.

Under the terms of debate for the bill, as set by the Committee on Rules, H.R. 2596 was appended onto H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003 as Division B.

Mr. Speaker, I have provided this detailed legislative history so that we can all understand that the House is already on record on the issue presented by the Motion to Instruct. Before casting their votes on this Motion, I hope my colleagues will review their vote on the identical issue which occurred on June 26.

Having discussed the legislative history of this provision, let me turn to the substance, which is not less distinguished.

This week, the Census Bureau reported what we all know to be true. There are far too many Americans without health insurance. The economic slow-down, from which we are only now starting to recover, left too many without jobs and has caused some workers to lose employer-sponsored health insurance.

That problem demands bold and innovative thinking. I have long believed that the employer-based system for health insurance, the product of historical happenstance, must be radically restructured if we are to provide affordable health insurance for all Americans. I have worked across party lines to explore this issue and hope those efforts will someday lead to fruition.

Part of the solution lies in taking steps which increase personal responsibility. That is why the provisions creating HSAs and HSSAs are so important.

Mr. Speaker, I will insert in the record an article which ran in the New York Times on September 13, 2003 entitled "Patients in Florida Lining Up for All That Medicare Covers".

The article outlines how some seniors, shielded from the true cost of health care services by Medicare and supplemental insurance, have turned visits to doctors from a dreaded necessity into a focal point of their social schedule.

The conclusion, frankly, is not a shocking one. I think we all know that people tend to consume more of things they perceive to be free. To the extent health insurance features low deductibles and minimal cost-sharing, enrollees are more likely to consume health care goods and services which they otherwise might not. This lack of personal responsibility is at the root of many of our health care cost problems.

Division B of H.R. 1 takes concrete steps to ensure that health care consumers have more responsibility and more influence, in our healthcare system. Thought there are important differences, HSA policies are only available to those individuals who buy higher deductible health insurance. HSSAs will be available to those with more traditional health plans, but they may also be established by those who have no health plan at all, are therefore uninsured and who, I suppose, could be thought of as having an infinite deductible.

By encouraging Americans to shift to higher-deductible health insurance, these accounts address a fundamental problem in health care today—the phenomenon of first-dollar coverage paid for by third-parties.

In his comments, my friend from New York indicated that these accounts will be used by the wealthy as a way to save money tax-free. About that I have several comments.

First, in reviewing this bill, the Joint Tax Committee did estimate that enactment would result in a revenue loss to the Government of about $173 billion over the next decade. The vast majority of that loss came from individuals establishing HSSA accounts. Yet individuals can make tax-deductible contributions to HSSAs only if their incomes are below certain thresholds. Mr. Speaker, HSSA account holders are not the idle rich, looking for a tax shelter. They are the families in this country trying to get by and maybe get ahead a little.

Allowing them to set aside some money on a tax-free basis for health care hardly seems like a tax-shelter. In fact, if the funds in an HSSA are not used for health care, the distribution is generally taxed as ordinary income and subject to an additional 15 percent tax. The 15 percent penalty does not apply if the account holder becomes disabled or withdraws the funds after reaching age 65.

It is true that account balances remaining upon death are included in the decedent's estate. And, if the estate tax repeal is made permanent—as a vast majority of this Chamber supports—it is possible that some of these funds set aside for health care might be used for other purposes.

But that fear is not in my estimation a good reason to reject an improvement to the tax code which will increase personal responsibility and whose benefits flow predominantly to those who otherwise will have the most difficulty meeting their health care needs as they age.

Second, Mr. Speaker, a population today having real difficulty with high health care costs are those who are retired or laid off but not yet eligible for Medicare. Caught in this gap are millions of Americans between the ages of 55 and 65. As account balances in HSSAs may be used to purchase individual health insurance, these accounts could be a real helping hand to those too young for Medicare but not eligible for other employer-sponsored coverage.

Third, if we really want to tackle the issue of "tax fairness," it is not appropriate to look at the creation of HSAs and HSSAs in isolation Let's look at all of the tax subsidies, both hidden and explicit in the tax code and how they operate today.

Consider the fact that in 1999, the Federal Government "spent" approximately $100 billion in a hidden tax subsidy for health care, the exclusion from income, and therefore taxes, of the value of employer-sponsored health care. If that exclusion were not in place, meaning employees were taxed on the value of the health benefits provided as if it were ordinary compensation, the federal government would have collected an additional $62 billion in income tax that year and $34 billion in FICA contributions.

Those are large and abstract numbers. Let's break them down and see what they mean to American families. According to the Lewin Group, the tax exclusion provided the average family with a subsidy of $1,155 in 2000. But the benefits were not evenly divided. Families with incomes under $15,000 averaged just $79 in benefits, while families with incomes over $100,000 received an average subsidy of more than $2,600.

Mr. Speaker, those figures are both shocking and disappointing. Encouraging employers to provide bigger and more generous health plans is not the answer.

In addition to the odd distributional effects of the tax exclusion, there is ample evidence that the richest benefit packages are offered by employers with higher-income workers. A 1998 government survey found that only 42 percent of Americans under age 65 with incomes under 250 percent of poverty have insurance through an employer, compared to 83 percent of Americans with incomes above that level.

Part of the reason may be because businesses with low-wage workers are less likely to offer health insurance. A Kaiser Family Foundation report in 2000 found that two-thirds of small businesses offer coverage to their workers. But that number is cut in half for small businesses in which more than 35 percent of the workers make less than $10 per hour.

Part of the reason may also be that when coverage is offered to lower-income workers, it is generally offered on less favorable terms. A Moran Company study in 2000 found the average employees' monthly premium for family coverage was $130 for workers earning less than $7, while the cost for employees earning more than $15 per hour was just $84.

Mr. Speaker, these are depressing statistics. I stand ready to work with any of my colleagues in designing a system which more rationally allocates scarce resources for health care.

In the meantime, however, we must recognize that the uninsured and lower-income families are at a severe disadvantage when it comes to health benefits. I would not stand here and tell you that allowing them to set up tax-favored HSSAs is going to solve all of the distributional problems I mentioned. But surely providing more Americans an opportunity to use pre-tax dollars for health care cannot be a bad thing.

I should also mention two other important provisions in Division B which merit their own discussion.

First, the bill would allow individuals with unused balances in Flexible Spending Accounts to roll-over up to $500 each year. Even worse than insurance plans which make medical care appear free, FSAs have a use-it-or-lose-it feature. As a result, many account holders scramble at the end of each year to exhaust their accounts on marginally beneficial health care services. By allowing account holders to roll-over some unused funds, the provision reduces the very perverse current law incentive encouraging this over-consumption of health care.

Second, the provision contains a clarification of current law which will eliminate a burdensome requirement on FSA plans which use debit cards to make and track account-holders' health care spending.

In May, the Treasury Department and the Internal Revenue Service published a Revenue Ruling providing guidance on the use of debit and stored-value cards used to make payments under FSAs and health reimbursement accounts. Overall, the procedures will make it easier for millions of Americans to use stored-value cards to access the benefits of these accounts.

There is, however, an impediment to the expanded use of these Cards. The Revenue Ruling requires that employers and other plan sponsors issue Form 1099 reports to service providers who accept these Cards. There is little evidence that the requirement will affect the administration of the tax code, but the administrative and paperwork burdens will serve as an impediment to the use of these stored-value cards.

I was pleased that H.R. 2596 included a provision overriding the 1099 requirement. I have since written to Secretary Snow, urging him to issue a new Revenue Ruling removing the 1099 requirement.

Based on conversations with Treasury officials, I am hopeful that this can be addressed without action by the Congress but am concerned that passage of this Motion could signal Treasury that Congress does not care if the 1099 requirement is left in place.

Before concluding, Mr. Speaker, I do want to respond to concerns that the deficit is too large to justify a tax cut of this kind.

I, too, am troubled by the recent projections of significant deficits for the next several years. But, as a share of our national income, those deficits—and more importantly the debt as a percentage of our gross domestic product—remain manageable.

More importantly, to the extent HSAs and HSSAs allow Americans to accumulate funds to pay for health care and encourage them to consume medical services more prudently, we can stem the otherwise unchecked growth in medical inflation which is, in my estimation, the most serious cause of long-term upward pressure on our budget picture.

Finally, Mr. Speaker, let me express my concern about any Motions to Instruct the conferees on H.R. 1. As my colleagues are well aware, the issued surrounding the creation of a Medicare drug benefit are as numerous as they are complex. These discussions will only be brought to a successful conclusion if the conferees are able to creatively address the difference between the two bills.

By artificially seeking to tie the hands of the negotiators this motion makes it less likely, rather than more likely that the conferees will be able to strike the delicate balance necessary to produce a bill acceptable to each Chamber and the President. Accordingly, we should reject this Motion for fear it will make it less likely that a Medicare prescription drug benefit can be enacted this year.

Mr. Speaker, I urge my colleagues to affirm the vote this House took in June and to defeat the Motion to Instruct.

[From the New York Times, Sept. 13, 2003]

Patients in Florida Lining Up for All That Medicare Covers

(By Gina Kolata)

Boca Raton, Fla.—It is lunchtime, and the door to Boca Urology's office is locked. But outside, patients are milling about, calling the office on their cellphones, hoping the receptionist will let them in. To say they are eager hardly does them justice.

"We never used to lock the door at lunch, but they came in an hour early," said Ellie Fertel, the office manager. "It's like they're waiting for a concert. Sometimes we forget to lock the door and they come in and sit in the dark."

Yet few have serious medical problems, let alone emergencies. "It's the culture," said Dr. Jeffrey I. Miller, one of four urologists in the practice.

Doctor visits have become a social activity in this place of palm trees and gated retirement communities. Many patients have 8, 10 or 12 specialists and visit one or more of them most days of the week. They bring their spouses and plan their days around their appointments, going out to eat or shopping while they are in the area. They know what they want; they choose specialists for every body part. And every visit, every procedure is covered by Medicare, the federal health insurance program for the elderly.

Boca Raton, researchers agree, is a case study of what happens when people are given free rein to have all the medical care they could imagine. It is also a cautionary tale, they say—timely as Medicare's fate is debated in Congress—for it demonstrates that what the program covers and does not cover, and how much or how little it pays, determines what goes on in a doctor's office and why it is so hard to control costs.

South Florida has all the ingredients for lavish use of medical services, health care researchers say, with its large population of affluent, educated older people and the doctors to accommodate them. As a result, Dr. Elliott Fisher, a health services researcher at Dartmouth Medical School, said, patients have more office visits, see more specialists and have more diagnostic tests than almost anywhere else in the country. Medicare spends more per person in South Florida than almost anywhere else—twice as much as in Minneapolis, for example.

But there is no apparent medical benefit, Dr. Fisher said, adding, "In our research, Medicare enrollees in high intensity regions have 2 to 5 percent higher mortality rates than similar patients in the more conservative regions of the country."

Doctors say that Medicare's policies are guiding medical practice, with many making calculated decisions about whom to treat and how to care for them based on what Medicare covers, and how much it pays.

"The bottom line is that the stuff that reimburses well is easier to get done," Dr. Carl Rosenkrantz, a Boca Raton radiologist, said.

Thomas A. Scully, administrator of the Centers for Medicare and Medicaid Services, said he knew the situation all too well.

"We have a system that does nothing to look at utilization," Mr. Scully said in a telephone interview. "If you send in a bill and you are legitimate, we pay it."

The effect shows up in the way doctors deal with office visits, for example. Medicare in Boca Raton pays $52.46 for a routine visit, in which a doctor sees a patient with no new problem. That is not enough, doctors say; it costs about $1,500 a day to run an office there, they explain. Payments in other states are different, adjusted for cost of living, but doctors say, and Mr. Scully agrees, that they are generally inadequate. Doctors who try to make a living seeing only Medicare patients for routine visits, he said, "have a very rough time."

Medicare bases its payments on a system in which each kind of service is assigned a "relative value," Mr. Scully said. To increase the payment for routine office visits and stay within its budget, Medicare would have to decrease the relative value of other services.

A committee of doctors meets each year to suggest relative values, he said, but "the most aggressive and active groups tend to be the specialists."

"Year after year," Mr. Scully went on, "the specialists come in and make a very strong argument for higher reimbursements. There's eventually a squeeze on the basic office visit."

In many areas of the country, private insurers pay more for office visits than Medicare does, so doctors can essentially subsidize their Medicare patients.

"If we just saw Medicare patients and didn't see anyone with regular insurance, we wouldn't be able to pay the bills," said Dr. James E. Kurtz, an internist at Chatham Crossing Medical Center in Pittsboro, N.C.

Elsewhere, many doctors are refusing to see Medicare patients. "Some counties in Washington have no doctors who take new Medicare patients," Dr. Douglas Paauw, a professor of medicine at the University of Washington, said.

Doctors in South Florida do not have a choice. Private insurers there pay the same as Medicare or less, and so many old people live in the area that if doctors want to practice, they must accept them. But how to make a living?

One way, Dr. Robert Colton, an internist in Boca Raton, said, is to see lots of patients, spending just a few minutes with each and referring complicated problems to specialists.

Dr. Colton did that for a while, seeing as many as 35 patients a day. A typical busy internist, he said, would see 20 patients a day. "I felt like a glorified triage nurse," he said.

"If you try to handle a complex problem, it slows you down," Dr. Colton said. "You have to sit down with the family, meet with the patients, talk to them. If you say you have coughing and you are short of breath and your knee hurts, I might have sent you to two different specialists."

The goal, Dr. Rosenkrantz said, is to move the patients on. "The worst thing than can happen is for someone to walk into your office and say, 'I have an interesting case for you.' Financially, you'd be dead."

Even seeing patients in the hospital can become an exercise in time management, Dr. Rosenkrantz said. "We have doctors who do rounds at 4 a.m."

A second driving force behind medical care in Boca Raton is the demands of patients.

They want lots of tests and specialists, they refer themselves to specialists, they ask for and get far more medical attention from specialists than many doctors think is reasonable or advisable.

"This Medicare card is like a gold card that lets you go to any doctor you want," Dr. Colton said, "I see it every day. When there's no control on utilization, it's just the path of least resistance. If a patient says, 'My shoulder hurts, I want an M.R.I., I want to see a shoulder specialist,' the path of least resistance is to send them off. You have nothing to gain by refusing."

Patients here say they have mixed emotions. They complain about rushed primary care doctors but readily admit that they seek multiple specialists and multiple procedures.

The primary care doctors are often irritatingly busy, patients say. "In waiting rooms sometimes they are standing against the wall," said Marvin Luxenberg, a retired lawyer who lives in nearby Boynton Beach. Then, he said, "when you get in to see the doctor, you get just three or four minutes of time."

Dr. Colton says he found a way to give his patients more time. He joined a "concierge" practice, in which patients pay an annual fee in addition to the normal charges for medical services. Dr. Colton's group, MDVIP, charges patients $1,500 a year and limits the number of patients each doctor sees.

But not everyone wants to pay that kind of fee. Many patients just spend their time in specialists' offices. Each specialist handles a different aspect of their care, with no one coordinating it.

Specialists get no more than primary care doctors for an office visit, but they provide tests and procedures that demand higher Medicare reimbursements. Doctors say those payments allow them to stay in business, especially if they provide the procedures in their own office.

Medicare pays the doctor and the facility where a procedure is done. For a nuclear stress test, for example, the doctor gets about $200 and the facility gets about $1,200.

"Doctors have incorporated these tests as much as possible into their offices so they can gain from the facility fee," Dr. Thomas Bartzokis, an interventional cardiologist in Boca Raton, said. Patients say they have lots of specialists, and lots of tests. Asked how many doctors he saw, Leon Bloomberg, 83, a patient of Dr. Miller, thought for a minute and looked at his wife, Esther.

"Between us, we have 10 or 12," Mr. Bloomberg said, including a pain specialist and a neurologist for his neuropathy, a cardiologist for his heart condition, "a pulmonary man" for his asthma, a rheumatologist for his arthritis and Dr. Miller for his prostate. Mrs. Bloomberg has her own doctors, including ones for heart disease and for diabetes. "We have two to four or more doctors' appointment a week," Mr. Bloomberg said.

It is easy to find all these specialists, he said. "You get recommendation at the clubhouse, at the swimming pool. You go to a restaurant here and 9 times out of 10, before the meal is over, you hear people talking about a doctor or a medicine or a surgery." And of course there are the other patients in all those waiting rooms. Mr. Bloomberg even recommends specialists to his own doctors.

But some patients say they are frustrated by what they call a waste of resources. "The doctors are raping Medicare," said Louis Ziegler, a retired manufacturer of flight simulators who lives in Delray Beach.

Mr. Ziegler recalled going to a doctor for a chronic problem, a finger that sometimes freezes. All he wanted was a shot of cortisone. But he got more, much more: "I had diathermy. I had ultrasound. I had a paraffin message. I had $600 worth of Medicare treatment to get my lousy $35 shot of cortisone."

Dr. Colton, the internist here, is frustrated, too.

"The system is broken," he said. "I'm not being a mean ogre, but when you give something away for free, there is nothing to keep utilization down. And as the doctor, you have nothing to gain by denying them what they want."

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I take the floor because I was off doing other business but listening to testimony that has been presented on this floor; and if something gets repeated often enough and loud enough, people may begin to think that it is true.

In depicting the proposal that has been offered for seniors and prescription drugs, much has been made of the fact that when you have limited dollar amounts and you want to write a program that benefits the greatest number of people, the logical way to write the program is to provide reasonable benefits so that most people who have small drug costs have a decent shared payment structure. In the House plan, that happens to be 80 percent government payment and 20 percent individual. And for those who, through no fault of their own, have extremely high drug costs, above a certain point, 100 percent of those costs are assumed by the government, or the taxpayers. That is called typically a catastrophic plan.

The question is, how much would it cost to provide sliding coverage throughout an entire range?

Many drug programs are set up where they have a period at which the individual pays the full cost. It has been depicted over and over again and, most recently, just a few minutes ago, that this is a program we are trying to provide to seniors which we do not have as Members of Congress. That is flat-out not true.

If, in fact, Members of Congress can take their insurance from the Federal Employees Health Benefits Program, which is where we get it, if anyone would take the time, instead of preparing demagogic speeches for the floor of the House, and study the Federal Employees Health Benefits Program, they will find there are programs offered to Federal employees that have what is called, in a pejorative way, a doughnut hole. Why? Because it makes sense to build insurance plans at a dollar amount with a doughnut hole.

The program that we have built makes sense. Programs in the private sector do the same. Programs that are offered to Federal employees, including Members of Congress, do the same thing. This is not some unique concept that we have dreamed up. It is a common practice in insurance.

So I fully expect, if this is not done just for show, if someone really did not know, and if in fact they are now pleased to have the facts, I do not expect another Member to take the floor and say we ought to give to seniors what we give to Congress and other members of the Federal Government and that they don't have a doughnut, so we shouldn't have a doughnut for seniors. The fact of the matter is, the Federal Employees Health Benefits Program has plans that are actually chosen by Federal employees that have doughnuts. Why? Because it makes sense. It provides you the maximum minimum payment when your drug costs are low and it provides you the maximum coverage at the top end when your drug costs are high.

But remember what I said, if you are dealing with a fixed cost. The Congress said you have $400 billion to build a prescription drug program in a modernized Medicare. That is a fixed cost. For some people who do not believe the taxpayers' money should be accounted for or you should cater to groups so that you can give people whatever they want regardless of what it costs, I can understand why a sensible program, to give maximum benefits to the greatest number of people, would be a puzzlement. But for people who live on budgets and for people who are cognizant of taxpayers' dollars, building a plan for a given amount that brings the maximum benefits to the greatest number of people makes all kinds of sense. That is why, even in the Federal Employees Health Benefits Program, they have insurance programs that have doughnuts.

I am quite sure now we will never hear another word about saying we are trying to give seniors something that the Federal employees do not have, because it is not true.

Mr. McCRERY. Mr. Speaker, I yield myself the balance of my time.

Let me thank the gentleman for his remarks that explain very well the rationale for what we think is an excellent prescription drug program that we constructed within the confines of the budget, the $400 billion in the budget.

But, once again, Mr. Speaker, let me point out that the motion to instruct before us has nothing to do with the prescription drug program. It in no way relates to the prescription drug program. It does not allocate a dime of spending, extra spending, to the prescription drug program. All the motion to instruct before us today does is delete from H.R. 1 a very worthwhile tax incentive designed to get more people in this country health insurance coverage for themselves and their families.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself the balance of my time.

In closing, let me just say a few things. Chairman THOMAS just made reference to the fact, he talked about the difficulty associated with developing plans and writing legislation when there are limited dollar amounts available. Certainly he is right about that. But I think it is important that we recognize that one of the reasons that we have limited dollar amounts available for this and so many other benefits is that we have been on a tax-cutting frenzy in this Congress in the last several months.

We are now talking about the instant issue, the $174 billion for health savings accounts; $350 billion tax cut over 10 years that we approved in March. We all know that that number is probably an illusion. It is probably going to be closer to $1 trillion over 10 years because we all know that the sunsets really are not going to happen. The estate tax, the permanent elimination of the estate tax of $161 billion, and the, let us say, the overreaction to fixing the child tax credit problem. We have put in place an $82 billion solution to a $9 billion problem.

These tax cuts have two things in common, in my view. One is that they disproportionately favor the well-to-do and second is that they will not do what they purport to do. The health savings accounts purport to help the uninsured become insured and be able to handle their health expenses. It is not going to happen because so many of the uninsured are those who cannot afford insurance and cannot afford these accounts under any circumstance. And the other tax cuts have been designed, we are told, to stimulate the economy and create jobs, yet we continue to lose jobs at an alarming rate in this country.

It seems to me that what we are doing is we are throwing solutions at problems without really knowing whether the solution will work or not.

In the case of the prescription drug package, we do in fact know that if we make the benefit more substantial we will be truly helping people in need and we will be providing a real solution to a real problem.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this motion. The House Republican bill includes $174 billion over 10 years for health savings accounts (HSAs). That money is desperately needed to fill the doughnut hole they put in the seniors' prescription drug coverage.

Not only are HSAs a waste of $174 billion over 10 years, they will also undercut the system of employer provided health care coverage that we have today. The benefits of HSAs are available only if individuals are covered by high deductible plans, i.e., plans providing no coverage for at least the first $1,000 of medical expenses. A deductible of that size is approximately double the deductible of most employer plans.

Therefore, the provisions will encourage employers to reduce coverage for workers and their families by increasing deductibles, and shifting even more costs on to employees. The resulting cost savings will be enjoyed by the employer because there is no requirement that those savings be passed on to the employee.

For many low to moderate income American families, the tax benefits are worthless. The only thing they would receive from the health savings account provisions is reduced health care coverage. The HSA provisions are designed to benefit employers and upper-income management, not the hard working regular employees who are being crushed by today's economy.

Because of gross financial mismanagement and misplaced priorities, we have only $400 billion to spend over the next 10 years on getting seniors and the disabled the prescription drugs they need to live. As we look at the skimpy benefit package the Republicans have put together we have to wonder how we can still afford to spend 100s of billions of dollars on pre-emptive war. But, that is the box they have put us in, and that is what we need to deal with. So, if we only have $400 billion, it is irresponsible to spend $174 billion of it on a tax shelter that will erode the health insurance coverage of those who really need it.

This money would be much better spent improving the drug benefit, getting coverage to the growing number of uninsured, or bringing down our deficit. The Republican bill leaves nearly half of all seniors with no coverage for part of the year, even while they continue to pay premiums. Vote "yes" on the Bishop motion to fill that gap in coverage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the motion to instruct conferees on H.R. 1 offered by my colleague from New York, Mr. BISHOP, and I commend him for offering it.

Medicare, which Republicans fought against at its inception and continue to attempt to undermine today, is an entitlement. It is available equally to everyone over the age of 65 who has paid into the system, and provides the security and peace of mind individuals need and deserve when they are disabled, or have reached retirement.

This motion to instruct the Conference committee would strike the new savings accounts portion of the House bill, and use the $174 million instead to close the gaping hole that 48 percent of Medicare beneficiaries would fall through.

In addition to making good common sense, it also makes good on our promise to seniors to give them a prescription drug benefit. We did not say a half a benefit or three quarters of a benefit, or a ring of a benefit, but a comprehensive benefit.

Additionally, I would further instruct the conferees to ensure that no group, regardless of income, should be left out or be made to pay for inclusion in this program. To do otherwise would further undermine Medicare. Low-income patients, who depend on Medicare's assurance of access to healthcare, must not be kicked off the program and on to Medicaid, especially since this benefit is not fully extended to the American citizens living to the terrorities. To do this would renege on the basic promise of Medicare to all of its eligible seniors and disabled.

In reaching an agreement, I would call the attention of the conferees to the fee-for-service chronic care management provisions especially as included in the House provisions. This is a good provision that would do much to cut the skyrocketing cost of health care to those most at risk for either acute or chronic institutionalization.

Finally I would point out to the conferees and all of my colleagues, that this benefit is not scheduled to take effect until January of 2006. Rather than kill or damage an important safety net program in this time of great uncertainty, let's wait and take the time to do it right.

Although, I fundamentally disagree with the premise and direction of both the House and Senate prescription drug bills, it should be noted that the Republican prescription drug plan does nothing to expand prescription drugs to the million of seniors that are in dire need of such help.

Both bills have a gap in coverage for Medicare beneficiaries, but the Senate bill. unlike the House bill, has no gap in coverage for low-income seniors. Under the House bill, low-income individuals receive no assistance in meeting their drug costs over $2,000 until they have spent $3,500 out of their own pockets on prescription drugs; 41 percent of total income for someone at the federal poverty level.

The House bill provides virtually no low-income assistance for those with incomes over 135 percent of poverty ($12,123 for an individual). The Senate provides substantially assistance for individuals with incomes up to 160 percent of poverty.

The House bill includes an assets that will prevent many low-income people from receiving assistance. The Senate bill allows low-income people who do not meet the assets test to qualify for the same assistance available to those with incomes between 135 and 160 percent of poverty.

No prescription drug program that does not provide comprehensive, low-cost prescription drug coverage to low income senior citizens can meet the needs of our constituents. The special benefits provided the low income under the Senate bill effectively addresses our concerns. However, the principle of universality and nondiscrimination that is central to the Medicare program demands that basic drug coverage be provided through Medicare, as specified in the House bill.

The Senate low-income assistance provisions are far superior to the House provisions, and these assistance provisions are of particular importance to the Nation's African American communities. There are 2,853,000 African American Medicare beneficiaries over age 65. Of these, almost 22 percent or 626,000 individuals are below 100 percent of the Federal Poverty Level ($8,980 for an individual, $12,120 for a couple). Another twenty percent live on incomes between 100 percent and 150 percent of poverty. This compares to a total of 9 percent of Caucasian senior beneficiaries below 100 percent of poverty and another 14 percent of Whites living on incomes between 100 percent and 150 percent of poverty.

As you can see, nearly twice as many African-American Medicare beneficiaries are living in poverty compared to the total Medicare population—and that means the pharmaceutical drug needs of this population are not being met.

For example, low-income Medicare beneficiaries without prescription drug insurance are able to fill only about 20 prescriptions per year, compared to 32 prescriptions per year for those with insurance. By providing better assistance to the low-income, the Senate bill will help fill this 'prescription gap.'

The differences in the low-income provisions of the House and Senate are clear:

House provides deductible and co-pay help only up to 135 percent of poverty ($12,123 per year for an individual);

Senate provides meaningful help up to 160 percent ($14,368 for an individual);

House imposes an asset test as a condition of getting low-income assistance. The asset test means that a low-income person is ineligible for assistance if they own any disposable assets (like U.S. savings bonds) of more than $6,000 for an individual or $9,000 for a couple. This test disqualifies several million low-income beneficiaries from getting any special assistance;

The Senate permits even those who do not meet the asset test to get special assistance in meeting the costs of co-pays and deductibles;

The House does not provide any assistance whatsoever to the low-income when they have $2,000 to $4,900 worth of prescription drug expenses (when they are in the so-called donut hole);

The Senate provides substantial help in meeting 80 percent to 95 percent (depending on exactly how low-income an individual is) of the costs of the "donut."

When you combine all these provisions, the impact is dramatic. For example, if a Medicare beneficiary is living on $12,123 a year (135 percent of poverty), and his or her doctor has prescribed $3000 worth of medicines, in the House bill, the beneficiary will owe $1,114 out of pocket (assuming they meet the asset test and have almost no liquid assets). Under the Senate bill, the person will only owe $150. Under this example, an individual who obviously had medical problems and has other out-of-pocket expenses for doctors, tests, etc., would have to spend more than one month's income on prescription drug cost sharing.

Furthermore, I believe that in addressing the low-income provisions, conferees must add language that will allow for full participation of the U.S. territories within the Medicaid program. As you know, the U.S. territories' Medicaid programs are capped and any coverage provision extending aspects of these programs do not translate to the U.S. territories.

Again, to help close the disparities in our society, we ask you to urge the House-Senate conferees to support the Senate low-income assistance provisions. Adopting the Senate's subsidy provisions will make a major improvement in the lives of our nation's most vulnerable Medicare beneficiaries. Mr. Speaker, we need to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and provides a universal, voluntary benefit for all seniors. I urge my colleagues to support this motion to instruct.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GERLACH). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. FLAKE. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FLAKE of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed within the scope of conference to include income thresholds on coverage.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I rise today to make this motion to instruct the conferees. We are dealing now with a prescription drug benefit to Medicare that is simply uncontrollable in terms of cost. We believe that we ought to control that cost by means-testing the program. There is no reason in the world why we ought to be paying the prescription drug benefits for the wealthiest in society, the Bill Gates, the Barbra Streisands, the Ted Turners, the Warren Buffetts.

Think about this: With this prescription drug benefit that is part of Medicare if this bill passes, we will be paying the prescription drug benefits for the wealthiest in society.

Let me tell you what that means. The current drug bills are estimated to cost $400 billion over the next 10 years. That is $400 billion over the next 10 years to add this prescription drug benefit. If we look beyond that 10-year window into the next 10-year window, then it gets even uglier. From the years 2014 through 2023, that 10-year period after the first 10-year period, the drug benefit is projected to cost $772 billion. So $400 billion the first 10 years, $772 billion the next 10 years. That rapid growth rate will continue all the way through the year 2030.

In fact, what it means in the year 2030, let me just give you a scenario here. Married couple, 40 years old. This strikes home because I am 40 years old myself. This particular couple already pays 15.3 percent in payroll tax to fund current Medicare and Social Security beneficiaries. Because the payroll tax will not provide enough revenue to fund Medicare for all retirees, this couple also faces $39,894 in additional taxes between now and their own retirement in the year 2030.

Think about that. Because we are going to run out of money, because we do not have enough money in the Treasury and in trust fund accounts to fund this, one couple between now and 2030 will have to pay $39,894.

The proposed prescription Medicare drug benefit will make up, of this amount, $16,127. Sixteen thousand extra dollars between now and 2030 will be paid simply to pay this prescription drug benefit, largely because it is an entitlement. It is an entitlement. That means that we give the benefit to everyone.

Entitlements are out of control simply because you set a level for benefits and you say whoever enrolls will get that benefit and they are labeled uncontrollable in terms of what the costs are. We simply cannot control it, because it depends on how many are eligible and what the benefit levels are, and we are setting the benefit levels here, and so we have that kind of cost to look forward to.

When we look back to 1965 when Medicare was created, it was projected to cost $10 billion annually. It is costing $244 billion annually at the moment. That is on a pace to double over the next decade, and then it will expand exponentially beyond that time when the baby boomers start to retire. We simply cannot afford to do what we are proposing to do.

When we look at what we are proposing to do as well, it does not make any sense, given how demographics have played out. Census Bureau figures show that poverty among the elderly has plummeted. In 1959, 35 percent of the elderly lived in poverty compared to just 10 percent today. That is a reversal in relative position of the general population. In 1959, 35 percent of the elderly lived in poverty compared to 25 percent of the general population. In 2001, 10 percent of the elderly lived in poverty compared to 12 percent of the overall U.S. population.

□ 1615

And what this means is that we are shifting a huge financial burden to those who can least afford it, the young, from those who can most afford it at this point, the elderly. That is simply unwarranted.

During the break when I was home, I ran into a gentleman who was in his 80's and he pulled me aside and said, "I know you are a Member of Congress." He said, "Let me tell you, my wife is ill, and we spend about $600 per month for prescription drug benefits." And I thought, oh, no, here it comes. He is going to say get back here and vote for that bill. Instead, he said exactly the opposite. He said, "We can afford it. Don't you dare saddle that burden on my grandkids." And I know there are a lot of people who feel the same way, a lot of people who say there is no way we should saddle this burden on generations to come. It is simply unconscionable.

When I announced my intention to vote against the House version of the bill in its present form, I gave a quote from George Washington after the Constitutional Convention. He simply said, when asked, when he was defending the kind of government that was set up, when it was a different kind of government than the people expected he said, we cannot do what we know is wrong; otherwise, how will we defend our work later? In particular, he said, "If to please the people, we offer what we ourselves disprove, how can we afterwards defend our work?"

We as, Members of Congress, know the costs. We know the history of Medicare. We know what this new benefit will cost. And unless we means test it, unless we make sure that it is not a benefit for everyone, that it is simply targeted to those who can least afford it now rather than everyone, we know what will happen. We know that we cannot afford it. We know that future generations and ourselves, our own kids are not going to be able to afford the tax burden to sustain it. We know that it will make an already insolvent situation for Medicare insolvent all that much faster. So we simply cannot afford to go on the road we are going. And I think we ought to heed George Washington's word and do what we know is right, regardless of what we think the people want, regardless of what the last poll says, regardless of what we hear at one meeting or this one. We are sent here to do what we know is right, and we know that this will bankrupt us. So we know we have to take a different course, and I would submit that the course we need to take is to means test it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Arizona (Mr. FLAKE). I respect my colleague. I think that he is intellectually consistent and honest, something that we do not see on this floor nearly enough, and I appreciate his thoughts. I do not agree with him, but I think that he is bringing this to the table with the right attitude.

I do hear him say, however, in talking about the gentleman that he spoke about in Arizona that he met, the older gentleman whose wife and he were spending $600 a month on prescriptions and saying he did not want to saddle his grandchildren with debt, I mean this Congress has been all about saddling our grandchildren with debt, with tax cuts, with spending in Iraq, $1 billion a week with no accountability to private contractors, much of that money going to contributors to the President, much of that money going to Halliburton, a corporation which still pays Vice President CHENEY $13,000 a month, and those costs or those expenses are being paid by our grandchildren because that $87 billion this Congress will vote on in the next 2 or 3 weeks is going to be borrowed money.

That being said, I rise in opposition to the Flake motion. If there are Members of Congress who want to rewrite Medicare to make it a welfare program, which the Flake motion does, then let us have that debate. But just as it is wrong to co-opt seniors' need for drug coverage, to turn Medicare into a privatized insurance voucher program, it is wrong to capitalize on the coverage gap to turn Medicare into a means test and welfare program.

Medicare has enjoyed widespread popularity in this country, not only because it provides an essential safety net for America's most vulnerable seniors, although that is certainly a critical mission, it is also popular because it treats every American senior fairly. It is an insurance program that we should not fracture, one that has universal coverage, one that works for everyone, one that virtually everyone in society supports, and one that has worked as well as any Government program in our history over the last 38 years.

Understand that while by most major health indices: life expectancy, rate of vaccination, child mortality, infant mortality, maternal mortality, most measurements of health care, indices in this country, the U.S. does not rank very high compared to other wealthy countries, but on one measurement we rank near the top, and that is life expectancy at 65. If one reaches the age of 65 in the United States, chances are they will live longer than people, on the average, in almost any other country in the world. That is because Medicare treats everyone fairly, whether it is the retired factory custodian of modest means or whether it is the more affluent retiree who actually owns the factory. The Flake motion makes a radical change to this decades' old and very successful universal health care program that we call Medicare. The Flake motion asks the conferees to ensure the final bill includes a means-testing requirement. For the first time since its creation, Medicare would then look at the custodian, the poorest senior, the middle-class senior, the wealthy senior, and the plant owner all differently. All of them have paid into Medicare. The plant owner, frankly, has paid in more over his working lifetime than the custodian has, but under the Flake motion, Medicare offers the wealthy owner less coverage than his former employee. The Flake motion would turn Medicare from a national retirement savings program into a welfare program, undermining the popular support, undermining the universal support that Medicare has enjoyed in this country for 38 years.

A vote for this motion is a vote to weaken the pillar of fairness that supported Medicare for these 3-plus decades. The gentleman from Arizona's (Mr. FLAKE) motion also backs a means-testing plan that would almost certainly cut benefits for middle-class seniors. The House means-testing language would begin benefit cuts at income levels of $60,000. Sixty thousand dollars is hardly a Ken Lay lifestyle, especially in these days of ever-increasing health care costs.

I hear from my constituents week after week after week concerned that the cost of their health care insurance continues to grow with no end in sight. I hear it from seniors. I hear it from young, working families. I hear it from people who are close to retirement. It would seem to them that regardless of their income, regardless of how well they have planned for their health care future, that health care costs are eating up their savings. A Medicare prescription drug benefit that leaves any hard-working American out in the cold should be unacceptable to Members of this Congress. At least my Democratic colleagues and I think it is.

Let me be clear. A vote for the motion from my friend from Arizona is a vote to cut Medicare benefits, ultimately of middle-income Americans. Sixty thousand dollars now; that number could continue to be brought down in the next motion and the next motion and the next motion until public fee-for-service Medicare is only a program for the poorest and the lowest-working income people in this country.

A vote for the Flake motion is also a vote to increase bureaucracy and reduce privacy protections for American seniors. Here is how that works: House language would require Medicare to send a list of beneficiaries to the Internal Revenue Service. The IRS would respond with income information for every senior in Medicare. Medicare would then send that personally identifiable financial information to private health insurers that provide coverage under Medicare. I sure hope we get the do-not-call legislation enacted constitutionally, get it passed a court test if that happens. Surely, our Medicare cost-containment strategy should amount to more than adding paperwork in Medicare, increasing the bureaucracy at IRS and sending seniors' private tax information to HMOs.

The gentleman from Arizona's (Mr. FLAKE) concern, however, about the growing cost of Medicare is justified. The conference negotiations over H.R. 1 offer us an opportunity, an important opportunity, to address that concern by including clear, specific direction for the Government to negotiate with pharmaceutical companies reasonable prices for the medicines American seniors so desperately need.

We all know that growing health insurance costs are being driven by the skyrocketing costs of ever-increasing prescription drug costs. That is the 800-pound gorilla in the health care cost room. The House bill simply ignores it.

If we are really concerned about cost, we should instruct the H.R. 1 conferees to give Medicare real authority to protect seniors and taxpayers from rising drug costs. We are the only country in the world that lets the drug companies charge whatever they want. That is why we pay two times, three times, four times as much as the Canadians and the French and the Germans and the Israelis and the Japanese and the Brits pay. We should not instruct the conferees to cut the benefits of middle-income Americans and erode popular support for Medicare. We should, in this legislation, instruct the conferees to go after the high cost of prescription drugs.

I urge my colleagues to join me in opposing the motion from the gentleman from Arizona (Mr. FLAKE).

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Let me say I have never heard so much concern for the rich coming from the other side of the aisle here. I just am overwhelmed with the concern that is over there that people like Arnold Schwarzenegger and others will not be able to afford prescription drugs without Government help.

And if you are concerned about the health of Medicare as a program, do not go with this program as it is outlined without a means test, because this will bankrupt it, and it will all be gone unless we do something to bring down the cost, and the best way is to ensure that it is targeted to those who need it most, not the wealthy who do not need it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), who has been a leader on this issue.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time and for his courageous motion.

It is late in the workweek, Mr. Speaker, for us on Capitol Hill, and things tend to get a little blurry for Members of Congress when we put in a full, 3-day week. So I am going to try to unpack this a little bit, as I strongly endorse the motion by the gentleman from Arizona (Mr. FLAKE) which simply structurally affirms the idea of using income thresholds or means testing as a way of controlling costs in the Medicare prescription drug legislation that is currently being considered by a conference committee in the House and Senate.

This is not a radical and new idea, Mr. Speaker. In fact, according to our information, not only was means testing included in the catastrophic elements of the bill that passed the House, but also when the U.S. Senate signaled its support for means testing in June, there was an amendment that was drafted and sponsored by Senators NICKLES and FEINSTEIN. It prevailed on a test vote. Some 59 Senators indicated preliminary support for means testing as a way of controlling the extraordinary cost that we will place on working Americans in the future. Remember, entitlements are paid for by payroll taxes by working Americans. But because Senator TED KENNEDY, in effect, we are told in media outlets, raised the possibility of a filibuster, the amendment was not considered and was withdrawn.

So the idea that the Flake motion considers, Mr. Speaker, and that is brought so respectfully before all the Members of this body, but most especially the hard-working Members of our leadership team, is an idea that had broad support in this Chamber and arguably, by media accounts, in the Senate.

□ 1630

And I must tell my colleagues, I have great respect for the gentleman from Ohio. His passion and his eloquence on this floor is always memorable. But rather than reflecting on the remarks he just made, I would rather reflect on the motion that was debated in the hour prior to this one, which, as I sat on the back row of the Chamber, Mr. Speaker, was all about how the Medicare prescription drug benefit was too small, it did not spend enough, the Democrat motion to instruct conferees argued, in sum. And I submit to my colleagues that the debate we heard last hour is a preview of the debate that will follow on the floor of this Congress every year if we create a universal drug benefit, a new entitlement in Medicare, a one-size-fits-all prescription drug benefit. It will, as we hear in every other entitlement, Mr. Speaker, it will simply be one other subject that our friends on the other side of the aisle will come into this Chamber and argue is insufficiently funded, and it will grow and it will grow and it will grow.

I believe in my own mind that the opposition by some to means testing here is because they know that if we create a prescription drug benefit that is based on the income of Americans, that it is, therefore, by definition not an entitlement. If we say that the person who owns the limousine and the person who drives the limousine are entitled to the same amount from the Federal Government in free prescription drugs every year, we have created an entitlement. If we create a difference there, we simply create a manageable government benefit. The Flake motion contemplates that, and I endorse it strongly; and the marketplace in need here also endorses it strongly.

I have to tell my colleagues, I do about 50 town hall meetings a year in my district; and I have become persuaded, Mr. Speaker, that there are seniors who struggle, in some cases, in heart-wrenching manners with the cost of prescription drugs. Statistics show us that nearly 24 percent of seniors have no access to drug coverage, and approximately 5 percent of seniors have out-of-pocket prescription costs of more than $4,000 per year. I would, as conservative as I am, and I would dare say even many of my colleagues would, be prepared to support the kind of program that President Bush called for to begin with: a program, we will call it Plan B, which would focus resources at the point of the need and leave the prescription drug coverage that 76 percent of Americans already enjoy untouched.

The reasons for this include the fiscal realities that the gentleman from Arizona (Mr. FLAKE) cited: the initial 10-year cost projected at $400 billion a year, from 214 to 223, though the numbers go up to a projected $772 billion, adding $2.6 trillion indebtedness to Medicare, a number almost the size of the national debt today. And why is that? It is because, Mr. Speaker, that there are 37 million people today entitled to benefits under Medicare; and by the time my baby boomer generation gets done retiring in the 2020s, there will be over 70 million Americans eligible for benefits in Medicare. Means testing and income-related testing is the only way of defeating the creation of a massive new Federal entitlement. I rise today to endorse it as a principle, as a concept, and as an idea whose time has come.

Nancy-Ann DeParle, President Clinton's Medicare administrator, issued inadvertently a warning about the work that we do here, saying that what Congress had contemplated would be "the biggest expansion of government health benefits since the Great Society." And so it would, unless we bring Republican principles of limited government and fairness to bear on the challenges facing many seniors; unless we create a program built on that principle expressed by Abraham Lincoln when he said that government should "never do for a man what he could and should do for himself." That is simply a principle of limited government, and it is also a principle of fiscal responsibility, and it is the principle underpinning the motion to instruct conferees brought today by the gentleman from Arizona (Mr. FLAKE).

I would submit to my colleagues, Mr. Speaker, that compassionate conservatism is about focusing solutions at the point of the need. Let us help our seniors near the poverty level with urgent and sufficient prescription coverage. Let us bring about reforms in Medicare so it is there for the future, without placing an undue burden on our children and grandchildren; and let us otherwise do no harm to the private sector foundation of the greatest health care system in the world.

For this reason, I strongly support the Flake motion to instruct conferees. I strongly support controlling costs through income thresholds on coverage, means testing, as it has come to be known; and I strongly support that principle for which our party was rewarded the ability to lead this institution, the principles of limited government and fiscal responsibility that I believe would be advanced by maintaining the means testing that was in the House bill; and if I can also offer, Mr. Speaker, expanding that means testing throughout the course of this benefit, so that we can truly focus the resources on those who need it most.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a leader in this institution and in the area of health care.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. PENCE) for being honest about what he is trying to accomplish with this motion, but I have to say that his comments were very upsetting to me. Because if we listen carefully to what he said, it was a radical proposal. He said it was not radical, but it was extremely radical for the following reason: he said he does not want Medicare to be an entitlement. He said he wants means testing to extend to the entire Medicare program. And that is what the Republican ideology is all about. They do not want the Medicare program the way it was set forth 40 or 50 years ago when it was first set forth in this House of Representatives as a program that applies to every American senior.

Right now, every American senior gets the same benefits wherever they live, regardless of their income, regardless of their race, or regardless of anything, as long as they are a senior citizen. But if we listen to what the gentleman from Indiana said, what they would like to do through means testing is say that the program will be limited only based on one's income.

Now, in this motion to instruct, they say that seniors who earn more than $60,000 a year, $120,000 for couples, will not have the catastrophic coverage which is above $5,100 in the House bill. But if we listen to what the gentleman said, there would be nothing to stop us; in fact, he probably advocated today to perhaps lower that threshold below $60,000. Maybe next year or next month we will make it 30 or 40, or perhaps we will extend it to other parts of the program. So it would not just be for the catastrophic coverage, but maybe for the drug coverage in general, or maybe for the whole Medicare program.

I, listening to his remarks, would have to conclude that he would not have a problem means testing hospital care or doctors' care, so that if one is making $60,000 or more per year, maybe one would get hospital coverage under Medicare.

Well, that is what this Republican leadership is all about. Let us not forget that the Republicans did not vote for Medicare back in the 1960s when it first began. Let us not forget that many of the leadership, including Speaker Gingrich a few years ago, said that Medicare should wither on the vine, whatever that means; and that is what this motion is all about. They wanted to kill Medicare ultimately. They want to make it so limited that it only applies to a few people.

Now, I heard the argument. One of them was philosophical: well, it is just not right to cover everybody. But then I also heard the fiscal argument, which was, well, we cannot afford it anymore. Why can we not afford it? Well, we can afford it. But the reason they have made it more difficult to afford is because they have implemented all of these tax cuts for the last 2 years on the Republican side with a Republican President, and they are borrowing money from the Medicare trust fund to pay for the debt that has resulted from those tax cuts that have mainly benefited wealthy corporations and wealthy individuals. So they are forcing Medicare to go broke because they are borrowing from it and making the trust fund not have the money that it should have that people have paid into.

Mr. Speaker, I am extremely upset because on the one hand, I appreciate the gentleman from Indiana's honesty and the philosophy and the idealogy that he has laid up here, but on the other hand it is upsetting to me to think that people really feel that way and they want to do this to the Medicare program.

Think about it. In my home State of New Jersey, they say $60,000 is a lot for a person, or whatever the figure is for a couple. Well, $60,000 is still middle class in New Jersey, and I am very fearful of the domino effect. Well, if we have another tax cut in another 6 months or a year and we borrow more from Medicare and we say we do not have the money, then they will reduce it to $50,000 or maybe $40,000. Well, what happens to the Medicare program? As my colleague from Ohio, the ranking member on our subcommittee, said, at some point, at some point, the Medicare program does not have the political support anymore because fewer and fewer people will be able to take advantage of it. That is what this is all about: killing Medicare. That is what my Republican colleagues are up to.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume to note that our motion to instruct contains no income figures or thresholds at all. The $60,000 figure that is cited is simply part of the Republican base bill that was passed in this House. We are simply establishing the principle of means testing. Now, I would suppose that if that was set at $100,000 or $200,000 or $300,000 or $400,000 or a half a million dollars, the cry from the other side of the aisle would be the same: do not means test it. Do not means test it. We want an entitlement. And that is what we are fighting about here. We simply want to say that we ought to target those who need it most, not spread it out so we bankrupt the system too quickly.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the remarks of the gentleman from Arizona. What we are really talking about here is means testing versus entitlement. Means testing says, we do not want to tax poor people to put drugs and Medicare into the accounts of Bill Gates. And entitlement means, we are going to do that for everybody so we can level this across all classes of people in America. That is not the American way. We do not do things like that. We are here for the underdog, and that is what means testing does. It protects this system for the poorest among us.

If we listen to some of the discussions about Social Security reform, we will hear, raise the age, lower the benefits, increase the contribution. All of those things are part of what happens if we do not provide for means testing, because then we have to draw it out of the pockets of the working people.

I am from Iowa. In Iowa we pay attention to Medicare. We are last in the Nation in compensation rates where I come from. I represent a district that has 10 of the 12 most senior counties in Iowa, and in Iowa we have the highest percentage of our population over the age of 65. We are extraordinarily sensitive to providing these resources to people who need it.

When I came here to this Congress, I pledged to support a prescription drug Medicare plan that was means tested and also provided for the reform in Medicare so that we could utilize those dollars in the most effective way possible and penalize the producers in this country the minimum amount possible.

We do not have that in what is appearing to come together before our conference committee. I rise in support of the Flake motion to instruct for that reason, so that we can promote means testing and impose the idea of this entitlement, which weighs down this system.

So how did we get here? Two years of expectations raised by the Congress that said we are going to do prescription drugs. That brought us to this point. Then we set this number up on the wall that said $400 billion, then began to write prescription drugs-Medicare that hit that $400 million target. Really, the actuaries drove a lot of this policy, and it does not appear to resemble the things that I came here to support.

So I am for reform. There are places in this country where they get more money for Medicare compensation than they need and they use that to buy down insurance premiums in private payers in places in this country where they get substantially less, and Iowa is one of those. We are not addressing quality care or cost effectiveness. In an effective way, our $400 billion plan is about 25 to $27 billion worth of reform, and the balance of it is prescription drugs because it is an entitlement.

Mr. Speaker, I think the Flake motion goes directly to the heart of this, and to carry this philosophy into the conference committee and bring it out and bring it out to the floor with really the right thing for the right philosophy for Americans is the thing that we ought to do.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SANDLIN).

□ 1645

Mr. SANDLIN. Mr. Speaker, I rise in opposition to my colleague's motion to instruct conferees to include means testing in H.R. 1. Such an instruction is opposed by America's seniors and would be a horrible mistake for this body.

Let us make no mistake about the nature of the gentleman's motion. It is simply another step along the Republican plan to completely destroy Medicare. It is as simple as that.

Implementing means testing obliterates the fundamental tenet of Medicare as a universal insurance program for everyone in this country. That is the foundation of Medicare. That is what it is. Efforts to means test Medicare destroys that program.

If this provision survives the conference, a provision that was soundly defeated in the United States Senate, our Congress would be the first in history to tax the middle class twice for their benefits. It is important to remember that means testing is not just for wealthy celebrities, as has been discussed. It applies to our Nation's middle class, to people making about $60,000 a year.

In both the House and the Senate drug plans our seniors already have to endure large gaps in coverage, gaps where they get no coverage but they have to pay a premium. Under this provision many of our middle-class seniors will not enjoy catastrophic limit protection until they personally spend $11,000. That is not fair, and it equates to no plan at all.

Further, when we talk about means testing, we cannot forget Medicare financing. Today, every Medicare beneficiary gets the same benefits and pays the same percentage of taxes into the program. This means those with higher incomes have been paying more into Medicare. This means that under this motion the very individuals that Congress wants to deny benefits to have been paying a larger proportion of the funds that sustain Medicare.

Now, on a side note I find it very ironic that the majority, which claims to want to minimize the government's role in our citizen's lives, will be creating a significant new government bureaucracy through means testing, one that will threaten the privacy of our Nation's seniors. After all, in addition to this provision, the Medicare administrator will be sending the IRS the names and incomes of seniors who will then forward this confidential information on to private insurance companies. That is kind of inconsistent, especially with Congress's strict demands on hospitals regarding the privacy provisions of HIPAA.

We do not need to embark on this dangerous path to dismantle Medicare. We do not need to give up the privacy of our seniors. Do not let the IRS send your private financial information to private insurance companies.

We have to respect our seniors. We have to respect our commitment to our Nation's seniors. Our elderly need stability in their health care. They have earned it, and they deserve it.

I urge Members to vote against this motion, protect our seniors, protect their privacy, defeat this motion, and let us focus our efforts on a strong Medicare and on a prescription drug plan that makes drugs available and affordable for all of America's seniors.

Mr. FLAKE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I admire altruism. I am very impressed when people want to help other individuals. I am very skeptical of altruism when it is funded with other people's money.

When we look at this Medicare prescription drug benefit, I think we ought to think about the young families in our country that are working very hard to make ends meet. Many of them are in their 30s, their 40s. They have young children. They are trying to figure out how they are going to pay for their little guy's glasses, the little boy in the second grade that cannot see the bulletin board. They are trying to figure out how they are going to have any quality time together because mom is working and dad is working and somebody has got to pick up the kids and somebody has got to buy the groceries. They are frazzled young families. They are trying to do the right thing by their family, but they are also trying to figure out how they are going to pay their taxes and they are going to make ends meet.

When we look at these families and look at families where people are working in their late 50s and early 60s and they do not really have a very good prediction, good future for their retirement and they are working on because they are trying to make ends meet also, maybe we ought to think about those people before we try to figure out how we are going to give a benefit to the wealthy that do not even need it, the wealthy Americans who, God bless them, have been successful.

I am all for people accumulating wealth and enjoying it and being very prosperous, especially when they have made good plans and in the elder years of their lives they are reaping the benefits. But it makes no sense to me to increase the tax burden on our working families to give a benefit to people that have not asked for it that are going to try to figure out how many weeks they are going to spend on their yacht. This does not make sense.

I support the Flake motion. We need to have a means testing. It is common sense. That is how we need to be responsible with the only way government gets its money: from taxing our citizens.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I hope that everyone who was not here today, our colleagues, will read the words in the CONGRESSIONAL RECORD and understand where the two parties are coming from. The gentleman from Arizona (Mr. FLAKE) has made clear that what he wants to do is to make sure that prescription drugs is not an entitlement. So, therefore, he wants to means test for those earning $60,000 and above. We must make clear that the logic is it will be reduced from 60 to 50, to 40. That will erode the Nation of an entitlement, if you are consistent.

So this is not a slippery slope. This is a sure path to destroy the prescription drug benefit as an entitlement. You have made that pretty clear. The logic leads to no conclusion but that. Then if you want to erode prescription drugs as an entitlement, the next logical step is to do the same for Medicare, if you are logical.

Then I am totally confused by the gentlewoman from Colorado (Mrs. MUSGRAVE) who says that we do not want to give this benefit to the wealthy. $50,000, $60,000, $70,000 is wealthy? And I would like to know where the people who have spoken for this motion were with the child credit vote, where we were talking about $15,000, $20,000. My guess is that the gentleman who is in support of this voted against it.

Then I would like to ask, after this discussion about let us not help the very wealthy, how you voted in terms of the estate tax that applies only to a few thousand people a year, to indeed the wealthy, where I think almost by rote all of you supported the elimination of the estate tax.

So this is clear, number one, you want to destroy prescription drugs as an entitlement; and, number two, you are totally inconsistent when you say someone earning $60,000 or $70,000 should not have the full benefit of a prescription drug plan, but then you vote not to give a child credit to people earning between $10,000 and $25,000. Then you vote that the 3,000 or 4,000 very, very wealthy families in this country, very few of them who are farmers, who are in small business, should be able to pass on millions, millions, and millions without paying estate tax.

I hope this discussion will be read by everybody before they vote and understand the meaning of their vote. Destroy prescription drugs as an entitlement and have crocodile tears because the very wealthy would benefit from a prescription drug benefit when all of your other votes show that you do not have that same sensitivity when it comes to the tax structure of the United States of America.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out I am a little confused myself in terms of what is rich. On the other side of the aisle, they argued throughout the entire tax debate that the same middle-class individual, $60,000, $70,000, $50,000, are not going to benefit from taxes for the rich? What is rich? We set no standard in this motion to instruct. We simply say that we ought to have a means test. We have not pegged it at $60,000, at $70,000, $200,000, $300,000. We are simply establishing the principle that it should not be an entitlement.

If people are worried about it being a slippery slope, set it at $200,000. By the time that slippery slope ends, someone starting at 65 surely will not be around to collect. But set it somewhere, establish a principle that we should not be paying prescription drug benefits for the Bill Gates of the world.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I want to compliment my colleagues on the other side of the aisle for a vigorous, embracing debate, Mr. Speaker.

Apart from some of the class warfare rhetoric, I want to concede a particular point, that the introduction, as the Flake motion suggests, into the prescription drug benefit of income related standards of means testing is precisely about destroying the creation of a new entitlement. It is precisely that, Mr. Speaker. Because despite the fact that we are hearing our friends on the other side of the aisle speak with great generosity about the middle class and even the upper class today, it will not be any of us in this room, judging from the relative age as I look around this Chamber, who will pay for this entitlement, but it will be people like my 10-year-old daughter, Charlotte.

Sometimes God has a sense of humor, Mr. Speaker. The very day I was called upon to vote to create the largest new entitlement since 1965 was my daughter Charlotte's 10th birthday. I started the morning stuffing a pinata at 6 a.m. for her little-girl birthday party. It was a great day.

And it really was that experience that emboldened me to take the stand that I took in voting against this measure and to take the stand that I take today with Mr. FLAKE in saying that we must, almost regardless of the politics and the demagogic rhetoric that will be foisted on us from many quarters, we must do right by Charlotte. Because it will be Charlotte in 20 years, hopefully married to a good and Godly man, raising my grandchildren, who will be paying two and three times the payroll taxes that we pay today to pay for the benefits that we are on the verge of creating, Mr. Speaker. It is that plain and that simple. And to do that by taxing young Charlotte's family to support benefits to people who could and should provide for themselves, in the words of Abraham Lincoln, is unconscionable.

So, Mr. Speaker, I support the Flake motion.

□ 1700

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank both my friends from Indiana and from Arizona for their comments. I am just intrigued that people can stand on this floor in the majority party and talk about burdening our children and our grandchildren with debt.

When President Bush took office, we had a surplus, billions of dollars a year, a 10-year surplus well into the several trillion dollars projected. Today, after Republican control of the White House for only 2½ years, Republican control of the House during that time, Republican control of the Senate much of that time, we are talking about trillions and trillions and trillions of dollars in debt. This year alone some $550 billion deficit. And for then my colleagues, not just today but time after time, coming to this floor and railing against Democrats for spending, it makes me absolutely incredulous.

My friends on the other side of the aisle are now talking about bringing forward to this House Chamber a constitutional amendment to balance the budget. In other words, we cannot balance the budget, but we are going to do a constitutional amendment to make us balance the budget.

The fact is, Mr. Speaker, that when they argue costs and debt and burden on our children, they ought to look at the tax cut that they have given to millionaires, $93,000 for the average millionaire in this country, half of my constituents got zero dollars out of that tax cut, but they have given a $93,000 tax cut to the average millionaire.

They have way overspent the budget when it comes to issues such as what they are now doing with Iraq. We spend a billion dollars a week. They want to spend $87 billion next year, probably more than that, that is just what they are telling us now, with little accountability. We do not know where the money is going. The private contractors are getting unbid contracts, they are friends of the President, yet they talk about saddling our grandchildren with debt as if it is Medicare that is saddling our grandchildren with debt.

My friend from Arizona, as I said, I respect him for his candor and his intellectual consistency and honesty, but what this is all about is about privatizing Medicare. They wanted to privatize Social Security. They wanted to privatize the national parks. They want to privatize Medicare. They want to privatize every section of the government that they possibly can.

That is their philosophy. That is fine. But let us not talk about means testing. Let us talk about what their mission is, to turn Medicare over to the insurance companies. That is what Medicare+Choice is about. That is what their argument is about. They can call it means testing. They can call it a lot of things, but ultimately, we know what it is. We know they want to privatize Medicare.

As my friend, the gentleman from New Jersey (Mr. PALLONE) has said, for 35 years it is clear that my friends on the other side of the aisle, for honest intellectual, philosophical reasons have not liked Medicare. In 1965, only 12 Republicans voted for Medicare. Strom Thurmond voted no. Gerald Ford voted no. Bob Dole voted no. And my favorite, Donald Rumsfeld, voted no at the creation of Medicare in 1965.

In 1993, when the Democrats saved Medicare, when its life expectancy was not really very long, Democrats passed, with no Republican votes, legislation to extend the life of Medicare.

In the mid 1990s Speaker Gingrich came forward saying that he wanted Medicare to wither on the vine. He tried to cut Medicare $270 billion to give another tax cut to the wealthiest people in society.

Then Dick Armey, the majority leader of the Republicans, BILL THOMAS, the chairman of the Committee on Ways and Means, they have consistently said how they do not like Medicare. This is about privatizing Medicare. It is not about Bill Gates. It is simply not about means testing. It is about privatizing Medicare, turning it over to the insurance companies and ending Medicare the way that we know it. I urge my colleagues to vote no on the Flake motion.

Mr. FLAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank those who have participated in this debate. I want all Americans to know that tonight they will all get a big raise. It seems that tomorrow that those on the other side of the aisle will come back and talk about how those who are earning $60,000 who are decidedly middle class when it refers to this bill, will be rich when it comes to talking about tax cuts. Which is it? Which is it?

I want to remind my colleagues here, again, that this motion to instruct says nothing about which income levels we ought to set this at. It simply says we ought establish the principle that this be targeted at those who need it the most. And this debate about whether or not we ought to look at the income of older Americans will probably be moot in another 30 years because, as I pointed out before, someone 40 years old today, like me, will spend, like me and my family, will spend about $40,000 in additional taxes, in additional taxes over the next 30 years. We will spend $40,000 in additional taxes because the payroll tax does not provide enough revenue to fund Medicare. This adds fuel to the fire. This simply blows it up out of control.

Now, anybody who has watched my voting record, or the voting record of my colleague from Indiana (Mr. PENCE), knows that we are not proud of our fiscal restraint here in this House, be it Republican or Democrat, over the years. But we ought to look at this program right now. This is what is up for debate. We cannot say, well, Republicans have grown the deficit or Democrats have done this, so it is okay. We are going to take this program, and we are going to blow it up over the next 30 years and even greater beyond that. That is simply not acceptable. We know better than to do that.

If we are spending $40,000 in additional taxes for the average family of four over the next 30 years, we will not have a debate about whether to means test anything in the year 2030 because too few seniors will have enough disposable income to actually fund it. We will all be dependent on Government. Maybe the other side of the aisle would like that, but I do not.

I think people ought to have the ability to save for themselves. There is a difference between tax cuts and benefits like this. Tax cuts, you are taking money that somebody has paid, or will pay, in taxes and saying, You do not have to pay that any more.

This benefit is taking from people who have paid in already, and you are taking that money and saying, We will give it to this person, instead of giving it back to you who earned it.

Madam Speaker, I would conclude and simply urge support for this motion to instruct. Let us do what is right. Let us do what we know is right.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to speak out against this motion to instruct conferees to include "means testing" of Medicare beneficiaries for prescription drug coverage. Although it looks like a good idea, looks are deceiving. This provision is unfair, will hurt people who deserve help, and will unnecessarily damage the Medicare program.

The idea of means testing is that seniors who earn more than $60,000 a year ($120,000 for couples) will not have the $5,100 stop-loss protection. Instead, they will have to pay more out-of-pocket before they get stop-loss protection because of their income. Therefore, this motion will force middle-income seniors to pay more for their drug coverage.

Means testing is unfair and inappropriate because it will tax middle-class seniors twice for their benefits. Today, the same Medicare benefits are available to all those who are eligible. Everyone pays the same percentage in payroll taxes and gets the same benefits out. It is not a welfare progam. All Americans who contribute taxes during their working years are entitled to the full package of Medicare benefits when they retire.

The House Republicans, however, are taking the first steps to turning Medicare into a welfare program, making middle-class seniors pay more for their Medicare benefits. Under the Republican bill seniors who earn above $60,000 a year will see their catastrophic limit raised from $5,100 to much higher levels based on their income.

This amounts to an additional Medicare tax on middle-class seniors—who already paid more money in Medicare taxes because of their higher earnings in the first place. So after giving massive taxcuts to the richest 1 percent of Americans, the House Republicans want to stick the bill for their mismanagement to senior citizens trying to get the health care they deserved.

Not only is this provision unfair, it probably will create a bureaucratic nightmare that will waste money, and ultimately not work. Because Medicare has no means testing now, there is no staff or system for managing data on seniors' income levels. Same goes for the IRS, where they have no protocol for exchanging private data on senior citizen incomes to the CMS, or to the insurance companies that ultimately are responsible for administering the prescription drug benefits, under the Republican plan.

As I understand it, the Medicare Administrator will need to send the names of seniors to the IRS, and the IRS will send back the seniors' income data for the previous year. Medicare will then send this very private information to private health insurance companies. Seniors' confidential information will be sent all across the country. This is a bureaucratic mess, and may well be illegal.

Not only will this scheme increase federal bureaucracy at the IRS and the CMS, but at private insurance companies as well. They will have different catastrophic levels for every senior above $60,000 in income. Giving the insurance industry income data on seniors and forcing them to create sliding-benefit structures, will also encourage plans to risk select, and pick out the cheaper seniors to be in their plans.

Once private insurance companies have income data on seniors, they can use it to selectively market their products to higher income seniors, who are likely to be healthier and use less health services.

This is a recipe for disaster. It is a step in the wrong direction for the successful and efficient Medicare program, that up until now has served every senior equally well. The approach taken in the Republican bill is wrong. We should not be taxing middle-class seniors twice for their Medicare benefits.

We should eliminate the means testing of catastrophic drug coverage in the House Republican bill. I will vote no on this motion, and urge my colleagues to do the same.

Mr. FLAKE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

HOUR OF MEETING ON FRIDAY, OCTOBER 3, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 10 a.m. tomorrow, Friday, October 3, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 3, 2003 TO TUESDAY, OCTOBER 7, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that when the House adjourns on Friday, October 3, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, October 7, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, OCTOBER 7, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the call of the private calendar be dispensed with on Tuesday, October 7, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

WASHINGTON INSIDERS' NEW FIRM CONSULTS ON CONTRACTS IN IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, as we in the House get ready to rubber-stamp another blank check for the President of the United States for $87 billion, I submit for the CONGRESSIONAL RECORD an article from the New York Times dated 30 September by Douglas Jehl. This is an article that talks about the company called New Bridge. The principals are Joe Allbaugh, who was Mr. Bush's campaign manager in 2000; Mr. Ed Rogers and Mr. Lanny Griffith, who were both White House assistants for the older Bush. These people work with Haley Barbour, who is running for the Senate down in the South. These folks have put together a program. Joe Allbaugh was FEMA director. He quit that job and went to work putting together the war-profiteering company they call New Bridge. They are going to go out there, and they are all swarming around. When Bremer was here in town, they had a big party, and they began talking about how they are going to get the contracts from the $87 billion. We are going to fund these war profiteers right out of the White House. They have no shame.

[From the New York Times, Sept. 30, 2003]

WASHINGTON INSIDERS' NEW FIRM CONSULTS ON CONTRACTS IN IRAQ

(By Douglas Jehl)

WASHINGTON, Sept. 29.—A group of businessmen linked by their close ties to President Bush, his family and his administration have set up a consulting firm to advise companies that want to do business in Iraq, including those seeking pieces of taxpayer-financed reconstruction projects.

The firm, New Bridge Strategies, is headed by Joe M. Allbaugh, Mr. Bush's campaign manager in 2000 and the director of the Federal Emergency Management Agency until March. Other directors include Edward M. Rogers Jr., vice chairman, and Lanny Griffith, lobbyists who were assistants to the first President George Bush and now have close ties to the White House.

At a time when the administration seeks Congressional approval for $20.3 billion to rebuild Iraq, part of an $87 billion package for military and other spending in Iraq and Afghanistan, the company's Web site, www.newbridgestrategies.com, says, "The opportunities evolving in Iraq today are of such an unprecedented nature and scope that no other existing firm has the necessary skills and experience to be effective both in Washington, D.C., and on the ground in Iraq."

The site calls attention to the links between the company's directors and the two Bush administrations by noting, for example, that Mr. Allbaugh, the chairman, was "chief of staff to then-Gov. Bush of Texas and was the national campaign manager for the Bush-Cheney 2000 presidential campaign."

The president of the company, John Howland, said in a telephone interview that it did not intend to seek any United States Government contracts itself, but might be a middleman to advise other companies that seek taxpayer-financed business. The main focus, Mr. Howland said, would be to advise companies that seek opportunities in the private sector in Iraq, including licenses to market products there. The existence of the company was first reported in National Journal, a weekly magazine of Government and politics.

Mr. Howland said the company was not trying to promote its political connections. He said that although Mr. Allbaugh, for example, had spent most of his career "in the political arena, there's a lot of cross-pollination between that world and the one that exists in Iraq today."

As part of the administration's postwar work in Iraq, the Government has awarded hundreds of millions of dollars in contracts to American businesses. Those contracts, some without competitive bidding, have included more than $500 million to support troops and extinguish oil field fires for Kellogg, Brown & Root, a subsidiary of Halliburton, which Vice President Dick Cheney led from 1995 until 2000.

Of the $3.9 billion a month that the administration is spending on military operations in Iraq, up to one-third may go to contractors who provide food, housing and other services, some military budget experts said. A spokesman for the Pentagon said today that the military could not provide an estimate of the breakdown.

Administration officials, including L. Paul Bremer III, the top American official in Iraq, have said all future contracts will be issued only as a result of competitive bidding. Already, the Web site for the Coalition Provisional Authority, http://cpa-iraq.org/, lists 36 recent solicitations, including those for contractors who might sell new AK-47 assault rifles, nine-millimeter ammunition and other goods for new army and security forces.

New Bridge Strategies was established in May and recently began full-fledged operations, including opening an office in Iraq, its officials said. They added that a decision by the Governing Council of Iraq to allow foreign companies to establish 100 percent ownership of businesses in Iraq, an unusual arrangement in the Mideast, had added to the attractiveness of the market.

Mr. Howland is a principal of Crest Investment in Houston and was president of American Rice, once a major exporter to Iraq. Richard Burt, ambassador to Germany in the Reagan administration and a former assistant secretary of state, and Lord Powell, a member of the British House of Lords and an important military and foreign-policy adviser to Prime Minister Margaret Thatcher, are among the 10 principals.

Mr. Allbaugh, the chairman, spent most of his career in Texas politics before Mr. Bush appointed him to head the federal disaster agency. Mr. Allbaugh, who now heads his own consulting firm here, did not return calls to his office today.

Mr. Rogers, the vice chairman who was a deputy assistant to the first President Bush and an executive assistant to the White House chief of staff, is also vice chairman of Barbour Griffith & Rogers, one of the best-connected Republican lobbying firms in the capital. Mr. Rogers founded it in 1991 with Haley Barbour, who became chairman of the Republican National Committee and is now running for governor of Mississippi.

Shortly after leaving the White House, Mr. Rogers was publicly rebuked by the first President Bush after he signed a $600,000 contract to represent a Saudi, Sheik Kamal Adham, who was a main figure under scrutiny in a case that involved the Bank of Commerce and Credit International. Mr. Rogers canceled his contract to represent the sheik, former head of Saudi intelligence.

Mr. Griffith, a director of the new company, is chief operating officer of Barbour Griffith & Rogers, which he joined in 1993. He was special assistant for intergovernmental affairs to the first President Bush and later worked under him as an assistant secretary of education.

Until November, Mr. Rogers' wife, Edwina, was associate director of the National Economic Council at the White House. Reached by telephone today, Mr. Rogers said he did not want to speak for the record and referred a reporter to Mr. Howland.

The company Web site says the company was "created specifically with the aim of assisting clients to evaluate and take advantage of business opportunities in the Middle East following the conclusion of the U.S.-led war in Iraq."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONS ABOUT THE IRAQI WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, about 160 years ago, Congressman and former President John Quincy Adams came to the House floor night after night, week after week to read letters from constituents, most of them women who did not have the right to vote in those days. He was protesting the decision by the conservative leadership of the House of Representatives, a decision which banned the discussion and debate of slavery on the House floor in those days. Because they had banned the discussion of slavery, Congressman JOHN Quincy Adams thought he should share letters from his constituents with Members of the House, with the American people.

Similarly, because Congress has not debated so many of the issues surrounding Iraq, the question of weapons of mass destruction, the question of some of the things that the administration said that they might have misled the people of the United States, discussions about how the $87 billion is going to be spent that the President has asked for, discussions of the hundreds of millions of dollars every week that we are now spending in Iraq, where there is no accountability for the private, unbid contracts, many of which are going to the President's friends, several of those contracts to the tune of hundreds of millions of dollars going to a company called Halliburton, unbid contracts, hundreds of millions of dollars every month. Halliburton is a company that is paying the Vice President of the United States $13,000 every month, a company where he was CEO.

Madam Speaker, I am going to read some of these letters, as John Quincy Adams did 160 years ago, allowing people in my district to speak about these issues that conservative House leadership will not let us talk about.

Madam Speaker, from Greg from Brunswick, Ohio said, "The U.S. occupation of Iraq now costs $1 billion a week, as much as the Federal Government spends on after school programs for the entire year. Those are just military costs, not including any money for rebuilding Iraq. No weapons of mass destruction have been found." Greg writes, "Nor have we seen any evidence of an active weapons development program, and there is no exit strategy. The administration has yet to present a realistic plan for how the occupation of Iraq will end."

Lucy of Copley, Ohio, writes, "There is more than one issue that must be addressed. I am very concerned that much of the money will be turned over to President Bush's business cronies for lucrative private contracts." She is talking about Halliburton and literally the hundreds of millions of dollars of contracts they have gotten, $13,000 every month that goes to the Vice President of the United States from that company.

"I have no absolutely no doubt that this will happen unless Congress puts some constraints on the administration. Please give a great deal of thought into all of the issues before handing Mr. Bush everything he wants, including that blank check."

Kenneth of Richfield, Ohio, writes, "I believe the President and his senior administration officials have misled the American people to pursue an agenda which they do not discuss in the election campaign and which is dangerous to world peace."

Jerlene of North Royalton, Ohio, writes, "President Bush seems to have had no real plan for what the United States would do in Iraq once we took over that country. Giving him $87 billion is not going to get a feasible plan on the table any faster." She talks about how we are paying a billion dollars a week now in Iraq, much of that going to unbid contracts, much of that money unaccounted for, yet, already having spent $70 billion the President is asking for $87 billion more. She cautions us to exercise caution about that money that the President is asking this Congress for.

She also mentions that this money is going to be borrowed from our children and grandchildren because it means more national debt to the United States.

Matthew of Akron, Ohio, writes, "Too much of taxpayers' money has been squandered on this war already. It is time to hold George Bush accountable. By granting him this request, the American people, through Congress, are doing him a huge favor, and I might add, doing the American people something much less than a big favor."

All of these letters say, we want to have questions answered. We want the safety of our troops assured. We want to make sure that our troops are supplied better than they have been as these private contractors have squandered billions of taxpayer dollars. We want accountability. We want a plan of reconstruction the American people and the Congress can understand. And we not only want that accountability, we want an exit strategy on how, in fact, when this is going to end, and how this is going to be done.

Madam Speaker, I will continue, as I have since July, to share letters from constituents on issues this Congress will not debate on answering these questions that the American people have of their elected officials.

FURTHER FUNDING THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, over the next couple of weeks, we will vote on a huge $87 billion supplemental appropriations bill to further fund the war in Iraq.

Madam Speaker, this is a very serious piece of legislation. It is the largest supplemental appropriations bill in our Nation's history.

□ 1715

While it is critically important that we get our military troops all the resources they need, I do not support rubber-stamping this legislation so this administration gets a free ride from Congress and does not have to account for its strategy in Iraq. Tough questions need to be asked.

Madam Speaker, how could the Bush administration underestimate so badly the cost of the war? Bush administration officials either dramatically underestimated the costs or were misrepresenting their estimates to Congress before the war. Before being forced out of the Bush administration, Secretary of Treasury Larry Lindsey estimated the cost of the war would be between 100 and $200 billion, but other officials in the administration scoffed at that estimate, saying it would be a lot less. In fact, OMB Director Mitch Daniels estimated the cost at as little as $50 billion.

If we combine the military costs in the first supplemental and the $65 billion included in this latest supplemental, we get $132 billion, $132 billion, much higher than the estimates, obviously, from the Bush administration.

Just one week after the war began, Deputy Secretary of Defense Paul Wolfowitz told the House Committee on Appropriations, Subcommittee on Defense, "We're dealing with a country that can really finance its own reconstruction, and relatively soon."

Yet the Bush administration comes to Congress requesting $20 billion for reconstruction costs in Iraq. Was the administration bending the truth 6 months ago?

Madam Speaker, the American people are skeptical about these reconstruction funds. We really cannot blame them. In five of the largest areas of reconstruction, we will be spending considerably more money per capita in Iraq than we spend on our own people here at home.

The Bush administration proposal calls for $3.7 billion to fund repairs and improvements to water and sewage services in Iraq, a great funding proposal from an administration that is certainly no friend of environmental policies here at home. In fact, the administration called for a 25 percent cut in the number of EPA clean-water sewage treatment grants over the past year here in the United States.

Madam Speaker, the Iraq supplemental calls for $900 million to construct, repair, and equip hospitals in Iraq, 10 times as much per person as we are spending on repairing and constructing our own hospitals, clinics, veterans medical facilities, and U.S. military medical facilities.

Months after the largest power blackout in our Nation's history, the Iraq supplemental calls for $6 billion to rehabilitate the electric power infrastructure of Iraq at a per capita cost of

$250.32. Here in the United States we do not even spend a single dollar to upgrade our electrical grid.

Madam Speaker, we all understand that Iraq must be rebuilt, but does this Nation have to bear the brunt of the costs? Tough questions must be answered by this administration over the next couple of weeks, and I only hope that they are more forthcoming than they have been in the past.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE GOLD-PLATING AND WAR PROFITEERING CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, I brought something here tonight to show to the American people. This document, which has become publicly available, is the coalition provisional authority request to rehabilitate and reconstruct Baghdad, Iraq. Published accordingly, Baghdad, Iraq, is a gold-plated guide to war profiteering. I urge each and every tax-paying American citizen to get a copy to see where the $20.3 billion that President Bush wants to borrow in their name to send to Iraq will be spent.

We have already had some examples of just incredible waste. There was a cement plant in northern Iraq needed repair. Mr. Bremer sent in his experts. They said it would cost $15 million. The Iraqis could not wait, and they went ahead and repaired it for $80,000.

There was the $25 million spent to rebuild police stations in Basra. The Iraqis estimate they could have done it for $5 million or less.

Then there was the $5,000-per-day contract Mr. Bremer signed to feed the Iraqi governing council, all 25 of them. I guess we were going to fly over catered meals from the United States of America. The governing council was so appalled at that waste of money, even though it was being spent by the United States of America, borrowed by the President on behalf of the American people, they cancelled the contract, got some local food for a fraction of the cost.

Then, of course, on the governing council, we have Mr. Ahmad Al-Barak, and he estimates that in cases the savings could be a factor of 10. Where they spend $1 billion, we would spend $100 billion. If we carry that formula through, instead of borrowing $20.3 billion on behalf of the American people and spending it to rebuild Iraq, as the President wants to do, we could do it for $2.3 billion or less.

There are other things in this new proposal that are a bit strange. There is the proposal of $33,000 per pickup truck delivered in Iraq. I went online just to kind of check out a pretty nice 2003 new Ford F–150, two door regular cab, XL, two-wheel drive, style side, with the AC and the automatic transmission and of course destination charge, $17,817. Does not have armor plating, but then again neither do the Humvees that this administration gave to our troops who are being killed on a daily basis.

There are other things that I would question here, $20 million to develop and train a cadre of business people in Iraq. That is a 4-week course, $10,000 each. By equivalent it would cost $4,000 to send them to Harvard, or if we send them to a continuing-education course at a community college in my district, we could put them through a good course, one term, with credits, for $400. But the Bush administration wants to spend $10,000 per Iraqi, $20 million borrowed from the American people, spent to give these $10,000 4-week courses to Iraqis.

Then, of course, there is a lot of, like, well, we have an obligation to all the damage we did to the country. I guess we blew up their wireless Internet network. Whoops, wait a minute. They did not have wireless Internet network, did they? No, they did not, but an essential part of this reconstruction effort is that we provide a wireless Internet network for all the Iraqis and their laptop computers. I do not know how many Iraqis have laptop computers, but I think that is somewhere else in the request perhaps. Although we cannot equip our kids, our schools with laptop computers, we are going to give them to Iraqis.

There are other things that have more merit arguably, $5.8 billion to rebuild their power grid and electrical system. I thought, well, maybe we did that. I found out it was not necessarily for damage we caused. In fact, Mr. Bremer was quoted saying, well, I have been into the plants, they have got these boilers from the 1950s and 1960s; they are holding them together with duct tape. What does that have to do with the war? What obligation does that put on the American people? Why should we borrow money on behalf of the American people, though it will be repaid and there is a lot of talk about children and grandchildren, by tax paying Americans today, children and grandchildren of tax paying Americans, to give the Iraqis state-of-the-art cycled turbines to generate electricity in Iraq? They cannot use the old system; we cannot just put that back together for a fraction of cost. No, they have got to have a brand new system. Of course, here in the United States of America where lights blinked out in the West a few years ago, blinked out in the East this year, the President cannot find any money to invest in our system and keep our lights on, but we can give them a state-of-the-art system there in Iraq.

If we spent this $20.3 billion on infrastructure and critical needs in the United States of America. Even if we borrowed it on behalf of the American people and spent it on behalf of the American people, we could provide 1 million jobs in this country. This provides for nothing but war profiteering to generous contributors to the Bush administration.

HONORING SHERYTHIA SCAIFE, RALPH DUKE, AND JOHNSON'S CHAPEL UNITED METHODIST CHURCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Madam Speaker, in every one of our lives there are people and places that are really unique, and they are so special that they become an essential part of who we are and who our communities are and what they become over time.

Today, I want to recognize two people and one place that have not only helped shape who I am, but they have touched the lives of our entire community and thousands of people. Quite simply, they represent what is the very best about Tennessee.

This month Sherythia Scaife, a member of the board of directors for historic Belmont Mansion in Nashville, will receive the Helen Kennedy Award for volunteer service. The Belmont Mansion is truly one of those historical treasures in Tennessee; and Sherythia, the best way to sum it up is she is simply one of our treasures, such a wonderful woman.

As everyone involved in charity work can tell us, fund-raising is a tough job; but Sherythia committed her energies to preserving the Belmont Mansion, and she has helped lead the effort to raise funds for the Belmont Mansion. We are lucky to have this wonderful part of the past with us still, and we are even luckier to have someone like Sherythia Scaife here to help protect Belmont Mansion for the future.

In the city of Franklin, Tennessee, where I have one of my district offices, there was a man whom everyone knew. He was our friend, a leader, a small business owner. He was truly a pillar of the community. Ralph Duke started out as a grocery bag boy, and he ended up as our town's main street pharmacist and civic leader.

We lost Ralph just a few days ago; and in thinking about what he meant to all of us, I was amazed at just how much he had accomplished in his lifetime. He filled close to 1 million prescriptions over the years to keep us healthy. He served us as an alderman and worked to improve police and fire service to help keep us all safe; and Ralph, above all else, took the time to say hello and to care about people, making us all feel that part of the community was important.

Ralph will be missed, but he is with us in our memories, and his family is with us in our thoughts and prayers.

A church is not just a building. It is also a source of strength and solace for a community of people. It is a place to offer our thanks to the Lord and Johnson's Chapel United Methodist Church in Brentwood, Tennessee, will be celebrating its 200th birthday on October 4, 2003. While the church structure has been destroyed by fire and renovated by man over those 200 years, the place has been one of God for all this time. It is a wonderful thing to think of the comfort and love that is so strong and true in this single location, a place that brings people together to worship our Lord, to honor our families, to celebrate some of life's most special occasions, like my niece's wedding, and sends them out into the world renewed, energized and excited about the word of God.

Madam Speaker, I imagine that all of my colleagues have stories like these of the wonderful places that exist in each of our districts, the things that make America and our communities so unique, a Nation where people like Sherythia Scaife and Ralph Duke can give of their time to others and a place where we can freely assemble in places of worship, such as Johnson's Chapel United Methodist Church.

IN MEMORY OF DR. MILTON WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Madam Speaker, I rise to honor and pay tribute to a great American, my good friend, the late Dr. Milton Wilson from Houston, Texas. Dr. Wilson passed away on September 2, 2003. I hope my colleagues will join me in extending deepest sympathies to his family as they mourn this great loss. Although Dr. Wilson will be sorely missed, his family can take comfort in remembering his numerous accomplishments and the incredible legacy he left behind.

Dr. Milton Wilson was born July 20, 1915, in Paducah, Kentucky. His father was a Pullman car porter, and both his mother and grandmother were public school teachers. His parents instilled in him a strong work ethic and a love for education that stayed with him throughout his life.

After graduating from Lincoln High School in Paducah, Kentucky, Milton Wilson went on to earn a bachelor's degree from West Virginia State College and later earned a master's degree, as well as a doctorate degree in business administration from Indiana University at Bloomington. In later years, he returned to teach at Indiana University as a professor of accounting. His commitment to his students and his dedication to teaching earned him Indiana University's Distinguished Alumni Award.

Dr. Wilson continued his very distinguished career as head of the Department of Accounting at Hampton Institute in Hampton, Virginia, through 1944. At the request of President Dent of Dillard University, Dr. Wilson moved to New Orleans to head the university's business department until 1949.

□ 1730

Shortly thereafter, Dr. Wilson moved to my home State of Texas, and in 1952 became the first African American Certified Public Accountant in Texas. The President of Texas Southern University invited him to establish a Department of Business Administration, which later became the School of Business Administration, with Dr. Wilson serving as its first dean. Under Dean Wilson's leadership, TSU became the first school of business in Houston to gain accreditation by the American Assembly of College Schools of Business.

Because of trailblazing work, Dr. Wilson became nationally known as the dean of predominantly black business schools in this country. It was while he headed the TSU School of Business Administration that I first came to know Dr. Milton Wilson, his first wife Zelda, and his family. Mrs. Wilson, who passed away in 2001, was a beautiful, gracious and hospitable lady who always made me feel welcome in her home. I will always remember listening to her own stories and experiences, both challenging and rewarding.

His son, Milton Wilson, Jr., followed in his father's footsteps and has been honored many times in the Federal Government's Senior Executive Service, serving for the Small Business Administration. I am proud to recognize him as one of my best friends during the last 25 years.

Not content to rest on his laurels at TSU, Dr. Wilson also served as a visiting professor at both Harvard and the University of Chicago. He shared his expertise as a valued consultant for a number of Federal agencies. As adviser to the Ford Foundation, in conjunction with Indiana University, he led a project that resulted in the successful establishment of the Institute of Business Administration in Dacca, Pakistan.

Dr. Wilson remained at TSU until 1970, when President Cheek of Howard University called him and offered him a new opportunity. President Cheek requested that he establish the Howard University School of Business and Public Administration. Dr. Wilson accepted this challenge. Through his efforts, Howard University became the first school in the Washington area to gain AACSB accreditation, first for its bachelor degree program and, ultimately for its accounting program.

Madam Speaker, Dr. Wilson believed anything was possible. He never gave up and fought to make every institution of higher learning at which he served the best it could be. His students received the educational tools they needed to become prominent and successful business people, professionals and elected officials.

Throughout his life, Dr. Wilson received countless honors, awards and recognitions, including the Henry B. Gonzalez Latino Leadership Award, named in honor of our colleague, the late Congressman Henry B. Gonzalez. This citation for meritorious service is presented to those who have worked selflessly, often without recognition, and made contributions both in the Hispanic community and the broader society as well.

Dr. Wilson was chosen to receive this award because he embodied a giving, sharing spirit and made a lasting contribution to our nation through education. Upon retiring from TSU in 1990, Dr. Wilson was honored by the Texas House of Representatives for his distinguished serviced in his community, business, government and academia.

Dr. Wilson is survived by his second wife, Imelda Pradia Wilson and three children: Rhea Ann Fairley, Zelda Jefferson Young, and Milton Wilson, Jr.; his sister, Jessie W. Wilson; and five grand-children: Gladys Zelda Fairley, Paul Milton Fairley, Milton Wilson III, Marcus James Wilson, and Wendell Mosley.

Dr. Milton Wilson was a true American pioneer. His efforts and his accomplishments will long be remembered.

I ask all Members of Congress to join me in commending the late Dr. Milton Wilson for his exceptional career and contributions to our Nation and in extending our sincere condolences to his family and friends.

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Madam Speaker, tonight I wish to spend a few minutes talking about a couple of issues: number one, the progress and the commitment and the hope that I have observed in Iraq in two different trips, two different opportunities I have had to travel to Iraq, once in August and going back in September; and then I want to talk a little bit about the statement today by Dr. David Kay on the interim progress of the Iraqi Survey Group. The Iraqi Survey Group is the group that is working in Iraq and doing the search and the delineation of exactly what the WMD, the weapons of mass destruction, program consisted of in

Iraq before and during the Operation Iraqi Freedom.

First, let me talk about my trip to Iraq in August and in September. You fly into a city of 5.7 million people and then you fly over Baghdad for half an hour or 40 minutes to get kind of an observation as to exactly what is going on in Baghdad. Remember, I did this in the middle of August. The first observation was that this was not a country and that this was not a city that was destroyed by war and mired in turmoil. Sometimes that is the impression that we get from watching the nightly news.

Aside from a few small pockets of destruction in Baghdad, the city appeared to be functioning close to a normal city in the Middle East. There were cars, buses and trucks on the streets. There were people on the streets. The stores were open. Commerce was going on in Baghdad. There had been a lot of progress and a lot of activity going on in Baghdad.

We had the opportunity to talk with our troops and to hear about the rebuilding and the reconstruction that they had been involved with in Iraq over the last number of months. They talked about having what I call walking-around money, but it is very closely tracked by the military. The military, at any given time, can print out a list of all the projects that they have been working on.

The 101st Division, up in northern Iraq, gave us a list of roughly 1,800 projects that they had been involved with, that they had completed or were still working on in the middle of August. They had 1,800 projects, from repairing clinics, drilling wells, repairing schools, working in hospitals, agricultural projects, and a whole number of different kinds of things that clearly empowered them to go into the communities where they were stationed and where they were trying to provide security and to assist the Iraqis in rebuilding their community, not tomorrow but at that moment and on that day. As these funds were depleted, the troops would get more funds. These funds came from the dollars that were left over in the Iraqi treasury after Saddam Hussein was overthrown.

A second thing that kind of struck me. I was impressed by the troops. They are doing an absolutely awesome job there. The other thing that people have asked me, what were you surprised about when you went to Iraq? I was not surprised about the work of our troops in Iraq. I have seen our troops in action in Afghanistan. I have been on aircraft carriers. I have been in Bosnia and Kosovo and had the opportunity to interact. I am not surprised by the work of our troops. I am impressed but not surprised. I have come to expect that because they have demonstrated it over and over.

But one of the things that did surprise me is I had heard of the palaces of Saddam in Iraq. I have been to Versailles, I have been to Buckingham Palace, but nothing prepares you for Saddam's lavish spending on himself once you take a look at his palaces in Iraq.

The palace in Tikrit has over 100 buildings in it. It probably stretches an area from the Capitol here in Washington down to the White House, if not a larger area. It has a perimeter security system with walls and watchtowers and those types of things; three to four story high buildings, which in terms of their scale are closer in scale to the size of this building, the Capitol of the United States, than what they are of our White House. And again he has these all over the country.

We also had the opportunity to meet with Peter McPherson, who is the President of Michigan State University, who for a number of months served in Iraq. He is now back at Michigan State but served as their finance minister.

I asked him about one of the allegations that was made about the post-war planning. I said, Peter, there are folks that are saying there is very little planning that went on as to what we were going to do after the war. He kind of laughed and said, you know, a number of the things that typically happen after a war in a country did not happen here in Iraq.

Many times the currency will collapse. As a matter of fact, here in Iraq, we had a debate about whether we should keep the Iraqi dinar. Why the debate? Well, the debate was the Iraqi dinar has a picture of Saddam Hussein on it, and the last thing we really wanted to do was to provide to the people of Iraq a constant reminder of the Saddam regime and that Saddam was still out there. But he said, Pete, we went through this conscious decision to keep the Iraqi dinar in circulation so that commerce could continue and so that the economy would not collapse.

He also said that by keeping the dinar in circulation and by providing the security into the system, the banks did not collapse, that there was not a run on the banks right after the banks reopened. The banking and the financial institutions stayed in business. As a matter of fact, with the stability that we have there, there are now a number of international banks that are clamoring to get into Iraq. And in a couple of weeks we will be introducing a new currency into Iraq, one that gets rid of the picture of Saddam Hussein on the money.

Peter McPherson worked with the Iraqi Governing Council to put in place a tax structure, highest tax rate of 15 percent, to put in a tariff structure and also to come up with rules for international investment. Every industry will now be open for foreign investment, except the energy sector.

I also had the opportunity to meet with another individual from Michigan, Jim Haverman, who is serving as kind of the shadow finance minister, or health care minister in Iraq. What he is doing is rebuilding the structure. I asked him the same question. Jim, what about the plan or the lack of planning in the post-war period?

He came back and said, we do not get a lot of credit or we get no credit for the things that did not happen here. A lot of times after there has been a war, there will be an outbreak of epidemic diseases, things like cholera, malaria, and other diarrheal diseases. So you notice none of those things happened here in Iraq. We were able to keep the hospitals open, we were able to keep the clinics open, we were able to provide the basic health care necessary to prevent the outbreak of epidemic diseases, and now we have moved forward, that we have distributed 10,000 tons of pharmaceuticals.

It is not that many of those pharmaceuticals were not present prior to the war in Iraq. They were present in Iraq, but they were stored in warehouses, and they were there for the elite and not for the masses. But what Jim and the Iraqi health care service have done is they have been focusing on getting quality health care or improved health care out to much of the rest of the country. They have been successful in doing that, and they are now working at upgrading the health care system.

Remember, somebody like Saddam Hussein spent about 60 to 70 cents on health care for each and every Iraqi last year, in contrast to what he spent on his palaces. And the joke, though it is not very funny in Iraq, is what Saddam spent his money on. He spent his money on his palaces. He spent it on runways. You will fly over Iraq and you will see military runways all over Iraq, so he was building the military infrastructure. And then he also spent a significant amount of money on munitions. Later on, as I talk about Dr. Kay's report, Dr. Kay outlines that they estimate that they have munitions dumps that will hold over 600,000 tons of munitions.

The bottom line, from my perspective and those of the people who I traveled to Iraq with, is that we are making progress in Iraq. We are bringing stability and hope to the Iraqi people. It does not mean that on occasion, and maybe too frequently, we do not have spectacular setbacks, the death of American soldiers or a bombing where the folks that are opposed to us are going after American troops, coalition troops, Iraqis that are helping us, Iraqis that are stepping up and taking leading roles in their government, but we are making progress.

□ 1745

It is our hope that once the people of Iraq experience freedom, economic opportunity and a representative democratic government, the hope and expectation is that they will embrace this new way of life and will not foresee ever returning to tyrannical rule by a despotic government that exerts control through fear and oppression.

Today in the Permanent Select Committee on Intelligence we had an opportunity to listen to testimony from Dr. David Kay talking about the progress, the 3-month progress report from the Iraqi survey group. This statement was released by Dr. Kay to the public at 5 p.m. This is a nonsecret version of the testimony that he provided to both the House and the Senate intelligence committees today. It contains a portion of what we heard today, but not everything. Let me just go through some of the materials that Dr. Kay wanted us to fully understand. This was my fourth opportunity to meet with Dr. Kay. I met with him on three different occasions in Iraq and then in front of the committee today.

He begins by saying that he cannot strongly enough emphasize that the interim progress report is a snapshot in the context of an ongoing investigation of where we are after our first 3 months of work. It is not a completed report. It only covers the first 3 months. He says that they are still very much in the collection analysis mode, seeking the information and evidence that will allow us to confidently draw comprehensive conclusions to the actual objectives, scope, and dimensions of Iraq's weapons of mass destruction activities at the time of Operation Iraqi Freedom. Iraq's WMD program spanned more than 2 decades, involved thousands of people, billions of dollars, and was elaborately shielded by security and deception operations that continued even beyond the end of Operation Iraqi Freedom.

He goes to say that the result talks about the period from 1991 to 2003 where much of what we expected to find in Iraq was based on very, very limited information. He talked extensively about what they have found and what we have not found. He said, "What we have not found are stocks of weapons, but we are not yet at the point where we can say definitively that such weapon stocks do not exist or that they existed before the war and our only task is to find where they have gone."

Mr. Speaker, why are they having such difficulty? Here are some reasons. All of Iraq's WMD activities were highly compartmentalized within a regime that ruled and kept its secrets through fear and terror. It is hard to find out what was going on in Iraq. Deliberate dispersal and destruction of material and documentation relating to weapons programs began pre-conflict and ran trans- to post-conflict. They destroyed the evidence and the information that would have clearly and quickly outlined for us exactly the programs they had in place. "Post-Operation Iraqi Freedom looting destroyed or dispersed important and easily collectable materials and forensic evidence concerning Iraq's weapons of mass destruction program."

The report covers in detail the significant elements of this looting that were carried out with a clear aim of concealing pre-Operation Iraqi Freedom activities of Saddam Hussein's regime. Some WMD personnel crossed borders in the pretrans-conflict period, and may have taken evidence and even weapons-related materials with them.

Another reason we are having some difficulties, any actual WMD weapons or materials are likely to be small in relationship to the total conventional armaments footprints and difficult-to-near impossible to identify with normal search procedures. It is important to keep in mind that even the bulkiest materials we are searching for and the quantities we would expect to find can be concealed in spaces not much larger than a two-car garage.

But what have they found? This is not only about why it is difficult. What he is telling us is why we maybe did not just walk into Baghdad or Iraq and say here is the warehouse, and here is all of the information. He is telling us why it is difficult, and he says they have found dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002.

Continuing on, he gives a few examples of these concealment efforts, some of which I will elaborate on later. They include a clandestine network of laboratories and safehouses that contained equipment subject to U.N. monitoring and suitable for continuing CBW research; a prison laboratory complex, possibly used in human testing of biological agents; referenced strains of biological organisms concealed in scientists' homes, one of which can be used to produce biological weapons; new research on biological weapons applicable agents, documents and equipment hidden in scientists' homes that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation; a line of UAVs not fully declared at an undeclared production facility and an admission that they had tested one of their declared UAVs out to a range of 500 kilometers, 350 kilometers beyond the permissible limit; continued covert capability to manufacture fuel propellant useful only for prohibited SCUD variant missiles; plans and advanced design work for new long-range missiles with ranges of up to 1,000 kilometers, well beyond the 150-kilometer range limit imposed by the U.N.; clandestine attempts between 1999 and 2002 to obtain from North Korea technology related to 1,300 kilometer-range ballistic missiles.

They faced systematic destruction of documents. With regard to biological warfare activities, he stated that Iraqi survey group teams are uncovering significant information, including research and development of BW-applicable organisms, the involvement of Iraqi intelligence service, and possible biological weapon activities and deliberate concealment activities.

All of this suggests Iraq after 1996 further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of biological weapons agents. Debriefings of IIS, Iraqi Intelligence Service, officials and site visits have begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the U.N. and was previously unknown. They are still working on determining the extent to which this network was tied to large-scale military efforts or BW terror agents; but this clandestine capability was suitable for preserving BW expertise, BW facilities, and continuing R&D, all key elements for maintaining a capability for resuming BW production.

The Iraqi intelligence service also played a prominent role in sponsoring students for overseas graduate studies in the biological sciences. No big deal, except, the quote continues, according to Iraqi scientists and Iraqi intelligence service sources providing an important avenue for furthering BW applicable research. Interestingly enough, this was the only area of graduate work where the Iraqi intelligence service appeared to sponsor students.

Another quote, in a similar vein, two key former BW scientists confirmed that Iraq, under the guise of legitimate activity, developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved simplified fermentation and spray-drying capabilities for the simulant BT that would have been directly applicable to anthrax. One scientist confirmed that the production line for BT could be switched to produce anthrax in one week if the seed stock were available.

Another area that needs investigation, another quote out of the report, additional information is beginning to corroborate reporting since 1996 about human testing activities. Let me repeat that: reporting since 1996 about human testing activities using chemical and biological substance, progress in this area is slow given the concern of knowledgeable Iraqi personnel about their being prosecuted for crimes against humanity.

I have only got a couple of minutes left; and the report that Dr. Kay has issued is an interim report, and I think that this report is now going to be available, or this portion, the declassified portion is going to be available to the American people.

When you read through here and you take a look at the concealment of these different programs from the U.N., the systematic effort to hide and destroy relevant information, and then the things that we have found already, the different labs, the discussion about human testing, the different efforts that they had that were under way, the work that they had going on in a number of different areas, it becomes clear quickly that we need to do two or three things, the first of which is we need to let Dr. Kay finish his report and to finish his work. As he states at the front end, it is too early to draw any conclusions as to exactly what was going on, what was available, and where Saddam Hussein was going. We need to let Dr. Kay finish his work so that we will have a clear understanding of what was and what was not available in Iraq, and that is going to be a very difficult task given the destruction of materials and the environment that we have in Iraq today.

The second thing that we need to do is we need to make sure that we give Dr. Kay the resources to get the job done.

The third thing we know is there was a lot of stuff going on in Iraq, and the approach that Dr. Kay is taking is exactly the kind of approach that we need to take. Dr. Kay really has three criteria that he talks about before he will reach conclusions on exactly what Iraq has. He wants to find physical evidence, the materials or the equipment that demonstrate that certain programs or activities were under way. He wants to find the documentation that says here is the equipment, here is the documentation that outlines what this equipment was intended to do, and then the third piece that he wants to put with this is these are the Iraqis that were working the plan and working the equipment so that he has put all of the pieces together. That is exactly the kind of approach that we need to take, rather than asking Dr. Kay or others to jump to conclusions based on the piecemeal information that we have today.

In this report, Dr. Kay talks about the mobile labs. They have found mobile labs. So they have a piece of the puzzle. They have found mobile labs, but rather than reaching a conclusion and saying what they were or were not used for, since they only found the mobile labs and they have not found the documentation and they have not found the Iraqi personnel that might have been operating these labs, we are at this point in time speculating what they may have been used for and capable of; and Dr. Kay has simply in this report said we are not reaching a conclusion or making a decision as to what we believe that equipment was being used for. We are going to wait until we find the Iraqis; we are going to wait until we have an opportunity to uncover the documents that will outline exactly what these bio labs or what these laboratories, mobile labs, were going to be used for.

The professionalism of Dr. Kay and the process that he is going through are exactly what we need to have in place at this point.

□ 1800

I think that the report today that was issued, the portions of the report that were made public, the portions of the report that are still classified, should give us the highest degree of confidence that Dr. Kay is going through this in exactly the right way that it needs to be done and that there are a number of very, very serious issues that need to be pursued and that we need to get to the bottom of. It will help us to better determine the accuracy and the effectiveness of our intel before the war, but also it will give us a better understanding as to how far chemical and biological weapons had progressed in Iraq, and we need to know that so that we will also have an idea as to what at some point in time may have been transferred to others who may want to do us harm.

THE SITUATION IN IRAQ

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The balance of the majority leader's hour is reallocated to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I rise today to discuss the troubling situation in Iraq and the difficult legitimacy challenges posed by the U.S.-led coalition victory. In particular, I am convinced that the best way to develop international support for reconstruction efforts and reduce violence in the country is for the U.S. to maintain preeminent military leadership but grant the United Nations explicit authority for managing Iraq's political transition.

As my colleagues are aware, Ambassador L. Paul Bremer, III, head of the Coalition Provisional Authority in Iraq, testified before several House committees last week regarding the administration's supplemental appropriations request for Iraq. In explaining administration policy, he outlined a number of constructive measures aimed at creating a sovereign, democratic, constitutional and prosperous Iraq. These included bolstering the security situation in the country and advancing bold economic reforms designed to refashion the Soviet-style command economy bequeathed by Saddam into a vibrant free enterprise model for the region.

Ambassador Bremer also laid out a seven-step political transformation process. According to the Ambassador, three of the steps leading to sovereignty have been completed: In July, an Iraqi Governing Council was appointed; in August, the Governing Council named a Preparatory Committee to recommend a mechanism for writing Iraq's new, permanent constitution; and in September, the Governing Council appointed ministers to run the day-to-day affairs of state.

Additional steps include developing a process by which the Iraqis write their own constitution, and here Secretary Powell has expressed the hope that this could be completed in the next 6 months, although others have expressed doubts about the time frame; ratifying the constitution by popular vote of the entire adult population; holding elections for a new Iraqi government; and, finally, following elections, formally transferring sovereignty from the Coalition Provisional Authority to the new government in Baghdad.

These are reasonable and responsible steps, but to address unresolved questions about the legitimacy of America's role in Iraq, I believe that there should be a further interim step, call it step 3(a), added to Ambassador Bremer's list: a reduction of Washington's virtually exclusive political authority, as exercised through the CPA, and an enhancement of the role of the United Nations in the governance process.

In an American historical and philosophical context, legitimacy is derived from the consent of the governed through democratic elections. In many societies, governments attempt to derive legitimacy by other means, through history and tradition, through precepts like the divine right of kings, through theocratic assertions as well as, to paraphrase Mao, the barrel of a gun.

In Iraq, the problem is both obvious and profound. The removal of Saddam Hussein and the process of de-Baathification have left a vacuum of power. This vacuum has been filled, in part, by U.S. and other coalition authorities, civil and military, and in part through a de facto devolution of power to informal groupings based on local ethnicities, tribes, religion, and even organized crime. As we all understand, supporters of the old regime within Iraq, aided by jihadists from abroad, remain engaged in acts of violence and sabotage aimed at destabilizing the new order. In addition, the occupation's U.S. face has heightened suspicion and anger in Iraq and much of the Muslim world where many people view intervention as part of a Washington agenda to control the region and its principal resource, oil.

The U.S.-led military authority, following extensive consultation with the country's major political factions, appointed an Iraqi Governing Council. The U.N. Secretary General and the late Sergio de Mello, the former U.N. special envoy to Iraq, supported the representative nature of the Council. But for Iraqis the Council still lacks legitimacy because it was selected by an outside power which maintains a veto over decisions.

In this context, it is impressive to reflect upon the fact that at every turn in the last century the world has underestimated the power of nationalism. In Iraq, all of us are learning anew how close we are to the Hobbesian jungle where life is nasty, brutish and short and how impressive, for good or ill, is the power of nationalism, the desire of people to carve their own destiny, to make their own mistakes.

What appears clear at this juncture is that the return of Saddam Hussein will not be countenanced either in Iraq or in the region; what is unclear is whether the current nation-state boundaries will hold, whether chaos will be unleashed, whether democratic aspirations will produce lasting democratic institutions, whether economic and social change will be fast or fair enough to satisfy the enormous expectations of the Iraqi people.

At the end of the Second World War, the U.S. was part of a coalition of victors in the greatest struggle of the 20th century. Postwar circumstances afforded the U.S., as the preeminent global superpower, the luxury of being able to control sovereignty in Japan until 1952 and, to a lesser degree, in West Germany until 1959. Today, by contrast, the world is more impatient. The nature of the Middle East, the Muslim world and modern communications is such that the circumstances that prevailed in the late 1940s allowing for an extended, uncontested American occupation no longer exists.

The most propitious position for the U.S. today is not to rule Iraq as a victorious occupying military force but instead to share accountability with the international community in such a way that it becomes clear that Saddam Hussein was not principally a threat to America but to his own people and civilized values in general. The war should be considered won on behalf of, not against, the Iraqi people.

American civilians who have been asked to serve in Iraq are some of the finest civil servants in the world. I have the highest respect for Ambassador Bremer and his principal deputy, Walter Slocum, as well as people like Peter McPherson, the president of Michigan State University, and Charles Greenleaf, also of Michigan State, who have come in to help lead reconstruction efforts and civil affairs.

But in order to establish consensus and legitimacy from parties outside as well as inside Iraq for efforts to rebuild the country, the U.S. would be wise to accept an international civil authority as a prelude to transferring power to the Iraqi people through a constitutional process.

We also might consider lending more legitimacy to the Governing Council by a symbolic transfer of sovereignty and the seeking of support for it to occupy Iraq's U.N. seat during the transitional period.

From a military perspective, the United States Armed Forces could not have performed more professionally and valiantly than in the initial engagement. But in no small measure because the civilian governance is considered illegitimately Americanized by much of the Muslim world, U.S. subjects have become targets for anarchistic attacks by groups and individuals who claim the mantle of nationalism and religious authority. Baathists from within and anti-American cohorts from without need to understand that Saddam Hussein's kind of rule is anathema to all civilized values.

The issue of relegitimizing the Iraqi government is one of timing as well as intent. Timing that is tardy can jeopardize the safety of American soldiers in Iraq and also serve as a spark for a potential surge of terrorism around the world. What is new in international relations is that the religious and national instincts of an embarrassed people can become a rallying cry for sympathizers to lash out in other societies. And what is different from the U.S. experience as an occupying power after World War II is that Iraq, like the Balkans and Afghanistan, has significant religious and ethnic subgroups at odds with one another. Iraqi society is neither homogenous as Germany and Japan were, nor a social melting pot like America is. Iraqi nationalism is thus complicated by sub-national identifications and supra-national religious and regional communities of value.

As a military challenge, Iraq is not like Vietnam. It is much more containable. But as a challenge to the international social order, it is far more difficult than Vietnam. After all, weapons of mass destruction were not at issue in Vietnam. Nor was a clash of civilizations in play except in the sense of the contrast of democratic forces lined up against the secular ideology, communism.

Unless we recognize that while there is certain Iraqi appreciation for the coalition's overthrow of Saddam, any support for our post-war leadership is tenuous and respect for our intervention is virtually nonexistent in the rest of the Muslim world. Cultural differences, particularly religious, coupled with the aftershock of military defeat, the continuance of terrorist attacks and the lack of immediate prospect for self-determination form a political stew that easily boils over.

Our traditional European allies have by intent or happenstance triangulated the U.S. and, to a lesser extent, Britain into a singular standoff with the Muslim world. Osama bin Laden began his terrorist initiatives speaking of a Muslim clash with the West. Now radical Muslim rhetoric is aimed almost exclusively against America. Our goal should be to make clear, in voice and policy, that we do not stand alone. Because of dissent between Europe and America, it might be wise to look to new leadership for the Iraqi transition in other parts of the world. An individual from a noncoalition country may or may not be as competent as Ambassador Bremer and his staff, but a change of faces has the potential of changing the face of the circumstance Iraqi people and the Muslim world see every day.

As one who dissented from the decision to go to war but respects the integrity of the individuals who made the decision, I am convinced that we must all now work together to get out of the predicament we are in. Nothing could be worse for world order than long-term American entanglement in Iraq. Respect for American leadership and American values has seldom been more on the line. We have to come together with the rest of the international community in a collective effort to make Iraq a better country than the society we attacked. The consequences of failure would be catastrophic.

I recently returned from a trip to the Far East where I urged our friends in the region to help. An isolated America, I warned, is likely to become an isolationist America. The ramifications for international trade as well as politics are potentially explosive.

At the height of the Vietnam War, Senator George D. Aiken of Vermont became famous for a policy suggestion in the form of a quip. He argued that the U.S. should simply declare victory and get out.

Iraq is not a circumstance in which the U.S. should be trumpeting military victory despite its decisiveness. But little could be more appropriate than to announce a change in policy based on the fact that our principal mission has been accomplished, ridding Iraq of a despotic dictator and eliminating the near-term prospect that Iraq could become a center for the development and distribution of weapons of mass destruction, whether or not Saddam had a significant WMD capability prior to U.S. intervention.

Having intervened, the U.S. cannot end its responsibility until Iraqi society is back on its feet in a credible, progressive and legitimized governance basis. The question is whether that basis is more likely to be achieved with Americanization or internationalization of responsibility.

My sense is that the establishing of a more progressive government in Iraq will be achieved earlier and with substantially less bloodshed if it becomes clear that Iraq is being put back together under the mantle of an international mandate rather than by an intervening military power.

□ 1815

The goal should be to emphasize the idealism of the challenge before us rather than dwell on realpolitik posturing which can too easily trigger increased anarchy and even a clash of civilizations. Strength, to be sustainable, must come from a balance of judgment that brings respect rather than resentment from the rest of the world. Otherwise, an intervention designed exclusively to diminish terrorism could serve as a rationale to expand terrorism around the world, including on our own shores.

Four decades ago, the British author Lawrence Durrell wrote a series of novels called the "Alexandria Quarter" in which he describes a set of events in Alexandria, Egypt, before World War II. A seminal literary experiment in the relativity of human perception that was named one of the top 100 novels of the last century, each of the books viewed the same events through the eyes of four different participants. The full story cannot be comprehended without synthesizing how each of the protagonists viewed events from his or her own individual perspective.

Today, in Middle East, we have an analogous circumstance. For the full story of Iraq to be understood, we need to understand how events are perceived through very different sets of eyes and very different sets of reasoning. American policy makers, for instance, generally reason in a pragmatic, future-oriented manner. Much of the rest of the world, on the other hand, reasons more generally, by historical analogy. Events centuries back play a definitively greater role in judgments made about policies today.

Symbolically,the nature of the radically different way Americans and Middle Easterners look at the world is reflected in the startling statistic that four out of five Al Jazeera viewers believe a French author who claims that the plane which blasted into the Pentagon on 9/11 was actually a U.S. military aircraft ordered by the U.S. military to hit itself in an effort to justify the invasions of Afghanistan and Iraq. This kind of conspiracy theory is instantaneously understood as ludicrous in America, but not elsewhere. In fact, even in the heart of the democratic Europe, conspiracy theories about the events of 9/11 have topped best-seller lists. Intriguingly, from a Muslim perspective, the fact that nearly 70 percent of the American public believe that Saddam Hussein was personally involved in the attacks of September 11 appears equally uncompelling. Muslims note that no Iraqi citizen was involved in the attack and believe that alleged evidence of Iraqi complicity is peripheral and tangential at best.

On the other hand, virtually the entirety of the Muslim world recognizes Saddam to have been a sadistic dictator. There is no public support for him, but extraordinary consternation that a Western power would intervene in the Middle East in the way it did.

It is possible to suggest, from an American perspective, that since we received inadequate support for the UN, it makes little sense to cede authority to outsiders now. On the other hand, if one does not rebalance transitional governance in Iraq, it is hard for America to suggest to the international community that all countries have an obligation not only to support the governing authority but provide reconstruction assistance.

The question is whether America would be better off with a new Security Council mandate that gives responsibility for coordinating the political transition process to the UN, assisted by American experts already in the field, while maintaining the U.S. role in military and internal security concerns, or whether we want to continue to bear near exclusive responsibility for a country with a government lacking legitimacy.

I am convinced that the fact that the U.S. did not get solid support from the UN, prior to the invasion, underscores the importance of seeking greater international legitimacy in the transition to a democratic Iraqi Government.

Simply put, legitimacy delayed is security denied.

PRIVILEGED REPORT REQUESTING PRESIDENT TO TRANSMIT REPORT ENTITLED "OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED" AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POST-WAR IRAQ

Mrs. MILLER of Michigan (during special order of Mr. LEACH), from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–289, Part 2) on the resolution (H. Res. 364) requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq, which was referred to the House Calendar and ordered to be printed.

IMMIGRATION, OVERTIME, AND RUSH LIMBAUGH

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are several items that I would like to comment on and share with my colleagues.

We had a very powerful day today. Hundreds of immigrants and immigrant supporters, friends of this Nation, parents and sisters and brothers and neighbors of some of the young men and women that are now on the frontlines of Operation Iraqi Freedom came to the Nation's Capitol to speak to the issues of civil rights and human dignity. They came in what we call the Immigration Freedom Ride. They leave tomorrow morning on to New Jersey and then to go to the seat of Ellis Island in New York to be able to restate to all Americans that we all came from somewhere, and that this Nation is bountiful because each of us were able to contribute our own culture and the respect for human dignity. They ask simple things, Mr. Speaker, and that is access to legalization, the ability to reunite their families, and civil rights and civil justice. They came in the spirit of the Freedom Riders of the 1960's and the first ones in the 1940's. They came in a spirit of Martin Luther King and the gentleman from Georgia (Mr. LEWIS), our own colleague. They walked across the bridge in Selma, Alabama, the Edmond Pettus bridge. They realize that the two have now intertwined: their quest for civil justice and civil rights, as our quest, the Freedom Riders' in the 1960's quest for civil rights and civil justice. And they call upon America's goodness, just as we who are African Americans, maybe called colored, maybe called Negros in the early 1960's pressed the case that we too were Americans.

I believe it is time now for this Congress to put in place legislation that deals with earned access to legalization, to be able to say that if they have not committed a criminal act, that they are here working, they may be undocumented, they are paying their taxes, that they should have the access to being able to apply for citizenship. I believe we should pass 245(i) to reunite our families. And, yes, I believe that we should treat all people with human dignity.

And so, Mr. Speaker, I rise today to remind my colleagues that we are the people's House. We should open our doors to this voice and the voices that cannot be heard or the picture of the young lady that was shown to me who is suffering because she cannot access a kidney transplant, and she came here as a baby and is still here at 21 years old and dying with kidney failure. How unmerciful can we be? And I would ask that my colleagues consider a real immigration policy for this Nation that deals with the security of this Nation, the justice of this Nation.

And then might I say very briefly, Mr. Speaker, we spoke today on the floor of the House about an untoward legislative initiative that would force hardworking Americans to overcome or to be able to eliminate their overtime. I said overcome. I wish we could overcome it. We won the instruction to the Labor-HHS conference to say that we do not want to eliminate America's overtime. Hardworking Americans, our first responders, restaurant workers, white-collar workers, people who are putting their children through college, the only way they do it is through overtime. What an insane proposition that we would even believe that is the right thing to do with the economy stumbling as it is.

And then, Mr. Speaker, I come to say something that I wish I did not have to do. That is to bring to task Rush Limbaugh, who has been blessed by being in this country, having the freedom to say anything he desires to say. The first amendment gives anyone the right. It protects free speech. It respects sometimes hostile speech. Rush Limbaugh decided that he had the latitude to be on ESPN and to castigate an African-American quarterback. And as I stand here today, I insist that he has the right to free speech. He has castigated those of us in public life every day of the week. He spoke with great insult of President William Jefferson Clinton. Not that he has no right to say that, but he disrespected, from my position, the position of the Presidency. But what Rush Limbaugh does, and what is an insult, is that he continues the stereotypes and stigma and does not respect the human dignity of all people.

Rush Limbaugh, I say to you, you have a first amendment right, but you have no values. You have no ethnic respect. You have no dignity and no integrity, and you do not know what it is to hurt people.

All I can say is that it is time now that we stand up against this kind of bigotry and hateful speech, and I stand, today, against it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

QUESTIONS CONCERNING MONEY FOR IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, this evening the Congressional Black Caucus is coming before this Congress to address the issue of the $87 billion that the President just recently requested of this Nation to continue our efforts in Iraq and in Afghanistan. We certainly are a group of 39 people, and I often say 39 very gifted legislators, who are simply ordinary people called to an extraordinary mission, and in the process of doing the extraordinary, I do believe that we have become extraordinary. And we have been consistently standing up for our troops over and over and over again because they are our children, they are our brothers and sisters, they are fathers, they are mothers.

And just the other night, Mr. Speaker, at the Congressional Black Caucus annual banquet, we were very pleased to honor Sergeant Shoshanna Johnson, who of course we know was shot in both feet and taken captive in Baghdad. So tonight we come to address this $87 billion because it is our belief that our troops must be supported, but at the same time we are very clear that we need to look at the moneys that are being spent on what I would title the resurrection of Iraq after we tore it down, and we want to look at both sides of it.

In other words, we want to look at the money that it is going to take to support our troops, but at the same time we want to look at the money that will be spent, and is being spent, for these no-bid contracts and for repairing the infrastructure of Iraq while the infrastructure of so many of our cities and our rural areas are falling apart. We want to certainly look at the issue of schools, building a new school system. And it has all been on the news here recently, particularly today and yesterday, about how the Iraqi children are now beginning their school year, and certainly we are a very compassionate group of legislators, but at the same time when we go back to our districts, we fail to understand why it is that so many of our children in our districts are sitting in classrooms with rain falling on their heads and trudging through mud because they are in portables or they have situations where they are in overcrowded schools. So we question that.

We also come questioning the whole question of elections. It is our understanding that a substantial amount of money is going to be spent on making sure that Iraq has a wonderful election system. And then we look at what we just saw here in the United States, the fiasco down in Florida and throughout the United States with our election process in the year 2000. And we believe, as the Congressional Black Caucus, that we are asking the basic questions, the questions that anybody would ask in any very serious family matter. This is not rocket science stuff. Questions like, Mr. President, we just spent $80 billion. What did we do with that?

□ 1830

And can you account for that and tell us what that was spent for? Questions like, it is our understanding that there is quite a bit of oil over in Iraq, and we want to know simply what that money is being spent for, because we were promised a long time ago that that money from those oil reserves would be used to resurrect Iraq but, at the same time, you now come to the American people asking them to do it.

The other thing that we are certainly concerned about is that we hear over and over again that we are fighting terrorism for the world, and we do believe that. But at the same time, we ask the question, if we are fighting terrorism for the world, if there is going to be substantial benefit to the world, why is there not substantial giving or sacrifice on the part of other countries?

And certainly we want to know the exit strategy. One of the things that the President said when he was running for office, and we certainly hold him to it, as the American people do, is that he would never go into another country, let our Armed Forces go into another country without having an exit strategy. We want to know what the exit strategy is.

Then finally, and there are some other questions that will be raised by my colleagues, but certainly we are very interested in knowing, how do we measure success. The answer has to be very clear with regard to our schoolchildren, and he has made excellent arguments about how we need to measure how our children are doing. That is all well and good. So we come to the President asking him, exactly how do we measure our accomplishments in Iraq?

I am so glad that this evening I am joined by my colleague who sits on the Committee on Armed Services, the gentleman from Florida (Mr. MEEK), a freshman who is just doing a great job. But the gentleman has an opportunity to look at it from an armed services standpoint, and I would like to hear from the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding. I am just so pleased how the gentleman from Maryland (Mr. CUMMINGS), as chairman of the Black Caucus and also just as a Member of Congress, is asking the kitchen table questions. These are common questions that we took under assumption, we assumed, when the Commander in Chief, the President of the United States, and the Defense Secretary, Donald Rumsfeld, came to us and said, this is the situation, this is the case at hand, this is what we need to do. Some of us agreed, some of us did not agree, but genuinely as Americans, we said that we want to support our troops and their families; and we went right to work, thinking they were going to do the right thing.

We talk about the money. Mr. Speaker, $87 billion is an awful lot of money. That will buy quite a few new schools in our country. That will put forth quite a few opportunities as it relates to our youth in our communities. But as I look through this, finally, I just want to say to the gentleman that, finally, we got a plan, or what they call a plan, from the administration on Iraq and the reconstruction of Iraq; and that is supposed to explain the $87 billion.

I will tell my colleagues this, that what makes this plan flawed from the outset is the fact that this administration has said, the President, Donald Rumsfeld, and other leaders in the administration have said that we are going to the U.N. and we are going to get $12 billion from the U.N. We are talking to our friends at the U.N. Well, the President had an opportunity to go to the U.N. and make his case, but he did not make his case. He went saying the same thing that he said before to the U.N. And now, just today, just recently, the U.N. has agreed to $234 million. Mr. Speaker, $234 million is a far cry from $12 billion.

We of the Committee on Armed Services talk about the future need, which this administration is very reluctant to talk about. Yesterday, I think on Tuesday, Secretary Rumsfeld went before the Committee on Appropriations as it relates to armed services or military services, defense, and was very accurate as it relates to 14,000 recruits for the Iraqi police force, and some 50-something thousand Iraqi soldiers already out there. But when we asked the question, how many troops do we have? Well, that is kind of hard to gauge right now. Well, how many coalition troops do we have, of the willing? I must add. Well, that is kind of hard to gauge also. Well, what is going to be our future for us, leave alone 12 months from now, but 6 months from now? Well, that is all so hard to predict. We are at the U.N. now trying to put together, and they talk about this coalition of countries, but the coalition of countries of the willing, they are few. There are very few countries that have come forth that have put real people and real troops on the ground. Why would they want to put troops on the ground when this administration is not willing to give up some of the decision-making in Iraq?

The gentleman from Maryland hit it right on the head when he spoke so eloquently just moments ago by saying that if there is terrorism throughout the world, we cannot solve the terrorism problem throughout the world by ourselves. We do not have the money. Can I say that again? We do not have the money to be able to spend the millions, no, billions, and we are about to get to trillions, on borrowed money.

Some of the things that have taken place are just ironic. I am so glad the gentlewoman from California (Ms. PELOSI) and her staff and others have gone forth to really look at the kitchen table questions, like the gentleman from Maryland mentioned. We are looking at the cost of them wanting to build two prisons over in Iraq, 4,000-bed prisons, $50,000 per prison bed, when we build prison beds right here in the U.S. for $26,000. What is the difference? Once again, we look at just the issue of communications. $6,000 per radio phone. The Bush administration has requested $1.3 million for 400 hand-held radios, when here we can go down to the local Radio Shack and buy the same thing for $54.99.

So when we start looking at, as we finally get outside of them saying this is what we want, do not ask any questions, because if they do not answer our questions, I say to the gentleman, then when will the questions be answered? Should we just write the check and say, okay, we are patriotic, God bless America, and Mr. President, we love you, and Mr. Rumsfeld, we trust you? At no other time in recent history has the Department of Defense taken on the rebuilding of a society which we have gone into and have conquered in a battle, which the President brought us into several months ago, that the State Department does not have a say in this. The Department of Defense is still there, so we are still at war.

Mr. Speaker, I look forward to continuing this conversation.

Mr. CUMMINGS. Mr. Speaker, before I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Florida said something that really hit home. I too thank our leader, the gentlewoman from California (Ms. PELOSI), for all of her hard work and the work of her staff. When we look at some of the information that we have been looking at here lately with regard to this whole $87 billion, it is very interesting to know that that $87 billion can do a lot of things with regard to our education system. Mr. Speaker, $87 billion will hire 2 million new teachers. That is a lot of teachers. And we could spend an additional $1,824 on each child in American public schools. We could spend seven times more than the President's proposal for title I education programs in fiscal year 2004.

The reason why we are bringing this up is because we want people to understand that we just spent about $80 billion a few months ago, and now the President is talking about another $87 billion. And again, one of those kitchen table questions is what should we expect in the future, Mr. President? Will you be coming back to us asking for some more money?

Some people look at it and say, oh, you are attacking the President. It is not about attacking the President. It is a question of accountability. What we want the President to do is be accountable.

Talking about accountability, the gentlewoman from Texas (Ms. JACKSON-LEE) serves on the Committee on Homeland Security. I know the gentlewoman has a number of comments she wants to make. But when we look at what we are doing with homeland security, we are very concerned about homeland security. I get complaints, and I am sure the gentleman from Florida (Mr. MEEK) does, from our mayor and our local fire departments about the fact that they do not have the kinds of things, the equipment they need to really be true first responders. I just was wondering, how does the gentlewoman see this $87 billion request with regard to homeland security?

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman raises a very good point. I am very pleased to join my colleagues, and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, for addressing this crucial issue. We are grateful for the expertise that the gentleman from Florida (Mr. MEEK) brings to us on this issue, as a member of both the Committee on Homeland Security and the Committee on Armed Services.

But the gentleman has really hit the nail on the head. If I might build up to that answer, because when we hear where we are in terms of dollars, and it was so good for the gentleman to cite teachers, because 2 days ago a distinguished colleague of ours down on the floor of the House said that each child starting school in Iraq, and I applaud the fact that these children are starting school, would have a book bag to take to school. And I applaud that, I say to the gentleman. But the gentleman from Maryland mentioned teachers. I do not know how many of our young children in some of these inner city districts or rural districts are given a book bag or even books, each child, to take with them to school. This does not diminish the need in Iraq. But I think what we are trying to explain to the American people is this is about choices.

Just to let my colleagues know how we are giving away money, and I am going to add some more money on top of the $87 billion, is that we passed a continuing resolution a couple of days ago, a CR. What that does, because we have not met our obligations, and the majority is in charge, the Republicans of the Senate and the House, that means that we will spend an extra $2.2 billion more than the 2004 funding limit because we have not yet put in place and finished all of our appropriations and we have a CR. The CR accomplishes this feat by shifting $2.2 billion of previously appropriated 2004 education funding back to fiscal year 2003. It is sort of a gimmick. So we have $87 billion, and now we are spending an extra $2.2 billion. We do not know where that is going; it is just sort of filling the gap to keep us going.

One of the reasons we are doing that is because even as the President is asking for the $87 billion, he is not rolling back this tax cut that we have given to

1 percent of America's richest individuals. So we are spending $1 trillion to pay them, and we are asking for $87 billion.

Now, let me contrast that with homeland security. The gentleman is absolutely right. In this last budget, we were between 59 and $79 billion for homeland security, leaving out, however, many of the issues that my colleague, my good friend, we discuss all the time. We are not up to par where we need to be in cybersecurity. We had one of our very fine representatives of the Homeland Security Department come and testify in the last 10 days and said, I need a Department of 800 persons. I have only 200 that are staffed up at this point. My local communities, police, and fire departments have already indicated, and I am talking about across the Nation, police and fire, that means sheriffs, constables, are still waiting for those direct funds to help them with the extra dollars that they have expended responding to our color alert. They responded to our color alert and have billed on the overtime for responding when we have upped it to an orange alert, right short under red alert. So the gentleman asks a very good question.

Let me throw all of this up against this backdrop, which is, I believe, we should bifurcate and vote separately on the resources necessary for the troops. Because the gentleman from Maryland said it, and I think the Congressional Black Caucus has been very clear in everything that we have said, because our constituents are those on the frontline. We have been very clear. We support them. We support their families. In fact, we have been on the frontline about where are the benefits for these troops that are returning home; where are the veterans benefits; where are the mental health and trauma dollars that we understand Fort Bliss in Texas are cutting back on mental health services that are needed for returning troops.

But let me just say this: the $87 billion, I have been told, is the largest supplemental request, supplemental, because this is not in our normal budget, supplemental request in history. It totals more than the seven smallest supplemental bills that we have funded over the last term of this Congress. It is more money than we spent in Vietnam. Tragically, 50,000 of our young men and women lost their lives there. But it is more money than we have spent in Vietnam, including all of the defense appropriations during that era from 1965 to 1975. It is more than that.

Our good friend, the gentleman from Florida, made another point. Because as the gentleman well knows, we have had a series of discussions, and there was a set of principles that I sent out, and I think our good friend from Florida, the distinguished gentleman from Florida, said it and the gentleman from Maryland said it: the President made a commitment to go to the United Nations. I was in New York when he spoke before the General Assembly, waiting for sort of the olive branch to encourage our allies to give the big dollars that we needed to truly make a dent. Just like President Bush One in the Persian Gulf had a real coalition, whether we agreed or disagreed with the war, the total spent in that war was $62 billion; and the United States spent only a total of 7.5 in the Gulf War, where hundreds of thousands of troops that included troops from all over the world were in that war.

So what we have here is a failure of the President to heal the rift, so that we can sit down and get an extended commitment of dollars. I think $234 million is a pittance compared to the $12 billion that would truly have an impact on the $87 billion.

□ 1845

So let me just finish because I see my friend, the gentleman from Florida (Mr. MEEK), has a point to make.

Mr. MEEK. I say to the gentlewoman from Texas (Ms. JACKSON-LEE) the unanswered questions are huge. These are not just small unanswered questions. We talk about deficit spending. I want to remind Americans that we are talking about borrowed money. We are not talking about money we have in our pocket. We are talking about borrowed money.

Quickly, there is still not an accounting for the $80 billion that we passed out last spring, that we entrusted to the administration, as it relates to the deployment of 30,000 troops and reserves from their homes.

Also, Secretary Rumsfeld, who I must say is getting very irritated with the fact that people are asking questions, he had a press conference today and chastised the press and said they are not reporting about the good things the Members of Congress that went over to Iraq had to say about what was going on. Well, you know, that is fine. We have gone to the region. The gentlewoman from Texas (Ms. JACKSON-LEE of Texas) and I, we have gone to the region. That is fine. That is okay for him to have some concern there. But do not get upset with the press.

We are getting down to the nitty-gritty of saying, Mr. Rumsfeld and President Bush, you have got to let us know what is going on. If you can be accurate on 56,000 Iraqi soldiers that our military are training and 4,000 police officers that have been recruited, the figures that he gave this past Tuesday, but he cannot give us a count on our own soldiers, something is wrong. These are unanswered questions.

The administration, as it relates to the fine print on contractual services, remember we have $20-plus billion in this request in the rebuilding of Iraq, and the administration is saying, you know, do not put any language in the bill that will tie our hands so they can continue to give sole-source contracts.

Now, we all know, as lovers of public education, as lovers of what we have to do to even make our homeland safe and children ready to learn when they get in school, think about how many Head Start programs who have to go through yards and yards and stacks of paper to prove their funding. I think it is important, Mr. Speaker, that we have that fine print there.

I am glad the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) talked about the numbers. We are taking a credit card with a very high interest rate and paying for this so-called "trust me" without the help of the rest of the world. The last time the President went to the U.N., Mr. Speaker, I must add, and left with the kind of reception that he got, which was a bad one, we ended up by ourselves. And we are by ourselves now.

Ms. JACKSON-LEE of Texas. If I could just finish and build on what my good friend said. He is absolutely right. I mean, the lack of interest, unfortunately, in the presentation made by this administration to the U.N. in the last 10 days, when all of the world was watching and all of the world was there and at least seemingly wanting to provide the kind of broad coalition which would be the key to the aftermath of Iraq, we did not rise to the occasion.

So I think this idea of voting separately for the rebuilding which allows us to then rebuild the friendships and move that dollar amount up from $234 million, that shows that that is the result of an unhappy group of allies. We realize that these are all issues of permanence and all friends are tentative, but I think there is a common interest that we want to make sure that the region is secure and the region is stable. Even we are not doing that by having the kind of negotiations that this administration needs to have.

Let me conclude by saying this: We have to support the troops to the extent that they are on the front line. So it is imperative that the document that the gentleman from Florida (Mr. MEEK of Florida) was holding up is a document that has gone through a fine tooth comb.

Because what we find the greatest failure in Iraq being, besides not finding the weapons of mass destruction, as David Kay has now come back and indicated that even his team of 1,500 have not been able to document the basis upon which we say we went to war, and the fact that we were told that we were about to be imminently attacked, so that is clearly something we should pursue, but we are now there and we are told, and I guess my friend has more of these facts because I think he was raising it, that our very troops do not have the kind of ammunition, armor, and equipment that they need to do their job.

How in the world can the Secretary of Defense be insulted by media questions? He should be here before us, before any committee of jurisdiction or a caucus of Members who have the responsibility to ask these questions for their constituents, to answer these questions.

Let me list them: Portable jammers. What does that mean? It means that those of you who are trying to, using my own term, de-explode a land mine, do not have to go up to it to do it. You can stand back and do that. That causes less of a loss of life.

A non-broke-down Humvee. We see the ones that the kids of the rich are driving, but this is a serious vehicle, broke down.

And then the other one is body armor.

These are the hard questions that I believe this special order is generating. I am grateful that we have the opportunity to dialogue on this, and I hope that our colleagues and the administration realize how serious we are in these questions and how impossible it would be to vote for the $87 billion under these circumstances.

Mr. CUMMINGS. I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE of Texas).

One of the things that certainly concerns all of us and the last thing that was just talked about is our troops being properly equipped. That is why I said we are not asking rocket-scientist questions. What we are asking are basic questions that any person would ask in their family if they had a serious issue at hand. And I tell you, if your son or daughter came to you and said, mom, I got an emergency, you gave her $80 to deal with the emergency; and then she came back and the emergency still was not dealt with, or you asked some questions about it, you are going to ask the question, what happened to the money I gave you? This is basic stuff.

So the more we look at what has happened here with the President, it seems as if the President does not want any questions asked. That is crazy. I mean, that does not even make sense

So what we are trying to do, we want to make sure our troops are protected and make sure when they go out on that battlefield in 100-plus degree weather that they have everything they need, and we want to make sure at the same time that if we are going to be about the business of rebuilding Iraq, we would like to have a separate vote. Let us vote on the resurrection of Iraq and let us vote on the support of our troops and let us have accountability.

Speaking of accountability, the gentlewoman from Washington D.C. (Ms. NORTON) has consistently addressed this whole issue of accountability. Being here in Washington D.C., and I do not say the capital of the Nation because, actually, it is the capital of the world, we certainly saw what happened on September 11; and when you talk about first responders, we have to make sure that it starts here.

Ms. NORTON. Mr. Speaker, I appreciate that the Members understand the vulnerability we feel here in the national capital. The gentleman from Maryland (Mr. CUMMINGS) is in this region as well. And, of course, there is almost no attention being paid to vulnerability at home. I am on the Select Committee on Homeland Security, and I can tell you that those issues have been moved off the screen by what is happening in Iraq, by this $87 billion request.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for coming forward this evening to continue this dialogue in the way he is continuing it among the members of the Congressional Black Caucus. I thank the gentleman from Florida (Mr. MEEK of Florida) and the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) for the repartee and colloquy that they have.

I see I have two of my good friends and sisters who need also to be able to speak before our time is up, so I will try and have consideration and bear that in mind as I speak briefly.

I want to congratulate my colleagues. I heard some of their colloquy on the troops. I am tired of talking about the war. I want to talk about the people who are being forced to make this war. Yes, they are volunteers, but none of them, none of them expected and indeed none of them were promised what has happened to them now.

We of the Congressional Black Caucus are concerned. A third of the U.S. Army is African American. About 20 percent of the armed services are all over, but when we speak about troops, we are talking about the American men and women who are in Iraq. I am saying, Mr. Speaker, they are not just in Iraq. My God, one begins to wonder where are they not? We are still in Europe and Japan. How long ago was World War II? When did the Cold War end? Nobody is talking about burden sharing anymore, about pulling them out. Korea. I guess most of the Congressmen were not even alive. Nobody is talking about going home from there. We are in Philippines, Bosnia, Kosovo, the Sinai Peninsula, Liberia. This is all that has come to mind. I have not done the encyclopedic rendition of where we are.

I am very, very frightened for my country now. Because my country is overly dependent on what we have come to call the weekend warriors. We know who the weekend warriors are. The weekends warriors are not your daughter and my son. They are not the folks who can go to college. The weekends warriors are the people who, knowing full well they may have to go abroad to fight a war, nevertheless had no expectation, for example, of having 6 months turn into a year and then come back and have to go again.

They want more troops. They say more foreign troops. They do not have enough troops to fight this war. They say foreign troops because they do not want to tell the American people the truth: They need more folks. We know from what has happened at the U.N. they are not going to get them from France and Germany. We are paying for the troops that are there from other countries already, so we are getting no financial relief. There are drips and dabs from other parts of the country.

Where is the pool going to go come from, Mr. Speaker? There is no place else for it to come from. It is going to come from the people who are now supporting their families here that have not been called up yet. The people who are in the Reserves and in the National Guard, largely for financial reasons, and are now becoming the blood and guts of the Armed Forces.

Mr. Speaker, I do not believe, and I think it can be easily proved, that this notion that we talked about endlessly of being able to fight two wars at the same time is any longer the case. We are hardly able to fight Afghanistan and Iraq at the same time, and there were howls about how Afghanistan was being neglected.

I defy anybody to tell me if a major war were to break out somewhere else in the world today how we would be prepared to go even a fight that war. But that was always the paradigm. We could do that. Because we invaded Iraq, a war of choice, that was unnecessary, we can no longer do that.

Mr. Speaker, I just want to say why a country, not simply we who feel for the troops, should be concerned about this. For the Active Duty and the Reserves thus far, there have been no particular impact of this war; and the reason the analysts tell us is there is no impact is the bad economy. People are, in fact, still joining the Active Reserve and Active Duty because they cannot get a job at home. Thank you, Uncle Sam. What you are not providing in America, people are getting their job risking their lives in the armed services.

But watch out for the National Guard. The National Guard is already 20 percent down on meeting its goal for the year. I ask you, Mr. Chairman, do you think the average person seeing National Guard targets in Iraq would now sign up to be in the National Guard? Moreover, the parents and the relatives of those who are there now say that, in the units where their husbands are fighting, three-quarters of the unit is going to go as soon as they are able to get out.

Who is going to fight the wars at all if going into Iraq means nobody wants to be in the Reserve anymore, nobody wants to be in the National Guard?

□ 1900

Mr. Chairman, did you know that you cannot get out now when your time is up because there is something called the Stop Loss for mobilized units? So your time is off. You signed up to X date; X date is passed and you are still in. Last time I looked, that was called a draft, and yet these are supposed to be volunteers.

Finally, Mr. Speaker, let me indicate a particular outrage that came to public note only this week. I do not know if I were to ask the average person what employer do you think has the largest number of Reservists? And I think people might think of AT&T or General Motors. Mr. Chairman, it is the United States Government. There are 65,000 Reservists who are employed by the Federal Government, people who serve their country in a civilian capacity, serve their country as a Reservist, the single largest employer in the United States is Uncle Sam, and so it should come as no surprise that we would have more Reservists. I did not realize until recently that 48,000 Federal technicians, there are 48,000 Federal technicians who are required to be members of the National Guard as a condition for employment by the Federal Government. So you would think that we would do what we could having so many of these Reservists.

We are not among the 200 private sector employers and 50 local and State governments who make up the difference in pay between what they earned on the job and their military pay. We are not among them, although many State governments are and many private employers are. So we have a chance to close that, to say we realize there is a war no one expected to fight. We realize horrific things are happening to families, so let us do what large companies do.

Instead, this week we learn that there was no chance, indeed, the defense appropriators in conference indicated that there was no chance that there would be a provision to close the gap that the civil service employees who have been called to active duty face. It was being considered by House and Senate negotiators working on the fiscal 2004 defense authorization bill, and word came on Monday that provision is dead, and they said it costs too much money.

Let me tell you what is too much money to make up the difference, the huge financial sacrifice to families would have cost over 5 years, $160 million dollars. We are talking about $87 billion. The notion that we cannot find in the huge defense budget, $160 million to do what 200 private companies do, to make sure that the sacrifice which is already horrific because you are already in the first place, would not come in dollars and cents to you and your family. So I say shame on you, Congress. Shame on the conferees for coming to the floor every day that this Congress is in session to talk about the troops. And when time comes to put up or shut up for the troops, they shut up.

Mr. Chairman, I want to invite one of my sisters to come forward now who has not had an opportunity to speak, and I would like to thank the gentleman for his leadership on this special order.

Mr. CUMMINGS. Madam Speaker, the gentlewoman from California (Ms. LEE) has just spent a phenomenal amount of time along with the gentlewoman from California (Ms. WATERS) on the whole issue of AIDS.

It is just interesting, again, we are trying to do a number of things this evening, but we want to put this $87 billion in context. Before the gentlewoman comes on, I just want to note that with $87 billion, we could spend 27 times more on AIDS research than the Federal Government spent in fiscal year 2000. We could spend $226,000 on each individual AIDS patient in the United States, and we could fulfill the President's promise of $3 billion for funding for AIDS in Africa this year and have enough left over to make a similar commitment for 28 more years.

Ms. LEE. Madam Speaker, I thank the Chairman.

Let me commend the gentleman for his leadership and for insisting that the voices of reason really speak out in terms of organizing these speak-outs, and these special orders for the Congressional Black Caucus to really talk to America about the critical issues. And, of course, tonight under the gentleman's leadership, we are talking about this $87 billion that Congress is about to appropriate in the next couple of weeks as it relates to the war in Iraq.

First of all, let me just say that I am the daughter of a military officer, 25 years, much of the time was spent in Fort Bliss, Texas. In fact I was born in El Paso, Texas, and so my support for the troops is very deep, and I understand very well the issues with regard to what makes sense in terms of the real deal in supporting the troops.

Our troops need all of the protection that they can receive, that we should provide. They need their benefits. They need their survivor benefits. They need their health care. They need the respect. They need all of the budget items that I do not really see in this $87 billion. I do not even know what happened to that, what, first $78 billion. Why would our young men and women need such items as toiletries. Why would they have to pay for certain items such as food at the hospitals? Why would they not receive their full retirement benefits? And all of the issues that we are talking about tonight, that first $73 billion, I believe it was, what was in that? Was not that enough? Then you look at the military budget in total, what is that, $400 billion or close to $400 billion. We have got missile defense in there now. What is going on with this budget?

I think first of all, we should demand some accountability, and I think that is what, in fact, the principles that I want to applaud the Congressional Black Caucus for putting together really enunciated. Where is the accountability for the taxpayers' money?

With regard to what was mentioned earlier in terms of the whole HIV/AIDS pandemic, we negotiated a measly $3 billion a year. We cannot even get over $2 billion yet. We have asked the President just to live up to his commitment. Over 100-some Members of Congress wrote a letter requesting the additional $1 billion in the supplemental. We get a response that I do not even want to talk about it. It is pitiful the response we received.

Today we talked about Liberia in our Subcommittee on Africa and the development efforts and the stabilization requirements in terms of resources, minimally $200 million. We cannot even figure out where that is coming from. I say we need $500 million plus. I do not see that coming around. How do they find $87 billion and cannot find $1 billion for HIV/AIDS in Africa? So I think we need to do this, and this is what the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus is really exposing, what is really going on.

I think that is what is really going on, of course, we know in terms of this entire effort to build a country. I personally believe that if we bomb the heck out of a country, we have some responsibility to fix what we damaged. Beyond that, in terms of long-term development, when you look at Halliburton and Bechtel and contracts that are no-bid contracts, money is being made as we speak and will be made, profits, lots of money in terms of the development of a country, the construction of a country.

Here in our own communities, what are we looking at? We are looking at dilapidated schools. We have 44 million uninsured. No health care. In my own State of California, I think we are up to seven million now uninsured. Dilapidated housing, unaffordable housing. What is happening in terms of jobs in our own country? What? Three million plus unemployed now. So when we look at $87 billion, I think that $87 billion could be used right here at home.

Now, having said that, let me say that I believe also that in supporting our troops, we support them by bringing them home, but we also support them by developing an exit strategy, a time frame, a point in which they know they will return home. And during this transition period, we are required and should make sure that they are safe and secure. But how can we give this administration, any administration a blank check to engage in guerilla war in perpetuity. I could not support it the first time around, the second time around, and the third time around. And this is another payment now, another quarterly payment I guess on what could end up being $400, $500 billion. I think that is outrageous.

I think the American people deserve some answers to why in the world, first of all, I must say why did we go to war? And I think that we should stay here until we figure that out and demand investigations as it relates to the weapons of mass destruction. I mean, I think that is very important to know. And so we are going to insist that an independent commission be established or the select committee be established to investigate all of this. I do not think Congress should recess until we know what happened. I think the American people deserve answers.

This is our Government. We pay taxes and, of course, we want to make sure that each and every dollar we spend goes in terms of peace and security.

Let me just close by reading a quote from Dr. King. Often times we quote Dr. King and extol his virtues. He was a prophet and a visionary, but many only do that during January, but I think we should remember Dr. King's message each and every day. I want to read this quote by Dr. King who gave us this message in the 1960s. Dr. King warned us, he said, "In the wasteland of war, the expenditure of resources knows no restraint." No restraint.

Dr. King knew that war would be, could be, is a bottomless pit in which this great Nation could pour all of its resources, all of its young people and really never come out safer or stronger.

Mr. Chairman, I want to commend the Congressional Black Caucus today for remembering Dr. King and remembering his words of wisdom. He died for what was right, and I think we have a duty and responsibility as it relates to going to war, the use of force, $87 billion worth of taxpayers' money. I think we have a duty and a responsibility that we make sure that our troops are safe, that our young people are secure and we develop an exit strategy so we know they will come home.

Mr. CUMMINGS. Madam Speaker, how much time remains?

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Maryland (Mr. CUMMINGS) has 12 minutes remaining.

Mr. CUMMINGS. Madam Speaker, I would like to say that the gentlewoman from California (Ms. LEE) just raised an issue.

The gentleman from Florida (Mr. MEEK) is on the Committee on Armed Services. I was wondering briefly, have we heard anything about an exit strategy or how we define success in this from anybody?

Mr. MEEK of Florida. Not at all. And not only has that information not been given to the Committee on Armed Services, but it has not been given to the committee in question that they are asking the money from, that is the subcommittee, the Subcommittee on Defense and also the full Committee on Appropriations. That question has not been answered, neither in the House nor the Senate.

I must add also that the gentlewoman from California (Ms. LEE) hit on so many points. The real question is if we vote or vote against the $87 billion, are we supporting the troops or are we supporting the President with cowboy politics, with his cowboy politics? That is the question.

So when folks say, I have to vote for it to support the troops, of course we want to support the troops, but the troops are not at the UN. The troops are not coming before Congress and saying, Ask no questions or we question your patriotism.

The gentlewoman from the District of Columbia (Ms. NORTON) came in here and said, What about the individuals that are right here? There are families right now watching us here on this House floor, and there are family members over in Iraq, meanwhile, they are behind in their house note. Meanwhile, the story cannot be read by mom or dad because they are in Iraq.

So if we give the $87 billion plus, I have to add that, to this Bush administration, then we are saying that we condone the President going to the UN and not asking nicely for help. We condone individuals that are going to be in Iraq for some time.

Ms. JACKSON-LEE of Texas. Madam Speaker, if I might just add this point as our colleague comes forward. The gentlewoman from California (Ms. LEE) made a good point on that. First of all, we need to stay here until the President gives a real exit strategy because what we see is that the administration has no exit strategy. So the gentleman is absolutely right.

□ 1915

We need to stay here in session and not only stay here in session but have the committees of jurisdiction, the relevant committees and this body have the time to deliberate and debate so that we are responsible to those families that are over there.

The other thing is we are absolutely right that we should not separate out how we got there, whether it was weapons of mass destruction, imminent attack, and say that is bygones. That is behind us. We have lost lives. There are children, and forgive me for calling them children. There are young people. They are enlisted persons. They are National Guard. They are Reservists. They are our constituents in these hospitals, Bethesda and Walter Reed, with amputated limbs and with missing eyes; and they went to war on the basis of imminent threat and homeland security.

Now they are telling us that, one, they have no exit strategy, and, two, we should not ask any questions, and, three, weapons of mass destruction, that is the bygones. We do not need to talk about it. We need to stay here and question David Kay extensively on his report, no weapons of mass destruction; and by the way, 1,500 people were the ones under his team that went over there, and, two, we need to have the administration not give us classified information but give to this Congress a designed, defensive exit strategy. Lastly, we need to know line by line how these dollars are going to help the troops and how we are going to bring them home.

Mr. CUMMINGS. The interesting thing is that I think one of the most brilliant moments since I have been here is the few weeks before we went to war, and I think just about everybody who was on the floor tonight came up, and we talked about the war. We talked about the principles and we asked the President to meet with us, and he refused to meet with us; but we wanted to raise those key questions, and I think it does have relevance to a degree of what happened before the war and the fact that no weapons of mass destruction have been found. I think what it does is it should cause us to say, well, if we went to war on that basis and weapons have not been found, then why is it that we should just sit back and not at least question how we go further into this venture? I think it is important that we do that; and as I said, these are the basic questions.

That night, I will never forget the gentlewoman from California (Ms. WATERS) stood up and gave probably the most brilliant speech I have ever heard, talking about why we are going to war, and literally did a wonderful job in just laying out her rationale; and I would be happy to yield to her, but I believe she will come back just after we finish.

I want to thank my colleagues, and now I yield to the gentlewoman from California (Ms. LEE) because I know you had a lot of concerns. I do not want to go back and rehash a prior war, but I just do think it has relevance because, again, we were told and I think the caucus was trying to raise the issue back then that we questioned whether or not we should be going to war, whether we should have more patience in looking for these weapons. We felt the things were working well, maybe not at the pace the President wanted them to, but at least we could have avoided the loss of life.

Ms. LEE. Madam Speaker, if my colleagues remember, we consistently said that the inspections process was working, that weapons of mass destruction would be found, and when found, if they were found, we would make sure, the U.N. would make sure, that they were destroyed. It was a search and destroy mission. Containment was working, and I believe that it is very, very critical at this moment, at this really truly defining moment that we understand that this foreign policy doctrine of preemption, the use of first strike based on a perceived future threat is a very dangerous policy.

The President has the authority to use force in the event of an imminent or immediate attack. That is not a question. The point where we are now in our country I think is very dangerous, and we set the standard for the rest of the world in terms of our foreign policy. If it is okay for the United States to use force first, then it is okay for North Korea or it is okay for Iran, it is okay for any other country; and so I think that this is a moment where we must go back to the drawing board, I think reevaluate our foreign policy, and reevaluate the axis of evil concept because I believe that it is provocative; and I do not believe that we are any safer, that this course that we are on and that policy will not lead to more security. I think it is very dangerous. It does not lead to peace in the world.

I want to thank the Congressional Black Caucus for making sure the American people know there are many of us who believe that.

Mr. CUMMINGS. One of the things that was so interesting, I shall never forget at the State of the Union address, if my colleagues recall, there was a part of the speech the President made that showed over and over again on the television, when he said that we in our generation right now must take care of this situation and that we should not leave it to future generations to address terrorism and what have you. Basically what he was saying, too, is that we should be paying for it. It is going to be impossible for us, the living, to completely pay for this war. This war will be paid for by our children and our children's children and our children's children's children; and when we look at this $87 billion again, one wonders where does it end, and that is why this whole question of exit strategy is so very significant.

How do we mention success? At what point do we say, okay, we have done the job, we have accomplished what we are supposed to accomplish?

I just thank the Congressional Black Caucus for coming together this evening and constantly over and over again being that conscience of the Congress and I would say the conscience of the country; and I will yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, my colleagues mentioned the human factor, and I want to take us back briefly to the Vietnam War because we know that many of our contemporaries and others, people that live in our neighborhoods, maybe some of the homeless men that we see in the streets of our cities and I do not think the Vietnam veterans would mind us expressing their plight because they come to me all the time, and I want to make it very clear that there is not one whose support that I diminish, that I take away from them because of this war or that war. They obeyed orders. They took the oath. They offered themselves for my freedom.

But we are reminded of the Vietnam War, and I see a lot of the brothers of all colors, shapes, sizes. I have spent Christmas days with them, as my colleagues all have, in homeless shelters, the aftermath of that war, the pain of that war, the pain of being subjected to guerrilla warfare, the pain of not knowing who the enemy is or was, and so they do not want to be caught up in shooting the wrong person. I am fearful without an exit strategy, and I think the gentlewoman from California (Ms. LEE) mentioned that this guerrilla warfare, not knowing who the enemy is and then not having an exit strategy, so not having a definitive time certain to come home to your loved ones.

And then when you come home, what I am hearing is that we have got to cut mental health services on the bases, so that means the traumatic experiences that families are having, where are the counselors? I am hearing, as was said, that we are paying for meals in hospitals. I am hearing that veterans services are being cut. I am hearing that these young men or women returning may not have the ability to go to college because Pell grants are being cut.

What are we saying to these young people coming back, no jobs, families in distress, families maybe in disarray? I am not condemning. You may come back and the family was strong and they welcome you back. What about the mourning parents who are mourning the loss of a 19-year-old, who just want some connection? They are no longer connected to the military. I do not know what they do with military families who have lost a loved one, and so I think what you are doing here tonight is so crucial because we are asking questions that apparently they are trying to cover up, hide or they are not putting the human face to.

She is not here, but I just want to say the gentlewoman from California (Ms. WATSON) recently visited one of our wounded individuals. She said that person lost their limbs and was blinded in one eye. That is the human face, why we are here tonight and talking about this issue.

Mr. CUMMINGS. Madam Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Speaker, quickly, I just want to make sure Americans understand, be very quick, you need to look at your children and you need to look at your grandchildren. The administration is saying ask no questions. They are spending their future away. If your child's class size is 30, now look for it to being 50 because this government will continue to cut back so local governments will be in deficit spending.

Right now the States are $70 billion in deficits and that will continue. So I am not looking forward to doing things on a credit card. I am looking forward to doing things the way we are supposed to do and govern, and when I hear the President say we need to fight the war on terror in Iraq and not here, being in Iraq has nothing to do with fighting the war on terror in the United States.

Mr. CUMMINGS. Madam Speaker, we merely say to the President, be accountable, be accountable. I thank my colleagues very much.

SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, I came to the floor this evening to join my colleagues and hoping to educate the American public about what is going on with our government and what is happening with the request for $87 billion to continue the war in Iraq.

I think it should be very, very clear and I would like to set the record straight for myself. I will not support $87 billion to continue this war under any circumstances. I am very clear about that. As a matter of fact, I have been concerned. When it first came to light that the President was requesting $87 billion, I heard some of my colleagues in the other House say, we are going to ask him some tough questions; we are going to ask them all kinds of questions about what they did with the money that we appropriated before. But they all conclude by saying, but we are going to have to give him the $87 billion.

I have not and will not reach such a conclusion, a, because the President and his representatives, whether it is Condoleezza Rice or Colin Powell or Wolfowitz or any of the rest of them, DICK CHENEY included, they will come to this Congress and they will tell us whatever they think they need to tell us in order to get what they want. They have not been truthful in any shape, form, or fashion; and they continue to defend this preemptive strike and to mislead us about what they are doing.

Madam Speaker, I do not want anybody to say that because I do not support the $87 billion that I am unpatriotic. That old accusation has worn out.

It has worn thin. The President and his representatives have threatened everybody with we are going to call you unpatriotic if you do not do or say what we want you to do or say. Well, I am not threatened or intimidated by that. I am not going to support $87 billion, and I am more patriotic than they are.

As a matter of fact, as I stand here tonight, there is a traitor in the White House, a traitor who has outed a CIA operative, placed a woman's life on the line because they chose to be vindictive and to get back at her husband because he, in fact, helped to reveal the fact that he was the one that had been dispatched to Niger to find out whether or not Saddam Hussein had tried to get uranium to further his efforts to build nuclear warfare; and because he told the truth, the ambassador told the truth, he simply said I told the CIA that, in fact, there was no evidence to show that there had been an attempt by Saddam Hussein to get uranium from Niger, but the President put it in his speech to this House and said in so many words and led the American people to believe that it was another reason why it was important for him to have this preemptive strike. Well, there is a traitor in the White House. They are unpatriotic, and I do not want to hear them utter the word one more time about who is patriotic and who is not.

As a matter of fact, as we look at how we have been misled, we need to remind the American public over and over again that we support our soldiers. We are upset that they have not had the equipment to keep them safe and secure and all that we thought they had. Each day we are finding out more and more about that which they have not had and ways that they have been suffering.

We have been misled by Donald Rumsfeld. Donald Rumsfeld comes up to this House and gives us so-called classified briefings. We do not learn any more from him than we learn on CNN; and Members have been too intimidated to ask him the tough questions, to push him up against the wall and tell him when they think that he has been misleading us, but just take a look in the ways that we have been misled.

□ 1930

First of all, we must say over and over again, remember, they said they were going to do this preemptive strike because Saddam Hussein was harboring weapons of mass destruction. They have found none. There are none. I do not think they will ever find them.

But, of course, Mr. Wolfowitz said, we just told them that. He had the arrogance and the audacity to say, well, we thought that would be the best way to get support for the war. So they misled us, told us a lie, basically, that there were weapons of mass destruction.

And then they told us that they had drones. And these drones that were normally used for surveillance were equipped to deploy biological and chemical warfare. Another lie. The uranium lie.

I will close by saying we have been misled; we have been lied to. The American public should not feel mispatriotic. Do not support this war. Tell your Congresspeople not to spend $87 billion on this war.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 71. Concurrent Resolution providing for a conditional adjournment or recess of the Senate.

IMMIGRATION AND IMMIGRATION REFORM

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, I rise tonight to discuss an issue that often I bring to the attention of this body, and that is of course immigration and immigration reform, an issue that I think we spend far too little time discussing here.

I was compelled to come tonight to share an e-mail message I received just a couple of days ago. It is from a lady by the name of Rhonda Rose. And Ms. Rose speaks, I think, compellingly about a problem, a set of problems, that she perceives in her area. And I think she is not unique in this. I think she speaks for many Americans, in fact, millions of Americans. So I thought I would start tonight by sharing this particular e-mail message to me with my colleagues.

It says, "My story: I live in a world where I do not count. I'm not a minority. I'm poor. I don't have coalitions rallying for what I feel is important. I don't have news reporters writing about 'poor me,' but I have views. I vote, I pay taxes, and I know there are millions of people in America just like me.

"I live next to a shelter built by politicians who are afraid to have an opinion about closing the border. Daily, 1,500 illegals come and visit that shelter. It was supposed to keep these 'poor people' from urinating and defecating on the streets. It didn't. My home and my vehicles have been broken into 22 times in 5 years.

"I stopped calling the police each time now that this happens because they do not come any more. Instead, we bought a gun. We scared off the last person trying to steal our truck. The only English he knew was enough to say 'sorry' as we pointed at him. Three months later we still have a towel over the smashed driver's-side window.

"Last week, I was ordered to pay an $85 fine for a false alarm. Police showed up for that hearing. The police couldn't find any criminal at my home when my home alarm sounded. I'm curious how long police think bad guys 'hang around' after an alarm has been triggered.

"I was involved in an accident in my car. The policeman said I would have to wait while he called for backup. My baby was screaming. The police had no film in the camera. The backup police had no fingerprinting ink or film. The person who ran into me was here illegally. He had a fake ID, but the police said there was nothing that they could do about it; the illegal alien would just get another fake ID and would never show up for court. He didn't have insurance. The illegal alien who hit me said sorry as he was walking away. He was free to go. I was free to pay the deductible on my car and the chiropractor bills for my children and myself. If I drove without insurance and hurt someone or their possessions, I would be forced to pay for the damages or lose everything I had.

"My husband works 6 days a week as a framing contractor. He pays FICA, Social Security, State taxes, Federal taxes, general liability insurance, workman's comp. insurance, and probably others that I don't remember. His workman's comp just skyrocketed from $5,000 per year to $28,000 per year. Now, I ask you, where are we going to come up with the extra $23,000? We had no claims. Should I take it out of my food budget? We often go weeks without meat. Should it come from our clothing budget? We buy our clothes at thrift sales and savers. How about our entertainment account? Does seeing a movie every month qualify?

"My home insurance costs me $100 more yearly because I live in a border State. How long before Kansas becomes a border State? I have had no medical insurance for years and years. I can't afford it. At 33, I got cancer. My doctor told me to go to ACCHS. I don't remember how to spell the State's medical system, since they declined me.

"My husband's company had no profit in 6 months due to theft and lack of laws at the time to force general contractors to pay. Without studying my receipts, I was declined. Interesting that hundreds of illegal aliens in this country standing in line were being given food stamps and medical care. They did not have Social Security numbers; they did not speak English. If you don't believe me," she says, "look at the application DES."

I am sorry, Madam Speaker, but I do not know what that stands for.

"Spend 5 minutes at DES and remind yourself why you pay taxes. You won't be smiling.

"Taxes. Well, we fell behind one year. I contacted the IRS and told them we wanted to make arrangements to pay. We now show the IRS everything we buy, from the female items to chewing gum, they see the receipt. For the next year we will be scrutinized. For the next 5 years we will be audited. Maybe I should never have done the right thing and told them.

"My son cries nightly because his legs and arms hurt. He has cried for almost 7 years. My husband often walks on one leg because his back and leg pain is almost unbearable. Monthly I have many strokes. During those times I lose the ability to speak well, and I have had seizures until I lose consciousness. We really don't know what is wrong with any of us. We may never know. We can't afford a doctor. God forbid we need emergency services. Thirty percent of the time hospitals are on divert status because there is no room. Illegal aliens have taken their kids to the ER for colds and sore throats. I would only go if I lost a limb or if my heart gave out.

"Two years ago, I announced to my family there would be no turkey for Thanksgiving. We would eat pasta and be thankful we were a family. My Catholic friend made arrangements for me to get a food box from her church. I went, reluctantly. I drove up in my broken old van and saw a lot of full new, stickers attached, Suburbans. My van was the worst vehicle there and it hit me that I really was poor.

"I stood in line for 20 minutes amazed at the number of illegals taking box lunches and boxes of food. When it was my turn, I had to show an ID. I was told to leave. There wasn't enough food for me to take a box. I looked around. There were boxes of food everywhere. For a minute I forgot that I was not in a minority and in their eyes not deserving.

"At church, our pastor reminds us to stay hopeful. I struggle to make sense of a system that has taken from me and given to those who have more than I do. Who will be my voice? Where is my coalition? I thought it was the leaders of America. I was wrong. They have sold me out and millions like me. And what is worse, I do not know why. Rhonda Rose."

Now, Madam Speaker, I think that Ms. Rose's situation is dire, but I think in many ways she says what many people feel. They feel, in a sense, disenfranchised. They feel that they are losing their own country. They feel that they cannot look to their own government for support or for help.

Night after night I come on this floor and I bring to the attention of the body stories of people who live on the border in Arizona, Texas, and California. I talk about the fact that these people are in many ways homeland heroes because their stories were not all that dissimilar from Ms. Rose's. Their lives have been essentially destroyed. Their businesses, homes, ranches have been overtaken by illegal aliens coming through by the hundreds of thousands destroying property, vandalizing, threatening, attacking; and they do not know why.

They are asking why this is happening now, when we have lived here for generations. Our family has been on this property for generations. We have always had people coming through here, sometimes illegally, or many times illegally, but only a few of them. And we would give them food and we would give them water and they would move on. But now it is by the thousands that they are coming through. And these people turn to the government for help and our government turns a blind eye to them. And so they get frustrated, as you would, Madam Speaker, and as I would.

So they write to their Congressman, and they talk to their neighbors, and they see no change. And they wonder why they do it. They wonder what is happening when they read polls that show that 70 percent of Americans are essentially on their side. And, Madam Speaker, I have to say to Rhonda that 70 percent of this country looks at this, listens to your story and is empathetic and believes that some change should be made, but maybe 25 percent of this Congress feels the same way. And I do not know who in the administration feels this way. But not enough people here feel this way, I will tell you.

And so we end up with a system that is unresponsive to the people; and anger grows, and resentment grows, and frustration grows. Because every day people see things like this. They pick up the paper and they read that another State has just decided to give illegal aliens driver's licenses. They see that foreign governments can distribute cards to those people living here illegally. These are referred to as the matricula consular card, and that States and cities are agreeing to accept these cards for a variety of services. Illegals can open bank accounts with these cards, they can obtain social services, they can even get driver's licenses.

In California, the most recent State to allow illegal immigrants to obtain driver's licenses, you can use a matricula consular to obtain your driver's license. How do you get one of these? You get them from a consulate here. Usually, the Mexican consulate. They are the ones that hand out the most. And what do you have to give them? You have to give them some documentation that says you are a Mexican citizen. Not that you are here illegally; but, of course, everyone who needs one of these cards is here illegally.

□ 1945

Madam Speaker, I want to repeat that. Every single person here in the United States who needs a matricula consular is here illegally because if you are here legally, you have a document that we have given you. You have a visa. You have a green card, you have a stamp on your passport at least. So an illegal alien in this country can obtain this particular card and with it can obtain all of the other documents they need to become essentially citizens, really, in a way.

It is a stealth amnesty program. American citizens recognize that. When they read it in the newspaper, they know something is wrong. They know something is wrong when a body agrees to give illegal aliens in-State tuition for which they have to pay. They know something is wrong when they hear that their jails are being filled by people who are here illegally and that the costs attributable to that particular phenomenon are enormous. They know something is wrong. They know that when they hear reports about people coming across the border by the hundreds, by the thousands without our permission, we do not know who they are, we do not know why they are coming, surely most of them are coming for relatively benign reasons, to get a better job, seek a better life, that is the reason that compels most people to come to this country, the same reason my grandparents came and perhaps yours, but among them are people who are coming to do very bad things to the United States and we allow this to happen, and they ask me, Why? They ask me all the time. I get all kinds of e-mails and letters and calls into my office and they say, Why, Congressman? Why is this happening? Why is it my Government has so little respect for my citizenship and for the fact I try my best to do things the right way?

This is another letter I received from a lady by the name of Linda Hendricks. She lives in my district. She says, Page 2 of this fax I am sending you is a copy of a Medicaid eligibility form. I want to draw your attention to question number 8. I turn to question number 8 on this form. Is anyone in your household a legal alien, yes or no? Is anyone in your household undocumented? Of course, what that means is are they here illegally, yes or no.

Next question: If yes to either, we will need the following information: If you are undocumented, no paperwork is necessary, and we will not report you to the INS. If you are documented in any way, please provide copies only of the front and back of your card and other INS papers.

Now, this is a form distributed by the Federal Government for a service that is supposed to be for American citizens: Medicaid. This is supposed to be the program that we have constructed to provide medical services to people who are financially unable to provide it for themselves.

She goes on to say, "Hello, something is really wrong here. Illegals are not being reported and yet receive free medical benefits. There have been many stories in the Denver Post lately about people with serious medical needs that are losing their benefits due to cutbacks. These people are U.S. citizens. As a citizen myself, I believe citizens should have the benefit of medical care before those who do not belong here. I have a revolutionary idea," she says, "quit giving free medical service to people who are here illegally and keep it for U.S. citizens and those who are here legally.

"I recently heard about a man here to work from South Africa who paid $3,000 for his green card, and yet when he got here, he found out that Mexicans are paying $100 for a fake green card. And with those fake green cards come all the benefits.

"No wonder our country no longer has any sovereignty, we are willingly giving it away."

Madam Speaker, I just cannot fathom, I cannot imagine how these things are not taking a toll on the way people look at their Government. Believe me, these are not unique in any way, these two letters. These are representative of the thousands of letters that I receive almost weekly, and calls and e-mails and that sort of thing. It is happening everywhere. Looking at this makes me think there is a form that you can go to the Web site and find out from the Bureau of Immigration and Customs Enforcement, and it is called a temporary visitor visa, and you can go onto the Web site and pull it up and fill it out yourself if you want to come into the United States.

One question on that visa is are you a terrorist? Do you belong to any terrorist organizations? Have you committed any terrorist acts, yes or no. I do not know who answers yes, but evidently some people do because the next thing underneath it is a little asterisk, and it says do not worry, if you answer yes to this question, it does not mean that you will be denied entrance into the United States.

How can that be true? Well, it happened because a Member of the other body, Mr. KENNEDY, decided that because he had acquaintances that were members of the IRA, Irish Republican Army, and they might be on our terrorist list and they might want to come into the United States, that just being a member of a terrorist organization should not prevent you from coming to the United States, and so that is why we added that.

Well, as they say, people know this, people see this, people understand this, and people are frustrated by it. They are frustrated by the fact that their own Government will look the other way when people come into this country illegally, obtain this matricula consular, open up a bank account, let us say, and when the Treasury Department of the Federal Government promulgates rules saying that banks should be allowed to accept the matricula consular for the purpose of identification, and people look at this and think this is odd, that when you look at the fact that these rules were promulgated under the PATRIOT Act and designed to be rules to tighten up on banking regulations, so that identity theft and money-laundering activities would be minimized. When you realize that was the reason that those regulations were promulgated, they are asking how can it be that you are saying that you can do this? You can use this card given to you by a foreign government for the purpose of opening a bank account? People look at that and think what is going on with my Government.

They may know, I am not sure if many people know this, but they may even have heard that in the Committee on the Judiciary, the Subcommittee on Immigration in testimony there not too long ago, the Justice Department, the FBI, testified that using the matricula consular was absolutely a bad idea, and that people would, in fact, take advantage of it, that we cannot begin to guarantee the validity of the document. The FBI, Homeland Security, testified that we should not accept the matricula consular, that no agency of the Federal Government should accept it, and you have got the Department of the Treasury promulgating rules telling banks it is okay to accept it. People can get confused by that.

I believe it is simply a matter of pure politics, and the mother's milk of politics, of course, campaign contributions from large corporation through their executive officers who package up their contributions, and through banks and other big contributors to both parties, we find it difficult to do the things necessary to protect our own country.

We also, of course, fear the political ramifications of doing something to stop illegal immigration or even minimize illegal immigration. We find that this is a politically embarrassing thing. Even to bring this up on the floor of the House makes people uncomfortable. They would prefer if we did not address this issue because of the political implications.

When we recognize on one side of the aisle here, the Democratic party sees massive immigration, both illegal and legal, as a source of political support, future voters; on our side of the aisle, we see the same thing as a source of cheap labor; the administration sees the same thing as a potential source of voters for them, a wedge issue that they can use in the next campaign, and Members can see why it is difficult to actually get anything done.

That is what we have to tell people when constituents call and ask how can it be that this country has essentially decided to abandon its borders, surrender its sovereignty and attack the concept of citizenship because that is truly what is happening to us. All of the things that I have mentioned here, all of these things that are happening in States and cities and here at the Federal level, cities that are declaring themselves to be sanctuary cities, cities which pass regulations telling the police department not to provide information to the Bureau of Immigration Control and Enforcement or to accept information from them, cities that say they will accept the matricula consular for the provision of services, States that declare that they will give illegal aliens driver's licenses, States that declare that they will provide higher education benefits to people who are here illegally, all of these things combined are an attack on the concept of citizenship because if we have all of these benefits and are here illegally, and if you get a driver's license, you have the keys to the kingdom including the ability to vote under Motor Voter. So you have all of the benefits, including the ability to vote, but you are not a legal resident. What distinguishes you as an illegal resident of the country? What is it, absolutely nothing.

Today Members of this body were confronted by people that came here on a Freedom Ride. I understand buses and this trek started in States all over the Nation. People gathered all over and descended upon the Nation's capital to declare their concern for the plight of illegal immigrants in this country, and they wanted to associate themselves with the freedom marches of the 1960s, the precivil rights days of the United States.

□ 2000

They wanted to associate themselves with the plight of the African American who had suffered, who certainly his heritage was a heritage of slavery and who suffered degradations that certainly could never be countenanced; and so they called themselves the Freedom Ride. Remember, we are talking about slavery, an institution that brought people here against their will, and even after they were freed institutionally by law kept them from being able to achieve certain things and do certain things that citizens of this country were allowed to do, voting, for instance, and going to a restaurant and being served in the same place with a white person and going to the same school as a white person. All these things were being denied to these people who were here legally, whose parents had been here and whose family had been here for generations.

This was a travesty. This is a blight on America. This is a dark part of our history. Yet the people who came here today suggest that they have a common problem.

Today we have been visited, many offices in this body, in the House of Representatives, many Members have been visited by people who were here on what they call a Freedom Ride. They were here to put forward their concerns with regard to what they call the plight of those people who are here as immigrants, but what they really mean is here as illegal immigrants. Because if you are here as an immigrant, a legal immigrant into this country, you have all the protections available to you that any other citizen has. But if you are here illegally, you are oftentimes ill-treated and you are oftentimes taken advantage of by unscrupulous employers. Undeniably true.

So their solution to this problem was to give everybody who is here legal status, to simply give amnesty to all those people who have come here, make them legal residents of the country and then, of course, they have all the protection.

Yes, that is one way to handle it. But I suggest to you that it is the worst way to handle it. And I suggest that the idea, the public policy of giving anyone who has broken the law here a benefit for doing so is bad public policy, that no one should be rewarded for violating the law, and that no matter how compelling your story is about how long you have been here taking advantage of this country and this country's benefits, how long you have worked, that those are not reasons to simply ignore the law.

If we do not like this law, then it is up to us in this body to change it, to repeal it. If we do not believe in borders, then erase them. If we do not believe that people should come into this country with our permission, then stop trying to give it. But as long as that is the law, then we cannot simply ignore the fact that it is the law and give amnesty to everybody who ignores the law.

What sense does that make? The people of this country are asking the question. What sense does that make? And they are asking us, why is it that my family had to go through years of applications, sometimes thousands and thousands of dollars in expenses to make the trek to this country legally, to wait in a long line, to do everything that is expected of us to come into this country as legal citizens, while at the same time you are considering telling everybody who came here illegally that they have all of the same benefits and all will be forgiven? What message does that send to the millions of people who are waiting to come into this country legally?

It tells them all they are suckers. That is what it says. And that they should, in fact, simply jump to the head of the line, come across the border, sneak into this country, get a visa, come in, overstay your visa, which actually accounts for about 45 or 50 percent of all those people living here illegally. They did not just come across the border from Mexico or from Canada. They actually flew into this country or came here somehow legally on a visa, then simply stayed.

All of those people, it says, did the right thing. They were the smart people. They avoided all the hassle, all the expense and all the respect for the law that we expect from the people who do come here legally.

What sense does this make, they ask, Americans ask? Can you answer this? Can anyone answer this? I cannot. It makes no sense.

Yet there are Members here who are going to produce a bill, who have introduced a bill already, that is, quote, getting legs, as it says around here, the saying goes, it is getting steam up, to give at least 500,000 agricultural workers amnesty under the guise of creating a guest worker program. What they do create is essentially an indentured servitude status for 4 or 5 years before they give them amnesty. This is great. This is wonderful, according to the sponsors of the bill.

And Americans ask, why? What can you be thinking of? How can you possibly be talking about giving amnesty to anybody who has come in? How can you talk about giving jobs to people who are essentially taking jobs from American workers?

Madam Speaker, all we hear of is, well, these are people who are doing jobs Americans won't take. That is, of course, only part of the statement. It is doing jobs Americans will not take for the price we are willing to pay. That is true in many circumstances. But we are also, of course, exporting jobs and bringing in foreign workers under visa categories, H1B and L1.

People ask me why? How come it is that when American high-tech workers are out of work by the millions, which they are, how come we are still bringing in hundreds of thousands of people in the H1B category to take those jobs? How come we are allowing other people, other companies, to bring them in under the L1 category visa and replace American workers with less expensive foreign workers? How come, they say? How come when these people come here many of them are actually trained by the person they are replacing? And in order to get severance pay the person they are replacing is told, you must train this person in your job or else we won't give you severance pay. How come, they ask, is this happening?

Madam Speaker, I cannot explain it. I do not know. I have a guess. My guess is that the high-tech industry contributes an awful lot of money to both parties and to the President and, therefore, we choose a cheap labor policy. That is my guess. Maybe I am wrong, and somebody could certainly dispute it. I am hoping someone will. But in order to dispute my claim, we have to at least have a debate on this issue. But we will not have a debate, because debating this issue makes people uncomfortable.

We are dividing this country up, Madam Speaker, into a lot of camps, victimized groups, groups that continue to hyphenate their own definition, groups that see themselves not as Americans, just as Americans but some subgroups, some alienated groups, some group with a cause, some group with a complaint. As I say, some group that feels victimized.

We are encouraging that, that whole concept of balkanization of America. We are encouraging that because we operate under what we call a cult of multiculturalism. It is a philosophy that permeates American society, permeates our schools, and it tells people that there is no reason for them to actually become part of the American mainstream, that there is nothing really good or worth emulating in American society or western civilization, for that matter. And our schools drop all references to western civilization, except in the most negative way. They drop classes in it.

We tell people that come here from other countries that they should not become part of the American mainstream, that they should keep their own language, that they should keep their own political affiliations with their country of origin and not integrate into the society. We do all kinds of things that separate us, instead of helping to join us together as Americans.

In this body, we allow groups to organize on the basis of race. Amazing as that might sound to Americans, we allow caucuses to develop, to actually be created here on the basis of race. Just yesterday when I said that this was a bad idea and that I am going to introduce a rule in the next session, if I am here, that prohibits any caucus from being established here on the basis of race, I was vilified by many of my colleagues for being both a racist and insensitive and a lot of other things, because we have the Black Caucus and the Hispanic Caucus and the Asian Pacific Caucus.

It is amazing to me that we can have a huge debate in this country over a very famous talk show host, Mr. Limbaugh, who makes an intemperate remark relating to the race of a football player and is chastised roundly and resigns his job, resigns from his position. In all of the media, everything I heard today is there is absolutely no place for this kind of thing, no reason we should ever be using or talking about race when we talk about these football players. There is nothing that connects these two, and we should not ever discuss it.

I certainly agree. I see absolutely no connection myself. It was probably a very stupid thing to do and to say.

But at the same day that that story breaks, I am roundly criticized for saying that we should not have a caucus in this House based on race and that all of the rhetoric that emanates out of this body about a colorblind society and all of the admonitions and all of the laws that we pass to ensure a colorblind society are essentially ignored because we allow for people to organize here on the basis of race. Nobody says a thing. I assure you they would say something if somebody tried to organize a, quote, White Caucus or Caucasian Caucus, and I would certainly be one of those people saying, absolutely not.

But what is the difference? What is the difference?

These are uncomfortable things, I understand that. People get very, very uptight and sort of anxious when you bring them up. But the point I tried to make here is that this is just another example of us dividing ourselves up. And when massive immigration combines with this philosophy of the sort of cult of multiculturalism that permeates our society, it can only be bad for America. There is nothing positive I can think of about this.

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We can extol the virtues of diversity. I am a full-blooded Italian American. I love my heritage that is that part of me that one would say is Italian, but if someone were to ask me what is my heritage? What is my heritage? What is my country? I would immediately answer, and I would have answered this when I was a little child, it is the United States of America. That is what I thought of as my country, my history, and my heritage. I have never connected politically nor have my parents ever considered allowing me to connect politically and culturally and philosophically with a country other than the United States. It was an alien notion, or idea, and yet we are doing this to ourselves.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the distinguished gentleman yield?

Mr. TANCREDO. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much and we serve on the House Committee on the Judiciary together.

Mr. TANCREDO. I wish I did serve on the House Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. We have worked on issues together dealing with these questions and the gentleman is right; I stand corrected. And I think we note that we do have differences of opinion, but I would say to the gentleman that I would much rather have the opportunity for us to address these issues any way that I think draws most of Americans' interest and concern.

The gentleman just made it very clear that his heritage is one of immigrants, or his family came from a place to America for opportunities. I happen to have a heritage of immigrant grandparents who came here from the Caribbean. I would not be in the United States Congress but for their coming to seek a greater opportunity. The gentleman mentioned the mass numbers of individuals here today who came up with the Immigration Freedom Riders. But I what I would suggest to the gentleman is that rather than the broad brush, he noted that there are people who are here in this country who may be undocumented, which seem to be the crux of the crime, who really are attempting to seek legalization. They really want to become documented, and the numbers, unfortunately, suggest that they have been here for over a period of time.

There is a distinction, I think, between securing our borders. I am on the Select Committee on Homeland Security. I will be leaving with the Select Committee on Homeland Security to go to the northern border. I live on the southern border in Texas. And I think we should distinguish those issues that Americans can draw around with the heartfelt desire of undocumented individuals who have been trying to secure legalization, and I would ask the distinguished gentleman that when he comes to the floor if he would consider the fact that there is a degree of compassion. I will probably never get him to agree with me that those undocumented should have at least the ability to access legalization, because I think it is going to be very difficult, realistically, to get these people out of restaurants and hotels and homes and construction sites; and I will say to him because I happen to be, I think it is very clear, coming from a minority group of this Nation but proudly here standing as an American, and there are issues with American workers and there are issues with minorities that are here.

There are a lot of issues that we could be divisive about, but we should not be divisive about the hopes and dreams of the thousands of people that I run into every day when I see that, over a period of time, these immigrant workers who came here on the Freedom Ride, the tears in their eyes. I do not think the gentleman is divided on that. I really do not think so. Even if he will come back at me, when I yield back, even to say, no, I disagree, I do not think we are divided on that. I think if a group of them sat down with him, he might find common ground because I do not believe any truck, any plane, any bus is going to haul out 8 million. And I leave the gentleman on this, before I yield back: I would feel much safer if these undocumented individuals, and I do not see how we are going to get them out, would be legalized, paying taxes, putting into the Social Security, and being documented so that this Nation knew where everybody who meant to do good was so that we can find the guys and ladies that were here to do us harm.

I think that is the distinction I would like to make and hope that maybe we will have an opportunity, whether it is one on one, whether it is as we proceed with hearings and debate on the floor of the House, to really talk about the concerns that I think the American people want us to address with a real immigration policy that addresses the concerns of all of us. And I thank the gentleman for his kindness in his yielding.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman for coming and expressing those views. I must say that I respect the gentlewoman's opinion immensely; and as a matter of fact, they did come to my office today, and I enjoyed it tremendously. The discussion we had with the people who came to my office, there were five, and we talked about this very issue. And I kept saying to them the one thing I wish they would just help me understand, and I say this to the gentlewoman, how do I explain it? How do I explain our willingness to do this, to provide amnesty for people who are here illegally even though they have? As the gentlewoman says, and I think absolutely accurately, that for the most part 90 percent of them are here doing honest labor and doing it under difficult conditions and have done it for a long time, all that is true.

But there are millions of people seeking that exact same opportunity, and they are all doing it the right way. They are waiting out there. All over the world they are waiting to come here for that same exact opportunity, and they are filling out the information, and they are sending in their visa requests, and they are paying fees to lawyers. And they are doing all kinds of things like that. And millions have come that way and think to themselves this is not fair. This is not fair that I had to go through this or that I am being put through this, but yet the people who have come here illegally have gotten this opportunity. I understand the gentlewoman's concern for these people and for those who are seeking this legalized route, but every time we do this, and we have done this, this is not unique, in 1996 we provided amnesty. What did it solve? It only created a system that increased the flow of illegal aliens into this country.

If we will secure this border, and I believe we can do that, the gentlewoman and I may argue about whether or not this is feasible. I believe it is. I believe the technology is there. I have seen it on the northern border, by the way, where I go to. I have seen it in operation. We can use technology including unmanned aerial vehicles and radar and a variety of other technologies to help secure the border. If we can secure the border and create a guest worker program that then allows people to come into this country in a legal process that protects their rights so they are not getting in the back of trailers and getting suffocated, so that they are not coming across that border and dying in the deserts, so that they can do it in a legal manner, I am absolutely totally supportive of it. But I cannot possibly support it along with amnesty. There is no reason that we have to add amnesty to any sort of guest worker program.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. TANCREDO. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Might I give him a response? I think the response is because the American people, one, are compassionate; but they are practical. And I think this is part of the answer. The other part of the answer is why do we want to do it? Because a young Guatemalan came to this country illegally, and he lost his life fighting for us in Iraq.

I think if we tell the story of immigrants, and I do not like the word amnesty. It was not part of my understanding of immigration law. I do not like that word because I think one thing about Americans, they believe in hard work and they believe that if they are here working hard and if they are here not involved in criminal activity, they can understand that maybe there should be a reward. So I do not like "amnesty." I have never bought into "amnesty." I like this concept called earned access to legalization, and I do not even suggest, Madam Speaker, that it would be, if you will, a question where it is a gift. And you added guest worker. That is a separate thing because the practical part of it is, as I think most Americans know, I do not know how we get 8 million people out of the country. And I do not know how we criminalize 8 million people. So what I am saying is have they been here 3 years? Have they not been involved in any criminal activity? Can they document that? Have they been paying taxes, sales taxes, et cetera? Have they had these three things? Can they then apply?

The gentleman makes a point there is a list. One of the things we all agree with is that we have suffered under the burden of an agency that has not worked. Even the gentleman probably has a long list of immigration issues, business people who say I have sent in all the papers, and I cannot get my employee over here to work with a green card. But what I am saying is I think Americans are practical and I do think they are compassionate, and I think they understand some of the things that the gentleman is saying. Obviously, we vigorously disagree. But I am looking for places where we can agree. I do not like the word "amnesty." I do not use the word "amnesty." I like earning it. And I like the fact that there is a deciding body now in power with a whole bunch of new rules. I am talking about the new bureau on immigration. So they can actually say no to these people who will come in and they say, You get it; you do not. I am sure we will get complaints on that, but it makes a difference.

Mr. TANCREDO. Madam Speaker, would the gentlewoman agree with me that before any kind of guest worker program is put in place, it is imperative that we secure the border? Because if we do not secure the border, having a guest worker program legalizing 8 to 10 million people who are here, and creating this guest worker process is essentially meaningless. Because no matter what we do, we will say here are the rules under which they can come into the country under the new program and they have to do X, Y, and Z, and the employer has to follow these. Of course, the minute we constrain it that way, we are saying if they, however, avoid the law, if they can come in illegally, they will ignore it. The employer will ignore it. People coming in will ignore it because there is an easier way to do it, unless we secure the border.

So if the gentlewoman is looking for a place to agree, then I would ask her if she would agree with me that we have to, number one, secure the border, whatever that takes, and we could argue about how that is to occur, but come to a position where we are not looking at this 800,000 people a year coming in. We all know where it is happening. We see it. We reap the whirlwind with it. If we can agree with that, then I will be happy to discuss the possibility about what comes next in terms of a guest worker program.

I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me say to the distinguished gentleman, a guest worker program, those of us who work from the legislative perspective, and as the gentleman well knows, I serve as the ranking member on the Immigration, Border Security, and Claims Subcommittee. The guest worker program we sort of tie to the temporary worker program, and I agree with the gentleman. An earned access would be individuals who work in many other places and would then ultimately seek to have legal permanent status. But I think we are both moving in the same direction, and here is what I would say to his question. I am from Texas; so we have generally had very cordial relationships or relations with our closest neighbor, and that is Mexico. But I think we can take it to the next step when we talk about securing the border. I, frankly, believe Mexico wants the border secured. We want the border secured. But the reason these people come is because of utter poverty.

This is a time, my distinguished friend, if we can work with Mexico to begin to work on that economic base that then draws people home, the woman from California (Ms. SOLIS), and I will be joining her, I believe, will be going to look at the worst poverty that one can imagine. So I would say to the gentleman, I think securing the border in a way that is responsible respects the fact that Mexico is an ally just for the fact that everybody has a sovereign right to do so; but as we do it, let us do it by fixing some of the problems that are broken in terms of the economy over there, in terms of these 8 million that are here, in terms of creating at least a pathway.

Guest worker is one pathway; earned access is another. But I do not think we can quarrel about securing the border, and I would hope that my good friends in the immigrant advocacy area know that that is not a situation where it is condemning immigration. It is suggesting that we all have to work toward balancing the security of our respective nations. But I think if we worked on the economy that draws people out of the deepness of Mexico just to be able to live, we could understand their plight and other places in South America.

And I would just close on this and yield back to the gentleman. And I simply say if we had an equitable immigration policy, if we did for the Haitians what we do for Cubans, if we did for the Africans what we do for others, if we say that immigration includes the Irish or the English and then we got a policy that worked, we might even find ourselves somewhere near thinking that we have a solution.

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But I thank the gentleman for yielding to me. The gentleman knows my passion. The gentleman knows my sense of balance and my absolute commitment to the idea that those who come now deserve our respect and admiration because they have come to contribute, they have come to serve in our military, and they have come to get our support.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman. I absolutely respect every single person. I understand entirely why these people come. I would be doing exactly the same thing. My grandparents did exactly the same thing. It is not the individual that I complain about, it is our own government's policy, and I ask us to look seriously at changing it for all Americans.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 71) providing for a conditional adjournment or recess of the Senate.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Tuesday, October 14, 2003, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 7 and 8.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

ADJOURNMENT

Mr. TANCREDO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 3, 2003, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 2, 2003.

HON. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(b)), I am transmitting on behalf of the Board of Directors the enclosed notice for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Notice of Proposed Rulemaking—Extension of Period for Comment.

A Notice of Proposed Rulemaking (NPR) for the proposed procedural regulations was published in the Congressional Record dated September 4, 2003. This notice is to inform interested parties that the Board of Directors of the Office of Compliance has extended the period for public comment on the NPR until October 20, 2003. Any questions about this notice should be directed to the Office of Compliance, LA 200, John Adams Building, Washington, DC 20540–1999; phone 202/724–9250; fax 202/426–1913.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4549. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Reinstatement of the Continuing Assessment Rate [Docket No. FV03-948-2 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4550. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Dairy Promotion and Research Program; Amendment to the Order [Docket No. DA-03-06] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4551. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Extension and Modification of the Exemption for Shipments of Tree Run Citrus [Docket No. FV03-905-1 IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4552. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV03-905-3 IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4553. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapfruit; Removing All Seeded Grapefruit Regulations, Relaxation of Grade Requirements for Valencia and Other Late Type Oranges, and Removing Quality and Size Regulations on Imported Seeded Grapefruit [Docket No. FV03-905-2-IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4554. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Increased Assessment Rate [Docket No. FV03-948-3 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4555. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Changes in Reporting Requirements [Docket No. FV03-993-1 FIR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4556. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packaged in Riverside County, CA; Decreased Assessment Rate [Docket No. FV03-987-1 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4557. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate [Docket No. FV03-905-4 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4558. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increased Assessment Rates for Specified Marketing Orders [Docket No. FV03-922-1 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4559. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Earl B. Hailston, United States Marine

Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4560. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Le Moyne, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4561. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal, Suspension, and Debarment of Accountants From Performing Audit Services (RIN: 3064-AC57); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Department of the Treasury, Office of Thrift Supervision [No. 2003-33] (RIN: 1550-AB53) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4562. A letter from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Emergency Evacuations (RIN: 1219-0137) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4563. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers [Docket No. EE-RM/TP-99-500] (RIN: 1904-AB10) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4564. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Okeechobee, Florida) [MB Docket No. 03-89; RM-10689] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4565. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Czech Republic for defense articles and services (Transmittal No. 03-38), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4566. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1,000,000 or more as of 30 June 2003, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4567. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 19-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning Special Operations Forces Equipment Capability between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Greece (Transmittal No. DTC 102-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4569. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Taiwan (Transmittal No. DDTC 088-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4570. A letter from the Assistant Sectretary of Legislative Affairs, Department of State, transmitting transmitting the 2002 and 2003 reports on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, ("the CFE Flank Document"); to the Committee on International Relations.

4571. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4572. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

573. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4574. A letter from the Secretary, Department of Energy, transmitting the Department of Energy's 2003 Strategic Plan entitled, "Protecting National, Energy, and Economic Security with Advanced Science and Technology and Ensuring Environmental Cleanup"; to the Committee on Government Reform.

4575. A letter from the Chairman, International Trade Commission, transmitting the fifth edition of the United States International Trade Commission's Strategic Plan, which covers the period from fiscal year 2003 through fiscal year 2008, pursuant to Public Law 103—62; to the Committee on Government Reform.

4576. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Strategic Plan of the National Archives and Records Administration, revised 2003; to the Committee on Government Reform.

4577. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4578. A letter from the Postmaster General, CEO, United States Postal Service, transmitting two reports entitled "Postal Service Proposal: Military Service Payments Requirements," and "Postal Service Proposal: Use of Savings for Fiscal Years after 2005," pursuant to Public Law 108—18; to the Committee on Government Reform.

4579. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001; to the Committee on the Judiciary.

4580. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Richfield Municipal Airport, Richfield, UT [Airspace Docket No. 01-ANM-16] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4581. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; South Bend, IN [Docket No. FAA-2003-14693; Airspace Docket No. 03-AGL-03] received September 30, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4582. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, OH [Docket No. FAA-2003-14906; Airspace Docket No. 03-AGL-05] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4583. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cheboygan, MI [Docket No. FAA-2003-14905; Airspace Docket No. 03-AGL-04] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waimea-Kohala, HI [Docket No. FAA-2003-15628; Airspace Docket No. 03-AWP-10] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Clifton, TN [Docket No. FAA-2003-16122; Airspace Docket No. 03-ASO-17] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524G2, -524G2-T, -524G3, -524G3-T, -524H, -524H-T, -524H2, and "524H2-T Series, and Models RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines; Correction [Docket No. 2003-NE-20-AD; Amendement 39-13242; AD2003-14-23] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes [Docket No. 2003-NM-206-AD; Amendment 39-13319; AD 2003-20-01] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule —

Airworthiness Directives; Learjet Model 60 Airplanes [Docket No. 200-NM-408-AD; Amendment 39-13314; AD 2003-19-11] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2003-SW-22-AD; Amendment 39-13315; AD 2003-19-12] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30389; Amdt. No. 444] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30387; Amdt. No. 3075] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fairchild Aircraft, Inc., SA226 Series and SA227 Series Airplanes [Docket No, 2000-CE-45-AD; Amendment 39-13313; AD 2003-19-101] (RIN 2120 AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 and EC 155B Helicopters [Docket No. 2001-SW-61-AD; Amendment 39-13303; AD 2003-19-01] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-500 and ATR72 Series Airplanes [Docket No. 2002-NM-169-AD; Amendment 39-13284; AD 2003-17-09] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus A330 and A340 Series Airplanes [Docket No. 2001-NM-187-AD; Amendment 39-13293; AD 2003-18-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eagle Aircraft (Malaysia) Sdn. Bhd. Model 150B Airplanes [Docket No. 2000-CE-23-AD; Amendment 39-13310; AD 2003-19-07] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2003-NM-137-AD; Amendments 39-13304; AD 2003-19-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4598. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F (KC-10A and KDC-10), -40, and-40F Airplanes; and Model MD-10-10F and -30F Airplanes [Docket No. 2002-NM-164-AD; Amendment 39-13308; AD 2003-19-05] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 airspace at Afton Municipal Airport, Afton, WY [Airspace Docket No. FAA-02-ANM-07] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4600. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marshall, AK [Docket No. FAA-2002-13971; Airspace Docket No. 02-AAL-08] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace, Amendment of Class E5 Airspace; Waycross, GA [Docket No. FAA-2003-14707; Airspace Docket No. 03-ASO-3] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Eureka, KS [Docket No. FAA-2003-14847; Airspace Docket No. 03-ACE-32] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4603. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-60-AD; Amendment 39-13306; AD 2003-19-03] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area 4809, Tonopah, NV [Docket No. FAA-2003-15478; Airspace Docket No. 03-AWP-6] (RIN: 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM [Docket No. FAA-2002-13013; Airspace Docket No. 02-ANM-10] (RIN: 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4606. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-179-AD; Amendment 39-13305; AD 2003-09-04 R1] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4607. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes [Docket No. 2001-NM-176-AD; Amendment 39-13307; AD 2003-19-04] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4608. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-324-AD; Amendment 39-1311; AD 2003-19-08] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; Elizabeth City, NC; Correction [Docket No. FAA-2003-14673; Airspace Docket No. 03-ASO-2] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beatrice, NE [Docket No. FAA-2003-15461; Airspace Docket No. 03-ACE-59] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kenton, OH; Revocation of Class E Airspace; Bellefontaine, OH [Docket No. FAA-2003-14644; Airspace Docket No. 03-AGL-01] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pocahontas, IA

[Docket No. FAA-2003-15077; Airspace Docket No. 03-ACE-45] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sibley, IA [Docket No. FAA-2003-15080; Airspace Docket No. 03-ACE-48] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ambler, AK [Docket No. FAA-2003-14608; Airspace Docket No. 03-AAL-02] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Webster City, IA [Docket No. FAA-2003-15458; Airspace Docket No. 03-ACE-56] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, IA [Docket No. FAA-2003-15459; Airspace Docket No. 03-ACE-57] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waterloo, IA [Docket No. FAA-2003-15457; Airspace Docket No. 03-ACE-55] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Tuscaloosa, AL; Correction [Docket No. FAA-2003-15360; Airspace Docket No. 03-ASO-7] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-Series Airplanes [Docket No. 2001-NM-342-AD; Amendment 39-13312; AD 2003-19-09] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction [Docket No. 94-ANE-08-AD; Amendment 39-13256; AD 2003-16-03] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 2B1, 2 B1A, 2 B1A 1, and 2K1 Turboshaft Engines [Docket No. 2003-NE-05-AD; Amendment 39-13309; AD 2003-19-06] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-322-AD; Amendment 39-13221; AD 2003-14-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 2003-NM-190-AD; Amendment 39-13302; AD 2003-18-11] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No. 2001-NM-240-AD; Amendment 39-13301; AD 2003-18-10] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 2001-NM-370-AD; Amendment 39-13296; AD 2003-18-05] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-179-AD; Amendment 39-13299; AD 2003-18-08] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-131 and -132; A320-231, -232, and -233; and A321-131 and -231 Series Airplanes [Docket No. 2000-NM-411-AD; Amendment 39-13297; AD 2003-18-06] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Federal Airways V-13 and V-407; Harlingen, TX [Docket No. FAA 2003-15061; Airspace Docket No. ASD 03-ASW-1] (RIN 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; St. Joseph, MO [Docket No. FAA-2003-16026; Airspace Docket No. 03-ACE-70] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Houston Class B Airspace; TX [Docket No. FAA-2003-14402; Airspace Docket No. 01-AWA-4] (RIN 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Class E Airspace; Wichita Mid-Continent Airport, KS [Docket No. FAA-2003-15454; Airspace Docket No. 03-ACE-52] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sioux Center, IA [Docket No. FAA-2003-15455; Airspace Docket No. 03-ACE-53] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4638. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beatrice, NE [Docket No. FAA-2003-15461; Airspace Docket No. 03-ACE-59] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4639. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Elkhart, KS [Docket No. FAA-2003-15453; Airspace Docket No. 03-ACE-51] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4640. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Vinton, IA [Docket No. FAA-2003-15456; Airspace Docket No. 03-ACE-54] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4641. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waimea-Kohala Airport, HI [Docket No. FAA-2003-15628; Airspace Docket No. 03-AWP-10] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4642. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace at Richfield Municipal Airport, Richfield, UT [Airspace Docket No. FAA-01-ANM-16] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4643. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Jet Routes 618 and 623, and Revocation of Jet Routes 600 and 601; AK [Docket No. FAA-2003-15978; Airspace Docket No. 03-AAL-14] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4644. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, IA [Docket No. FAA-2003-15459; Airspace Docket No. 03-ACE-57] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4645. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Webster City, IA [Docket No. FAA-2003-15458; Airspace Docket No 03-ACE-56] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4646. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waterloo, IA [Docket No. FAA-2003-15457; Airspace Docket No. 02-ACE-55] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4647. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Transportation of Household Goods; Consumer Protection Regulations; delay of compliance date [Docket No. FMCSA-97-2979] (RIN 2126-AA32) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4648. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Hours of Service of Drivers [Docket No. FMCSA-97-2350] (RIN 2126-AA23) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4649. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. RSPA-03-16099 (HM-189V)] (RIN 2137-AD85) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4650. A letter from the Regulations Coordinator, ACF, Department of Health and Human Services, transmitting the Department's final rule — Charitable Choice Provisions Applicable to the Temporary Assistance for Needy Families Program (RIN: 0970-AC12) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4651. A letter from the Chair, Office of Compliance, transmitting notice of proposed procedural rulemaking—Extension of Period for Comment—under Section 303 of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1383(b); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. House Resolution 364. Resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq; adversely (Rept. 108–289 Pt. 2). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 408. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; with an amendment (Rept. 108–292). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 708. A bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes (Rept. 108–293). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1092. A bill to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; with amendments (Rept. 108–294). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1442. A bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial; with an amendment (Rept. 108–295). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 254. An act to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes (Rept. 108–296). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAYS (for himself, Mrs. Maloney, Mr. Turner of Ohio, Mr. Tierney, Mr. Murphy, and Mr. Ruppersberger):

H.R. 3227. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish clearly defined standards and guidelines for Federal, State, and local government emergency preparedness and response capability, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. Wamp, Mr. Burton of Indiana, Mr. Goode, Mr. Sensenbrenner, Mr. Michaud, Mr. Taylor of Mississippi, Mr. Hinchey, Mr. Clay, Mr. Pallone, Mr. Strickland, Mr. Pascrell, Mr. Kucinich, Mr. Lipinski, Mr. Filner, Mr. DeFazio, Mr. Taylor of North Carolina, Mr. Visclosky, Mr. Green of Texas, Mr. Evans, Mr. Ryan of Ohio, Mr. Peterson of Minnesota, Mr. Frank of Massachusetts, Mr. Capuano, Mr. Costello, Mr. Abercrombie, Mr. Grijalva, Ms. Slaughter, Mr. Coble, Mr. Smith of New Jersey, Mr. Towns, and Mr. Baca):

H.R. 3228. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H.R. 3229. A bill to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes; to the Committee on House Administration.

By Mr. BRADLEY of New Hampshire:

H.R. 3230. A bill to amend the Internal Revenue Code of 1986 to allow a lump sum contribution to Coverdell education savings accounts whenever the contribution limit is increased; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. Waxman):

H.R. 3231. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. Boehner, Mr. George Miller of California, and Ms. Woolsey):

H.R. 3232. A bill to reauthorize certain school lunch and child nutrition programs for fiscal year 2004; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ:

H.R. 3233. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. Ackerman, Mr. Bishop of New York, Mr. Boehlert, Mr. Crowley, Mr. Engel, Mr. Fossella, Mr. Houghton, Mr. Israel, Mrs. Kelly, Mr. King of New York, Mrs. Lowey, Mrs. Maloney, Mrs. McCarthy of New York, Mr. McHugh, Mr. McNulty, Mr. Meeks of New York, Mr. Nadler, Mr. Owens, Mr. Quinn, Mr. Rangel, Mr. Reynolds, Mr. Serrano, Ms. Slaughter, Mr. Sweeney, Mr. Towns, Ms. Velázquez, Mr. Walsh, and Mr. Weiner):

H.R. 3234. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building"; to the Committee on Government Reform.

By Mr. HUNTER:

H.R. 3235. A bill to amend title 23, United States Code, to withhold highway funds from States that issue drivers' licenses to illegal aliens; to the Committee on Transportation and Infrastructure.

By Mr. KLECZKA (for himself and Mr. Etheridge):

H.R. 3236. A bill to prohibit price gouging of products and services that are widely needed during a designated disaster; to the Committee on Energy and Commerce.

By Mrs. McCARTHY of New York (for herself, Mr. Dingell, Mr. Tom Davis of Virginia, Mr. Conyers, Mr. Bereuter, Mr. Stupak, Mr. Shays, Mr. Ferguson, Mr. Ford, Mr. King of New York, Mr. Langevin, Mr. Shaw, Mr. Pascrell, Mr. Cunningham, Mrs. Tauscher, Mr. Foley, Mr. Souder, Mr. Frank of Massachusetts, Mr. Moran of Virginia, Mr. Frost, Ms. Norton, Mr. Berman, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Lofgren, Mrs. Capps, Mr. McGovern, Mr. McDermott, Mr. Israel, Mr. Meehan, Ms. Jackson-Lee of Texas, Mr. Delahunt, Mr. Wexler, Mr. Weiner, Ms. Baldwin, Mr. Andrews, Mr. Emanuel, Mr. Bishop of New York, Mr. Schiff, and Mr. Case):

H.R. 3237. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida:

H.R. 3238. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. Rodriguez, and Mr. Reyes):

H.R. 3239. A bill to amend title 38, United States Code, to delay the termination of the Advisory Committee on Minority Veterans; to the Committee on Veterans' Affairs.

By Mr. NEUGEBAUER:

H.R. 3240. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the La Entrada al Pacifico Corridor in the State of Texas as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 3241. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; to the Committee on Resources.

By Mr. OSE (for himself, Mr. Dooley of California, Mr. Acevedo-Vilá, Mr. English, Mr. Filner, Mrs. Kelly, Mr. Kolbe, Mr. Larsen of Washington, Mr. McHugh, Mr. Nunes, Mr. Radanovich, Mr. Scott of Georgia, Mr. Thompson of California, Mr. Gallegly, Mr. Cardoza, Mr. DeFazio, Mr. Kingston, Mr. Wu, Mr. Hinojosa, and Mr. Farr):

H.R. 3242. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Norwood, Mr. Bachus, Mr. Kennedy of Rhode Island, Mr. Stark, Mr. Pickering, Mr. Castle, and Mrs. Johnson of Connecticut):

H.R. 3243. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. Cardin, Ms. Pelosi, Mr. Hoyer, Mr. George Miller of California, Mr. Stark, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, and Mr. Neal of Massachusetts):

H.R. 3244. A bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. Gordon, and Mr. Hall):

H.R. 3245. A bill to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commerce, and for other purposes; to the Committee on Science.

By Mr. RYAN of Wisconsin (for himself, Mr. Pomeroy, Mr. Camp, Mr. Crane, Ms. Dunn, Mr. English, Mr. Foley, Mr. Herger, Mr. Hulshof, Mr. Lewis of Georgia, Mr. Ramstad, Mr. Sandlin, Mr. Isakson, Mr. Turner of Texas, Mr. Terry, Mr. Toomey, Mr. Bachus, Mr. Goode, Mr. Wicker, Mr. Wu, Mr. Shuster, Mr. Green of Wisconsin, Mr. Weldon of Florida, Mr. Walden of Oregon, Mr. Otter, Mr. Bonner, Mr. Stupak, Mr. George Miller of California, Mr. Souder, Mr. Pitts, Mr. Taylor of North Carolina, Mr. Quinn, Mr. Ryun of Kansas, Mr. Burton of Indiana, Mr. Neugebauer, Mr. McHugh, Mr. Upton, Mr. Cannon, Mr. Shays, Mr. Lucas of Kentucky, Mr. Vitter, Mr. Berry, Mr. Tiberi, Mrs. Myrick, Mr. Stenholm, Mr. Burr, Mr. Paul, Mr. Pearce, Mr. Simpson, Mr. Simmons, Mr. Istook, Ms. Velázquez, Mr. Davis of Tennessee, Mr. Moran of Kansas, Mr. Rogers of Kentucky, Mr. Ehlers, Mr. Petri, Mr. Boehner, Mr. Gerlach, Mr. Manzullo, Mr. Flake, Mr. Tom Davis of Virginia, Ms. Hart, Mr. DeMint, Mr. Sullivan, Mr. Renzi, Mr. Rogers of Michigan, Mr. LaHood, Mr. Ross, Mr. Forbes, Mr. Carter, Mr. Wilson of South Carolina, Mr. Oxley, Mr. Goodlatte, Mr. Bass, Mrs. Jones of Ohio, Mr. Putnam, Mr. Michaud, Mr. Green of Texas, Mr. Sessions, and Mr. Akin):

H.R. 3246. A bill to amend the Internal Revenue Code of 1986 to provide that certain mobile machinery not be treated as highway vehicles; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. McInnis, and Mr. Udall of Colorado):

H.R. 3247. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 3248. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and the Workforce.

By Mr. HAYES (for himself and Mr. McHugh):

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on Armed Services.

By Mrs. NAPOLITANO:

H. Con. Res. 292. Concurrent resolution expressing the sense of Congress that Congress should adopt and implement the goals and recommendations provided by the President's New Freedom Commission on Mental Health through legislation or other appropriate action to help ensure affordable, accessible, and high quality mental health care for all Americans; to the Committee on Energy and Commerce.

By Mr. CUNNINGHAM:

H. Con. Res. 293. Concurrent resolution supporting the goals and ideals of God Bless America Week; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H. Con. Res. 294. Concurrent resolution addressing the decision by OPEC countries to decrease oil production; to the Committee on International Relations.

By Mr. DAVIS of Alabama (for himself and Mr. Bachus):

H. Res. 389. A resolution honoring the young victims of the Sixteenth Street Baptist Church bombing, recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. Lantos, Mr. Wexler, and Mrs. Jo Ann Davis of Virginia):

H. Res. 390. A resolution recognizing the continued importance of the transatlantic relationship and promoting stronger relations with Europe by reaffirming the need for a continued and meaningful dialogue between the United States and Europe; to the Committee on International Relations.

By Mr. JOHNSON of Illinois:

H. Res. 391. A resolution congratulating the University of Illinois Fighting Illini men's tennis team for its successful season; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BARTLETT of Maryland.

H.R. 135: Mr. GARY G. MILLER of California.

H.R. 284: Mr. EMANUEL.

H.R. 339: Mrs. CAPITO.

H.R. 369: Mr. DAVIS of Tennessee.

H.R. 371: Mr. McHUGH, Mr. WELDON of Pennsylvania, Mr. WALSH, and Mr. KING of New York.

H.R. 375: Mr. JEFFERSON and Mr. THOMPSON of Mississippi.

H.R. 434: Mr. KINGSTON, Mr. HYDE, Mr. GINGREY, Mr. WAMP, and Mr. CAMP.

H.R. 466: Mr. GARY G. MILLER of California.

H.R. 486: Mr. DeMINT, Mr. HOSTETTLER, and Mr. SULLIVAN.

H.R. 548: Mr. BURTON of Indiana and Mr. GARY G. MILLER of California.

H.R. 583: Mr. WELLER.

H.R. 687: Mr. JOHNSON of Illinois, Mr. CRANE, and Mr. FOLEY.

H.R. 693: Mr. HOLDEN, Mr. MARSHALL, Mr. McCOTTER, Mr. CONYERS, Mr. HINCHEY, and Mr. WICKER.

H.R. 742: Mr. JONES of North Carolina.

H.R. 751: Mr. TANCREDO.

H.R. 791: Mr. MARSHALL.

H.R. 802: Ms. LOFGREN.

H.R. 808: Mr. FOLEY.

H.R. 816: Mr. SCOTT of Georgia.

H.R. 839: Mr. THOMPSON of Mississippi, Mr. WELLER, and Mr. CAPUANO.

H.R. 857: Mr. KIRK.

H.R. 870: Mr. ISTOOK, Mr. BAIRD, and Ms. CARSON of Indiana.

H.R. 919: Mr. SWEENEY and Mr. DOOLEY of California.

H.R. 920: Mr. LIPINSKI.

H.R. 953: Mr. GINGREY.

H.R. 973: Mr. BISHOP of New York, Mrs. McCARTHY of New York, and Mr. LEWIS of Kentucky.

H.R. 990: Mr. SESSIONS, Mr. REHBERG, Mr. PEARCE, and Mr. HENSARLING.

H.R. 995: Mr. GREEN of Texas.

H.R. 1005: Mr. SIMPSON.

H.R. 1068: Mr. BLUMENAUER, Mr. MANZULLO, and Mr. QUINN.

H.R. 1117: Mr. SENSENBRENNER.

H.R. 1136: Mr. EHLERS and Ms. WATSON.

H.R. 1214: Mr. OBERSTAR and Mr. JENKINS.

H.R. 1250: Ms. McCOLLUM and Mr. CHOCOLA.

H.R. 1258: Mr. ANDREWS.

H.R. 1264: Mrs. McCARTHY of New York.

H.R. 1294: Mr. DOGGETT.

H.R. 1323: Mr. GREEN of Wisconsin.

H.R. 1336: Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mrs. EMERSON, and Mrs. CAPITO.

H.R. 1430: Mr. MORAN of Virginia, and Mrs. LOWEY.

H.R. 1466: Mr. STUPAK and Mr. MICHAUD.

H.R. 1475: Mr. HOUGHTON.

H.R. 1508: Mr. SCHIFF.

H.R. 1519: Mr. KOLBE.

H.R. 1523: Mr. SHIMKUS.

H.R. 1643: Mr. SHIMKUS, Mr. FORBES, and Mr. BALLANCE.

H.R. 1660: Mr. NORWOOD, Mr. BARTLETT of Maryland, and Mr. BURTON of Indiana.

H.R. 1676: Mr. BLUMENAUER, Mr. CLAY, and Mr. SHAYS.

H.R. 1684: Mr. HONDA, Mr. JACKSON of Illinois, and Ms. MILLENDER-McDONALD.

H.R. 1708: Mr. GREENWOOD and Mr. KING of New York.

H.R. 1738: Mr. LYNCH.

H.R. 1742: Mr. HINOJOSA.

H.R. 1811: Mr. ROSS, Mr. DREIER, Mrs. MYRICK, Mr. NORWOOD, and Mr. PASTOR.

H.R. 1819: Mr. LUCAS of Kentucky.

H.R. 1824: Mr. PORTER, Mr. CASE, Mr. GREEN of Texas, Mr. WOLF, Mrs. BLACKBURN, Mr. McGOVERN, and Mr. FRANK of Massachusetts.

H.R. 1886: Ms. DeGETTE, Mr. CONYERS, Mr. EDWARDS, Mr. LAMPSON, Mr. GALLEGLY, Mr. KUCINICH, Ms. SOLIS, Mr. QUINN, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. SMITH of Washington, and Mr. DOOLEY of California.

H.R. 1896: Mr. PETERSON of Minnesota.

H.R. 1914: Mr. GREEN of Texas and Mr. MOORE.

H.R. 1958: Mr. SNYDER.

H.R. 2034: Mr. HOEKSTRA and Mr. SESSIONS.

H.R. 2038: Mrs. NAPOLITANO and Ms. MILLENDER-McDONALD.

H.R. 2045: Mr. GRAVES, Mr. ISAKSON and Mrs. EMERSON.

H.R. 2052: Mr. INSLEE, Mr. RODRIGUEZ, Mr. CAPUANO and Ms. PELOSI.

H.R. 2093: Mr. McINTYRE.

H.R. 2130: Mr. SMITH of New Jersey, Mr. SAXTON, Mr. PASCRELL, and Mr. PAYNE.

H.R. 2133: Mr. WOLF.

H.R. 2178: Mr. DAVIS of Florida, Mr. POMEROY, Mr. FOLEY, and Mr. HULSHOF.

H.R. 2180: Mr. BURGESS.

H.R. 2203: Mr. OBEY.

H.R. 2239: Mr. SMITH of Washington, Mr. HONDA, Mr. ROSS, Mr. UDALL of New Mexico, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2327: Mr. SOUDER, Mr. MORAN of Virginia and Mrs. JO ANN DAVIS of Virginia.

H.R. 2359: Mr. BEREUTER and Mr. BALLENGER.

H.R. 2379: Mr. JANKLOW.

H.R. 2394: Mr. WEXLER, Mr. McNULTY, and Mr. HOLDEN.

H.R. 2456: Mr. CARDIN.

H.R. 2490: Mrs. LOWEY.

H.R. 2505: Mr. MORAN of Virginia.

H.R. 2512: Mr. ENGLISH and Mr. FEENEY.

H.R. 2548: Mr. CANNON.

H.R. 2579: Mr. NEUGEBAUER and Mr. BISHOP of Georgia.

H.R. 2592: Ms. MILLENDER-McDONALD, Mr. McDERMOTT, Ms. LEE, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. BISHOP of Georgia, and Mr. PAYNE.

H.R. 2614: Mr. BISHOP of New York.

H.R. 2615: Mr. SNYDER.

H.R. 2699: Mrs. CAPITO, Mr. POMBO, Mr. BLUNT, and Mr. KENNEDY of Minnesota.

H.R. 2705: Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. McDERMOTT, and Ms. CORRINE BROWN of Florida.

H.R. 2719: Ms. BERKLEY, Mrs. McCARTHY of New York, Mr. MEEKS of New York, Mr. JANKLOW, Mr. SCHROCK, Mr. DOOLITTLE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2720: Mr. UPTON, Mr. PAYNE, Mrs. McCARTHY of New York, Mr. SOUDER, and Mr. KUCINICH.

H.R. 2743: Mr. HERGER.

H.R. 2768: Mr. CROWLEY, Mr. SESSIONS, Mr. CAPUANO, Mr. HINCHEY, Mr. CARSON of Oklahoma, Mr. McGOVERN, Mr. PEARCE, Mr. HULSHOF, Mr. McDERMOTT, Mr. LAMPSON, Ms. SLAUGHTER, and Mr. TOWNS.

H.R. 2792: Mr. SMITH of New Jersey.

H.R. 2808: Mr. JANKLOW and Mr. OWENS.

H.R. 2811: Mr. DAVIS of Tennessee.

H.R. 2832: Mr. BRADY of Pennsylvania and Mr. McGOVERN.

H.R. 2851: Mr. HOSTETTLER.

H.R. 2853: Mr. BERMAN, Mr. KENNEDY of Rhode Island, and Mr. STARK.

H.R. 2868: Mr. GRIJALVA.

H.R. 2878: Mr. CASE.

H.R. 2885: Mr. GOODE.

H.R. 2898: Mr. HOLDEN.

H.R. 2900: Mr. LUCAS of Kentucky, Mr. ROSS, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. MARSHALL, and Mr. SHAW.

H.R. 2978: Mr. CARSON of Oklahoma, Mr. ROSS, Mr. OSBORNE, Mr. BISHOP of Georgia, Mr. SMITH of Michigan, and Mr. KINGSTON.

H.R. 2983: Ms. LEE.

H.R. 2986: Mr. BARTON of Texas, Mr. THOMPSON of Mississippi, and Mr. BRADLEY of New Hampshire.

H.R. 2998: Mr. SHUSTER, Mr. BARRETT of South Carolina, Mr. LaTOURETTE, Mr. WEXLER, Mr. ENGEL, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mrs. McCARTHY of New York, Mr. TANCREDO, and Mr. FOLEY.

H.R. 2999: Mr. BUYER, Mr. CUNNINGHAM, Mr. GINGREY, Mr. RENZI, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. RYUN of Kansas, and Mr. AKIN.

H.R. 3002: Mr. NORWOOD.

H.R. 3004: Ms. WATSON.

H.R. 3010: Mr. OWENS.

H.R. 3012: Mr. SWEENEY, Mrs. KELLY, Mr. REYNOLDS, Mr. McHUGH, Mr. RANGEL, and Ms. VELÁZQUEZ.

H.R. 3051: Mr. CUMMINGS, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. ISRAEL, Ms. NORTON, and Mrs. KELLY.

H.R. 3052: Mr. GINGREY and Mr. WAMP.

H.R. 3075: Mr. RENZI.

H.R. 3094: Mr. BISHOP of New York and Mr. MILLER of Florida.

H.R. 3109: Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. SHIMKUS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3119: Mr. BOSWELL, Mr. LaHOOD, Mr. LEACH, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. REHBERG.

H.R. 3120: Ms. NORTON.

H.R. 3123: Mr. OWENS.

H.R. 3130: Mr. BISHOP of Utah, Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, Mr. AKIN, and Mr. VITTER.

H.R. 3132: Mr. REYES.

H.R. 3134: Mrs. MYRICK.

H.R. 3140: Mr. DAVIS of Florida.

H.R. 3154: Ms. HARRIS and Mr. ABERCROMBIE.

H.R. 3165: Mr. BEREUTER.

H.R. 3178: Ms. NORTON, Mr. BLUMENAUER, Ms. LEE, Mr. WELDON of Pennsylvania, Mr. FROST, and Mr. COSTELLO.

H.R. 3184: Mr. FROST.

H.R. 3191: Mr. AKIN, Mr. KING of Iowa, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. HERGER, Mr. HOEKSTRA, Mr. CHOCOLA, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PENCE, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. KLINE, Mr. TAYLOR of Mississippi, and Mr. HALL.

H.R. 3193: Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. COLLINS, Mr. ROGERS of Alabama, Mr. BRADLEY of New Hampshire, Mr. HERGER, Mr. McCOTTER, Mr. KING of Iowa, Mr. BALLENGER, Mr. WICKER, Mr. CUNNINGHAM, Mrs. MUSGRAVE, Ms. GINNY BROWN-WAITE of Florida, Mr. HAYES, Mr. GRAVES, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. GIBBONS, Mr. PICKERING, Mr. CHOCOLA, Mr. PEARCE, Mr. BARRETT of South Carolina, Mr. McINTYRE, Mr. TANNER, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. HUNTER, Mr. RAHALL, Mr. AKIN, Mr. BONNER, Mr. BACA, Mr. CANTOR, Mr. BROWN of South Carolina, and Mr. BOOZMAN.

H.R. 3200: Ms. GINNY BROWN-WAITE of Florida, Mr. OSE, and Mrs. WILSON of New Mexico.

H.R. 3208: Mr. ACEVEDO-VILÁ and Mr. KING of New York.

H.R. 3214: Mr. HOSTETTLER, Mr. EHLERS, Ms. DeLAURO, and Ms. WATSON.

H.R. 3215: Mr. KIRK and Mrs. BLACKBURN.

H.J. Res. 22: Mr. TANCREDO.

H.J. Res. 62: Mr. TIERNEY.

H. Con. Res. 47: Ms. MCCOLLUM.

H. Con. Res. 86: Mr. OLVER.

H. Con. Res. 94: Mr. GIBBONS, Mr. NETHERCUTT, Mr. LUCAS of Kentucky, Mr. LEWIS of Kentucky, Ms. ESHOO, Mr. MCDERMOTT, Mr. LATHAM, Mr. RYUN of Kansas, Mr. KENNEDY of Rhode Island, Mr. JANKLOW, Mr. DOGGETT, Mr. NEUGEBAUER, Mr. PASTOR, and Mr. HOEFFEL.

H. Con. Res. 117: Mr. TANCREDO.

H. Con. Res. 242: Mr. ROTHMAN, Mr. SAXTON, Mr. HINCHEY, and Mr. WYNN.

H. Con. Res. 247: Mr. TERRY.

H. Con. Res. 252: Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Ms. ESHOO, and Mr. ALEXANDER.

H. Con. Res. 264: Mr. KENNEDY of Rhode Island.

H. Con. Res. 275: Mr. DEUTSCH.

H. Con. Res. 280: Mr. RYUN of Kansas, Mr. RAMSTAD, Mr. BURGESS, Mr. HILL, Mrs. NORTHUP, Mr. BOUCHER, Mr. SOUDER, and Mr. BACA.

H. Con. Res. 285: Mr. KENNEDY of Minnesota.

H. Res. 133: Mr. TERRY.

H. Res. 157: Mr. SABO.

H. Res. 261: Mr. WALDEN of Oregon, Mr. HINOJOSA, and Mr. DEUTSCH.

H. Res. 304: Mr. TERRY and Mr. LUCAS of Kentucky.

H. Res. 320: Mr. SHERMAN.

H. Res. 364: Mr. SHERMAN, Mr. ISRAEL, Ms. WOOLSEY, Mr. SMITH of Washington, and Ms. DEGETTE.

H. Res. 373: Ms. DELAURO, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. FROST, Mr. MCGOVERN, Mr. OLVER, Mr. WYNN, Ms. BALDWIN, and Mr. FILNER.

H. Res. 378: Mr. MCCRERY, Mr. BASS, and Mr. MCGOVERN.

H. Res. 384: Mr. CUMMINGS, Ms. WATSON, Mrs. CHRISTENSEN, Mr. SMITH of Washington, Mr. MEEK of Florida, Ms. WATERS, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Mr. LANTOS, Mr. GREEN of Texas, Mr. PASTOR, Ms. CARSON of Indiana, and Ms. DELAURO.

H. Res. 387: Mr. FOLEY, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. GILLMOR, Mr. MATSUI, Mr. BELL, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. CAPUANO, Mr. DAVIS of Alabama, Mr. WATT, Mr. ACKERMAN, Mrs. MALONEY, Mr. STENHOLM, Mr. TANNER, Mr. DAVIS of Tennessee Mr. ETHERIDGE, Mr. KIND, Mrs. BIGGERT, Mr. MICHAUD, Mr. CONYERS, Mr. HOLT, Mr. CLYBURN, Mr. CRAMER, Mr. WEXLER, Mr. DAVIS of Florida, Ms. HARMAN, Mr. SANDERS, Mr. LANTOS, Mr. EDWARDS, Mr. BOOZMAN, Mr. THOMPSON of California, and Mr. SHERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under Clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2022: Mr. GEORGE MILLER of California.

SENATE—*Thursday, October 2, 2003*

The Senate met at 9:30 a.m. and was called to order by the Hon. JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Our Father and our God, we come today seeking a deeper understanding of Your ways. Life often seems like a difficult riddle, but in spite of its challenges, You sustain us with Your majesty and Your indestructible love. Lord, forgive us when we think too often of ourselves and forget the pain of those around us. Thank You for hearing our prayers and for extending Your scepter of mercy. Make us willing to pay the price for freedom. May we remember that laudable goals usually require real effort and self-denial.

We bring to You the Members of this body. Empower them to bear the weight of responsibility. Give them the desire to honor You. Fill their hearts with gratitude for Your unfolding providence. Evaporate their fears like the morning mist. Help each of us to walk with our hand in Your hand. Remind us that only by doing Your will can we find true peace.

We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., October 2, 2003.*
>
> *To the Senate:*
>
> Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes. Following that time, the Senate will resume consideration of the supplemental appropriations for Iraq security. Pending will be the McConnell amendment, which is a sense of the Senate supporting our troops. There will be 40 minutes remaining for debate on that amendment and therefore that vote will occur shortly after 11 a.m. this morning.

Following that vote, we will resume debate on the Biden amendment on tax rates. I understand there are a number of Members on both sides of the aisle who will want to speak to that amendment. Additional votes will occur throughout the day as we work through the pending amendments.

I thank the two managers for their efforts thus far. I believe there is an understanding to rotate back and forth on the amendments and that will help to keep an orderly process throughout.

I look forward to another day of constructive debate, and I encourage Members to communicate with the chairman and ranking member if they desire to offer an amendment to the bill. We need to work through these amendments in a sequential way, one at a time, so it is helpful if Senators will work in advance to schedule consideration of their amendments.

In addition, there are four judges who are ready for consideration. I look forward to talking to the leadership on the other side of the aisle as to an appropriate time that we can schedule votes for them as well.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant minority leader is recognized.

THE SENATE CHAPLAIN

Mr. REID. Mr. President, while the majority leader is on the floor, I was thinking of the words spoken by the Chaplain this morning. It came to my mind that there haven't been enough accolades extended. There were others involved, but the two I know involved were you and Senator MIKULSKI, working to have this fine man brought here as the Senate Chaplain.

I have been able to visit with him on a couple of occasions and of course every morning to hear the wonderful prayers he utters on behalf of the Senate and the country. I simply want to extend thanks to Senator MIKULSKI and you and any others involved in this selection. Here is a man who is qualified to do so many different things. There aren't many people who can be referred to as "doctor," "chaplain," "admiral," but Dr. Black can be, because he is all three and probably a lot more.

So I think, even though so much goes unsaid around here, this is something that should be said. This is a great addition to the Senate family. I, on behalf of the entire Senate, extend my appreciation to you and Senator MIKULSKI, who was so enthused about this man when she told us who the chaplain was going to be.

Mr. FRIST. Mr. President, I very much appreciate the comments by the assistant Democratic leader. I will just briefly add to that, because so many of our colleagues do have the opportunity to be with the Chaplain in many ways that America doesn't see. Just two nights ago we were at an event for adoption from foster homes. Our colleagues and others see the Chaplain open this body every day. That is something that is apparent. What they don't see is the fellowship, the contributions, the nights, like two nights ago, where the Chaplain represented, yes, the Senate; yes, the Congress; but indeed the United States at events at night, giving the invocation before 900 people, 6 blocks from here in the Reagan Building.

He is the 62nd Chaplain, a great heritage to follow. We are delighted to be able to have his fellowship, his leadership, and his counsel as we go forth each day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for morning business for up to 60 minutes, with the first 30 minutes of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, the second 30 minutes of time under the control of the Democratic leader or his designee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The Senator from Utah.

Mr. BENNETT. On behalf of the Senator from Texas, Mrs. HUTCHISON, I yield 5 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Oklahoma is recognized for 5 minutes.

THE CONFIRMATION HEARING FOR GOVERNOR LEAVITT

Mr. INHOFE. It is my intention, Mr. President, to come down here and share something that happened last Tuesday that has never happened before in the history of this institution. I chair the Environment and Public Works Committee. We had a confirmation hearing for Governor Leavitt from Utah, a highly qualified nominee by the President to be administrator of the EPA. The Democrats boycotted the meeting. They obstructed the meeting just by boycotting it, not showing up. I am going to be talking later on today about that, but it is my intention now to talk about the subject the Senator from Utah and the Senator from Texas have before us, because it has such great ramifications to our Nation's security.

SUPPLEMENTAL APPROPRIATIONS FOR IRAQ SECURITY

Mr. INHOFE. The whole issue of the $87 billion is so misunderstood by most of the American people, I would like to try to put it in a context that is more understandable. First of all, you are talking about $87 billion, of which $66 billion is going back into the military. Most of that is rebuilding the military for what happened to the military during the 1990s, and to rebuild it, to get us up to be able to meet the challenges that are very serious today. I would like to go into more detail on that, but there is not time in this 5 minutes.

But I would say this, of the $87 billion—and you take away the $66 billion—we are talking about $20 billion, less $5 billion. It is very important we understand this; $5 billion of this will be going toward border security, having nothing to do with rebuilding infrastructure, rebuilding any of the water systems, electrical systems, the highways, the other infrastructure systems we are going to have to get done.

It leaves $15 billion.

The big discussion here is—and I know it sounds good to the American people and it sounds good to my wife—with all of the potential oil revenues, why don't we restructure this as a loan as opposed to a grant? There is very good reason for that.

CSIS has come up with an analysis of the debt that is owed currently by Iraq. It is not just $140 billion or the $200 billion figure you have heard. When you put the claims in there that would have to be subordinate to the $383 billion, if we do restructure this as a loan, it would come in only after $383 billion has been repaid by some source. We all know logically that would never ever happen. But the rewards of expending this $15 billion and doing it quickly, as the President is requesting, are immense. To have a friend in that country of Iraq in the Middle East would have a great benefit for us.

When you stop to think about just the cost of petroleum for the no-fly zone, that amounts to $15 billion each decade. If we don't do this, we are going to be right back in that box where we didn't finish the job we should have finished in 1991 and 1996. Now is the time to finish the job.

I suggest to you that the greatest disservice we could do to our troops on the ground over in Iraq would be to stall this thing, to not get over there and put the necessary money in to fix the infrastructure.

I am not sure how many people in this body know how much our troops are doing. They are actually putting roofs on buildings, they are actually constructing houses, and they are doing things on their own with their own labor. They desperately need to have us come in and make the necessary fixes.

We have had a success story. My gosh, we have had over 5,000 businesses started. The hospitals and clinics are now open. The schools opened 2 days ago, and 56,000 Iraqis are now working in the security control system.

All of this can continue only if we get the $15 billion over there for the reparations and to take care of the infrastructure. If we don't do that, we are leaving our troops out there in a very dangerous situation.

I would like for everyone to remember their history a little bit.

The Treaty of Versailles was in 1919, at the end of World War I. France insisted on leaving $32 billion in debt for the Germans to pay. As a result of being covered up with debt and knowing there was no possible way out, they became ripe for Hitler to come along. And we know the rest of the story.

That is the same situation we are facing in Iraq right now. If we don't come to the table with the $15 billion and get in there and start repairing the infrastructure and continue the success we have had so far, and do it immediately, then we are going to leave our troops hanging out there to dry.

For the sake of national security, the most significant thing we probably will be dealing with—certainly in this year and maybe during our entire careers—is to get the money in there and get the job done, and this time not do what we did in 1991 or 1996 but finish the job and bring this country back up so it can be our ally in the Middle East.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, one of the anecdotes about politics I enjoy the most and that I think is most illustrative of some of the situation that is going on now with respect to Iraq relates to the late Pauline Kael. She was the movie editor for the New Yorker magazine. In 1972, when Richard Nixon won an overwhelming and historic victory in the Presidential election, carrying every single State except Massachusetts and the District of Columbia, Pauline Kael was terribly surprised. She said when commenting on this: Nixon can't possibly have won. I don't know a single person who voted for him.

There might be some who will say that speaks well of her circle of friends, but it demonstrates that she lived in a very tight intellectual circle and had no real contact with what was happening in the country as a whole.

I cite that because I think that is what is happening with respect to reporting in Iraq right now. I had an experience over the weekend which I will share briefly before I yield the remainder of our morning business time to the Senator from Texas.

An old friend from Utah and his wife came to Washington on a tourist visit, and I took them around to the various monuments. This man and his wife expressed great concern about Iraq. The wife said: We have real problems in Iraq. I said: Yes, we do. Tell me what they are, from your perspective.

She said: People are dying all the time, and we are making no progress whatsoever, and we have no plan of making progress. We are in real trouble in Iraq. I said to her: Let me ask you a few things. I said: Are you aware of the fact that about 90 percent of the country is peaceful and that the attacks on Americans are taking place only in what is known as the Sunni Triangle, which goes from Baghdad to Tikrit, and that outside of the Sunni Triangle Americans are not being attacked and killed? She said: No, I didn't know that.

I said: Which country do you think is providing the most troops other than America to help fight for security in Iraq? She said: I guess it is the British. I said: No, it is not the British. Not the British? Is there another country that has more troops in Iraq fighting for Iraq besides the British? I said: Yes. It is the Iraqis. She said: What do you mean? Why, there are close to 50,000 Iraqis under arms providing security support for Americans. She said: I didn't know that.

I said: How many schools do you think have been reopened since the war? She said: I assume probably none. I said: No. I said: 90 percent of the schools and hospitals are now operating. She said: I didn't know.

I will not prolong the time because the Senator from Texas wishes to speak. But the point is that we have in the American press today a lot of Pauline Kaels, someone who said, I don't know a single person who voted for Richard Nixon, in the face of the most historic landslide we had with Richard Nixon. We have press people who are telling us what is going on in Iraq who don't know anybody who has anything good to say about what is going on in Iraq.

I have said before and I will conclude with this: During the height of hostilities in Iraq, to watch television, it was clear we were losing the war on CNN. But, fortunately, we won it on Fox. Ultimately, the fact that we won came through even to the CNN executives.

I think the good things that are happening in Iraq will eventually come through, even to the people at CNN and the New York Times and some of the other places that are living in a Pauline Kael world.

I yield the remainder of our morning business time to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I inquire how much time remains on our side.

The ACTING PRESIDENT pro tempore. The Senator from Texas has 20 minutes remaining.

Mr. CORNYN. I thank the President, and I thank the Senator from Utah for the courtesy and the opportunity to rise to say a few words about the President's budget request.

I want to be clear about this. The sooner we accomplish our mission of securing Iraq and freeing the economy and stabilizing the government, the sooner our young men and women will be able to come home and we can turn Iraq over to the Iraqis so that they can enjoy the blessings of self-government and liberty.

By the same token, the longer we delay in voting on this supplemental request, the longer we delay in getting money that is needed both to support our troops and to restructure that troubled region and the longer it will be before our troops will be able to come home to their families. Slowing this funding request merely delays the return of our troops from harm's way. And that should not be the role of the Senate, either unintentionally or otherwise.

We all know that the Congress voted to authorize the President to use necessary force to remove Saddam Hussein's regime last November. But there are some in this body today who appear to be playing the politics of the moment, making claims that seem to exploit for political gain the hardships that our military is enduring in serving the cause of freedom. This is nothing more than crass political games. They certainly have no place in this body.

I have the utmost respect and regard for my fellow Senators. Yet I must confess that I am dumbfounded at how soon some have appeared to forget the truth of Saddam's vile regime. The fundamental question we ought to be asking is, Are the Iraqi people better off today than they were under Saddam's regime? The answer to that is unequivocally yes. Are the American people safer today than they were when Saddam was in power? Again, the answer is unequivocally yes. The only remaining question is, Have we finished the job we started with Saddam's ouster? The answer to that question is no. But we must and we will.

I had the honor of traveling to Iraq with members of the Senate Armed Services Committee last June. I was sickened by the inhumanity evidenced by the mass graves, holding some 300,000 Iraqis and others who were victims of Saddam's regime. I was also shocked to learn from a U.N. representative that there are some 1.5 million people simply missing. We do not know whether they are dead or alive.

The suggestion in the face of these silent witnesses that Iraq, the Middle East, indeed the entire free world, are not better off today than before we took Saddam down is simply false.

Today there is religious freedom and human rights in Iraq unlike anything experienced during Saddam's regime. The Iraqi people now have hope, they have a future, something that must have seemed only like a dream to them a few short months ago.

I am proud to commend President Bush for the resolute leadership that he has demonstrated in pursuing the war on terror both in Iraq and around the world. Everyone who has been engaged in this fight, whether it is the most junior recruit or the Commander in Chief, is doing a remarkable job under extraordinarily difficult circumstances. I strongly believe we must remain committed to finishing the job in Iraq by supporting this supplemental.

I ask those who oppose this supplemental or who want to slow it down or who want to cut it in pieces and engage in lengthy delay, what is the message America sends to our enemies in the war on terror if we are shaken in our commitment? Do we doubt our mission so easily? Do our international commitments mean so little? We did not undertake the war against terror because it was easy. We undertook it because it was the right thing to do, because it was necessary to make America safer.

As I said, there are some in the Senate who have advocated separating the moneys requested in this $87 billion supplemental between assistance to the troops and reconstruction of Iraq. I am opposed to any such separation and I am glad we voted down an amendment yesterday on that issue. Some argue that we should loan the money to Iraq instead of providing it to Iraq in the form of a grant—that is, that portion that should go to reconstruction. If we are to get our young men and women in uniform back home as soon as possible, which should be our goal, and turn the government over to the Iraqi people as soon as possible, which should also be our goal, we should not allow for any delay in the delivery of these funds.

General Abizaid, the CENTCOM commander, testified before the Senate Armed Services Committee that these reconstruction funds are inextricably intertwined with the security of our men and women on the ground.

I also believe it would be foolish to extract what would be only an illusory guarantee of loan repayment, and the delay in getting such loan funds to those who need it on the ground will likely jeopardize the security of our troops, according to General Abizaid.

The economic assistance and the reconstruction support requested today are essential to the success and security of our troops and essential to our success in Iraq. We must build up Iraqi security, we must gain the confidence of the Iraqi people by improving the infrastructure, and we must begin the capacity to deal with all of the threats they face on the ground.

I share my colleagues' concerns and their sense of fiscal responsibility when dealing with taxpayer dollars. I strongly believe we should be good stewards of the taxpayers' money at all times. I wish this newfound concern pervaded all aspects of our fiscal responsibilities in Congress, not just this one. We cannot preach fiscal restraint on one hand and practice fiscal irresponsibility on the other. True, responsibility cannot depend on political convenience.

The numbers we are dealing with today are hard for many to grasp but boil down to the American taxpayer, according to a recent USA Today article, this way: Each year American households spend about 1 percent of their income on alcoholic beverages, another 1 percent on tobacco products, and we spent about .7 percent of our income on cosmetics. To put it into context, if this request were approved, our combined operations to combat terror in the Middle East and Afghanistan will have cost .8 percent of our income next year, a bit more than we annually spend on makeup and shampoo and a bit less than we annually spend on alcohol and tobacco. Significant? Yes. Budget busting? No. Worth it? Yes.

The American people are well aware that we are engaged in a Presidential election season and they recognize the difference between those with an honest difference of opinion and those who seek to exploit the President's handling of the war purely in order to gain political advantage. I find something particularly unsavory about the comments of those who seek political advantage in questioning our commitment to our troops and our dedication to winning the war on terror. Those who spend their time playing political games with our mission in Iraq, even as our young men and women labor to secure and stabilize that fledgling nation, do a dishonor not only to themselves but to our soldiers in the field and the memories of those who have sacrificed everything they had opposing Saddam's blood thirsty regime.

There are clearly obstacles to overcome in Iraq and there will certainly be setbacks along the way, as we have seen. I only hope the politics of the moment do not drive criticism that only serves to undermine our commitment to winning the war on terror and American resolve. We must not cut and run. We must not leave the Iraqi people with a promise unfulfilled. We owe it to our young men and women in uniform to give them our unequivocal support as they labor on in a dangerous place for an honorable cause.

Our troops, I am convinced, have the will to win. I only hope our politicians share that will to win.

As President Kennedy said 42 years ago:

> Let every nation know whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.

I only wish those who are consciously or not intent on denying our troops what they need to finish the job and to get home as soon as possible will stop to reconsider. We have liberated Iraq of Saddam Hussein and now we must simply finish the job. We seek to make Iraq secure, to make it a place where the rule of law can be established so that civilian leaders, including the Iraqi Governing Council, can establish a new government for a new nation. This is not an easy task and it is not without cost. But it must be done, so Iraq can flourish as a free nation, and so that the victories won, the lives lost, will not be in vain.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONFIRMATION PROCESS

Mr. CORNYN. Mr. President, I understand Senator DOLE is coming to the floor, and I just want to, until she gets here, say a few words about what happened at the Environment and Public Works Committee yesterday when the confirmation of Governor Leavitt of Utah was being considered.

I have the honor of serving on four committees in the Senate, including the Judiciary Committee, which, as we all know, has proven to be a particularly contentious committee, with the unprecedented filibuster of some of President Bush's most highly qualified nominees.

But yesterday, for the first time, we saw some of the politics of the Judiciary Committee, the obstructionism there, pervading the Environment and Public Works Committee, for the first time, when it came to considering and voting on the nomination of Governor Leavitt of Utah to serve as the Administrator of the Environmental Protection Agency. Rather than have a debate, rather than have an honest debate, and then an up-or-down vote on this important nomination, what we saw was simply a boycott. Members of the committee on the other side of the aisle simply decided not to show up, making it impossible for us to achieve a quorum and impossible for us to vote on the confirmation of Governor Leavitt.

For the life of me, I cannot understand how those who claim to be pro-environment would simply obstruct the confirmation of a highly qualified nominee and leave the Environmental Protection Agency headless. Denying leadership to that large agency concerned with the protection of our environment and enforcement of our environmental laws and claiming to be pro-environment strikes me as inconsistent.

So I fear that as the primary season approaches for the Presidential race in 2004, what we are seeing again is the unfortunate intrusion of Presidential election politics into the work of the Senate.

Unfortunately, what that means is the people's work is not being done; the Environmental Protection Agency is denied the confirmation of a highly qualified nominee and is left leaderless. Certainly that cannot be pro-environment under any stretch of the imagination.

Some said there were 400 questions in writing that had been submitted to Governor Leavitt, which, in fact, he did his best to answer. But at least one Senator said: Well, I don't really care about the answers to the questions. I am going to vote to confirm him, but I want him to go through the exercise of answering those questions anyway so we can get him on record.

Well, the problem is that the nominee is somebody who has not yet served in that position. He is hobbled, to some extent, to be able to answer some of the questions that have been proposed. So he has to say: Well, if confirmed as Administrator of the Environmental Protection Agency, I will do everything within my power to investigate this issue, and to get to the bottom of it, and to respond to your concern, Senator.

But, otherwise, he is left without the opportunity for an up-or-down vote, and the EPA is left without a head—hardly a place where we need to be. We would not be in that condition if it were not for Presidential election politics pervading yet another committee's work when it is concerned with the protection of our environment.

I know in the Judiciary Committee this morning we have another nominee of the President who we are going to take back up, Judge Charles Pickering. It remains to be seen whether Judge Pickering's name will be added to the growing list of those who are being denied an up-or-down vote in this body because a minority of the Senate refuses to allow that up-or-down vote—an unprecedented act of obstruction and something which has not occurred before the obstruction of Miguel Estrada's nomination, that of Priscilla Owen, that of Bill Pryor. I hope that list is not further lengthened by adding the name of Charles Pickering.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the time of the majority has expired; is that right?

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

CONFIRMATION OF JUDGES

Mr. REID. Mr. President, I was not planning on speaking this morning. However, my friend from Texas, the junior Senator from Texas, talked about something that I think deserves a response.

The Senator from Texas said—and I quote—there has been "an unprecedented act of obstruction." He is referring to President Bush's nominees being withheld, not allowing votes on judges.

Mr. President, I do not know—and I do not mean this to be cute or smart or mean spirited, but I do not know what kind of math my friend from Texas is using if he is talking about unprecedented acts of obstruction.

Right now in the Federal judiciary there is a 5-percent vacancy rate. We have four judges on the calendar now, and they will be approved within the next, probably, 24 hours. So that will bring the number of judges approved during the Bush administration to nearly 170. I do not have the exact number. I have lost track of it but nearly 170.

Three judges have been turned down: Bill Pryor from Alabama, Miguel Estrada from the District of Columbia, and Priscilla Owen from Texas.

Unprecedented obstructionism? We are talking about 170 to 3. So my math indicates that is pretty good.

When Senator DASCHLE took control of the Senate as majority leader, a decision was made that there would be no payback. It would not be payback time. In fact, a decision was made that we would do everything we could to get the nominations approved that were sent to us by President Bush. We have done that. The record is clear.

However, my friend from Texas should go back and look at how President Clinton was treated. People waited for years and years and were not even allowed a hearing. As we know, it was necessary on a number of occasions to file cloture. Cloture was invoked, and the judges were approved.

It is easy to come on the Senate floor and throw out terms such as "unprecedented acts of obstructionism," but it is not true. No matter how many times you say it, it still is not true.

PAT LEAHY, who has been the chairman and ranking member of the Judiciary Committee during the approximately 3 years of the Bush Presidency, has done an outstanding job of moving these judges. I don't know how we could do better. I guess we could be a rubber stamp for the President's nominees. That is not what the Founding Fathers envisioned. They believed these names should be submitted to the Senate. The Senate should evaluate them and make a decision at that time whether or not the nominees are what the country should have in the way of judges.

A decision was made in the case of Miguel Estrada. He didn't answer questions. He would not supply his memoranda from his time as Solicitor General. For those and other reasons, he was not approved. Priscilla Owen was criticized by the President's own lawyer, Mr. Gonzales, who is now the White House chief lawyer. He and Priscilla Owen served together on the Texas Supreme Court. She was criticized very heavily by Mr. Gonzales at that time. That is just a little bit of her problem. We know that she, by almost any standard, was quite radical—an activist, for lack of a better word. And we know Attorney General Pryor from Alabama was someone whose record was not such that he should become a lifetime appointment on the Federal bench.

That is 3, 3 to approximately 170. I do not know the exact number, but that is fairly close. By any math course you ever took, 170 to 3 is pretty good. In fact, it is real good. I wish we had had that kind of treatment when Bill Clinton was President.

I again remind everyone the vacancy rate in the Federal judiciary is now 5 percent. It is the best it has been in decades. Rather than having people come and push these little barbs at the Democrats on the Judiciary Committee, they should be giving them accolades for the cooperation they have maintained during President Bush's tenure.

Mr. President, it is my understanding the distinguished Senator from North Carolina wishes to speak as in morning business. Her time is gone.

Mrs. DOLE. Mr. President, I ask unanimous consent to proceed for up to 1 minute.

Mr. REID. And let us have a minute on our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from North Carolina is recognized for up to 1 minute.

THANKING BOB SCHIEFFER

Mrs. DOLE. Mr. President, I want to publicly thank our friend, Bob Schieffer, of CBS for revealing the story of his battle with bladder cancer. His going public will save the lives of countless others, especially men. In most every cancer case, early detection of and proper treatment can save your life. Bob Schieffer had a problem and immediately sought medical advice. The result was that in less than 8 months, he is cancer free. Thank you, Bob, for giving others direction and hope.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the Senate is in morning business?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business. The minority side has 25 minutes remaining.

Mr. HARKIN. I thank the Chair.

CALL FOR APPOINTMENT OF SPECIAL COUNSEL

Mr. HARKIN. Mr. President, many of my colleagues and I have been urging the Justice Department to appoint a special counsel to review and investigate the leak that revealed the identity of an undercover CIA agent. Some of my colleagues on the other side of the aisle have responded by saying that we are blowing things out of proportion, that our motives are political. I have to disagree. This is a serious issue, and it is not just those on my side of the aisle who have concerns about the obvious conflict of interest for the Justice Department to investigate this matter on its own.

I am referring to the Washington Post-ABC poll that was released. The poll found that nearly 7 in 10 Americans believe a special type of prosecutor should be named to investigate allegations that the Bush administration officials illegally leaked the name of an undercover CIA agent. The survey found that 81 percent of Americans considered the matter serious, while 72 percent thought it was likely that someone in the White House leaked the agent's name. It's clear the people of this country want a full, fair and independent investigation.

I would also like to take a minute to respond to comments from my colleague from Minnesota that were made earlier Wednesday. I believe he may have been misinformed. I wanted to make sure my colleague from Minnesota was clear on the difference between an independent counsel and a special counsel. Yesterday I had again stated the need for the Attorney General to appoint a special counsel to investigate this leak regarding an undercover CIA agent. We all know that a Federal law was broken—that is clear—a law that provides for stiff penalties, imprisonment, and fines. It is a Federal crime, under the Intelligence Identities and Protection Act of 1982 to intentionally disclose information identifying a covert agent to anyone not authorized to receive this classified information.

Columnist Robert Novak printed that information. We need to know who the senior administration official or officials were that gave him that information. But we also need to find out who gave that information to the administration officials.

Let me be clear about this. There is a cancer spreading in this administration. Most have focused only on who it was who gave the name of the undercover agent to Mr. Novak, the columnist. Clearly that is illegal. But there is another question behind that. How did that individual or individuals get access to this classified information about this undercover agent? Who gave that individual this information? Did it come from the National Security Council? Did it come from the State Department? Did it come from the CIA itself? Did someone in the White House request this dossier on Mr. Wilson and his wife? Or was it voluntarily given to them by someone in the CIA or the National Security Council or somewhere else? This is an even deeper question because it goes to what they wanted this information for. Why would individuals high in the administration want the information about who was an undercover agent and who was not, unless they had the intention of using that information to intimidate Mr. Wilson, to put a chilling effect on those who might want to disagree with this administration's position on Iraq.

That, I believe, is another concern we have—the chilling effect. The greatest weapon we have in our fight against international terrorism is not a ballistic missile, it is not this missile defense shield that people want to build over this country, it is not our laser-guided bombs; the best weapon we have against international terrorism is the intelligence and information we get from agents in the field around the globe, working with our friends and allies and others, so that we can get to the terrorists in their incubation, before they are able to carry out their dastardly deeds, break up their cells, break up their lines of communication. It is the intelligence and information that we need to win this battle against terrorism.

If, however, one of our agents in the field and all that agent's contacts now think that at some time this administration, or an administration in the future, can "out" them, release their name, then that puts kind of a damper on whether or not they are going to get information. That could put people's lives in jeopardy, put them at risk in the future.

For example, the woman who was outed, Valerie Plame, had in fact traveled overseas as an undercover agent. I assume now people will be looking at whom she contacted, whom she talked to, who were her sources of information. This is not, as I said the other day, some little real estate deal out in Arkansas. This is not just some President philandering with some White House aide. This has to do with the security of our country.

According to the Washington Post, a senior administration official told the Post that before Novak's column appeared, two top White House officials called at least six journalists and disclosed the identity of the CIA agent. Now the Justice Department is investigating.

So let's get this straight. The Attorney General, appointed by the President, is investigating the President's office. As I said yesterday, and I say again this morning, if an investigation ever cried out for a special counsel, this is it. Again, I point to an article that appeared on the front page of the New York Times today, which said: Attorney General is closely linked to inquiry figures. Rove was a consultant. Deep political ties between top White House aides and Attorney General John Ashcroft have put him into a delicate position as the Justice Department begins a full investigation into whether administration officials illegally disclosed the name of an undercover CIA agent. Karl Rove, Mr. Bush's top political advisor, whose possible role in the case has raised questions, was a paid consultant to three of Mr. Ashcroft's campaigns in Missouri—twice for Governor and for United States Senator in the 1980s and 1990s. Jack Oliver, the deputy finance chairman of Mr. Bush's 2004 reelection campaign, was the director of Mr. Ashcroft's 1994 Senate campaign and later worked as Mr. Ashcroft's deputy chief of staff.

Does anyone really believe that this Attorney General can, with a straight face, say they are going to investigate these people when they work for them and they have close ties? As I said, a special counsel is needed desperately.

In response yesterday morning, when I called for this, my colleague from Minnesota accused some of my colleagues and me of "rank political hypocrisy" when it comes to calling for a special counsel. He said this, and I quote from the RECORD today:

> I'm a slight student of history. I believe in 1999 there was an effort in this body, led by Senator Collins from Maine, a bipartisan effort to put in place a provision to allow for a special prosecutor. And it was blocked. It was stopped by the very same folks today that are talking about needs for a special prosecutor. I think, and I am going to be very blunt here, what we are hearing is a little rank political hypocrisy when it comes to calls for a special prosecutor.

That is in the CONGRESSIONAL RECORD today from Senator COLEMAN of Minnesota. I think Senator COLEMAN needs to brush up on his history. In 1999, the independent counsel law expired. Republicans were in charge of the Senate and they chose not to reauthorize it. This law allows the Attorney General to recommend an independent counsel, to lead an investigation, and a three-judge panel chooses that counsel. That independent counsel was accountable to no one. It had its own staff, budget, and missions. The investigations could go on indefinitely.

My main problem with the Office of Independent Counsel was that the investigations could go on forever, with a bottomless budget that taxpayers had to pay. The Collins alternative was a step in the right direction, which limited the time on these investigations. But the Republican leadership never scheduled a vote—never scheduled a vote.

By the way, former independent counsel Kenneth Starr opposed renewing that law. Regardless, appointing an independent counsel or prosecutor is not what I have been talking about. I don't believe I've ever mentioned appointing an independent counsel. I have said the Attorney General should appoint a special counsel. There is a big difference. The Attorney General alone can appoint an outside special counsel if he believes there is an inherent conflict of interest or if he deems it is in the public interest for a special counsel to be appointed. The special counsel reports to the Attorney General, who pays the counsel's salary and the salary of his or her staff.

The key to the special counsel is this. At the end of the investigation, the Attorney General must report to Congress all instances where he blocked the special counsel from taking an action, such as subpoenaing documents or putting a witness before a grand jury. That is the kind of balance we need in this kind of situation, when the administration is obligated to investigate itself.

So I think the Senator from Minnesota not only needs to brush up on his history but also definitions. It was an entirely different issue in 1999. The law had expired. The Republican majority did not move to reauthorize it and to even call for a vote to reauthorize the independent counsel law. Quite frankly, I am one of those who don't believe in these independent counsels because they go on forever and they are accountable to no one. They can investigate whatever they want. That is not what I am calling for.

What I am calling for is the Attorney General to use the authority he has under the law to appoint a special counsel, someone of prominence, someone of integrity, someone who would assure the American people the investigation will be done fairly, objectively, and thoroughly, and let the chips fall where they may. It would not go on forever. The Attorney General decides the salary and the pay and how much staff. But the key is this: The special counsel would have, under the auspices of the Attorney General, the ability to subpoena witnesses, to subpoena documents and records, to take a person before a grand jury. The Attorney General could say no and stop it, but at least we would know that. The people of America would know whether or not the Attorney General stopped the special counsel from getting certain documents or referring a witness to a grand jury. Therein lies the check and balance that is so important to making sure we have an open and transparent system of Government.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. It is time we have a special counsel.

I am honored to yield to my friend from Nevada.

Mr. REID. I ask my friend this question: If someone within the CIA had divulged the name of this operative, that person, it seems to me, would be subject to criminal penalties and would be considered a traitor; is that true?

Mr. HARKIN. I know the person would be subject to criminal penalties. I am not certain I know the definition of a "traitor," but I think it would be closely akin to that. I don't want to make a statement. I don't know the absolute definition of "traitor," I say to my friend. Obviously, it would be subject to penalties. We have Aldrich Ames right now spending his life in prison without parole because he divulged the name of operatives, undercover agents, whose associates and others were killed in the former Soviet Union, and Aldrich Ames today is where he ought to be: in prison for life without parole.

The same applies here, it would seem to me, I say to my friend from Nevada, that this is a case where not only someone in the CIA but anyone in a position who has access to this classified information would be subject to this. Again, I say to my friend from Nevada, since he is on the floor, I really think many of the people who are inquiring about this are stopping short because they are only focusing on who gave the information to Mr. Novak. There is a deeper and I think even more profound question to be asked: How did those individuals in the administration get that classified information? How did they come by that information to know this Valerie Plame was an undercover agent? That raises very serious questions.

Mr. REID. If I can answer and ask a question. First of all, Webster's compact dictionary I have in my desk says a traitor is one who betrays trust. So certainly if a CIA agent leaked to the press the name of one of his colleagues who is an undercover agent, he would be a traitor.

Mr. HARKIN. I accept that definition. I say to my friend, my feelings and my senses are that someone with this kind of information who leaked it I think has violated the law and betrayed the government and the citizens of the United States.

Mr. REID. The next question I ask my friend: So if a CIA operative would be subject to criminal penalties and would be considered a traitor for doing this activity, certainly someone working within the administration, within the White House, would be considered the same; is that not true?

Mr. HARKIN. I think the Senator from Nevada has it exactly right. That is true, they would be considered the same. I thank the Senator for asking the question because it does clarify a point.

If I can take off from what the Senator from Nevada just asked me—and it is a good point, it should be made—what would happen in the administration if someone in the CIA had leaked this kind of information about an undercover agent. What would happen? I will tell you what would happen. They would have that person locked up in jail before nightfall, and they would be prosecuted to the full extent of the law. My friend from Nevada raises a good question: What is the difference between that and someone in the White House or administration doing the same thing?

Again, it is time for a special counsel. As the New York Times said this morning on the front page, both Mr. Rove and Mr. Oliver have close connections with Mr. Ashcroft. I don't know whether they are involved in this or not, but they are both very high in the administration. There are too many close ties between Attorney General Ashcroft and people high in this administration for the people of this country to be assured that we are going to have a fair, independent, full, and thorough investigation. Let the chips fall where they may and prosecute—yes, prosecute—the people responsible for leaking this information.

Mr. President, I intend to take the floor of the Senate every day to talk about this issue. We cannot allow this to be swept under the rug. We cannot allow a coverup to go on day after day. This is a President elected by the people, a servant of the people. And I don't think it is enough for any President to say: We will let the Attorney General investigate. The buck stops on the President's desk. I can only say if an allegation had been made about someone on my staff doing something like that, I would call them in, and I would have them sign a notarized legal document right there: I, so and so, had nothing to do with any leak and know no information about it whatsoever. Sign it.

That is what the President can do, and we can have this information out about who called Mr. Novak, who called these other reporters. We would know it before the sun went down today. That is why this coverup cannot continue to go on. The American people deserve better than this, and they are going to get it. We are going to find out who put our country at risk, who committed these treasonous activities.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

> McConnell modified amendment No. 1795, to commend the Armed Forces of the United States in the War on Terrorism.
>
> Biden amendment No. 1796, to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 40 minutes divided in the usual form on the McConnell amendment No. 1795.

The Senator from Kentucky.

AMENDMENT NO. 1795

Mr. McCONNELL. Mr. President, before proceeding to my remarks about the pending amendment, I point out to Members of the Senate that we are all familiar with the National Endowment for Democracy and the fact that it provides funds to the International Republican Institute and the National Democratic Institute, which operate overseas to help promote democracy, human rights, and all of the things that Americans believe are important.

The National Democratic Institute recently issued a report on Iraq that I think is noteworthy, and I am going to point out some excerpts from that.

I ask unanimous consent that excerpts from this report be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Former Secretary of State Madeleine Albright currently chairs the National Democratic Institute and she points out:

> The past half-century provides ample proof that democracy is more than just another form of government; it is also a powerful generator of international security, prosperity and peace.

According to the NDI, inside Iraq there is an explosion of democratic politics.

> . . . NDI will find fertile ground for democracy promotion initiatives on a scale not seen since the heady days of the fall of the Berlin wall.

That bears repeating, that the National Democratic Institute finds within Iraq today an explosion of democracy, and fertile ground for democracy promotion initiatives on a scale not seen since the fall of the Berlin wall.

Another finding of the NDI that I think is noteworthy is that the Iraqis are grateful for their liberation. There has been some notion promoted, I think by many in the press, that somehow the Iraqis are sorry that Saddam is gone. The NDI, headed by Madeleine Albright, finds that the Iraqis are grateful for their liberation.

In addition, the NDI finds significant evidence of support for the United States. For example, they say:

> In Kirkuk, there was a large painted sign reading "Thank you USA" in English and in Kurdish.

Additionally, the NDI found overwhelming support for liberation, but lack of stability or economic opportunity obviously does erode, to some extent, support for the U.S.

They found that security and jobs are a precondition to democracy. We know that, and that is what this supplemental is all about. They found Iraqi frustrations are due to fear and uncertainty, not hostility toward the United States. This is the National Democratic Institute, headed by Madeleine Albright, which said that Iraqi frustrations are due to fear and uncertainty, not to hostility toward the United States.

The NDI also found that the Iraqis need our help now, and that is what this supplemental is all about. They also found that chaos and slow progress would feed the forces of radicalism, which seems an obvious statement to this Senator, and I believe their findings highlight the fact that time to act on the supplemental is now. That is why this bill is before the Senate and why we are moving forward with this important supplemental to finish the job in Iraq and give the Iraqis a chance to realize their aspirations.

As we all have recognized, the world changed dramatically on September 11, 2001. It changed in that the unprovoked attack on America required that America defend itself from the shadowy network of international terrorism.

To protect American lives and buildings, the President announced his intention to go after international terrorists wherever they were and after the regimes that supported those efforts, whoever they were. He warned that the costs would be high, that patience would be required, but that America would win the struggle.

Today we are here to pay the price of freedom by moving this supplemental forward. Many have already paid the ultimate price for freedom, whether it was soldiers in Iraq or Afghanistan, civilians in the World Trade Towers, passengers in airlines wrestling control from terrorist hijackers, or the passengers themselves giving their own lives. Yes, many have paid the ultimate price of freedom. The question is, Will Congress pay?

Some say the price of freedom is too high and we have already paid too much. So while we have won the war in Iraq, the struggle today is whether America will pay the price to win the peace, just as we did after World War II. This is a question, of course, we have struggled with before.

In the past, we have sometimes won wars but actually lost the peace. But not always. At the end of the Civil War, President Lincoln foreswore revenge, retribution, and reparation payments against the South. His spirit marched on as America paid for the reconstruction of the South, ravaged by the effects of 5 years of a new, more devastating type of warfare. Clearly, if we look at America today, we won that peace.

At the end of World War II, America again won the peace. We did not want the emergence of another Weimar Republic of Germany, which, racked by debt and desolation, would spawn yet another new greater threat. Of course, that was the result after World War I, costing us a second payment of even more lives and paying the price for freedom in World War II. Instead of a failed peace, such as we had after World War I, in 1948 the Marshall plan of aid and trade inaugurated a restoration of Europe, a halt to Communism and an unprecedented expansion of freedom and peace.

This is a picture of President Truman signing the Marshall plan in 1948. Interestingly enough, that was in the middle of a tough Presidential election. It would have been easy for the Republican-controlled Congress to have politicized that effort, to have criticized President Truman for advocating that kind of spending on the reconstruction of Europe, but instead they came together on a bipartisan basis.

Arthur Vandenberg, Joseph Barton, and the other Republicans who were in the majority in the Congress that year joined hands with President Truman and said: Let's make this bipartisan, let's finish the job in Europe, let's do it right and give the Europeans a chance to develop democracy and freedom, something that was lost after World War I.

Today we face the very same challenges. Historians may very well record that now is when the American Millennium began anew, and an unprecedented expansion phase, not of America herself, but of the idea that America represents and shares with all freedom-loving countries.

Through one of history's great ironies, the very ideas that were attacked on September 11, 2001, American ideas like democracy, individual freedom, limited government, and free markets—these ideas when attacked did not retreat but were revitalized, not just here but in countries where history records little evidence of even the most basic human rights.

But now, here, today, the scribes of history can say this is when civilization, freedom, and peace began a new march forward, rather than a stagnant period of isolationism of war, oppression, and decline.

I agree this will be the defining debate of this Congress. As history hangs in the balance, as the world wonders whether America will promote the freedom and democracy we brought to Western Europe and Japan after World War II, and to Eastern Europe and Russia after the cold war victory, America should look on this debate with hope and fear. America should hope we in Congress will come together to give peace and freedom a birth in a region not known for it, but we fear that politics may prevent that.

The challenge we face today to which I alluded earlier is to come together behind the President's request, like the Congress did on a bipartisan basis for President Truman and the Marshall plan: to give Iraq a true opportunity to become a bastion of democracy and freedom in the Middle East.

This bill signing I referred to earlier was the first of a total of $10.9 billion appropriated for the Marshall plan during 1949 to 1951, to rebuild Europe and Japan. When you adjust that for inflation, that is equivalent to about $83 billion in today's dollars, over 4 times what the President is calling for in the rebuilding of Iraq. The Marshall plan was four times larger than what the President is asking us to do today in rebuilding Iraq. Polling data back in that era, 1948, showed only 68 percent of Americans had heard of the Marshall plan, and only half of those who had heard of it approved of it. Back in 1948, clearly, spending money to rebuild Europe was not popular, but Republicans and Democrats put aside their differences, rallied behind President Truman and, as I indicated earlier, people like Arthur Vandenberg of Michigan, Charles Eaton of New Jersey, and Joseph Martin of Massachusetts, along with others in a Republican-controlled Congress, joined hands with President Truman to get the job done.

We need leaders like the Vandenbergs and Martins, leaders like those who crossed the aisle to enact President Truman's Marshall plan to rebuild Europe and Japan. We need those leaders today. The election is 13 months away. Let's not start it this soon. Let's do the right thing here in the Senate to give Iraq a real opportunity to achieve its dreams. Let's do what is right for America. The politics will take care of itself in the next year.

What I had hoped for was a high level of bipartisanship. Unfortunately, we have gotten a high level of politics out of all of this. This is the first great military challenge to America in the new millennium. We hear calls out on the Presidential campaign trail for the President's impeachment. One Member of the Senate said that. Or regime change, said another Member of the Senate running for the Presidency. We heard the war for Iraq was a fraud and that the removal of an unbelievably brutal dictator was described by one candidate as "supposedly" a good thing. We hear there is no chance for military success, like that of World War I, World War II, Korea, the cold war, or Desert Storm, that gave freedom to Western Europe, Japan, North Africa, South Korea, Russia, Eastern Europe, or Kuwait. We are told our military efforts can only end in a Vietnam-style quagmire and failure. We hear that paying the price to win the peace and bring our soldiers home is too much.

And last, and most destructively, we hear every benefit of the doubt given to a brutal dictator, while every conceivable doubt is hurled upon this administration, our intelligence networks, and our allies.

It should not be that way and it doesn't have to be that way. We can come together. The President's plan says yes, let's make aid and trade work together, not just to rebuild Iraq and end the terrorism, but to build a working democratic state based on individual freedom and free markets. That is how to win the peace. But, frankly, in its details, democracy and peace is pretty routine stuff. It doesn't get a lot of press. Winning the war, that gets a lot of press. So do efforts that threaten the peace. But winning the peace itself involves terribly mundane stuff.

For example, taking out a terrorist training camp is news. But building police training academies is not. The former wins the war, the latter wins the peace.

Using bulldozers to cover the populations of whole Iraqi towns in mass graves is part of the horrific terror that gets press coverage. But using garbage trucks to keep towns clean and safe from pestilence and disease is the boredom of peacetime. When humans are treated as refuse, that is a sign of war. When human refuse is treated, that is a mark of peacetime.

Garbage trucks and police academies are the mundane, boring signposts that peace and democracy are progressing. We see all sorts of routine signs of progress that get no press. Fifty-eight of the largest cities of Iraq have hired police forces. Some 70,000 Iraqis are patrolling the streets of their country. No one reports this—no one. Medical supplies are flowing to hospitals, with regular paychecks going to doctors and nurses. No one is reporting that. Vaccinations are available across the country and antimalaria sprays are proceeding. No one is reporting that. Again, more mundane stuff that makes for peace and progress. Airports are reopening and so are ports. Provisional representative councils are formed in major cities, especially in Baghdad, and 150 newspapers are publishing, with foreign publications, radio and television broadcasts also available. That is a radical change over there, but show me the press clippings covering the progress. I haven't seen any—none.

We see other signs of progress we would call a normal life—120,000 Baghdad students returning to classrooms last May; 1.2 million school kits are being prepared for the coming school year which started this week; 5 million math and science books will be distributed. Banks are opening, crops are being harvested, the Baghdad symphony is performing, bookstores are reopening, and artists are displaying their works. None of this is reported because it is not newsworthy here in the United States. But it is news there, and proof of peace and democracy sprouting up all over Iraq.

Peace and democracy are sprouting in Iraq, but you would be hard pressed to find news reports here because mainly failure and setbacks count as news. And, of course, certain papers and broadcasters focus on the Presidential candidates, calling the President's efforts a failure. We should not be too surprised. Presidential politics is the most powerful political force in America. But I urge people to ask themselves, why didn't Presidential politics destroy the Marshall plan back in 1948, closer to a Presidential election year than we are now? Presidential politics did not destroy the Marshall plan because Members of the Senate on a bipartisan basis rose above that and did what was right for America and right for Europe.

I believe it was due to the fact that Republicans and Democrats alike wanted to ensure history did not repeat itself. They knew of their friends and comrades who died in World War II because they failed to win the peace after World War I. The threat of poverty and despair in Europe was real, and so was the effort by communists to take advantage of that. But mostly, they didn't want the sacrifice of their sons, brothers, fathers and husbands in World War II to be in vain. to them and us, lives and freedom should be more important than power and politics.

So I ask, can we set aside politics and ask what happens if we fail in Iraq? Perhaps we are not motivated by the good that can come from a democratic Iraq. But surely we should consider the disaster that can befall the world if in this war against terrorism, we fail to bring peace and democracy to Iraq and Afghanistan. Our children and their children will have lost their chance for peace, freedom and prosperity.

This is a defining moment, but if we look after the interest of the next generation rather than the next election—like President Truman and the Republican Congress did back in 1948 with the Marhsall plan—we can do something great for Iraq, for the world and for our children.

So, I ask us to think of the future generations like those who formed the Marshall plan considered in their deliberations. I ask us to come together to do what is right for future generations. I ask for unity, and to promote that end, I will offer an amendment that should unify this body. Let us set aside the rancor and agree that the Armed Forces of the United States have performed brilliantly in Operation Enduring Freedom in Afghanistan and in Operation Iraq Freedom in Iraq.

Since October 7, 2001, when the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designed as Operation Enduring Freedom, our soldiers and allies have removed the Taliban regime, eliminated Afghanistan's terrorist infrastructure, and captured significant and numerous members of Al Qaeda.

Since March 19, 2003, when the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, our soldiers have removed Saddam Hussein's regime, eliminated Iraq's terrorist infrastructure, ended Iraq's illicit and illegal programs to acquire weapons of mass destruction, and captured significant international terrorists.

During all this time, during the heat of battle, our soldiers have acted with all the efficiency that war time commands, but all the compassion and understanding that an emerging peace requires. They have acted in the finest tradition of U.S. soldiers and are to be commended by this body.

That is what this situation requires of us today. I hope as we move forward with this debate on the supplemental, Members will remember the importance of pulling together to finish the job in Iraq.

I yield.

Exhibit 1

Excerpts From A Recent National Democratic Institute Report on Iraq

"The past half-century provides ample proof that democracy is more than just another form of government; it is also a powerful generator of international security, prosperity and peace."—Madeleine K. Albright, NDI Chairman

An Explosion of democratic politics: "After three days in Baghdad it is already clear that NDI will find fertile ground for democracy promotion initiatives on a scale not seen since the heady days of the fall of the Berlin wall. There has been a virtual explosion of politics in Iraq's capital city with as many as 200 parties and movements having made themselves known to the Coalition Provisional Authority."

The Iraqis are grateful for their liberation. "NDI's overwhelming finding—in the north, south, Baghdad, and among secular, religious, Sunni, Shiite, and Kurdish groups in both urban and rural areas—is a grateful welcoming of the demise of Saddam's regime and a sense that this is a pivotal moment in Iraq's history. A leading member of a newly formed umbrella movement, the Iraq Coalition for Democracy, put it this way, "We already see the positive results the Americans have brought—we are free to talk to you, to organize a movement and party, free to meet and demonstrate and all of this was made possible by the Americans."

Significant evidence of support for the United States: "In Kirkuk, there was a large painted sign reading, "Thank you USA!" in English and in Kurdish. In Erbil and Suleimaniya, there were many "Thank you to the USA", "Thank you to President George Bush" banners as well as "peace and prosperity come with democracy."

Overwhelming support for liberation, but lack of stability or economic opportunity erode support for the U.S.: "Across the board, the people of NDI met with in southern Iraq supported the forceful ouster of Saddam—a person many described as "Nero" and a "criminal towards his people". Although southerners were clearly conscious of the discrimination they had suffered under Saddam's Baathist rule, many were quick to add that poor security conditions and a lack of basic necessities are having a negative impact on attitudes toward the U.S."

"The main findings of the research reveal that, in every community, the Iraqis are grateful for the ouster of Saddam Hussein but have a strong desire for order and governance. They feel a mix of excitement and fear about the prospect of freedom and democracy, and have differing views about the role of Islam in the country's new political order."

Security and jobs are a precondition to Democracy. "One former general, previously part of the Free Officers Movement, summed up the state of Iraqi "anxious ambivalence" this way, "People need a rest. They need security and jobs and, maybe after a year they can be educated about political parties and democracy and then they can choose heir future properly."

Iraqi frustrations are due to fear and uncertainty, not hostility to the United States. "Faced with rising crime, uncertain economic prospects, and chaotic daily conditions, complaining—to anyone who will listen—has become a national pastime. Part of the problem is a perceived lack of access to those in authority, but mostly the complaints are a symptom of uncertainty, not an expression of hostility to the United States or its aims in for Iraq."

The Iraqis need our help now. "Time is not on the side of the coalition or Iraqi democrats. Current conditions play into the hands of extremists—religious and nationalist—who point to lack of progress as proof of the need for a strong hand."

Chaos and slow progress feed the forces of radicalism. "In fact, many Iraqi political forces are benefiting from the societal chaos. Islamic forces, including the Shia dominated Da'awa party and Supreme Council for the Islamic Revolution in Iraq, with their inherent legitimacy, established networks, and communications facilities through the Mosque, are flourishing and establishing positions of dominance in Shiite slums, small cities and the underdeveloped countryside."

Time to act on the supplemental is now. "In conclusion, this is not a time for despair or second-guessing but for action. There is an urgent need for democratic education, party strengthening, for coalition building and for material assistance to democratic movements and organizations. The political vacuum is being filled by those with an interest in destroying and separating rather than uniting and building—only concerted efforts to strengthen the democratic middle can help stem that tide."

Mr. REID. Mr. President, has the distinguished majority whip yielded his time?

The ACTING PRESIDENT pro tempore. The Senator from Kentucky controls an additional 1 minute. The minority side has 20 minutes remaining.

Mrs. BOXER. Mr. President, I am going to support the amendment introduced by Senator MCCONNELL for one reason and one reason only: I support our troops, and I share the sentiment all Americans have in holding our men and women in uniform in the highest regard.

It is a fact that there are differences in this country about United States policy toward Iraq. But there is no disagreement that our military personnel have been brave and courageous. They have made sacrifices for our country and more than 300 have made the ultimate sacrifice. I grieve for their loss and my heart goes out to their families and loved ones.

Families throughout America are proud of their sons, daughters, fathers and mothers who are fighting in Iraq and Afghanistan. They are anxious about reports of daily attacks on United States soldiers in central Iraq and are hopeful that already lengthy deployments are not further extended. I share both their pride and their anxiety. I, too, think about our troops every day. I think about their families. I thing about their sacrifices.

The McConnell amendment makes note of these sacrifices. It also commends organizations such as the USO and Operation Dear Abby that help support our troops. The amendment also states that there should be appropriate ceremonies to honor and welcome them home. I hope these ceremonies occur sooner rather than later.

California has a rich military tradition. Military personnel from across the State and from all branches have been serving bravely in Iraq and Afghanistan. I am especially proud of these military men and women and wish them a safe return home.

Mr. LEAHY. Mr. President, on March 20 of this year, the Senate passed S. Res. 95, a resolution commending the President and the men and women of the United States Armed Forces, and the civilian personnel supporting them, for their efforts in the war in Iraq. I cosponsored that resolution. While there was some language in that resolution I would have changed or deleted, I felt it was appropriate and drafted in a relatively non-political, balanced way such that even those of us who had opposed the resolution authorizing the use of unilateral, pre-emptive force could support.

Today, the Republican leadership has put forward another resolution, which again commends the President and the men and women of the Armed Forces, as well as the civilian personnel who have supported them. I will also vote for this resolution. Of course we commend the troops, their families, and the Defense Department's civilian personnel, for their courage and sacrifice for their country. I have commended the extraordinary efforts of our troops in virtually every statement I have made about Iraq.

But this resolution goes further than S. Res. 95, in ways that I disagree with. It commends the contribution of defense contractors, for example. I have nothing against defense contractors. Many deserve recognition for their indispensable, innovative contributions to the success of our Armed Forces, including defense contractors in my own State of Vermont. It is, for example, these companies that developed the precision-guided weapons that helped to reduce the number of civilian casualties in Iraq. But other contractors have engaged in practices that have bilked American taxpayers out of many millions of dollars, overcharging for their services or manipulating the bidding process. I do not commend those contractors.

I also disagree with some of the wording of this resolution, because it may leave the wrong impression. For example, at one point it states "Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully." It is true that the administration went to the United Nations, belatedly, under pressure from Congress and the rest of the world, to seek support for the use of force against Saddam Hussein. But it went to the United Nations with an attitude of "you're either with us or against us," and when they did not get everything they wanted as quickly as they wanted it, they prematurely abandoned the diplomatic process and launched a unilateral military attack for the purported purpose of upholding U.N. resolutions without the support of the U.N. Security Council. The administration's diplomatic and political efforts were grudging, half hearted, and ineffective.

In addition, I am concerned, and disappointed, that this resolution makes no mention whatsoever of our diplomats and aid workers who are working tirelessly in Iraq under extremely dangerous and difficult conditions. Their bravery and sacrifice should also be recognized.

Mr. President, we want Iraq to become a democratic, prosperous nation. But let's be honest. We know why the Republican leadership hastily drafted this resolution last night. It is increasingly obvious to the American people that the war in Iraq, where United States soldiers are being killed and wounded every day 4 months after the President declared the "mission accomplished," is going to drag on for years and cost hundreds of billions of dollars. The $87 billion supplemental appropriations bill we are considering is fraught with problems, and even Republicans are realizing that it is unpopular with a majority of their constituents. Compounding that, the White House is facing an internal probe of the leak of the identity of a covert CIA employee. So what do they do, they trot out another "feel good" resolution praising the President, in an effort to divert attention from the real issues. We have seen this too many times before.

Again, I will vote for this resolution because I am concerned about our troops and want them to know that each and every one of us supports them as they risk their lives to bring peace and security to Iraq. But I would hope that in the future we do better than these simplistic, politically motivated resolutions.

Mr. KENNEDY. Mr. President, I share the reservations of many of my colleagues about the McConnell amendment. Each and every Senator supports our troops in Iraq, but many of us do not support the decision by the Bush administration to go to war.

This amendment states the pride and admiration we all feel for our troops, their families, and all of those who aided in the effort. But it also contains several provisions many of us disagree with.

The President has stated, there is no evidence that Saddam Hussein was involved in the attacks on the World Trade Center, yet this amendment leaves the impression that he was. This amendment also states that our military action brought an end to Iraq's illegal programs to acquire weapons of mass destruction, but no evidence whatever has been found that Saddam had even begun to reactivate these programs of the past.

In addition, the amendment commends the President and Secretary Rumsfeld for planning and carrying out Operation Iraqi Freedom. No one doubted we would win the war, but we had no plan to win the peace, and Secretary Rumsfeld and Deputy Secretary Wolfowitz misled the President and the country about the need to go to war.

As the evidence now makes clear, Iraq was not an imminent threat to our national security. Iraq did not have longstanding ties to terrorist groups. Iraq was not developing nuclear weapons. No weapons of mass destruction have been found in Iraq.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe that this was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war that could have accomplished our goals in Iraq with fare fewer casualties and far less damage to our goals in the war against terrorism.

This resolution commemorates Operation Iraqi Freedom as if the war were over and our men and women are coming home. We know this is not the case, despite the President's declaration of "mission accomplished" aboard the aircraft carrier 5 long months ago.

Our service men and women still face constant danger in Iraq. American lives are lost almost daily in Iraq. They were told they would be welcomed as liberators. Instead, they are increasingly resented as occupiers and are under siege every day. They face surprise attacks and deadly ambushes from unknown enemies. It is increasingly difficult to tell friend from foe. The average number of attacks against American soldiers recently increased from 13 to 22 each day.

Three hundred and sixteen Americans have been killed in Iraq since the war began. In the 5 months since President Bush declared "mission accomplished," 178 American soldiers have died. Ten soldiers from Massachusetts have made the ultimate sacrifice in Iraq. Each day another eight soldiers or Marines are wounded in Iraq.

These are not just statistics. Each fallen soldier has someone who mourns their loss. That loss—whether it's a husband or wife, a son or daughter, a brother or sister, or a father or mother—weighs heavily on us as well, and we must do our best to see that their sacrifice is not in vain.

The administration still has no credible plan to end this war. Our troops deserve a plan that will bring in adequate foreign forces to share the burden, restore stability and build democracy in Iraq, and bring us closer to the day when our troops will come home with honor.

Our soldiers' lives are at stake. Patriotism is not the issue. Support for our troops is not the issue. The safety of the 140,000 American servicemen and women serving in Iraq today is the issue, and, it is our solemn responsibility to question—and question vigorously—the administration's current request for funds. So far, the administration has failed—and failed utterly—to provide a plausible plan for the future of Iraq and to ensure the safety of our troops.

Mr. BYRD. Mr. President, West Virginians know sacrifice. Families from the Mountain State have lost loved ones in both Iraq and Afghanistan. Members of the West Virginia National Guard and the members of the Reserves have been deployed around the world, their lives on the line each day in the most dangerous of circumstances. Our troops deserve to be commended, as do all Americans who have supported them: their husbands and wives; their sons and daughters; and all the members of their communities.

I have grave concerns for the situations that our troops now find themselves in. In Iraq, constant attacks have caused the toll in American lives to more than double after May 1. In Afghanistan, which is in danger of becoming the forgotten war, Taliban and al-Qaida terrorists are hiding in the mountains, regaining their strength, and plotting against us.

I will vote for the resolution that is before the Senate, but only because we must not offend those who have sacrificed in the wars in which the United States is now engaged. It should be a moral obligation to support those who have lost loved ones in battle, and those who wear our Nation's uniform.

But I do not agree with many of the where-as clauses to the resolution that are before the Senate. It is wrong to commingle the images of Osama bin Laden and Saddam Hussein. I do not agree that our attack on Iraq is part of the "Global War on Terrorism." It is misleading to imply that the United States had run out of diplomatic options before attacking Iraq. It is dangerous to think that we have eliminated Afghanistan's terrorist infrastructure. The first three pages of this resolution lay out a distorted history of how we came to be involved in the wars in Afghanistan and Iraq. We need to stop the spin and distortions. They do a disservice to the public.

Mr. FEINGOLD. Mr. President, I voted in favor of the McConnell amendment today, because I wholeheartedly agree with the sentiments in its resolve clauses expressing the Senate's tremendous admiration and appreciation for our men and women in uniform who have served in Operation Enduring Freedom and Operation Iraqi Freedom. Their contributions and their service deserve our unified and enduring support.

However, the findings contained in the amendment seem to link Saddam Hussein's regime to the terrorist attacks on the United States that occurred on September 11, 2001. No evidence supports such a link, and those who continue to confuse these issues do the American people a great disservice, as they encourage an unfocused and unwise approach to our first national security priority, the fight against terrorism.

Ms. MIKULSKI. Mr. President, I am proud to have voted for Senator McCONNELL's resolution commending America's Armed Forces. It is right for us to thank our troops for their service. It is right to thank military families for their sacrifice. It is right to thank great organizations like the USO for their support to our men and women in uniform.

However, I am puzzled by some of the findings in the McConnell amendment.

We were all told last year that Iraq had weapons of mass destruction and was ready to use them. Well, the jury is still out on that. But press reports suggest that Dr. Kay's team has not yet found any actual weapons. So I am not sure it is accurate to say the war ended Iraq's WMD programs.

The Bush administration now acknowledges that there is no evidence of ties between Saddam Hussein's regime and al-Qaida and the September 11 attacks. Yet the amendment seems to combine Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom as "two campaigns in the Global War on Terrorism." I am not sure what "terrorist infrastructure" was destroyed in Iraq. Some reports indicate the terrorist presence in Iraq has actually increased since the collapse of Saddam Hussein's brutal regime.

I just don't want anyone to think my vote means I agree with every word of this amendment. I voted for the McConnell amendment because I absolutely stand behind our troops and their families.

Mrs. LINCOLN. Mr. President, I will vote in favor of Senator McCONNELL's sense of the Senate amendment because it expressed strong support for our Nation's armed services and their success in accomplishing the important mission to overthrow the regime of Saddam Hussein. I am especially proud of the men and women in uniform from Arkansas who represent the best and brightest our country has to offer. It is vital that we continue to support our troops in every way we can, as they continue to come under attack in Iraq.

As Congress continues debate on this legislation and related bills in the future, I believe we in Congress have a responsibility to exercise careful oversight of the administration's plan to rebuild Iraq and to ask tough questions about specific plans, objectives, and results to ensure our mission is accomplished. To that end, we must realistically assess the United States efforts in the war on terror. While the dedication and efficiency of the men and women who comprise our military is unparalleled, recent difficulties in Iraq demonstrate that there is much work left to be done.

Mr. HOLLINGS. Mr. President, there is no question that I, along with every Member of this body, support the troops. But with respect to the amendment proposed by the Senator from Kentucky, the majority ought to be ashamed for wasting the Senate's time with this political booby trap.

The amendment states that Saddam was a threat to our national security. He was not. We had him contained in the north and the south with overflights, and had the weapons inspectors back in doing their work in Iraq. The amendment states that the United States pursued sustained diplomatic, political, and economic efforts to remove the so-called threat peacefully. That is wrong. We said to the United Nations, "Get out of the way. You're irrelevant." We said to the international community, "You're either with us or against us." Before we removed Saddam, we removed Hans Blix. The amendment says we eliminated terrorist infrastructure in Afghanistan and Iraq. Just read the morning paper and you will know that is not true. They have plenty of terrorist infrastructure, and they are killing our soldiers every day.

As I have said many times before, the majority is only interested in the needs of the campaign, not the needs of the country. We have serious work to do, and they are playing political games. If we really supported our troops, we would pay for this war. Instead, we are telling our troops that they not only have to fight the war, they have to come home and pay for it, too.

Mr. REID. I say to my friend from Kentucky, if the Senator yields back his time, we will yield back our time and go to a vote on this matter.

Mr. McCONNELL. I yield the remainder of my time.

Mr. REID. We yield the time on our side.

The ACTING PRESIDENT pro tempore. All time has been yielded back.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment (No. 1795), as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Hollings

NOT VOTING—1

Graham (FL)

The amendment (No. 1795), as modified, was agreed to.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1796, AS MODIFIED

Mr. BIDEN. Mr. President, I send a modification of my amendment, No. 1796, to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title III, add the following:

SEC. . (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	**31%**	**36%**	**39.6%**
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	38.2%".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mr. REID. Will the Senator yield?

Mr. BIDEN. I am happy to yield.

Mr. REID. We have spoken to the chief sponsors of this amendment, Senators BIDEN and KERRY. There is a tentative agreement on our side as to how much time will be used. The floor staffs are working now to see if we can enter into an agreement in the next little bit. In the meantime, rather than waste valuable floor time, Senator BIDEN is going to begin his debate.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am prepared to enter into a time agreement. In the meantime, rather than waste time, let me begin to discuss my amendment.

We had a debate yesterday, an opening debate about whether we should be moving forward with this legislation for $87 billion to fund the war. Again, for those who may be listening, I want to state where I, as they say in the vernacular, come from on this score.

I have been one among many, from Senator REED, former West Point graduate, an Army officer, a U.S. Senator, to JOHN MCCAIN, to CHUCK HAGEL, on both sides of the aisle, among those who have said that our biggest problem is we have not, quite frankly, devoted sufficient resources in a timely way to winning the peace in Iraq. So I began from the premise that there is no doubt we have to spend billions of more dollars. There is no doubt we have to keep in Iraq tens of thousands of American troops for some time. As a matter of fact, I said that as long ago as July of 2002.

I approach this thing from the perspective of one who thinks we must do more. I have several basic problems with the approach we are taking. I know the Presiding Officer and I had a very brief conversation about this. He made reference yesterday to me, that I was somewhat exercised in my presentation yesterday. I was. I am, because I think there is such a gigantic opportunity here to enhance the security interests of the United States.

So, again, the reason I bother to say this is, I think there are two serious problems with the approach the President is taking now relative to this $87 billion. One is, I think that after examination—and I will have several more amendments before this debate is over—I think there is some padding in this reconstruction money.

I am one who believes you cannot bring security to Iraq without bringing basic services to Iraq. I think there is a direct and immediate correlation. Those who say you can separate support for the military and reconstruction money either have not been to Iraq or don't think we should be in Iraq or, with all due respect, don't understand the dynamics.

The degree to which clean water doesn't flow, the degree to which young women are being raped in the streets, the degree to which police officers are afraid to go to their stations and do their job, the degree to which the electric lights do not go on, the degree to which the oil pipelines are blown up, there is a direct correlation between that and the danger posed to our troops, the danger posed to our being able to preserve the peace or bring about or win the peace. So I don't make that dichotomy between reconstruction moneys and moneys relating to "supporting our troops."

Reconstruction money will support our troops. It supports our troops. My disagreement with the President is that—I am not talking about past disagreements and mistakes made or not made, in my view, just from this moment on—I think if you look at the reconstruction funds, some of it is—maybe not intentionally—inflated.

For example, there is a provision in there for x number of pickup trucks. We were not talking about Humvees or military vehicles. They need pickup trucks. The government needs them for basic, mundane purposes. Well, in the authorization here, we are going to pay $32,000 for a pickup truck. I can take them to a nice Chrysler plant in my State and get them for $18,000.

We are also talking about building prison cells. I spent some time, along with my friend, Senator LUGAR, and my friend, Senator HAGEL, out at the police training academy in Baghdad, and we talked to—I might add, we have a first-class team there. These are serious guys. These guys know their way around. They have been in Bosnia, Kosovo, and Afghanistan, and they understand this. There is money in here that comes to $50,000 per prison cell. We need to build prisons. There are no functioning prisons in Iraq. We have to build them.

By the way, the guy running our prison operation there, when asked how long it would take if he had all the resources he needed, he said it would take a couple years to get a prison system up and running.

But that is not the point. We are going to pay $55,000 per bed in an Iraqi prison. We pay half that here in the United States of America. We are in a country, I might add, where the building specs and requirements are less than they are here. So I think we have to be responsible and take a look at the details of this.

So my first concern is about whether or not the money is being efficaciously allocated. That is a responsibility of oversight that we have. That is our job. We can do it in a timely way and we will get this finished within a week or so and get it done. That is the first concern I have, in a practical sense, on what we are going to do on the floor.

The second concern is my monumental concern. My friend from Utah—and we say that lightly, but he really is my friend—a conservative Republican—and for those of you who think none of us get along around here, we have very different views, but we are close friends. I can say to him that my biggest problem is how we pay for this. That is what I want to talk about right now because that is the second significant element of my concern on the immediate question before us: Do we appropriate or authorize to be appropriated $87 billion or do we appropriate $87 billion for this effort? I want to speak to that. That is what my amendment is about. That is what is before the Senate now.

At the outset, the first fellow with whom I spoke about this, the guy whose brainchild it was, along with me, is my friend from Massachusetts, JOHN KERRY. As a matter of fact, immediately after my floating this idea on one of the national shows—"Meet The Press," or whatever it was—I immediately got a call from Senator KERRY saying he had been thinking along the same lines and could we work together to do this. This is a joint effort, and we are joined by Senator FEINSTEIN, who feels strongly about it, and a number of others.

I wish to acknowledge at the front end here how we got to this point. I wish to explain the modification I sent to the desk and go into the details of why I think this is an important and necessary and responsible amendment. Again, remember, this is not coming from a guy who didn't support the war, who won't support the funding; it is coming from a guy who thinks we are going to have to come up with this $87 billion, but we are going to have to come up with billions more. I wish the President would be as straightforward. This is a downpayment; this isn't the end of the road.

Now, initially, I had an amendment because I didn't have the detailed numbers from the Joint Tax Committee, the Finance Committee, and from outside experts, such as Brookings and Citizens For Fair Taxation and the like, because it takes a while to run these numbers. So, initially, we had put in an amendment that said we would authorize—which is constitutional—or direct the head of the IRS to find this $87 billion from a specific category of taxpayers. We now have hard numbers. The hard numbers are very straightforward.

In order to pay now for the $87 billion we are about to appropriate, we are proposing that the tax rate for the wealthiest Americans, which has dropped this year from above 39 percent down to 35 percent—and I am not arguing about that—and in order to find $87 billion to pay for this, we would have to go back under our formula to that roughly 1 percent of the taxpayers—actually, the top bracket is less than 1 percent of the taxpayers—and say to them your tax rate is going to go back up in the years 2005, 2006, 2007, 2008, 2009, and 2010 to 38.2 percent. So that is what I sent up to the desk. It was a detail that wasn't in my original amendment because we didn't have it from Joint Tax. We didn't have it laid out. So that is a brief explanation of the modification.

Now, let's go back and review the bidding here if we can. First, we can pay for this supplemental several ways. One, we can pay for it, as the President has suggested, by increasing the deficit. If this is added to the projected deficit for 2004, the deficit for 2004 will rise to $567 billion for that one year—next year. If we do not add it to the deficit, the projected deficit at this moment would be down, obviously, around $480 billion—still a gigantic amount but $87 billion less. The reason I am so opposed to doing that is on equitable grounds and grounds of economic recovery. On equitable grounds—and I know this sounds a little political the way I am going to say this, but it is factually accurate—on equitable grounds, we, the grownups in this Chamber—and the average age here is probably roughly 50, I would say—we are going to be asking these young pages walking down the aisle to pay this bill. Literally, we are going to ask them to pay. We are not going to pay. If we can't do it my way, they pay. The President—I quoted him yesterday—in his last State of the Union Address said we are not going to pass on these debts and problems—at the end, I will actually give an exact quote—basically he said we are not going to pass these responsibilities to fight terror and to pay for it on to other generations. That is exactly what we are doing here.

For those of you who think that may not be a very compelling argument and those of you who voted for the tax cut because you wanted to spur economic recovery—a legitimate argument; I disagree with the way it is formulated and voted against it but a legitimate argument—look at what is happening now: As the deficit has been projected to be 480, or thereabouts—and the Presiding Officer and my friend from Utah and my two colleagues from California and Massachusetts know more about this than I do—what has happened? Long-term rates have already begun to rise. What does the market say? Why are long-term interest rates rising? Because of the projected deficits. That is a fact. They are already rising.

I respectfully suggest that taking $87 billion out of a 10-year tax cut of $1.8 trillion has no impact—none—on economic recovery, particularly since it is taken out over a 6-year period in small increments beginning in 2005. But if you are worried about the impact on the economy and the ability to sustain a recovery, you better be looking at the debt.

I would argue that from a principle of equity, as well as sound economic principles related to the recovery, adding this $87 billion to the already gargantuan projected deficit—and it will be higher, by the way, because that does not even count prescription drugs, that does not count the other initiatives the President says we are going to do and Democrats say they want to do, it does not even count those programs yet, so we know it is going to be a heck of a lot higher—but to add $87 billion on top of that can do nothing but jeopardize a long-term recovery.

The second way we can pay for this, which is very popular—and I am sort of the skunk at the family picnic on this on my side of the aisle—is to let the Iraqis pay for it. Some are saying the Iraqis have the second largest oil reserves in the world. Some of my Republican friends are proposing this as well.

For example, we have a flooded home. We have a very competent county executive dealing with this, and he says if we can pay for Iraq, the Federal Government can pay for this. That is really compelling. I tell you what, I am kind of glad I am not running this year because I am going to oppose it. To the average person and the above average person, this just seems fair.

We hear people saying on the floor: If they had gold reserves of X amount, we would indemnify ourselves; they have gold in the ground, black gold. That is a very compelling case, except, as my mother would say—God love her, and she is probably listening, so, mom, forgive me if I get it wrong—she always used to say when I was young: JOEY, don't bite your nose off to spite your face. If we do that, we will be, figuratively speaking, biting our nose off to spite our face.

Why? There are other countries around the world—in the Arab world, the European world, Russia, other countries—that are owed almost $200 billion by Iraq, some say as high as $300 billion. Some of that is direct loan payments; some is indemnification for the damage done by Saddam when he invaded Kuwait, and so on.

What are we doing? We can either choose the World War I model or the World War II model for a defeated nation. After World War I, we said: Germany, this is all your fault. We want you to have a democracy, but, by the way, in the meantime, pay off all these reparations, making it virtually impossible—how many of us in grade school and college saw that one cartoon that was in every single history book: A German lady in a babushka carrying a wheelbarrow of deutsche marks to the butcher shop.

I bet every one of you can remember that. It was in every textbook in America. Why? It produced a little guy named Hitler to prey upon all of the anger, all of the prejudice, all the furor of the German people.

Who thinks we can possibly establish a democracy in a country which, I might add, has no history of any democratic institutions and was never a country until 1919—who thinks we can establish a democracy there saying, by the way, start off, folks, but before you do anything, before you spend that $35 billion to redo your oil fields, before you spend the money to do this or that, pay off the $200 billion, $300 billion in debt?

The President has been dead right. The President has been saying and the Secretary of State has been saying we have to convince these other nations to forgive that debt and write it off, as we did. Write it off.

On top of that, what did the President say at the United Nations? Not well enough, in my view, with all due respect, but what did he say? He said: United Nations, this is the world's problem. This is your problem. Send money and send troops. Every one of us here are hoping that Powell is very successful with a thing called the donors conference that is coming up this month. We are going to be sitting down with other nations of the world and saying: By the way, can you guys ante in? We have roughly in the whole region close to 200,000 troops, and we have already spent $78 billion, and we are going to spend another $87 billion. Can you kick in some money to rebuild this country? Oh, and by the way, we want you to forgive the debt you are owed. We want you to kick in money. We are not going to indemnify any of your money, but, by the way, the $20 billion we put in for reconstruction, we have a claim against Iraqi oil.

We are all intelligent people in this Chamber. We may be able to indemnify this money, but we will have no Iraq to collect it from. There will be nobody to collect it from because if this debt is not forgiven and if more people do not get in the game, there is not going to be peace in Iraq. It is not going to happen, and that is what I meant when I said, as unpopular as it is, my dear old mom—mom, if you are listening, you are right—we are about to bite our nose off to spite our face. That is the second way we can do it, and I think it is a disaster to do it that way.

There is a third way we can pay for this $87 billion. We can say a very uncharacteristic thing around here: We are going to pay for it, and we are going to pay for it now. We are not going to use our credit card; we are going to do it now.

As Don Rumsfeld said, yes, this is a lot of money, but, yes, we have the ability to pay for it, and he is dead right. Old Don, I want to take a little bit of your money to pay for it. You are a 1 percenter, and God bless you, let's pay for it.

OK, how do we pay for it? We can cut more programs.

As some have suggested, we can make college loans more expensive. That saves the Government money. We can do as some have suggested and cut across the board the income tax break we gave everybody. But guess what. Poor folks and middle-class folks are already paying for Iraq. It is their kids who are in Iraq. It is their kids in the National Guard. It is their kids in the Regular Army. It is their kids who are already there.

Guess who is getting hurt most by this unemployed recovery. Middle-class and poor folks. I think the middle-class folks need a tax break, and so I think it would be unequitable and unfair to go back now and say, by the way, you middle-class folks, you pay; you poor folks, you pay. We have already decided the poor folks cannot get an earned income tax credit for their kids, a child tax credit, which is a travesty. But now we are going to raise their taxes slightly or reduce the tax cut?

So it seems to me there is a group of people who are as patriotic as the poorest among us, the wealthy people. The thing I do not like about politics is we all have a tendency to slip into—and I can honestly say I have never done this in 33 years of holding office—class warfare. The idea that because someone is a multimillionaire they are not as patriotic as somebody who is making 25,000 bucks a year is a lie. The wealthiest among us are as patriotic as any other group of people in America.

I come from Delaware, a relatively wealthy State. I tried in two fora in my State, and this is literally true, among some of the wealthiest people in my State—in my State we can get them all together pretty quickly. I am not being facetious about that. I mean that sincerely. I asked the question at one gathering—both were social gatherings. The first was a group of about

35 or 40 people, and I do not know this for a fact, but I think all of them were clearly in the top 1 percent tax bracket. The way the conversation started was they said to me: You know, JOE, what is going on in Iraq? What about this? What about that? It was a cocktail party at the home of a partner in a major law firm. It was on a Sunday evening.

I said: Let me ask you all a question. My friend from California knows when two people ask a question and you start to answer it, it ends up with four people there and then 10 people there, and all of a sudden you have a mini-press conference and there are 20 people. That is what happened at this cocktail party on someone's patio.

I said: Let me ask you this question: would anybody here object if the President, when he addressed the Nation about the $87 billion, had said—and I want to ask the wealthiest among you, the top 1 percent of the taxpayers in America—give up 1 year of the 10 years of your tax cut in order to help prosecute this war against terror and sustain the peace in Iraq, would any one of you object to that?

Obviously, that is a little peer pressure I put on them, but not a single person said they would object. Beyond that, it started a discussion. I just sat there and listened. They said, of course, that is the right thing to do. Of course, we should do this. Of course, of course, of course.

Then I tried it again at one of the most upscale country clubs in my State. I was playing in a charitable golf tournament, and there was the same thing.

I think the President and many of my colleagues underestimate the American character. I truly believe they underestimate Americans. I do not know of any wealthy American who, given the realistic options we have to pay for this, would say hey, look, if I am going to give up 1 year of the $690 billion the 1 percent is going to get, I want that guy making 25 percent of what I make, I want that guy making 10 percent of what I make to give up one year, too.

Do any of my colleagues believe that is what they would say? I do not believe it. And this is not politics. This is not my playing a game. I do not believe it. This is something that not only is the right thing to do, the people whom you are asking to do it believe it is the right thing to do.

I stated on the floor before and I said at home, I would ask any wealthy Delawarean in my State, which we will get to the numbers, who makes $400,000 in gross income, to call me at my office and tell me they are not willing to give up $2,100 a year for 6 years of their tax cut, because that is what it comes to. I am inviting them to call me. I promise I will report to my colleagues all those who call me.

The point is, these are patriotic Americans. They know we have our hands full. They know the deal. So that is the third way we can do this.

How does it practically work, and then I am going to yield to my friend from Massachusetts.

Mr. BENNETT. Will the Senator yield?

Mr. BIDEN. I will be delighted to.

Mr. BENNETT. I am listening with great interest. I agree with much of what the Senator said, but before the Senator from Massachusetts gives a major speech I would like the opportunity to engage in a colloquy.

Mr. BIDEN. Sure, but first let me make one last point so we have the facts out.

Mr. BENNETT. I would ask the Senator to make his point and then I would appreciate it if we could do that.

Mr. BIDEN. I would be happy to.

Let me be straight about exactly what this amendment would do. People whose tax bracket up until this year was 39.6 percent, having had it drop down to 35 percent—so there is no false advertising here, the Biden-Kerry-Feinstein-Chafee, et cetera, amendment would raise, beginning in 2005, their tax bracket back up to 38.2 percent, still a percentage point and a half less than it was a year ago but 2 point something percent higher than it is today. That is what it would do.

By the way, I will tell my colleagues who these folks are. People who pay at the top rate have an average income—well, it is unfair to average. As Samuel Clemens, or rather Mark Twain, said, all generalizations are false, including this one. So I want to be completely straight about this. The average income in that top 1 percent is $1 million a year. At a minimum, people who would be affected by this have to have an income, before standard deductions and exemptions, of over $400,000 in gross income. Others will fall into this category if their taxable income after deductions is over $312,000. But that is after; that is net. That is taxable income. OK.

So we have the picture where people—the way I am told by the Joint Tax Committee, by Brookings and others, we may find an exception to this, but there is nobody making $400,000 a year gross who does not have standard deductions and exemptions. By the way, this does not impact on their capital gains, which is taxed at a different rate. This does not impact on the dividend exemptions or change the rate at all. That is still theirs. We do not touch that at all. This is just a straight tax of those who now fall within the 35 percent bracket.

So I am told by all the experts—and this is not my expertise. To the extent I have one, I think it is more on the Constitution and foreign policy, and I am not suggesting I have one, but it is surely not here. I have tried to get the best information from as many sources. So we are talking about the incomes of people in the top bracket who are—by the way, if one is in the top bracket now they are in the less than 1 percent bracket, they are about .7 of 1 percent of the income earners in America. One percent is slightly bigger than those who fall within the 35-percent tax bracket right now. But if you overlap, as Dr. Green tells it, if you overlap the two circles, they are almost exactly the same. There is some variation, but I can only go by the numbers provided by the IRS, and the models provided by them, and by our Joint Tax Committee.

So the bottom line is this: The people in the top 1 percent—slightly more, by the way, than the people in the 35-percent tax bracket now—those people, over the period of this entire tax cut, will receive $688.9 billion in tax reduction from what they were paying before the tax cut. What this does is it takes $87 billion of that amount, leaving them with a present and future tax cut of $600 billion, as opposed to $688.9 billion.

This is to put it in perspective. Fully 80 percent of their fellow Americans, in the first four quintiles—you know how they divide this up. They divide it up into the first, second, third, fourth, and the fifth is the 1 percent. In other words, all other Americans, the 99 percent of the other Americans who pay taxes get a cumulative tax cut, in the first—they will get cumulative tax cuts of $599 billion. All right? So you have the top 1 percent who will still get $600 billion, which will be $1 billion more than every other American combined will get in a tax cut.

Let me be precise. I may have misspoken. That is not true. The first four—than 80 percent of the American people will get.

Now, again, this is not an attack on the tax cut. I didn't like the tax cut, and I won't talk about that. But what Senator KERRY and I are trying to do takes away less than 5 percent of the $1.8 trillion in tax cuts that this tax cut bill provides. Again, it is not an attack on those at the highest income. It still leaves them $600 billion in tax cuts.

There is a lot more for me to say, but I will yield now to my friend from Utah for that colloquy.

Mr. BENNETT. I thank the Senator from Delaware not only for his courtesy and friendship, which is reciprocated and, as he has said on the Senate floor, is genuine and real, but I thank him for the clear manner in which he has described this whole situation. I agree absolutely with the overall conclusion that he has come to with respect to loans versus grants. I am running this year, and I am going to have to defend the grant situation, but I am perfectly willing to do so for all the reasons which the Senator from Delaware has outlined.

But there are a few comments I would like to make in the spirit of our friendship and the seriousness with which the Senator from Delaware has approached this issue—at random. The Senator from Delaware is often at random so he can understand.

The references to the Marshall plan and the difference between World War I and World War II are accurate, but I would like to just add one factoid.

Mr. BIDEN. If the Senator will yield, I want to make it clear I did not reference the Marshall plan. I referenced the philosophy. I think we have overworked the Marshall plan analogy.

Mr. BENNETT. I agree with the Senator we have overworked it and I want to back away from it with this fact. The country that received the most money in the Marshall plan was Great Britain. It was not rebuilding destroyed countries, destroyed by virtue of our actions in the war. It was rebuilding Europe that was exhausted by the struggle that really began in the First World War and never ended. I think that is the appropriate analogy here.

I do not view Iraq as a defeated nation. I view Iraq as a victorious nation that has won a struggle of almost four decades in length with our help.

Mr. BIDEN. If the Senator will yield, I agree with that premise. I am not making the case they are a defeated nation.

Mr. BENNETT. The Senator used the phrase "defeated nation." I think it is, in fact, a victorious nation but an exhausted one by virtue of the 40-year struggle. The grant we are talking about here is essential to come back from that 40-year experience.

The second random point: I listened to the Senator's comments about the deficit. All I know, both before I came here and in the relatively brief period of time I have been here, is that no matter what figure we use with respect to the deficit in the future, it is wrong. I don't know whether it is too high, and I don't know whether it is too low, but I do know one thing for sure, it is wrong.

Mr. BIDEN. Will the Senator yield on that point? The Senator will agree, though, that whatever it is will be $87 billion higher if we don't pay for it.

Mr. BENNETT. No. No. I will not because the deficit is a function of the vitality of the economy. If the economy is stronger than the computers at CBO are currently saying it is, the deficit could disappear and we could have the whole $87 billion.

I am not saying that we will because I don't know.

Mr. BIDEN. If the Senator will yield on that point, if the Senator thinks there is any possibility of the entire deficit disappearing through economic growth in the next several years, then I think he and I should have a talk now because the Senate physician is down the hall here and we ought to go have a little visit with him. I know he doesn't seriously mean that.

Mr. BENNETT. I think the possibility is extremely, extremely small.

Mr. BIDEN. I believe in miracles, too. I am a Catholic. I believe in miracles.

Mr. BENNETT. I do, however, know that over 50 percent of the shortfall in the projected surplus that we were talking about at the time we started, in 2001, is due not to the tax cut and not to increased spending but to the downturn in the economy. If the economy should come back to be as strong as it was before—and there are signs that it is recovering nicely now—that 50 percent could be recovered.

So, no, I agree that we will not remove the deficit, but I think it is an inaccurate statement to say it will be exactly the $87 billion.

We do that around here and it frustrates me as a former businessman. It frustrates me as a legislator. We are constantly taking the latest numbers from CBO and assuming that they are cast in stone. Then 3 months later, when we get the next set of numbers that completely contradict the earlier ones, we say: Oh, these are the true numbers, and we go on and on. I am not arguing with the Senator's general direction, but I wanted to be a little careful in the specificity with which he outlines this.

Let me get to the heart of the issue that I have with the proposal the Senator is making. I hope I can do this without being too arcane, and I hope I can do it quickly because I recognize I am on the Senator's time and I again thank him for his courtesy.

Mr. BIDEN. May I ask, there is no time agreement right now; is that correct?

The PRESIDING OFFICER (Ms. MURKOWSKI). That is correct.

Mr. BIDEN. So the Senator is entitled to have it on his time.

Mr. BENNETT. I thank the Senator. I think his experience at his cocktail party is one that would be repeated by every one of us if we were to gather people of that kind of income in any one of our States. So why don't we all join with the Senator from Delaware? Why am I not saying I agree with him?

If I may illustrate the reasons with a personal example, not all of the tax returns that are filed and that are in the statistical sample the Senator described represent income to individuals. I do not know the current number. I would have looked it up if I had known I was going to get in this exchange. But other numbers have said 75 percent, 80 percent, or some very high figure of percentage of those tax returns that show $400,000 in gross income are, in fact, not income to the individual. Let me give you my personal example to illustrate this.

Before I came to the Senate, I was CEO of a company that was an S corporation. S corporations as opposed to C corporations are exactly the same thing except for the way they are taxed. The "S" refers to that section of the Tax Code that is appropriate and "C" refers to that section of the Tax Code that is appropriate. In an S corporation, the earnings of the company flow through to the shareholders and are reported on the shareholders' personal tax returns. Therefore, they show up as income to the individual.

I will again use myself as the example. I was the CEO of this company. I was earning $140,000 a year as the CEO of the company. The company started to do really very well. It was growing very rapidly. Sales were more than doubling every year. We were bringing on new people. We were building new buildings. We needed every dime of capital we could put our hands on. Fortunately for us, we were doing this during what the New York Times called "The Decade of Greed;" that is, when the top marginal tax rate was 28 percent.

By putting the income of the company on my personal tax return and those of the other shareholders, the company was paying an effective rate of 28 percent which meant we got to keep 72 cents out of every dollar we earned to finance the growth of that company. We created that company with internally generated funds. We didn't do it by going to the stock market. We didn't do it by going to the banks. Of course, we had a line of credit at the bank. But it was not part of our capital. That meant one of the last years before I left the company and decided to run for the Senate, my compensation from the company was $140,000.

Let us go through these numbers.

My compensation from the company was $140,000. My share of the company's profits which was reported on my 1040 was $1 million. As far as the IRS was concerned, I was a very rich man who was earning $1.14 million a year. All I got was $140,000. The rest of it, while reported on my tax return, was kept in the company to pay for the growth of the company.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I am happy to yield to the Senator.

Mr. KERRY. Isn't it accurate that because it was a subchapter S corporation all of the deductions also flowed through to you? Isn't it accurate? All the deductions flowed through you?

Mr. BENNETT. Of course. The net amount I reported after the deductions was $1 million. So as far as the IRS was concerned, my income was $1.14 million. Under the Tax Code, the deductions to which the Senator from Delaware referred that go to people in these categories were all wiped out by the $1 million. All of my credits, all of my deductions—everything was wiped out.

If we were to take the numbers the Senator from Delaware was talking about, and say, OK, you have someone with a $400,000 gross income, and that means his after-tax income is $312,000 because of the standard deduction, if he has a chunk of 401–K income on this from either an S corporation or an LLC corporation, or a partnership, all of those standard deductions go away very quickly as the number goes up.

The point of this is not to argue one way or the other about how the tax structure is; it is to say the Senator is inadvertently targeting a large number of small businesses where profits and growth money are being reported on individual returns rather than through corporate returns. The S corporations were made substantially worse after the Reagan years because of the summit at Andrews Air Force Base, and then what was done with the Clinton tax increases.

There are not as many people using the S corporations as there used to be because the advantage is not as great. But there is a still a very substantial amount of small business income that will be hit by the Senator's amendment. We are not just talking about Donald Trump and Jennifer Lopez. We are not talking about Michael Jordan. We are talking about people who are building businesses for whom $400,000 a year for the income of the business is a demonstration of a struggle. It is not a demonstration of the kind of opulence you find at the Delaware country club. It is survival. We didn't get to the point with the business I have described where we felt comfortable in cash flow until our earnings were well into the $10 million, $12 million, or $15 million area because of the demand for capital.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. BENNETT. I would be happy to.

Mr. BIDEN. We are trying to get this agreement. As a practical matter, this will come out of my time. I think the Senator has made his point.

Let me make a macroeconomic point and let some of my other colleagues respond as well. With regard to the small businesses, small business owners can still happen to be among the top 1 percent income earners. Only 2 percent of the small business owners fall into that bracket, a number which includes a lot of people who have passive participation with investment income in small business. These are not hands-on, mom-and-pop businesses. If you look at the sole proprietorships, those of hands-on owners, less than 2 percent are paying the 35 percent bracket. Therefore, 98 percent of the small business owners will not be affected by this proposal, as I understand from staff.

I will get back to this in our discussion. But I want to yield to my friend from Massachusetts because we are about to enter into a time agreement. I didn't realize we were running the time before the agreement is made. At any rate, I will reserve the remainder of the time while we are trying to work this out.

To respond to my friend, I understand his point. The bottom line is no matter how you cut it, this is affecting an incredibly small number of people for an incredibly important undertaking and the alternatives are worse by a long shot, in my view, that any negative impact in any sector in any way would come from this amendment.

I yield the floor.

Mr. REID. Madam President, we are moments away from offering a unanimous consent request. I don't know who is going to get the floor next, but whoever gets the floor, I ask if Senators will allow an interruption for the unanimous consent request. It should be coming in a matter of a couple of minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, thank you very much. I will proceed until such time as the unanimous consent request is put into effect.

I listened carefully to the comments of the Senator from Delaware, and obviously the Senator from Utah. I think the comments of the Senator from Utah do not really change the equation at all because the real question here is, Why is America being asked to pay this $87 billion? What is the context within which the average citizen of America, the average taxpayer is now being told, Whoops, we have a whole different situation here. We have to pay $87 billion in addition to the $79 billion Americans have already invested in the war to date.

Most Americans think this is sort of the bill for the war. It is not. We are well over $160 billion or $170 billion already once you add the $87 billion, and most people believe it is going to go beyond that.

The question is, What is the fair distribution of this burden in the overall context of our economy to the average taxpayer of America? Is it right for President Bush and for the Republicans to be asking America to give an enormous tax cut to the wealthiest of Americans and spend the $87 billion, which also adds to the deficit for this year?

No one will come to the Senate and say the $500 billion deficit we are facing next year is going to be wiped out by growth in the economy when we are not even adding jobs in the growth to the economy today.

I yield to the Senator.

Mr. BENNETT. Madam President, I ask unanimous consent that a vote in relation to the pending Biden amendment occur at 3:15 p.m. today with no amendment in order to the amendment prior to the vote, provided the debate before the vote be 30 minutes under the control of the Republican side and the remaining time under the Democratic leader or his designee.

Mr. REID. I ask that the Senator allow the consent to be modified, as follows: Senator BIDEN be recognized for 30 minutes, within the time allocated to us; Senator KENNEDY for 15 minutes; Senator KERRY for 20 minutes; Senator KOHL for 5 minutes; Senator CLINTON for 10 minutes; Senator CONRAD for 15 minutes; Senator Jack Reed for 5 minutes; Senator DURBIN for 5 minutes; Senator FEINSTEIN for 10 minutes; Senator JOHNSON for 5 minutes, Senator CARPER for 5 minutes; and if there is any time remaining, it would be under the control of the Senator from Delaware.

Mrs. FEINSTEIN. Reserving the right to object, I ask that this be amended, since I have been waiting, so that I follow Senator KERRY for my time.

Mr. REID. I think that is appropriate. And Senator BUNNING will follow Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. The question we ought to be asking is, What is the right thing to do that is in keeping with the values of America? We have the worst economy we have had, the worst jobs economy since Herbert Hoover was President of the United States; 3.1 million Americans have lost their jobs, 2.7 million manufacturing jobs have been lost. All across America, people are watching outsourcing taking place as jobs are going to China, India, and other countries. They are not being replaced. We just picked up the newspapers a couple of days ago and saw that 2 million Americans have lost their health insurance retirement, it has been blown away for countless numbers of Americans. Health care has been lost for 2 million Americans. Governors across the country are raising taxes and cutting services. Infrastructure investments are being deferred.

What the Republicans and the President are asking is that we take another $87 billion and still keep a tax cut for the wealthiest people in our country who are doing the best, who are already the most comfortable, who are perfectly prepared to do their part to sacrifice, to contribute, not to grow the deficit—indeed, to relieve some of the financial pressure of this country, literally, to make things more fair in America.

What this is about is called fundamental fairness. Fairness. It is not about class warfare. This is not about redistribution. Is it fair in America to suggest that you can add to the deficit—which it will this year—to suggest all of the figures of this administration, which have been wrong, can be wiped away on the backs of the average American so that the wealthiest people in the country can keep their tax cut? That is the question. It is a pretty simple fundamental question.

If others want to come to the Senate and defend the notion, it is absolutely OK to be misled, to have major players in the administration tell us, it is only going to cost $50 billion; it will come out of the Iraqi oil; don't worry about it. And every one of those promises have been wiped away and left in tatters across this country.

Americans are angry about this. What is the Senate going to do? Stand here and defend the proposition that America in its current fiscal condition can support a tax cut for the wealthiest Americans at the expense of common sense and fairness? That is what this vote is about. That is what this choice is about.

It also is about the fundamental realities of how we got here. Last spring, our fighting men and women swept across the battlefields of Iraq. There is not anyone in the Senate who is not proud of what they accomplished in military terms. Thanks to their courage and their skills, Saddam Hussein and his henchmen are scattered and that brutal regime is no more.

But in the aftermath of that military victory, just as many Members predicted, in the absence of building a coalition, in the absence of doing the diplomacy, in the absence of showing patience and maturity, in the absence of living up to our highest values and standards about how we take a nation to war, we are now in danger of losing the peace.

The clearest symbol of that danger is the target on the backs of young American men and women in Iraq. Today, soldiers in Baghdad fear getting shot simply going out and getting a drink of water. A squad at a checkpoint has to worry whether a station wagon coming at them is a mobile bomb. And troops moving in convoy take RPGs and improvised explosive devices, and we pick up the papers each day and hear the news about three, two, one more young American life lost because we failed to plan to win the peace adequately, we failed to put in place the greatest protection possible for these troops, which is what they are owed.

Now we know Iraq's infrastructure needs to be rebuilt and we face the challenge of forging a new government and giving it legitimacy under circumstances that were entirely predictable and entirely ignored by this administration. We were told by this administration, in their confidence—and, may I add, in their arrogance—that the Iraqis would see us as liberators.

They see us as occupiers—again, something many predicted absent the effort to try to globalize our effort. They see us as a foreign power ruling over their country, preventing self-determination, not providing it. We were told to expect elections and quick transition to self-governance. But now we know those elections may be many months away at best.

None of this was planned or predicted by the President or his war counsel. Eager to rush to war, the administration played down or, worse, ignored the likelihood of resistance. It lowballed the number of forces that would be needed to seize the alleged WMD sites, for which the war was fought, to protect the infrastructure, and underestimated the magnitude of the reconstruction task and the ease with which oil would flow for rebuilding. It refused to tell the American people upfront the long-term costs of winning the peace.

I remember the distinguished former President pro tempore and leader of the Democrats, the Senator from West Virginia, asking that question penetratingly, repeatedly. Yet those figures given have proven to be false or completely underballed. It refused to tell the American people those long-term costs, and it refused to do the work, to ask the international community to join us in this effort.

It was bad enough to go it alone in the war, but it is inexcusable and incomprehensible that we choose to go it alone in the peace. One of the reasons we are facing $87 billion is that the administration has stiff-armed the United Nations and has not been willing to bring other nations to this cause through the deftness of their diplomacy, the skill of their diplomacy.

Last year, President Bush had three decisive opportunities to reduce this $87 billion bill. That first opportunity came when we authorized force. That authorization sent a strong signal about the intentions of the Congress to be united in holding Saddam Hussein accountable. I thought, and still believe, that was the right thing to do. It was appropriate for the United States to help stand up at the United Nations and hold those resolutions accountable. It set the stage for the U.N. resolution that finally led Saddam Hussein to let the weapons inspectors back into Iraq. That was correct.

When I voted to give that authority, I said the arms inspections are "absolutely critical in building international support for our case. That's how you make clear to the world we are contemplating war not for war's sake, but because it may be the ultimate weapons inspections enforcement mechanism."

The Bush administration, impatient to go into battle, stopped the clock on the inspections, against the wishes of key members of the Security Council, and despite the call of many in Congress who had voted to authorize the use of force as the last resort the President said it would be.

Despite his September promise to the United Nations to "work with the UN Security Council to meet our common challenge," President Bush rushed ahead on the basis of what we now know to be dubious, inaccurate, and perhaps even manipulated intelligence.

So the first chance for a true international response that would have reduced this bill, that would have brought other countries to contribute was lost.

Then there was a second opportunity. After the Iraqi people pulled down the statue of Saddam Hussein in the square in Baghdad, there was a moment when British and American forces had proven our military might and the world was prepared to come in and try to assume the responsibility for helping to rebuild Iraq.

Once again, Kofi Annan and the United Nations offered their help. Once again, this administration gave them the stiff arm. They said: No, thank you; we do not need your help. And we proceeded forward without building the kind of coalition that would reduce the risk to our troops and without reducing the cost to the American people.

Then the third occasion was just the other day, when the President went to the U.N. General Assembly. Other nations again stood ready to help to provide troops and, hopefully, funds. All President Bush had to do was show a little humility and ask appropriately. Instead of asking, he lectured. Instead of focusing on reconstruction, his speech was a coldly received exercise in the rhetoric of redemption.

Kofi Annan offered to help. Again, we did not take them up on that offer in a way that was realistic. The President exhibited an attitude that was both self-satisfied and tone deaf simultaneously, once again raising the risk for American soldiers by leaving them alone, and once again raising the cost to the American people by leaving America alone.

I believe the President could have owned up to some of the difficulties. The President could have signaled or stated a willingness to abandon unilateral control over reconstruction and governance. Instead, he made America less safe—less safe—in a speech and in conduct that pushed other nations away rather than brought them to our cause and what should be rightfully the world's cause.

So what of this cost of the Iraqi operation?

In the fall of 2002, OMB Chief Mitch Daniels told us the costs of Iraq would be between $50 and $60 billion. It is now already more than $100 billion more than that.

In January of this year, Secretary Rumsfeld said the same, and he added that "How much of that would be the U.S. burden, and how much would be other countries', is an open question."

Well, today it is not an open question; it is a closed question. We know the answer: The majority is being paid by the American taxpayers.

In March of this year, Deputy Secretary Wolfowitz testified in the Senate that Iraq is a "country that can really finance its own reconstruction, and relatively soon."

Did the Secretary mislead us or was the Secretary ignorant?

Again, in March, Secretary Powell testified in the Senate that "Iraq will not require the sorts of foreign assistance Afghanistan will continue to require."

When Larry Lindsey predicted the war may cost $100 billion to $200 billion, he was deemed so far off base by the White House that he was fired.

Now, a year later, Congress is set to appropriate over $160 billion, and the costs are estimated to rise to $350 billion to $400 billion over 5 years. Even Larry Lindsey's estimates are now low.

With so much so wrong, Americans are looking to the White House for direction and leadership. They want, and they deserve, straight answers to straight questions.

How long will we be there? How much will it really cost? How many American troops will it take? And how long will it be before we do what common sense dictates and get the world invested in this effort by not treating Iraq as though it is an American prize, a loot of war but, rather, treating it as a nation that belongs in the community of nations, dealt with properly by the United Nations, as we did in Bosnia and Kosovo and Namibia and East Timor and in other parts of the world?

So far, the White House, with all of its evasion and explanation, has been a house of mirrors where nothing is what it seems and almost everything is other than what the President promised. But Americans are also looking to us in the Congress for leadership.

The President has talked a lot about sacrifice in recent weeks. In an address from the White House, he said of Iraq, "This will take time and require sacrifice." In his weekly radio talk, he warned that "This campaign requires sacrifice." Even in his State of the Union Address, the President issued a call for sacrifice saying: "We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other presidents, and other generations." But that is exactly what we are doing if we leave this $87 billion in its current form.

Also, there can be no doubt that the President has demanded that most of this sacrifice will come from the men and women in uniform. More than 300 troops have now already given their lives in Iraq. The Army is stretched too thin for its duties in Iraq. And troops who were promised that they would be home long ago remain in Iraq.

The President has called on the National Guard and Reserve at historic rates and put more than 200,000 guardsmen and reservists on active duty. The Pentagon has changed the rules so that a Guard unit's activation date does not start until the troops arrive in Iraq. That is a bookkeeping sleight of hand that keeps thousands of forces deployed even longer than they expected or were promised. And, incredibly, the President's call for sacrifice even included billing wounded troops for the cost of hospital meals. Fortunately, the Congress rectified that problem in this supplemental. But it is not yet law.

Despite all we are asking of the men and women in uniform, the bill we now debate appropriates $87 billion simply by increasing the Federal deficit. It asks no sacrifice of anybody in the United States today who can afford it. This is an off-budget, deficit-spending free ride.

The amendment Senator BIDEN and I and others are offering changes that. It will pay the cost of this bill. It will pay the cost of the entire $87 billion by simply repealing—not all, which I think we ought to do—a portion of the tax cut for the wealthiest Americans.

The Biden-Kerry amendment will ask those who can afford to pay this burden to do so, and make their contribution, make their sacrifice to the effort to win the peace. It protects the middle class. It meets our obligations in Iraq. And it will help ensure that we have the resources necessary to accomplish our goals here at home, goals such as making health care more affordable, paying for homeland security, and keeping the President's promise to leave no child behind.

We should not abandon our mission in Iraq, and we understand the downsides of doing so. But we ought to demand that whatever we spend in Iraq be paid for with shared sacrifice, not deficit dollars.

We are already shortchanging critical domestic programs to pay for unwise tax cuts for the wealthiest Americans. In addition, the Bush fiscal record and its trillions in debt demand that we follow the commonsense approach of our amendment.

Since President Bush took office, the cumulative 10-year budget surplus has declined by almost $10 trillion. We have gone from the largest budget surplus in American history to the largest deficit in American history this year. We have added nearly $1 trillion to the debt inside of a single Presidential term. On top of that, we have passed a huge tax cut during wartime for the first time in American history. And that is the height of irresponsible, reckless budgeting.

The Bush administration blames the budget crisis on the Nation's response to September 11 and on funding for domestic programs, but that is a stunning misstatement of fact.

The simple facts are that the fiscal policies supported by this administration—tax cuts already passed, tax cuts that have been proposed, significant increases in defense spending and money for Iraq, and additional interest on the debt—have caused more than half of this turnaround. As the debt piles up, the President claims that he bears no responsibility when he, in fact, and his policies are the primary cause.

Senator BIDEN and I are making a commonsense proposal. Rather than borrowing an additional $87 billion, we want to scale back a small portion of the tax cuts for the wealthiest Americans, for those making over $300,000 a year. The average income of those in that top tax bracket is $1 million a year. These Americans are not exactly hurting. Their real average after-tax income rose a remarkable 200 percent in the 1980s and 1990s, and their overall share of pretax income has nearly doubled over 20 years. That cannot be said of any other income group in the United States.

In the year 2000, the 2.8 million people who made up the top 1 percent of the population received more total after-tax income than did 110 million Americans who make up the bottom 40 percent. Think about that: The top 1 percent of Americans earned more income than the bottom 40 percent, and that is after taxes.

Mr. REID. Madam President, under the time allocated, we have some extra time. So on behalf of Senator BIDEN, I yield 2 minutes to the Senator from Massachusetts.

Mr. KERRY. It is simply not unfair to ask those earning the most, those who are the most fortunate, those who are the most talented, the hard-working Americans who are earning more than $300,000, not as a matter of any kind of targeting except for the fact they are the best off and have the greatest ability, to make this sacrifice without a negative impact on their lifestyle, on their choices, on their quality of life. This is a time for sacrifice. I believe it is appropriate for us to ask that in order to promote a free Iraq, in order to reduce the burden being placed on future generations of Americans, in order to reduce the burden placed on the middle class today, in order to have the least negative impact on our economy, the least negative impact on long-term interest rates, the least crowding out of borrowing by adding to the debt and crowding out private borrowing in the marketplace by public borrowing, the least negative impact on perceptions, the best way for America to deal with this problem of misinformation, this problem of promises broken is to turn to those the President seeks most to give the biggest breaks to most frequently and ask them to share the burden.

I hope my colleagues will do that, recognizing the sacrifice being made on a daily basis by 130,000 of our troops who live and die by what we do in the Senate and the House, in the Congress in Washington.

I thank the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I meant to state earlier—and I know my colleague from California is about to speak—that the Senator from California was way ahead of me and way ahead of my friend from Massachusetts in one very important respect. She and Senator CHAFEE, long before I made this proposal, suggested that, quite frankly, the entire top 1 percent of the tax break be rolled back, not just $87 billion, to pay for this and for other things to reduce the deficit. It was my intention to speak to that. Then I entered into what was an exchange with my friend from Utah, and I did not. I want to make clear what a central role she and Senator CHAFEE have played in making the fundamental point that all Americans should participate in making sure we win the peace and not saddle the next generation. That is unconscionable.

I yield the floor and thank my colleague.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Delaware. I appreciate those words. Both Senator CHAFEE and I felt very strongly that this rate rollback that affects the top 1 percent is really the right thing to do at this time.

I particularly compliment the Senator from Delaware on the way he worked out this bill, because essentially this is a rollback of the accelerated rate cut that the top 1 percent received in May 2003. It rolls back the acceleration just enough to pay the $87 billion cost of this supplemental. So it becomes a very reasonable way to pay for a part of this war which, to date, including this supplemental, will cost the American people more than $150 billion.

This is a big day in the Senate. As many of us have pointed out this week at the Appropriations Committee hearing on the supplemental, there are questions in the $21 billion reconstruction portion of the supplemental request. Senator BYRD has twice tried to divide the package—once in the Appropriations Committee, once here on the floor. We have not been successful in being able to do that.

At the same time, we also recognize the seriousness of the need that the Iraqi people and their transportation and water infrastructure face after decades of neglect. We certainly recognize the needs that our men and women have in Iraq.

The fact is, we don't have the money to pay for improvements in our own infrastructure. Owing to a lack of money, just a few hours ago I decided against offering an amendment to this supplemental that would have invested substantial moneys in our domestic infrastructure, a plan that would have enhanced the safety, security, and efficiency of our highway, transit, aviation, rail, port, environmental, and public buildings infrastructure.

The reality is that there is no money to fund necessary improvements here at home. The reality is, those of us on this side of the aisle have become deficit hawks, whereas a few years ago it was the other side of the aisle. So today we have greatly enhanced spending for preparedness, for homeland security, and for the military.

How is it we can be expected to approve this supplemental without asking the most obvious question: How are we going to pay for it?

I have joined with Senators BIDEN, KERRY, CORZINE, and others in supporting this legislation because it will provide the necessary financial footing to appropriately execute our obligations in Iraq and Afghanistan as contained in this supplemental. In 1998, following nearly 30 years of deficits and a seventeenfold increase in the Federal debt, from $365.8 billion to $6.4 trillion, bipartisan cooperation brought the budget back into balance again. In 1998, we had the first surplus in a long time. Some of the funds which would have gone to pay interest on the debt were instead spent actually paying down the debt, and we were all delighted.

Now deficits and interest costs are growing once again. Net interest payments on Federal debt will increase sharply, from approximately $170 billion in 2003 to more than $300 billion by 2012. And we face a host of new challenges: the war on terror, the war in Iraq, the threat of North Korea. This has necessarily led to a shift in Government spending toward improving our defense and homeland security capabilities. Yet many of the challenges predating September 11 are still with us: improving education, updating infrastructure, preparing for the retirement of the baby boom generation, which will all severely strain the Social Security and Medicare trust funds.

The CBO predicts that the Federal deficit for fiscal year 2004 will top $500 billion.

We might dispute the actual amount, but let there be no doubt, it is going to happen. We are going to have the largest deficit in our history this year. A portion of every dollar we spend, from this day forward until the end of September 2004, will be borrowed money—money our children and grandchildren will have to repay.

It is no secret that if citizens wish to receive services or undertake activities as a Nation, they have the right to levy a tax upon themselves to achieve these ends. We have somehow lost this sense of obligation and we have concluded that providing for our national defense, or for the education of our children, requires no more than charging the costs to a Government credit card. This must stop.

In fact, as this supplemental request is currently structured, our children and our grandchildren will pay $3.60 for every dollar we borrow. This supplemental is not a request for $87 billion. It actually totals $313 billion if you include the interest—$313 billion. It is penny wise and pound foolish to do this the way we are doing it, by not paying for it.

The President of the United States, in January of this year at his State of the Union, said the following words, and we from both sides of the aisle rose in acclaim to these words:

> This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents, and to other generations. We will confront them with focus and clarity and courage.

Well, this is one challenge we are passing on to other Congresses and to other generations. We need not do it. This is a well thought out proposal to temporarily rollback a small portion of the accelerated tax cut for the top 1 percent—the wealthiest of all Americans.

As has been well stated, everyone who falls within this 1 percent makes more than $310,000 a year in taxable income, which typically means that they are making more than $420,000 a year in gross income.

We have more income taxpayers in California than any other State. Thirteen million out of 34 million people are income taxpayers. In California, this amendment will affect less than 250,000 families paying these taxes. These families are all in the top 1 percent they are the wealthiest Californians. Not one of them, at any time, has ever come up to me and said: Senator, we want a tax cut. But I have had several come up to me and say: I didn't realize how much money I would receive from the 2001 tax cut. And they have added that it was not really necessary to do it.

We now have an opportunity, by scaling back a small portion of the accelerated cut associated with the May 2003 tax package, to pay for this $87 billion supplemental. It makes good sense. Think of what it saves for the future in terms of interest costs.

So what we are proposing generates $87 billion. It is a first step toward putting our fiscal house in order. It pays for the President's supplemental spending request. It doesn't revoke the 2001 reduction in the top income tax rate, nor would it affect any other element of the 2001 tax package. It would merely temporarily raise the marginal income tax rate of the richest in our society. These people could take pride in knowing that this supplemental would not create debt that would be passed on to their grandchildren, to your grandchildren, or to my grandchildren.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise to raise a few points on the war on terror and offer my support for the President's supplemental request.

First, I am compelled to address the latest round of attacks against the President's request to fund our Armed Forces and rebuilding efforts in both Iraq and Afghanistan.

We are at war. We may not have tens of thousands of soldiers storming the beaches of Normandy. There are no forces with tanks positioned against a potential Soviet advance into Europe.

But let there be no misunderstanding. The war against terror is every bit as important as our fight against fascism in World War II. Or our struggle against the spread of communism during the cold war.

I have full confidence that Kentuckians and the American people realize this. But sometimes I wonder if some of my colleagues do, because appeasement in this war is not an option.

Over the past decade, we have seen the bombing of the World Trade Center in 1993, 19 American soldiers dead in the bombing of the Kohbar Towers, and two U.S. Embassies in Africa blown up in 1996, and the bombing of the USS *Cole* off the coast of Yemen in 2000.

And then, instead of facing the threat of Islamic radicalism, we virtually looked the other way, and sent American forces as peacekeepers elsewhere into places like Haiti, Bosnia, and Kosovo.

We still have thousands of American peacekeepers in Bosnia and Kosovo. And these roles should be played by European forces who refuse to get serious about cleaning up their own backyard.

During the 1990s, the Western world was riding high as the cold war ended. Millions of people around the world found their first taste of freedom. Anti-American rhetoric was a mere fraction of what it is today. The global economy was humming along quite nicely.

However, some in the world digressed as we progressed. The Taliban came to power in Afghanistan with its brutal regime over the Afghan people. Afghan girls were kept out of school.

The regime executed political and religious dissidents. And al-Qaida established training camps freely under the Taliban government.

Saddam Hussein never accounted for his weapons of mass destruction programs. He kicked out the UN weapons inspectors. He defied UN resolutions. He made payments to families of suicide bombers. Mass graves were filled with bodies. He was a destabilizing threat.

And we let our guard down.

We all know what happened next—9/11. And that day changed everything. President Bush and Members of Congress from both parties vowed never again to let our guard down. We vowed to protect the American people at all costs. And the war on terror began.

Difficult times require difficult decisions, but supporting this bill shouldn't be a difficult decision.

Let's show our resolve with our commitment to finish this war on terror. Passing this supplemental will help get us closer.

We cannot pull back out of Iraq now, and should a vote come up in the Senate to pull our support out of Iraq, it would fail overwhelmingly.

Contrary to what opponents say, the war in Iraq is neither a "fraud," a "quagmire," nor a "miserable failure."

This would suggest that our troops sent to liberate Iraq and fight terrorism have died in vain. Nothing could be further from the truth.

From watching the news, one would think the Iraqis want us out of their country. But an overwhelming majority of Iraqis support our involvement there. Our freedom is contagious and we helped liberate them.

Much progress has been made in relatively little time. American troops stayed in Germany for 4 years and Japan for 7. We are still in Bosnia and Kosovo. We can't expect democracy overnight.

Saddam invested in palaces and terror and not his economic infrastructure. Many Iraqis had to wait until Saddam was gone to find their loved ones in one of his mass graves.

It is now time to ensure that the days of mass graves in Iraq ends.

Our military forces deserve quick Congressional action on this bill.

I have been following the 101st Airborne in Iraq. They are based at Fort Campbell, KY. Just this week, the commanding general of the 101st, General Petraeus, told me that over in Iraq "money is ammunition. It's the key to all we are doing."

The 101st is doing some great work in northern Iraq. Besides killing Saddam's two sons and accepting the surrender of Saddam's Defense Minister, the 101st has worked on over 3,200 projects in the rebuilding of Iraq. These range from repairing schools to repairing oil refineries. They are doing truly remarkable work along with all our forces.

Some in Congress believe we should make the rebuilding funds a loan and not a grant. I oppose this approach.

While Iraq certainly has the resources to become a wealthy country, its revenue from oil should be used to invest in its own future, not to pay off old debts incurred under Saddam or be burdened with the debts of a loan as it tries to transition to a free economy.

And besides, there is no established Iraq government to transfer a loan to.

I find great irony in the arguments of some who oppose the war. Many argued this war was all about the President's desire for oil.

Now many of these same people say we should use Iraqi oil to repay our Government. And President Bush is leading the charge on allowing Iraqis to keep their oil revenues for themselves.

Planning for an Iraqi oil fund is now in the works. It will give Iraqis a stake in the future of their country for the first time. Funds would go to public goods, such as national defense, education, and infrastructure.

This is the type of approach Iraq needs. We need to give the Iraqi people a hand up and not keep their heads down with debt.

If we don't act swiftly on this bill and terrorism prevails in this war, then we risk having to fight this war on America's turf. And that is why it is so vital to defeat the enemy on its turf as opposed to allowing them to regroup and hit us at home as they did on 9/11.

I don't like getting casualty notifications on soldiers, especially soldiers in my State, and I don't like it for anybody's state. No Senator likes seeing them. It is difficult.

We all feel for the families and friends of the brave soldiers who have died in Iraq and Afghanistan. I know what it is like for those with loved ones still there. My wife and I felt the same way when our son Bill served in Operation Desert Storm and later in Afghanistan.

But we must remember that our cause is just and that we are on the right side of history.

We must remember that the war on terror may continue for some time. I am going to repeat that because I want the American people to understand that the war on terror may continue for some time. I acknowledge that this is a difficult point for many Americans to grasp. Indeed, it is difficult for many of us.

This is why it is time for us to move swiftly on this bill to protect our troops and help rebuild both countries. This bill is an investment in not just Iraq and Afghanistan, but it is an investment in our security, freedom, and future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to take a few moments to speak in favor of the Biden amendment that is before the Senate, which offsets the extraordinary expenses—$87 billion—we are being asked to consider in this supplemental appropriations act.

Before I get into that discussion, however, it is probably useful for all of us to, once again, realize what $87 billion really is. It is very difficult to get our hands around such a sizable number. It is only when we look at it in comparison to other important federal programs, to other key economic indicators, that we can really develop a better understanding of how much money this really is.

Mr. President, $87 billion is more than the combined budget deficits of all the 50 States in 2004. Even in the greatest fiscal crisis since the Great Depression, the deficits of all 50 states were less than this sum.

Eighty-seven billion is 87 times what the Federal Government usually spends annually on afterschool programs. That is right, what we usually spend, because this year the Administration proposes cutting that by nearly $400 billion.

We have fought to try and get it back to just $1 billion for the afterschool programs that are so essential to assisting children develop the academic tools, personal confidence, and social skills necessary for personal success and accomplishment in this country. Yet still this Administration wants to slash this funding.

Again, this $87 billion is 87 times what we spend nationwide on afterschool programs.

It is 2 years' worth of unemployment benefits for the millions of people who have lost their jobs on this Administration's watch. Every couple of months, we have to fight tooth and nail to extend these temporary benefits for Americans who cannot find work. And its always a fight.

These are not unmotivated citizens looking for a check they are hardworking Americans who can't find a job in this slack economy. If we help get them through this extraordinarily difficult time, they'll be back contributing to the unemployment insurance system in a very short time period.

This $87 billion is enough to pay each of the 3.3 million people who have lost their jobs in the past 3 years more than $26,000.

It is seven times what the President proposed to spend on education for low-income schools. Make no mistake about it: This $87 billion is seven times the amount that this institution, the House of Representatives, and the President are allocating for the low-income schools in this country. It is seven times the amount we are spending for the education of low-income children in this country.

It is nine times what this Federal Government spends each year on special education for those several million children, close to about 4 million, who used to be kept in closets or kept away from the public school system. We don't do that anymore, we don't relegate Americans to lives of depravation, neglect, and isolation. For more than 25 years, we have made steady progress, with section 504 of the Education Act and then eventually the special education programs, the IDEA, some 25 years ago. We have made remarkable progress.

What we are now looking now is that so many of these children graduate from high school, go on to college, and enter the workforce. They have a sense of value of their own self worth, a sense of dignity, and they now contribute to the productivity of this nation. And what a difference it makes to their parents, and their communities, and their country. Yet in one stroke of the pen, we are about to send nine as much money to Iraq as we invest in special education each year.

This $87 billion is also eight times what the Government spends each year on the Pell grants to provide middle- and low-income students the opportunity to go to college. The average income of families needing this assistance is $15,200. And there are more than 4,800,000 young people nationwide relying on this badly needed grant help.

We began the Pell Grant program at a time when we as a nation to our young people that if they have ability and they can gain entrance into the colleges where they are applying, we will help devise a package of grants, loans, and work study programs in conjunction with their own summer employment and contributions from their family, so that they can achieve their highest aspirations.

That was an incredibly important choice for the economic and social well-being of this country. It is important in terms of ensuring that we are going to have well-qualified people in the military. It is important in terms of our institutions and democracy.

Yet this $87 billion is eight times what we are allocating for middle-income and low-income families to send their children to school. Do my colleagues understand that? It is eight times that amount, and we had to battle this year, a fight which we lost, to bring the Pell grants up to respond to the increase in tuitions that are taking place across this country. We wanted $2.2 billion, but we lost that $2.2 billion in the Senate. This Senate didn't have the money to help more families send their kids to college this year, and now we know why.

This $87 billion is eight times the total Pell grants. That is what we are talking about. It is larger than the total economy of 166 nations. So this is a major allocation of resources that is going to bind our hands for years to come.

What does the Biden amendment do? The Biden amendment says we are going to pay for this. We are not just going to allocate these resources and add it to the debt of this country, which means our children and our grandchildren are going to have to pay this some time in the future.

We passed a very generous tax reduction program for the top 1 percent of the taxpayers in this country. Now listen to this: Between 2003 and 2010, the top 1 percent of the taxpayers, which have an average income in excess of $1 million, are going to get $690 billion in tax relief. Do we understand that?

With the tax reductions that this Congress has passed over the period of the last 2 years, the top 1 percent is going to get $690 billion. Those are individuals who are making $1 million or more. That is going to be their savings over the next 7 years, $690 billion. All the Biden amendment says is rather than $690, let's make it $600 billion, in order to make a down payment on paying for the war.

Shared sacrifice, now that is a pretty good American idea. Abraham Lincoln believed in it when he call for an increase in the tax for the wealthiest individuals at the time of the Civil War. We did exactly the same thing at the time of the Spanish-American War. Shared sacrifices across the board, by those who had the highest income. We did it in World War I. We did it in World War II. Why are we not doing it with this?

That is all this amendment is really about, shared sacrifice. To the wealthiest 1 percent of individuals, we are saying when we have American servicemen who are risking their lives every day families being disrupted in terms of the National Guard and the Reserves—you can give up some portion of your $690 billion tax cut. I met with many from Massachusetts' servicemen who have come back from Iraq and Afghanistan to find their jobs in jeopardy gone because of the state of the economy. Families are separated for a much longer time than they ever expected.

In our State, there are 11 families who have lost a loved one and scores of families with grievously wounded relatives and friends. Why can we not say that we are going to have some shared sacrifice? Instead of the $690 billion, we will make it just under $600 billion. That is what this amendment is about.

Finally, it seems to me a powerful enough argument, but listen, when we enacted this tax cut, the administration officials, like Secretary Rumsfeld, were saying, "I do not believe the United States has the responsibility for reconstruction." That was at the time we were passing the tax cut.

We enacted this tax cut when the USAID Administrator Natsios was telling the American people the total U.S. portion of construction costs would be $1.7 billion and there are no plans for further on funding after this.

This is $87 billion on top of the $78 billion that we have already put up to fund this effort in Iraq. What happened to $1.7 billion? We enacted this tax cut when Deputy Secretary of Defense Paul Wolfowitz was informing the Congress, that we are "dealing with a country that can really finance its own reconstruction and relatively soon." Do not worry about it the cost was what we heard.

As a result of the administration's failure to plan for the true costs of the Iraq operation and its failure to obtain substantial international support, we are now faced with a staggering reconstruction of $20 billion for Iraq which may be the only first installment. This is only the first installment.

Before the Armed Services Committee, Ambassador Bremer said he expects to be back again. When is it going to end? Ambassador Bremer is now suggesting the total reconstruction costs may ultimately reach $60 billion. Those are the World Bank estimates. Because of the administration's go-it-alone on Iraq, the costs of that mistake have climbed to over $120 billion.

Clearly, the circumstances have changed. The administration has grossly underestimated the costs now coming due.

President Bush, Secretary Rumsfeld, and Deputy Secretary Wolfowitz wanted to go to war in the worst way, and they did.

Now the bill is coming due. The Biden amendment is the right way for Congress and the country to pay the bill, and I urge my colleagues to approve this amendment.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to address the Biden amendment and make comments regarding it. I rise in opposition to that amendment and I wanted to indicate why.

First, I want to indicate how we got to the point we are today. There were a number of people who came forward to say this is a huge bill—and it is. This is too much. I think we should examine that issue. I hope nobody says we should not be paying, because we have started down this road sometime back and it was the Congress that started down this road, not the administration. It was the Congress that started down this road. I think we now need to see this on through or we could leave the situation that we in the Congress started in a worse position than it was when we got into this in the first place.

This is what I want to point out. Congress passed the Iraq Liberation Act in 1998. This was the vote in the House of Representatives: 360 to 38. The Senate, by unanimous consent, passed this bill, the Iraq Liberation Act.

What did it call for? It called for regime change in Iraq. This was signed into law by President Clinton. We allocated, authorized, and appropriated $100 million to spend on this effort of regime change in Iraq. That was to get Saddam Hussein out of Iraq.

He was supporting terrorists; he had used weapons of mass destruction, he wreaked terrorism upon his own people, and he was costing us billions of dollars a year in containment because we had soldiers and airmen stationed in Saudi Arabia, and we were doing regular bombings into Iraq. We were conducting no-fly zones in the north and in the south. We built airbases in Saudi Arabia to be able to move this on forward.

This was an untenable situation. It was bad for the Iraqi people, bad for us, and bad for the region. All the countries in the region had some difficulty or problem, either being attacked, as Kuwait was, launched into, as Saudi Arabia was, threatened, as Jordan had been, at war as Iran. These are the countries, other than Turkey and Syria, that surround Iraq. Most of the countries in the region were saying something needed to be done, but they weren't willing to step forward unless the United States was serious. This was part of our statement that we were serious.

President Bush took this forward after 9/11 when the whole world changed for the United States. We decided after 9/11 that we would no longer wait for the terrorists to gather up steam and build up forces against us and then launch. We were going to go to the terrorists and disrupt them first, rather than wait until they came to our soil so tragically. Thus ensued the war on terrorism in Afghanistan and Iraq.

In Iraq, we had a country that had in the past used chemical weapons against its own people and against the Iranians. That is the fact and that is what we knew and this is where it started, and it started with the Congress.

Now to the issue today of the supplemental and how do we pay for it. I think it would be a terrible mistake for us at this time to raise taxes on the American people, just at the time when we are starting to get the economy recovered and moving again.

Finally, this last quarter we had our best quarter in 2 years, with 3-percent GDP growth. The Gross Domestic Product grew by 3 percent this last quarter. We are finally getting some growth and that growth has to occur and has to build up for us to create jobs. There is a lag between that growth and creating jobs. If we go right now and say to the American people that we are going to raise taxes on you at this point in time, you are going to threaten the very early stages of growth and the creation of jobs which is starting to take place. That is the wrong message to send.

The thing we need to do is keep the growth occurring in this country. You do that by low interest rates and by lowering taxes. Those are the two tools that are being displayed and used now, and they are working to start the economic recovery. If you grow taxes at this point in time, you send the wrong message.

We do have a growing Federal deficit. What should we be doing to address that? I think we should address that issue of the Federal deficit. It is important. It is an issue. It is something that needs to be addressed.

I want to put forward an idea that we have 28 cosponsors on now. I want to put it forward in the context of how we balanced the budget in the past. We were able to balance the budget for several years in a row. It is the Congress that appropriates the money and allocates the spending. It is the Congress that gets the budget either in surplus or deficit, and it was the Congress that balanced the budget previously.

How did we do it? There were two things. There was a strong growth in the overall economy producing receipts coming into the Federal Government and there was a slowing of the growth in Federal spending. We restrained the growth of Federal spending so the growth in the economy and the receipts it produced were more than the growth in the spending of the Federal Government, and we were able to get our way to a position where we had a balanced budget for several years in a row, indeed pushing forward strong surpluses.

That is the way we will balance the budget again. Getting the economy growing and restraining the growth in Federal spending.

How do we restrain the growth in Federal spending? The Commission on Accounting and Review of Federal Agencies—CARFA, for short. The model for it is the BRAC procedure. With the BRAC procedure, we looked at the totality of the military bases we had. We said we had too many military bases; we should cut back those military bases, consolidate them, and use whatever we can save if we can save among the bases we keep. It is called the BRAC process.

How does that work? We had a commission. The commission met, they discussed it, and said we should eliminate these 50 bases. Then a bill was introduced in the Congress with no amendments, and you gave each House one vote up or down, whether they agree or disagree. By that means we were able to eliminate and consolidate bases.

I say let's do the same thing with domestic discretionary programs. By that I am saying not for the military; we already have a procedure there. Not for entitlement programs. Let's move forward that way, and that is a way we can address this issue. That is how we will actually get back to a balanced budget, not by raising taxes.

As to Iraqi spending, I want to discuss that. I think we should review and reduce some of the spending in this area that has been proposed. I have gone through in some detail, not the full proposal yet but most of it. I think there are areas we should not be paying for. Memorials to human rights abuses—clearly those are things that would be good to do. But should we, the American people, the American taxpayer, be paying for that? Is that central to redeveloping Iraq? I don't think it is, particularly at this time.

Should we be paying $50,000 per garbage truck? I don't think so, not in a part of the world that maybe it would be good to have, but there is probably garbage being collected in old pickup trucks. That is the way we used to do it in my hometown many years ago. There is nothing wrong with that, maybe, at the current stage of development. Maybe later you would use something better. But I think we should take some of these areas and say, let's pull those down and pull those out and let's reallocate some into more policing, which is critically important in Iraq, for us to get our troops garrisoned and less subject to exposure. Put it in the Iraq development bank, where we can see the Iraqi people growing their own money and we will be saving some of the money for our deficit purposes here, working to reduce that. I will be working with a group of people to put such a proposal together and put it in front of my colleagues.

I think that is an important part the job of this body, to review what the President has put forward and see where we agree and let's pass that and other areas where we would change it.

I do not think it is an option for us not to pass the supplemental. We need the supplemental for the troops. We need the supplemental to develop Iraq. It is not an option for us to fail in Iraq. We must succeed. Indeed, Iraq and its success is central to us bringing forward a reduction in the swamp area where terrorism has bred and where it has stewed and where it has grown, in an area we have seen terrorism coming forth and attacking us. This is an area we have to go out and change. We change it by bringing forth our ideas and our models of democracy, of an open society, and of a free economy. This Iraq is going to be an area where we will have to concentrate and focus, deliver that, and hopefully that will affect much of the rest of the region. There is some indication that is already happening.

So you drain the swamp away, and drain it away with our set of ideas.

Failure in Iraq is not an option. We must succeed in Iraq by moving forward with our model on the war on terrorism, which is we take the war there rather than letting them gather steam and come at us and kill, our people here.

I think there are legitimate ways to address this issue. I think we ought to look at the issues of loans versus total grants. This is a large-scale, oil-based country that wants those production wells going again. I think there is going to be oil produced and a substantial amount of income.

I think we ought to look at the overall proposal. There are places where we should adjust. But overall, we are going to need to pass this supplemental. For us to raise taxes at a time when we are just getting the economy going would be the wrong way for us to go as a government, as a society, and for this country.

We have to allow this growth to continue taking place. The key here would be instead of reducing our overall spending to look for places we can save within this overall spending bill.

We are going to have a spirited debate. As we go out for a week and do townhall meetings across the country—and I will be doing that in my State—I look forward to gathering a lot of input from individuals. I think that will be helpful for us as we move forward.

But I don't want us to send an improper signal. Failure in Iraq is not an option. We cannot fail. We need to do this supplemental, but I think we can make some changes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Chair.

I rise today to voice my support for the amendment offered by the Senator from Delaware. His amendment allows us to fully offset the $87 billion cost of the supplemental before us by increasing slightly the top tax rate in the years 2005 to 2010. This top tax rate—which is paid only by the wealthiest 1 percent of taxpayers—was cut dramatically in the two tax cut bills passed since President Bush took office.

There is broad consensus for the $67 billion in this request for military and defense spending. And even those of us who voted yesterday to cut $15 billion in reconstruction funding did so to make the point that we have lingering questions about the nature of this funding and who will pay for it. However, our support for funding our obligations in Iraq doesn't mean that we support adding to the exploding deficits our Nation is now facing. The Biden amendment does not question whether we should fund the war—it addresses how we finance our necessary obligations.

The President has proposed paying for the entire $87 billion with debt. In a time when our deficit is projected to top half a trillion dollars a year, this choice is unsupportable.

Our ballooning government debt sucks capital from a private sector struggling to recover lost manufacturing jobs. The debt places upward pressure on interest rates, wreaking havoc on the family budgets of those carrying home loans or consumer debt. The billions we pay in debt service each year is billions that does not go to our schools, our roads, or our growing homeland security needs. And a crippling debt is a terrible legacy for future generations—generations that had no say in our current policies in Iraq.

Financing this war with debt is a costly and unwise choice. The Biden amendment offers another way to pay for what we have an obligation to do.

On September 7, the President said in a speech to the Nation that the war and reconstruction of Iraq would require "time and sacrifice." For months, we have asked the young men and women of the Armed Forces to make the ultimate sacrifice: to fight—and perhaps die—for this country. Senator BIDEN's amendment asks another group—the wealthiest 1 percent of all Americans to also sacrifice—to accept a small increase in a tax rate that was greatly decreased by the Bush tax cuts.

The Senator's amendment offsets the cost of the President's request by asking the top 1 percent of taxpayers, those in the 35 percent bracket, to forego approximately $90 billion of the $690 billion in tax cuts they were granted in the two tax bills we have passed since President Bush took office. A taxpayer in the top 1 percent has an average income of $1 million a year. Asking for some financial sacrifice from these taxpayers seems the least onerous of the options for financing this war.

Whatever we decide to do with this spending request, we must pay for it now. Offsetting the cost of this supplemental is the right thing to do. It asks those who have benefited the most from our thriving economy to help keep that economy healthy by reducing our growing debt burden. It relieves future generations of the staggering bill for a policy they had no part in setting. And it sends a signal to our Armed Forces that, when the President calls for sacrifice, he is not only calling on them.

I urge my colleagues to support the Biden amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I commend my friend and colleague from Wisconsin for a very straightforward and profoundly important summary of the reasons why we should in a bipartisan manner support the Biden amendment. The Senator from Wisconsin is an expert on the economy, on creating jobs, and on building businesses as well as public policy. He has the understanding that we have to look beyond the horizon if we are to be leaders to build a better America and a safer world for our children. I thank the Senator from Wisconsin.

I, too, urge all of my colleagues on both sides of the aisle to support the Biden amendment. This is an issue of great importance we are debating. It is not only essential that we support our troops—which we all do and feel strongly about—in a fiscally responsible manner so these young men and women who are fighting and dying in Iraq will be able to return to a country with a growing economy which is creating jobs and a responsible government.

At the end of the day, as the Senator from Wisconsin just said, we are funding this war from our children's inheritance. It is wrong. I don't care what else you could say about it. That is fundamentally wrong. We have a chance to act responsibly. Unfortunately, the words "fiscal responsibility" and "fiscal discipline" apparently are not found in the current administration's dictionary. There is nothing responsible or fair about the decisions we are being asked to make.

This administration hasn't really asked for sacrifice from anybody. But there are people who are sacrificing. First and foremost, our men and women in uniform, our active duty, our Reserve, our Guard, people who have now been deployed in Iraq or Afghanistan in our war against terror, people who have left their families and have been uprooted from their jobs, they are all sacrificing. And I am grateful and proud of the work and services they provide.

But this President's budget also asks other Americans to sacrifice. It asks children and afterschool programs to sacrifice. It asks people who need job training and additional skills to be employable in this jobless economy to sacrifice. It asks people who need help with their heating and cooling bills to sacrifice. It asks those who need child care services to sacrifice. It asks so many Americans to sacrifice. Yet it does nothing to remove the burden from those people or our children.

Amazingly enough, those of us who can afford to sacrifice for our national and international goals are not asked to sacrifice at all. In fact, it is just the opposite. We are given more and more and more tax cuts.

What is the administration's policy except to further burden hard-working, middle-class Americans and future generations and not do anything to try to in a fiscally responsible way address our needs?

Think about it. Just a few years ago we were in the midst of the longest string of budget surpluses since the 1920s. We were paying down our debt, we had historically low numbers of unemployed people, and we lifted millions of people out of poverty. President Bush said just 2 years ago the country would be virtually debt free by 2008. He said there would only be $36 billion of remaining debt.

As we have seen in so many instances, the rhetoric does not match the reality. Today it is projected that our publicly held debt—and some may not want to hear, but the fact is by 2008 it will reach $6.2 trillion. We have done a tremendous reversal. Who will pay for it? The young people in this gallery who watch the proceedings in the Senate. They are the ones who will get the due bill for our profligacy, our refusal to act responsibly. The administration is denying the absolute reality that we are not paying as we go for a commitment on which we have to follow through.

Here we are with a request for $87 billion. I was pleased to hear my colleague from Kansas on the other side of the aisle say they join in looking at some of the specifics because some of the specifics are outrageous. We now know from people coming back from Iraq that a lot of what the administration says they want to spend money on we can buy more cheaply than the no-bid contracts the administration favors with their friends. I was delighted to hear the Senator from Kansas say let's look at the specifics. But that still does not get us where we need to go in paying for this.

There will be a big debate about how to pay for this. We can start by passing the Biden amendment, by being responsible. I also add, this is good for the economy. All this talk about the increase in the GDP on a monthly basis—look at the numbers carefully. A lot of it is driven by deficit spending and spending in Iraq.

Nobody is arguing that is not a good thing that we are having to do what we said we would do and following on, but be honest and look at the numbers below the surface. As the Senator from Wisconsin said correctly, we are going to stall this economy dead in its tracks if it ever gets off the dime, if it ever begins to create jobs, because we cannot sustain private capital when we have so many demands growing from the Government. Furthermore, we are becoming even more dependent on foreign currencies, on foreign investors. I don't think that is good for our longtime security either.

Instead of just pushing our country deeper in debt, let's think about our children, think about those young men and women serving this very moment in Iraq, and make sure we pay by asking those in the upper 1 percent of the income level in this country to do our fair share to make a sacrifice. It is a pittance when you think about it. What are we sacrificing? Instead of $690 billion in tax cuts, we give $600 billion in tax cuts. Do the right thing. It is good for our commitment in Iraq, good for our economy, and the very fairest thing we can do for our children.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to be added as a cosponsor to the Biden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I follow up on the comments of the Senator from New York with respect to sacrifice. Our State is a small State. We only have about 800,000 people. We have reservists who serve in all the branches of our military. We have the Delaware National Guard unit. When I was Governor, I was privileged to be their commander in chief. I know many of them personally, as well as their families.

When guard and reservists are called to be deployed to active duty, usually our Governor is there to send them off and tries to be there to receive them when they come home. Similarly, when it is a unit of another branch of the service—Army, Navy, Air Force, Marines—we like to be there to welcome them home, too.

I will mention two units, one Marine Reserve unit, the second a unit of the Delaware National Guard, folks who fly and maintain the C-130 cargo aircraft, part of the air bridge between this country and other parts around the world.

About 2 weeks ago, I was invited to be part of a welcome home ceremony for a number of Marine reservists. They had been called to active duty. They served in Iraq. They were able to come home to their families. They came home largely to their spouses—mostly to wives—they came home to their children, came home to brothers and sisters, moms and dads in many cases, they came home to their neighbors, and they came home to their jobs. I don't think it is overstating it to say they are thrilled to be home—proud of their service, thrilled to be home.

I had another unit in the Delaware National Air Guard 166. The people who fly and maintain the C-130 cargo aircraft were activated earlier this year and spent 4 months on active duty and then were released to come home to a great homecoming ceremony, a lot of joy. Then they were reactivated roughly a month ago and headed back on the other side of the world. I am not sure when they are coming home.

They missed the return of their children to school, will probably not be around to take the kids out to trick or treat this year. When their families sit around and eat at the Thanksgiving table and carve up the turkey, they probably won't be there. When presents are opened around Christmastime, God only knows where they will be. Those families know what it means to sacrifice, not just the ones who are overseas—whether they are Delaware National Guard, any National Guard, any Reserve unit, or anyone on active duty.

It is one thing to ask the sacrifice of those who serve. As one who once served, that is your job description. You are expected to be prepared to go and serve when needed. It is always toughest on those who stay behind because they give up their loved one, they give up someone who is helping to hold the family together in many cases; in some cases they give up a breadwinner who has gone off to earn a far lower salary. They know what sacrifice is.

What the Biden amendment says is, for those who are blessed with great financial well-being, whose income exceeds $300,000 per year adjusted gross income, maybe we can do something, too. We may not have a child, a son or a daughter; we may not have a brother or sister. And I know Senator JOHNSON has a son who I believe still serves over there, but for the most part we do not. For the most part, people with those incomes do not. But we have the ability to do something to help out in this case. I don't think it is asking too much for those who happen to make that kind of income to be willing to defer maybe $2,000 a year to help make sure that our children and our grandchildren do not inherit an even greater mountain of debt.

Let me close with one comment. Sometimes you talk to people about the amount of debt and the numbers are almost numbing. Let me leave you with this number: Today, on this day of October 2, we will make an interest payment on our national debt—imagine a credit card—an interest payment on our national debt. The interest payment is $882 million.

We can bemoan that fact and say that is terrible, why don't we do something about it, or we can, with our vote today, do something about it and make sure we do not add further to that debt.

A fellow who used to be the British Chancellor of the Exchequer had a theory of holes. That theory was as follows: When you find yourself in a hole, stop digging.

We are in a hole, and it is time to stop digging.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise in support of the Biden amendment. There is no question we will support our troops. My colleague from Delaware mentioned my own son Brooks, who has recently returned from fighting in Iraq, in Baghdad; outside of Kandahar, Afghanistan prior to that; and Kosovo and Bosnia prior to that. So I have a full appreciation, as do my colleagues on both sides of the aisle in this Chamber, that our fighting men and women deserve all the resources they need, and we will do all it takes to make sure they have those resources.

But there is the larger question of the $87 billion, particularly I think the $20.3 billion component for so-called rebuilding in Iraq, although when we say "rebuilding," keep in mind that the President is not talking about rebuilding things that were damaged in the war; the President is talking about creating schools, whole new cities, whole new water and telecommunications systems that have never existed in all of Iraq's history.

But the fundamental question we have here at this moment is, How will this be paid for?

There have been essentially—until the Biden amendment—two strategies. One is that Iraq borrow the money and build it themselves. They sit atop the world's largest supply of oil, literally a mountain of gold. Granted, they do not have the technology to pump that oil quickly at this point in their history, but it is there and could be collateralized.

Second is the President's recommendation, where, rather than Iraq borrowing to pay for the $87 billion, we borrow it to pay for the $87 billion, because we do not have $87 billion either. We do not have $87 billion in cash lying around. In fact, we have gone from record budget surpluses only 2 years ago to, under the guidance of this President, an annual deficit now approaching $500 billion a year. It is a breathtaking record deficit that we face. So we do not have any surplus money to be used anywhere, including in Iraq.

The President says: Well, we do not want Iraqis to have to borrow because that might raise their debt service cost, despite the fact they have the world's largest pool of oil. Instead, let's borrow it out of our Social Security trust fund. That is the President's strategy. I think it is a terrible strategy. We have been doing too much of that as it is. To borrow still more, and drive our deficit still deeper, to put Social Security in still greater jeopardy in the outyears is, to me, not an acceptable strategy.

Senator BIDEN has suggested there is a third way. If the President simply will not accept the fact that Iraq ought to borrow this money themselves, then at least let's not borrow it out of the Social Security trust fund from the United States; let's allow those who have benefited the greatest by the growth of the United States economy—those 1 percent of Americans who earn over $300,000 a year—to have a temporary freeze in the tax reductions over the course of 5 years that would pay the $87 billion.

It troubles me that this President and some of our colleagues—who are constantly lecturing us about how there is not enough money for our own schools, for our own highways, for our own health care, for our own veterans, for our own job creation—are the very first ones to come to this body and tell us how badly we need to spend that same amount of money in Iraq, and borrow it out of the Social Security trust fund while we are at it. It is not acceptable to me.

I have to wonder about those kinds of priorities when we have such great unmet needs here and when, Heaven knows, we are also facing stupendous budget deficits. So it does seem to me that Senator BIDEN is correct in saying, let's not go down the borrowing route ourselves, let's pay for this, if it needs to be paid for. And, frankly, there are many components of that $20 billion piece which I am dubious about, but if we are going to pay for any of this, let's pay for it by making sure that ordinary Americans are not hit once again.

As was noted earlier, our troops and their families are making immense sacrifices, for many the ultimate sacrifice. But there are other people who are making sacrifices as well—in terms of crowded classrooms, in terms of schools that are not being repaired, in terms of technology that we cannot afford in our schools, in terms of those who have no access to health care, in terms of rural hospitals that are closing, in terms of veterans who have no access to the VA, and in terms of those who have lost their jobs and see no jobs in the near future. All of those people are sacrificing as well.

If there is going to be sacrifice, let it be by the 1 percent rather than borrowing this money.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time is available to the Senator from Delaware?

The PRESIDING OFFICER. Thirty minutes.

Mr. BIDEN. Mr. President, I yield 1 minute, if I may—I know it is out of order. Our friend from Maryland has asked for 1 minute. I would be delighted to yield that to him, and then I would ask, after that, to yield 1 minute to my friend from Florida. And then I think, in the order, Senator REED is in the queue for 5 minutes, and then the Senator from Illinois, and then the Senator from North Dakota. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to pick up on a point that the Senator from South Dakota just made, and that is the question of sacrifice. The people in this country who are making sacrifices in this war in Iraq are the working people and the men and women in our armed services.

The men and women who are losing their lives and suffering casualties come overwhelmingly from working families in America. Overwhelmingly they are the ones who are unable to meet their families' needs, and their own needs, because our national priorities have disastrously changed and the impact has fallen on particularly crucial programs: education, health care, job training—you can go right down the list.

The deficits we are running, the huge national debt that is being run up will come down on the shoulders of working families in this country.

If you want to talk about sacrifice, pass the Biden amendment.

It is time for the privileged in this country to make sacrifices, too. It is not their men and women who are in Iraq. It is not their programs that are being hit. They are not shouldering the debt.

They, too, should be making a sacrifice on behalf of this national effort.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, this Nation's fiscal policy is careening off the road into bankruptcy. And that means, if we are having to go out and borrow money—by the way, borrowing it from places such as Saudi Arabia and the Chinese—in order to pay our bills, that means we are not able to spend money going into education and health care and Social Security.

You have to get some relief somewhere. This is a good place. Stop the tax cuts that are supposed to be going into effect for the wealthiest, and let that $87 billion pay for these expenses that are incurred in Iraq.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Biden amendment is very straightforward. It says we will pay for the $87 billion by repealing the tax advantages for those who have the upper 1 percent in income in the United States.

In my view, this is not an issue of taxes or payments; this is a simple issue of responsibility. It is irresponsible for us to borrow money from Social Security, borrow money from Medicare, borrow money from education spending, borrow money from the Veterans' Administration to give to the Iraqi people. We can, in fact, pay for it. We can pay for it by supporting the Biden amendment.

My colleague from Maryland spoke about the sacrifice of these soldiers, sailors, airmen, airwomen, and marines who are over in Iraq. Just ask yourself: What happens 5 years from now when those young Americans go to the Veterans' Administration and they are told they cannot be accommodated because we do not have enough money, that we borrowed so much money that our economy is in disarray, and that our programs that support American people have been devastated?

We have a situation in which our deficits are growing out of proportion, the national debt is rising. In January of 2001, the CBO estimated that the national debt in 2008 would be $36 billion. In fact, the President at that time was talking about paying off all of our debt, and now, in August of 2003, CBO projects a debt of $6.2 trillion in 2008. Deficits are expanding dramatically. Again and again they go up and up and up. Now we are talking about a $535 billion deficit.

This has an effect. It is not free money. The effect is in many dimensions. One dimension is that ultimately it will drive up interest rates. That is not my view. That is the view of Alan Greenspan, in his words:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

This is one way we can attend to the deficit. Or the words of the CBO Director:

> To the extent that going forward we run large sustained deficits in the face of full employment, it will in fact crowd out capital accumulation and otherwise slow economic growth.

We are today, by spending and not raising the revenues to support that spending, contributing to this out-of-control deficit spiral that will affect our economy.

There is another consequence that goes to responsibility. How can we be a world leader, how can we sustain our efforts in Iraq, in Afghanistan, across the globe, if our economy becomes unraveled, as it is becoming?

Of course, there is an immediate issue. We are losing employment left and right, particularly manufacturing employment. How do we sustain manufacturing in the United States? What happens when their interest rates go up, when they have to pay more money to borrow? That is another invitation to take their work and send it overseas. What happens when their health care costs go up? And they will, unless we do more to support the Medicare system, the Medicaid system, and general health insurance throughout the United States, another pressure.

This is all irresponsible. We have huge problems. We have much to do to deal with those problems. But we can begin today and simply say, rather than giving the Iraqi people $87 billion from Social Security, from health care, from education, we can ask the top 1 percent of Americans, who have done extraordinarily well, to forgo a tax break so that we can pay for this.

It is responsible. This vote today is not about taxes. It is not about our approach to Iraq. It is not about supporting the troops. It is about whether we will be responsible today and in the future. I urge that we go forth and be responsible.

My colleague from Maryland also pointed out the sacrifice. We all know our forces are doing a magnificent job. They are truly sacrificing, and we are going to support them. But their sacrifice must be met not only with our sacrifice but with some wisdom, the ability to look ahead, the ability to see what is coming. What is coming is an economic deterioration of this country unless we can get our hands on this deficit.

This is the first step. It is a modest step, but it is a first step. What better rationale, to ask the people of America to contribute their hard-earned dollars and support our troops, support our foreign policy, support an effort to root out dangers to this country? In fact, in times of war, the American people have always responded, and other Congresses and other administrations have responded when we have asked them for increased sacrifices and increased taxes.

None of the Biden proposal will affect the middle class, the working class. It is responsible. To vote against this amendment would be irresponsible. I urge its passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you study the sweep of history in the United States and the history of the Presidency, you understand that at times of crisis the President has an opportunity to rally the American people, to summon them to a higher calling and a greater commitment than they might otherwise reach. Time and again, each President faced with a national challenge has tried his best to do just that.

In this situation, after 9/11, President Bush came to us and summoned the American people to be unified. It was demonstrated in the Senate with a bipartisan resolution supporting our effort in the war on terrorism, an overwhelming vote supporting the President. He summoned us to humility. Many of us joined with the President at the National Cathedral in a day of prayer to recall just what had happened to so many innocent people and to once again remind ourselves of our dependence on our values and our principles and on God Himself.

He also summoned us to courage and the courage that America has to display every day in confronting the war on terrorism.

President Bush also has summoned us to sacrifice. But he has not summoned all of us to sacrifice. He has summoned the men and women in uniform to sacrifice because they literally put their lives on the line every single day in this war on terrorism, in the invasion of Iraq and in peacekeeping afterwards. He has asked these men and women to understand the oath they took to our country and to step forward proudly and defend our flag and our values. That call to sacrifice has been answered affirmatively over and over again while hundreds have been killed in Iraq and literally hundreds and perhaps thousands have been seriously injured.

When it comes to sacrifice otherwise, the President asks little or nothing of the rest of America. I believe if President Bush had come to America and said, I need a spirit of sacrifice from everyone—rich and poor alike, not just those in uniform but every single person—there would have been an overwhelmingly positive response. But no, instead of asking for sacrifice, the President said to the wealthiest in America, to those who are well off and have little discomfort in their lives: We ask nothing. In fact, we will give you something. We will give you a tax cut.

We will give you money—not a sacrifice asked of the wealthy and well off but, frankly, to give them more comfort and luxury in their life. That is hardly what the President should have done in rallying America to face this crisis.

Here we stand today, facing the amendment of the Senator from Delaware, Mr. BIDEN, which asks us to look in honest terms at the $87 billion the President has asked for, for Iraq: $68 billion for the troops, another $20 billion for the reconstruction.

We know President Bush and his administration have had no plan when it comes to revitalizing the American economy. This President has lost more American jobs on his watch than any President in 70 years. He has lost more jobs than any President since Herbert Hoover in the Great Depression. Frankly, that is a stain on his performance as President and reflects the fact that all of the tax cuts he has proposed have not revitalized this economy, have not moved us forward and, in fact, have cost us jobs.

It is clear, as well, this administration had no plan when it came to rebuilding Iraq. A few months ago, some of the leaders in this administration were coming forward and telling us we would not even need to be here today to ask for $87 billion. Secretary Rumsfeld said: I don't expect that we are going to need to ask the taxpayers for money; look at all the oil revenue in Iraq. The same thing was said by Vice President CHENEY and Paul Wolfowitz. All of the men behind the strategy to attack Iraq told us over and over again it was painless, it wouldn't cost us.

We are here today knowing it will cost us. The President told us in his speech to the American people just a few weeks ago: $87 billion is the cost. This administration had no plan to deal with it and no plan to pay for it.

How will we face this? We will face this as we faced the Vietnam war, a war which was financed by deficits. Instead of cutting spending or raising taxes to pay for the cost of Iraq, we are going to see the national debt increased. We are going to see the funds available for our schools, for health care, for Social Security cut because we have decided we are not going to ask anyone to sacrifice to pay this $87 billion.

I believe we have a responsibility to stand up and do the right thing, to ask the wealthiest in America to pay their fair share, to say to them: We are not going to give you a tax break that has been promised so the money will be there to pay for this war. It is the responsible thing to do. Instead of pushing this burden on the men and women in uniform fighting today and on our children tomorrow with an increased national debt, we are going to stand for the premise that we should pay for the defense of America; we should pay for the cost of reconstruction in Iraq.

I support the Biden amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I, too, rise to stand in support of the Biden amendment. The concept of shared sacrifice is fundamental to the American life—something all of our predecessors on this floor and the people of America through history have understood. In times of war, we have understood we all have to participate.

It should be no different this time. It is clearly a time when we have not asked for our society to stand up and accept the responsibility—financial responsibility—of standing with those men and women who are sacrificing their lives for us. Instead of actually husbanding our resources so we can carry on that struggle and stand with our men and women in uniform, we are actually undermining that by putting our financial condition into real jeopardy, both now and for a long time into the future.

In guns-and-butter policy, one that is totally discredited throughout any kind of analysis, whether in the private sector or academia—and it should be here on the floor—we are now facing $535 billion budget deficits in the coming fiscal year, with budget deficits of that dimension long into the future, borrowing against the retirement security of our seniors and our Social Security trust fund, using the payroll taxes people are reportedly putting into Social Security to protect their retirement to fund tax cuts, at the same time we are actually at war to protect the American people.

It is time for us to husband our resources and make sure we don't sacrifice everything on the homefront, whether it is economic security, retirement security, homeland security; all of these issues are short of funding. We hear about it and we cut it back. We make sure we are very precise there, and then we are not willing, for those who are benefiting most in society, who have actually enjoyed the American prosperity the most, to sacrifice marginal amounts to be able to fund an initiative that is proper to protect our troops and take the responsibility for a broken economy, a broken society that, in many ways, is a responsibility we have had because we entered into this.

I think it is absolutely essential, and I think many of the people who benefit from the reduced tax rates we are talking about not going ahead and executing will benefit more because we will have a sounder economy, and we will create greater wealth in the economy, and they will welcome the idea that they are actually able to share in some of these burdens as we go forward. As a matter of fact, I know that at a personal level, from conversations I have had across this country, there is a desire to be asked to help.

It is really a major mistake, a major shortfall, on our sense of responsibility to the Nation if we don't call for making sure we provide funding for this initiative—this $87 billion the President has asked for. I stand strongly in favor of the Biden amendment. I encourage colleagues to as well. This Nation believes in shared sacrifice. We should show it by supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to start by putting in perspective where we are in the fiscal condition of the country as we consider this request from the President for $87 billion for Iraq.

I think it is important for us first to recognize we already face next year a record budget deficit of $535 billion. But that really understates the seriousness of the problem because, on top of that, under the President's proposal, we will also be taking $160 billion of Social Security trust fund money to pay for other things. That gives a total operating deficit for next year approaching $700 billion.

Some have said, well, it is really relatively small as a share of our gross domestic product. That is not correct. Fairly measured, the operating deficit next year is the biggest we have had since World War II. If we look at the Social Security trust fund, if we back that out and we treat it the same way in 1983, what we see is the deficit as a percentage of GDP is the biggest it has been since World War II. This is a huge deficit, however measured.

The President has told us these deficits will be small and short term. Wrong again. They are not small; they are huge by any terms, dollar terms or GDP terms. Beyond that, they are long lasting. In fact, according to the President's own analysis, they go on and on and on, and they get worse as the baby boom generation begins to retire. Just over the next decade, we see an ocean of red ink. According to Congressional Budget Office numbers, if we just add in proposals to extend the tax cuts, to add a prescription drug benefit, and to provide AMT reform, there will be deficits of $600 billion, $700 billion, as far as the eye can see.

We have a problem of spending and of revenue. The revenue as a percentage of gross domestic product next year will be the lowest since 1950. That is a revenue crisis, as well as a spending problem. If we look at the spending side of the equation, we can see the increases in discretionary spending over the baseline have occurred overwhelmingly in just three areas: defense, homeland security, and rebuilding New York and providing airline relief. In 2003, ninety-two percent of the increased spending is in those areas. I might add those are areas that all of us, on a bipartisan basis, supported.

The President of the United States told us 2 years ago he would virtually pay off the debt. He said by 2008 there would be virtually no publicly held debt left. Now what we see is, instead of the debt being virtually eliminated, we see it skyrocketing. The gross debt of the United States, we estimate, will be $6.8 trillion by the end of this year. In 10 years, we estimate it will be approaching $15 trillion—all at the worst possible time. It is the worst possible time because the baby boom generation is going to begin retiring in 2008.

On this chart, the green bar is the Social Security trust fund, the blue bar is the Medicare trust fund, and the red bar is the cost of the tax cuts—those that have already passed and those that are proposed by the President. What this shows is, at the very time the Social Security and Medicare trust funds go cash negative—at that very time, the costs of the President's tax cuts explode, driving us deeper and deeper into deficit and debt.

You don't have to take my word for it, or the Congressional Budget Office's word for it. You can take the President's word for it. Here is the calculation from his budget of what would happen if we followed his proposals, his tax cuts, his spending. What it shows is we never get out of deficit and that the deficits explode. This is as a percentage of gross domestic product—which he prefers to refer to now to try to understate the magnitude of the problem.

Look at what his own analysis shows. It shows these are the good times, even though there are record deficits—the biggest we have ever had in dollar terms, and as a percentage of GDP since World War II. But it is going to get much worse.

The Congressional Budget Office warned us, as the New York Times reported it on September 14:

> This course prompted the Congressional Budget Office to issue an unusual warning in its forecast last month: If Congressional Republicans and the administration get their wish and extend all the tax cuts now scheduled to expire, and if they pass a limited prescription drug benefit for Medicare and keep spending at its current level, the deficit by 2013 will have built up to $6.2 trillion. Once the baby boomers begin retiring at the end of this decade, the office said, that course will lead either to drastically higher taxes, severe spending cuts or "unsustainable levels of debt."

Just this week, the Committee for Economic Development, major business leaders in the country, the Concord Coalition, and the Center on Budget and Policy Priorities warned of the dangers of the current fiscal course. They said:

> To get a sense of the magnitude of the deficits the nation is likely to face without a change in policies, consider that even with the full economic recovery that CBO forecasts and a decade of economic growth, balancing the budget by the end of the coming decade (i.e., in 2013) would entail such radical steps as: raising individual and corporate income taxes by 27 percent; or eliminating Medicare entirely; or cutting Social Security benefits by 60 percent; or shutting down three-fourths of the Defense Department; or cutting all expenditures, other than Social Security, Medicare, defense, homeland security, and interest payments on the debt—including expenditures for education, transportation, housing, the environment, law enforcement, national parks, research on diseases, and the rest—by 40 percent. Beyond the next decade, the tradeoffs become even more difficult.

When we look now to what the President is proposing in this $87 billion, and we look back at what we were told—remember when Larry Lindsey, the President's chief economic adviser, said it would cost $100 billion to $200 billion for our involvement in Iraq, and he was chastised by this administration? The head of the Office of Management and Budget said he was way off. He wasn't way off. He was right on. We are already at $140 billion for this Iraqi undertaking.

The administration has been wrong, wrong, wrong. They have been wrong repeatedly. They are wrong about the deficits. They said there wouldn't be any. Then they said they were going to be small. Then they said they were small as a percentage of gross domestic product. They were wrong on each count.

Then they told us: Iraq won't cost much. Here is what Ari Fleischer, the President's chief spokesman, said on February 18 of this year:

> And Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

What happened? The administration told us Iraq was going to be able to pay, they were going to be able to cover much of the cost of their own reconstruction. Now that proves to be wrong as well.

This administration repeatedly told us the cost of Iraqi reconstruction could be largely borne by Iraq. Here is what the Deputy Secretary of Defense said before the House Appropriations Subcommittee on Defense in March of this year:

> The oil revenues of Iraq could bring between $50 and $100 billion over the course of the next 2 or 3 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Wrong again. And just months later they are asking for $20 billion, and that is just a downpayment. Make no mistake, they are going to be here asking for more, and they are going to be here asking for more soon because they have already acknowledged they need another $40 billion or $50 billion for Iraqi reconstruction. They say they are going to get it from somewhere else. Where else? When we ask them, they say they have a big donors conference coming up. Do you know how much has been pledged? $1.5 billion. Where is the other $40 billion or $50 billion going to come from? They are going to be right back here asking for more.

They misled this Congress. They misled the American people. They did it repeatedly on issue after issue.

Here is what their USAID Administrator, Mr. Natsios, said on April 23 of this year:

> That's correct. $1.7 billion is the limit of reconstruction for Iraq. . . . In terms of the American taxpayer contribution, that is it for the U.S. The rest of the rebuilding of Iraq will be done by other countries and Iraqi oil revenues.

Wrong again. Wrong, wrong, wrong, and not just by a little bit; these folks have been wrong by a lot. Whether it was talking about the deficit or talking about the war with Iraq or the reconstruction of Iraq, this is a record of being wrong; wrong on major point after major point, over and over.

They say to us now:

> What we're focused on in the $20 billion is the urgent and essential things.

The $20 billion is the urgent and essential things. Really? Let's look. In this plan, there is $6,000 per radio/telephone. It costs for a satellite phone in this country $495. It costs for a walkie-talkie $55. Why when we go to Iraq all of a sudden phones cost $6,000? A satellite phone, where one can call anywhere in the world, costs less than $500, and this administration is coming before this body and saying they need $6,000 per phone.

They want $33,000 per pickup truck. We have a lot of pickup trucks in our State. We have more pickup trucks being sold than any other kind of automobiles. The average cost of an award winning American truck is $15,400, and they want us to spend $33,000 per truck in Iraq.

They want us to pay $50,000 per prison bed. In this country, it costs $14,000 to build a prison bed. I don't know who did these calculations, but they seem an awful lot more eager to spend money in Iraq than they are to spend money in this country. It goes on and on.

They want $10,000 a month for business school in Iraq. In our country, it costs $4,000 a month for the best business schools, and we are going to be telling the American taxpayers they should spend $10,000 per month for business school? Who put these numbers together? Who came up with this plan?

The one that maybe is most incredible of all is the witness protection program. They want $200,000 per family member. For a family of five, that is $1 million, and $100 million to protect 100 families. In our country, the witness protection program costs $10,000 per witness. In Iraq, this is going to cost $1 million for a family of five. We don't have a witness protection program like that in this country. We have nothing like it. This is 20 times as much in Iraq.

They want $333 for 30 half-days of computer training. It costs $200 in this country.

This doesn't stand much scrutiny. This whole plan doesn't stand much scrutiny, and it is time for us to ask the tough questions. Clearly, this administration has not asked the tough questions.

I just found out they have $3 billion for water projects in Iraq, when they proposed in our country cutting water projects by 40 percent. They cut the water projects in America 40 percent and put in $3 billion for water projects in Iraq. I don't think the American people had any idea they were signing up to pay for a ZIP Code in Iraq or to have a witness protection program that costs $1 million a family or that they were going to be building $3 billion worth of water projects in Iraq. That wasn't the deal they signed onto. That is the deal this administration wants us to take, and all of this in the midst of the biggest deficits in our history, when we are having to borrow every dime. It does not make any sense. The very least we should do is pay for these costs and not put it on the charge card one more time. That is why the Biden amendment should be supported. He is asking the wealthiest among us to pay it.

This is not a matter of what some people claim of going after the rich. Look, my wife and I are in this category. We pay additional taxes under this amendment. I am voting it because it is the right thing to do. We should not be increasing the deficit of the United States.

We should not be putting it on the charge card when we already have record deficits. We ought to pony up and pay for the decisions we have made. Paying for this would just be a beginning. We would still have record deficits, by far the biggest in our history. We ought to support this amendment as a sign that we are getting serious about facing up to our fiscal challenges in this country. We also ought to adopt a series of amendments to cut the waste out of this proposal by the administration.

If this measure is not adopted, we ought to support other amendments to pay for these initiatives and other amendments to scrub this whole proposal for the fat and the waste that is so clearly included. It is intolerable to say to the American taxpayer, pay these costs, all of it with borrowed money, all of it to be paid by future generations of Americans. That is not the way we have conducted ourselves in the past, and it ought not to be the way we conduct ourselves now and in the future.

I urge my colleagues to support the Biden amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. It is my understanding that we have 6 minutes 20 seconds remaining on our side.

The PRESIDING OFFICER. Six minutes twenty seconds, correct.

Mr. GRASSLEY. I yield myself such time as I might consume of that amount.

There are three big problems with Senator BIDEN's amendment. One is substantive and two are procedural. Before I go into the problems with Senator BIDEN's amendment, I will say that I agree with everybody's concern, including his, about the size of the package and the concern that we should have about the Federal deficit. Hopefully, as the economy grows—and the last figures indicate it is growing now at 3.4 percent—Federal revenues will return then to their average levels of 18 to 19 percent of the gross domestic product, which is an average of over the last 60 years, and we will close the gap.

I also point to the fact that there are really two sides to the Federal ledger. One is the revenue side; that is, what comes in from the taxes paid by our factory workers, office workers, and farmers from across the America. The other side of the ledger is the spending side of the ledger, the appropriations bills by the Congress of the United States.

My friends on the other side of the aisle, as Senator BIDEN's amendment shows, are zeroing in exclusively on the tax side. They look only to the taxpayers to put our fiscal house in order. I agree with the goal of reducing the deficit. I disagree that it is appropriate to look at only one side as if what is wrong with America and what is the cause of the deficit is that American taxpayers are undertaxed and that in no way Congress overspends. Indeed, the Finance Committee approved a bill yesterday that included $55 billion in revenue offsets. So Republicans have been willing to exercise fiscal discipline, especially when it comes to closing corporate loopholes and curtailing tax shelters.

I ask the full Senate, who was the last Democrat to propose any savings on the spending side of the ledger? I do not recall a single spending cut being proposed by those on the other side of the aisle. Maybe back in the mid-1990s, but we would have to go back many years.

All I see, and Senator SANTORUM makes this clear with his spendometer chart, is spending increases. So if those on the other side want to claim to be fiscal disciplinarians, let us see entries on the spending side of the ledger in order for there to be credibility. We cannot just go to the American people and ask for more tax money.

Let me also say that I am concerned about the degree to which taxpayers are financing reconstruction in Iraq on a blank check basis. I first raised this concern almost a year ago. We ought to be very careful about the structure of this aid package. Maybe it should be a loan or have some equity interest for the taxpayers.

Now I would like to turn to Senator BIDEN's amendment. Let us go to the substantive problems first. Senator BIDEN is seeking to offset the President's $87 billion request with a tax increase. For 2001, the top rate was reduced to 38.6. For 2003, the top rate was reduced to 35 percent. Senator BIDEN's amendment would raise the top rate to 38.2 percent. The premise of Senator BIDEN's position seems to be that taxpayers in the top bracket are solely Park Avenue millionaires, clipping coupons and enjoying life. Well, the facts show quite differently.

According to the Treasury Department, about 80 percent of the benefits of the top rate go to small businessowners, people who create 80 percent of the new jobs in America. For the first time in many years, because of our tax bills, we have that top rate down to 35 percent, which is the very same as Fortune 500 companies. Senator BIDEN's amendment would restore a 10-percent penalty against small business, 38.2 percent, as opposed to 35 percent now for small business, the same as corporations.

I do not quarrel with the notion that taxpayers in the top bracket make incomes starting in the range of around $350,000 to $400,000. A lot of these successful small businessowners make those figures. But keep in mind that figure represents the total net income of those small businesses. Successful small businesses are those that purchase the equipment and hire those new workers that I referred to as 80 percent of the new jobs.

I ask my friends on the other side of the aisle who are eager to raise taxes—they are reluctant to cut spending and eager to increase spending—to focus on the negative effects of their policy on small business. Small business creates many jobs. Why at this time, with high unemployment, would we want to raise taxes on the folks who create 80 percent of the new jobs?

Just yesterday, the Finance Committee, on a 19–2 vote, reported a bill designed to cut the top marginal rate for small business manufacturers to 32 percent. Senator BIDEN's amendment would go the other way and hammer our small business manufacturers.

Now, let's discuss the two procedural problems.

The first procedural problem is also constitutional. Under the Constitution, revenue measures must originate in the House. Senator BIDEN's amendment is a tax increase. It is a clear case of a revenue measure. The Ways and Means Committee has indicated the House will exercise its Constitutional prerogative and "blue slip" this bill if it contains Senator BIDEN's amendment. A blue slip kills this bill. We go back to square one. A vote for the Biden amendment is a vote to stop aid to our troops. It is a vote to stop aid to the Iraqi people at a critical time.

Let me repeat that point. A vote for the Biden amendment is a vote against aid to our troops. A vote for the Biden amendment is a vote against assistance to the Iraqi people.

From my own perspective, as chairman of the Finance Committee, I have to warn members of our committee that the Biden amendment raises a fundamental tax issue on an unrelated bill. The Biden amendment treads on Finance Committee's jurisdiction. Every Finance Committee member should oppose Senator BIDEN's amendment on that basis alone. But, most importantly, this amendment is a reckless attack on our economic recovery and I strongly urge its defeat.

I ask Senators to defeat the Biden amendment and not increase taxes on small business.

Mr. ROCKEFELLER. Mr. President, this amendment is not about whether or not we ought to appropriate the funds that President Bush has requested for our efforts in Iraq and Afghanistan. Rather, this amendment addresses the question of whether this Congress is willing to pay the bill or whether we will pass it on to future generations. I am unwilling to tell the children in West Virginia that I believe they should pay this bill when they grow up when there is a reasonable alternative.

If we do not offset the $87 billion cost of this emergency supplemental request, then it will be added to our Nation's deficit. Already, without this spending, the Federal deficit for fiscal year 2004 is projected to be $480 billion. That number is staggering. Prior to this administration, the largest deficit this government ever had in a single year was $290 billion. So already, we know that our deficit will be higher than ever before, by a lot. Without this amendment, we would add another $87 billion to this deficit. Our deficit would hit $567 billion—almost twice the size of the previous record deficit.

These are not just numbers. Such enormous deficits have consequences. Our children will have to pay these bills. Instead of investing in education or roads or military preparedness for their own generation, they will still be paying the bills for our generation. Already we have saddled future generations with almost $7 trillion in debt. We absolutely must not add to that debt when this amendment offers an alternative.

We also know that such large deficits will have an impact for our own generation. As Federal debt increases, it will put pressure on long term interest rates, which will hurt every middle class family trying to pay their mortgage. And I am certain that in the coming weeks my colleagues will say that we have to cut spending on education, health care, infrastructure, unemployment compensation, and other critical domestic priorities in order to reduce the deficit. Make no mistake: adding to the deficit today, will increase pressure to squeeze out spending that benefits low and middle income Americans at a time when they are already struggling.

Increasing the burden on low and middle income Americans would be spectacularly unfair. As I travel around West Virginia, I talk to many families who have children serving in the armed forces in Iraq or Afghanistan. Thousands of West Virginians have been called up to serve in the National Guard or Reserves. They are not millionaires. They are patriotic West Virginians with modest incomes, and they are already sacrificing things more valuable than money to make our military efforts a success.

So let me discuss for a moment what sacrifice this amendment asks for. This amendment says that those with incomes greater than $311,950 should pay a top income tax rate of 38.2 percent in the years 2005 through 2010. Even with this change, the top income tax rate will be lower than it was when President Bush took office. In fact, of the $690 billion in tax cuts that this President has signed into law that are targeted at the wealthiest 1 percent of Americans, $600 billion in tax cuts would still be in place. Under this amendment, a person making $1 million per year would still get a tax cut of more than $20,000 compared to what he or she would have paid in 2000, prior to this President's tax cuts taking effect. It is not asking for an undue sacrifice to ask a millionaire to settle for a $20,000 tax cut. I wish there were more people in West Virginia that would see this $20,000 tax cut, but of course, only the wealthiest fraction of taxpayers, less than 1 percent, would be affected by this amendment.

I will be supporting this amendment because I cannot explain to children in West Virginia that giving a millionaire a tax cut greater than $20,000 was more important to me than their future. I hope that my colleagues will think carefully about this stark choice, and join me in supporting Senator BIDEN's amendment.

The PRESIDING OFFICER. The time controlled by the majority has expired.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I think I have some time. If the majority wants more time, that is fine by me. I yield myself such time as I may consume. I want to take a minute or so to respond to my friend, the chairman of the Finance Committee, while he is in the Chamber.

Mr. REID. Will the Senator yield briefly?

Mr. BIDEN. Sure, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the author of this amendment has approximately 25 minutes remaining. We have been informed that there is going to be an effort by the majority to have a vote at 3:45 rather than 3:15, which is fine with us. I have also been told that the chairman of the Budget Committee wants to speak for up to 5 minutes. So if there is no objection to that, could we have 5 minutes additional on each side?

Mr. NICKLES. If I might modify the request of the Senator, I ask unanimous consent that the vote occur at 3:45 with 15 minutes allotted to each side.

Now, I was not aware that originally Senator BIDEN, in his eloquent negotiations, already had a 2-hour advantage over this side. There might be a few additional remarks this Senator wants to make which will take a little more than 5 minutes.

Mr. REID. I ask if we could further modify the request of the Senator from Oklahoma by having Senator BIDEN have the last 10 minutes prior to the vote.

Mr. NICKLES. Ten? I will further modify that. I will certainly accede to that. If he has only spoken for 2 hours, we look forward to an additional 10 minutes for the Senator from Delaware.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself as much time as I may consume. Senator GRASSLEY is leaving. I wanted to grab him.

I do enjoy the sarcasm of my friend from Oklahoma, who speaks on this floor about 40 times as much as I do, if he goes and checks the RECORD. Always elucidating, if I might add, always elucidating.

I say to my friend, the chairman of the Finance Committee, I understand the points he is making. But he is aware, in terms of small businesses, that a small business owner would still have to be in the top 1-percent income bracket, the 35-percent bracket, to be affected? And, of all the small businesses in America, only 2 percent fall in that bracket? Only 2 percent of the 100 percent of the small businesses in America fall in the bracket.

To further make a point, I understand his point that this is the engine of our economy, small businesses. There is no question about that. There is no question, though, as well—let's say a small business owner is making $400,000 in gross income. The effect of the additional tax he would pay from the tax reduction he has gotten down to now would be $2,140 a year. Is my friend suggesting we are going to constrain and strangle business in America when 2 percent of the small businesses, roughly 5,000, who make $400,000 gross income and above, are going to have to pay $2,100 a year more, that that is going to constrain the growth of small business? Is that what he is saying? Is that going to prevent them from being able to invest or to be able to grow?

Mr. GRASSLEY. I am saying it is unfair to tax small business that is not incorporated at a higher rate than the tax on Fortune 500s, No. 1.

Number 2, this may only be 2 percent of the employers, but they are the people who create the jobs.

Mr. BIDEN. I couldn't agree more.

Mr. GRASSLEY. I have worked at packing plants; I worked at the Waterloo Register Company. I never had one poor person provide the job for me. I always had somebody who makes a lot more money than I do provide the jobs for me. We don't want to choke that off in America.

Mr. BIDEN. I thank my colleague for his response. He is always courteous. I just respectfully suggest that taking 2 percent of the small businesses in America, having them have to pay slightly more than they would have paid with this tax cut that is in place now—which, again, if they are making $400,000 in gross income, that means about $2,100 more they will pay—is a heck of a lot more preferable than asking middle-class taxpayers and asking small businessmen who make $50,000 a year, and mechanics who make $35,000 a year, and schoolteachers who make $40,000 a year, to have to pay more.

I find it fascinating that for those who do not like my proposal to deal with the top 1 percent, I have not heard any alternative offered. Are they suggesting we should repeal part of the tax cut or delay part of the tax cut for everybody? No, they make no alternative offer. The alternative offer they make is we are going to add it to the deficit, so the pages can pay. I am going to start calling this the page-pay bill. The pages will pay.

I see my friend from Oklahoma, whom I always enjoy hearing, and he was seeking the floor earlier, so I reserve the remainder of my time and await the eloquent words of my friend from Oklahoma as to why this is not a good idea. I am sure he has very many ideas as to why this is not a good idea.

I yield the floor. I reserve the remainder of my time.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I have just caught a portion of this debate, but I want to make a couple of comments. My very good friend from Delaware said, Why is this amendment a bad idea? This amendment is a bad idea because it is unconstitutional.

We all take an oath at the beginning of the year to uphold the Constitution. I know all of our colleagues are aware of article I, section 7 of the Constitution that says all bills raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The House originates tax bills. The amendment of our colleague from Delaware tries to turn an appropriations bill into a tax bill, a tax bill that did not go through the Ways and Means Committee. It certainly didn't go through the Finance Committee. I am on the Finance Committee. So it is unconstitutional.

If this amendment passes, the House will blue-slip it. For people who do not know what a blue slip is, they kill the bill. They will not even consider it. They will not even look at it. It is a great tradition in the House because we have tried it on occasion. Every time it happens, every time somebody tries to slip in a little revenue provision in the bill, no matter how insignificant in comparison to the overall bill, the House loves to blue-slip it and remind the Senate that the Constitution gives them and them only the right to originate revenue bills.

Our forefathers put it in the Constitution. We are sworn to uphold the Constitution. This is a killer amendment. It does not belong in this bill.

If our colleague wants to raise income taxes by 10 percent on the upper income brackets, he can do so. He can introduce a bill. He may or may not get a hearing before the Finance Committee. I hope not, but he might. He may or may not get a markup in the Finance Committee. I hope not, but he might. He might take a bill that is going through the Finance Committee and offer it as an amendment and be successful. I hope not, but he might. Those are all legal, constitutional avenues of raising taxes.

This is not. You don't raise taxes on a spending bill that is going through the Senate unless the House has a revenue provision. If the House has a revenue provision, then it certainly can be done. So that is one reason. Let's not kill this bill.

I have heard a lot of people say they support the bill. They want to pass the money, they want to assist the troops, they even want to assist the Iraqi people—it is hard to say the Iraqi government; they don't have a government yet, but we are trying to establish a government and I compliment Ambassador Bremer and the President. This is an enormous effort the United States is undertaking. It is challenging; it is expensive. It is expensive in dollars and it is also expensive in blood. We have lost American lives. We have thousands of Americans who are spending their time right now in Iraq, in Baghdad, away from their families, making a significant sacrifice. Now we are trying to say are we going to help them or are we not.

This amendment which purports to say we want to pay for it, but we are only going to have the upper 1 percent pay for it, I don't think is good tax policy. I don't think you can say we just want to sock it to the upper income people.

I heard earlier statements by speakers saying if we do not do this, the deficit is just getting really bad. I happen to be concerned about the deficit, too. But I might note we just passed a couple of appropriations bills and I tallied up the number of amendments to increase spending on those appropriations bills and I didn't hear very much on the other side about concern for deficit. One of the last appropriations bills we passed was the Labor-HHS appropriations bill, and there were amendments, primarily supported by colleagues on the other side of the aisle, that we defeated using budget points of order, that would have increased spending over a 1-year period, next year, $26.4 billion, and over a 10-year period $386.8 billion. That was just on the Labor-HHS bill alone. No one was saying the deficit concerns us.

Then on another bill, just to give another example on the Homeland Security bill, Senator COCHRAN's bill, Senator COCHRAN made points of order against amendments to increase spending by $17.4 billion in 2004 alone, and a total of $254.1 billion over a 10-year period of time.

I did not hear people say then, we are concerned about the deficit. In other words, they are quite willing to spend more money and bust the budget over the President's request and over what was agreed upon by both the House and the Senate. There was no concern about deficits when we were trying to increase spending in those areas.

Now we have a spending bill before us. This bill is outside the budget. It is requested as an emergency by the President of the United States. It passed the Appropriations Committee as an emergency. I am not saying it is perfect. I will tell you that I doubt it is perfect. I expect it might be improved. It probably will be improved as we consider it on the floor. But to say we are now going to basically violate the Constitution and have a tax amendment that would really, in effect, kill the bill, I don't want to do that. Nor do I want to increase income tax rates on the upper 1 or 2 percent of American taxpayers. That is a 10-percent increase.

I heard people say that is just delaying it. It is a 10-percent increase. It would take the maximum rate from 35 percent to 38.2 percent. I might mention 35 percent. When Bill Clinton was

President, the maximum rate was 31. When he was elected, it was 31 percent. After he passed some tax increases, it went up to 39.6. All these great tax cuts that we have done moved the tax rate down to 35 percent.

President Clinton and Congress at that time reduced the rate of his increase on the upper income by about half. If my math is correct, 35 percent is more than a third. That doesn't include what States charge. If you add State taxes on top of it, you realize some people are paying more than 40-some-odd percent of their income to government. In other words, government is coming closer to taking half of what they make. I disagree with that because I think that suffocates people's initiative and their willingness to build, grow, and expand.

As mentioned by the chairman of the Finance Committee, 80 percent of the benefits on the top income tax rates are really held by small business and sole proprietorships, S corporations, and farms. We would be hitting the very people who are creating the jobs. If we want to have economic growth in this country, the last thing we need to do is say, if you are only a small business, we will sock it to you with a 10-percent increase. I think that makes no sense whatsoever.

I urge my colleagues to vote no on this amendment primarily on constitutional grounds. If this amendment is agreed to, this amendment will be blue-slipped. It would kill the bill, and there would be no assistance coming out of the Senate.

I urge my colleagues not to make that mistake—not to pass a tax policy without consideration certainly of those on the Ways and Means Committee and on the Finance Committee as is the normal order, the way we are supposed to legislate on appropriations matters.

I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand the vote is to take place at 3:45.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I ask between now and the time the vote is called, if we are in a quorum call, the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Parliamentary inquiry, Mr. President: How much time remains under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seventeen minutes.

Mr. BIDEN. I thank the Chair. Second inquiry: And how much time does the majority have?

The PRESIDING OFFICER. The majority's time has expired.

Mr. BIDEN. And last inquiry: And the vote is set for?

The PRESIDING OFFICER. It is set for 3:45.

Mr. BIDEN. I thank the Chair very much.

Mr. President, I yield myself such time as I may consume, and I expect to consume the remainder of my time now.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I expected to—and I did hear—a vigorous defense of the tax cuts today. And I expected to hear that anyone who supports my proposal to pay for this $87 billion supplemental is someone who is hostile to wealth and success. I did not hear much of that. I heard a little bit of that. And I expected to hear that I am really putting regular folks into the category with Park Avenue wealthy people. I expected to hear that.

Well, think of it this way: If someone today came to the floor and proposed a $600 billion tax cut for the top 1 percent of the American taxpayers—assume the tax cut had not passed. Just picture this: Someone walked on the floor today, as we are about to vote on an $87 billion supplemental, and said: I propose a $600 billion tax cut between now and the year 2010 for the top 1 percent of the American taxpayers—and did it, again, at this moment, when we will have a $500-plus billion deficit for next year, and expanding national security demands, not decreasing national security demands, well beyond Iraq, and expanding homeland security needs, not diminishing homeland security needs, and while the House of Representatives and the Senate are in conference about to report back, I assume, a multibillion-dollar relief bill as we need for prescription drugs.

If someone came forward today and said, I have an idea; let's diminish the tax burden of the top 1 percent of the U.S. taxpayers—that is, people making an average of $1 million a year—let's reduce their taxes by $600 billion, what do you think would happen? Would anyone seriously on this floor say, that is a good idea now, that is a great idea, let's go ahead and do that?

How about if they came to the floor and said, Let's not make it $600 billion, let's cut their taxes $689.1 billion, roughly. Would anybody here vote for that today? Would anybody honestly vote for that today?

Today we hear that $600 billion in tax cuts for the wealthy is not enough. Why do I say that? My proposal only says, instead of giving the wealthiest Americans, that is people making a gross income of about $400,000 a year, a net income after all the deductions and everything of about $312,000 a year, you don't even get into this game unless you fall in that category, and people who are making $1 million a year on average, all I am saying is, give them $600 billion, not $690 billion, and don't even touch them until 2005. Have them pay this out in additional taxes, instead of getting 690 get 6 over a 6-year period, beginning in 2005 basically. That is all I am saying.

Today we are told by those who oppose this that, no, we can't afford to do anything except give them a $688.9 billion limit or the sky will fall, small business will shutter their windows, and the recovery of capitalism, as we know it, will grind to a halt.

Give me a break. I have yet to hear a single economist—this has been floating around now out there, this idea of mine, for the past couple weeks—say this is going to have any impact on the recovery. In fact, the opposite is going to happen. If we add another $87 billion to the deficit, interest rates will go higher. That is going to short circuit a recovery, not paying out over a 6-year period an additional $87 billion that is not going into their pockets.

Again, I keep coming back to this point. Even wealthy Americans don't oppose this. A Wall Street Journal poll asked the question, If Congress approves President Bush's request for $87 billion in Iraq and Afghanistan, how would you prefer that Congress pay for it? Scrap the Medicare drug benefits bill?

Seven percent of Americans, obviously those with Medicare benefits and drug coverage, said, yes, that is a good idea; pay for it by not passing the prescription drug proposal. Twelve percent said to borrow the money. Add to the deficit; go out and borrow it. Make the pages pay. Borrow for it. Twelve percent said that. Twenty-five percent said some other way or they were not sure. A full 56 percent said, cancel, not 13 percent of the tax cut for the wealthiest—I think that is the number—but cancel all of the tax cut for the wealthiest Americans. They want to take it all away.

I am not doing that. I am saying, keep $600 billion. Just don't take $688.9 billion.

Look, I have been here a long while. It is fascinating to me. I keep getting the same lesson taught to me. The American people are always way ahead of us. The $87 billion in additional revenue we are seeking with this amendment is less than eight-tenths of 1 percent of our $11 trillion economy.

I challenge any of my colleagues to tell me they honestly believe this is going to slow up this jobless recovery. It won't even have any affect until the recovery is a year and a half underway. Fewer than 1 percent of the wealthiest Americans will even be affected by this change. Keep in mind, this is like my saying to my grandchildren—I have three granddaughters—we are going to go to the ice cream store and, look, pop only has 12 bucks with him. I can only afford three double-dip ice cream cones. I can't afford three triple-dip ice cream cones. So you are only going to get two dips instead of three. It is not like saying: Look, kids, I was going to feed you tonight but you are not going to get to eat. We were going to have hamburgers and french fries and a salad, but all I am going to give you is a salad. Or you can't eat at all. We are not taking away anything. We are just not giving as much.

Again, small business, fewer than 2 percent of small businesses, that is, sole proprietors, the real mom-and-pop small businesses, will even be affected by this. Ninety-eight percent will not be affected.

This is a small, tiny nick in a huge tax cut. It asks for a contribution from those who have the clearest ability to contribute—not because we want to punish them. This isn't about being punitive. It is because they have the clearest capability.

Again, take my granddaughters out. Assume my son was not doing better than I am—he is but assume he isn't—and the kids want an ice cream cone. Why shouldn't pop pay? I have the money to pay for it. It is not going to affect me at all. But if all he had in his whole pocket was 10 bucks for the week, why should he pay when I have 300 bucks in my pocket? This just isn't fair.

Again, I repeat, I don't know any wealthy Americans making $1 million a year who say, look, I don't want to do this. It is going to hurt me. I am not going to be able to make it. This is going to put a crimp in my style.

Again, let me give you a number. If you have an income of $400,000 a year—remember, the average income of the people in this bracket is almost a million dollars, 980-some-thousand dollars a year. Let's just put that in perspective. If, in fact, you are making $400,000 a year and your tax rate is going to go, from 2005 to 2010, back up from 35 to 38.2, what is the effect on your pocket? You pay the difference between 312, which gets you into the category, and 400, at a higher rate. That is $68,000, roughly. You have to get to 380-something. How much more taxes does it mean that you pay? Roughly, $2,100 more a year.

Are you telling me the people making $400,000 a year are not willing to kick in $2,100 a year for 5 years beginning in the year 2005—or for 6 years beginning in 2005 to win the peace in Iraq? Boy, do we underestimate these folks. These are loyal, patriotic Americans. They would be ready to do a lot more if we needed them to do it. But $2,100, if you make a million dollars? I asked my staff to do a back-of-the-envelope calculation. Let's say the poor guy who has no deductions—"poor" guy—the rookie who signs a contract for $1.150 million. Guess what. After standard deductions because of the loopholes and the other things the wealthiest among us in this country have, he has a real taxable income of a million dollars. How much more is he going to have to pay? Roughly $22,000. That is going to kill him, right? Does that mean you don't have a gold-plated toilet seat? What does it mean?

Again, I am not hearing any of these wealthy folks complain. I am hearing everybody complain in their name, but I don't hear any of them complain. Let me tell you, I have been doing this a long time. Few times have I ever stood on the floor, with CNN watching, saying if there is anybody who is making over $400,000 a year who is not willing to pay $2,100 more to win the war, call me. No one is calling me. I don't get this.

I don't think these folks who will be affected by this tax change will begrudge one nickel of this $87 billion. So I say to my colleagues, if we don't do this now, pay for this installment in the war now, taking a small part of the tax cut, when we have a national security emergency supplemental request from the President, when the deficit is skyrocketing to over half a trillion dollars a year, are there no circumstances ever when it will be right to reconsider less than 5 percent of the biggest tax cut in history?

My time is almost up. It seems to me we are at a place where responsibility dictates that we be rational and not ideological, we pay now instead of just putting this on the tab for the pages on the Senate floor, that we don't ask our children to pay for our security, and we pay for our security and our children's security.

This, to me, is the most inexplicable opposition to anything I have ever been involved with on the floor of the Senate.

I believe my time has expired. I urge my colleagues to vote for the Biden-Kerry amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, for the reasons previously stated on this side, I move to table Senator BIDEN's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—57

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Graham (FL)

The motion was agreed to.

AMENDMENT NO. 1802

Mr. COLEMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. SMITH). The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself, Mr. BYRD, Mr. DAYTON, Mr. STEVENS, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. CORZINE, Ms. COLLINS, Mr. GRAHAM of South Carolina, Mr. CONRAD, Mr. SUNUNU, and Mr. ALLEN proposes an amendment numbered 1802.

Mr. COLEMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund travel within the United States for members of the Armed Forces on rest and recuperation leave from a deployment overseas in support of Operation Iraqi Freedom or Operation Enduring Freedom)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing a member of the Armed Forces for the cost of air fare incurred by the member for any travel by the member within the United States that is commenced during fiscal year 2003 or fiscal year 2004 and is completed during either such fiscal year while the member is on rest and recuperation leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, but only for one round trip by air between two locations within the United States.

(b) It is the sense of Congress that the commercial airline industry should, to the maximum extent practicable, charge members of the Armed Forces on rest and recuperation leave as described in subsection (a) and their families specially discounted, lowest available fares for air travel in connection with such leave and that any restrictions and limitations imposed by the airlines in connection with the air fares charged for such travel should be minimal.

Mr. REID. Mr. President, will the Senator withhold for a minute?

Mr. President, I ask unanimous consent that Senator LEAHY be recognized following the disposition of the Coleman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to Senator COLEMAN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the Pentagon has rolled out a program to bring home troops who have served in Iraq for over a year. It is a good program. Under the Rest and Recuperation Leave Program, these service men and women will get a much deserved 2 weeks of R&R with their families. Unfortunately, the program only provides for transportation to places such as Baltimore, Atlanta, Dallas, or Los Angeles. From these cities our service men and women are expected to pay their own way home at same-day rates.

Chad Krandall and Dave Schmaltz, cousins and Minnesota National Guard members from Gwinner, MN were told the price of a same-day ticket from Baltimore to Minneapolis-St. Paul would be $1,200 each. Steven Bazaard, another Guard member from Minnesota, was faced with a similarly high bill if he was to make it all the way home to see his wife Sherry Billups in Blackduck, MN. Isaac Girling, a member of the 142nd Battalion in Iraq, will have to pay the same exorbitant fee when he comes home next week to Stillwater, MN to see his newborn son for the first time.

I don't have anything against Baltimore, Atlanta, Dallas, or Los Angeles. But to be perfectly frank, these cities can't really hold a candle to Blackduck or Gwinner, and they are a long way away and expensive to travel to.

This R&R program is a good start, but it doesn't go far enough to support our troops. These are families which have already made do for a year without their loved ones, and the toll has been both emotional and financial. To ask them to pay same-day airfare to see their loved ones is simply unfair.

If we acknowledge that troops who have been in Iraq for a year deserve a 2-week vacation like anyone else, we ought to make sure they get all the way home. That is what we are talking about here—making sure our service men and women who have performed so admirably, have sacrificed so much in defense of their country and in defense of freedom, get all the way home.

I have introduced, along with the distinguished chairman, Senator STEVENS, and my friend and fellow Senator from Minnesota, Senator DAYTON, an amendment to fix this unintended consequence of the R&R program. We have broad bipartisan support, including Senators BYRD, DAYTON, ALEXANDER, CHAMBLISS, COLLINS, CONRAD, CORZINE, CRAIG, DEWINE, DOMENICI, DORGAN, ENSIGN, ENZI, GRAHAM of South Carolina, GREGG, JOHNSON, KENNEDY, MURKOWSKI, SANTORUM, SUNUNU, STEVENS, and ALLEN.

The chairman and his staff on the Appropriations Committee have been very gracious in working with me to craft a good amendment to make sure our troops and their families do not have to pay these high rates.

This amendment will not have any budgetary consequence. It will simply make sure existing funds are used for this essential program to boost troop morale and to reunite families separated by this engagement. This amendment is the right thing to do.

I notice my friend and colleague, the senior Senator from Minnesota, Senator DAYTON is here. I yield the floor at this time to Senator DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my distinguished colleague, Senator COLEMAN, who joined with great minds which think in the same direction. We introduced this legislation on the same day. I am proud to be joining with Senator COLEMAN in the Coleman-Dayton amendment to provide for transportation to homes and places of origin for our troops, many of whom, in the case of Minnesota, have just had their tours of duty in the Iraqi theater extended by 6 months. In the case of the 142nd Battalion, it covers northwestern Minnesota and North Dakota. As a result of this extension and this deployment and administrative matters, many of them will not see their families for up to 18 months. To drop them off at the Baltimore airport and tell them they are going to be on their own at that point and at their own expense to try to get back and see their families for their one opportunity in nearly 18 months I think would be shameful. I think the American people are more generous than this. I think under these circumstances it is the least we can do.

I thank the Senator from Minnesota for his leadership on this matter, and I am glad to sponsor it with him.

I yield the floor.

Mr. COLEMAN. Mr. President, I say to my friend and colleague, Senator DAYTON, that the two folks from Minnesota understand it is really good to get home—and also the folks from Alaska and Idaho. This amendment does that.

I urge adoption of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to commend both Senators from Minnesota for sponsoring this amendment. If they have no objection, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I express my support for this amendment—which is very similar to an amendment I had filed earlier—to pay for the travel home of U.S. troops currently serving in the Iraqi theater of operations. I am pleased to join in cosponsoring the amendment.

The Department of Defense recently announced that it would grant soldiers on 12-month deployments as a part of Operation Iraqi Freedom 15 days of rest and recuperation leave. About 270 soldiers a day are now arriving in the United States to begin their leave period. At the present time, these troops are required to pay their own way home from their port of debarkation—right now, Baltimore-Washington International Airport. It says something about the priorities of the Department of Defense that while they are asking Congress for another $87 billion for war and reconstruction in Iraq and Afghanistan, they are also making soldiers on leave pay for their transportation home and back.

Many of these soldiers are members of the Reserves and National Guard. Many of those citizen soldiers have recently learned that, because the administration has been unable to mobilize sufficient international support to ease the burden on American troops, they will be required to spend a full 12 months in Iraq. This is in addition to the 2 to 3 months they spent away from home training for their mission. Despite the shifting dates for their return home, our American service men and women have served with courage and distinction in terrible conditions.

Soldiers from the 142d Combat Engineering Battalion, a North Dakota National Guard unit, have already begun coming home on leave. The first soldiers chosen for leave were very concerned that they might have to pay well over $1,000 to buy a ticket home from Baltimore. I was very pleased that Northwest Airlines, the main provider of air travel to North Dakota, was able to respond to my request to offer reasonable priced tickets to these brave soldiers.

But this should be only a temporary measure. I urge the Senate to now clear the way for full government funding of the travel expenses for our troops on leave, including those that will take leave before we are able to complete our legislation, by adopting this amendment. In working on this amendment, I wanted to be sure we avoided creating an unfair disparity between soldiers. We will not likely conclude action on this supplemental until the tail end of October, and by that time several thousand soldiers will have already paid for their own travel home. It seemed unfair to me that these soldiers should be forced to pay their own way while those who traveled later would go at government expense.

Our troops in Iraq have been serving under difficult conditions, and they deserve our full support. I greatly appreciate Chairman STEVENS' willingness to include this important issue in the supplemental appropriations bill. I am happy that we were able to work together to provide for the travel expenses of our brave soldiers serving in Iraq.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1802) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. COLEMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized to offer an amendment.

Mr. LEAHY. I thank my friend, the distinguished Presiding Officer.

AMENDMENT NO. 1803

Mr. LEAHY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for himself, Mr. DASCHLE, and Mr. BIDEN, proposes an amendment numbered 1803.

(Purpose: To place the Coalition Provisional Authority in Iraq under the direct authority and foreign policy guidance of the Secretary of State)

On page 25, line 21, before the colon, insert the following:

: *Provided further*, That beginning not later than 60 days after enactment of this Act, the Administrator of the Coalition Provisional Authority shall report to and be under the direct authority and foreign policy guidance of the Secretary of State

Mr. LEAHY. Mr. President, this is a very simple amendment. That is why I didn't follow the usual procedure where amendments are simply deemed read. This was a short enough one that I wanted it read.

It does what many of us feel we should have done 5 months ago when we appropriated the first $2.5 billion in foreign aid for Iraq. At the time we gave that very substantial amount of foreign aid to Iraq, many of us urged the Secretary of State—not the Secretary of Defense—should have authority over the reconstruction program.

No matter who is Secretary of State, no matter who is Secretary of Defense, when you are going to give enormous amounts of foreign aid for reconstruction, the aid should be under the Department of State. After all, foreign aid is the responsibility of the State Department. Also, it is the responsibility of USAID. That is what they know how to do. That is what their people are trained to do.

It is not what the Pentagon does, nor, for that matter, is it what the Pentagon should be doing. The Pentagon is trained in military combat. In fact, our forces, the men and women in the Army, Navy, Air Force, and Marine Corps, are the best trained, the best equipped, best motivated of any military in the world. Obviously, they showed they can easily defeat other military forces as they did in Iraq.

While they are trained for war, the State Department is trained to work to rebuild. In this case, as superb as the military role was, their leadership disregarded the preparatory work the State Department and USAID had done in planning for after the war. The problems they now face reflect that.

I am concerned we are putting our men and women in the military in an impossible situation. They are being asked not only to provide security, but to also oversee the reconstruction.

I have a lot of respect for Ambassador Bremer. I have known him and worked with him on terrorism and other matters over the years. He did a good job last week when he testified before the Appropriations Committee. Like a lawyer arguing the brief for his client, he argued well. But Ambassador Bremer's office, which is located in the Pentagon, until very recently was not capable of responding to our questions. The questions we were asking were not how many divisions might move here or how many tanks, airplanes, helicopters, men and women under arms can move, but, rather, how can we do a better job of getting water, and electricity, and other aid to the Iraqi people?

We saw the reconstruction plan, apparently a Pentagon plan, an 8-page document. When it came out a couple months ago, none of us on this side of aisle received it.

Now that we have seen it, I understand why they didn't want everyone to have it. It is embarrassingly illustrative of the administration's postwar strategy. There was no postwar strategy. All the strategy led up to winning in Iraq. Everyone knew how that would come out. Of course we would defeat the broken Iraqi army. Everyone knew we were going to win. This was not World War II. But, amazingly enough, there was no strategy for what happened after we won.

I am not among those who believe everything we have done in Iraq has been a failure. There has been progress. For one thing, I am glad Saddam Hussein is not here. He was a murderous tyrant. Members of the administration now talk about the murderous conduct of Saddam Hussein when he used chemical weapons against the Kurds—something many Members were outraged about at the time—and they seem to forget the administration they served at that time turned a blind eye to that and continued to give aid to Saddam Hussein.

Having said that, now I think everyone, whether those in the Congress or the administration who supported Saddam Hussein over the years, we all agree—all Republicans, all Democrats agree—he was a tyrant and it is good he is gone. That is progress.

We have begun to train a new army and police force and so on. That is progress. But we were told this spring that the amount of money for the aid program would be very small. Now we are asked to increase our aid program ten fold, with virtually no controls on how the money will be spent.

So, we got into the war, we had no plan for what we would do afterwards, we have real problems now, and now they want a blank check to take care of it. We will pay $33,000 each for pickup trucks that sell for $14,000 here, and we will pay $6,000 for telephones you can buy in the neighboring country of Jordan for $500 or $600. We will pay $50,000 a bed for a prison although that is far more than we would in the United States. We will repair their power infrastructure although we do not have money to do the same in the United States. We will build a whole lot of new schoolhouses although we do not have the money to fix our dilapidated schools. We will build state-of-the-art hospitals even though we do not have the money for new health clinics in parts of the United States. And we are told: Just give us the money and trust us; we know what to do.

In my State, we do not sign blank checks. I am sure we will give money for foreign aid even though we do not have the money to do the same things in the United States.

Simply spending more money does not get us back on track. We need a real plan, and we need the right agency in charge. That is why this amendment is so short. It is one sentence. It simply puts the Coalition Provisional Authority—and I assume that will be Ambassador Bremer although I am not doing this on an ad hominem basis—simply put the coalition provisional authority, Ambassador Bremer, who has been working around the clock to carry out our interests there, under the foreign policy guidance and direction of the Secretary of State. It would provide 60 days after enactment to give the State Department time to put in place the people it needs.

Does that mean the Department of Defense no longer has any role in reconstruction? Of course not. They obviously will be consulted on a continuous basis. Everyone knows nothing can be built unless there is security to prevent attacks on contractors and aid workers and to prevent sabotage to the projects themselves. We are fortunate to have a superb military there to provide that kind of security. But that is what the Defense Department should be doing, providing the security but not trying to oversee foreign aid projects. That is not what they are trained to do.

It is unfair to our men and women in the military to ask them to do that. It was a mistake in the first place when we asked them to do it. We should not repeat that. Let us not ask the Department of Defense to suddenly become the State Department, AID, and the general dispenser of foreign aid. They are so well trained to do the things they do. Let those who are trained to handle foreign aid and the projects of reconstruction be there.

It is also worth noting, when you look at the civil affairs units in the Defense Department, almost all of them are composed of National Guard and Reserve units. Ironically, to the extent you are going to use the military for the nation building we are doing in Iraq—we are doing nation building in Afghanistan, and Lord knows where else—these are the men and women in uniform who are best equipped for the nation building we are doing in Iraq.

So we either have to keep these National Guard and Reserve forces in Iraq indefinitely—and I think the majority of the Members of both parties here do not want to see that happen—or we have to get the State Department and USAID more involved in doing nation building. I favor the latter approach. That is what my amendment would do.

I do not think we should continue to rely on these National Guard and Reserve units to do the long-term development work that should be done by others. Let that be done by the Department of State and AID, and let the Department of Defense provide the security for those who are doing the reconstruction in Iraq.

Some might ask if the Secretary of State wants that authority, given what a thankless job it is becoming in Iraq. I do not know. If he gets the authority, I will offer him not congratulations but condolences.

I see my dear friend.

Mr. WARNER. Mr. President, might I answer my colleague's very insightful question as to what the Secretary of State has in mind.

I have just been in consultation with his office, upon learning of my distinguished colleague's amendment. Very shortly there will be a written communication coming to the leadership of the Senate expressing, without any equivocation, that he feels strongly that the Department of State, at this time, should not be given the responsibility. But there will come a time, I say to my distinguished colleague—an appropriate time, and perhaps without further interruption to your opening remarks—I could engage the Senator in a colloquy to discuss perhaps an alternative measure at some future time.

Basically, it would be after the Iraqi Government is in place and the United States would, at that time, indicate an individual to become the U.S. Ambassador, at which time there could be an orderly transition from the Department of Defense to the Department of State.

My concern, I say to my friend, is that it has taken Ambassador Bremer some 3 months now to gain the momentum he has. We have a critical issue before this body at the very moment of whether or not the additional funds will hopefully immediately be forthcoming. That decision will be finally made next week. I strongly support it, to continue that momentum. A shift at this time would result in loss of momentum.

I conclude my few remarks at this moment by saying, throughout the testimony and private discussions with Ambassador Bremer, which I am sure my colleague from Vermont has had, he has constantly said that the danger to the coalition forces—that danger being indelibly impressed on us every day with the announcement of a loss or an injury to members of the uniformed services, and indeed others—David Kay is, at this moment, before committees of the Congress. In conversations with me, he has expressed the danger to his operation daily by their transit down these motorways and otherwise.

The direct correlation of reducing the danger to our troops, to the Iraqi special survey group headed by David Kay, and to others performing NGO operations—this whole panoply of people—there is a direct correlation between the speed and the momentum that the Bremer operation has brought up to replace the infrastructure and the lessening of the personal risks to individuals.

Mr. LEAHY. Mr. President, the senior Senator from Virginia is not only one of the best friends I have in this place, and has been for the years that we have served together, but I also know he is one of the hardest working Members of the Senate.

As I mentioned earlier in my opening statement, I am not suggesting for a minute that Ambassador Bremer, for whom I have high regard, be replaced. I am simply saying that it is not a question of whether the Secretary of State should take this now or later; the fact is, this is his job. He should have been doing it from the beginning. We are not changing horses in midstream.

Incidentally, speaking of Mr. Kay and others, I also stated, prior to the Senator from Virginia coming to the floor, that, of course, the military would have to stay and provide the security so these people can continue to work. I am just saying, insofar as we are doing nation building, let it be done by the State Department, as we always have, and not think that somehow we can go solely as a military authority and then have this country suddenly, one day, become a democratic nation, and only then will we bring in the State Department to give aid.

I have looked at the plan. The plan said it was to give the Iraqi people the opportunity to realize President Bush's vision. We may want to ask them if that is exactly the vision they want. But be that as it may, this is not changing horses in midstream. We are getting on the right horse, in fact, the horse that has taken us across the stream for the last 50 years.

Every major postwar reconstruction effort since the Marshall plan has been under the auspices of the Secretary of State, not the Secretary of Defense: Afghanistan, Kosovo, East Timor, Bosnia, Cambodia. Even during the middle of the Vietnam war, economic aid was handled by AID.

I am thinking of an article on July 24, referring to an assessment by outside experts, commissioned by the Pentagon, who warned that the window of opportunity for postwar success is closing. The Philadelphia Inquirer reported that: After initial deals for reconstruction stalled, it was time for plan B but there was no plan B.

I would hope the plan B that was written on July 23 is not it. I have a plan B. It is called the Secretary of State. Put the Department of State in charge of the reconstruction. Not the military part, of course. The military is going to be there for some substantial period of time—we know this—but allow them to do the things they are good at. They are not trained, nor should they be, to become a governing power, to become nation builders.

Mr. WARNER. Mr. President, if I could probe my colleague, as I read this, it states very clearly:

> *Provided further*, That beginning not later than 60 days after enactment of this Act, the Administrator of the Coalition Provisional Authority shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

As I indicated, the Secretary is very much opposed to this amendment. We will very shortly have that evidence before the Senate. But it is clear from the reading of this that the $21 billion which is before this body right now as a part of the 87—and it remains a part; that issue has been addressed—would now be transferred to the Department of State for, frankly, writing all the checks, working on the allocation of priorities, the coordination with the military structure under the Secretary of Defense and General Abizaid, the CENTCOM commander. The whole thing is lifted and put under the State Department in 60 days after this, should it be enacted. Am I not correct?

Mr. LEAHY. No, the Senator is not correct. The implication is that somehow my amendment would put everything under the State Department. We are being asked to provide over $80 billion. Roughly three-quarters of that goes to the Department of Defense. Nobody is asking anybody but the Department of Defense to handle it. We are saying the $20 million of foreign aid—one of the largest foreign aid packages I have ever seen—the $20 billion of foreign aid that is brand new would be overseen by the State Department. We want to make sure that the Iraqis do not feel this is a long-term military operation.

People should know, my amendment doesn't stop the President from allocating and reallocating reconstruction funds to any agency, including Defense, but State would have oversight of that. It doesn't shut down the Coalition Provisional Authority. It doesn't require big changes there.

Mr. WARNER. Would the Senator be more explicit?

Mr. LEAHY. As I have said before, I am glad Ambassador Bremer is there. It doesn't micromanage the reconstruction effort. It doesn't create a disruption of any of the programs that are there. But it does say when we want to ask how these aid programs and reconstruction programs are going, we ask the questions of our State Department, the Department that has had this responsibility and expertise, and the Department that has always done this from the days of the Marshall plan on.

My friends keep saying, this is just like the Marshall plan. Well, there are some big differences. One, the Marshall plan didn't ask us to pick up the whole tab as this does. That was a dollar-for-dollar match. Some of it was in loans. It wasn't done immediately after the war. It took many hearings, hundreds of witnesses. And then working with the President, there was a congressional oversight committee that actually had input from both parties, both Republicans and Democrats, unlike the situation here with the 8 page plan that we were given two months late.

Mr. WARNER. Mr. President, if the Senator would enable me to bring to the attention of the Senate a communication at this point in time from the Department of State, it might be helpful. As I read the amendment, it is clear to me that Bremer would now report to the Secretary of State.

Mr. LEAHY. That is true.

Mr. WARNER. There is no provision that he continues a direct chain to the Secretary of Defense. That structure, from Bremer right on down through his organization, would now be reporting to the Secretary of State. Am I correct in that?

Mr. LEAHY. Yes, but it does not shut down or require changes in the central command. It doesn't require any military to report to the Secretary of State.

Mr. WARNER. The Senator has made that eminently clear. I think right now we are looking at the coalition operation under Bremer now being transferred in its entirety and reporting to the Secretary of State. That organization, under Bremer at the present time, composes, indeed, contributions of a number of personnel from the Departments of State and Defense. It is sort of a coalition within itself of our Federal departments and agencies. Our coalition partners, primarily Great Britain, are integral participants.

How would they feel if suddenly they awakened and determined that no longer does their deputy to Bremer from Great Britain report to the Secretary of State? This is a very significant and major change that our distinguished colleague is proposing.

In response, the Department of State, through its Assistant Secretary of Legislative Affairs, addressed our colleagues in the Senate by saying the following:

> Thank you for the opportunity to comment on Senator Leahy's proposed amendment to the FY 2004 Supplemental that would transfer control of the Coalition Provisional Authority (CPA) from the Department of Defense to the Department of State. While we appreciate Senator Leahy's confidence in the State Department, we are opposed to the amendment.

That is very clear and unequivocal.

> The decision to establish control of Iraq's reconstruction through the Department of Defense was made because military operations were and are ongoing in Iraq. The immediate objective was to establish a secure and safe environment in Iraq. Restoring basic services and creating conditions for economic growth could not take place until this environment was established.

For unity of effort and command, it was judged—and this judgment was from the President on down—

> the Department of Defense would be the most appropriate department in which to place CPA. The State Department fully expects to resume control of traditional development efforts in Iraq once the security situation is fully stabilized and an elected government is in place.
>
> Thank you again for the opportunity to comment on Senator Leahy's amendment. We will be pleased to provide any additional information you might require.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U. S. DEPARTMENT OF STATE,
> *Washington, DC.*
>
> DEAR CHAIRMAN MCCONNELL: Thank you for the opportunity to comment on Senator Leahy's proposed amendment to the FY 2004 Supplemental that would transfer control of the Coalition Provisional Authority (CPA) from the Department of Defense to the Department of State. While we appreciate Senator Leahy's confidence in the State Department, we are opposed to the amendment.
>
> The decision to establish control of Iraq's reconstruction through the Department of Defense was made because military operations were and are ongoing in Iraq. The immediate objective was to establish a secure and safe environment in Iraq. Restoring basic services and creating conditions for economic growth could not take place until this environment was established.
>
> For unity of effort and command, it was judged the Department of Defense would be the most appropriate department in which to place the CPA. The State Department fully expects to resume control of traditional development efforts in Iraq once the security situation is fully stabilized and an elected government is in place.
>
> Thank you again for the opportunity to comment on Senator Leahy's amendment. We will be pleased to provide any additional information you might require.
>
> Sincerely,
>
> PAUL V. KELLY,
> *Assistant Secretary,*
> *Legislative Affairs.*

Mr. LEAHY. Mr. President, I also see what the National Security Adviser said, and I quote:

> The President must remember that the military is a special instrument. It is lethal, and it is meant to be. It is not a civilian police force. It is not a political referee. And it is most certainly not designed to build a civilian society.

Dr. Rice said that.

The Washington Post reports that the diplomats on Ambassador Bremer's staff in Baghdad report directly to him, not to Washington, which is true. The Secretary of State, Colin Powell, has told the press he has to rely on newspapers and the diplomatic reports of other nations to keep abreast of developments in Iraq. Maybe they don't like the job, but that is what the State Department is designed to do. I have had times when somebody said I had to sit in this hearing for 4 hours because I was either chairman or ranking member of the committee, and I said, I don't want to, I would rather go to Vermont, or I would rather go hunting on my farm, or do other things. But you know what? It is my job, it is a job I was elected to do, and I have done it.

I am sorry if the State Department feels they don't need to do their job. Maybe they have too many people. Maybe we are spending money we don't need to there. I mean, this is what they do in Afghanistan. This is the role they have played in every post-war situation since the Marshall plan.

I ask, what is so different about Iraq? Suddenly, we are breaking 50 years of precedent and they don't want to do what they are supposed to do. I am worried, why don't they want to do their job? Are they concerned that they could not do it better than it is being done now? I would hope they could, or else we are spending an awful lot of money at the State Department that we don't need to spend.

Mr. WARNER. Mr. President, in response to my colleague, the Marshall plan is, in clear terms, a precedent for what the policy decisions of our country are, as embraced in the request for this $21 billion and in the future. But there is a clear distinction. The Marshall plan came in years after the fighting had stopped. As you and I are now in this colloquy on the floor of the Senate, that fighting is going on right now—hundreds of thousands of coalition forces—over a hundred thousand—and many civilians are subjected to the constant threat by this polyglot of former Baathists, former associates of Saddam Hussein, terrorists are moving in.

This is a tough situation and there is daily communication between Ambassador Bremer and the military. They have worked side by side. In fact, you visited there, as I have. Their offices are just across the hall from one another.

(Mr. CORNYN assumed the Chair.)

Mr. LEAHY. If I may respond on that, as I have stated over and over again—and I will state it again for my good friend, who I refer to as "my Senator" when I am away from Vermont because I live part of the time in his beautiful Commonwealth. We are not asking the military to not do the job they do, and do well; we are not asking that they stop providing security or to not continue to hunt for Saddam Hussein or those connected with him. What I am saying is that they ought to be freed up to do that job. But they should not be doing the nation building the administration wants, which is our President's vision for Iraq. Let's give that job back to the people who are trained to do it.

I know the distinguished chairman of the Armed Services Committee does not want to see our military there forever as an occupying force. He and I totally agree on that. He and I totally agree that our military is the finest in the world, and they have done extraordinarily well there. I think we have them stretched pretty thin in a lot of areas.

I am saying, let the military do the military work; let the State Department do the foreign aid work; and if the State Department is unwilling to do the kinds of things they are trained for, which they tell us year after year they need hundreds of millions of dollars more to do, then maybe we don't need them.

Mr. WARNER. Mr. President, if I might address the comment about letting the State Department do its traditional responsibilities, I am referring to testimony before the House of Representatives on September 30, when the Deputy Secretary of State, Secretary Armitage, appeared. He made the following observations. He said that Ambassador Bremer and Secretary Powell speak to each other on the phone occasionally but they e-mail each other if not every day, pretty close to that.

He was asked what the role is in postwar Iraq. He said: We have 42 officers there now—42 State Department officers. I don't want to make light of it. Both Ambassador Bremer and his second, Clay McManaway, are both State officers. The guy who is running the show with the railroad is Pat Kennedy, one of the administration officers. So the State Department is heavily involved at the current time. The other officers from the Department of State are spread out not only in I&L but we have Mike Felia down in the southeastern region working with the Shia. We have others with the Kurds.

Ambassador Bremer has asked us to come forward with another approximately 60 officers and that we will be able to fill many more of these provinces with State Department officers, the high majority of which will be there with three or four language-speaking capabilities.

I say to my colleague, there is the closest of relationships with the Secretaries of State and Defense and directly between the Secretary of State and Ambassador Bremer. As he points out very clearly here, Deputy Secretary of State Armitage and the principal deputy to Ambassador Bremer are now officers on loan from the Secretary of State to the CPA. I urge my colleagues who are following this debate to think for themselves about the consequences of the loss of reconstruction that this would entail. You cannot make the shift in that point of time, and, to me, it would bring a greater threat personally and endangerment to the life and limb of not only the coalition forces in uniform but thousands of civilians who are working in various capacities to bring about the goals of peace and turning over this nation to the Iraqi people.

Mr. LEAHY. Mr. President, I am getting the impression that my distinguished friend, the senior Senator from Virginia, is not in agreement with my amendment and would like to keep the status quo, at least for now.

I respond that the current structure has not worked well. Between the two of us, we have a half century of listening to people testify. The Pentagon has said over and over again—certainly in a lot of the hearings I have had and I am sure that the Senator from Virginia has had—that they are not a foreign aid agency. The Pentagon is not a foreign aid agency.

I think the experience of the past 5 months in Iraq confirms that. They came in there without a plan, a postwar plan. I believe they miscalculated terribly and they put our soldiers in a vulnerable position.

I yield to nobody in this body in my admiration of the men and women who are in Iraq, the members of our military, but the administration put them in an untenable position. They have to maintain order, fight terrorists, build schools and sewer systems, and do all that simultaneously. Let the military and the Secretary of Defense focus on fighting the war and leave foreign aid to the agencies with the expertise.

Just this week, one of our national news magazines said:

> On the ground, the Coalition Provisional Authority, charged with actually running Iraq until the Iraqis can take over, is the source of increasing ridicule . . . So there they are, sitting in their palace: 800 people, 17 of whom speak Arabic, one is an expert on Iraq. Living in this cocoon. Writing papers. "It's absurd," says one dissident Pentagon official. He exaggerates, but not by much. Most of the senior civilian staff are not technical experts. . . .

Time magazine says Joe Fillmore, a contract translator with the 4th Infantry Division in Tikrit, agrees that resentment is deep. "Things may look better on the surface," he says, "but there is growing frustration with the occupation. The town is dividing into two parts: those who hate us, and those who don't mind us, but want us to go."

Whether one was for or against war, we are now there. But when we are asked to buy enormously expensive items, to spend more money to build a hospital in Iraq than we would spend on a hospital in Vermont, when we are asked to spend more money on telecommunications in Iraq than we are willing to spend in many states in the United States, when we are asked to spend more money on the electrical infrastructure in Iraq than we are willing to spend here, when we are asked to spend more money to put people back to work in Iraq than we are willing to spend in the United States, when we are asked to spend more money for police and security and prisons in Iraq than we are willing to spend where it is needed in the United States, when we are asked to spend more money for vehicles in Iraq than we spend for vehicles in the United States, I think it is fair we ask is this right? Is this necessary? Maybe it is time to put the right people in charge.

Mr. WARNER. Mr. President, if I might again bring to my colleague's attention the momentum that is presently in the CPA and its achievements. CPA is providing funds through military commanders—I want to point that out—military commanders in the field, coalition military commanders to fund projects at the village and municipal level. Approximately $24 million has been spent on over 6,200 projects to date.

Health projects: Saddam Hussein budgeted $13 million for health care in 2002, approximately 50 cents per person. For the second half of 2003, CPA allocated $211 million—I repeat, $211 million—a 3,200 percent increase in health care.

On April 9, only 30 percent of Iraqi hospitals were functioning. CPA is bringing the health care system back to life. Now all 240 hospitals in Iraq are up and running. The CPA has wiped away the old corrupt system for distributing medical supplies and pharmaceuticals. In the past 90 days, 9,000 tons of medical supplies have been delivered, an increase of 700 percent. Because of the CPA, Iraqi children have received 22 million doses of vaccine to cover over 4 million children and nearly a million pregnant women.

Education: Saddam starved the country's schools of cash for more than 20 years. Children were taught pro-regime slogans in classrooms little better than livestock sheds. Enrollment in some areas had dropped to 50 percent of eligible children.

CPA is refurbishing more than 1,000 schools. The schools will have new plumbing instead of raw sewage in the playgrounds, fresh paint, blackboards, pencils, and teaching equipment.

Justice system: Nationwide, 90 percent of the courts are up and running. Criminal courts in Baghdad reopened in May. A central criminal court made up of specially vetted judges and prosecutors has been established to try cases in public. The first trial was held August 25.

I could go on and on. I ask unanimous consent to print these success stories in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Coalition Provisional Authority]

IRAQ SUCCESS STORIES

Reconstruction Projects

CPA is providing funds through military commanders in the field to fund projects at the village and municipal level. Approximately $24 million has been spent on over 6,200 projects to date.

Health Projects

Saddam Hussein budgeted $13 million for healthcare in 2002, approximately 50 cents per person. For the second half of 2003, CPA allocated $211 million, a 3200% increase.

On April 9th only 30% of Iraqi hospitals were functioning. CPA is bringing the healthcare system back to life. Now, all 240 hospitals in Iraq are up and running.

The CPA has wiped away the old corrupt system for distributing medical supplies and pharmaceuticals. In the past 90 days 9000 tons of medical supplies have been delivered; an increase of 700%.

Because of the CPA, Iraqi children have received 22.3 million doses of vaccine to cover over 4 million children and nearly a million pregnant women.

Education

Saddam starved the country's schools of cash for more than 20 years. Children were taught pro-regime slogans in classrooms little better than livestock sheds. Enrollment in some areas had dropped to 50% of eligible children.

The CPA is refurbishing more than 1000 schools. The schools will have new plumbing instead of raw sewage in the playgrounds, fresh paint, blackboards, pencils, and teaching equipment.

Justice System

Nationwide, 90% of courts are up and running. Criminal courts in Baghdad re-opened in May.

A Central Criminal Court made up of specially vetted judges and prosecutors, has been established to try cases in public. The first trial was held on August 25th.

Odious legal provisions inconsistent with fundamental human rights have been suspended. Criminal defendants now have the right to defense counsel at all stages of proceedings, the right against self-incrimination, the right to be informed of these rights, and the exclusion of evidence obtained by torture.

Eight Supreme Court Justices wrongfully removed by Saddam Hussein have been reinstated.

Judge Dara Noor al-Din, who was imprisoned for holding one of Saddam's decrees unconstitutional, is now a member of the Governing Council, in addition to his judicial duties. He was never a Ba'athist.

Judge Medhat Mahmood, was never a Ba'athist, has been named Chief Justice of the Supreme Court.

Mr. WARNER. There is enormous momentum.

Mr. LEAHY. Mr. President, when I hear this glowing description, I wonder why the administration is asking for another $20 billion. I wish most of the States in the United States were doing as well as what the Senator from Virginia has described.

If they are doing that well, maybe we should give the $20 billion to States in the United States that are not doing nearly as well and could probably use the money.

I am glad to hear the hospitals are all operating again. Obviously, from a humanitarian point of view that is important progress. I hope the Iraqis realize they can go to any hospital they want now and they will receive the help they need. If that is true, why do we need to spend another $150 million for another hospital? Rural hospitals throughout the 50 States of the United States cannot say that. I know a lot of places in the 50 States in the United States about which we cannot give the kind of glowing report the Senator from Virginia has given about Iraq.

Keep in mind, I am not asking for somebody to walk in there tomorrow and take over. But I would hope that within the next two months, with the 800 people in the palace over there, we might find more than 17 who can speak Arabic. That, I think, would be the kind of expertise the State Department could bring.

I hope we will have more than one expert on Iraq, and I hope we will tell the Iraqi people that we are as interested in them building their country following their vision and not, in almost a condescending way, saying we want them to have the opportunity to build a country that fits the vision our President has for them. After all, we are talking about a civilization that goes back long before this country was even discovered.

Mr. WARNER. Mr. President, I recognize that important bit of history. As I say to my friend of a quarter of century, we have had the privilege of serving here—and I see the distinguished acting minority leader on the floor—it would be the intention of the Senator from Virginia to move to table, but I first would like to hear an expression perhaps from others who might like to address the amendment.

Mr. REID. If the Senator from Virginia will yield.

Mr. LEAHY. I have the floor.

Mr. REID. If the Senator from Vermont will yield, I don't know how much more time the Senator from Vermont has. We have a couple other Senators who wish to speak. Certainly Senator LEAHY has no desire to ride this out. We have a number of amendments lined up and ready to go as soon as this is finished. The Senator from Vermont is the best person to answer that question.

Mr. LEAHY. Mr. President, I respond to the distinguished Senator from Nevada, we have had a good colloquy with the distinguished senior Senator from Virginia, which is not unexpected because the distinguished Senator from Virginia is one of the most knowledgeable Members of the Senate, as well as being a dear and close friend. I think we have probably proved, for those who are watching, the edification of having both sides here.

The Senator from Virginia, though I control the floor—I have yielded to him whenever he wanted.

Mr. WARNER. Mr. President, every courtesy has been extended, and I might add that I am in consultation with the distinguished chairman of the Appropriations Committee on this matter, who likewise is presently on the Senate floor.

Mr. LEAHY. I have had time to say what I am going to say. I am also apparently having incipient laryngitis, which is probably as crippling an illness as any Member of the Senate could have.

Mr. WARNER. Mr. President, I do not detect it. I think the Senator is standing there with full vigor. I believe we have pretty well covered the major issues.

Mr. LEAHY. Full vigor everywhere except for my tonsils, I would say to my friend from Virginia.

The Senator from Virginia has the right to move to table, but this is an important issue, and I would hope that he would show his usual courtesy and withhold until people have had a chance to speak.

I yield the floor.

Mr. STEVENS. Before the Senator leaves, Mr. President, could we explore a time agreement on the amendment?

Mr. LEAHY. I ask the Senator from Alaska, could I yield to the Senator from Nevada for that purpose? Whatever is agreeable, I am perfectly willing to do.

Mr. STEVENS. Mr. President, we have a Senator's agreement that we are going from side to side. We have another amendment ready to go. We would be happy to proceed. The Senator from Colorado wants to speak for 10 minutes on the bill itself, but I should think we could get a time agreement.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, after having consultation with the interested Senators, I make the following unanimous consent request: I ask unanimous consent that the Senator from Colorado, Mr. ALLARD, have 15 minutes; the Senator from North Dakota, Mr. DORGAN, have 2 minutes; Senator LEAHY have 5 minutes; the distinguished minority leader have 10 minutes; Senator BIDEN have 10 minutes; and there be 25 minutes under my control to be allocated to interested Senators on this side, if any, and that there be a vote in relation to the Leahy amendment, with no amendments being in order prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I understand our side is going to move to table the Leahy amendment, and I do support tabling the Leahy amendment. From what I have been able to observe, I think things are going well in Iraq. Certainly, I have no qualms with the way the State Department and the Defense Department are working together. I do not think we ought to upset the apple cart when things are moving in the right direction.

I want to take a few moments to talk about the President's supplemental request in total. I ask my colleagues for quick action on the underlying bill. The reasons for quick action are simple. If we want to see a reduction in the number of soldiers in Iraq, we need to fully fund this request. If we want to improve the security in Iraq, we must approve this request. If we want a Democratic Iraq, governed by Iraqis, we must approve this request.

No one in this body on either side of the aisle would deny we need additional operational and procurement funds for our military. We all know that. Yet there is a great controversy over the reconstruction funds which in the long-term could be just as important to the safety of the troops as the additional operation and procurement funds.

Our troops will benefit from the additional operational funds that are requested in the $87 billion. My view is that if we want to see our forces out of Iraq quickly, we need to have those operational funds because they are essential to moving ahead with Iraq becoming self-sufficient, with Iraq being able to defend itself and being able to assume the responsibilities the U.S. military right now is assuming.

My point is that not only are the Iraqis beneficiaries, but our soldiers over in Iraq are beneficiaries, and they are beneficiaries for the reason it is going to be an opportunity for them to move out quicker and get home quicker. That is what we all want to see. Our ability to protect the men and women of the U.S. military is at stake.

Since the beginning of hostilities last February, there have been 19 soldiers from Colorado's Fort Carson and five other Coloradans who have died in Iraq. These men and women have paid the ultimate sacrifice in pursuit of the freedoms we often take for granted. I would be dishonoring the sacrifice these brave Americans have made and failing to protect those who continue to serve in Iraq if I did not support both the military funding portion of the supplemental and the reconstruction funding.

While the $20 billion in reconstruction funds will not end the guerilla attacks on our troops, it will make a difference. Iraq is a dangerous country, and as long as American troops are on the ground there, they will be at risk, as any American who may be in that country. However, the fact remains that the more we repair the old wounds of the Hussein regime, the safer our troops will be in Iraq. Specifically, the money we spend on upgrading the water of Iraq and sanitation services, the oil infrastructure rehabilitation, and the healthcare and education of the Iraqi people will have a direct impact on the safety of our troops.

Improving the social conditions of the Iraqi people will reduce hostility and ease the sense of desperation many Iraqis have felt since the fall of Saddam Hussein. Moreover, this funding will give Iraqis hope and demonstrate our commitment to not only rid Iraq of terrorists, but also improve the lives of ordinary Iraqis.

Freedom cannot be bought on the cheap. And, as Paul Bremer testified last week, the Coalition Provisional Authority's seven-step program towards Iraqi self-governance hinges on the basic needs of the Iraqis being fulfilled. Without it, democracy will fail. This cannot be allowed to happen.

Think back about what has been mentioned before about reconstruction after World War II and how we all realized after World War I that we had troops who were waiting to go home, everybody was excited to go home, but nobody stayed around to help stabilize the countries we defeated during World War I. Consequently, events evolved and we were into World War II. I think we learned our lesson, and that is that there needs to be a reconstruction period. So we had the Marshall plan put into effect. I think we need to not forget that lesson today if we want to see Iraq be a permanent democracy in the Middle East.

Perhaps of most importance to our troops in Iraq is the efforts to reconstitute the Iraqi Army and expand the civil police force. The money in the supplemental would help establish 27 battalions for the Iraqi Army and a police force of about 80,000 in the next 12 to 18 months.

Let me stress how important these efforts are. To have Iraqi patrols policing their own people will allow a safer environment for our soldiers and show the Iraqi people that we are not occupiers, and that Iraq is their country and their responsibility. In fact, the commander of Central Command, General Abizaid, testified before the Senate Armed Services Committee that the most important part of the supplemental is these security funds. I quote General Abizaid:

> . . . we can speed up the training of the Iraqi Army—instead of taking 2 years, take 1, and we can't do that without more money.

The general goes on to state:

> . . . every month that goes by where we don't start those security projects is a month longer before those guys go out and potentially can relieve our troops of some of their duties.

If the combatant commander with responsibility for Iraq believes reconstruction efforts and the security of American soldiers is linked, we should certainly heed his advice.

I think the additional point has been made in many hours of testimony before the Armed Services Committee that our intelligence will improve dramatically the more we are able to incorporate the Iraqi police force and their assistance in maintaining domestic stability in Iraq.

The issue has been also broached about making the reconstruction funds a loan to the already impoverished nation. I object to this idea for two important reasons. First, there are those in the United States, and many more abroad, who protested the idea of going to war with Iraq. A large majority of these critics believed this was a war for oil. They believed our insatiable need for fuel was driving us toward an occupation of Iraq so we could control its oil fields. I am not going to outline why this assumption was flawed in the first place, because you only have to look at the U.N. mandates the Hussein regime ignored and the mass graves of his murdered people. This is an absurd notion but not one we can afford to ignore.

However, if we ask for a loan, where will Iraq come up with the money? Nineteen billion is what has been estimated in their oil fields when they get up in production, and when they have a $20 billion loan, that doesn't even service the interest on that loan. How will it look for the United States when we ask the Iraqis to pump their crude to pay us back for the money we loaned them? Perception is important for us in the Middle East and we cannot afford to have an "oil motive" attached to our efforts to bring democracy to the region.

Another concern would be the example set for the other countries of the world that might contribute to the reconstruction effort. Iraq already owes $200 billion to Russia and France and Germany and others. Are we to ask them to forgive their debt and then demand payment for our generosity?

Our negotiators need leverage when they ask for reconstruction funds from the rest of the world. Our leverage would be nullified if the proposed grant to Iraq changes to a loan. Again, perception of asking for help for a burgeoning democracy in the Middle East would be muddied if we have an IOU in our back pocket.

A few weeks ago the Chairman of the Joint Chiefs, General Myers, testified before the Armed Services Committee and remarked that our battle in Afghanistan and Iraq is a battle of wills. He stated:

> We are going to win as long as we have the continuing will of the American people, and for that matter, freedom loving people everywhere.

This supplemental request is a measure of our will, a measure of our commitment to the Iraqi people. Terrorist organizations such as al-Qaida and state sponsors of terrorism like the former Hussein regime have doubted America's commitment in the past. Are we prepared to risk additional attacks against our troops if we fail to assist in the reconstruction of Iraq? Are we prepared to say to the people of Iraq they are on their own? Are we prepared to stay the course?

We must act quickly, we must act decisively, and we must pass this funding as requested by the President. The United States must continue to show leadership in the world as we have since our inception. We must not allow our support of democracy and freedom to be compromised.

Last year, more than three-quarters of this body voted to support going to war with Iraq with the understanding we would not stop until we were victorious. We are not finished yet. More needs to be done. I ask my colleagues for quick approval of the supplemental funds for the sake of the security of the Iraqi people and the safety of our troops on the ground.

I yield the floor.

AMENDMENT NO. 1802

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. This afternoon the Senate is taking action to solve a problem for our soldiers serving in Iraq. Senator COLEMAN, myself, Senator STEVENS, and others have offered an amendment that deals with the cost of travel soldiers experience when they are going on a 15-day leave from the country of Iraq.

The life of a soldier is a heavy burden—in harm's way, away from home for long periods of time. It is also a heavy burden for their families. The decision by the Pentagon to provide a 15-day leave for those soldiers who are serving in Iraq to be able to come home to visit their families is a wonderful decision. It is the right thing to do.

But there has been a bureaucratic snag in this with respect to some rules that have said the soldiers on this leave will be dropped off at some central points in the U.S.—Baltimore, BWI Airport, Los Angeles—and then they must buy their own airplane ticket back to their home base. That is not right nor is it fair.

The amendment today says to those soldiers your travel will be covered, leaving Iraq to this country, all the way back to your home base. That is the right thing to do.

This amendment will be welcome news to the soldiers and welcome news to their families. This amendment is one small way for this country to continue to say thank you to those who serve our country.

Once again, I don't think it was ever intended that a soldier, asked to serve in the country of Iraq and then given a 15-day leave, should have to pay for part of the travel to get back home. Many of these soldiers can't afford it. They are living on soldier pay. They and their families very much look forward to these 15 days that will reunite them once again, and they ought not have to be burdened by having to buy an airplane ticket from Baltimore or Los Angeles. After all, that wasn't their point of departure. They left home to serve this country in Iraq and this country ought to say to them, for this furlough, for this opportunity to go back to your family, we will pay for the ticket back to your home.

That is the obligation of this country. This Congress on a bipartisan basis this afternoon said to those soldiers, Thank you. We are pleased to fix this problem—a solution that I believe is going to be very welcome news to the U.S. soldiers and their families.

I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent that the time running on the quorum call be counted equally against both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I rise in strong support of the Leahy amendment.

The amendment is very straightforward. It puts the State Department in charge of reconstruction of Iraq. It says that we ought to relieve our military of the burden of running this nationbuilding program, and we ought to put it in the hands of the U.S. Government agency that has successfully run such programs for decades.

The President recognized the wisdom of such a decision last fall when he directed the State Department to conduct its year-long study called "The Future of Iraq." The study apparently cost $5 million. It convened countless meetings with independent experts on Iraq and on post-conflict reconstruction. And, unfortunately, the study's findings were completely ignored.

According to a remarkable story in this week's Newsweek, when it came time to send the reconstruction team into Iraq, Secretary Rumsfeld ordered the State Department expert who had spent the previous year preparing the United States Government for post-Saddam Iraq to stay home. Apparently, his absence meant something. Another member of the reconstruction team who did go to Iraq came home about a month later and wrote a remarkable article for the Washington Post. He offered a series of stories about his time in Iraq to demonstrate "how flawed policy and incompetent administration have marred the follow-up to the brilliant military campaign to destroy Saddam Hussein's regime."

Unfortunately, the civilian leadership continues to rely on overly rosey scenarios and unrealistic plans while the risk to our troops grows.

Last week, we were presented a plan by Ambassador Bremer that was supposed to set everything right in the reconstruction effort. His plan lays out five security goals—which are to be completed by October. Let me walk through just three of them.

The Bremer plan will "locate, secure, and eliminate WMD capability." Yet, today the lead man on the search for weapons of mass destruction was to brief Congress on his efforts to date. According to press reports, he will report that he has not found any unconventional weapons.

The Bremer plan will also "eliminate munitions caches, unexploded ordinance and excess military equipment." Yet the New York Times reported last weekend that 650,000 tons of ammunition remains at thousands of sites used by the former Iraqi security forces, and that much of it has not been secured and will take years to destroy.

The Bremer plan will also "defeat internal armed threats" by October. Just today in Iraq, our commanding general on the ground in Iraq, said that our troops are facing increasingly sophisticated attacks and it would take years before Iraq could maintain internal security without backup.

The Leahy amendment simply says that we have had enough of unrealistic plans and inexperienced planners. It says we are not comfortable that our troops—overstretched and at risk—are being forced to lead the nationbuilding effort in Iraq. It says what every independent assessment of our Iraq effort has urged us to do: put the experienced reconstruction experts at the State Department—not our military—in charge of nationbuilding.

I urge my colleagues to support the Leahy amendment, and I yield the floor.

Mr. STEVENS. Mr. President, I am informed it will now be possible to yield back all the time on the Leahy amendment. The distinguished Senator from Vermont is here in the Chamber.

I yield any remaining time on our side on the Leahy amendment.

Mr. LEAHY. I yield our time.

Mr. STEVENS. Mr. President, I move to table the Leahy amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, I would like to note the absence of a quorum so that we can just finalize some comments before we make an announcement about the remainder of the evening.

Mr. STEVENS. Mr. President, it would be my purpose to try to see if we could have a specific time on this vote.

Mr. DASCHLE. Six o'clock.

Mr. STEVENS. Six o'clock?

Mr. President, I ask unanimous consent that this vote that has just been ordered occur at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, in just a minute we will start the vote on the Leahy amendment, but I want the Senate to be on notice following this amendment there will be a vote on a Federal judge. That will be announced during the period right after this vote.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent following the scheduled vote, the Senate immediately proceed to executive session and to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 382, 383, 385, and 386.

I further ask unanimous consent that there be 2 minutes equally divided between the two leaders or their designees prior to each vote; further, that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Reserving the right to object, I take just a moment to thank the distinguished ranking member of the Judiciary Committee. I know how strongly he feels—and I understand the reasons he feels this way because I share them—that these are very important matters that should not be relegated necessarily to voice votes. But he has, once again, demonstrated a real appreciation of Senators' schedules and his understanding of the need for other Senators to offer amendments on this very critical bill we are dealing with. And in order to accommodate Senators who have amendments to offer, once again, he has agreed with my request that we do a rollcall on the first vote and then voice votes on the other ones.

So I just want to publicly acknowledge his cooperation and his assistance on this matter and thank him since he is currently in the Chamber. But I appreciate that.

I have no objection.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with the indulgence of the two leaders, I appreciate very much what the Democratic leader has said. He and I, and the distinguished majority leader, and Senator HATCH, and others, want to move judges whenever we have consensus. And I think we have shown we have.

In the 17 months we were in charge of the Senate, when we were the majority, we confirmed 100 of President Bush's nominees to the Federal judiciary. In the 16 months the Republicans have been in control, this will make another 64 we have confirmed. So it is around 164 between the 2 parties. It is a record that has not been matched for years and years and years.

But I am happy to accommodate the two leaders. I know the problems the two leaders have. I would not wish them on anybody else. The two leaders have been trying to schedule things, so I am happy to try to accommodate them and all Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. FRIST. Mr. President, just for clarification, we will have the vote on the Leahy amendment now, followed by a rollcall vote on one of the judicial nominees, followed by a voice vote on the next three judicial nominees.

In the meantime, we will be discussing the schedule for later this evening. Amendments will be in order tonight. They will be laid down. We will talk about the voting schedule here shortly.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, before we go to the vote, I know our colleagues will be coming to the floor to vote on these two matters.

The distinguished majority leader and I have been talking about the schedule tomorrow. And without in any way preempting him and the decisions he will make about the schedule, there is a possibility that we will not be in session tomorrow but that we will have a window for Senators to offer amendments.

The only reason I say that now is if Senators would contemplate the offering of an amendment tomorrow, I would like them, at least on the Democratic side, to consult with Senator REID and myself during these votes so that we have an understanding of how many of those amendments might be offered. We would only have about a 2-hour window. But if Senators are interested, during these votes I hope they will come to either Senator REID or myself to discuss the queuing of those amendments and whether or not we will have an opportunity to consider them all.

So I hope we will use the time available to us for discussion of that. And we will have more to say about that sequencing once those votes have been completed.

VOTE ON AMENDMENT NO. 1803

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1803. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeWine
Dole
Domenici

Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Graham (FL)
Lieberman

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF WILLIAM Q. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar No. 382, which the clerk will report.

The legislative clerk read the nomination of William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, William Q. Hayes is certainly qualified to be a Federal district court judge for the Southern District of California. I recommend to all our colleagues they support him. I believe everybody will be pleased with the service he will give.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator LEAHY and Senator HATCH. This is an excellent nominee for the Southern District Court of California, William Hayes.

I want to emphasize the excellent process that we have in place to select District Court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals: three appointed by the White House and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

Mr. Hayes was reviewed by the Southern District Committee and strongly recommended for this position. I continue to support this bipartisan selection process and the high quality nominees it has produced.

Mr. Hayes had extensive civil experience as a private attorney before becoming a Federal prosecutor, rising to the position of head of the criminal division in the U.S. attorney's office in San Diego.

The southern district will benefit greatly from the exemplary services of Mr. Hayes, and I fully support confirmation of this nominee.

I wish to emphasize, once again, to my colleagues that we have a wonderful process in place in California to come up with these nominees for the district court. Senator FEINSTEIN and I have three members on the committee. The Bush administration has three members on the committee. It takes a majority vote. This means we are working together, and we have proven that we can come up with mainstream nominees for the district court. I urge an "aye" vote.

Mr. HATCH. Mr. President, I am pleased today to speak in support of William Q. Hayes, who has been nominated to the United States District Court for the Southern District of California.

Mr. Hayes received both his J.D. and M.B.A. from Syracuse University in 1983. Following his graduation, he spent a year in private practice until 1987, at which time he went to work for the United States Attorney's Office for the Southern District of California. He was eventually elevated to chief of the criminal division of that office in recognition of his exceptional legal abilities. Despite the demands of his career in public service, he has nevertheless found the time to teach at both the undergraduate and law school levels.

Mr. Hayes is an exceptional nominee who will be a fine addition to the Federal bench, and I urge my colleagues to join me in supporting his nomination.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. There is one amendment that might still require a vote tonight. We think it will be worked out. So many people want to start this vote, I suggest we start it. If that amendment is worked out, there will be more votes tonight, but we should know before the rollcall is over. So I suggest we start the rollcall now.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William Q. Hayes, of California, to be United States District Judge for the Southern District of California?

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 375 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Graham (FL)
Lieberman

The nomination was confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JOHN A. HOUSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of John A. Houston, of California, to be United States District Judge for the Southern District of California.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate equally divided prior to the vote on the nomination.

Who yields time?

Mr. STEVENS. I yield all time on our side.

The PRESIDING OFFICER. Is anyone seeking time?

All time has expired.

The question is, Will the Senate advise and consent to the nomination of John A. Houston, of California, to be United States District Judge for the Southern District of California?

The nomination was confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I am pleased today to speak in support of John Houston, who has been confirmed to the United States District Court for the Southern District of California.

Judge Houston, a graduate of the University of Miami School of Law, has used his outstanding legal skills in public service. He first served in the United States Army Judge Advocate General Corps and then in various positions at the U.S. Attorney's Office for the Southern District of California before his appointment in 1998 as a Federal magistrate judge, the position in which he currently serves.

Judge Houston has won many accolades for his legal skills, including awards from the National Association of Black Customs Enforcement Officers and from the Organized Crime Drug Enforcement Task Force for Outstanding Contributions. He was also presented with the Director's Award for Superior Performance in Asset Forfeiture by then-Attorney General Janet Reno.

In addition to his judicial responsibilities, Judge Houston finds time to participate in community programs that assist children in meeting educational and economic challenges. He has, for example, opened his courtroom to public school students to give them hands-on lessons in the judicial process. And he has served as a mentor to young African-American men who have excelled in high school to prepare them for college and beyond.

I applaud President Bush for his nomination of Judge Houston and am confident that he will serve on the bench with compassion, integrity and fairness.

NOMINATION OF ROBERT CLIVE JONES, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the legislation of Robert Clive Jones, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate equally divided prior to the vote on the nomination.

Who yields time?

Mr. STEVENS. Mr. President, I yield our time.

Mr. REID. I yield our time.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Robert Clive Jones, of Nevada, to be United States District Judge for the District of Nevada?

The nomination was confirmed.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Robert Clive Jones, who has been confirmed to the United States District Court for the District of Nevada.

Before I go any further, I must tell you that Judge Jones is a fellow Cougar—a graduate of my alma mater, Brigham Young University. He then attended UCLA School of Law, where he graduated in the top 10 percent of his class—a member of the Order of the Coif—and where he had been an associate editor of the UCLA Law Review.

Following his graduation from law school, Judge Jones clerked for the Ninth Circuit Judge J. Clifford Wallace. He then entered into private practice with the Las Vegas law firm of Albright and McGimsy, as an associate, specializing in tax law, real property, bankruptcy, and commercial law. He then worked at the law firm of Jones & Holt, where he was a partner.

In 1983, Judge Jones was appointed to the U.S. Bankruptcy Court for the District of Nevada, where he currently serves. He simultaneously served as a member of a three-judge panel for the U.S. Bankruptcy Appellate Panel of the Ninth Circuit from 1986 until 1999.

In addition to his judicial responsibilities, Judge Jones participates in the promotion of State bar pro bono bankruptcy services, which include educating the public on bankruptcy law. He also finds time to volunteer his services to such charitable organizations as the American Cancer Society and Opportunity Village, a group that assists the mentally disabled.

I applaud President Bush for his nomination of Judge Jones and am confident he will continue to be an asset on the Federal bench.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Southern District Court of California, John Houston.

I wish to emphasize the excellent process that we have in place to select district court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for the State of California, one in each federal judicial district in the state.

Each committee has a membership of six individuals: three appointed by the White House, and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

This nominee was reviewed by the Southern District Committee and strongly recommended for this position. I continue to support this bipartisan selection process and the high quality nominees it has produced.

Judge Houston had extensive experience as a federal prosecutor before his appointment as a magistrate judge in San Diego.

I was delighted to meet Judge Houston and his family during his Judiciary Committee hearing in September and wish them all the very best.

The Southern District will benefit greatly from the exemplary services of Judge Houston, and I fully support confirmation of this nominee.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF PHILLIP S. FIGA, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate equally divided prior to the vote on the nomination.

Who yields time?

Mr. ALLARD. Mr. President, I rise today on the occasion of the confirmation of Phil Figa to the United States District Court for the District of Colorado. I urge my colleagues to vote favorably on Figa's confirmation, a man who represents the very best our legal system has to offer. The Judiciary is a fundamental institution of our democracy; it is given neither force nor will, but merely judgment. Our Constitution dictates that the President shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Federal Court. Today we can fulfill this obligation by confirming Mr. Figa. With further commitment to the country's founding principles, we can move toward fulfilling this commitment in regard to all outstanding vacancies. I want to thank Chairman HATCH and Senator LEAHY for the great speed with which Mr. Figa's nomination has moved through the Senate. Nominated by the President in June, this vote is a shining example of a process that can work when a spirit of bipartisanship triumphs. Chairman HATCH, your leadership is truly appreciated.

In light of recent terrorist attacks, it is readily apparent that we face a new age of global unrest, a world in which terror has replaced formal declarations of war as the major threat against freedom and democracy. A necessary component of providing justice to those who would do harm to our nation is to maintain an efficient court system—a court equipped with the personnel and resources that enable it to fulfill its role as a pillar of our constitutional system of governance. Swift punishment serves as a warning to tyranny and a deterrent to evil. By filling this vacancy, America continues to show its resolve in justice and law.

Mr. Figa's nomination arose after Judge Richard Matsch, who presided over the Oklahoma City bombing trial, went to senior status. Judge Matsch's departure leaves big shoes to fill. However, after months of background investigations and congressional inquiry, it is obvious that Phil Figa is the right person for the job.

For the past several years. I have had the opportunity to get to know Phil's wonderful family. His wife Candy, and their two children, Ben and Lizzie, were able to watch their father's job interview before the Senate Judiciary Committee last month. I admire the strong family values so apparent in every member of the Figa family—it was their continued support and encouragement that provided the strength and energy he needed in order to stand steadfast in pursuit of this most worthy endeavor. Together, the family enjoys the Colorado outdoors, spending free time hiking and biking in the mountains. According to Criminal defense lawyer Gary Lozow, Figa is a "thoughtful and bright person who will make a good Federal judge and is mindful of the awesomeness of taking on that responsibility."

The two major newspapers in my home State of Colorado agree. The Rocky Mountain News noted, Phil has achieved a rare balance in his life of family, law practice and community activities. The Denver Post, in an endorsement earlier this year, noted that Figa is a good, solid choice for the bench. The Post was encouraged by the fact that Figa's background is in civil litigation, which makes up a high percentage of the cases handled by Federal judges.

I am not the only one who believes that his keen intellect and temperament is ideal for the bench. In a letter dated June 10, 2003, Senator CAMPBELL and I wrote to the committee, "Mr. Figa is highly qualified and will ably serve the people of the United States . . . (he) is well known throughout the Colorado legal community for his credibility, integrity, hard work and firm grasp of the law." His supporters hail from across party lines and include a variety of elected officials from all levels of local, State, and Federal Governments. Of the many gracious comments I have heard about Phil, none characterize him better than a statement made by the managing partner at his firm. "He's a very gracious fellow . . . a very likable person. He's a gentlemanly character."

In Federalist Number 78, Alexander Hamilton wrote that Judges are the guardians of the constitution, "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body."

Phil Figa is the guardian we need on the bench of the District Court for the District of Colorado. He will serve our Nation with the utmost of respect to our country and our constitution, and for this, I urge my colleagues to vote favorably on his confirmation.

Phillip Figa is somebody who has been reviewed by his peers in Colorado. He has been reviewed by the American Bar Association. He will be a very good individual for the bench and he has bipartisan support.

I yield the remainder of our time.

Mr. LEAHY. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is, will the Senate advise and consent to the nomination of Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado?

The nomination was confirmed.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Phillip Figa, who has been confirmed to the United States District Court for the District of Colorado.

Mr. Figa graduated from Cornell Law School in 1976. He then entered private practice with Sherman & Howard, where he primarily worked on commercial litigation, general business matters and municipal bond work.

In 1980, Mr. Figa became a partner at Burns & Figa, P.C. The firm maintained a boutique litigation practice emphasizing complex commercial litigation, especially antitrust, contract, real estate and other business-related disputes. Mr. Figa's practice also included representing lawyers and law firms in a variety of malpractice, ethics, attorney fee and disciplinary contexts. Since 1991, Mr. Figa has broadened his practice areas to include environmental litigation, trademark, oil and gas, health care and employment litigation. Mr. Figa has also served as an expert witness in the areas of legal ethics, standard of care of lawyers, conflicts of interest, malpractice and attorneys fees.

Mr. Figa enjoys the strong support of his home state senators, and I am pleased to join them in support of his nomination.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are laid on the table, and the President shall be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, tonight we voted unanimously to confirm four district court nominees: William Hayes and John Houston to be U.S. District Judges for the Southern District of California, Robert Clive Jones to be a U.S. District Judge for the District of Nevada, and Phillip Figa to be a U.S. District Judge for the District of Colorado.

I commend the Republican leadership for finally bringing the nominations of William Hayes and John Houston of California to the floor. These two nominees will be filling vacancies on the busiest district court in the nation. The two seats which these men will fill have been created to address the growing crisis to the border court in San Diego—the federal court with the highest caseload per judge in the nation. It is too bad that the Republican leadership chose to move nominees from Oklahoma and Texas ahead of these California nominees who are desperately needed by the people of the Southern District of California due to the high caseload of that court.

I would also note that the way in which these nominees have come forth should be used as a model for the White House to emulate in other States and circuits. Senator DIANE FEINSTEIN and Senator BARBARA BOXER worked hard to establish a bipartisan commission in California which has recommended these individuals for the Southern District of California. I am happy to be able to join the two California Senators in confirming these two new judges.

At the conclusion of the confirmation votes tonight, a total of 64 judicial nominees of President Bush will be confirmed this year. Adding that to the 100 confirmations during 17 months of the Democratic majority in the Senate, 164 of President Bush's judicial nominees have been confirmed thus far. This number of confirmations, 164, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent presidential term, when they allowed 135 judicial nominees of that president to be appointed from 1997 through the end of 1999.

It also should be noted that when I became chair of the Judiciary Committee on July 10, 2001, the Democrats inherited 110 vacant seats in the Federal judiciary. In the 17 months of Democratic control, we significantly reduced the vacancy rate by confirming 100 of President Bush's judicial nominees. Today, there are only 41 vacancies on the Federal courts. This is the lowest level reached in 13 years. Had we not created 15 new seats this year, that number would be even lower—down to 26.

In just the past week, Senate Democrats have worked with the Republicans to confirm 10 district court judges and 1 circuit court judge. There are a lot of accusations of delay being thrown around but the truth is in these plain numbers. With more full-time Federal judges on the bench today than any other time in U.S. history, the confirmation process is moving forward and judges are being confirmed expeditiously with support from Democrats on the Judiciary Committee and in the full Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. DASCHLE. Mr. President, we have been discussing the schedule. Everyone now has agreed Senator DODD will offer an amendment. It is our understanding he will require about 20 minutes to make his presentation. The manager of the bill wants 5 minutes to respond. It is our expectation a vote will occur on the Dodd amendment in about 25 minutes. My preference is to ask unanimous consent to lock it in so this does not get extended to 15 or 20 minutes more.

I propound that request, that a vote occur on or in relation to the Dodd amendment at 7:40.

Mr. WYDEN. My understanding is we will have the Dodd amendment, a vote on that, and right after that vote we have a vote on the Collins-Wyden amendment, which we hope will go on voice.

Mr. STEVENS. Yes.

Mr. DASCHLE. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 71, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 71) was agreed to, as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Tuesday, October 14, 2003, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004—Continued

AMENDMENTS NOS. 1818 AND 1819, EN BLOC

Mr. BYRD. I ask unanimous consent that two amendments which I have discussed with Mr. STEVENS be introduced, that they be considered as having been read, and that they be temporarily set aside for the calling up of other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that amendment No. 1818 be introduced by me for myself, Mr. KENNEDY, and Mr. LEAHY and that amendment No. 1819 be shown as having been proposed by me on behalf of myself and Mr. DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1818

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a)(1) Of the funds appropriated under chapter 2 of this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(A) not more than $5,000,000,000 may be obligated or expended before April 1, 2004; and

(B) the excess of the total amount so appropriated over $5,000,000,000 may not be obligated or expended after April 1, 2004, unless—

(i) the President submits to Congress in writing the certifications described in subsection (b); and

(ii) Congress enacts an appropriations law (other than this Act) that authorizes the obligation and expenditure of such funds.

(2) Paragraph (1) does not apply to the $5,136,000,000 provided under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" for security, including public safety requirements, national security, and justice (which includes funds for Iraqi border enforcement, enhanced security communications, and the establishment of Iraqi national security forces and the Iraq Defense Corps).

(b) The certifications referred to in subsection (a)(1)(A) are as follows:

(1) A certification that the United Nations Security Council has adopted a resolution (after the adoption of United Nations Security Council Resolution 1483 of May 22, 2003, and after the adoption of United Nations Security Council Resolution 1500 of August 14, 2003) that authorizes a multinational force under United States leadership for post-Saddam Hussein Iraq, provides for a central role for the United Nations in the political and economic development and reconstruction of Iraq, and will result in substantially increased contributions of military forces and amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq.

(2) A certification that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan (which includes fixed timetables and costs), and with a significant commitment of financial assistance from other countries, for—

(A) the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and electricity services;

(B) the adoption of a democratic constitution in Iraq;

(C) the holding of local and national elections in Iraq;

(D) the establishment of a democratically elected government in Iraq that has broad public support; and

(E) the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(c) Not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

(1) The number of military personnel from other countries that, as of such date, are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004.

(2) The total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq.

(3) A description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on Coalition, United Nations and Iraqi military, public safety, and civilian personnel in the 60 days preceding the date of the report.

(4) A description of the measures taken to protect United States military personnel serving in Iraq.

(5) A detailed plan, containing fixed timetables and costs, for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services.

(6) An estimate of the total number of United States and foreign military personnel that are necessary in the short term and the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts.

(7) An estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units.

(8) An estimate of the total cost to the United States of the military presence in Iraq that includes—

(A) the estimated incremental costs of the United States active duty forces deployed in Iraq and neighboring countries;

(B) the estimated costs of United States reserve component forces mobilized for service in Iraq and in neighboring countries;

(C) the estimated costs of replacing United States military equipment being used in Iraq; and

(D) the estimated costs of support to be provided by the United States to foreign troops in Iraq.

(9) An estimate of the total financial cost of the reconstruction of Iraq, together with—

(A) an estimate of the percentage of such cost that would be paid by the United States and a detailed accounting specified for major categories of cost; and

(B) the amounts of contributions pledged and paid by other countries, specified in major categories.

(10) A strategy for securing significant additional international financial support for the reconstruction of Iraq, including a discussion of the progress made in implementing the strategy.

(11) A schedule, including fixed timetables and costs, for the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(12) An estimated schedule for the withdrawal of United States and foreign armed forces from Iraq.

(13) An estimated schedule for—

(A) the adoption of a democratic constitution in Iraq;

(B) the holding of democratic local and national elections in Iraq;

(C) the establishment of a democratically elected government in Iraq that has broad public support; and

(D) the timely withdrawal of United States and foreign armed forces from Iraq.

(d) Every 90 days after the submission of the report under subsection (c), the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces (other than diplomatic security detachment personnel) from Iraq.

(e) The report under subsection (c) and the updates under subsection (d) shall be submitted in unclassified form.

AMENDMENT NO. 1819

At the appropriate place in Title III, insert the following:

SECTION .

(a) None of the funds under the heading Iraq Relief and Reconstruction Fund may be used for: a Facilities Protection Service Professional Standards and Training Program; any amount in excess of $50,000,000 for completion of irrigation and drainage systems; construction of water supply dams; any amount in excess of $25,000,000 for the construction of regulators for the Hawizeh Marsh; any amount in excess of $50,000,000 for a witness protection program; Postal Information Technology Architecture and Systems, including establishment of ZIP codes; civil aviation infrastructure cosmetics, such as parking lots, escalators and glass; museum and memorials; wireless fidelity networks for the Iraqi Telephone Postal Company; any amount in excess of $50,000,000 for construction of housing units; any amount in excess of $100,000,000 for an American-Iraqi Enterprise Fund; any amount in excess of $75,000,000 for expanding a network of employment centers, for on-the-job training, for computer literacy training, English as a Second Language or for Vocational Training Institutes or catch-up business training; any amount in excess of $782,500,000 for the purchase of petroleum product imports.

(b) Notwithstanding any other provision of this Act, amounts made available under the heading Iraq Relief and Reconstruction Fund shall be reduced by $600,000,000.

(c) In addition to the amounts otherwise made available in this Act, $600,000,000 shall be made available for Operation and Maintenance, Army: *Provided*, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

Mr. STEVENS. I ask unanimous consent that those amendments be set aside for consideration of the Dodd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 1817

Mr. DODD. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1817.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $322,000,000 for safety equipment for United States forces in Iraq and to reduce the amount provided for reconstruction in Iraq by $322,000,000)

On page 2, line 20, strike "$24,946,464,000:" and insert "$25,268,464,000, of which $322,000,000 shall be available to provide safety equipment through the Rapid Fielding Initiative and the Iraqi Battlefield Clearance program:".

On page 25, line 10, strike "$5,136,000,000" and insert "$4,884,000,000".

On page 25, line 16, strike "$353,000,000" and insert "$283,000,000".

Mr. DODD. I apologize to my colleagues. I know it is a late hour. This is an important amendment, and I hope my colleagues can support it.

I rise to propose this amendment to the emergency supplemental spending bill to ensure that Congress and the administration keep sight of what I believe must remain our number one priority for the conduct of the operations in Iraq and Afghanistan, the protection of our American troops.

According to the U.S. Army, the President's supplemental bill falls short of over $200 million for critical gear for our soldiers slated to rotate in Iraq and Afghanistan in the months ahead. This amendment was designed specifically to see to it that those U.S. troops coming into Iraq, into a theater of war, would receive important equipment they need to perform their missions effectively. This equipment includes important high-tech body armor, bullet-proof helmets, special water packs to keep soldiers hydrated, and other survival gear.

I don't need to make the case about what is happening in Iraq on a daily basis, nor do I need to stress the importance of this kind of equipment. My colleagues are well aware of this situation.

As it stands now, the supplemental bill before the Senate only covers expenses for soldiers' personal equipment up to the first 3 months of 2004 and does not take into account very soon a considerable number of men and women who will be entering the theater to relieve soldiers who are there now.

In an $87 billion emergency spending package for 2004, one would think we could find enough money to meet the pressing equipment needs of our young men and women in uniform. That is why I was surprised to find an official list from the U.S. Army Comptroller's Office dated September 26 detailing several important items that remain unfunded in this supplemental. Above all else, it is a requirement that thousands of our soldiers, particularly those in the Reserves and the National Guard, be equipped with the most effective personal equipment available. Our troops need this gear to improve their performance in combat and to enhance their safety under intense conditions.

As my colleagues know, every day our men and women in uniform have been ordered into harm's way, sent into extreme heat—exceeding 120 degrees in some cases—with strenuous missions in different settings throughout Iraq and Afghanistan.

My chart shows what a foot soldier wears on his shoulders in Iraq: 60 pounds of body armor, tactical equipment, in hot desert heat, carrying high-tech night vision equipment, special framed backpacks, and other survival gear. In 120 degrees, carrying all this equipment becomes quite burdensome, so they have special hydration systems necessary for troops to safely survive the desert heat. These water pack systems, called camelbaks, are attached to the soldier's backpack to allow easy access to water when they are in motion.

Unfortunately, with the shortage of funds, the Army could not afford to equip all soldiers with this equipment, so many soldiers are using bulky canteens that quickly heat up in the desert sun. Most of the canteens do not have adequate capacity to carry the water they need in Iraq's intense heat.

This information comes from the U.S. Army. I am not making this up from news reports. This is what our military is telling us and where a shortfall exists in this supplemental.

In other cases, the soldiers are paying hundreds of dollars out of their own pockets to buy the equipment themselves, everything ranging from the camelbaks to gun scopes, because in spite of the Army's stated priorities, the administration did not procure enough personnel equipment for these men and women. I think we can do better than that.

The 2003 Defense Appropriations Act included language demanding answers to why the very men and women we send into combat are being forced to spend upwards of $300 per person. Our own Congress made this point: They are spending up to $300 per person on equipment to outfit themselves for combat in Iraq. The Army has yet to report on this issue and has established a rapid fielding initiative designed to outfit our soldiers with the most modern equipment available so they do not have to spend their own money on the latest body armor hydration systems.

Out of $324.5 million needed to fund this program in Iraq and Afghanistan, only $122.5 million was to be available in this supplemental budget bill. That means if our soldiers, many of whom are less than 21 years of age, making under $20,000 a year, want the right gear for their mission, they are going to have to dig into their own pockets to buy their own hydration equipment, radios, weapon sights, combat helmets, and individual body armor.

Let me cite an article that appeared in yesterday's Washington Post called "The Children Of War," section C, page 16. There was an interview with the children whose parents are fighting in the Persian Gulf. One young person points out that her father has been buying other supplies already—a portable hammock, special water pouches, et cetera.

That is from a child talking about her parent having to buy his own equipment. I don't know of anyone who believes that ought to persist.

Now, in response to the Army's request, the committee added $300 million to the present supplemental request which could be used for either this additional equipment or the clearance of weapons and mines still lingering on Iraqi battlefields. It says it right here, in the CONGRESSIONAL RECORD, dated October 1, 2003, when the Supplemental Appropriations bill's accompanying report was printed. On page S12222, there is a chart detailing expenditures in the Army Operations and Maintenance account. $300 million is to be allocated for "SAPI body armor/Rapid Fielding Initiative or battlefield cleanup."

But the Army says it needs an additional $420 million just to handle the Iraqi battlefield clearance. As the pending legislation stands now, there is still not enough money in the bill to do both, and both items—more safety equipment and Iraqi battlefield clearance—are top Army priorities.

I think we need to address both of these issues. For those reasons, I have asked my colleagues to support this amendment to allocate an additional $322 million for the critical equipment of our troops and adequate resources for battlefield clearance to fully meet the Army's current requirements.

The funding in my amendment is fully offset by reductions in some of these reconstruction accounts called emergencies. I want to draw my colleagues' attention to them.

Looking at this next chart. I have reprinted items submitted to us by the Administration in their request, entitled "Coalition Provisional Authority Request to Rehabilitate and Reconstruct Iraq," dated September 2003. It lists in this supposed emergency budget proposal, among other things, $15 million to procure 3,000 computers. That means we are providing computers at $5,000 a piece. This does not seem reasonable, when you could find a perfectly reasonable computer for $750. I have a lot of respect for what the Iraqis are going through, but I do not know, for the life of me, why you are going to spend around $3,000 to $5,000 per computer, and $40 million to train them under this so-called emergency budget.

You can go down even further on this list, and there are additional points to make. I will not go through all these items because of the time constraints. But my bill takes the money from two or three areas to come up with this $250 million to make up the difference between the $300 million in the bill and this additional amount to cover both battlefield clearance and the equipment they need.

Out of the money the administration has proposed to fund the construction of two 4,000-bed maximum security prisons, at a cost of $400 million—$50,000 per bed in an Iraqi prison—these moneys would be in addition to the $99 million also included in that account for the refurbishing and construction of 26 prisons and detention centers that existed under the regime of Saddam Hussein.

Even without spending one penny of the $400 million—by the way, we recommend taking $200 million of this, not all the $400 million. Even without spending one penny of the $400 million for the maximum security prisons, the prison capacity in Iraq will be nearly doubled from the 11,200 to 19,700, thanks to our efforts.

The question I would ask—anyone ought to ask—is, Do we really believe, in a democratic Iraq, there will be a need to imprison three times more Iraqi citizens than were kept behind bars under Saddam Hussein?

We would be transferring $200 million out of this account, cutting it in half—not eliminating all of it. We would also like to take $50 million out of the $100 million fund for the Iraqi witness protection program. That is right, there is $100 million listed in the Administration's budget justification materials for the emergency supplemental for witness protection. By the way, that is $100 million for 100 families.

Now, the average Iraqi makes $2,200 a year. I don't know what anyone is thinking here. And I do not understand how we can provide $1 million per family, when we are at the same time not meeting the requirements that our men and women in uniform are lacking.

The offsets for my amendment therefore include $50 million from the witness protection program as well as $70 million from the proposals for computers, computer training and even English classes proposed in this so-called emergency budget.

There are a lot of emergencies that need to be met, but you are going to be hard pressed to convince the American public that doubling the capacity of prisons is an emergency, or providing witness protection at $1 million per family, or buying computers at $3,000 each—when we are being told we cannot provide the necessary resources for our men and women in uniform.

In sum, I want to make the point that the Administration's supplemental budget request has simply not been scrubbed sufficiently. I do not believe any of my colleagues, if they were sitting down going over this in detail, would make a case that in $20 billion of construction money for Iraq, that a $100 million witness protection program, $400 million to double or triple the prison cells at $50,000 a bed in their prisons, and that $3,000 for computers—and $40 million, by the way, is to provide computer training—I would like to see someone get a $40 million appropriation to provide computer training for anyone else in this country, let alone to do it over in Iraq.

So these are the areas that we would take money from to provide for the $322 million to provide for the men and women in uniform who need these resources.

I mentioned earlier the kind of equipment. I will come back and just identify this for my colleagues. Again, this is not my assessment. This is the U.S. Army saying what they need. They need adequate provisions for clean water, additional high-tech backpacks, advanced combat helmets and body armor, additional radios, machine gun sights and tripods, M-16 ammunition, high-tech GPS compass equipment, additional desert boots, sun and wind dust goggles and gloves, grappling hooks, door ramming kits, sniper rifles, binoculars, and special night vision goggles.

That is their list. Yet they are being told: Either spend money to clear Iraqi battlefields of mines and other dangerous materials or receive effective safety gear. This seems unacceptable. The Army needs money for both of these line items.

And I think we ought to do both. I am saying do both. Do not add to the deficit, just take the $20 billion that we have for the reconstruction and go after some of these items that I do not think anyone—regardless of where you come out politically.

Let us take care of our men and women in uniform going over to Iraq. I do not think any of us want to read a story where one of our young troops has to go out and buy their own equipment to protect themselves. This is the 21st century. And in this day and age, the sole superpower in the world should not have to tell its military personnel to fend for themselves.

So for those reasons, I urge the adoption of the amendment. I apologize to my colleagues for taking time tonight, but I thought they ought to understand what was at stake and why I thought this amendment was particularly important.

For those reasons, I urge the adoption of the amendment, and I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I am indeed sorry that the Senator did not discuss it with us further before he offered this amendment. There is $26 billion in the 2004 bill the President signed the night before last for the Army. They could reprogram any money they need from the $26 billion.

We asked them in and we identified the needs in the Army. We took $952 million from other services and moved it to the Army. And we covered specific items that they identified in terms of their priorities.

What Senator DODD's amendment does, though, is it adds money to accounts we have already plused up, and it takes it from money to bring the troops home. He has attacked the exact wrong part of the bill.

I wish I had more than 5 minutes, but I do not want to inconvenience my colleagues and keep them here too long tonight. People are missing planes because of this vote. And it is a vote that is duplicitous. It really is designed to reduce the $20.3 billion in the other part of the account.

We did get money for these people. We got money for every item that is on that list, and in the regular bill they have $26 billion. In addition to that, we added $952 million.

Now, I have been overseas. I said the other day, I remember going overseas, and on the way I bought boots. I did not like my boots. I bought shirts. I did not like my shirts. I bought gloves I would rather wear. Kids are kids, and they are going to buy what they want. This idea that they have to buy armor, armor is available on the basis of how rapidly it is produced. And we have put up money in here, more than enough to buy everything to be produced in this time that he mentioned between now and—what?—about 5 months away.

That is special money on top of the $26 billion that they could use if they want. It is in the O&M account. These are O&M items they are talking about.

Now, I do not believe we should do this at this late hour, try to take money out of one account and justify it by virtue of this litany of items that we reviewed. We did review it.

They brought us this list. The Senator has gone over this list of items that the Army would like to have in addition to what the Department of Defense gave them. We went over it and we agreed. We said: $952 million of this you should have had in the go-around in the Department of Defense. And we took it from the Air Force and from the Navy and from the Marines and put it here.

What we do miss is we do have $300 million for body armor in the rapid fielding initiative, and explosive and ordnance cleanup, $174 million for damaged equipment. We have $136 million for radios.

Now, the Senator mentions this $1 million for families. That is money that may be claimed—may be claimed. We paid $30 million for the people who came in and identified the two sons of Saddam Hussein. It may not be spent at all. It will only be spent if these people come in and disclose people we want to pick up that are worth the cost. What is the cost? Moving them out of the country forever. That is taking people and buying them a new life somewhere else because they have exposed themselves to death because they disclosed the location of some of these people.

I am appalled the Army would ask for this addition. We made an agreement with them. We took money from the other three services. And someone in the Army is going to answer to me. If it is really true someone in the Army went to the Senator from Connecticut and demanded more money than we gave them, after we gave them $26 billion in the regular bill, gave them another $952 million, almost a billion we took from other services, to come in and make this demand at this time, it is absolutely nonsense.

Anyone who comes back, I hope they understand they have been brought back to answer a political amendment. I am going to move to table it when the time comes. The Senator from Connecticut is my friend, but I have to tell you, to bring back people who have already gone home, some of them who missed planes in order to vote on this amendment at this time, is an absolute absurdity.

How much time do I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. STEVENS. I will reserve it.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 7 minutes.

Mr. DODD. Mr. President, the Army did not come to me. This is an official briefing provided by the United States Army Comptroller to both the Armed Services and Appropriations Committees. I am just reading what they said. They didn't make an attempt to get in touch with me. Their briefing materials speak for them. They say that there is a requirement for $420 million to fund the ordnance disposal on the battlefields still out there, and, in addition, there is a shortfall in Army equipment. That is it plain and simple.

What the committee has said is: You can only do one or the other, but you will not have enough money to do both.

I am suggesting you ought to be able to do both. To provide the $300 million, that is great, that helps. But the $300 million doesn't cover the $420 million for the battlefield clearance and for the shortfalls that occurred in this equipment. This is not about allowing service members to go out and buy shirts and gloves simply that they like. This is about equipping our soldiers with the most effective gear available to protect them from hostile fire as well as from the intense desert climate. I am not arbitrarily making up figures. The suggestion here is we come up with an additional $322 million to cover both circumstances—that is, the battlefield clearance as well as the equipment—and pay for it, by the way, not by readjusting moneys within the defense needs but in the reconstruction side of this supplemental request, that you can do away or at least delay, if you want, the idea of buying computers at $3,000 a copy, a witness protection program at $50 million for 50 families, and whether or not you can cut down prison construction from $400 million to $200 million. With my amendment, there is still plenty of funding to implement the reconstruction plans of the Coalition Provisional Authority.

I don't know why this is so controversial. Why don't we just accept this amendment? If I did it by not going into these reconstruction accounts, they might take it. But because I am talking about a witness protection program and ridiculously high-priced computers and going after excessive prison construction, which I think is hardly an emergency, all of a sudden this is a bad amendment and I am a dreadful guy for making folks come back and miss a plane.

I don't want a soldier out there getting hurt because they don't have the right equipment. I didn't make this up. The Army didn't come to me specifically. They made this case on September 26, the source was a briefing provided to Congress' defense committees by the Assistant Secretary of the Army for Financial Management and Comptroller, entitled, "FY04 Supplemental Request for the Global War on Terrorism: The Army At War." That is where it comes from. I appreciate what the committee did with $300 million. But the committee report says you have to make a choice: Clearing up the battlefield or provide funding for soldiers' equipment. And I don't think the Army ought to be put in that position. I don't think you ought to ask them to have to make that choice. That is the reason for the amendment.

Again, I am sorry people have to come back and vote. That is not my intention. But I, in good conscience, believe this is a responsible amendment. I would have thought it might be accepted instead of making a lot more out of this than has to be the case. We all agree they ought to get the equipment. Why not just agree to the amendment? If you want to table the amendment, put people on record saying they would rather spend money on a witness protection program at $1 million a family in Iraq when the average family makes $2,200 a year, you explain that to the American taxpayer, why an Iraqi family would get $1 million in witness protection. That is ridiculous.

Spending $3,000 for a computer and $400 million to create new prison operations over there is not an emergency need. You make the choice whether or not you think that is more important than seeing these young people get what they need. I stand by the amendment. It is the right thing to do.

I yield back the remainder of my time, and I ask for the yeas and nays.

Mr. STEVENS. The yeas and nays are not ordered until I speak.

The PRESIDING OFFICER. The yeas and nays are in order at this time.

Mr. DODD. I ask for the yeas and nays.

Mr. STEVENS. I have not yielded back my time.

The PRESIDING OFFICER. It is not a motion to table. The yeas and nays can be requested at any time.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

The Senator from Alaska.

Mr. REID. I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, that is good for me. If you want to have a quorum, go right ahead. Go right ahead.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. DODD. I renew my request. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I want to point out the Army has all of this money in this supplemental without any directions in the bill. The line items the Senator mentions are specified in our report. They have entire discretion to use any money in this bill for the moneys he has asked for. But he wants to take it from the other money. This is a duplicitous amendment to take money from the second part of the bill and put it in the first.

The PRESIDING OFFICER. The Senator from Alaska's time has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. A motion to table has been made.

Mr. STEVENS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to table amendment No. 1817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Arkansas (Mr. PRYOR), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 37, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—37

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—14

Campbell
Carper
Domenici
Edwards
Graham (FL)
Hollings
Inouye
Johnson
Kerry
Lieberman
Lott
Pryor
Santorum
Shelby

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I am authorized by the majority leader to state that there will no more votes tonight. We have a series of amendments that we have agreed to accept by Senators COLLINS, REED, GRAHAM of South Carolina, VOINOVICH, and MURRAY. Some of these amendments are going to be proposed.

I have an amendment I will introduce. Those are the amendments only that will be considered now. There will be no votes on those.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that following the offering of the amendment by the two distinguished Senators from Maine and Oregon, Senator DASCHLE and Senator GRAHAM be recognized to offer their amendment.

Mr. STEVENS. We agreed to JACK REED next.

Mr. REED. I will go last.

Mr. STEVENS. We have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1820

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. I send an amendment to the desk and ask for its immediate consideration on behalf of myself, Senator WYDEN, and others.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. WYDEN, Mr. ENZI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. AKAKA, Mrs. CLINTON, Mr. BYRD, Mr. MCCAIN, and Mr. LEVIN, proposes an amendment numbered 1820.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the obligation and expenditure of funds for using procedures other than full and open competition for entering into certain contracts or other agreements for the benefit of Iraq)

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) None of the funds appropriated by this Act may be obligated or expended by the head of an executive agency for payments under any contract or other agreement described in subsection (b) that is not entered into with full and open competition unless, not later than 30 days after the date on which the contract or other agreement is entered into, such official—

(1) submits a report on the contract or other agreement to the Committees on Armed Services, on Governmental Affairs, and on Appropriations of the Senate, and the Committees on Armed Services, on Government Reform, and on Appropriations of the House of Representatives; and

(2) publishes such report in the Federal Register and the Commerce Business Daily.

(b) This section applies to any contract or other agreement in excess of $1,000,000 that is entered into with any public or private sector entity for any of the following purposes:

(1) To build or rebuild physical infrastructure of Iraq.

(2) To establish or reestablish a political or societal institution of Iraq.

(3) To provide products or services to the people of Iraq.

(4) To perform personnel support services in Iraq, including related construction and procurement of products, in support of members of the Armed Forces and United States civilian personnel.

(c) The report on a contract or other agreement of an executive agency under subsection (a) shall include the following information:

(1) The amount of the contract or other agreement.

(2) A brief discussion of the scope of the contract or other agreement.

(3) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(4) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(d) The limitation on use of funds in subsection (a) shall not apply in the case of any contract or other agreement entered into by the head of an executive agency for which such official—

(1) either—

(A) withholds from publication and disclosure as described in such subsection any document or other collection of information that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; or

(B) redacts any part so classified that is in a document or other collection of information not so classified before publication and disclosure of the document or other information as described in such subsection; and

(2) transmits an unredacted version of the document or other collection of information, respectively, to the chairman and ranking member of each of the Committees on Governmental Affairs and on Appropriations of the Senate, the Committees on Government Reform and on Appropriations of the House of Representatives, and the committees that the head of such executive agency determines has legislative jurisdiction for the operations of such executive agency to which the document or other collection of information relates.

(e)(1)(A) In the case of any contract or other agreement for which the Secretary of Defense determines that it is necessary to do so in the national security interests of the United States, the Secretary may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Secretary of Defense grants a waiver under this paragraph, the Secretary shall submit a notification of the contract or other agreement and the grant of the waiver, together with a discussion of the justification for the waiver, to the committees of Congress named in subsection (a)(1).

(2)(A) In the case of any contract or other agreement for which the Director of Central Intelligence determines that it is necessary to do so in the national security interests of the United States related to intelligence, the Director may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Director of Central Intelligence grants a waiver under this paragraph, the Director shall submit a notification of the contract or other agreement and of the grant of the waiver, together with a discussion of the justification for the waiver, to the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Affairs of the Senate and to the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Reform of the House of Representatives.

(f) Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(g) In this section—

(1) the term "full and open competition" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403);

(2) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code, and includes the Coalition Provisional Authority for Iraq; and

(3) the term "Coalition Provisional Authority for Iraq" means the entity charged by the President with directing reconstruction efforts in Iraq.

Ms. COLLINS. The amendment my colleague from Oregon and I are offering tonight requires the use of full and open competition for the award of contracts under this bill to support our military or related to the reconstruction of Iraq.

Competitive bidding ensures the taxpayer gets the very best value for his investment. It also enhances public confidence that contracts are awarded in a manner that is fair and transparent, a process that allows all qualified bidders to submit bids for the contract.

This principle of full and open competition is enshrined in the Competition and Contracting Act, which is current law.

Under that law, contracts must generally be bid under full or open competition unless one of seven exemptions is invoked.

Unfortunately, however, some of the contracts that have been awarded to date, both to support our military in Iraq and to begin reconstruction efforts, have not been awarded using full and open competition. The contracting process has been curtailed.

We want to make sure the general rule is competitive bidding, and, if there are cases where there are legitimate reasons for curtailing competition—say, for reasons of national security—then we believe there should be a process in place that requires a justification for curtailing competition and disclosure of that fact.

Generally, under our amendment, if competition is not used in the award of a contract, the agency involved would have to justify the reason for invoking an exception to competition and report that in the Commerce Business Daily, the Federal Register, and to the appropriate committees of Congress. We recognize there may be a few cases where it is so secret, it is so classified, that disclosure in the Commerce Business Daily and the Federal Register would not be appropriate. In those cases, we provide for an alternative form of notifying Congress.

Our amendment will bring accountability and sunshine to the competition and contracting process. I urge my colleagues to support our amendment.

It has been a great pleasure to work with my colleague, Senator WYDEN. We have made a number of efforts in this regard. I believe this amendment should enjoy widespread support.

I reserve the remainder of my time and I yield to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have enjoy working with my colleague from Maine over the last 5 or 6 months.

This amendment is especially important because it would mean for the first time the Congress is going to restrict the funds under this effort for reconstruction to only those contracts let in an open and competitive bid, except in very narrow circumstances.

In my view, much of the work to rebuild Iraq has been outsourced to private companies and it is now time, with this legislation, to end the outsourcing of accountability. What our constituents have said is: How much is this whole effort going to cost?

How long is it going to take? And how is this money going to be spent?

As I have said, my view is that right now the contracting process looks a little like Dodge City before the marshall showed up. It seems very influential companies and others seem to write the rules that the United States is essentially in the dark. Then the news media comes out and highlights various concerns, most of which the Senate does not know much about, and there is a flurry of activity and people discuss whether or not the contract is going to be rebid.

What Senator COLLINS and I would like to do is establish some bipartisan order and go back, as the Senator from Maine has said, to the principles that the Competition and Contracting Act have been all about. Yes, $87 billion is a jaw-dropping sum of money. The Coalition Provisional Authority, the World Bank, and the U.N. have estimated—it was in the Wall Street Journal today—that it will take $56 billion over just the next 5 years for rebuilding in Iraq.

It seems to me it does not pass the smell test to allow this process where the Congress is in the dark, the American people are in the dark, and every Member of the Senate goes home and faces constituents who say, We want this process to work a little bit like our family finances do. Right now, a family makes purchases, they get a bank statement. For example, they spend X amount of dollars at Sears, they spend more at the grocery store, they pay for essentials, and get a bank statement showing what they spent. That is a process that is straightforward, that can be monitored. We look at the bank statement for Iraq; it is essentially devoid of specifics.

Senator COLLINS and I have tried to approach this on a bipartisan basis. People may think it is a quaint idea, but we believe in competition. We believe that transparency and disclosure works and it gets taxpayers the most for their money.

This amendment for the first time actually puts in place a funding restriction. In the past, Senator COLLINS and I have said we are willing to look at various approaches that involve reports after the fact. Now we are waiting for all of these investigations and inquiries to move at glacial speed.

What Senator COLLINS has said is—and I agree with her point completely—what we need now is some legislation with teeth in it. This funding restriction for the first time provides that.

We are very pleased to be able to come to the Senate, given the fact there have been a number of instances already where contracts were let without competitive bid or with only limited bidding. We have had a number of colleagues involved, colleagues from both parties.

I particularly commend Senator CLINTON, who has been my partner on the Democratic side. I also note that Senator ENZI has been very supportive of this effort. He joins this cause as well. Our thanks to Senator CLINTON, Senator ENZI, and many other Senators who have been involved in this effort.

Tonight, it seems to me, the Senate is saying: We will do it differently. We will draw a line in the sand. The Senate is no longer going to be in the dark with respect to this issue. I am very pleased we will be able to go home for this recess and say that at a time when the American people are looking for some concrete specifics with respect to the pricetag on this legislation and where the money exactly is going to go, we can say that because of this bipartisan amendment, for the first time the Senate is going to restrict these funds so as to promote open and competitive bidding and the kind of transparency that best makes free markets work.

I reserve the remainder of any time I have remaining. I also thank the chairman of the Senate Appropriations Committee who has had strong views on this issue and has worked closely with Senator COLLINS and me over almost 6 months. We appreciate the fact that now we have legislation with some real teeth in it to make sure the taxpayers get value for their money in the contracting process.

Mr. STEVENS. Mr. President, if I may speak for a moment.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. We will be happy to accept this amendment. It has been modified, as has been indicated. I want to state to the Senate, however, although the Senators are correct, this adds to existing law.

Existing law at the current time requires competitive bidding on contracts. The contracts that are outstanding now that have been entered into by the United States and its entities in Iraq have been let on the basis of competitive bids. There have been lots of questions raised about that, but some of the contracts were outstanding before the contractors were sent to Iraq, and they were general services contracts, and those were extended to Iraq. But we are now putting, as the two Senators mentioned, additional emphasis on that, and I am pleased to accept the amendment on behalf of the Senate.

The ACTING PRESIDENT pro tempore. Is there further debate?

Ms. COLLINS. Mr. President, I yield back my time if the Senator from Oregon will also yield back his time.

Mr. WYDEN. Mr. President, I do.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1820) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, now Senator DASCHLE and Senator GRAHAM will present their amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 1816

(Purpose: To ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program)

Mr. GRAHAM of South Carolina. Mr. President, I call up amendment No. 1816.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for Mr. DASCHLE, for himself and Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. STEVENS, Mr. BOND, Mr. BURNS, Mr. WARNER, Mrs. CLINTON, Mr. DEWINE, and Mr. CHAMBLISS proposes an amendment numbered 1816.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, the Senator from South Carolina and I have been negotiating and working with the distinguished manager of the bill regarding an amendment we have been attempting to pass now over the course of this entire session of Congress.

Our view has been from the very beginning that members of the National Guard and Reserves need the opportunity to have access to TRICARE health insurance. And now, on three occasions, the Senate has been on record—with increasing numbers—in support of this concept, this idea that TRICARE ought to be offered to members of the Guard and Reserves.

We have been gratified with the strong bipartisan support that has been indicated with each one of the votes. Our concern, however, is it does not do us much good to continue to pass these measures on the Senate floor only to see the amendments dropped by the time they get to conference.

We want to pass something into law. We want something to be provided to as many of these members of the Guard and Reserves as we possibly can this year. So in trying to figure out what might work best, and in working with the distinguished Senator from Alaska, we have concluded perhaps the best way to do this is to ensure we go to those people who need it the most, that is, those members of the Guard and Reserves who have no health insurance today, and that when members of the Guard and Reserves are called up to active duty, they also are compensated for the TRICARE insurance that would be provided to them while they are on active duty.

Now, we will say from the very beginning this is not what we would like. We would like to do more, but we know that doing something is better than doing nothing if, in the end, that is what happens.

So I first thank the distinguished Senator from South Carolina for his tenacity and persistence. He has done an outstanding job in working on this issue and has provided great leadership. He has been a very helpful partner. I also say there are Senators on my side of the aisle, Senator LEAHY in particular, and Senator CLINTON, who have been especially helpful in this effort. So I appreciate very much the Senator from Alaska working with us. I am satisfied this is a reasonable compromise.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I will try to be brief.

We have a great team defending America right now. That team is made up of active-duty members who have made a decision to serve 4 years or maybe have a career in the military. But that team is supplemented by the Guard and Reserves. There are 224,000 Guard and Reserve members called up to active duty and, working together, they are doing a great job defending our freedom. It is time to look anew at the role the Guard and Reserves play.

I say to Senator DASCHLE, I want to publicly thank him for making this possible because he has been great to work with, and Senator DEWINE. I think we have been a pretty good team here on the floor. We disagree on a lot, and there will be a lot of fussing and fighting before this bill is over with, but that is the American way. It is OK to express our differences. It is great to be able to tell people you disagree. There are a lot of countries where there are not many ways to express your disagreements. But one of the things we have done tonight, and I think in the spirit of the country, is to come together to support our men and women who serve.

So why do we need this? One-fourth of the Guard and Reserves are on active duty now, with more to come. We need to acknowledge the obvious. They will be asked to do more, not less, over the coming months and years. Why? The cold war model of having tanks in the Fulda Gap and a large nuclear deterrent force standing up against the former Soviet Union, that war, thank goodness, is in the history books for the most part.

The new war, the war on terrorism, has a totally different dynamic. The Guard and Reserves, which were tangential, to be honest with you, in the cold war are in the forefront of this war on terrorism. Most of your military police are guards and reservists. Seventy-five percent of the aircrews flying C-130s—and I know our Presiding Officer knows this because we took nine trips in the theater of Afghanistan and Iraq. Eight of the crews are Guard crews, one is a Reserve crew. Seventy-five percent of the people flying C-130s are Guard and Reserves. Fifty-five percent of the people flying airlift to get the supplies and resources into the region to protect our troops and help them survive are reservists. Almost 90 percent of the intelligence service for the Army is in the Reserves, 90 percent is civil affairs Reserves. It is growing by leaps and bounds.

What we are trying to do tonight is provide a better benefit package than they have had before because we are going to ask so much of the Guard and Reserves.

Senator STEVENS made this possible. We have passed two bills by 80-plus votes, but there is no money behind it. For all those who follow the Senate, they know who is in charge of the money. Senator STEVENS made this possible because we are putting money behind the bill.

What does that mean? It is no longer talk. Twenty percent—2 out of 10 people—who are Guard and Reserves are without health care. This bill immediately will allow them to have health care year round. They will pay a premium like a retiree would pay, but they will have health care by being a member of the Guard or Reserves.

We need to do more, and we will. The problem of a Guard or Reserve family goes like this: If you are called up to active duty for a year, you go into the military health care system called TRICARE. If you have health care in the private sector, most times—almost all the time—your physician network is replaced. You go from the private health care sector to the military health care sector. And when you get deactivated, you change, and there is no continuity of health care. Thirty percent of the people called to active duty were unable to be deployed because of health care problems.

We are not done yet. There is more to do. It is my goal, my hope, my dream, for the Guard and Reserve forces that if you will join, and you will participate, and you will help defend America as a guard or reservist, we will offer you full-time health care. You pay a premium, but you and your family will be taken care of in the health care area. I think it is the least we could do. I think it is what we should do. And tonight is a huge step forward.

I thank all of the Senators who made it possible. The fussing, the fighting yet to come on this bill is part of America. But let it be said at about 8:50 at night, Republicans and Democrats came together to help Guard and Reserve members. When you are in a war, they do not ask you if you are a Republican or a Democrat. They are asking you to do your job. So I am honored to be part of this effort.

I ask unanimous consent that Senator HAGEL and Senator ALLEN be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. I thank the Chair.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I do not know—I haven't seen the list of cosponsors—but if they are not listed, I ask unanimous consent that Senators LEAHY, REID, and CLINTON be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we have worked on this amendment. There is a vast problem out there among Guard and Reserve people. We have a total force now in our military. We passed the concept that the Guard and Reserves are replacements for the regular services when they are sent overseas. The Guard and Reserves are sent overseas almost as much as the regular members of our military. They have volunteered to defend us, as the Senators have said. Their families need the same protection that we offer to those who volunteer in the regular services.

We have modified this amendment because we really basically want to see what happens when this change takes place. The cost of this amendment that we have put forward is approximately $400 million this year and by the following year it will be $500 million. We don't know how much it will really cost because we don't know how many will come forward and take this, as compared to what they are doing now as far as their medical is concerned. It is a contributory system for TRICARE, another experiment that we hope we will be able to get some track record on.

As I have become more familiar with the National Guard, it is very strong, and the Reserves, also. We want to assure that people will continue to maintain an interest in joining the Guard and Reserves. Most people don't understand that the transition from Guard and Reserves to regular services has reversed history. In days gone by, people came out of the military and entered the Guard and Reserves. Today many people enter the Guard and Reserves and then decide they are going to try to become career military. This will be an added inducement to get more people to enlist in the Guard and Reserves. It might have a reverse effect and we are not sure of that yet. This will give us a track record.

I am pleased to say that we have conferred with members of the Armed Services Committee on this amendment, and they have agreed we should go forward with it.

I am pleased to accept the amendment on behalf of the Senate.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I want to add one thing. There was an article in USA Today yesterday: "Army Reserve Fears Troop Exodus." The Army National Guard is 15,000 below its recruiting goal. "Soldiers are 'stressed' on yearlong deployments." I really honestly believe that this benefit made available will help retention and recruitment because the problems with these deployments are coming down the road. The further we can get ahead of this by beefing up the benefit package, the better America will be.

I ask unanimous consent to print the article to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMY RESERVE FEARS TROOP EXODUS

(By Dave Moniz)

If the United States is unable to recruit significantly more international troops or quell the violence in Iraq in the next few months, it could trigger an exodus of active and reserve forces, the head of the U.S. Army Reserve said Monday.

Lt. Gen. James Helmly, chief of the 205,000-member Army Reserve, said he and other Pentagon leaders will be monitoring retention rates closely next year, when problems could begin to become apparent for full-time and part-time soldiers coming off long tours of duty in Iraq.

"Retention is what I am most worried about. It is my No. 1 concern," Helmly told USA TODAY's editorial board. "This is the first extended-duration war the country has fought with an all-volunteer force."

Helmly described the war on terrorism as an unprecedented test of the 30-year-old all-volunteer military. Historically, he said, the National Guard and Reserve were designed to mobilize for big wars and then bring soldiers home quickly.

Today, he said, they have "entered a brave new world" where large numbers of troops will have to be deployed for long periods.

Counting training time and yearlong tours in Iraq, some Army Reserve soldiers could be mobilized for 15 months or more. Helmly described the situation facing soldiers in Iraq as "stressed" but said he could not characterize it as at a "breaking point."

The stresses facing the nation's reservists were demonstrated again this week when the National Guard announced it had alerted a combat brigade from Washington state that it could be sent to Iraq next year if a third block of international troops cannot be recruited to join the British and Polish-led divisions now in Iraq.

Guard officials said Monday that the 5,000-member 81st Army National Guard brigade from Washington state has been notified that it could be called to active duty.

Helmly said a huge factor in Iraq will be the Pentagon's ability to train an Iraqi army and security force.

The Defense Department recently announced plans to accelerate the development of an Iraqi army, pushing the goal from 12,000 troops to 40,000 troops in the next year.

The Army National Guard and Army Reserve have about one-fourth of their troops—nearly 129,000 soldiers—on active duty.

The active-duty Army and the Army Reserve both met their recruiting goals for the fiscal year that ends today. The Army National Guard, however, is expected to fall about 15% short of its recruiting goal of 62,000 soldiers.

Although the Guard and Reserve say their retention rates have not suffered this year, the figures could be misleading. Under an order known as "stop loss," soldiers on active duty are prohibited from leaving the service until their tours end.

Active-duty and Reserve commanders fear that when U.S. soldiers on yearlong rotations come home next year, many will choose to leave the service.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1816) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1821

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1821.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the requirement for the Department of Defense to describe an Analysis of Alternatives for replacing the capabilities of the KC-135 aircraft fleet)

Strike section 309.

Mr. STEVENS. Mr. President, this is an amendment to delete a provision in the bill that required a report from the Department of the Interior. At the request of Senator MCCAIN, I am removing that, and I ask unanimous consent to remove that from the bill before it goes to conference. I ask for its consideration.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1821.

The amendment (No. 1821) was agreed to.

AMENDMENT NO. 1822

Mr. REID. Mr. President, if my friend, the Senator from Rhode Island, will be patient, I send an amendment to the desk on behalf of Senator MURRAY.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself and Mr. DURBIN, proposes an amendment numbered 1822.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide requirements with respect to United States activities in Afghanistan and Iraq)

On page , between lines and , insert the following new section:

SEC. . REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN AND IRAQ.

(a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of—

(A) women's organizations in Afghanistan and Iraq, respectively;

(2) promote the inclusion of a representative number of women in future legislative bodies to ensure that the full range of human rights for women are included and upheld in any constitution or legal institution of Afghanistan and Iraq, respectively; and

(3) encourage the appointment of women to high level positions within ministries in Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to—

(A) partner with or create counterpart organizations led by Afghans and Iraqis, respectively; and

(B) provide such counterpart organizations with significant financial resources, technical assistance, and capacity building;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall—

(1) include training on the protection, rights, and particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted; and

(2) encourage the personnel providing the training described in paragraph (1) to consult with women's organizations in Afghanistan and Iraq, respectively, to ensure that training content and materials are adequate, appropriate, and comprehensive.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1822.

The amendment (No. 1822) was agreed to.

AMENDMENT NO. 1823

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators STABENOW, DURBIN, BOXER, JOHNSON, and SCHUMER.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. STABENOW, Mr. DURBIN, Mrs. BOXER, Mr. JOHNSON, and Mr. SCHUMER, proposes an amendment numbered 1823.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency relief for veterans healthcare, school construction, healthcare and transportation needs in the United States, and to create 95,000 new jobs)

At the appropriate place, insert the following:

SEC. . A MONTH FOR AMERICA.

(a) VETERANS HEALTHCARE.—For an additional amount for veterans healthcare programs and activities carried out by the Secretary of Veterans Affairs, $1,800,000,000 to remain available until expended.

(b) SCHOOL CONSTRUCTION.—

(1) IN GENERAL.—For an additional amount for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANT.—The Secretary of Education shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(c) HEALTHCARE.—For an additional amount for healthcare programs and activities carried out through Federally qualified health centers (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa))), $103,000,000 to remain available until expended.

(d) TRANSPORTATION AND JOB CREATION.—

(1) IN GENERAL.—For an additional amount for transportation and job creation activities—

(A) $1,500,000,000 for capital investments for Federal-aid highways to remain available until expended; and

(B) $600,000,000 for mass transit capital and operating grants to remain available until expended.

(2) PRIORITY.—In allocating amounts appropriated under paragraph (1), the Secretary of Transportation shall give priority to Federal-aid highway and mass transit projects that can be commenced within 90 days of the date on which such amounts are allocated.

(b) OFFSET.—Each amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced on a pro rata basis by $5,030,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should consider an additional $5,030,000,000 funding for Iraq relief and reconstruction during the fiscal year 2005 budget and appropriations process.

Mr. REID. Mr. President, I ask unanimous consent that this amendment be set aside for the offering of an amendment by the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment will be set aside.

The Senator from Rhode Island.

AMENDMENT NO. 1812, AS MODIFIED

Mr. REED. Mr. President, I call up amendment No. 1812 and send a modification to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. BAYH, and Mr. KENNEDY, proposes an amendment numbered 1812, as modified.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment will be so modified.

The amendment is as follows:

(Purpose: To increase the amount provided for the Army for procurement of High Mobility Multipurpose Wheeled Vehicles, to require an Army reevaluation of requirements and options for procuring armored security vehicles, and to provide an offset)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Of the funds provided in this title under the heading "IRAQ FREEDOM FUND", up to $191,100,000 be available for the procurement of up-armored High Mobility Multipurpose Wheeled Vehicles in addition to the number of such vehicles for which funds are provided within the amount specified under such heading.

Mr. REED. Mr. President, I ask unanimous consent that Senator KENNEDY be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise to offer an amendment to ensure that our troops in Iraq and other dangerous areas throughout the world, many of whom are Reservists and members of the National Guard, have the equipment they need to protect themselves. In particular, I would like to discuss the uparmored Humvees which soldiers need to protect themselves from the threat of RPGs and mines and weapons that are inflicting casualties today as we speak in Iraq.

To effectively carry out the mission, Army officials have said that they need more Humvees, uparmored Humvees. I believe them. The administration in this bill failed to fully meet that request.

My amendment is designed to meet the needs of the Army today as they face these numerous threats around the globe. The amendment is cosponsored by Senators BAYH and KENNEDY. It would add funding to this supplemental request to buy additional uparmored Humvees and would also direct the Army to reevaluate its requirements for the armored security vehicle.

The HMMWV, or high mobility multipurpose wheeled vehicle, better known as the Humvee, is the workhorse of the United States. It is being used around the globe today in conflicts from Afghanistan to Iraq to the Balkans. The uparmored Humvee is a variation of the basic vehicle. It was designed to offer increased protection to troops from small arms fire, rocket-propelled grenades, and blasts from mines.

It was designed primarily for military police and special operations personnel, exactly the type of soldiers being called upon to do very dangerous missions in Iraq today.

The armored security vehicle, or the ASV, is also a vehicle in the Army inventory. It is designed to complement the uparmored Humvee. There are very few of them, but it is a requirement that I believe the Army should study again.

In July, I visited Iraq and had the opportunity to meet with my constituents from the Rhode Island National Guard, the 115th Military Police Company, and 119th Military Police Company, the 118th Military Police Battalion. It was on the tarmac at Baghdad International Airport. I got off the aircraft with my colleagues. I rushed over to the formation of these military police men and women. I began to speak with them. The first request that I got was repeated several times over: We need uparmored Humvees. We are in a dangerous situation. We are patrolling the roads of Iraq. We see other units with these vehicles. We need them.

When I came back to the United States, I was convinced that we needed more uparmored Humvees. In the intervening weeks, the Rhode Island National Guard, 115th Military Police Company, has lost three soldiers. Two were killed when an improvised explosive device, a 155-millimeter shell, exploded underneath their regular Humvee. No one can determine whether or not an uparmored Humvee would have saved the lives of these two soldiers, Staff Sergeant Joseph Camara and Sergeant Charles Caldwell. I know having such a vehicle would add to the confidence and security of the troops.

A few days ago Specialist Michael Andrade of the 115th Military Police was killed, again in a Humvee in an accident involving a convoy operation in which a tanker truck crashed into his vehicle. Last Monday evening I was there in Rhode Island when they brought Specialist Andrade's body home to his family. This Saturday he will be buried in Rhode Island. I know you can't determine whether or not this type of vehicle would have saved this young soldier's life. But I can tell you, if they had a choice, all of our military police, all of our soldiers in Iraq would prefer to be in an uparmored Humvee than a Humvee without the armor, and their families would make that choice, also.

It is clear that we need more. This bill contains more vehicles. I commend the President for that proposal. I believe we need more than even what is included in this bill.

When I returned from Iraq, I wrote to Secretary Rumsfeld. I also called the Army. At that time I was verbally told by the Army that the requirement for additional Humvees was about 500. But then as the summer wore on, several things became apparent. This insurgency was extremely serious and extremely lethal. Also that the requirement for uparmored Humvees was going up. Indeed, I believe—I have said this before—that we could be involved and will likely be involved in Iraq for years, not months, stretching perhaps to 10 years. These are the types of vehicles that are crucial to effective operation in an occupation force as we have in Iraq.

Now, my initial response from the Army was that they need 500 more. By September 8, the Army sent a formal response indicating that the requirement now is 1,723 uparmored Humvees and 1,461 will be sent immediately to the theater. I commend the Army because they have tried their best to move as many available vehicles into the theater of Iraq as possible.

Now, 619 vehicles were coming off the assembly line and being sent directly to Iraq; 430 were being pulled from units in the United States and Europe; another 412 were pulled out of the Balkans. So we are trying to meet the need in Iraq, but we are doing it by taking these vehicles from other potentially dangerous areas, such as the Balkans. Also, vehicles were taken from the units in the United States—we hope they are training on these vehicles in preparation to go overseas.

I believe indeed that this requirement will increase, and in fact what we have seen throughout the course of the last several months is the Army and the Department of Defense seriously reevaluating the need for uparmored Humvees. They have concluded that these uparmored Humvees are indeed necessary.

We have received information that the Army in fact has a requirement in excess of 3,400 vehicles. Again, just a few weeks ago, the requirement was 1,700; now the requirement is 3,400 vehicles. They say the best way to accommodate future funding for increased production would be to use the Iraqi Freedom Fund. I propose to do that. In fact, OSD has concurred with this approach. The Secretary of Defense has concurred. What we are waiting on is a validation of how many of these vehicles can be produced at the assembly point.

So my amendment is straightforward. It requests additional money in the amount of approximately $191 million from the Iraqi Freedom Fund to buy 800 additional vehicles, or so many as may be acquired with that money. In fact, I hope we can, in the next year, buy even more. The analysis by myself and my staff suggests this money would be sufficient to fully operate the production line and get all the vehicles possible that we need.

The Iraqi Freedom Fund in this bill contains $1.9 billion, so there are sufficient resources. I believe we should do this and we should do it promptly. The indication from the Army is that they need the vehicles, and also if we act in this appropriations bill, we can speed those vehicles to Iraq.

As I said earlier, there is another aspect of this, and that is the armored security vehicle. We are asking the Army to look back at this requirement and reevaluate it.

I will conclude by taking the advice of Secretary Rumsfeld that it is not necessary to listen to the media but listen to the soldiers. I have a letter from a young lieutenant in Afghanistan. Here is what he writes:

> I am the leader of one platoon of many here trained Stateside for dismounted missions and handed uparmored Humvees upon arrival at our firebases. My strong NCO's have adapted and worked hard to train on this different platform. I feel it is criminal, however, to have sent so many units here without Stateside training on either the . . . uparmored Humvee or its complementary weapon, the MK-19 auto grenade launcher and M2 .50 caliber machine gun.

He goes on to say:

> Our mechanics, for example, have no experience with the uparmored Humvees and are too few to fix vehicles which have been driven hard for at least 18 months on the awful "roads" here. Without vehicles, we have no mobility. Without mobility, we cannot either protect the reconstruction teams or interdict terrorists/criminals intent on rocketing our bases and mining the roads.

That is the viewpoint of one of these magnificent young soldiers in Afghanistan working with the vehicles. He appreciates the value of the vehicles. I think every soldier, every squad that has missions like this, whether in Afghanistan or Iraq, should have these vehicles, and that is the intent of this amendment. Further, I will add that one of the suggestions to me in his letter is:

> Purchase new uparmored Humvees for Afghanistan to replace the ones about to die or send qualified mechanics with the requisite parts to fix them.

That could be written by any soldier in Afghanistan or Iraq, and indeed there are many in Iraq, particularly, that do not even have access to uparmored Humvees. I will conclude by thanking the chairman and the staff for their assistance on this amendment. I also thank the chairman sincerely not only for this effort but for almost $900 million of additional funding for the Army, for vests, for a host of equipment. I also understand from our discussion that he feels as strongly as I do about this issue and will do his best in conference to ensure these additional Humvees are provided.

I yield the floor.

Mr. STEVENS. Mr. President, the Senator is correct. We funded in this bill what we thought were a number of these upgraded Humvees that could be produced and were the stated demand of the Army at that time. This demand keeps going up as it is realized how much these Humvees need to be modernized. We have changed to deal with the circumstances in Iraq. They are very interesting modifications. We have both been briefed on them. Some of the modifications are still classified.

It is our intention to fund it. Coming out of conference, I will do my utmost to fund the number of Humvees that can be upgraded in a reasonable period ahead of time so we can meet this demand so that every group of the military that needs Humvees for their protection will be modernized and upgraded for self-protection. They do have to have some additional items. There are methods some of the terrorists have used to destroy Humvees that can't be defended against.

So it is our intention to modernize these Humvees. They were not defective. Some of the methods terrorists use are unique. We need additional protection from above, and from the side, and from the rear, and underneath the Humvees. We cannot turn them completely into shockproof tanks, but we are going to do our best. This is a No. 1 priority for the Senate, as far as I am concerned—that and the problem of finding these weapons caches and destroying them, or really making certain that the usable weapons, particularly hand-held weapons, are put under guard and assured that they will not get in the wrong hands.

I thank the Senator for his willingness to accept our modifications, and I assure him we will keep on top of this. We will confer with the Senator because I know of his distinguished Army career. We are pleased to have his assistance on this matter.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1812), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1808

Mr. STEVENS. Mr. President, I send an amendment to the desk for Mr. VOINOVICH and Mr. LOTT.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH and Mr. LOTT, proposes an amendment numbered 1808.

The amendment is as follows:

(Purpose: To require a report on efforts to increase financial contributions from the international community for reconstruction in Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq—

(A) of bilateral debts incurred during the regime of Saddam Hussein; and

(B) of the funds contributed by the United States to finance infrastructure projects in Iraq.

Mr. STEVENS. Mr. President, this is an amendment we discussed earlier on the floor. I was ready to offer it earlier but was prevented. The amendment would require a report from the President concerning the efforts of the United States to increase resources that are available in Iraq from other countries, and to do other matters, such as a description of the bilateral impact on the Iraq action, the question of forgiveness of debts, and other items that we believe are substantial and on which we should have a report from the administration. These reports request no later than 120 days.

I will state for the information of the Senate, there are several amendments we are looking at that deal with reports. It is my hope that the conference committee will have a report section. I see in some of these amendments not a conflict but an overlapping of requests, and the timing of them is different. I do not believe we should put a requirement on these people to report one week on one item, another week on another item, and another week on another item when they are all related. We should have quarterly reports from the administration on what is going on with both sections of this bill and how the money is being handled.

This is a bill that has considerable discretion because it is a supplemental bill. It is in addition to the enormous bill we passed and the President already signed. Therefore, there is a lot of discretion as to where the money goes. It is a mechanism to avoid what has been done in the past, as I have said repeatedly.

In the past, Presidents have dipped into the money available to the Department of Defense and have used it in other places. We have taken the occasion to provide the money in advance and have allowed discretion of the President to put it in the places where it is needed and tell us 5 days before that happens and report to us later on how the money was actually used. Those reports will come to us. I am sure we will keep very good track of the people's money as we proceed.

Mr. President, so far as I am concerned, that is the last item to be considered tonight.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1808.

The amendment (No. 1808) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the leader will shortly make a statement concerning the bill. As the manager of the bill, we have an understanding that tomorrow there will be a period during which Senators may bring amendments to the floor and offer them so they will be in the queue, so to speak. There will be no consideration of any amendment tomorrow and no vote on any amendment tomorrow.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I voted for the McConnell amendment, as modified, because I believe that it is appropriate to recognize and commend the men and women of our Armed Forces for their bravery, professionalism and dedication during the military campaigns in Afghanistan and Iraq; to honor the sacrifice of those who died or were wounded and to convey our deepest sympathy and condolences to their families and friends; and to support the efforts of communities across the Nation who are honoring our troops.

Although I voted for the amendment, I want to make clear that I have some reservations about some parts of it. For example, I do not believe that the planning for the post-Saddam portion of the military campaign in Iraq was done well. Additionally, I want to note my concern that there may be unacceptable profiteering by some contractors in the post-Saddam period in Iraq.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIBRARY OF CONGRESS NATIONAL BOOK FESTIVAL

Mr. STEVENS. Mr. President, I draw to your attention an important event that is taking place this Saturday, October 4 from 10 am until 5 pm—First Lady Laura Bush and the Library of Congress is holding the third annual

National Book Festival on the National Mall.

The Library of Congress and Mrs. Bush have planned an enjoyable day of presentations by nearly 80 award-winning authors, illustrators, poets and storytellers.

Famous fiction, mystery and history writers will read from their works. Children's authors such as R.L. Stine, of the Goosebumps book series and actress and children's writer Julie Andrews will be among those participating. Storybook characters from PBS will stroll the grounds and greet young festivalgoers. There will even be special readings in the teens and children's pavilion by NBA players representing the National Basketball Association's "Read To Achieve" campaign.

Additional activities will include book signings, musical performances, storytelling, and panel discussions. I am especially interested to hear that specialists will be on hand from the Library's Veterans History Project to provide information about collecting oral histories of America's war veterans. There truly is something for everyone at this year's book festival.

The National Book Festival is free and open to the public and promises to be a wonderful family event. I hope that everyone will join Mrs. Bush and the Library of Congress on Saturday in celebration of the joy of reading.

For more information, you may visit the Library's Web site <*www.loc.gov*> or call toll-free (888) 714–4696.

MINIMUM PAY PROTECTION

Mr. HARKIN. Mr. President, we have some good news. The House of Representatives just a little while ago passed, by a substantial margin, a motion to instruct their conferees to adhere to the Senate's position saying that the administration cannot go ahead to implement the rules on overtime which would take away overtime pay protection for over 8 million Americans. The vote in the House was 221 to 203.

This is a great victory for American workers today. It sends a very clear message to the administration: Don't mess with overtime pay protection. Don't take away from American workers the overtime pay protection that we have had in the law since 1938. This is a clear and unequivocal message from both the House and the Senate.

I hope the administration has the message. I now call upon the Secretary of Labor to forthwith, today, by sundown tomorrow, go ahead and extend overtime pay protections to hundreds of thousands of Americans on the low-income side of the scale.

Right now, the low-income threshold is $8,060 a year. Part of the proposal the administration sent down would have raised that level to $21,100 a year. This is an issue on which we all agree. This is something the Secretary of Labor can do today, tomorrow, before the week is out. This can be done with a stroke of a pen.

I call upon the Secretary of Labor to immediately issue a new regulation that would raise the low-income threshold from $8,060 to $21,100 a year and thus cover many more Americans with overtime pay protection.

What the House has spoken so loudly today is what we did in the Senate a few weeks ago. We want to extend overtime pay protection to more Americans. We do not want to talk it away.

Let us move forward together, call upon the Secretary of Labor to issue these regulations to raise that threshold. Now the administration can take those proposed rules they came out with this spring and put them in the fireplace. Get rid of them. Then, if we want to move ahead, we can do it in two stages. Raise the threshold right now, and then if we need to modify and change some of the overtime regulations to reflect more accurately the modern day workplace, let's do it together, do it with open public hearings, have our witnesses, and do it in a deliberate manner that reflects the will of the American people, not under the cover of night, putting out proposed regulations without any hearings whatever.

I stand ready as a member of the Labor Committee, and on both the authorizing and appropriations side, to work with the Secretary of Labor and others to set up a route by which we can, if we need to, change and modify some of the regulations to more accurately meet today's workforce. But in no case should we diminish the overtime pay protections in the law today for people, in no way. We need to extend and raise that threshold immediately. That is what I call upon the Secretary of Labor to do.

It would be a great victory today for American workers who are lacking in a lot of good news coming out of Washington these days for working families. This is one bit of good news for American working families today.

I yield the floor.

RULEMAKING EXTENSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(b)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Notice of Proposed Rulemaking—Extension of Period for Comment

A Notice of Proposed Rulemaking (NPR) for the proposed procedural regulations was published in the Congressional Record dated September 4, 2003. This notice is to inform interested parties that the Board of Directors of the Office of Compliance has extended the period for public comment on the NPR until October 20, 2003. Any questions about this notice should be directed to the Office of Compliance, LA 200, John Adams Building, Washington, DC 20540–1999; phone 202/724–9250; fax 202/426–1913.

TRIBUTE TO DR. OTIS SINGLETARY

Mr. MCCONNELL. Mr. President, I rise today to honor the life of a noted Kentuckian, a community leader, and a dedicated educator and administrator, Dr. Otis Singletary. I also want to take this opportunity to extend my condolences to his wife, Gloria, his three children, Bonnie, Robert, and Kendall, and all who knew and loved this remarkable man.

Dr. Singletary served his country in many capacities. A native of Mississippi, he joined the Navy at the outbreak of World War II and continued to serve in the Armed Forces through the Korean War. After earning his Ph.D., he taught history at the University of Texas. There the Students' Association recognized Dr. Singletary's talent and love for teaching and twice honored him with its Teaching Excellence Award. In 1958, he received the Scarborough Teaching Excellence Award.

An accomplished historian and published author, Dr. Singletary soon began to show his skills in administrative positions as well. After serving as the Associate Dean of Arts and Sciences at Texas, Dr. Singletary relocated to the University of North Carolina at Greensboro where he served as chancellor. In 1964, he took a leave of absence to direct the Federal Job Corps, Office of Economic Opportunity, under President Lyndon B. Johnson. Later, he served as the vice-president of the American Council on Education.

For most people this career would represent a lifetime worth of achievement, but Dr. Singletary was just getting started. He assumed the presidency of the University of Kentucky in 1969, a time of national campus unrest. While other college leaders faltered in the wake of the Kent State tragedy, Dr. Singletary successfully calmed the fears of his students and led the university forward. Under his guidance, the University of Kentucky prospered and became a nationally recognized research institution. To compensate for shrinking State funds, Dr. Singletary encouraged a vigorous fundraising campaign targeting private donors. He raised almost $140 million in his 18-year presidency. A selective admissions policy, endowed professorships, the expansion of library holdings, and an undergraduate honors program were all implemented during his tenure. Upon his retirement in 1987, Dr. Singletary had supervised over $250 million in new construction and renovation at UK, including facilities for the arts, biological sciences, equine research, agriculture, and cancer research.

Dr. Otis Singletary will forever be remembered for his unwavering dedication to the University of Kentucky, its faculty, staff, and its students. I ask each of my colleagues to join me in paying tribute to Otis Singletary, for all that he has given to his students, his community, and his Nation. He will be missed.

TRIBUTE TO JUSTICE ROBERT E. ROSE

Mr. REID. Mr. President, I take a moment to pay tribute to a long-time friend and Nevadan, Justice Robert E. "Bob" Rose, who is being honored by the Fellows of the American College of Trial Lawyers.

Justice Rose was elected to the Nevada Supreme Court in 1988. He was reelected in 1994 and again in 2000.

However, before Justice Rose was a member of the Nevada Supreme Court, he was elected Washoe County District Attorney and thereafter Lieutenant Governor of Nevada. In fact, he was my successor in that office.

After serving as Lieutenant Governor, he returned to the private practice of law for several years in Reno, NV.

In 1986, he was appointed District Court Judge for the Eighth Judicial District in Las Vegas by former Governor, who is also a former U.S. Senator, Richard Bryan.

The road to the Nevada Supreme Court started at a young age for Bob Rose. The dream began in 1964 when he clerked there for one year following his graduation from New York University Law School.

While he set his sights high, his path wasn't always an easy one. I remember during his tenure as Lieutenant Governor, he cast a vote in the Nevada State Legislature on a very controversial Equal Rights Amendment. It was 1977, and he cast the tie-breaking vote against it.

It is not always easy to live and work in the public spotlight, but he did what he felt was right. He has always been a man of courage and integrity.

In his time to date on the Nevada Supreme Court, he has served as Chief Justice, and he has earned a reputation as a "reformer" by creating the Nevada Judicial Assessment Commission for the study and improvement of the courts. He has also chaired and cochaired the Committee to Establish Nevada Business Court and the Nevada Jury Improvement Commission, respectively.

Additionally, Justice Rose has been active with the Nevada Democratic Party, the American Cancer Society, and Nevada Easter Seal.

Today I would like to say to my friend, Bob, Justice Rose, congratulations on the honor you are receiving and good luck to you in all your future endeavors. As a lawyer and a Nevadan, I am proud to have you on our State Supreme Court.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Atlanta, GA. In May 2001, Ahmed Dabarran, a gay man who was a Fulton County Assistant District Attorney, was brutally beaten and murdered. Dabarran's perceived sexual orientation by his attacker was a motivating factor in his death. Sadly, even though his killer confessed to the crime, a Cobb County, GA, jury later acquitted him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LESSONS OF 9/11 AND THE D.C. AREA SNIPER SHOOTINGS

Mr. KENNEDY. A year ago, the entire capital region was terrorized by unknown killers striking randomly, without warning, without any discernible pattern, and without mercy. Sadly, we know now that those savage murders could have been prevented.

On 9/11/2001, we had learned that the oceans could no longer protect us from the terrorism that has plagued other nations. We learned that our law enforcement agencies and our intelligence agencies were not adequately organized, trained, or prepared to identify the terrorists and prevent them from striking.

We learned, especially from the report of the Senate and House Intelligence Committees, that there were serious problems with information analysis and information sharing between agencies at the Federal, State and local levels, and even between Federal agencies.

As the FBI Director told the committees, no one can say whether the tragedy of 9/11 could have been prevented if all of the problems of our foreign and domestic intelligence and law enforcement agencies had been corrected before 9/11. But 9/11 was certainly a wakeup call to these agencies. They were on notice that, whatever the reasons for their failure to connect the many "dots" which their separate activities had uncovered before the terrorist attacks, they needed to change their ways.

The tragic DC area killings of a year ago, in which 13 people were shot and 10 lost their lives, provided a dramatic test of how well we had learned the lessons of 9/11. At the time, we had no way of knowing whether the shootings were the work of demented citizens, homegrown terrorists, or foreign terrorists bent on spreading mortal fear among the people.

In many ways, the law enforcement response was a model of the lessons already learned. Over 1,300 Federal agents of all types joined hundreds of State and local law enforcement personnel in a joint intensive effort to identify and apprehend the killers. The cooperation among law enforcement agencies in the area was close and seemingly effective.

But in some vital respects, the events of last October revealed shockingly that a year after 9/11, we had not yet filled obvious gaps in our day-to-day law enforcement and intelligence activities.

We had not made sure that all of the Nation's police agencies at all levels were communicating with each other with the fastest possible technology, and acting in real time to share the useful information they had gathered.

Unfortunately, too much of the national effort had been invested in arguing over broad and controversial new investigative and enforcement powers that threatened draconian violations of basic rights and liberties, with little benefit to homeland security.

These debates deflected attention from the urgent need to assure that every jurisdiction in the Nation has—and uses—full access to the vast array of already available Federal resources specifically designed to assist them in their local responsibilities. The DC sniper case showed us a year ago that we need even more focus on this very practical and achievable goal, and less focus on the distracting shortcuts urged on the Nation by those who believe we must sacrifice our rights to gain security.

A year ago, we learned again that the national law enforcement system is only as strong as its weakest link. If all jurisdictions everywhere are not full partners in the legitimate, practical, day-to-day operations of the existing national system for information sharing and Federal-State cooperation, each of us anywhere is at risk.

The information now available demonstrates that the enormous tragedies of a year ago might well have been entirely prevented if authorities in a State far from the Washington area had used the existing Federal resources available to them.

The fact is, on the night of September 21, 2002, 11 days before the sniper shootings began in the Washington area, the local police in Montgomery, AL, obtained a clear fingerprint of a suspect in a brutal robbery and murder. As we now know, that fingerprint matched a print on file in the FBI electronic matching system.

That information could have quickly led the authorities to Malvo and Muhammad, the two people later charged with the Washington area killings that began on October 2 that year.

A State crime laboratory with a few thousand dollars worth of proper hardware and free software from the FBI could have transmitted the Alabama fingerprint to the FBI system on Sunday morning, September 22. That system would have automatically compared the print with the 45 million prints in the system. The matching print could have been found and identified by the FBI by noon on that Sunday. In fact, the FBI's average response time on such print matches was 3 hours and 16 minutes last year.

The FBI's State assistance program makes it easy and inexpensive for a State to transmit unidentified prints directly to the automated fingerprint system. The Justice Department even provides grants to help with the costs.

But 15 States, including the State of Alabama, are not yet fully connected to the FBI system. They cannot transmit the fingerprints found at crime scenes directly to the FBI's automated 24-hour-a-day fingerprint searching system.

In the Alabama case, had the full facilities available from the Federal Government been utilized, look-out alerts or arrest warrants for the Alabama murder suspects could have been circulated throughout the Nation some time between September 22 and September 24, followed quickly by the description and license plate number of the car they were using.

In other words, at least 7 full days before the first shooting in the Washington area, Federal, State and local law enforcement agencies could have identified Muhammad and Malvo and could have been searching urgently for them, because they were wanted for the robbery/murder in Alabama. Tragically, we now know that local police officers in two other States made traffic stops of the suspects' car and checked the driver's license and plates with the national databases during those 7 days. But because the readily available national system had not been used, those checks produced no response. Malvo and Muhammad were not apprehended, and the DC area sniper shootings took place.

It is not my purpose to single out Alabama for special blame. This is a national problem. Fifteen States are not fully connected to the FBI's electronic matching system. Many other States may not take full advantage of this and other Federal resources.

The FBI spent $640 million building its fingerprint system, because it persuaded Congress that "if we build it they will come." The system works well beyond the planners' dreams. It usually responds on a ten-fingerprint check of an arrested suspect within 20 minutes. It usually reports on an unknown single fingerprint within about 3 hours.

Thirty-five States are fully using this valuable resource. They use the system routinely and automatically, because as one police official put it, "You catch bad guys" this way. In fact, some police departments sent the FBI all the old unidentified prints they had as soon as they connected to the system. Time after time, even very old prints from unsolved cases were matched with prints in the system, and old crimes were finally solved.

On this sad anniversary of the DC sniper shootings, I hesitate to discuss these painful facts, when the victims' families are still grieving. But I, too, have been where they are now, and so I feel I can speak the painful truth, the truth that will teach us how to make the future better than the past.

The truth is that we now know this tragedy could have been prevented—not by tougher laws or more intrusive investigative powers, not by ethnic or racial profiling, but by strengthening and fully using the effective systems we already have in place.

Attorney General Ashcroft wants even more law enforcement powers that will threaten still more basic rights. But I say, let's fix the nuts and bolts of the system we already have. It is a scandal that 15 of our States are still not fully linked to the FBI system. The financial cost is small, and Federal grants are available to defray it and pay the cost of any training that is needed. Hopefully, no such avoidable tragedy will ever happen again, and the victims we mourn and honor today will not have died in vain.

CHANGE IN INTERNET SERVICES USAGE RULES AND REGULATIONS

Mr. LOTT. Mr. President, I wish to announce that in accordance with title V of the Rules of Procedure, the Committee on Rules and Administration intends to update the "U.S. Senate Internet Services Usage Rules and Regulations."

Based on the committee's review of the 1996 regulations, the following changes to these policies have been adopted effective October 8, 2003.

The following changes have been made:

A. SCOPE AND RESPONSIBILITY:

Senate Internet Services (World Wide Web and Electronic mail) may only be used for official purposes. The use of Senate Internet Services for personal, promotional, commercial, or partisan political/campaign purposes is prohibited.

Members of the Senate, as well as Committee Chairmen and Officers of the Senate may post to the Internet Servers information files which contain matter relating to their official business, activities, and duties. All other offices must request approval from the Committee on Rules and Administration before posting material on the Internet Information Servers.

Websites covered by this policy must be located in the SENATE.GOV host-domain.

It is the responsibility of each Senator, Committee Chairman (on behalf of the committee), Officer of the Senate, or office head to oversee the use of the Internet Services by his or her office and to ensure that the use of the services is consistent with the requirements established by this policy and applicable laws and regulations.

Official records may not be placed on the Internet Servers unless otherwise approved by the Secretary of the Senate and prepared in accordance with Section 501 of Title 44 of the United States Code. Such records include, but are not limited to: bills, public laws, committee reports, and other legislative materials.

B. POSTING OR LINKING TO THE FOLLOWING MATTER IS PROHIBITED:

Political Matter.

a. Matter which specifically solicits political support for the sender or any other person or political party, or a vote or financial assistance for any candidate for any political office is prohibited.

b. Matter which mentions a Senator or an employee of a Senator as a candidate for political office, or which constitutes electioneering, or which advocates the election or defeat of any individuals, or a political party is prohibited.

Personal Matter.

a. Matter which by its nature is purely personal and is unrelated to the official business activities and duties of the sender is prohibited.

b. Matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Senator on a purely personal or political basis rather than on the basis of performance of official duties as a Senator is prohibited.

c. Reports of how or when a Senator, the Senator's spouse, or any other member of the Senator's family spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Senator is prohibited.

d. Any transmission expressing holiday greetings from a Senator is prohibited. This prohibition does not preclude an expression of holiday greetings at the commencement or conclusion of an otherwise proper transmission.

Promotional Matter.

a. The solicitation of funds for any purpose is prohibited.

b. The placement of logos or links used for personal, promotional, commercial, or partisan political/campaign purposes is prohibited.

C. RESTRICTIONS ON THE USE OF INTERNET SERVICES:

During the 60 day period immediately preceding the date of any primary or general election (whether regular, special, or runoff) for any national, state, or local office in which the Senator is a candidate, no Member may place, update or transmit information using Senate Internet Services, unless the candidacy of the Senator in such election is uncontested. Exceptions to this moratorium include the following; posting of press releases, posting of official statements of the member appearing in the Congressional Record, and technical corrections to the website.

Electronic mail may not be transmitted by a Member during the 60 day period before the date of the Member's primary or general election unless it is in response to a direct inquiry. Exceptions to this moratorium include the following; press release distribution to press organizations, and email to perform administrative communication.

During the 60 day period immediately before the date of a biennial general Federal election, no Member may place or update on the Internet Server any matter on behalf of a Senator who is a candidate for election, unless the candidacy of the Senator in such election is uncontested.

An uncontested candidacy is established when the Rules Committee receives written certification from the appropriate state official that the Senator's candidacy may not be contested under state law. Since the candidacy of a Senator who is running for reelection from a state which permits write-in votes on election day without prior registration or other advance qualification by the candidate may be contested, such a Member is subject to the above restrictions.

If a Member is under the restrictions as defined in subtitle C, paragraph (1), above, the following statement must appear on the homepage: ("Pursuant to Senate policy this homepage may not be updated for the 60 day period immediately before the date of a primary or general election"). The words "Senate Policy" must be hypertext linked to the Internet services policy on the Senate Home Page.

A Senator's homepage may not refer or be hypertext linked to another Member's site or electronic mail address without authorization from that Member.

Any Links to Information not located on a senate.gov domain must be identified as a link to a non-Senate entity.

D. MISCELLANEOUS:

Domains and Names (URL)—Senate entities shall reside on SENATE.GOV domains. The URL name for an official Web site located in the SENATE.GOV domain must:

Member sites—contain the Senator's last name.

Committee sites—contain the name of the committee.

Office sites—contain the name of the office.

HONORING OUR ARMED FORCES

Mr. DODD. Mr. President, it is with a heavy heart that I rise to speak in memory of U.S. Army Sgt David Travis Friedrich, of Naugatuck, CT, who was killed fighting for his country in Iraq on Saturday, September 20. He was 26 years old.

Like so many of our brave men and women who are serving overseas today, Sgt Friedrich was a reservist. He was a graduate student at the University of New Haven, working on his degree in forensic science, and was also working full-time as a laboratory technician in Waterbury.

When he was summoned to active duty in January, he left behind family and friends who loved him, and a promising education and career. But Sgt Friedrich answered his country's call—and he did so in exemplary fashion.

Sgt Friedrich grew up in Hammond, NY, and was a shining star in both academics and athletics. He graduated from Brockport State College, majoring in chemistry and criminal justice, and came to Connecticut 3 years ago with dreams of becoming an investigator in law enforcement. Tragically, it was a dream he would not live to fulfill.

Everyone who knew Travis Friedrich said that he represented the best of the American armed forces and, indeed, the best of America. His friends remembered his sense of humor, and his leadership as co-captain of his college cross-country team. He also had a tremendous work ethic whether he was on the field of battle, in a classroom, or on the job. And he loved his family and friends, just as he loved his country.

When people like Travis Friedrich make the decision to enlist in our armed forces, they do so knowing that one day, they could be called upon to make profound sacrifices—and possibly the ultimate sacrifice—for this nation, and the values and freedoms that we represent.

That's not an easy decision to make, but for an individual with the courage and the integrity of Travis Friedrich, it was a natural one. "Wherever I go," Sergeant Friedrich once said, "I want to do my share." He did his share, and much, much more.

I salute David Travis Friedrich for his bravery, his heroism, and his service to his country. I offer my most sincere condolences to his parents, David and Elizabeth, and to all of his friends and family.

Mr. THOMAS. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to a young man and his family from Casper, WY. On September 23rd, 2003, Cpt Robert L. Lucero was killed in the line of duty in Iraq. While searching a building in Tikrit, Captain Lucero was fatally wounded by an explosive device that took his life and injured another soldier.

Captain Lucero was a member of the Wyoming National Guard, and was the very model of the citizen soldier. He was a vibrant young man who loved being outdoors and was an avid hunter and fisherman. He loved his family and his country. Captain Lucero had a profound sense of duty and felt a strict obligation to his country and his job as an American soldier.

It is because of people such as Captain Lucero that we continue to live safe and secure. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

Captain Lucero is survived by his wife Sherry and his mother Lois Ann, as well as many family and friends. We say goodbye to a son, a husband, a brother, a soldier, and an American. Our Nation pays its deepest respect to Cpt Robert L. Lucero for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation was proud of him.

ESSENTIAL AIR SERVICE PROGRAM

Ms. SNOWE. Mr. President, I rise today in strong support of the statement and efforts of my colleague from New Mexico, Senator BINGAMAN, on behalf of the Essential Air Service, EAS, program.

Throughout my time in Congress, I have been a strong supporter of EAS, which provides subsidized air service to 125 small communities in the country, including four in Maine—Augusta, Rockland, Bar Harbor and Presque Isle—that would otherwise be cut off from the nation's air transportation network. As approved in May by the Senate Commerce Committee, the Federal Aviation Administration reauthorization bill reauthorized and flat-funded the program for 3 years, and includes certain changes to the program, which are drastically scaled back from what the Administration proposed earlier this year for EAS "reform." The Administration had called for EAS towns to provide up to 25 percent matching contributions to keep their air service.

The Commerce Committee bill creates a number of new programs to help EAS communities grow their ridership, including a marketing incentive program that would financially reward EAS towns for achieving ridership goals. With regard to local cost-sharing—the centerpiece of the Administration's EAS proposal—the Commerce bill would create a pilot program to allow for a 10 percent annual community match at no more than 10 airports within 100 miles of a large airport.

While the cost-sharing provisions in the committee bill are much less strict than the Administration proposal, and could only be applied to a EAS community under certain specific conditions, I remain concerned about the concept of requiring EAS towns—some of which are cash-strapped and economically depressed—from kicking in hundreds of thousands of dollars annually to keep their air service. For example, if Augusta or Rockland, ME, were to be chosen for the cost-sharing pilot program, they would have to come up with more than $120,000 annually to retain their air service.

As such, on the floor I supported Senator BINGAMAN's amendment to strike the cost-sharing section from the bill and was pleased when it was approved unanimously by the full Senate. The House adopted an identical amendment offered by Representative PETERSON. And I felt so strongly about this issue that in late July I circulated a letter to the FAA conferees, signed by 15 other Senators, expressing strong opposition to having mandatory EAS cost-sharing language in the final legislative package. As such, I was extremely disappointed when that same language found itself into the FAA conference report issued on July 25.

Mr. President, the EAS program is not perfect, and Congress certainly needs to do all we can to keep the costs and subsidy levels associated with the program as low as possible. I look forward to working with members of the Commerce Committee and the Senate on the issue, but I continue to believe that requiring cost-sharing in today's economy and today's aviation environment is clearly a wrong-headed approach.

I also wanted to take this opportunity to address the larger issue of the importance of air service to America's small communities. As we work to address the vital aviation issues facing the country, we cannot forget the challenges that small communities in Maine, and throughout the Nation, face in attracting and retaining air service. I have always believed that adequate, reliable air service in our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. And quite frankly, I have serious concerns about the impact deregulation of the airline industry has had on small- and medium-sized cities in rural areas, like Maine. The fact is, since deregulation, many of these communities in Maine, and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

Many air carriers are experiencing an unprecedented financial crisis, and the first routes on the chopping block will be those to small- and medium-sized communities. This will only increase demand for the two existing Federal forms of assistance, EAS and the Small Community Air Service Grant Program.

In short, when considering this legislation, I believe that we need to do all we can to help small communities maintain their access to the national transportation system during these difficult times. Mandatory EAS cost-sharing would have the opposite effect, and I hope that the conferees strip it out should the bill be recommitted to conference.

MOTHER TERESA OF CALCUTTA

Mrs. BOXER. Mr. President, I rise to speak in praise of the late Mother Teresa of Calcutta, who will be canonized as a Roman Catholic saint later this month.

Her life and work were a blessing to everyone, regardless of creed or religion. No one who ever saw her—even on television—will ever forget Mother Teresa: the tiny nun with the wrinkled face, beaming smile, and penetrating eyes filled with love and understanding. And no one who learned of her work among the poorest of the poor will ever forget her gentle challenge to us all to do more for our fellow human beings.

Mother Teresa inspired us not only by her good works but by the spirit of love and respect for every individual that permeated her work. As she herself said in accepting the 1979 Nobel Peace Prize, "Love begins at home, and it is not how much we do, but how much love we put in the action that we do." She accepted the prize "in the name of the hungry, the naked, the homeless, of the crippled, of the blind, of the lepers, of all those people who feel unwanted, unloved, uncared-for throughout society, people who have become a burden to the society and are shunned by everyone."

In presenting the prize to Mother Teresa, Chairman John Sanness of the Norwegian Nobel Committee noted: "The hallmark of her work has been respect for the individual's worth and dignity. . . . In her eyes the person who, in the accepted sense, is the recipient, is also the giver, and the one who gives most. Giving—giving something of oneself—is what confers real joy, and the person who is allowed to give is the one who receives the most precious gift."

In her final years, Mother Teresa focused her attention and prodigious energy on establishing hospice programs for people with AIDS. "It is a terrible tragedy to have AIDS," she said, "but it is worse to be unloved." Perhaps more than any other person, Mother Teresa changed the way that the world sees AIDS. The broad, bipartisan support for international AIDS programs that has emerged in the United States Congress is largely a result of her work and message of love and compassion.

FAA REAUTHORIZATION

Mr. BINGAMAN. Mr. President, I would like to speak for a few minutes on the pending reauthorization of the Federal Aviation Administration. A conference report on HR 2115 was filed back in July, and since then there has been no further action in either house of Congress.

As I see it, the problem with the bill is that the conferees on the part of the majority chose to conduct a back-room conference without the participation of the minority. This was a flawed process, and the result is a conference report that can't pass either the House or the Senate. The House is now poised to recommit the bill to the conference. Meanwhile, Congress had to pass a short-term extension of FAA's administration just to keep the agency in operation.

I think by now all Senators are aware of the many concerns that have been raised over the FAA conference report. On a number of key measures, the conferees ignored the will of the majority in the House and the Senate and arbitrarily inserted provisions that both houses had voted to oppose. I believe adding such extraneous and objectionable provisions is an egregious violation of the conference process. All Senators should be offended by what the conferees did in this case.

Senator REID spoke Tuesday about the conferees' rejection of House- and Senate-passed provisions regarding privatization of federal air traffic controllers. I was pleased to support Senator LAUTENBERG's bipartisan amendment on this issue, which passed the Senate 56 to 41. I want to reinforce what my colleague Senator REID said yesterday about the air traffic control system. The privatization issue must be dealt with fairly, or the bill will not pass the Senate.

Another particularly egregious violation of the conference process was a provision the conferees added affecting the Essential Air Service program, which helps small, rural communities maintain their vital commercial air service. In my State, five communities participate in EAS: Alamogordo, Carlsbad, Clovis, Hobbs, and Silver City. For these communities, commercial air service provides a critical link to the national and international transportation network that would not otherwise exist.

The FAA reauthorization bill originally reported by the Senate Commerce Committee would have required EAS communities for the first time to pay to maintain their commercial air. In my view, this ill-timed proposal would have jeopardized existing commercial air service in many rural areas. Across America, our small communities are facing depressed economies and declining tax revenues and are simply not in a position to pay for their commercial air service.

To help preserve essential air service, Senator INHOFE and I offered an amendment with 13 cosponsors that struck out the mandatory cost-sharing language. Our bipartisan amendment was adopted on a voice vote. In parallel, Representatives MCHUGH, PETERSON of Pennsylvania, and SHUSTER offered an amendment that struck out similar mandatory cost-sharing language in the House's bill.

As a followup to our amendment, Senator SNOWE and I, along with Senators NELSON of Nebraska, BUNNING, SCHUMER, BROWNBACK, LINCOLN, JEFFORDS, CLINTON, INHOFE, LEAHY, PRYOR, COLLINS, HAGEL, GRASSLEY, and HARKIN, sent a bipartisan letter to the chairman and ranking member of the Commerce Committee reinforcing our strong opposition to mandatory cost-sharing for EAS communities.

Most students of Government would tell you that when a majority of both houses of Congress have voted against a particular measure, the conferees couldn't arbitrarily put it back in. Well, they did. Section 408 of the conference report basically restores the very cost-sharing language both Houses one month before had voted to reject.

This week, with the FAA conference report soon going to be recommitted to the conference, 16 Senators wrote to the conferees expressing grave concern over the restoration of the mandatory cost-sharing language and urging them to drop this harmful provision before the conference report is brought back to the full House and Senate. Thirty-five members of the House signed a similar bipartisan letter.

I want to pass an FAA reauthorization bill. The FAA plays an important role in assuring the safety of the traveling public. At the same time, New Mexico's 51 airports are in desperate need of the Federal funding provided under the FAA's Airport Improvement Program. I hope all Senators are aware that AIP was not extended under the first continuing resolution, and all new airport construction projects are on hold pending the reauthorization. With the serious unemployment situation the Nation faces, this is no time to shut down the jobs these vital airport construction projects produce.

I've come to the floor today to urge the conferees to work together in a bipartisan manner to produce a conference report that all Senators can support. Inserting controversial measures in conference that are opposed by both houses has left us with an FAA conference report that is essentially dead. In my opinion, imposing mandatory cost sharing for EAS communities, which a majority in both houses rejected, will only delay further the FAA reauthorization bill.

I do believe that by returning the FAA bill to conference we can begin to work in a bipartisan manner to restore integrity to the conference process that all Senators should demand. When this bill goes back to conference, I urge the FAA conferees to do the right thing for rural communities across America by preserving the Essential Air Service Program.

I ask unanimous consent to print the above-referenced letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 24, 2003.

Hon. JOHN MCCAIN,
Chairman, U.S. Senate Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.
Hon. ERNEST HOLLINGS,
Ranking Member, U.S. Senate Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR GENTLEMEN: We want to thank you for your leadership in developing S. 824, "The Aviation Reinvestment and Revitalization Vision Act" (AIR–V). As you lead the Senate conferees and complete work on settling differences in the House companion, H.R. 2115, we want to express our support for the Senate position and our strong opposition to the inclusion of any Essential Air Service (EAS) mandatory cost-sharing language in the final legislative package.

As you know, EAS provides subsidized commercial air service to 125 small communities nationwide that would otherwise be cut off from the air transportation network. The Committee-reported version of S. 824 includes a number of innovative provisions to help EAS communities grow their ridership, including a marketing incentive program that would financially reward EAS towns for achieving ridership goals. At the same time, the Committee's bill proposed a pilot program requiring a 10 percent annual community cost-sharing requirement at EAS airports within 100 miles of any hub airport. In the end, the full Senate did not endorse the concept of an annual local community match, having on June 12 unanimously approved an amendment offered by Senators BINGAMAN and INHOFE to strike the EAS cost-sharing provisions in S. 824. In addition, the House passed its FAA Reauthorization bill after voting not to include cost-sharing for EAS.

While the Commerce Committee's proposed cost-sharing would have only applied to an EAS community under certain specific conditions, we remain concerned about the concept of mandatory cost-sharing. Some of these cash-strapped communities in economically depressed rural areas of our states would be unable to contribute the hundreds of thousands of dollars necessary to keep their air service. As such, we ask that the final version of the FAA Reauthorization legislation reflect the Senate's position on this issue and not include any EAS cost-sharing language.

We look forward to working with you and other members of the Senate Commerce Committee on modernizing and strengthening the EAS program. Thank you for your consideration of our views on this issue and we hope they will be considered during the upcoming conference committee.

Sincerely,

Olympia Snowe, Jeff Bingaman, E. Benjamin Nelson, Jim Bunning, Charles Schumer, Sam Brownback, Blanche L. Lincoln, James M. Jeffords, Hillary Rodham Clinton, Jim Inhofe, Patrick Leahy, Mark Pryor, Susan Collins, Chuck Hagel, Chuck Grassley, Tom Harkin.

U.S. SENATE,
Washington, DC, September 29, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.
Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.
Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

GENTLEMEN: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization conference report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

The local cost share provision was removed from S. 824 by a bipartisan amendment offered by 15 senators, which passed on a voice vote. Likewise, a similar local cost share provision was removed from H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act conference report before it is brought to the House and Senate floors for consideration, and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

Jeff Bingaman, Olympia Snowe, Hillary Rodham Clinton, Patrick Leahy, Blanche L. Lincoln, Jim Jeffords, Mark Pryor, Tom Harkin, Charles Schumer, Tom Daschle, Arlen Specter, E. Benjamin Nelson, Susan M. Collins, Chuck Grassley, Mark Dayton, Chuck Hagel.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 24, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce Science and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100-Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

As you known, the local cost share provision was removed in H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster, which passed by a voice vote. Likewise, a similar local cost share provision was removed from S. 824 by an amendment offered by Senator Bingaman.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold affects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100-–Century of Aviation reauthorization Act Conference Report before it is brought to the House and Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, John McHugh, Jerry Moran, Bill Shuster, Chris Cannon, John Shimkus, Marion Berry, Barbara Cubin, Charles F. Bass, Ron Paul, John Tanner, Frank D. Lucas, Scott McInnis, Kenny C. Hulshof, Rick Renzi, Rob Bishop, Dennis A. Cardoza, Jim Gibbons, Jim Matheson, Ed Case, Anibal Acevedo-Vilá, Mike Ross, Tom Udall, Lane Evans, Timothy Johnson, Bernie Sanders, John Boozman, Tom Latham, Heather Wilson, Ron Lewis, Jo Ann Emerson, Doug Bereuter, Bart Stupak, Collin C. Peterson.

INDEPENDENT COMMUNITY PHARMACIES

Mr. PRYOR. Mr. President, I rise today to acknowledge our Nation's independent community pharmacists for their diligent work, expansion of services, and consistent high quality service.

Independent community pharmacies are a strong part of our health care delivery system and a significant part of local economies. In fact, independent pharmacies, independent pharmacy franchises, and independent chains represent a $67 billion marketplace. Clearly, independent pharmacies create jobs while providing high quality services to consumers.

Independent community pharmacies play a critical role in local communities, a role which has enhanced the level and quality of pharmacist-patient personal interactions and has led to high satisfaction rates from consumers. Independent pharmacies should be commended for their accessibility, immense knowledge about medications, and broad inventories of medications. These observations were validated by more than 32,000 readers surveyed by Consumer Reports, which found that "more than 85 percent of customers at independent drugstores were very satisfied or completely satisfied with their experience."

Pharmacists are health care professionals who consistently strive to improve care and promote the safe use of drugs. In addition to dispensing medications, many independent pharmacies offer other services to meet the needs of their customers. This includes providing health screenings, disease management information, and even home delivery.

I am honored today to recognize the achievements of independent pharmacies for their excellent job in serving the pharmaceutical and other health care needs of consumers in their communities. As Congress moves forward with enacting a Medicare prescription drug benefit, it is essential that we preserve the quality care being provided by community pharmacies.

Mr. President, I ask unanimous consent to print in the RECORD an article from the October 2003 issue of Consumer Reports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIME TO SWITCH DRUGSTORES?

If you're among the 47 percent of Americans who get medicine from drugstore giants such as CVS, Eckerd, and Rite Aid, here's a prescription: Try shopping somewhere else. The best place to start looking is one of the 25,000 independent pharmacies that are making a comeback throughout the U.S.

Independent stores, which were edging toward extinction a few years ago, won top honors from Consumer Reports readers, besting the big chains by an eye-popping margin. More than 85 percent of customers at independent drugstores were very satisfied or completely satisfied with their experience, compared with 58 percent of chain-drugstore customers.

Many supermarket and mass-merchant pharmacies also did a better job than the best-known conventional chains at providing caring, courteous, knowledgeable, and timely service. And in a nationwide price study we conducted, the chains we evaluated charged the highest prices—even slightly more than the independents.

Those findings come from our latest investigation into the best places to shop for prescription medications. More than 32,000 readers told us about more than 40,000 experiences at 31 national and regional drugstore chains (like CVS, Genovese, Osco, Rite Aid, and Walgreens); supermarket-pharmacy combos (such as Kroger, Publix, and Safeway); mass-merchant pharmacies (like Costco, Target, and Wal-Mart); and independent pharmacies across the nation.

For most consumers, insurance covers at least some of the cost of prescription drugs, so our Ratings emphasize service factors that affect everyone. For consumers who have to pay more than a small percentage of their prescription-drug costs, including more than a third of our readers, our price study indicated where to save money. (See Where to shop, how to save.)

Among the other highlights of our research:

Some of the drugstore chains and supermarkets that readers favored are family owned or businesses in which workers have a stake. Medicine Shoppe, the top "chain," is actually a collection of about 1,000 individually owned and operated stores with a common parent company. Among supermarkets, high-rated Wegmans (in New Jersey, New York, and Pennsylvania) is family owned; and at high-rated Publix (in the South), most workers are stockholders.

Forty percent of readers said that at least once during the past year, their drugstore was out of the medicine they needed.

Our market basket of a month's worth of five widely prescribed medications cost $377 to $555, depending on where we shopped. For a family needing all five drugs, that difference would exceed $2,000 a year.

SORTING OUT THE STORES

Most people start by searching for a store that accepts their insurance plan. Fortunately, that isn't the hassle it used to be, especially since independents are accepting more plans these days. Insurers once considered the disparate stores too much trouble to work with, but they realized that keeping independents out of their networks alienated customers and didn't cut costs as much as they'd hoped. Also, 33 states have adopted "any willing provider" laws, which require insurance companies to take into their networks any pharmacy that's willing to accept the insurer's reimbursement rate. As a result, you have a greater choice of where and how to shop.

The basic choices:

Independents: Service is all. Prescription drugs are the independents' lifeblood, accounting for 88 percent of sales. That means independents can be a good source of hard-to-find medications. (The chains, where drugs account for 64 percent of sales, tend to focus on the 200 most-prescribed drugs.)

That focus on prescriptions can mean more personal attention. Readers said that pharmacists at independent stores were accessible, approachable, and easy to talk to, and that they were especially knowledgeable about medications, both prescription and nonprescription.

The independents (and some chains) offer extras such as disease-management education, in-store health screenings for cholesterol, services such as compounding (customizing medications for patients with special needs), and home delivery.

Many independents are affiliated with programs such as Good Neighbor or Value-Rite, whose names you'll see in the stores. These "banner" programs, offered by wholesale product suppliers, help independents with marketing and with the sale of private-label products, improving purchasing power and name recognition much the way ServiStar and True Value help small hardware stores compete with Home Depot and Lowe's.

About half of the nation's independents have Web sites, where you can generally order medicine and find some health information but not much more.

Chains: Convenient but crowded. With about 20,000 stores nationwide, mega-drugstores are in nearly everyone's backyard. Many are open around the clock, have a drive-through pharmacy for faster pickup, and let you order online or by punching a few numbers on a telephone. You can even set up your Web account to have renewals automatically processed and readied for pickup or mailing. The biggest chains let you check prices online. Another advantage: The chains accept payment from lots of health plans (managed care pays for 80 percent of all conventional-chain prescriptions).

Now for the drawbacks. The chains' locations in populous areas and their acceptance of a plethora of plans has made them, in effect, too popular, and service is suffering. Except for Medicine Shoppe, chains typically made readers wait longer, were slower to fill orders, and provided less personal attention than other types of drugstores.

Like other drugstores, the chains have experienced shrinking reimbursement from insurers. They've helped maintain profits by selling everything from milk to Halloween costumes. That makes one-stop shopping possible (if your list isn't too specific), but it also can create bottlenecks at the checkout.

Supermarkets: One stop does it. There are fewer than 9,000 supermarkets that include a pharmacy, but the number is rising. One-stop shopping is the attraction. Many supermarkets put the pharmacy near the entrance for easy access and to attract store traffic. For those very reasons, however, you may not have as much privacy to consult with the druggist as you would elsewhere.

Supermarkets have online pharmacy sites, usually as a link from the home page, but they're often less comprehensive than those of big drugstore chains.

Mass merchants: Low price is key. Like supermarkets, these stores sell a wide variety of goods. But their main draw is low prices. One in five readers who bought medication from a mass merchant had no prescription-drug coverage. In our price study, only Web sites sold medications as cheaply. In our survey, ShopKo and Target were among the high-rated mass merchants; Wal-Mart was worse than most others.

All of the mass merchants in our survey have Web sites for ordering prescriptions, but only the Costco site lets you check drug prices.

Online: Low prices, no face time. Virtual pharmacies come in two basic flavors. There are adjuncts to brick-and-mortar stores, where you can order online and receive your prescription by mail or pick it up. Then there are sites such as www.drugstore.com and www.aarppharmacy.com, which have no store and simply mail the medicine to you. With both types of site, you can enter the name and quantity of the drug online; a pharmacist will confirm the prescription with your doctor. (Often, you can fax or mail a paper prescription instead and wait for it to be approved, but that can add days to the process.)

Anytime you're not picking up from a pharmacist, you lose a chance for personal contact, a consideration if you're using a medication for the first time or are juggling medications. To compensate, the stand-alone Web sites—and those operated by the drug chains and some mass merchants—make it easy to e-mail questions to pharmacists 24/7, research medical topics, search online for potentially dangerous drug interactions, receive e-mail refill reminders, keep track of your medications, and note any drug allergies. Drugstore.com will also alert you if the branded drug you're taking becomes available in generic form.

It can take as little as a couple of hours for your medicine to be ready if you order from a chain and are willing to retrieve it, or as long as three to five business days if you ask for it to be mailed standard shipping. That's free or nearly so. You can pay about $15 to have medicine overnighted (refrigerated medicines must be sent that way). Web sites can't ship every controlled substance.

When you use a Web site, you can avoid waiting in line, of course, and you'll tend to pay lower prices, even when shipping costs are included. No computer? No problem. Sites have toll-free numbers.

Four percent of our readers had bought medications online, most often from drug chains, and three-quarters of those said the transaction went smoothly: Their order was processed quickly enough for their needs, and e-mailed questions were answered promptly. (For details on ordering via the Web, see The online option.)

GETTING BETTER SERVICE

Some stores did far better than others in service, speed, and information provided by the druggist. The most frequent complaints: Drugs were out of stock, readers had to wait a long time for service at the pharmacy counter, and prescriptions weren't ready.

Drugstore chains and supermarkets were most likely to be out of a requested drug. When a drug was out of stock, independents were able to obtain it within one day 80 percent of the time, vs. about 55 to 60 percent for the other types of stores. Only 9 percent of the time did independent customers have to wait at least three days for an out-of-stock drug or find it elsewhere, vs. at least 18 percent of the time for other types of stores.

Drugs were out of stock more often this time than when we published our last drugstore survey, in 1999. The steepest jump took place at Albertsons, Giant, and Longs Drugs, whose out-of-stocks increased by more than 15 percentage points. That's probably the case in part because the number of prescriptions being written is growing faster than the shelf space.

Overall, 27 percent of readers complained about long waits. It's no wonder. Pharmacists fill nearly 4 billion prescriptions a year, an average of almost 200 per day for each pharmacist, and spend one-fourth of their time on administrative work such as calling doctors and dealing with insurance companies. Moreover, there's a shortage of druggists—there are approximately 5,500 job openings around the U.S. At CVS, Genovese, Longs Drugs, and Sav-On, about 40 percent of readers complained of long waits for service. Lines were short at Medicine Shoppe (only 6 percent of readers complained) and at the independents (8 percent).

Twenty percent of readers overall said that their prescription wasn't ready when promised. Among the worst offenders: CVS, Genovese, and Rite Aid, where prescriptions weren't ready nearly one-third of the time. Better-prepared stores included Medicine Shoppe, Publix, ShopKo, Winn-Dixie, and the independents.

Other complaints focused on how pharmacists interact with customers. Worst offenders: the drugstore chains, where 10 percent of readers said they did not receive enough personal attention from their pharmacist. Best: You guessed it—the independents—where only 2 percent of readers found fault.

Service may improve in all stores, eventually. In many states, regulators are giving technicians more authority to assist druggists. Technology is also lending a hand in the form of robotic machines that dispense medications. They do everything but cap the bottle (which goes uncapped to the pharmacist for a final inspection).

Although only a small fraction of doctors are now writing e-prescriptions, they are the wave of the future. Doctors use a handheld device to transmit your prescription to the drugstore. The procedure avoids one of druggists' biggest problems and a contributor to the rising incidence of drug errors: deciphering doctors' handwriting.

While waiting for the future, you might improve the odds of getting good service now by patronizing an independent pharmacy. But whatever drugstore you use, you're apt to get better service by following some simple advice:

Avoid waiting. Order drugs online or by phone, then pick them up (or, if you're not in a rush, have them mailed). If you plan to pick up drugs, check from home whether the doctor and druggist have connected and the prescription is ready.

Establish a good relationship. Make sure you can step aside and talk privately with the pharmacist and that you can reach him or her by phone. The pharmacist should volunteer details about the drug and be able to answer questions about nonprescription products, too. With online pharmacies, make sure you receive prompt, thorough answers to questions submitted by e-mail.

Get good advice. Check that the pharmacy keeps and updates your medication records, which should reduce the risk of a drug conflict or adverse reaction. Don't walk away from the counter without knowing the following: what to do if you miss a dose; how many refills are permitted; how to store the drug and when it expires; what side effects to expect, along with which to ignore and which to contact your doctor about; and foods, drugs, supplements, or situations to avoid while taking the medication.

THE NEED FOR MENTAL HEALTH PARITY

Mr. FEINGOLD. Mr. President, I rise today to call attention to an issue that affects every community in this country, and that is mental illness. Next week is Mental Illness Awareness Week, and I think the best way that we in the Senate can recognize this event is to ensure parity for mental health treatment in our Nation's health care system.

Mental illness has a drastic impact not only on the country's health, but also on its economic well-being. According to the 1999 Surgeon General's report on mental illness, the unequal coverage of mental illness treatment results in direct business costs of at least $70 million per year, mostly due to lost productivity and increased use of sick leave. Earlier this year, the President's New Freedom Commission on Mental Health released a report laying forth goals and objectives to transform mental health care in the United States. According to this report, mental illness ranks first among illnesses that cause disability in this country, and the indirect costs of mental illness are estimated to be $79 billion a year. This report goes on to reaffirm the President's call for Federal legislation to provide full parity between coverage for mental health care and for nonmental health care.

Over the past two decades we have made great strides in the area of mental illness. Not only are a number of innovative, beneficial treatments available for sufferers of mental illness, but we have also worked to eradicate many of the social stigmas that have too often accompanied mental illness. However we still have much to do for those who suffer from potentially debilitating and destructive mental illnesses.

Currently, those with mental illness often struggle to obtain necessary medical treatment, even when they have sufficient health insurance. Employers who offer health benefits to their employees can impose limitations on the treatment of mental illness, while not placing similar limitations on the treatment of physical illness. This discrimination prevents many from obtaining the medical treatment they need.

I urge my colleagues in the Senate to answer the President's call, and recognize Mental Illness Awareness Week by ensuring that those suffering from mental illness have access to medical treatments that will help them to preserve the quality of their lives.

HONORING THE U.S. ARMY FORCES COMMAND

Mr. CHAMBLISS. Mr. President, I rise today to honor and recognize the U.S. Army Forces Command, headquartered at Fort McPherson, GA, as it celebrates 30 years of dedicated service to our great Nation.

On July 1, 1973, U.S. Army Forces Command was formed as part of a Department of the Army initiative to reorganize its major headquarters and establish a professional, volunteer force.

U.S. Army Forces Command is the Army's largest major command. It trains, mobilizes, and deploys ready land forces in support of operations worldwide. U.S. Army Forces Command units have been integral in fighting the global war on terrorism abroad as well as in defense of our homeland. These soldiers are deployed for our Nation in the Balkans, Kuwait, Iraq, Afghanistan, the Sinai, Central and South America, and throughout the continental United States.

Having conducted the largest mobilization of Army Reserve and National Guard forces since the Korean war in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, U.S. Army Forces Command units have demonstrated the strong and seamless partnership that exists between the active and reserve components.

Wherever U.S. Army Forces Command's soldiers and units deploy, they accomplish their mission with exemplary professionalism. U.S. Army Forces Command's soldiers across the globe are advancing the proud record of success achieved by earlier generations of American fighting men and women.

I am extremely proud to have U.S. Army Forces Command headquartered in my State. I take this opportunity to commend them and ask my colleagues to join me in honoring their 30th anniversary and offer best wishes for many more years of proud service to our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO MS. SELENA FLORENCE'S CLASS AT ADAMSVILLE ELEMENTARY SCHOOL

• Mr. SESSIONS. Mr. President, I would like to take this opportunity to recognize a group of students in my home State of Alabama. In July, students from Adamsville Elementary in Adamsville, AL, traveled to San Francisco to present a portfolio at the seventh annual We the People: Project Citizen National Showcase. Middle school classes from 43 States submitted portfolios on issues ranging from drugs in schools to recycling. In each portfolio, students identified a problem, evaluated alternative solutions, proposed a class policy, and developed an action plan to implement their proposed policy. Portfolios were evaluated by State legislators, legislative staff, and educators from across the country. Scoring criteria for the portfolios included persuasiveness, practicality, coordination, and reflection. Portfolios were evaluated based on four levels of achievement: superior, exceptional, outstanding, and honorable mention.

The title of the Adamsville Elementary Project Citizen portfolio was "Making a Difference in Blackwell Park." The class chose to focus on Blackwell Park, a city park a few blocks from the school. The park is in bad shape and has deteriorated over the years. While there are funds in the city budget for the park, they have often been diverted to other park complexes. The class proposed a policy that would divide all the money in the city budget equally among the city's parks. I am proud to say that the Adamsville students placed in the Exceptional Achievement Level.

I would like to pay special tribute to the teacher of the class, Selena Florence. The students of the Adamsville Elementary Project Citizen class are: J.D. Barnes, Zaiere Brigman, Zach Burford, Brittany Chandler, Dakota DeLuca, Sheldon Dumas, Demetrius Eutsey, Jessica Garrett, Tiffany Hayes, Josh Hughes, Braylen Jones, Chris Jones, Joshua Langford, Lauren Leblanc, Shelby Manning, Amanda McDuff, Justin Motley, Shalani Offord, Nicole Sanders, Austin Shadix, Brandon Shipp, Rayna Warren, and Chatney Williams.

The achievements of these students are proof that the civic education initiative we approved in this chamber is paying dividends. Project Citizen, which is part of the civic education initiative of the No Child Left Behind legislation, is giving students the lifelong skills they need to be effective, engaged, and informed citizens. I commend the Center for Civic Education and the National Conference of State Legislatures for their leadership in sponsoring this excellent service learning-type program. I also would like to commend Wade Black, the state coordinator from the Alabama Center for Law & Civic Education for his work in administering the program in my State.•

CONGRATULATIONS TO DEBORAH FLATEMAN AND VERMONT FOOD BANK

• Mr. JEFFORDS. Mr. President, I want to take a few minutes to congratulate and thank Vermont Foodbank and its Chief Executive Officer, Deborah Flateman, for their inspired tenacity and expertise in the fight against hunger in Vermont. Access to nutritional food is a fundamental right for all people and the Vermont Foodbank's philosophy seeks to eradicate the persistence of hunger by constructing a system that assures every person—not just the poor—equal access to quality food. According to the Vermont Office of Economic Opportunity, food shelf caseloads have increased 69 percent over the past 10 years. Vermont Foodbank's contribution to the cause has more than quadrupled over the past 6 years, from 1.5 million pounds of food distributed in 1997 to more than 7 million in 2003.

As its leader, Deborah Flateman has devoted her energy and expertise to placing the Vermont Foodbank on the fast track towards ending hunger. From successfully raising $2.1 million and building a state of the art facility, to hiring quality personnel, to partnering with the Vermont state government to create and implement an innovative Community Kitchen, Ms. Flateman has raised the standards of best practice. The Vermont Foodbank is a lively organization with a strong ethical base and a stellar reputation.

Deborah Flateman's personal achievements illustrate her vested commitment to ending hunger. In addition to exhibiting leadership on the local and State levels, Ms. Flateman has occupied posts on the national and international levels for America's Second Harvest, including work on an international conference planning committee and the Public Policy Task Force. In the year 2000, Ms. Flateman personally solicited $800,000 for new facilities to accommodate the Foodbank's growing operation. She has also been an integral member of the Eastern Region Affiliates Association of America's Second Harvest, and was elected chairperson in 2002. Recently, Ms. Flateman accepted the Model Program Hunger's Hope Award from America's Second Harvest on behalf of the Vermont Foodbank.

With Deborah Flateman at the helm, the Vermont Foodbank has done a first rate job in addressing hunger in the Green Mountain State. The Vermont Foodbank has made exceptional progress in a short time, and its successes mark victory after victory in the fight against hunger.●

TRIBUTE TO LIEUTENANT GENERAL JOHN M. LeMOYNE, U.S. ARMY, ON HIS RETIREMENT

● Mr. NELSON of Florida. Mr. President, I rise today to recognize a great patriot, soldier and fellow Floridian, LTG John M. LeMoyne. General LeMoyne is retiring after a distinguished 35-year career in the United States Army.

John LeMoyne entered military service in 1968 after graduating from the University of Florida, in Gainsville, FL. He was commissioned through ROTC as a second lieutenant in the Infantry and has served with distinction for over three decades in peace and during two wars. Most notable was his final assignment as the Army's Deputy Chief of Staff for Personnel, G–1. He was personally selected by the Army's senior leadership to serve as its head personnel officer and to take control of an organization which had sustained substantial casualties during the September 11 terrorist attack on the Pentagon. His calm hand, steady leadership and personal touch were instrumental in guiding the organization through a period of mourning and reconstitution, while continuing to support the Army's many personnel needs. Over the past 2 years, during a period of unprecedented global action, with Operations Enduring Freedom and Iraqi Freedom, General LeMoyne ensured that the Army's personnel challenges were met.

Throughout his career, General LeMoyne has distinguished himself in numerous command and staff positions both overseas and in the United States. In Vietnam, he commanded an infantry company, where he was recognized for his heroism and received a Purple Heart. In Europe, his assignments included command of the 3rd Battalion, 30th Infantry, 3rd Infantry Division; Operations Officer and later Chief of Staff for the U.S. Army Europe and Seventh Army. General LeMoyne's stateside assignments included serving as the Commander, 1st Brigade, 24th Infantry Division and Commanding General, U.S. Army Infantry Center, Fort Benning, GA. While in command of the 1st Brigade during Operation Desert Storm, General LeMoyne's unit led the famous "Hail Mary" into the Iraqi Army's rear which contributed to the quick end of hostilities and the defeat of the Iraqi Army in Kuwait.

Mr. President, I ask my colleagues to join me in thanking General LeMoyne for the leadership he has provided, for the care and concern he has demonstrated for our soldiers and their families and for his dedicated and honorable service to our Nation and its Army. As he returns to Gainsville, we wish him, his wife Marion and family Godspeed and all the best in the future.●

RAJESH (RAJ) SOIN 2003 ELLIS ISLAND MEDAL OF HONOR RECIPIENT

● Mr. VOINOVICH. Mr. President, I rise today to congratulate and pay tribute to Mr. Raj Soin of Beavercreek, OH as a 2003 Ellis Island Medal of Honor recipient.

The prestigious Ellis Island Medal of Honor award is presented annually to "remarkable American who exemplify outstanding qualities in both their personal and professional lives," and "who have distinguished themselves as citizens of the United States, while continuing to preserve the richness of their particular heritage."

Mr. Soin was born in New Delhi, India in 1947 and graduated from Delhi University in 1969 with a Bachelor's degree in Mechanical Engineering. After graduation, he came to the United States with barely enough money to make his way to Bradley University, where he earned a Master of Science degree in Industrial Engineering in 1971, while working as a research assistant. Mr. Soin continued his postgraduate studies in business and finance, at Bradley University, Illinois State University, and the advanced management programs at Harvard University and The Wharton School of the University of Pennsylvania.

Raj Soin and his wife, Indu, became proud citizens of the United States in 1978.

In 1984, Raj Soin created his company, Modern Technologies Corporation, MTC, on a dream. MTC was founded with the idea of proving engineering and technical services to the Department of Defense, but quickly became an incubator that has spawned numerous businesses in a variety of industries. From its inception, MTC has grown at an exceptional rate and was hailed as one of the fastest growing companies in the United States by Inc. magazine for 4 consecutive years. In June 2002, MTC Technologies was listed on NASDAQ. Today the company has sales in excess of $140 million and employs over 1100 people in 25 cities and 18 States.

With the success of his company, Modern Technologies Corporation, he could have chosen to channel his energies solely toward his business. Instead, he believes in contributing to the community that has given him so much. And the one area in which Mr. Raj Soin has made a particular difference has been in the area which has had such an enormous impact on his own life—education.

When I was Governor of Ohio, one of the goals that I set for my administration was to celebrate the cultural diversity of our State by seeking out individuals from non-traditional ethnic groups and giving them an opportunity to serve.

I was so impressed by Raj's devotion to education, that as Governor, I appointed him to Wright State University's Board of Trustees in 1993. One of the main reasons that I asked Raj to serve on the Board of Trustees was that he constantly mentioned the fact that we needed to do a better job in higher education, that we needed to do a better job in secondary and primary education.

He has served with great distinction and is held in the highest regard by his colleagues. More important is the fact that through his work on behalf of Wright State University, Raj has directly touched the lives of so many. Raj Soin has truly made a difference on behalf of the citizens of Dayton, the State of Ohio and thousands of Wright State University graduates.

Because of his commitment to higher education and in honor of his accomplishments and support of the University, in 2000, the business college at Wright State was renamed the Raj Soin College of Business and I was delighted to be on campus in Dayton, OH, for the dedication ceremony.

Raj's determination, his hard work and his selflessness are traits that all of us should strive to emulate, not only in business, but in life, because there are rewards that are greater than money—particularly, the ability to make a difference in the lives of one's fellow man.

For example, Raj is the founding trustee and first president of the Ohio-India project. Two of the local projects of the Ohio-India Project are the Ghandi House, a transitional house for women in need and the Annual Day of Caring, which started as a local event and is now conducted in several states with expectations of becoming a national program.

Additionally, as Governor, we led a trade mission to India in April of 1996, and I had the chance to see Raj Soin in action when his company, Modern Technologies Corporation and CMC Limited announced their joint agreement to, among other things, greatly expand India's access to the Internet.

Mr. Soin's company, MTC Technologies also supports many community projects through the MTC Foundation. MTC not only provides part of the funding for the Foundation, but permits and encourages employers to spend company time to help with the Foundation's work.

Raj Soin serves as a member of the Board of Directors of Victoria Theatre Association, and on the Board of Directors of the Kettering Medical Center Network. He is a past member of the Board of Trustees of Wright State University, the Advisory Board of KeyBank, and Dayton District. He is a founding trustee and past president of Asian Indian American Business Group. He has also served as a member of the Dayton Area Chamber of Commerce Board of Trustees; member of the Ohio Business Roundtable; Co-Chair of the Center for Information Technology in Dayton; member of the Board of Dayton Council on World Affairs; and member of the Board of the Dayton Air and Trade Show.

Mr. Soin has received many awards, including: The National Conference of Christians and Jews Humanitarians Award, Ernst & Young's Master Entrepreneur, and Beavercreek Chamber of Commerce Business Person of the Year.

Even with all the business success he has enjoyed and all the charitable and philanthropic acts that he has undertaken, perhaps what best exemplifies Raj Soin is the fact that he is a loving husband, devoted father and caring son. I have been to Raj and Indu's home and I have been with them at other occasions and observed the genuine love and admiration they have for each other and their pride in their two sons.

Raj understands, as so many Asian Indians do, that the family is the backbone of our society.

I remember also on our business mission having the pleasure of meeting Raj Soin's father. You could not help but see how proud he was of Raj. And that love and respect was mutual; for Raj is the main benefactor for the Sukh Dev Raj Soin Hospital which is being built in memory of his father in India.

Raj has been a role model in every sense: in terms of his family, in terms of his contributions to his "extended family" in the community, and in terms of his success in business.

Raj Soin is indeed a remarkable American of the highest integrity in both his personal and professional life. He has made many outstanding contributions to the Asian Indian community, to his local community in Dayton, OH and to American society.

Raj Soin is a man who came to our shores in search of a dream, who started from scratch and became a success in his adopted country, and then he went back to his homeland to help millions of people join the information age. There is just one way to describe it—only in America could such an opportunity arise to be successful and to serve.

I am proud to recognize my friend, Raj Soin, and congratulate him on this wonderful honor.•

THE 70TH BIRTHDAY OF VERONICA MARRON AND ELIZABETH MARRON

• Mr. NELSON of Nebraska. Mr. President, today I would like to recognize the upcoming birthday of two native Nebraskans—both fine educators, loving mothers, and devoted wives.

Veronica and Elizabeth Marron were born Oct. 14, 1933, to parents Harry and Pearl Marron, in Waterbury, NE. They were the last children of five, including Joe, Leonard and Gene. Fraternal twins, the girls were called Bonnie and Betty from childhood.

The twins graduated from Newcastle High in 1951, with Betty earning valedictorian and Bonnie salutatorian and Girls' State honors. Although just 17-years-old, both quickly earned teaching certificates and started work in Dixon County's country schools.

That was just the beginning of two lifetimes dedicated to education and twin, true passions for teaching. Both women taught for more than 30 years, with Bonnie ending her career at the O'Neill Public Schools and Betty at Falls City Elementary School.

Bonnie married Jim Lowe of Ponca and had four children, Peggy, Paula, Ann and Patrick. Betty married Phil Slagle of Falls City and also had four children, Scott, Todd, Jeff and Jay.

On October 14, 2003, Bonnie and Betty will celebrate 70 years of living "the good life" in Nebraska. I join their family and friends in wishing them a very happy birthday, and many more.•

TRIBUTE TO WILLIAM HOWARD TAFT ELEMENTARY

• Mr. CRAPO. Mr. President, I would like to honor William Howard Taft Elementary School in Boise, ID, on receiving the prestigious No Child Left Behind Blue Ribbon Schools Award. The Blue Ribbon Schools Award is highly sought after and is awarded to schools that demonstrate dramatic gains in student achievement. Taft reflects our Nation's commitment to high academic standards and accountability. Taft teachers, parents, and students have demonstrated they are "deeply committed to establishing and upholding high standards of learning." This is reflected in the success of their students.

Of course, improvement and achievement do not happen in a vacuum. Behind this award lie days, weeks, and months of hard work by dedicated individuals who have been actively involved in the teaching and learning process. Dr. Susan Williamson, Taft's Principal, and her staff have reaffirmed our commitment to high-quality education in Idaho. I am pleased to commend Dr. Williamson, as well as the teachers, parents, administrators, community members and all 353 students who have helped make Taft Elementary such a great place to learn. As a recipient of The Blue Ribbon Schools Award, William Howard Taft Elementary, you do Idaho proud.•

TRIBUTE TO THE SENTINEL

• Mr. CRAPO. Mr. President, today I honor North Idaho College's student newspaper The Sentinel for over 70 years of exceptional journalism. Since the 1930s, North Idaho College has published a student newspaper in Coeur d'Alene. The Sentinel has a remarkable record of honors, including the Robert F. Kennedy Journalism Award, in addition to several regional and national first place awards in various competitions. It is perhaps the newspaper's most recent awards that demonstrate most clearly the tremendous passion and dedication to excellence that exists at the Sentinel.

At this year's Society of Professional Journalists' national convention, The Sentinel received first place in general excellence for nondaily newspapers, and first place in the online newspaper category. In both competitions, North Idaho College, a 2-year school, was chosen over 4-year schools with much larger enrollments.

North Idaho College, former Sentinel Managing Editors Betsy Dalessio and Jerry Manter, advisor Nils Rosdahl, and all members of The Sentinel staff past and present are to be commended for their hard work in creating a newspaper of distinction. They, along with all of the citizens of the State of Idaho, can be proud of North Idaho College's award-winning student newspaper, The Sentinel.•

TRIBUTE TO DAVID BROWN

• Mr. GRAHAM of South Carolina. Mr. President, I would like to take this opportunity to recognize the accomplishments of one of my constituents, David Brown. I rise to commend him for his tenure as president and CEO of the South Carolina Greater Greenville Chamber of Commerce as he leaves after 9 years of service.

Under David's leadership the chamber has received capital investment commitments exceeding $3 billion, resulting in 15,000 new job opportunities in the Greenville area.

During his tenure, the chamber has become instrumental in infrastructure development, education reform, and workforce development, creating the Corporate Partnership for Operational Excellence and the Carolina First Center for Excellence. Other major projects under David's leadership include the Southern Connector, Bi-Lo Center Arena, and several industrial parks.

A graduate of Dartmouth College, David has served as the president of the Monroe County, Michigan Industrial Development Corporation and the president of the Fort Wayne, IN Chamber of Commerce. David and his wife, Maggie, have two sons: Gregory and Elijah.

I invite you to join me in thanking David Brown for his service in the Greater Greenville Chamber of Commerce and his dedication to the State of South Carolina.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference: Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. KOLBE, Mr. NETHERCUTT, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. OLVER, and Mr. OBEY.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1260. An act amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

H.R. 1276. An act to provide downpayment assistance under the HOME Investment Partnerships Act, and for other purposes.

H.R. 2608. An act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

H.R. 3034. An act to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, and for other purposes.

H.R. 3038. An act to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 271. Concurrent Resolution congratulating Fort Detrick on 60 years of service to the Nation.

ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled bills:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 1:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion.

At 3:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and 'Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference: Mr. REGULA, Mr. ISTOOK, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. WELDON of Florida, Mr. SIMPSON, Mr. YOUNG of Florida, Mr. OBEY, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker House has signed the following enrolled bill:

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building."

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1260. An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1276. An act to provide down payment assistance under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2608. An act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3034. An act to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3038. An act to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 271. Concurrent Resolution congratulating Fort Detrick on 60 years of service to the Nation; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 2, 2003, she had presented to the President of the United States the following enrolled bill:

S. 570. An act to amend the Higher Education Act of 1965 will respect to the qualifications of foreign schools.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4473. A communication from the Acting Division Chief, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations" (RIN0648-AP93) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4556. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, MO Doc. No. 03-ACE-58" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4557. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; St. Joseph, MO Doc. No. 03-ACE-70" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4558. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sullivan, MO Correction Doc. No. 03-ACE-63" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4559. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of V-13 and V-407; Harlingen, TX Doc. No. 03-ASW-1" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4560. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 60 Airplanes Doc. No. 2000-NM-408" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4561. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Doc. No. 2003-NM-179" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4562. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 and 300 Series Airplanes" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4563. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, 10F- , 30, 30F (KC-10A and KDC-10), 40, and 40F Airplanes and Model MD-10-10F and 30F Airplanes Doc. No. 2002-NM-164" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4564. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes Doc. No. 2003-NM-137" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4565. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eagle Aircraft (Malaysia) Sdn. Bhd. Model 150B Airplanes Doc. No. 2000-CE-23" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4566. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42-500 and ATR72 Series Airplane Doc. No. 2002-NM-169" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4567. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes Doc. No. 2001-NM-187" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4568. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (5) Amdt. No. 444" (RIN2120-AA63) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4569. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 155B Helicopters Doc. No. 2003-SW-22" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4570. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Beatrice, NE Correction Doc. No. 03-ACE-59" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4571. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, 300F, and 400ER Series Airplanes Doc. No. 2001-NM-240" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4572. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-V Series Doc. No. 2003-NM-190" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4573. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 400) Doc. No. 2001-NM-322" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4574. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Arrius 2 B1, 2 B1A, 2B1A1, and 2K1 Turboshaft Engines Doc. No. 2003-NE-05" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4575. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Arriel 1 Series Turboshaft Engines Doc. No. 94-NE-08" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4576. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes Doc. No. 2001-NM-342" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4577. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Doc. No. 2001-NM-324" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4578. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 400) Airplanes Doc. No. 2001-NM-176" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4579. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes Powered by Pratt and Whitney Engines Doc. No. 2001-NM-370" (RIN2120-AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4580. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sioux Center, IA Doc. No. 03-ACE-53" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4581. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace at Richfield Municipal Airport , Richfield, UT Doc. No. 01-ANM-16" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4582. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Waimea-Kohala Airport, HI Doc. No. 03-AWP-10" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4583. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Vinton, IA Doc. No. 03-ACE0-54" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4584. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Elkhart, KS Doc. No. 03-ACE-51" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4585. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Waterloo, IA Doc. No. 03-ACE-55" (RIN2120-AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4586. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Webster, IA Doc. No. 03–ACE–56" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4587. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Union, Ia Doc. No. 03–ACE–57" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4588. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Jet Routes 618 and 623, Revocation of Jet Routes 600 and 601; AK Doc. No. 03–AAL–14" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4589. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Houston Class B Airspace Area; TX Doc. No. 01–AWA–4" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4590. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (86) Amdt. No. 3075" (RIN2120–AA65) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4591. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wichita MidContinent Airport, KS Doc. No. 03–ACE–52" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4592. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc., Series SA226 and SA227 Series Airplanes Doc. No. 2000–CE–45" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4593. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series Airplanes Doc . No. 2002–NM–179" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4594. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS 365 N3 and EC 155B Helicopters Doc. No. 2001–SW–61" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4595. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319–131 and 132, A320–231, 232, and 233; and A321–131 and –231 Series Airplanes Doc. No. 2000–NM–411" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4596. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211–524G2, –524G2–T, –524G3T, –524H, –524H–T, –524H2, and –524H2T Series and Models RB211 Trent 768–60, 772–60, and 772B–60 Turbofan Engines; Corr. Doc. No. 2003–NE–20" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4597. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Clifton, TN Doc. No. 03–ASO–17" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4598. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wiamea-Kohala, HI Airspace Doc . No. 03–AWP–10" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4599. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cheboygan, MI Doc. No. 03–AGL–04" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4600. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Union, OH Doc. No. 03–AGL–05" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4601. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; South Bend, IN Doc. No. 03–AGL–03" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4602. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Richfield Municipal Airport Corr. Doc. 01–ANM–16" (RIN2120–AA66) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4603. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes Doc. No. 2003–NM–206" (RIN2120–AA64) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4604. A communication from the FMCSA Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation of Household Goods; Interim Final Rule; Delay of (March 1, 2004) Compliance Date" (RIN2126–AA32) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4605. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications" (RIN2137–AD85) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4606. A communication from the FMCSA Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service of Drivers; Final Rule; Technical Amendments" (RIN2126–AA23) received on September 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4607. A communication from the Secretary of Transportation, transmitting, the Department of Transportation's Strategic Plan for fiscal years 2003–2008; to the Committee on Commerce, Science, and Transportation.

EC–4608. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Format and Numbering of Award Documents" (RIN2700–AC61) received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4609. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Ocean Perch Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands" received on September 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4610. A communication from the Chairman, Surface Transportation Board, Office of Economics, Environmental Analysis, and Administration, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services — 2003 Update" (STB Ex Parte No. 542 sub no. 10—Board Decision #33636) received on September 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4611. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zinc Phosphide; Pesticide Tolerance" (FRL#7329–9) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4612. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Increased Assessment Rates for Specified Marketing Orders" (Doc. No. FV03–922–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4613. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Extension and Modification of the Exemption for Shipments of Tree Run Citrus" (Doc. No. FV03–905–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4614. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (Doc. No. FV03–905–3 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4615. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Reinstatement of the Continuing Assessment Rate" (Doc. No. FV03–948–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4616. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "National Dairy Promotion and Research Program—Amendment to the Order" (Doc. No. DA–03–06 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4617. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Changes in Reporting Requirements" (Doc. No. FV03–993–1 FIR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4618. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate" (Doc. No. FV03–987–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4619. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate" (Doc. No. FV03–905–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4620. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Increased Assessment Rate" (Doc. No. FV03–948–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4621. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Removing All Seeded Grapefruit Regulations, Relaxation of Grade Requirements for Valencia and Other Late Type Oranges, and Removing Quality and Size Regulations on Imported Seeded Grapefruit" (Doc. No. FV03–922–1 FR) received on September 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4622. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Office of Energy Policy and New Uses; Biodiesel Fuel Education Program—Administrative Provisions" (7 CFR Part 2903) received on September 29, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4623. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, a change in previously submitted reported information for the position of Assistant Secretary of the Army (Civil Works) received on October 1, 2003; to the Committee on Armed Services.

EC–4624. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4625. A communication from the General Counsel of the Department of Defense, transmitting, a legislative proposal pertaining to commissioned military officers serving in the position of Associate Director of Central Intelligence for Military Support; to the Committee on Armed Services.

EC–4626. A communication from the General Counsel, Office of the General Counsel, National Credit Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 703 and 742 Investment and Deposit Activities and Regulatory Flexibility" received on October 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4627. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Investment Company Advertising Rules" (RIN3235–AH19) received on September 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4628. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Disclosure of Beneficial Ownership Reports" (RIN1557–AC75) received on October 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4629. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Office of the Comptroller of the Currency" (RIN1557–AC10) received on October 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4630. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets (Regulation H and Y)" (Doc. No. R–1156) received on October 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4631. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Ohio Regulatory Program" (OH–249–FOR) received on September 29, 2003; to the Committee on Energy and Natural Resources.

EC–4632. A communication from the Secretary of the Interior, transmitting, the Department of the Interior's revised Strategic Plan for fiscal years 2003–2008; to the Committee on Environment and Public Works.

EC–4633. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "10 CFR Parts 30, 40, and 70L: Financial Assurance Amendments for Materials Licensees" (RIN3150–AG85) received on October 2, 2003; to the Committee on Environment and Public Works .

EC–4634. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Area Designations; California" (FRL#7568–3) received on September 30, 2003; to the Committee on Environment and Public Works.

EC–4635. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, San Joaquin Valley Unified Air Pollution District" (FRL#7565–4) received on September 30, 2003; to the Committee on Environment and Public Works.

EC–4636. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Method Update" (FRL#7566–3) received on September 30, 2003; to the Committee on Environment and Public Works.

EC–4637. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL#7563–6) received on September 30, 2003; to the Committee on Environment and Public Works.

EC–4638. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984" (FRL#7566-2) received on September 30, 2003; to the Committee on Environment and Public Works.

EC-4639. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Use of Alternative Analytical Test Methods in the Reformulated Gasoline, Anti-Dumping, and Tier 2 Gasoline Sulfur Control Programs" (FRL#7566-6) received on September 30, 2003; to the Committee on Environment and Public Works.

EC-4640. A communication from the Acting Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's FY 2003-2008 Strategic Plan; to the Committee on Environment and Public Works.

EC-4641. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, National Wildlife Refuge System transmitting, pursuant to law, the report of a rule entitled "2003-2004 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AI63) received on October 2, 2003; to the Committee on Environment and Public Works.

EC-4642. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-144-FOR) received on October 2, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Report to accompany S. 1689, An original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-160).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1478. A bill to reauthorize the National Telecommunications and Information Administration, and for other purposes (Rept. No. 108-161).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 230. A resolution calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, and for other purposes.

S. Res. 231. A resolution commending the Government and people of Kenya.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1580. A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 66. A concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Richard Eugene Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

*Pamela P. Willeford, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

*James Casey Kenny, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

*Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.

*W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

*William Cabaniss, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

*David L. Lyon, of California, a Career Member of the Senior Foreign Service, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to be Ambassador to the Republic of Kiribati.

*Roderick R. Paige, of Texas, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

*H. Douglas Barclay, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

*Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nomination of Pamela A. White.

By Ms. COLLINS for the Committee on Governmental Affairs.

*C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security.

By Mr. HATCH for the Committee on the Judiciary.

Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Margaret Catharine Rodgers, of Florida, to be United States District Judge for the Northern of Florida.

Roger W. Titus, of Maryland, to be United States District Judge for the District of Maryland.

Karin J. Immergut, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 1701. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. Graham of Florida, Mrs. Boxer, Mr. Chafee, Mr. Corzine, and Mr. Wyden):

S. 1702. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

By Mr. SMITH:

S. 1703. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. Pryor, Mr. Coleman, and Mr. Bingaman):

S. 1704. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. Jeffords, Mr. Chafee, Mr. Lieberman, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Ms. Collins, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Graham of Florida, Mr. Harkin, Mr. Inouye, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Florida, Mr. Reed, Mr. Reid, Mr. Sarbanes, Mr. Schumer, Mr. Smith, Mr. Specter, Ms. Stabenow, and Mr. Wyden):

S. 1705. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. HATCH, Mr. CRAIG, Mr. KENNEDY, Mr. MCCAIN, Mr. CHAFEE, Mrs. LINCOLN, and Mr. DURBIN):

S. 1706. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW:

S. 1707. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Ms. CANTWELL, Mr. SARBANES, Mr. LEVIN, Mr. ROCKEFELLER, Mr. REED, and Mr. WYDEN):

S. 1708. A bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. DURBIN, Mr. CRAPO, Mr. FEINGOLD, Mr. SUNUNU, Mr. WYDEN, and Mr. BINGAMAN):

S. 1709. A bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DODD):

S. Res. 238. A resolution authorizing regulations relating to the use of official; considered and agreed to.

By Mr. FRIST:

S. Con. Res. 71. A concurrent resolution providing for a conditional adjournment or recess of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 859

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

S. 985

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 986

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 986, a bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1422

At the request of Mr. CORZINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1422, a bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1642

At the request of Mr. LEAHY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1642, a bill to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1653

At the request of Mr. INOUYE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1653, a bill to ensure that recreational benefits are given the same priority as hurricane and storm damage reduction benefits and environmental restoration benefits.

S. CON. RES. 66

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. Con. Res. 66, a concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

AMENDMENT NO. 1790

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 1790 proposed to H.R. 2765, a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1795

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1795 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1796

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 1796 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1796

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 1796 proposed to S. 1689, supra.

AMENDMENT NO. 1798

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 1798 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1799

At the request of Mr. COLEMAN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from West Virginia (Mr. BYRD) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 1799 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1701. A bill to delay notice of search warrants; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce in the Senate the Reasonable Notice and Search Act. This bill addresses the provision of the USA PATRIOT Act that has caused perhaps the most concern among Members of Congress. Section 213 of the PATRIOT Act, sometimes referred to as the "delayed notice search provision" or the "sneak and peek provision," authorizes the Government in limited circumstances to conduct a search without immediately serving a search warrant on the owner or occupant of the premises that have been searched.

Prior to the PATRIOT Act, secret searches for physical evidence were performed in some jurisdictions under the authority of Court of Appeals decisions, but the Supreme Court never definitively ruled whether they were constitutional. Section 213 of the Patriot Act authorized delayed notice warrants in any case in which an "adverse result" would occur if the warrant were served before the search was executed. Adverse result was defined as including: 1. Endangering the life or physical safety of an individual; 2. flight from prosecution; 3. destruction of or tampering with evidence; 4. intimidation of potential witnesses; or 5. otherwise seriously jeopardizing an investigation or unduly delaying a trial. These circumstances went beyond what court decisions had authorized before the PATRIOT Act. In addition, while some courts had required the service of the warrant within a specified period of time, the PATRIOT Act simply required that the warrant specify that it would be served within a "reasonable" period of time after the search.

It is interesting to note that this provision of the PATRIOT Act was not limited to terrorism cases. Nor was it made subject to the sunset provision that will cause most of the new surveillance provisions of the act to expire at the end of 2005 unless Congress reenacts them. So Section 213 was pretty clearly a provision that the Department of Justice wanted regardless of the terrorism threat after 9/11.

Perhaps that is why this provision has caused such controversy since it was passed. Just over 2 months ago, by a wide bipartisan margin, the House passed an amendment to the Commerce-Justice-State appropriations bill offered by Representative OTTER from Idaho, a Republican, to stop funding for delayed notice searches authorized under section 213. The size of the vote took the Department by surprise, and it immediately set out to defend the provision aggressively. Clearly, this is a power that DOJ does not want to lose.

I raised concern about the sneak and peek provision when it was included in the Patriot Act and even considered offering an amendment at that time to strip it out. I did not believe there had been adequate study and analysis of the justifications for these searches and the potential safeguards that might be included. I did not argue then, however, and I am not arguing now that there should be no delayed notice searches at all and that the provision should be repealed. I do believe, however, that it should be modified to protect against abuse. My bill will do four things to accomplish this.

First, my bill would narrow the circumstances in which a delayed notice warrant can be granted to the following: potential loss of life, flight from prosecution, or destruction or tampering with evidence. The "catch-all provision" in section 213, allowing a secret search when serving the warrant would "seriously jeopardize an investigation or unduly delay a trial" is too easily susceptible to abuse.

Second, I believe that any delayed notice warrant should provide for a specific and limited time period within which notice must be given—7 days. This is consistent with some of the pre-PATRIOT Act court decisions and will help to bring this provision in closer accord with the fourth amendment to the Constitution. Under my bill, prosecutors will be permitted to seek 7-day extensions if circumstances continue to warrant that the subject not be made aware of the search. But the default should be a week, unless a court is convinced that more time should be permitted.

Third, Section 213 should be brought into the group of PATRIOT Act provisions that will sunset at the end of 2005. This will allow Congress to reexamine this provision along with the other provisions of the act, which was passed within 6 weeks of the 9/11 attacks, to determine if the balance between civil liberties and law enforcement has been correctly struck.

Finally, the bill requires a public report on the number of times that section 213 is used and the number of times that extensions are sought beyond the 7-day notice period. This information will help the public and Congress evaluate the need for this authority and determine whether it should be retained or modified after the sunset.

These are reasonable and moderate changes to the law. They do not gut the provision. They do not make it worthless. They do recognize the growing and legitimate concern from across the political spectrum that this provision was passed in haste and presents the potential for abuse. They also send a message that fourth amendment rights have meaning and potential violations of those rights should be minimized if at all possible. I urge my colleagues to support this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reasonable Notice and Search Act".

SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS.

Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "7 calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 7 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following:

"(c) REPORTS.—

"(1) IN GENERAL.—On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) CONTENTS.—Each report under paragraph (1) shall include, with respect to the preceding 6-month period—

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.

(a) PATRIOT ACT.—Section 224(a) of the USA PATRIOT Act of 2001 (Public Law 107-56; 115 Stat. 295) is amended by striking "213,".

(b) AMENDMENTS.—The amendments made by this Act shall sunset as provided in section 224 of the USA PATRIOT Act of 2001.

By Mr. SMITH (for himself, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. CHAFEE, Mr. CORZINE, and Mr. WYDEN):

S. 1702. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to speak about the need for consistent tax treatment of employer-provided health insurance for domestic partners. Today, Senator BOB GRAHAM and I are introducing the Domestic Partner Health Benefits Equity Act, a bill that seeks to simplify the tax code and address the growing trend among both public and private employers who have decided to provide domestic partner benefits to their employees.

More than one-third of Fortune 500 companies, as well as numerous State and local governments, are providing health insurance benefits to the domestic partners of their employees. This is a clear trend in the American workplace. However, Federal tax law has not kept pace with corporate changes in this area and employers who offer such benefits and the employees who receive them are taxed inequitably. Our legislation would provide consistent tax treatment for employer-provided health insurance for domestic partners.

Currently, the tax code provides that the employer's contribution of the premium for health insurance for an employee's spouse is excluded from the employee's taxable income. An employer's contribution for the domestic partner's coverage, however, is included in an employee's taxable income as a fringe benefit. In addition, the employer's payroll tax liability is increased. This forces businesses to create a two-track payroll system for benefits provided to spouses and those provided to domestic partners, an administrative burden that this legislation would eliminate.

I believe that by passing this legislation and changing current law, we will increase the number of Americans covered by health insurance by providing employers with a tax incentive. The tax code should not penalize employers for offering these benefits to their employees.

I urge my colleagues to join me and support the Domestic Partner Health Benefits Equity Act. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Partner Health Benefits Equity Act".

SEC. 2. EXTENSION OF EXCLUSION FOR AMOUNTS RECEIVED BY AN EMPLOYEE THROUGH ACCIDENT OR HEALTH INSURANCE AS REIMBURSEMENT FOR EXPENSES FOR MEDICAL CARE.

(a) IN GENERAL.—Section 105(b) of the Internal Revenue Code of 1986 (relating to amounts expended for medical care) is amended—

(1) by striking "Except in the case" and inserting the following:

"(1) IN GENERAL.—Except in the case",

(2) by adding at the end of paragraph (1) as redesignated in paragraph (1) the following new sentence: "For the purposes of this subsection, the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the employer's accident or health insurance arrangement.", and

(3) by adding at the end the following new paragraph:

"(2) APPLICABLE PERCENTAGE OF EXCLUSION FOR CERTAIN AMOUNTS.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from income applicable by reason of the third sentence of paragraph (1) shall be equal to the applicable percentage of the amount which would (but for this paragraph) be the amount of such exclusion.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. EXTENSION OF EXCLUSION FOR CONTRIBUTIONS BY EMPLOYER TO ACCIDENT AND HEALTH PLANS.

(a) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(d) COVERAGE PROVIDED FOR ELIGIBLE BENEFICIARIES OF EMPLOYEES.—

"(1) IN GENERAL.—Subsection (a) shall not fail to apply by reason of the coverage of an eligible beneficiary as defined in the employer's accident or health plan.

"(2) APPLICABLE PERCENTAGE OF EXCLUSION FOR CERTAIN COVERAGE.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from income applicable by reason of paragraph (1) shall be equal to the applicable percentage of the amount which would (but for this paragraph) be the amount of such exclusion.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents. For the purposes of this subparagraph, the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the insurance arrangement which constitutes medical care.

"(B) APPLICABLE PERCENTAGE OF DEDUCTION FOR CERTAIN AMOUNTS.—

"(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the deduction applicable by reason of the second sentence of subparagraph (A) shall be equal to the applicable percentage of the amount which would (but for this subparagraph) be the amount of such deduction.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 5. EXTENSION OF SICK AND ACCIDENT BENEFITS PROVIDED TO MEMBERS OF A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION AND THEIR DEPENDENTS.

(a) IN GENERAL.—Section 501(c)(9) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following new sentence: "For purposes of providing for the payment of sick and accident benefits to members of such an association and their dependents, the term 'dependents' shall include any individual who is an eligible beneficiary as determined under the terms of a medical benefit, health insurance, or other program under which members and their dependents are entitled to sick and accident benefits.".

(b) APPLICABLE PERCENTAGE OF PAYMENT OF CERTAIN SICK AND ACCIDENT BENEFITS.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) APPLICABLE PERCENTAGE OF PAYMENT OF CERTAIN SICK AND ACCIDENT BENEFITS.—

"(1) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exemption from tax applicable by reason of the second sentence of subsection (c)(9) shall be equal to the applicable percentage of the amount which would (but for this subsection) be the amount of such exemption.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 6. AMENDMENTS TO VARIOUS DEFINITIONS.

(a) FICA.—

(1) IN GENERAL.—Section 3121 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(z) EXCLUSION OF CERTAIN AMOUNTS FROM WAGES.—

"(1) IN GENERAL.—For purposes of applying subsection (a) with respect to expenses described in paragraph (2)(B) of such subsection, the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the plan or system established by the employer.

"(2) APPLICABLE PERCENTAGE OF EXCLUSION FROM WAGES.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from wages applicable by reason of paragraph (1) shall be equal to the applicable percentage of the amount which would (but for this paragraph) be the amount of such exclusion.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(2) CONFORMING AMENDMENT.—Section 209 of the Social Security Act (42 U.S.C. 409) is amended by adding at the end the following new subsection:

"(l)(1) For purposes of applying subsection (a) with respect to medical or hospitalization expenses described in paragraph (2) thereof, the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the plan or system established by the employer.

"(2)(A) In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from wages applicable by reason of paragraph (1) shall be equal to the applicable percentage of the amount which would (but for this paragraph) be the amount of such exclusion.

"(B) For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(b) RAILROAD RETIREMENT.—

(1) IN GENERAL.—Section 3231(e) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF CERTAIN DEPENDENTS.—

"(A) IN GENERAL.—For purposes of applying this subsection with respect to medical or hospitalization expenses described in paragraph (1)(i), the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the plan or system established by the employer.

"(B) APPLICABLE PERCENTAGE OF EXCLUSION FROM COMPENSATION.—

"(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from compensation applicable by reason of subparagraph (A) shall be equal to the applicable percentage of the amount which would (but for this subparagraph) be the amount of such exclusion.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(2) CONFORMING AMENDMENT.—Section 1(h) of the Railroad Retirement Act of 1974 (45 U.S.C. 231(h)) is amended by adding at the end the following new paragraph:

"(9)(A) For purposes of applying this subsection, with respect to medical or hospitalization expenses described in paragraph (6)(v), the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the plan or system established by the employer.

"(B)(i) In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from compensation applicable by reason of subparagraph (A) shall be equal to the applicable percentage of the amount which would (but for this subparagraph) be the amount of such exclusion.

"(ii) For purposes of clause (i), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(c) FUTA.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(v) EXCLUSION OF CERTAIN AMOUNTS FROM WAGES.—

"(1) IN GENERAL.—For purposes of applying subsection (b) with respect to expenses described in paragraph (2)(B) of such subsection, the term 'dependents' shall include any individual who is an eligible beneficiary as defined in the plan or system established by the employer.

"(2) APPLICABLE PERCENTAGE OF EXCLUSION FROM WAGES.—

"(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2004, and before January 1, 2011, the exclusion from wages applicable by reason of paragraph (1) shall be equal to the applicable percentage of the amount which would (but for this paragraph) be the amount of such exclusion.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008, 2009, 2010	50.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after December 31, 2004.

Mr. GRAHAM of Florida. Mr. President, I am pleased to join my colleague from Oregon, Senator SMITH, in introducing the Domestic Partner Health Benefits Equity Act, which corrects an inequity in our current tax law. Employees who receive health benefits from their employers are not taxed on the value of this benefit. The tax benefit also applies to health care that covers the employee's spouse and dependents.

In growing numbers, both public and private sector employers are providing domestic partner benefits to employees. For example, more than one-third of the Fortune 500 companies and 146 State and local governments provide such benefits. Unlike health benefits provided to their other employees, however, health care that covers a domestic partner is taxable to both the employee and the employer.

An employer's payroll tax liability is calculated based on its employees' taxable incomes. When contributions for domestic partner benefits are included in employees' incomes, employers pay higher payroll taxes. This provision also places an administrative burden on employers by requiring them to identify those employees utilizing their benefits for a partner rather than a spouse. Employers must then calculate the portion of their contribution that is attributable to the partner, and create and maintain a separate payroll function for these employees' income tax withholding and payroll tax. Thus, the employer is penalized for making a sound business decision that contributes to stability in the workforce.

Senator SMITH and I have drafted legislation to amend the tax law to allow health benefits to domestic partners to be received by employees on the same tax-free basis as "spouses." Specifically, the bill changes the definition of "dependent" in the code—for purposes of employer-provided health benefits only—to be any beneficiary allowed by the health plan.

Although the primary beneficiaries of this legislation will be employees with domestic partners, the change will also benefit employees who provide health insurance to family members who may not qualify as a "dependent" under current law. For example, the change would make it easier for an employee to include a brother, sister or parent on an employer's health plan even if the employee does not provide more than one-half of the support for that individual, a requirement for a person being a "dependent".

I commend Senator SMITH for his leadership in correcting this inequity in our tax laws. I also thank Senators CHAFEE, WYDEN, CORZINE and BOXER for joining us in this effort. I urge my colleagues to cosponsor our bill.

By Mr. SMITH:

S. 1703. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today with Senators WYDEN, BROWNBACK, SPECTER, and BURNS to introduce the Local Railroad Rehabilitation and Investment Act. The bill provides a Federal tax credit for short line railroad rehabilitation and addresses a critical need in small town America.

There are some 500 short line railroads serving large areas of the country that are no longer served by the large Class I railroads. These railroads keep our farmers and our small businesses connected to the national main line railroad system and are the only alternative to increasing truck traffic on local roads.

Many of today's short lines were once the light density branch lines of the large Class I railroads. As Class I systems began to lose money, these branch lines received little investment and were gradually abandoned. As an alternative to abandonment, the Federal Government encouraged spinning off these lines to form new local railroads that would preserve service and jobs.

Today, this local service is threatened due to the introduction of the new, heavier 286,000-pound railcar that the Class I's are making the new industry standard. Because of the interconnectivity of our Nation's rail network, short lines are forced to use these heavier cars. This places an added strain on track structure and makes rehabilitation even more important and more urgent. Studies indicate that it will take $7 billion in new investment for our nation's short lines to accommodate these heavier rail cars.

My legislation is not intended to fund this entire rehabilitation. Rather, it is intended to help small railroads make the improvements required to grow traffic so they can earn the additional investment income needed to complete the $7 billion capital upgrade.

Short lines operate 50,000 miles of track in 49 states, employ over 23,000 workers at an average wage of $47,000, and earn $3 billion in annual revenue. Railroading is one of the most capital-intensive industries in the country. That capital effort is also labor intensive and my legislation will result in the immediate creation of jobs needed to undertake these rehabilitation projects.

The major provisions of the Local Railroad Rehabilitation and Investment Act include:

Authorization of a federal tax credit against qualified railroad track maintenance expenditures paid or incurred by a taxpayer during taxable years 2004 to 2008.

The qualified railroad track maintenance expenditures include expenditures, whether or not otherwise chargeable to capital account, for maintaining or upgrading railroad track, including roadbed, bridges and related structures, owned or leased by the taxpayer of a Class II or Class III railroad.

The total tax credit is capped at $10,000 for every mile of railroad track owned or leased by a Class II or Class III railroad, provided that the expenditure is certified by the State as part of an essential rail upgrade. For example, a 20-mile railroad qualifies for a $200,000 credit.

And, to maximize private investment in this critical infrastructure, the bill allows railroads that are unable to fully utilize credits earned to transfer such credits to other railroads, railroad shippers, or railroad suppliers and contractors.

For rural America, the specter of losing rail access is a serious matter. As characterized in the American Association of State Highway Transportation Officials' (AASHTO) recent Freight-Rail Bottom Line Report, short lines "often provide the first and last service miles in the door-to-door collection and distribution of railcars." The Association of American Railroads estimates that short lines originate or terminate one out of every four carloads moved by the domestic railroad industry. Preserving short line rail service is important to the national transportation system; it is absolutely critical to the rural transportation system. This legislation provides a modest and efficient way to help the short line industry help itself.

I urge my colleagues to join me and support this important legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Railroad Rehabilitation and Investment Act of 2003".

SEC. 2. CREDIT FOR MAINTENANCE OF RAILROAD TRACK.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. RAILROAD TRACK MAINTENANCE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the railroad track maintenance credit determined under this section for the taxable year is the amount of qualified railroad track maintenance expenditures paid or incurred by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) shall not exceed the product of—

"(1) $10,000, and

"(2) the number of miles of railroad track owned or leased by the taxpayer as of the close of the taxable year.

"(c) QUALIFIED RAILROAD TRACK MAINTENANCE EXPENDITURES.—For purposes of this section, the term 'qualified railroad track maintenance expenditures' means expenditures (whether or not otherwise chargeable to capital account) for maintaining railroad track (including roadbed, bridges, and related track structures) owned or leased by the taxpayer of Class II or Class III railroads (as determined by the Surface Transportation Board).

"(d) CONTROLLED GROUPS.—For purposes of subsection (b), rules similar to the rules of paragraph (1) of section 41(f) shall apply for purposes of this subsection.

"(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to any railroad track, the basis of such track shall be reduced by the amount of the credit so allowed.

"(f) APPLICATION OF SECTION.—This section shall apply to qualified railroad track maintenance expenditures paid or incurred during taxable years beginning after December 31, 2003, and before January 1, 2009.

"(g) CREDIT TRANSFERABILITY.—

"(1) IN GENERAL.—Any credit allowable under this section may be transferred as provided in this subsection, and the determination as to whether the credit is allowable shall be made without regard to the tax-exempt status of the transferor.

"(2) TRANSFER TO ELIGIBLE TAXPAYER.—Any credit transferred under paragraph (1) shall be transferred to an eligible taxpayer. Any credit so transferred shall be allowed to the transferee, but the transferee may not assign such credit to any other person.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means—

"(A) any person who transports property using the rail facilities of the taxpayer or who furnishes railroad-related property or services to the taxpayer, and

"(B) any Class II or Class III railroad.

"(4) MINIMUM PRICE FOR TRANSFER.—No transfer shall be allowed under this subsection unless the transferor receives compensation for the credit transfer equal to at least 50 percent of the amount of credit transferred. The excess of the amount of credit transferred over the compensation received by the transferor for such transfer shall be included in the gross income of the transferee.".

(b) LIMITATION ON CARRYBACK.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transition rules) is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF RAILROAD TRACK MAINTENANCE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the railroad track maintenance credit determined under section 45G may be carried to a taxable year beginning before January 1, 2004.".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the railroad track maintenance credit determined under section 45G(a).".

(2) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by adding at the end the following new paragraph:

"(29) in the case of railroad track with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(e).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

"Sec. 45G. Railroad track maintenance credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. COLEMAN, and Mr. BINGAMAN):

S. 1704. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues Senators PRYOR, COLEMAN and BINGAMAN in introducing the "Keeping Families Together Act." Among other provisions, our bill authorizes a new, competitive State grant program to support statewide systems for care for children with serious mental illness so that parents are no longer forced to give up custody of their children solely for the purpose of securing mental health treatment.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. Of these, nearly half have a condition that produces a serious disability that impairs the child's ability to function in day-to-day activities. What is even more disturbing is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or daughter with a serious mental illness to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, and juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children.

Recent news reports in more than 30 States have highlighted the difficulties that parents of children with serious mental illness have in getting the coordinated mental health services that their children need. My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald last summer which detailed the obstacles that many Maine families have faced in getting care for their children.

Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts and to prevent such acts from occurring. While neither of these systems is equipped to care for a child with a serious mental illness, in far too may cases, there is nowhere else for the family to turn.

Earlier this year, the General Accounting Office (GAO) completed a report that I requested with Representatives PETE STARK and PATRICK KENNEDY titled "Child Welfare and Juvenile Justice: Federal Agencies Could Play a Stronger Role in Helping States Reduce the Number of Children Placed solely to Obtain Mental Health Services."

The GAO surveyed child welfare directors in all States and the District of Columbia, as well as juvenile justice officials in the 33 counties with the largest number of young people in their juvenile justice systems. According to the GAO survey, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services.

Moreover, the GAO estimate is likely just the tip of the iceberg, since 32 States—including the five States with the largest populations of children—did not provide the GAO with any data.

There have been other studies indicating that the custody relinquishment problem is pervasive. In 1999, the National Alliance for the Mentally Ill released a survey which found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

While some States have passed laws to limit or prohibit custody relinquishment, simply banning the practice is not a solution, since it can leave mentally ill children and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

In July, I chaired a series of hearings in the Committee on Governmental Affairs to examine the difficult challenges faced by families of children with mental illnesses. We heard compelling testimony from families who told the Committee about their personal struggles to get mental health services for their severely ill children. The mothers who testified told us they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The legislation that we are introducing today was developed in response to concerns raised by both the GAO report and in the Governmental Affairs Committee hearings.

First, the legislation authorizes $55 million for competitive grants to States that would be payable over six years to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. These grants are intended to help states serve these children more effectively and efficiently, while keeping them at home with their families.

States would use funds from these Family Support Grants to foster interagency cooperation and cross-system financing among the various State agencies with responsibilities for serving children with mental health needs. The funds would also support the purchase and delivery of a comprehensive array of community-based mental health and family support services for children who are in custody, or at risk of entering into the custody of the State for the purpose of receiving mental health services. This will allow States, which already dedicate significant dollars to serving children in state custody, to use those resources more efficiently by delivering care to children while allowing them to remain with their families.

In response to recommendation made by the GAO report, the Keeping Families Together Act will also establish a Federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of their agencies in promoting access by children and youth to mental health services.

And finally, the legislation will remove a current statutory barrier that prevents more states from using the Medicaid home and community-based services waiver to serve children with serious mental health conditions. The Medicaid home and community-based services waiver is a promising way for States to reduce the incidence of custody relinquishment and address the underlying lack of mental health services for children. While a number of States have requested these waivers to serve children with developmental disabilities, to date very few have done so for children with serious mental health conditions. That is because, under current law, States can only offer home- and community-based services under these waivers as an alternative to care in hospitals, nursing facilities, or intermediate care facilities for the mentally retarded. Our legislation will correct this omission and provide parity to children with mental illness by including inpatient psychiatric hospitals and residential treatment facilities on the list of institutions for which alternative care through the Medicaid home- and community-based services waivers may be available.

The legislation we are introducing today will help to reduce the barriers to care for children who suffer from mental illness and will assist States in eliminating the practice of parents relinquishing custody of their children to State agencies solely for the purpose of securing mental health services.

Our legislation has been endorsed by a number of mental health and children's groups including the National Alliance for the Mentally Ill, the Federation of Families for Children's Mental Health, the National Child Welfare League, the Bazelon Center, the Children's Defense Fund, and the National Mental Health Association. I urge all of my colleagues to join us as cosponsors.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. LIEBERMAN, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, and Mr. WYDEN):

S. 1705. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues in introducing the Employment Non-Discrimination Act of 2003.

Civil rights is the unfinished business of our nation. Title VII of the Civil Rights Act of 1964 gives all Americans—without regard to race, ethnic background, gender, or religion—the opportunity to obtain and keep a job. The Employment Non-Discrimination Act is an essential additional step in preventing job discrimination.

The act is straightforward and limited. It prohibits discrimination based on sexual orientation in making decisions about hiring, firing, promotion, and compensation. It makes clear that there is no right to preferential treatment, and that quotas are prohibited. It does not apply to employers with less than 15 employees. It does not apply to the armed forces, religious organizations, or such volunteer positions as troop leaders in the Boy Scouts or Girl Scouts.

In fact, this fundamental additional protection for America's workforce is long overdue. Too many hardworking Americans are being judged on their sexual orientation, rather than their ability and qualifications.

Consider the example of Kendall Hamilton in Oklahoma City. After working at Red Lobster for several years and receiving excellent reviews, he applied for promotion at the urging of the general manager, who knew he was gay. His application was rejected after a co-worker revealed his sexual orientation to the upper management team, and the promotion was given instead to another employee who had been on the job for only 9 months—and whom Mr. Hamilton had trained. He was told that his sexual orientation "was not compatible with Red Lobster's belief in family values," and that being gay had destroyed any chance of becoming a manager. As a result, Hamilton left the company.

Consider the example of Steve Morrison, a firefighter in Oregon. His coworkers saw him on the local news protesting an anti-gay initiative, and incorrectly assumed he was gay himself. He began to lose workplace responsibilities and was the victim of harassment, including hate mail. After a long administrative proceeding, the trumped-up charges were removed from his record, and he was transferred to another fire station.

The overwhelming majority of Americans believe that this kind of discrimination is wrong. According to a 2003 Gallup study, 88 percent of Americans believe that gays and lesbians should have equal job opportunities. The Employment Non-Discrimination Act is strongly supported by labor unions and a broad religious coalition. They know that America will not reach its full potential or realize its promise of equal justice and equal opportunity for all until we end all forms of discrimination.

Over 60 percent of Fortune 500 companies have implemented non-discrimination policies that include sexual orientation. Our legislation has been endorsed by leading corporations such as AT&T, BP, Cisco Systems, Eastman Kodak, FleetBoston, General Mills, Hewlett-Packard, IBM, JP Morgan Chase & Co., Microsoft, Nike, Oracle, Shell Oil, and Verizon.

Small businesses support our legislation as well. At a hearing in 2001, Lucy Billingsly, a Republican small business owner in Dallas, said, "A uniform Federal law banning sexual orientation discrimination will give businesses the right focus. By paying attention to the quality of work being done and not to factors that have nothing to do with job performance, all of America's businesses will perform better."

Despite broad-based support in the business community and Congress's history of enacting anti-discrimination legislation, some argue that the solution to the problem of job discrimination on the basis of sexual orientation should be left to the States. I disagree.

Only 14 States and the District of Columbia have laws similar to the Employment Non-Discrimination Act. Too many American workers are left without redress. A Federal law is clearly needed to ensure that all Americans receive equal treatment in the workplace.

Hard-working citizens in every State deserve the opportunity to feel secure in their jobs when they perform well, and they deserve the opportunity to compete in the workplace when they are qualified for a job. Job discrimination based on sexual orientation is unacceptable, and I urge my colleagues to support this bill.

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators KENNEDY, CHAFEE, JEFFORDS and many other colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 2003. By guaranteeing that American workers cannot lose their jobs simply because of their sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our fellow citizens who too often have been denied the benefit of those most basic values.

More than 225 years ago, Thomas Jefferson laid out a vision of America as dedicated to the simple idea that all of us are created equal, endowed by our creator with the unalienable rights to life, liberty and the pursuit of happiness. As Jefferson knew, our society did not in his time live up to that ideal, but since his time, we have been trying to. In succeeding generations, we have worked ever harder to ensure that our society removes unjustified barriers to individual achievement and that we judge each other solely on our merits and not on characteristics that are irrelevant to the task at hand. We are still far from perfect, but we have made much progress, especially over the past few decades, guaranteeing equality and fairness to an increasing number of groups that traditionally have not had the benefits of those values and of those protections. To African-Americans, to women, to disabled Americans, to religious minorities and to others we have extended a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been denied the most basic of rights: the right to obtain and maintain a job. A collection of 1 national survey and 20 city and State surveys found that as many as 44 percent of gay, lesbian and bisexual workers faced job discrimination in the workplace at some time in their careers. Other studies have reported even greater discrimination—as much as 68 percent of gay men and lesbians reporting employment discrimination. The fear in which these workers live was clear from a survey of gay men and lesbians in Philadelphia. Over three-quarters told those conducting the survey that they sometimes or always hide their orientation at work out of fear of discrimination.

The toll this discrimination takes extends far beyond its effect on the individuals who live without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness—that and no more. It says only what we already have said for women, for people of color and for others; that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else.

This bill would bring our nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 227 years ago when he wrote that all of us have a right to life, liberty and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

By Ms. STABENOW:

S. 1707. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce the Providing Our Support to Troops or POST Act of 2003. This bill would provide free mailing privileges for letters and packages sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force. This bill is a companion bill to Representative LUCAS's H.R. 2705, a bill with 31 bipartisan cosponsors in the House of Representatives.

Our troops overseas can send mail and packages to their loved ones at no cost, but their families must pay postage to do the same. As the holidays approach, the families back here in the States are not only not able to give their Christmas or Hanukah presents to their loved ones in person, but they have to pay postage to do so.

Two constituents of mine, both mothers of servicemen in Iraq, brought this inequity to my attention. Reneé Walton from Lincoln Park, MI, mother of twins Jeremy and Joshua who are serving in the Marine Corps, writes, "I believe this is something all the troops' families will benefit from and most especially the soldier who is waiting patiently for a package from home."

Suzann Sareini, a Dearborn resident, says, "As a mother of one of the brave individuals in our armed forces fighting for this country, I believe this act exhibits a tremendous amount of patriotic gratitude for the sacrifices being made by members of the military and their families. This small gesture would be invaluable in its contribution to the morale of our soldiers waiting patiently for packages from back home."

I wholeheartedly agree with these two Michigan moms.

Currently 2,500 Michigan Guard and Reserves are on active duty, many of whom are serving in Iraq or Afghanistan or fighting the war against terrorism around the globe. That means that there are thousands of families who will have an empty seat at the Thanksgiving table and will be missing a loved one during the holidays. But, by providing free postage for these families, we are making it easier for them to stay in touch with their loved ones and provide them with moral support. This is only fair since our service men and women have so unselfishly made great sacrifices to protect us and our country. This is a small gesture, but one that will speak loudly in the hearts of our troops and their families.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Our Support to Troops Act of 2003".

SEC. 2. FREE MAILING PRIVILEGES.

(a) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding at the end the following:

"§ 3407. Free postage for personal correspondence and certain parcels mailed to members of Armed Forces of the United States

"(a) IN GENERAL.—The matter described in subsection (b) (other than matter described in subsection (c)) may be mailed free of postage, if—

"(1) such matter is sent from within an area served by a United States post office;

"(2) such matter is addressed to an individual who is a member of the Armed Forces of the United States on active duty, as defined in section 101 of title 10, or a civilian, authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander; and

"(3)(A) such matter is addressed to the individual referred to in paragraph (2) at an

Armed Forces post office established in an overseas area with respect to which a designation under section 3401(a)(1)(A) is in effect; or

"(B) in the case of an individual who is hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury described in section 3401(a)(1)(B), such matter is addressed to such individual at an Armed Forces post office determined under subsection (f).

"(b) MAIL MATTER DESCRIBED.—The free mailing privilege provided by subsection (a) is extended to—

"(1) letter mail or sound- or video-recorded communications having the character of personal correspondence; and

"(2) parcels not exceeding 10 pounds in weight and 60 inches in length and girth combined.

"(c) LIMITATION.—The free mailing privilege provided by subsection (a) does not extend to mail matter that contains any advertising.

"(d) RATE OF POSTAGE.—Any matter which is mailed under this section shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

"(e) MARKING.—All matter mailed under this section shall bear, in the upper right-hand corner of the address area, the words 'Free Matter for Members of the Armed Forces of the United States', or words to that effect specified by the Postal Service.

"(f) REGULATIONS.—This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.".

(b) FUNDING.—

(1) FREE POSTAGE.—Sections 2401(c) and 3627 of title 39, United States Code, are amended by striking "3406" and inserting "3407".

(2) AIR TRANSPORTATION.—

(A) IN GENERAL.—Section 2401 of title 39, United States Code, is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following:

"(d) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the expenses incurred by the Postal Service in providing air transportation for mail sent to members of the Armed Forces of the United States free of postage under section 3407, not including the expense of air transportation that is provided by the Postal Service at the same postage rate or charge for mail which is not addressed to an Armed Forces post office.".

(B) AMENDMENT TO PREVENT DUPLICATIVE FUNDING.—Section 3401(e) of title 39, United States Code, is amended by striking "office." and inserting "office or (3) for which amounts are authorized to be appropriated to the Postal Service under section 2401(d).".

(C) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) ANNUAL BUDGET.—Section 2009 of title 39, United States Code, is amended in the next to last sentence by striking "(b) and (c)" and inserting "(b), (c), and (d)".

(ii) COMPREHENSIVE PLAN REFERENCES.—Sections 2803(a) and 2804(a) of such title 39 are amended by striking "2401(g)" and inserting "2401(f)".

(c) CHAPTER ANALYSIS.—The analysis for chapter 34 of title 39, United States Code, is amended by adding at the end the following:

"3407. Free postage for personal correspondence and certain parcels mailed to Members of the Armed Forces of the United States.".

By Mr. CRAIG (for himself, Mr. DURBIN, Mr. CRAPO, Mr. FEINGOLD, Mr. SUNUNU, Mr. WYDEN, and Mr. BINGAMAN):

S. 1709. A bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I rise today on behalf of myself and Senators DURBIN, CRAPO, FEINGOLD, SUNUNU, and BINGAMAN, to introduce the Security and Freedom Ensured Act of 2003, which we call the SAFE Act.

This bill is aimed at addressing some specific concerns that have been raised about the USA PATRIOT Act. We believe this is a measured, reasonable, and appropriate response that would ensure the liberties of law-abiding individuals are protected in our Nation's fight against terrorism, without in any way impeding that fight.

Let me say at the outset that I voted in favor of the USA PATRIOT Act. I believed then, and still do, that it was the right thing to do in the wake of the terrible and unprecedented attacks on our Nation on September 11, 2001. I would also like to express my gratitude to those brave men and women who put their lives on the line every day to protect the American people from further attacks by would-be terrorists and criminals. The Department of Justice and Department of Homeland Security should be commended for the dramatic progress they are making in detecting, pursuing, and stopping those who pose a threat to our Nation and our people.

Even so, the USA PATRIOT Act is not a perfect law, and it is no criticism of those who are so ably waging the war against terrorism to suggest that it may be in order to amend some aspects of that law.

The SAFE Act is intended to do just that: make some commonsense changes that help to safeguard our freedoms, without sacrificing our security. It focuses on areas of activity that have been particularly controversial: delayed notice warrants, which are also referred to as "sneak and peek" warrants; wiretaps that do not require specificity as to either person or place; the impact of the new law on libraries; and nationwide search warrants. Our bill would amend, not eliminate these tools or repeal the USA PATRIOT Act in these areas.

I spend a lot of time on the ground in my home State of Idaho, and regardless of the pride Idahoans have in the success of the war on terrorism, many of them continue to raise concerns about the tools being used in that war. Admittedly, a lot of misinformation has been spread about the USA PATRIOT Act, and I applaud the Administration for working to correct that misinformation. However, not all of the concerns about the law are unfounded or misguided, and I strongly believe they deserve a proper airing in Congress. Furthermore, one has only to look at the cosponsors of the SAFE Act to see that these concerns are not unique to Idahoans—they are shared by a wide regional and political spectrum.

This morning, the Chairman and Ranking Member of the Senate Judiciary Committee announced a series of hearings on how our anti-terrorism laws are working. As a member of that committee, I look forward to the opportunity of exploring these issues in detail and finding solutions for any problems we discover, possibly including the SAFE Act. The changes this bill makes are not numerous or sweeping, but they are significant. I hope my colleagues will agree and will support the legislation we are introducing today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Security and Freedom Ensured Act of 2003" or the "SAFE Act".

SEC. 2. LIMITATION ON ROVING WIRETAPS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A)(i) the identity of the target of electronic surveillance, if known; or

"(ii) if the identity of the target is not known, a description of the target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

"(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; and

"(ii) if any of the facilities or places are unknown, the identity of the target;"; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A), the following:

"(B) in cases where the facility or place at which the surveillance will be directed is not known at the time the order is issued, that the surveillance be conducted only when the presence of the target at a particular facility or place is ascertained by the person conducting the surveillance;".

SEC. 3. LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS.

(a) IN GENERAL.—Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will—

"(A) endanger the life or physical safety of an individual;

"(B) result in flight from prosecution; or

"(C) result in the destruction of, or tampering with, the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "within a reasonable period" and all that follows and inserting "not later than 7 days after the execution of the warrant, which period may be extended by the court for an additional period of not more than 7 days each time the court finds reasonable cause to believe, pursuant to a request by the Attorney General, the Deputy Attorney General, or an Associate Attorney General, that notice of the execution of the warrant will—

"(A) endanger the life or physical safety of an individual;

"(B) result in flight from prosecution; or

"(C) result in the destruction of, or tampering with, the evidence sought under the warrant."; and

(2) by adding at the end the following:

"(c) REPORTS.—

"(1) IN GENERAL.—Every 6 months, the Attorney General shall submit a report to Congress summarizing, with respect to warrants under subsection (b), the requests made by the Department of Justice for delays of notice and extensions of delays of notice during the previous 6-month period.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the preceding 6-month period—

"(A) the number of requests for delays of notice with respect to warrants under subsection (b), categorized as granted, denied, or pending; and

"(B) for each request for delayed notice that was granted, the number of requests for extensions of the delay of notice, categorized as granted, denied, or pending.

"(3) PUBLIC AVAILABILITY.—The Attorney General shall make the report submitted under paragraph (1) available to the public.".

(b) SUNSET PROVISION.—

(1) IN GENERAL.—Subsections (b) and (c) of section 3103a of title 18, United States Code, shall cease to have effect on December 31, 2005.

(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which the provisions referred to in paragraph (1) cease to have effect, such provisions shall continue in effect.

SEC. 4. PRIVACY PROTECTIONS FOR LIBRARY, BOOKSELLER, AND OTHER PERSONAL RECORDS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) APPLICATIONS FOR ORDERS.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended—

(1) by striking "shall specify that the records" and inserting "shall specify that—

"(A) the records"; and

(2) by striking the period at the end and inserting the following: "; and

"(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power.".

(b) ORDERS.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking "finds that" and all that follows and inserting "finds that—

"(A) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power; and

"(B) the application meets the other requirements of this section.".

(c) OVERSIGHT OF REQUESTS FOR PRODUCTION OF RECORDS.—Section 502(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended to read as follows:

"(a) On a semiannual basis, the Attorney General shall, with respect to all requests for the production of tangible things under section 501, fully inform—

"(1) the Select Committee on Intelligence of the Senate;

"(2) the Committee on the Judiciary of the Senate;

"(3) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(4) the Committee on the Judiciary of the House of Representatives.".

SEC. 5. PRIVACY PROTECTIONS FOR COMPUTER USERS AT LIBRARIES UNDER NATIONAL SECURITY AUTHORITY.

Section 2709 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "A wire" and inserting the following:

"(1) IN GENERAL.—A wire"; and

(B) by adding at the end the following:

"(2) EXCEPTION.—A library shall not be treated as a wire or electronic communication service provider for purposes of this section."; and

(2) by adding at the end the following:

"(f) DEFINED TERM.—In this section, the term 'library' means a library (as that term is defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination, or circulation.".

SEC. 6. EXTENSION OF PATRIOT SUNSET PROVISION.

Section 224(a) of the USA PATRIOT ACT (18 U.S.C. 2510 note) is amended—

(1) by striking "213, 216, 219,"; and

(2) by inserting "and section 505" after "by those sections)".

Mr. DURBIN. Mr. President, the USA PATRIOT Act, the counterterrorism bill that the Bush administration pushed through Congress after the September 11 terrorist attacks, has been the focus of much controversy in recent months. I voted for the PATRIOT Act, as did the vast majority of my colleagues in the Congress. I believed then, and I still believe, that the PATRIOT Act made many reasonable and necessary changes in the law.

For example, the PATRIOT Act tripled the number of Federal agents at the Northern border, an area that had been greatly understaffed. It allocated $100 million to upgrade technology for monitoring the Northern border. It expedited the hiring of FBI translators, who were desperately needed to translate intelligence after 9/11.

Most importantly, the PATRIOT Act updated information technology and enhanced information sharing between Federal agencies, especially the FBI and the CIA. As we learned after 9/11, the failure of these agencies to communicate with each other may have prevented law enforcement from uncovering the 9/11 plot before that terrible day.

However, the PATRIOT Act contains several controversial provisions that I and many of my colleagues believe went too far. The Bush administration placed Congress in a very difficult situation by insisting on including these provisions in the bill. We were able to amend or sunset some of the most troubling components of the bill. However, many remained in the final version. As a result, the PATRIOT Act makes it much easier for the FBI to monitor the innocent activities of American citizens with minimal or no judicial oversight. For example:

The FBI can now seize records on the books you check out of the library or the videos you rent, simply by certifying that the records are sought for a terrorism or intelligence investigation, a very low standard. A court no longer has authority to question the FBI's certification. The FBI no longer must show that the documents relate to a suspected terrorist or spy.

The FBI can conduct a "sneak and peek" search of your home, not notifying you of the search until after a "reasonable period," a term which is not defined in the PATRIOT Act. A court is now authorized to issue a "sneak and peek" warrant where a court finds "reasonable cause" that providing immediate notice of the warrant would have an "adverse result," a very broad standard. The use of "sneak and peek" warrants is not limited to terrorism cases.

The FBI can obtain a "John Doe" roving wiretap, which does not specify the target of the wiretap or the place to be wiretapped. This increases the likelihood that the conversations of innocent people wholly unrelated to an investigation will be intercepted.

Many in Congress did not want to deny law enforcement some of the reasonable reforms contained in the PATRIOT Act that they needed to combat terrorism. So, we reluctantly decided to support the administration's version of the bill, but not until we secured a commitment that they would be responsive to Congressional oversight and consult extensively with us before seeking any further changes in the law.

Unfortunately, the Justice Department has reneged on their commitment to Congress, frustrating oversight on the PATRIOT Act at every turn. Attorney General Ashcroft only rarely appears on Capitol Hill. In fact, he has only testified before the Senate Judiciary Committee, of which I am a member, once this year. He appeared, along with two other administration officials, for just half a day. The Justice Department regularly fails to answer congressional inquiries, either arguing that requested information is classified, or simply not responding at all.

At the same time, the administration's allies in Congress have argued that the PATRIOT Act's sunset clauses should be repealed before we have had an opportunity to review their effectiveness. Earlier this year, we learned that the administration had secretly drafted another sweeping counterterrorism bill, "PATRIOT Act II," without consulting with Congress. This bill would grant the Justice Department even broader authority, such as the right to strip Americans of their citizenship.

That proposal generated widespread opposition, but, unchastened, the administration went on the offensive again recently. On the anniversary of the 9/11 attacks, President Bush proposed new legislation that would give the Justice Department the authority to issue so-called administrative subpoenas, without judicial review, create 15 new federal death penalty crimes, and mandate pretrial detention for defendants accused of a laundry list of crimes, many of them unrelated to terrorism. These proposals continue the Administration's pattern of seeking to limit judicial oversight and grant broad, unchecked authority to law enforcement.

While they are pushing radical changes in the law, the Bush administration has failed to take commonsense steps to prevent terrorism, like developing fully interoperable information systems and creating a consolidated terrorist watch list. Most of the information systems now within the Department of Homeland Security's jurisdiction were acquired and developed independently within the former agencies in a parochial "stovepipe" fashion, and may be incompatible with other DHS systems. The Bush administration indicated that an initial inventory of these systems would be completed by this spring. I understand that inventory is still not completed.

This April, the GAO concluded that nine different agencies still develop and maintain a dozen terrorist watch lists, including overlapping and different data, and inconsistent procedures and policies on information sharing. The law creating the Department of Homeland Security requires the Department to consolidate watch lists. The Bush Administration promised that these lists would be consolidated by the first day of Homeland Security's operations. Seven months later, the lists are still not consolidated.

The Bush administration has devoted too many resources to counterterrorism measures that threaten our civil liberties and do little to improve our security. For example, John Ashcroft's Justice Department has launched a number of high-profile initiatives that explicitly target immigrants, especially Arabs and Muslims, for heightened scrutiny. These efforts squander precious law enforcement resources and alienate communities whose cooperation we desperately need. They run counter to basic principles of community policing, which reject the use of racial and ethnic profiles and focus on building trust and respect by working cooperatively with community members.

The Justice Department's own Inspector General has found that the Justice Department has not adequately distinguished between terrorism suspects and other immigration detainees. The IG found that the Justice Department detained 762 aliens as a result of the September 11 investigation, exactly zero of whom were charged with terrorist-related offenses. No one is suggesting that the Department should never use immigration charges to detain a suspected terrorist, but the broad brush of terrorism should not be applied to large numbers of every out-of-status immigrants who happen to be Arab or Muslim.

Many of us in Congress have raised concerns with the Justice Department about implementation of the PATRIOT Act and other civil liberties issues, and, rather than respond to legitimate concerns, they have gone on the offensive. In testimony before the Judiciary Committee, Attorney General John Ashcroft warned his critics:

> To those who scare peace-loving people with phantoms of lost liberty; my message is this: Your tactics only aid terrorists—for they erode our national unity and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends. They encourage people of good will to remain silent in the face of evil.

It is unacceptable to dismiss those who raise legitimate concerns about civil liberties as terrorist sympathizers.

For the American people, the PATRIOT Act has become a potent symbol of the Justice Department's poor record on civil liberties. In fact, three states, Alaska, Hawaii, and Vermont, and over 180 cities and counties across the country, including Chicago in my home State of Illinois, have passed resolutions opposing provisions of the PATRIOT Act.

Almost 2 years after its passage, I believe that it is time to revisit the debate about the PATRIOT Act. Let me be clear: I do not believe that we should repeal the PATRIOT Act. However, I do believe that we should amend several of its most troubling provisions. Law enforcement must have all the necessary tools to combat terrorism, but we must also be careful to protect the civil liberties of Americans. I believe we can be both safe and free.

Today, I, Senator CRAIG, and several of our Republican and Democratic colleagues in the Senate introduced the Security and Freedom Ensured Act of 2003. The SAFE Act is a narrowly-tailored bipartisan bill that would amend the most problematic provisions of the PATRIOT Act, those that grant broad powers to the FBI to monitor Americans with inadequate judicial oversight. The bill would impose reasonable limits on law enforcement's authority without impeding their ability to investigate and prevent terrorism. It would not amend pre-PATRIOT Act law in anyway. The SAFE Act is supported by a broad coalition from across the political spectrum, including the American Civil Liberties Union and the American Conservative Union.

The SAFE Act would:

Reinstate the pre-PATRIOT Act standard for seizing business records. In order to obtain a subpoena, the FBI would have to demonstrate that it has reason to believe that the person to whom the records relate is a suspected terrorist or spy. The SAFE Act retains the expansion of the business record provision to include all business records, including library records, rather than just the four types of records—hotel, car rental, storage facility and common carrier—covered before the PATRIOT Act.

Authorize a court to issue a delayed notification warrant where notice of the warrant would endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant. It would require notification of a covert search within seven days, rather than an undefined "reasonable period." It would authorize unlimited additional 7-day delays if the court found that notice of the warrant would continue to endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant.

Limit "John Doe" roving wiretaps by requiring the warrant to identify either the target of the wiretap or the place to be wiretapped. To protect innocent people from Government surveillance, it would also require that surveillance be conducted only when the suspect is present at the place to be wiretapped.

Sunset several of the PATRIOT Act's most controversial surveillance provisions on December 31, 2005. Many of PATRIOT's surveillance provisions already sunset on December 31, 2005. The SAFE Act would simply give Congress an opportunity to assess the effectiveness of several additional controversial provisions before deciding whether to reauthorize them.

Under the SAFE Act, the FBI would still have broad authority to combat terrorism. For example, consider the following hypotheticals:

The FBI would like to search the travel records of a suspected terrorist to help determine if he attended a meeting with other extremists. The FBI has reason to believe the records are related to a suspected terrorist, so the SAFE Act would authorize the issuance of a subpoena.

The FBI suspects that an individual affiliated with an extremist organization is planning a terrorist attack. The FBI would like to search the suspect's computer drive to learn more about the plot without tipping off the suspect and his co-conspirators. The SAFE Act would permit the issuance of a "sneak and peek" warrant, and permit the FBI to delay notice of the warrant for as long as it would continue to endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant.

At the same time, the SAFE Act would protect innocent Americans from unchecked Government surveillance. For example:

The FBI is investigating suspected members of a terrorist cell and would like to subpoena the records of a library and a bookstore that they frequent. Currently, the FBI could subpoena all of the records of the library and bookstore, including the records of countless innocent Americans, by certifying they are sought for a terrorism investigation, the exceedingly low standard created by the PATRIOT Act. The SAFE Act would permit the FBI to obtain the records related to the suspected terrorists, but not records related to innocent Americans who are not suspected terrorists.

The FBI is tracking a suspected terrorist who is using public phones at local restaurants to do business. The PATRIOT Act would permit the issuance of a roving wiretap that would apply to any phone the suspect uses. Under the PATRIOT Act, the FBI could monitor the conversations not just of the suspect, but of innocent patrons of these restaurants. The SAFE Act would also permit the issuance of a roving wiretap that would apply to any phone the suspect uses, but would only permit the FBI to gather intelligence when they ascertain that the suspect is using a phone.

The Justice Department has argued that amending the PATRIOT Act would handcuff law enforcement and make it very difficult to combat terrorism. Nothing could be further from the truth. It is possible to combat terrorism and protect our liberties. The SAFE Act demonstrates that. I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 238—AUTHORIZING REGULATIONS RELATING TO THE USE OF OFFICIAL EQUIPMENT

Mr. LOTT (for himself and Mr. Dodd) submitted the following resolution; which was considered and agreed to:

S. Res. 238

Resolved, That (a) the Committee on Rules and Administration of the Senate may issue regulations to authorize a Senator or officer or employee of the Senate to use official equipment for purposes incidental to the conduct of their official duties.

(b) Any use under subsection (a) shall be subject to such terms and conditions as set forth in the regulations.

SENATE CONCURRENT RESOLUTION 71—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), that when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion offered pursuant to this concurrent resolution by its Minority Leader or his designee, it stand recessed or adjourned until Tuesday, October 14, 2003, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notifed to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1800. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1801. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1802. Mr. COLEMAN (for himself, Mr. Dayton, Mr. Stevens, Mr. Dorgan, Mr. Kennedy, Mr. Johnson, Mr. Corzine, Ms. Collins, Mr. Graham of South Carolina, Mr. Conrad, Mr. Sununu, Mr. Allen, Mr. Byrd, Mr. Pryor, Mrs. Boxer, Mr. Bunning, Mr. Leahy, and Mr. Nelson of Florida) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1803. Mr. LEAHY (for himself and Mr. Daschle) proposed an amendment to the bill S. 1689, supra.

SA 1804. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1805. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1806. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1807. Mr. CHAFEE (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1808. Mr. VOINOVICH (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1809. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1810. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1811. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1812. Mr. REED (for himself, Mr. Bayh, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1813. Mr. KENNEDY (for himself, Mr. Kerry, and Mr. Gregg) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1814. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1815. Mr. BAYH (for himself and Mr. Nelson of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1816. Mr. DASCHLE (for himself, Mr. Graham of South Carolina, Mr. Leahy, Mr. Stevens, Mr. Bond, Mr. Burns, Mr. Warner, Mrs. Clinton, Mr. DeWine, Mr. Chambliss, Mr. Hagel, Mr. Reid, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1817. Mr. DODD (for himself and Mr. Corzine) proposed an amendment to the bill S. 1689, supra.

SA 1818. Mr. BYRD (for himself, Mr. Kennedy, and Mr. Leahy) proposed an amendment to the bill S. 1689, supra.

SA 1819. Mr. BYRD (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 1689, supra.

SA 1820. Ms. COLLINS (for herself, Mr. Wyden, Mr. Enzi, Mr. Lieberman, Mr. Lautenberg, Mrs. Feinstein, Mr. Akaka, Mrs. Clinton, Mr. Byrd, Mr. McCain, and Mr. Levin) proposed an amendment to the bill S. 1689, supra.

SA 1821. Mr. STEVENS proposed an amendment to the bill S. 1689, supra.

SA 1822. Mr. REID (for Mrs. Murray (for herself and Mr. Durbin)) proposed an amendment to the bill S. 1689, supra.

SA 1823. Mr. REID (for Ms. Stabenow (for herself, Mr. Durbin, Mrs. Boxer, Mr. Johnson, and Mr. Schumer)) proposed an amendment to the bill S. 1689, supra.

SA 1824. Mr. FRIST (for Ms. Snowe (for herself, Mr. Frist, Mr. Daschle, Mr. Gregg, Mr. Kennedy, Mr. Jeffords, Mr. Enzi, Mr. Dodd, Mr. DeWine, Mr. Harkin, Ms. Collins, Mrs. Murray, Mr. Hagel, Ms. Cantwell, Mr. Hatch, Mr. Lautenberg, Mr. Lugar, and Mr. Kerry)) proposed an amendment to the bill S. 1053, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

TEXT OF AMENDMENTS

SA 1800. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 12 and 13, insert the following:

Sec. 316. (a) In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing a member of the Armed Forces for the cost of air fare incurred by the member for any travel by the member within the United States that is commenced during fiscal year 2003 or fiscal year 2004 and is completed during either such fiscal year while the member is on rest and recuperation leave from deployment overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, but only for one round trip by air between two locations within the United States.

(b) It is the sense of Congress that the commercial airline industry should, to the maximum extent practicable, charge members of the Armed Forces on rest and recuperation leave as described in subsection (a) and their families specially discounted, lowest available fares for air travel in connection with such leave and that any restrictions and limitations imposed by the airlines in connection with the air fares charged for such travel should be minimal.

SA 1801. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

Sec. 2313. (a) Congress makes the following findings:

(1) The United States armed forces entered Iraq on March 19, 2003 to liberate the Iraqi people from Saddam Hussein and remove a threat to global security and stability.

(2) Having liberated the country from its prior regime, the United States and its coalition partners now have the temporary responsibility of rebuilding Iraq's infrastructure and economy until a new Iraqi government can take over this work.

(3) During the long reign of Saddam Hussein many public and private entities extended billions of dollars in loans to his regime despite his record of aggression and barbarism. Such debts must not be permitted to burden the new Iraq that is now emerging or be a factor in shaping current efforts to rebuild Iraq.

(4) Pursuant to basic principles of bankruptcy law, such prior creditors are no longer entitled to repayment of their loans. These creditors extended money to a debtor regime that no longer exists and is the functional equivalent of a bankrupt estate.

(5) Pursuant to basic principles of equity, the people of Iraq must not be burdened with the obligation of repaying loans that funded the very regime that oppressed them.

(6) Entities which extended financial support to the regime of Saddam Hussein after his record of military aggression and war crimes became public did so contrary to international norms of decency and United States foreign policy. Those who thus aided and abetted Saddam Hussein were accessories before the fact to the atrocities committed by Saddam Hussein and should not be rewarded with repayment of their loans.

(7) United Nations Security Council Resolution 1483, which passed unanimously on May 22, 2003, specifically provides that all proceeds from the sale of Iraqi oil be deposited into a United States-controlled development fund for the reconstruction of Iraq.

(8) Pursuant to United Nations Security Council Resolution 1483, the United States has an obligation to use revenue generated by the sale of Iraqi oil to fund the reconstruction of Iraq.

(9) Pursuant to basic principles of bankruptcy law, the United States is entitled to priority repayment of any loans the United States now extends to Iraq. Such loans are the equivalent of debtor-in-possession financing because the loans are being extended to an already distressed entity in order to help that entity rebuild. Loans made under such circumstances are traditionally repaid before any previously extended loans.

(10) Pursuant to basic principles of secured transactions, the United States is entitled to priority repayment of any loans it now extends to Iraq. The United States is currently in control of Iraq and its assets and is therefore a secured creditor, a creditor in physical possession of collateral, entitled to priority repayment.

(11) Pursuant to the norms of international financial aid, the United States is entitled to priority repayment of any loans it extends to Iraq. The role of the United States in Iraq is analogous to the role of the International Monetary Fund and the World Bank in extending credit to a distressed country to help it achieve solvency. Such International Monetary Fund and World Bank loans are repaid prior to any pre-existing loans.

(12) Extending loans instead of outright grants to Iraq will not lend credibility to any assertion that the United States liberated Iraq merely to gain control of its oil assets. The United States seeks to use Iraqi oil revenues for one purpose only, namely, to rebuild Iraq for the good of the Iraqi people. The United States will not use these assets to pay for its own military expenses in Iraq (which far exceed the cost of reconstruction). Nor will the United States take any Iraqi assets with it when it leaves the country.

(13) Extending loans instead of outright grants to Iraq will not make it more difficult for the United States to secure participation from other potential donor nations in the rebuilding of Iraq. If the United States provides all reconstruction funds in advance in the form of grants, there will be little need or incentive for other donor nations to contribute funds. If the United States provides only loans, however, it leaves open the question of whether and how much all donor nations, including the United States, should provide to Iraq in the form of grants.

(14) The United States does not typically fund the development projects of other nations with outright grants. When Israel undertakes a major new infrastructure or development project, for example, the United States assists Israel by providing loan guarantees. Such loan guarantees have no cost to United States taxpayers if Israel repays its loans. Iraq should be treated no better than allies of the United States such as Israel.

(b) Of the amount appropriated in title II under the subheading "Iraq Relief and Reconstruction Fund" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", $20,304,000,000 shall be used as loans to, or used to guarantee loans entered into by, the Development Fund for Iraq acting on behalf of the people of Iraq. The Development Fund for Iraq shall act in consultation with the Governing Council in Iraq, or any successor governing authority in Iraq, and shall, as provided in United Nations Security Council Resolution 1483, be subject to audits supervised by the International Advisory and Monitoring Board of the Development Fund for Iraq. The members of such Board shall include duly qualified representatives of the United Nations Secretary General, of the Managing Director of the International Monetary Fund, of the Director General of the Arab Fund for Social and Economic Development, and the President of the World Bank.

SA 1802. Mr. COLEMAN (for himself, Mr. Dayton, Mr. Stevens, Mr. Dorgan, Mr. Kennedy, Mr. Johnson, Mr. Corzine, Ms. Collins, Mr. Graham of South Carolina, Mr. Conrad, Mr. Sununu, Mr. Allen, Mr. Byrd, Mr. Pryor, Mrs. Boxer, Mr. Bunning, Mr. Leahy, and Mr. Nelson of Florida) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 54, between lines 7 and 8, insert the following new section:

Sec. 215. Of the amount provided for the National Marine Fisheries Service in this title under the subheading "operations, research, and facilities" under the heading "National Oceanic and Atmospheric Administration", $20,556,000 shall be available for Columbia River hatchery operations for Pacific Salmon as follows:

(1) $13,587,000 for hatcheries and facilities;

(2) $2,052,000 for monitoring, evaluation, and reform; and

(3) $4,917,000 for other facilities.

SA. 1803. Mr. LEAHY (for himself and Mr. Daschle) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 25, line 21, before the colon, insert the following:

: Provided further, That beginning not later than 60 days after enactment of this Act, the Administrator of the Coalition Provisional Authority shall report to and be under the direct authority and foreign policy guidance of the Secretary of State

SA 1804. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 316. (a) EXPANSION OF REST AND RECUPERATION LEAVE PROGRAM.—The Secretary of Defense shall expand the Central Command Rest and Recuperation Leave program to provide travel and transportation allowances to each member of the Armed Forces participating in the program in order to permit such member to travel at the expense of the United States from an original airport of debarkation to the permanent station or home of such member and back to such airport.

(b) ALLOWANCES AUTHORIZED.—The travel and transportation allowances that may be provided under subsection (a) are the travel and transportation allowances specified in section 404(d) of title 37, United States Code.

(c) CONSTRUCTION WITH OTHER ALLOWANCES.—Travel and transportation allowances provided for travel under subsection (a) are in addition to any other travel and transportation or other allowances that may be provided for such travel by law.

(d) DEFINITIONS.—In this section:

(1) The term "Central Command Rest and Recuperation Leave program" means the Rest and Recuperation Leave program for certain members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom as established by the United States Central Command on September 25, 2003.

(2) The term "original airport of debarkation" means an airport designated as an airport of debarkation for members of the Armed Forces under the Central Command Rest and Recuperation Leave program as of the establishment of such program on September 25, 2003.

(e) FUNDING.—Amounts appropriated or otherwise made available by chapter 1 of this title under the heading "IRAQ FREEDOM FUND" shall be available to carry out this section: *Provided*, That the amount is designated by Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the amount shall be made available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in House Concurrent Resolution 95, is transmitted by the President to Congress.

SA 1805. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) French President Jacques Chirac has proposed a plan for Iraqi self-rule within a period of months;

(4) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(5) the plan proposed by President Chirac would impose premature self-government in Iraq that could threaten peace and stability in that country; and

(6) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the accomplishments of the United States and United States allies in the region.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

SA 1806. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching 39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that Operation Iraqi Freedom promotes the security of Israel and other United States allies.

SA 1807. Mr. CHAFEE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 29, strike line 13 and all that follows through page 31, line 5, and insert the following:

INTERNATIONAL DISASTER ASSISTANCE AND MILITARY ASSISTANCE

For an additional amount for "International Disaster Assistance" for relief, rehabilitation, and reconstruction assistance for Liberia, and for an additional amount for military assistance programs for Liberia for which funds were appropriated by title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 176), $200,000,000, to remain available until expended, of which $100,000,000 shall be derived by transfer from funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT": *Provided*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 502 of House Concurrent Resolution 95, 108th Congress, 1st session.

SA 1808. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq—

(A) of bilateral debts incurred during the regime of Saddam Hussein; and

(B) of the funds contributed by the United States to finance infrastructure projects in Iraq.

SA 1809. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for

Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The amount appropriated by title of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby increased by $30,000,000, with the amount of the increase to be available for the Walter Reed Army Institute of Research (WRAIR) for malaria research and vaccine development.

SA 1810. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The amount appropriated by title of this Act under the heading "OPERATION AND MAINTENANCE, NAVY" is hereby increased by $27,300,000, with the amount of the increase to be available for recovery, repair, and restoration with respect to storm damage at the United States Naval Academy, Maryland, relating to Hurricane Isabel.

SA 1811. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

SA 1812. Mr. REED (for himself, Mr. BAYH, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) The amount appropriated under chapter 1 of this title for the Army for procurement under the heading "OTHER PROCUREMENT, ARMY", is hereby increased by $191,100,000. The additional amount shall be available for the procurement of 800 High Mobility Multipurpose Wheeled Vehicles in addition to the number of such vehicles for which funds are provided within the amount specified under such heading.

(b) The Secretary of the Army shall reevaluate the requirements of the Army for armored security vehicles and the options available to the Army for procuring armored security vehicles to meet the validated requirements.

(c) The amount appropriated for the Iraq Freedom Fund under chapter 1 of this title is hereby reduced by $191,100,000.

SA 1813. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. In addition to other purposes for which funds in the Iraq Freedom Fund are available, such funds shall also be available for reimbursing members of the Armed Forces who, as determined by the Secretary of Defense, at any time during fiscal year 2003 or 2004 purchased nonrefundable airline tickets for travel during rest and recuperation leave between the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and the United States on the basis of guidance provided to them under command authority regarding travel during rest and recuperation leave, if the members have not commenced the travel by reason of modified guidance provided to them under command authority.

SA 1814. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 21, before the colon, insert the following:

: *Provided further*, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor) on which the request for funds for such project is based: *Provided further*, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications shall be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading

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SA 1815. Mr. BAYH (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) The funds appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", other than such funds allocated for security, may not be obligated or expended before each country that is owed bilateral debt incurred by the regime of Saddam Hussein forgives such debt.

(b) On the date that is 180 days after the date of the enactment of this Act, any funds referred to in subsection (a) that have not been obligated or expended by reason of the limitation in such subsection shall be transferred to an account to be available to the President for use as a loan to the Governing Council in Iraq, as described in subsection (c).

(c)(1) The President is authorized to use any amount transferred under subsection (b) to make loans to the Governing Council in Iraq. Any such loan shall be made under a loan agreement that—

(A) is fairly negotiated between the Government of the United States and the Governing Council in Iraq; and

(B) includes a provision that requires any debt incurred by the regime of Saddam Hussein to be subordinated to the debt incurred through the receiving of a loan under this subsection.

(2) The purposes for which the proceeds of loans made under paragraph (1) are used may include reconstruction in Iraq.

(d) In this section, the term "Governing Council in Iraq" means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

SA 1816. Mr. DASCHLE (for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. STEVENS, Mr. BOND, Mr. BURNS, Mr. WARNER, Mrs. CLINTON, Mr. DEWINE, Mr. CHAMBLISS, Mr. HAGEL, Mr. REID, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 316. (a) Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

"(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

"(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

"(4) Screening and care may not be provided under this section after September 30, 2004.".

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 317. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

"§ 1076b. TRICARE program: coverage for members of the Ready Reserve

"(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

"(1) is an eligible unemployment compensation recipient; or

"(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

"(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

"(A) Self alone coverage.

"(B) Self and family coverage.

"(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

"(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

"(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

"(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

"(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

"(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

"(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

"(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h)

"(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

"(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

"(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

"(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

"(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

"(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term 'eligible unemployment compensation recipient' means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

"(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

"1076b. TRICARE program: coverage for members of the Ready Reserve.".

(c) The benefits provided under section 1076b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 318. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§ 1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

"(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for a member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section;

"(B) the date on which the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member; or

"(C) September 30, 2004.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section

9832(d)(1) of the Internal Revenue Code of 1986) for a member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents.".

(b) Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

(c) The benefits provided under section 1078b of title 10, United States Code (as added by subsection (a)), shall be provided only within funds available under this Act.

SEC. 319. (a) Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

"(A) the date of the issuance of such order; or

"(B) 90 days before date on which the period of active duty is to commence under such order for that member.

"(2) In this subsection, the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

"(3) This section shall cease to be effective on September 30, 2004.".

(b) The benefits provided under the amendment made by subsection (a) shall be provided only within funds available under this Act.

SEC. 320. (a) Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

"(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.".

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

(c) The benefits provided under this section shall be provided only within funds available under this Act.

SA 1817. Mr. DODD (for himself and Mr. CORZINE) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 2, line 20, strike "$24,946,464,000:" and insert "$25,268,464,000, of which $322,000,000 shall be available to provide safety equipment through the Rapid Fielding Initiative and the Iraqi Battlefield Clearance program:".

On page 25, line 10, strike "$5,136,000,000" and insert "$4,884,000,000".

On page 25, line 16, strike "$353,000,000" and insert "$283,000,000".

SA 1818. Mr. BYRD (for himself, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a)(1) Of the funds appropriated under chapter 2 of this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(A) not more than $5,000,000,000 may be obligated or expended before April 1, 2004; and

(B) the excess of the total amount so appropriated over $5,000,000,000 may not be obligated or expended after April 1, 2004, unless—

(i) the President submits to Congress in writing the certifications described in subsection (b); and

(ii) Congress enacts an appropriations law (other than this Act) that authorizes the obligation and expenditure of such funds.

(2) Paragraph (1) does not apply to the $5,136,000,000 provided under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" for security, including public safety requirements, national security, and justice (which includes funds for Iraqi border enforcement, enhanced security communications, and the establishment of Iraqi national security forces and the Iraq Defense Corps).

(b) The certifications referred to in subsection (a)(1)(A) are as follows:

(1) A certification that the United Nations Security Council has adopted a resolution (after the adoption of United Nations Security Council Resolution 1483 of May 22, 2003, and after the adoption of United Nations Security Council Resolution 1500 of August 14, 2003) that authorizes a multinational force under United States leadership for post-Saddam Hussein Iraq, provides for a central role for the United Nations in the political and economic development and reconstruction of Iraq, and will result in substantially increased contributions of military forces and amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq.

(2) A certification that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan (which includes fixed timetables and costs), and with a significant commitment of financial assistance from other countries, for—

(A) the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and electricity services;

(B) the adoption of a democratic constitution in Iraq;

(C) the holding of local and national elections in Iraq;

(D) the establishment of a democratically elected government in Iraq that has broad public support; and

(E) the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(c) Not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

(1) The number of military personnel from other countries that, as of such date, are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004.

(2) The total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq.

(3) A description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on Coalition, United Nations and Iraqi military, public safety, and civilian personnel in the 60 days preceding the date of the report.

(4) A description of the measures taken to protect United States military personnel serving in Iraq.

(5) A detailed plan, containing fixed timetables and costs, for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services.

(6) An estimate of the total number of United States and foreign military personnel that are necessary in the short term and the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts.

(7) An estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units.

(8) An estimate of the total cost to the United States of the military presence in Iraq that includes—

(A) the estimated incremental costs of the United States active duty forces deployed in Iraq and neighboring countries;

(B) the estimated costs of United States reserve component forces mobilized for service in Iraq and in neighboring countries;

(C) the estimated costs of replacing United States military equipment being used in Iraq; and

(D) the estimated costs of support to be provided by the United States to foreign troops in Iraq.

(9) An estimate of the total financial cost of the reconstruction of Iraq, together with—

(A) an estimate of the percentage of such cost that would be paid by the United States and a detailed accounting specified for major categories of cost; and

(B) the amounts of contributions pledged and paid by other countries, specified in major categories.

(10) A strategy for securing significant additional international financial support for the reconstruction of Iraq, including a discussion of the progress made in implementing the strategy.

(11) A schedule, including fixed timetables and costs, for the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(12) An estimated schedule for the withdrawal of United States and foreign armed forces from Iraq.

(13) An estimated schedule for—

(A) the adoption of a democratic constitution in Iraq;

(B) the holding of democratic local and national elections in Iraq;

(C) the establishment of a democratically elected government in Iraq that has broad public support; and

(D) the timely withdrawal of United States and foreign armed forces from Iraq.

(d) Every 90 days after the submission of the report under subsection (c), the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces (other than diplomatic security detachment personnel) from Iraq.

(e) The report under subsection (c) and the updates under subsection (d) shall be submitted in unclassified form.

SA 1819. Mr. BYRD (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in Title III, insert the following:

SEC. .

(a) None of the funds under the heading Iraq Relief and Reconstruction Fund may be used for: a Facilities Protection Service Professional Standards and Training Program; any amount in excess of $50,000,000 for completion of irrigation and drainage systems; construction of water supply dams; any amount in excess of $25,000,000 for the construction of regulators for the Hawizeh Marsh; any amount in excess of $50,000,000 for a witness protection program; Postal Information Technology Architecture and Systems, including establishment of ZIP codes; civil aviation infrastructure cosmetics, such as parking lots, escalators and glass; museums and memorials; wireless fidelity networks for the Iraqi Telephone Postal Company; any amount in excess of $50,000,000 for construction of housing units; any amount in excess of $100,000,000 for an American-Iraqi Enterprise Fund; any amount in excess of $75,000,000 for expanding a network of employment centers, for on-the-job training, for computer literacy training, English as a Second Language or for Vocational Training Institutes or catch-up business training; any amount in excess of $782,500,000 for the purchase of petroleum product imports.

(b) Notwithstanding any other provision of this Act, amounts made available under the heading Iraq Relief and Reconstruction Fund shall be reduced by $600,000,000.

(c) In addition to the amounts otherwise made available in this Act, $600,000,000 shall be made available for Operation and Maintenance, Army: *Provided*, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

SA 1820. Ms. COLLINS (for herself, Mr. WYDEN, Mr. ENZI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. AKAKA, Mrs. CLINTON, Mr. BYRD, Mr. MCCAIN, and Mr. LEVIN) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) None of the funds appropriated by this Act may be obligated or expended by the head of an executive agency for payments under any contract or other agreement described in subsection (b) that is not entered into with full and open competition unless, not later than 30 days after the date on which the contract or other agreement is entered into, such official—

(1) submits a report on the contract or other agreement to the Committees on Armed Services, on Governmental Affairs, and on Appropriations of the Senate, and the Committees on Armed Services, on Government Reform, and on Appropriations of the House of Representatives; and

(2) publishes such report in the Federal Register and the Commerce Business Daily.

(b) This section applies to any contract or other agreement in excess of $1,000,000 that is entered into with any public or private sector entity for any of the following purposes:

(1) To build or rebuild physical infrastructure of Iraq.

(2) To establish or reestablish a political or societal institution of Iraq.

(3) To provide products or services to the people of Iraq.

(4) To perform personnel support services in Iraq, including related construction and procurement of products, in support of members of the Armed Forces and United States civilian personnel.

(c) The report on a contract or other agreement of an executive agency under subsection (a) shall include the following information:

(1) The amount of the contract or other agreement.

(2) A brief discussion of the scope of the contract or other agreement.

(3) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(4) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(d) The limitation on use of funds in subsection (a) shall not apply in the case of any contract or other agreement entered into by the head of an executive agency for which such official—

(1) either—

(A) withholds from publication and disclosure as described in such subsection any document or other collection of information that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; or

(B) redacts any part so classified that is in a document or other collection of information not so classified before publication and disclosure of the document or other information as described in such subsection; and

(2) transmits an unredacted version of the document or other collection of information, respectively, to the chairman and ranking member of each of the Committees on Governmental Affairs and on Appropriations of the Senate, the Committees on Government Reform and on Appropriations of the House of Representatives, and the committees that the head of such executive agency determines has legislative jurisdiction for the operations of such executive agency to which the document or other collection of information relates.

(e)(1)(A) In the case of any contract or other agreement for which the Secretary of Defense determines that it is necessary to do so in the national security interests of the United States, the Secretary may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Secretary of Defense grants a waiver under this paragraph, the Secretary shall submit a notification of the contract or other agreement and the grant of the waiver, together with a discussion of the justification for the waiver, to the committees of Congress named in subsection (a)(1).

(2)(A) In the case of any contract or other agreement for which the Director of Central Intelligence determines that it is necessary to do so in the national security interests of the United States related to intelligence, the Director may waive the limitation in subsection (a), but only on a case-by-case basis.

(B) For each contract or other agreement for which the Director of Central Intelligence grants a waiver under this paragraph, the Director shall submit a notification of the contract or other agreement and of the grant of the waiver, together with a discussion of the justification for the waiver, to the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Affairs of the Senate and to the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Governmental Reform of the House of Representatives.

(f) Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(g) In this section—

(1) the term "full and open competition" has the meaning given such term in section

4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403);

(2) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code, and includes the Coalition Provisional Authority for Iraq; and

(3) the term "Coalition Provisional Authority for Iraq" means the entity charged by the President with directing reconstruction efforts in Iraq.

SA 1821. Mr. STEVENS proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 309.

SA 1822. Mr. REID (for Mrs. MURRAY (for herself and Mr. DURBIN)) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page , between lines and , insert the following new section:

SEC. . REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN AND IRAQ.

(a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the inclusion of a representative number of women in future legislative bodies to ensure that the full range of human rights for women are included and upheld in any constitution or legal institution of Afghanistan and Iraq, respectively; and

(3) encourage the appointment of women to high level positions within ministries in Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to (a) partner with or create counterpart organizations led by Afghans and Iraqis, respectively, and (b) to provide such counterpart organizations with significant financial resources, technical assistance, and capacity building;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall—

(1) include training on the protection, rights, and particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted; and

(2) encourage the personnel providing the training described in paragraph (1) to consult with women's organizations in Afghanistan and Iraq, respectively, to ensure that training content and materials are adequate, appropriate, and comprehensive.

SA 1823. Mr. REID (for Ms. STABENOW (for herself, Mr. DURBIN, Mrs. BOXER, Mr. JOHNSON, and Mr. SCHUMER)) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . A MONTH FOR AMERICA.

(a) VETERANS HEALTHCARE.—For an additional amount for veterans healthcare programs and activities carried out by the Secretary of Veterans Affairs, $1,800,000,000 to remain available until expended.

(b) SCHOOL CONSTRUCTION.—

(1) IN GENERAL.—For an additional amount for the Fund for the Improvement of Education under part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.), $1,000,000,000 for such fund that shall be used by the Secretary of Education to award formula grants to State educational agencies to enable such State educational agencies—

(A) to expand existing structures to alleviate overcrowding in public schools;

(B) to make renovations or modifications to existing structures necessary to support alignment of curriculum with State standards in mathematics, reading or language arts, or science in public schools served by such agencies;

(C) to make emergency repairs or renovations necessary to ensure the safety of students and staff and to bring public schools into compliance with fire and safety codes;

(D) to make modifications necessary to render public schools in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(E) to abate or remove asbestos, lead, mold, and other environmental factors in public schools that are associated with poor cognitive outcomes in children; and

(F) to renovate, repair, and acquire needs related to infrastructure of charter schools.

(2) AMOUNT OF GRANT.—The Secretary of Education shall allocate amounts available for grants under this subsection to States in proportion to the funds received by the States, respectively, for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq).

(c) HEALTHCARE.—For an additional amount for healthcare programs and activities carried out through Federally qualified health centers (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa))), $103,000,000 to remain available until expended.

(d) TRANSPORTATION AND JOB CREATION.—

(1) IN GENERAL.—For an additional amount for transportation and job creation activities—

(A) $1,500,000,000 for capital investments for Federal-aid highways to remain available until expended; and

(B) $600,000,000 for mass transit capital and operating grants to remain available until expended.

(2) PRIORITY.—In allocating amounts appropriated under paragraph (1), the Secretary of Transportation shall give priority to Federal-aid highway and mass transit projects that can be commenced within 90 days of the date on which such amounts are allocated.

(b) OFFSET.—Each amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced on a pro rata basis by $5,030,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should consider an additional $5,030,000,000 funding for Iraq relief and reconstruction during the fiscal year 2005 budget and appropriations process.

SA 1824. Mr. FRIST (for Ms. SNOWE (for herself, Mr. FRIST, Mr. DASCHLE, Mr. GREGG, Mr. KENNEDY, Mr. JEFFORDS, Mr. ENZI, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Mr. HAGEL, Ms. CANTWELL, Mr. HATCH, Mr. LAUTENBERG, Mr. LUGAR, and Mr. KERRY)) proposed an amendment to the bill S. 1053, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.
Sec. 107. Regulations; effective date.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.

Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISION

Sec. 301. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case *Norman-Bloodsaw v. Lawrence Berkeley Laboratory* (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

(1) No enrollment restriction for genetic services.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(2) No discrimination in group premiums based on genetic information.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) No discrimination in group premiums based on genetic information.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(b) Limitations on Genetic Testing.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(d) Application to All Plans.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 732(a).".

(c) Remedies and Enforcement.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

"(n) Enforcement of Genetic Nondiscrimination Requirements.—

"(1) Injunctive relief for irreparable harm.—With respect to any violation of subsection (a)(1)(F), (b)(3), or (c) of section 702, a participant or beneficiary may seek relief under subsection 502(a)(1)(B) prior to the exhaustion of available administrative remedies under section 503 if it is demonstrated to the court, by a preponderance of the evidence, that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Any determinations that already have been made under section 503 in such case, or that are made in such case while an action under this paragraph is pending, shall be given due consideration by the court in any action under this subsection in such case.

"(2) Equitable relief for genetic nondiscrimination.—

"(A) Reinstatement of benefits where equitable relief has been awarded.—The recovery of benefits by a participant or beneficiary under a civil action under this section may include an administrative penalty under subparagraph (B) and the retroactive reinstatement of coverage under the plan involved to the date on which the participant or beneficiary was denied eligibility for coverage if—

"(i) the civil action was commenced under subsection (a)(1)(B); and

"(ii) the denial of coverage on which such civil action was based constitutes a violation of subsection (a)(1)(F), (b)(3), or (c) of section 702.

"(B) Administrative penalty.—

"(i) In general.—An administrator who fails to comply with the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 702 with respect to a participant or beneficiary may, in an action commenced under subsection (a)(1)(B), be personally liable in the discretion of the court, for a penalty in the amount not more than $100 for each day in the noncompliance period.

"(ii) Noncompliance period.—For purposes of clause (i), the term 'noncompliance period' means the period—

"(I) beginning on the date that a failure described in clause (i) occurs; and

"(II) ending on the date that such failure is corrected.

"(iii) Payment to participant or beneficiary.—A penalty collected under this subparagraph shall be paid to the participant or beneficiary involved.

"(3) Secretarial enforcement authority.—

"(A) General rule.—The Secretary has the authority to impose a penalty on any failure of a group health plan to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 702.

"(B) Amount.—

"(i) In general.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) Noncompliance period.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(B) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended—

(i) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(ii) by adding at the end the following:

"(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(2) LIMITATIONS ON GENETIC TESTING.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(d) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg-22)(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the following provisions shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 2702.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) Penalty not to apply where failure not discovered exercising reasonable diligence.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) Penalty not to apply to failures corrected within certain periods.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) Overall limitation for unintentional failures.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(4) Definitions.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

"(15) Family member.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) Genetic information.—

"(A) In general.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) Exclusions.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(17) Genetic test.—

"(A) In general.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) Exceptions.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) Genetic services.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(b) Amendment Relating to the Individual Market.—

(1) In general.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) Prohibition on Genetic Information as a Condition of Eligibility.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(b) Prohibition on Genetic Information in Setting Premium Rates.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.".

(2) Remedies and Enforcement.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg-61)(b)) is amended to read as follows:

"(b) Secretarial Enforcement Authority.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) Elimination of Option of Non-Federal Governmental Plans To Be Excepted From Requirements Concerning Genetic Information.—Section 2721(b)(2) of the Public Health Service Act (42 U.S. C. 300gg-21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) Election not applicable to requirements concerning genetic information.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F) and (c) of section 2702 and the provisions of section 2702(b) to the extent that such provisions apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).".

(d) Regulations and Effective Date.—

(1) Regulations.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor and the Secretary of Health and Human Services (as the case may be) shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) Effective date.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this title; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this title.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

(1) No enrollment restriction for genetic services.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(2) No discrimination in group premiums based on genetic information.—Section 9802(b) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) No discrimination in group premiums based on genetic information.—For purposes of this section, a group health plan shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(b) Limitations on Genetic Testing.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) Genetic Testing and Genetic Services.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (d) shall apply to group health plans and health insurance issuers without regard to section 9831(a)(2).".

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(8) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(9) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of the Treasury shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E)(i) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy, and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an eligible individual on the basis of genetic information concerning the individual (or information about a request for, or the receipt of, genetic services by such individual or family member of such individual).

"(ii) For purposes of clause (i), the terms 'family member', 'genetic services', and 'genetic information' shall have the meanings given such terms in subsection (v).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a policy for policy years beginning after the date that is 18 months after the date of enactment of this Act.

(b) LIMITATIONS ON GENETIC TESTING.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(v) LIMITATIONS ON GENETIC TESTING.—

"(1) GENETIC TESTING.—

"(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

"(i) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(ii) limit the authority of a health care professional who is employed by or affiliated with an issuer of a medicare supplemental policy and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(iii) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(2) DEFINITIONS.—In this subsection:

"(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(i) the spouse of the individual;

"(ii) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; or

"(iii) any other individuals related by blood to the individual or to the spouse or child described in clause (i) or (ii).

"(B) GENETIC INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'genetic information' means information about—

"(I) an individual's genetic tests;

"(II) the genetic tests of family members of the individual; or

"(III) the occurrence of a disease or disorder in family members of the individual.

"(ii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(C) GENETIC TEST.—

"(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

"(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(D) GENETIC SERVICES.—The term 'genetic services' means—

"(i) a genetic test;

"(ii) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(iii) genetic education.

"(E) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.".

(2) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

"(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (v).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 18 months after the date of enactment of this Act.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2004, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2004, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2004.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2004 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2004. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) APPLICABILITY.—Except as provided in subsection (d), the provisions of this section shall apply to group health plans, health insurance issuers (including issuers in connection with group health plans or individual health coverage), and issuers of medicare supplemental policies, without regard to—

(1) section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a));

(2) section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg-21(a)); and

(3) section 9831(a)(2) of the Internal Revenue Code of 1986.

(b) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—

(1) IN GENERAL.—The regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) shall apply to the use or disclosure of genetic information.

(2) PROHIBITION ON UNDERWRITING AND PREMIUM RATING.—Notwithstanding paragraph (1), a group health plan, a health insurance issuer, or issuer of a medicare supplemental policy shall not use or disclose genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(c) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

(1) IN GENERAL.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(2) LIMITATION RELATING TO THE COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) concerning a participant, beneficiary, or enrollee prior to the enrollment, and in connection with such enrollment, of such individual under the plan, coverage, or policy.

(3) INCIDENTAL COLLECTION.—Where a group health plan, health insurance issuer, or issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning a participant, beneficiary, or enrollee, such request, requirement, or purchase shall not be considered a violation of this subsection if—

(A) such request, requirement, or purchase is not in violation of paragraph (1); and

(B) any genetic information (including information about a request for or receipt of genetic services) requested, required, or purchased is not used or disclosed in violation of subsection (b).

(d) APPLICATION OF CONFIDENTIALITY STANDARDS.—The provisions of subsections (b) and (c) shall not apply—

(1) to group health plans, health insurance issuers, or issuers of medicare supplemental policies that are not otherwise covered under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note); and

(2) to genetic information that is not considered to be individually-identifiable health information under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(e) ENFORCEMENT.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy that violates a provision of this section shall be subject to the penalties described in sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d-5 and 1320d-6) in the same manner and to the same extent that such penalties apply to violations of part C of title XI of such Act.

(f) PREEMPTION.—

(1) IN GENERAL.—A provision or requirement under this section or a regulation promulgated under this section shall supersede any contrary provision of State law unless such provision of State law imposes requirements, standards, or implementation specifications that are more stringent than the requirements, standards, or implementation specifications imposed under this section or such regulations. No penalty, remedy, or cause of action to enforce such a State law that is more stringent shall be preempted by this section.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to establish a penalty, remedy, or cause of action under State law if such penalty, remedy, or cause of action is not otherwise available under such State law.

(g) COORDINATION WITH PRIVACY REGULATIONS.—The Secretary shall implement and administer this section in a manner that is consistent with the implementation and administration by the Secretary of the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(h) DEFINITIONS.—In this section:

(1) GENETIC INFORMATION; GENETIC SERVICES.—The terms "family member", "genetic information", "genetic services", and "genetic test" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91), as amended by this Act.

(2) GROUP HEALTH PLAN; HEALTH INSURANCE ISSUER.—The terms "group health plan" and "health insurance issuer" include only those plans and issuers that are covered under the regulations described in subsection (d)(1).

(3) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term "issuer of a medicare supplemental policy" means an issuer described in section 1882 of the Social Security Act (42 insert 1395ss).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 106. ASSURING COORDINATION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(b) AUTHORITY OF THE SECRETARY.—The Secretary of Health and Human Services has the sole authority to promulgate regulations to implement section 105.

SEC. 107. REGULATIONS; EFFECTIVE DATE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury shall issue final regulations in an accessible format to carry out this title.

(b) EFFECTIVE DATE.—Except as provided in section 104, the amendments made by this title shall take effect on the date that is 18 months after the date of enactment of this Act.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term "family member" means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "genetic information" means information about—

(i) an individual's genetic tests;

(ii) the genetic tests of family members of the individual; or

(iii) the occurrence of a disease or disorder in family members of the individual.

(B) EXCEPTIONS.—The term "genetic information" shall not include information about the sex or age of an individual.

(5) GENETIC MONITORING.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (such as obtaining, interpreting or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term "genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTION.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee); or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee).

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee (or information about a request for the receipt of genetic services by such employee or a family member of such employee) except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a bona fide wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) Preservation of Protections.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) Use of Genetic Information.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member); or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member (or information about a request for the receipt of genetic services by such member or a family member of such member) except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a bona fide wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members;

(c) Preservation of Protections.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) Use of Genetic Information.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or a family member of such individual) in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services;

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member), such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member.

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member) except—

(1) to the employee (or family member if the family member is receiving the genetic services) or member of a labor organization at the request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall provide the employee or member with adequate notice to challenge the court order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation; or

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b, 2000e-16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e-16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) DEFINITION.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-d(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) establish a violation under this title for an employer, employment agency, labor organization, or joint labor-management committee of a provision of the amendments made by title I;

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(5) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(6) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule); and

(7) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations in an accessible format to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISION

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 2, 2003, at 10 a.m. to conduct a hearing on "The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 2, 2003, at 9:30 a.m. on media ownership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 2, 2003, at 2:30 p.m. on Amtrak.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Thursday, October 2, 2003 at 1:30 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 2, 2003 at 2:30 p.m. to hold a hearing on U.S. Policy Toward Cuba.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, October 2, 2003 at a time and location to be determined to hold a business meeting to consider the nomination of C. Suzanne Mencer to be Director, Office for Domestic Preparedness, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH EDUCATION, LABOR AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and House Committee on Energy and Commerce be authorized to meet for a Joint hearing on Managing Biomedical Research to Prevent and Cure Disease in the 21st Century: Matching NIH Policy with Science during the session of the Senate on Thursday, October 2, 2003 at 10 a.m. in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 2, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations: Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; Charles W. Pickering, Sr. to be United States Circuit Judge for the Fifth Circuit; Margaret Catharine Rodgers to be United States District Judge for the Northern District of Florida; Roger W. Titus to be United States District Judge for the District of Maryland; George W. Miller to be Judge for the United States Court of Federal Claims; Karin J. Immergut to be United States Attorney for the District of Oregon; and Deborah Ann Spagnoli to be United States Parole Commissioner.

II. Bills: S. 1580. Religious Workers Act of 2003 [Hatch, Kennedy, DeWine] and S. 1545. Development, Relief, and Education for Alien Minors Act of 2003 (the DREAM Act) [Hatch, Durbin, Craig, DeWine, Feingold, Feinstein, Grassley, Kennedy, Leahy, Schumer].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 2, 2003 at 2:30 p.m. to hold a closed hearing.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 2, 2003 at 10:00 a.m.

The purpose of the hearing is to receive testimony on the following bills: S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, and other purposes; S. 1472, to authorize the Secretary of the Interior to provide for the construction of a statue of Harry S. Truman at Union Station in Kansas City, MO; and S. 1576, to revise the boundary of Harpers Ferry National Historic Park, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent Denese Merritt, a congressional fellow with Senator SMITH, be granted the privilege of the floor for the duration of the debate on the Iraq supplemental.

Mr. PRESIDENT. Without objection, it is so ordered.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, S. 1053, the Genetic Information Nondiscrimination Act; that the committee-reported substitute amendment be agreed to and treated as original text for purposes of further amendment, and the Snowe substitute, which is at the desk, be agreed to; further, that there be 30 minutes of debate equally divided in the usual form under the control of the chairman and ranking members of the HELP Committee or their designees; that no other amendments be in order; further, that upon the use or yielding back of time the bill be read a third time; that at 2:15 p.m. on Tuesday, October 14, the Senate resume consideration of S. 1053 and there be 15 minutes of debate equally divided, followed by a vote on passage of the bill, all without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1053) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Genetic Information Nondiscrimination Act of 2003".

[TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

[SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

[(a) Prohibition of Health Discrimination on the Basis of Genetic Information or Genetic Services.—

[(1) No enrollment restriction for genetic services.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services)".

[(2) No discrimination in group premiums based on genetic information.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

["(3) No discrimination in group premiums based on genetic information.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services).

[(b) Limitations on Genetic Testing and the Collection of Genetic Information.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

["(c) Genetic Testing.—

["(1) Limitation on requesting or requiring genetic testing.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

["(2) Rule of construction.—Nothing in this part shall be construed to limit the authority of a health care professional, who is providing health care services with respect to an individual or who is acting on behalf of a group health plan or a health insurance issuer, to request that such individual or a family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

[“(d) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—With respect to the use or disclosure of genetic information by a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, such information shall be deemed to be protected health information for purposes of, and shall be subject to, the standards promulgated by the Secretary of Health and Human Services under—

[“(1) part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.); or

[“(2) section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

[“(e) COLLECTION OF GENETIC INFORMATION.—

[“(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require genetic information concerning an individual or a family member of the individual (including information about a request for or receipt of genetic services).

[“(2) INFORMATION NEEDED FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual may request genetic information concerning such individual or dependent for purposes of treatment, payment, or health care operations in accordance with the standards for protected health information described in subsection (d) to the extent that the use of such information is otherwise consistent with this section.

[“(3) FAILURE TO PROVIDE NECESSARY INFORMATION.—If an individual or dependent refuses to provide the information requested under paragraph (2), and such information is for treatment, payment, or health care operations relating to the individual, the group health plan or health insurance issuer requesting such information shall not be required to provide coverage for the items, services, or treatments with respect to which the requested information relates in any action under part 5.”.

[(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

[“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

[“(A) the spouse of the individual;

[“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

[“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

[“(6) GENETIC INFORMATION.—

[“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘genetic information’ means information—

[“(i) concerning—

[“(I) the genetic tests of an individual;

[“(II) the genetic tests of family members of the individual; or

[“(III) the occurrence of a disease or disorder in family members of the individual; and

[“(ii) that is used to predict risk of disease in asymptomatic or undiagnosed individuals.

[“(B) EXCEPTIONS.—The term ‘genetic information’ shall not include—

[“(i) information about the sex or age of the individual;

[“(ii) information derived from clinical and laboratory tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, used to determine health status or detect illness or diagnose disease; and

[“(iii) information about physical exams of the individual.

[“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services provided for genetic education and counseling.

[“(8) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and metabolites, that detect genotypes, mutations, or chromosomal changes. Such term does not include information described in paragraph (6)(B).”.

[(d) REGULATIONS AND EFFECTIVE DATE.—

[(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor shall issue final regulations in an accessible format to carry out the amendments made by this section.

[(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

[SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

[(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

[(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

[(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

[(B) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended by adding at the end the following:

[“(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services).”.

[(2) LIMITATIONS ON GENETIC TESTING AND THE COLLECTION OF GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

[“(c) GENETIC TESTING.—

[“(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

[“(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to limit the authority of a health care professional, who is providing health care services with respect to an individual or who is acting on behalf of a group health plan or a health insurance issuer, to request that such individual or a family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

[“(d) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—With respect to the use or disclosure of genetic information by a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, such information shall be deemed to be protected health information for purposes of, and shall be subject to, the standards promulgated by the Secretary of Health and Human Services under—

[“(1) part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.); or

[“(2) section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

[“(e) COLLECTION OF GENETIC INFORMATION.—

[“(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require genetic information concerning an individual or a family member of the individual (including information about a request for or receipt of genetic services).

[“(2) INFORMATION NEEDED FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual may request genetic information concerning such individual or dependent for purposes of treatment, payment, or health care operations in accordance with the standards for protected health information described in subsection (d) to the extent that the use of such information is otherwise consistent with this section.

[“(3) FAILURE TO PROVIDE NECESSARY INFORMATION.—If an individual or dependent refuses to provide the information requested under paragraph (2), and such information is for treatment, payment, or health care operations relating to the individual, the group health plan or health insurance issuer requesting such information shall not be required to provide coverage for the items, services, or treatments with respect to which the requested information relates.”.

[(3) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

[“(15) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

[“(A) the spouse of the individual;

[“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

[“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

[“(16) GENETIC INFORMATION.—

[“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘genetic information’ means information—

[“(i) concerning—

[“(I) the genetic tests of an individual;

[“(II) the genetic tests of family members of the individual; or

[“(III) the occurrence of a disease or disorder in family members of the individual; and

[“(ii) that is used to predict risk of disease in asymptomatic or undiagnosed individuals.

[‘‘(B) EXCEPTIONS.—The term ‘genetic information’ shall not include—

[‘‘(i) information about the sex or age of the individual;

[‘‘(ii) information derived from clinical and laboratory tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, used to determine health status or detect illness or diagnose disease; and

[‘‘(iii) information about physical exams of the individual.

[‘‘(17) GENETIC SERVICES.—The term ‘genetic services’ means health services provided for genetic education and counseling.

[‘‘(18) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and metabolites, that detect genotypes, mutations, or chromosomal changes. Such term does not include information described in paragraph (16)(B).’’.

[(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

[(1) by redesignating such subpart as subpart 2; and

[(2) by adding at the end the following:

[‘‘SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

[‘‘(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

[‘‘(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—For purposes of this section, a health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual (including information about a request for or receipt of genetic services).

[‘‘(c) GENETIC TESTING.—

[‘‘(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

[‘‘(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to limit the authority of a health care professional, who is providing health care services with respect to an individual or who is acting on behalf of a health insurance issuer, to request that such individual or a family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

[‘‘(d) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—With respect to the use or disclosure of genetic information by a health insurance issuer offering health insurance coverage in the individual market, such information shall be deemed to be protected health information for purposes of, and shall be subject to, the standards promulgated by the Secretary of Health and Human Services under—

[‘‘(1) part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.); or

[‘‘(2) section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

[‘‘(e) COLLECTION OF GENETIC INFORMATION.—

[‘‘(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require genetic information concerning an individual or a family member of the individual (including information about a request for or receipt of genetic services).

[‘‘(2) INFORMATION NEEDED FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual may request genetic information concerning such individual or dependent for purposes of treatment, payment, or health care operations in accordance with the standards for protected health information described in subsection (d) to the extent that the use of such information is otherwise consistent with this section.

[‘‘(3) FAILURE TO PROVIDE NECESSARY INFORMATION.—If an individual or dependent refuses to provide the information requested under paragraph (2), and such information is for treatment, payment, or health care operations relating to the individual, the health insurance issuer requesting such information shall not be required to provide coverage for the items, services, or treatments with respect to which the requested information relates.’’.

[(c) REGULATIONS AND EFFECTIVE DATE.—

[(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor and the Secretary of Health and Human Services (as the case may be) shall issue final regulations in an accessible format to carry out the amendments made by this section.

[(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

[(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this title; and

[(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this title.

[SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

[(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

[(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: ‘‘(including information about a request for or receipt of genetic services)’’.

[(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

[‘‘(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services).’’.

[(b) LIMITATIONS ON GENETIC TESTING AND THE COLLECTION OF GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

[‘‘(d) GENETIC TESTING AND GENETIC SERVICES.—

[‘‘(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan shall not request or require an individual or a family member of such individual to undergo a genetic test.

[‘‘(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to limit the authority of a health care professional, who is providing health care services with respect to an individual or who is acting on behalf of a group health plan, to request that such individual or a family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

[‘‘(e) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—With respect to the use or disclosure of genetic information by a group health plan, such information shall be deemed to be protected health information for purposes of, and shall be subject to, the standards promulgated by the Secretary of Health and Human Services under—

[‘‘(1) part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.); or

[‘‘(2) section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

[‘‘(f) COLLECTION OF GENETIC INFORMATION.—

[‘‘(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require genetic information concerning an individual or a family member of the individual (including information about a request for or receipt of genetic services).

[‘‘(2) INFORMATION NEEDED FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual may request genetic information concerning such individual or dependent for purposes of treatment, payment, or health care operations in accordance with the standards for protected health information described in subsection (e) to the extent that the use of such information is otherwise consistent with this section.

[‘‘(3) FAILURE TO PROVIDE NECESSARY INFORMATION.—If an individual or dependent refuses to provide the information requested under paragraph (2), and such information is for treatment, payment, or health care operations relating to the individual, the group health plan requesting such information shall not be required to provide coverage for the items, services, or treatments with respect to which the requested information relates.’’.

[(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

[‘‘(6) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

[‘‘(A) the spouse of the individual;

[‘‘(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

[‘‘(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

[‘‘(7) GENETIC INFORMATION.—

["(A) In general.—Except as provided in subparagraph (B), the term 'genetic information' means information—

["(i) concerning—

["(I) the genetic tests of an individual;

["(II) the genetic tests of family members of the individual; or

["(III) the occurrence of a disease or disorder in family members of the individual; and

["(ii) that is used to predict risk of disease in asymptomatic or undiagnosed individuals.

["(B) Exceptions.—The term 'genetic information' shall not include—

["(i) information about the sex or age of the individual;

["(ii) information derived from clinical and laboratory tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, used to determine health status or detect illness or diagnose disease; and

["(iii) information about physical exams of the individual.

["(8) Genetic services.—The term 'genetic services' means health services provided for genetic education and counseling.

["(9) Genetic test.—The term 'genetic test' means the analysis of human DNA, RNA, chromosomes, proteins, and metabolites, that detect genotypes, mutations, or chromosomal changes. Such term does not include information described in paragraph (7)(B).".

[(d) Regulations and Effective Date.—

[(1) Regulations.—Not later than 1 year after the date of enactment of this title, the Secretary of the Treasury shall issue final regulations in an accessible format to carry out the amendments made by this section.

[(2) Effective date.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

[SEC. 104. ASSURING COORDINATION.

[The Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

[(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

[(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

[TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

[SEC. 201. DEFINITIONS.

[In this title:

[(1) Commission.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

[(2) Employee; employer; employment agency; labor organization; and member.—The terms—

[(A) "employee", "employer", "employment agency", and "labor organization" have the meanings given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e); and

[(B) "employee" and "member", as used with respect to a labor organization, include an applicant for employment and an applicant for membership in a labor organization, respectively.

[(3) Family member.—The term "family member" means with respect to an individual—

[(A) the spouse of the individual;

[(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

[(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

[(4) Genetic information.—

[(A) In general.—Except as provided in subparagraph (B), the term "genetic information" means information—

[(i) concerning—

[(I) the genetic tests of an individual;

[(II) the genetic tests of family members of the individual; or

[(III) the occurrence of a disease or disorder in family members of the individual; and

[(ii) that is used to predict risk of disease in asymptomatic or undiagnosed individuals.

[(B) Exceptions.—The term "genetic information" shall not include—

[(i) information about the sex or age of the individual;

[(ii) information derived from clinical and laboratory tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, used to determine health status or detect illness or diagnose disease; and

[(iii) information about physical exams of the individual.

[(5) Genetic monitoring.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

[(6) Genetic services.—The term "genetic services" means health services provided for genetic education and counseling.

[(7) Genetic test.—The term "genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, and metabolites, that detect genotypes, mutations, or chromosomal changes. Such term does not include information described in paragraph (4)(B).

[SEC. 202. EMPLOYER PRACTICES.

[(a) Use of Genetic Information.—It shall be an unlawful employment practice for an employer—

[(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

[(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

[(b) Limitation on Collection of Genetic Information.—It shall be an unlawful employment practice for an employer to intentionally request, require, or purchase genetic information with respect to an employee or a family member of the employee (or information about a request for the receipt of genetic services by such employee or a family of such employee) except—

[(1) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

[(A) the employer provides written notice of the genetic monitoring to the employee;

[(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

[(ii) the genetic monitoring is required by Federal, State, or local law;

[(C) the employee is informed of individual monitoring results;

[(D) the monitoring conforms to any Federal or State genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.); and

[(E) the employer, excluding any licensed or certified health care professional that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees;

[(2) where—

[(A) health or genetic services are offered by the employer;

[(B) the employee provides prior, knowing, voluntary, and written authorization; and

[(C) only the employee (or family member if the family member is receiving genetic services) and the licensed or certified health care professionals involved in providing such services receive individually identifiable information concerning the results of such services; or

[(3) where the request or requirement is necessary to comply with Federal, State, or local law.

[(c) Limitation.—In the case of genetic information to which paragraph (1), (2), or (3) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a).

[(d) Exception.—

[(1) In general.—An employer shall not be considered to engage in an employment practice that is unlawful under this title because of its disparate impact, on the basis that the employer applies a qualification standard, test, or other selection criterion that screens out or tends to screen out, or otherwise denies a job benefit to, an individual, if the standard, test, or other selection criterion is shown to be job-related with respect to the employment position involved and consistent with business necessity.

[(2) Qualification standard.—In this subsection, the term "qualification standard" may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

[(e) Rule of Construction Relating to Group Health Plans.—Nothing in this section shall be construed to prohibit a group health plan (as such term is defined in section 733(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a))), or a health insurance issuer offering group health insurance coverage in connection with a group health plan, from making a request described in subsection (b) if such request is consistent with the provisions of part 7 of subtitle B of title I of the

Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.), title XXVII of the Public Health Service (42 U.S.C. 300gg et seq.), and chapter 100 of the Internal Revenue Code of 1986.

[SEC. 203. EMPLOYMENT AGENCY PRACTICES.

[(a) Use of Genetic Information.—It shall be an unlawful employment practice for an employment agency—

[(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

[(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

[(b) Limitation on Collection of Genetic Information.—It shall be an unlawful employment practice for an employment agency—

[(1) to intentionally request, require, or purchase genetic information with respect to an employee or family member of the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee), except that the provisions of section 202(b) shall apply with respect to employment agencies and employees (and the family members of the employees) under this paragraph in the same manner and to the same extent as such provisions apply to employers and employees (and the family members of the employees) under section 202(b); or

[(2) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

[(c) Limitation and Exception.—Subsections (c) and (d) of section 202 shall apply with respect to employment agencies and employees (and the family members of the employees) under this section in the same manner and to the same extent as such provisions apply to employers and employees (and the family members of the employees) under section 202.

[SEC. 204. LABOR ORGANIZATION PRACTICES.

[(a) Use of Genetic Information.—It shall be an unlawful employment practice for a labor organization—

[(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

[(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

[(b) Limitation on Collection of Genetic Information.—It shall be an unlawful employment practice for a labor organization—

[(1) to intentionally request, require, or purchase genetic information with respect to an individual who is a member of a labor organization or a family member of the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) except that the provisions of section 202(b) shall apply with respect to labor organizations and such individuals (and their family members) under this paragraph in the same manner and to the same extent as such provisions apply to employers and employees (and the family members of the employees) under section 202(b); or

[(2) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

[(c) Limitation and Exception.—Subsections (c) and (d) of section 202 shall apply with respect to labor organizations and individuals who are members of labor organizations (and the family members of the individuals) under this section in the same manner and to the same extent as such provisions apply to employers and employees (and the family members of the employees) under section 202.

[SEC. 205. TRAINING PROGRAMS.

[(a) Use of Genetic Information.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

[(1) to discriminate against any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or a family member of such individual) in admission to, or employment in, any program established to provide apprenticeship or other training or retraining; or

[(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual).

[(b) Limitation on Collection of Genetic Information.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a)—

[(1) to intentionally request, require, or purchase genetic information with respect to an individual who is an applicant for or a participant in such apprenticeship or other training or retraining (or information about a request for or the receipt of genetic services by such individual or family member of such individual) except that the provisions of section 202(b) shall apply with respect to such employers, labor organizations, and joint labor-management committees and to such individuals (and their family members) under this paragraph in the same manner and to the same extent as such provisions apply to employers and employees (and their family members) under section 202(b); or

[(2) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

[(c) Limitation and Exception.—Subsections (c) and (d) of section 202 shall apply with respect to employers, labor organizations, and joint labor-management committees described in subsection (a) and to individuals who are applicants for or participants in apprenticeship or other training or retraining (and the family members of the individuals) under this section in the same manner and to the same extent as the provisions apply to employers and to employees (and the family members of the employees) under section 202.

[SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

[(a) Treatment of Information as Part of Confidential Medical Record.—

[(1) In general.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member), such information shall be treated and maintained as part of the employee's or member's confidential medical records.

[(2) Limitation on disclosure.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member) except—

[(A) to the employee (or family member if the family member is receiving the genetic services) or member at the request of the employee or member;

[(B) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations (or any corresponding similar regulation or rule);

[(C) under legal compulsion of a Federal or State court order, except that if the court order was secured without the knowledge of the individual to whom the information refers, the employer shall provide the individual with adequate notice to challenge the court order;

[(D) to government officials who are investigating compliance with this title if the information is relevant to the investigation;

[(E) to the extent that such disclosure is necessary to comply with Federal, State, or local law; or

[(F) as otherwise provided for in this title.

[(b) Rule of Construction Relating to Group Health Plans.—Nothing in this section shall be construed to prohibit a group health plan (as such term is defined in section 733(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a))), or a health insurance issuer offering group health insurance coverage in connection with a group health plan, from using or disclosing information described in subsection (a) if such use of disclosure is consistent with the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.), title XXVII of the Public Health Service (42 U.S.C. 300gg et seq.), and chapter 100 of the Internal Revenue Code of 1986.

[SEC. 207. ENFORCEMENT.

[The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9) shall be the powers, remedies, and procedures that this title provides to the Commission, to the Attorney General, or to any person alleging an unlawful employment practice in violation of section 202 (other than subsection (e) of such section), 203, 204, 205, or 206(a) or the regulations promulgated under section 210, concerning employment.

[SEC. 208. AMENDMENT TO THE REVISED STATUTES.

[(a) RIGHT OF RECOVERY.—Section 1977A(a) of the Revised Statutes (42 U.S.C. 1981a(a)) is amended by adding at the end the following:

[''(4) GENETIC INFORMATION.—In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5), as authorized under section 207 of the Genetic Information Nondiscrimination Act of 2003, against a respondent who is engaging (or has engaged) in an intentional unlawful employment practice prohibited by section 202 (other than subsection (e) of such section), 203, 204, 205 or 206(a) of such Genetic Information Nondiscrimination Act of 2003 against an individual (other than an action involving an employment practice that is allegedly unlawful because of its disparate impact), the complaining party may recover compensatory and punitive damages as permitted under subsection (b), in addition to any relief otherwise provided for under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)), from the respondent.''.

[(b) CONFORMING AMENDMENTS.—Section 1977A(d) of the Revised Statutes (42 U.S.C. 1981a(d)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (A), by striking ''or'' at the end;

[(B) in subparagraph (B), by striking the period and inserting ''; or''; and

[(C) by adding at the end the following:

[''(C) in the case of a person seeking to bring an action under subsection (a)(4), the Equal Employment Opportunity Commission, the Attorney General, or a person who may bring an action or proceeding under title II of the Genetic Information Nondiscrimination Act of 2003.''; and

[(2) in paragraph (2), by striking ''or the discrimination or the violation described in paragraph (2),'' and inserting ''the discrimination or the violation described in paragraph (2), or the intentional unlawful employment practice described in paragraph (4),''.

[SEC. 209. CONSTRUCTION.

[Nothing in this title shall be construed to—

[(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), except that an individual may not bring an action against an employer, employment agency, labor organization, or joint labor-management committee pursuant to this title and also pursuant to the Americans with Disabilities Act of 1990 or the Rehabilitation Act of 1973, if the actions are predicated on the same facts or a common occurrence;

[(2) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title, except that an individual may not bring an action against such an employer, employment agency, labor organization, or joint labor-management committee, with respect to a group health plan or a health insurance issuer offering health insurance coverage in connection with a group health plan, under this title if the action is based on a violation of a provision of the amendments made by title I;

[(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title;

[(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

[(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule); and

[(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

[SEC. 210. REGULATIONS.

[Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations in an accessible format to carry out this title.

[SEC. 211. SEVERABILITY.

[If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provisions to any person or circumstance shall not be affected thereby.

[SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as may be necessary to carry out this title.

[SEC. 213. EFFECTIVE DATE.

[(a) IN GENERAL.—This title takes effect on the date that is 18 months after the date of enactment of this Act.

[(b) ENFORCEMENT.—Notwithstanding subsection (a), no enforcement action shall be commenced under section 207 until the date on which the Commission issues final regulations under section 210.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Genetic Information Nondiscrimination Act of 2003''.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: ''(including information about a request for or receipt of genetic services by an individual or family member of such individual)''.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(B) by adding at the end the following:

''(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).''.

(b) LIMITATIONS ON GENETIC TESTING.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

''(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

''(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

''(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

''(d) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 732(a).''.

(c) REMEDIES AND ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

''(n) ENFORCEMENT OF GENETIC NONDISCRIMINATION REQUIREMENTS.—

''(1) INJUNCTIVE RELIEF FOR IRREPARABLE HARM.—With respect to any violation of subsection (a)(1)(F), (b)(3), or (c) of section 702, a participant or beneficiary may seek relief under subsection 502(a)(1)(B) prior to the exhaustion of available administrative remedies under section 503 if it is demonstrated to the court, by a preponderance of the evidence, that the exhaustion of such remedies would cause irreparable harm to the health of the participant or beneficiary. Any determinations that already have been made under section 503 in such case, or that are made in such case while an action under this paragraph is pending, shall be given due consideration by the court in any action under this subsection in such case.

''(2) EQUITABLE RELIEF FOR GENETIC NONDISCRIMINATION.—

''(A) REINSTATEMENT OF BENEFITS WHERE EQUITABLE RELIEF HAS BEEN AWARDED.—The recovery of benefits by a participant or beneficiary under a civil action under this section may include an administrative penalty under subparagraph (B) and the retroactive reinstatement of coverage under the plan involved to the date on which the participant or beneficiary was denied eligibility for coverage if—

''(i) the civil action was commenced under subsection (a)(1)(B); and

''(ii) the denial of coverage on which such civil action was based constitutes a violation of subsection (a)(1)(F), (b)(3), or (c) of section 702.

''(B) ADMINISTRATIVE PENALTY.—

''(i) IN GENERAL.—An administrator who fails to comply with the requirements of subsection

(a)(1)(F), (b)(3), or (c) of section 702 with respect to a participant or beneficiary may, in an action commenced under subsection (a)(1)(B), be personally liable in the discretion of the court, for a penalty in the amount not more than $100 for each day in the noncompliance period.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of clause (i), the term 'noncompliance period' means the period—

"(I) beginning on the date that a failure described in clause (i) occurs; and

"(II) ending on the date that such failure is corrected.

"(iii) PAYMENT TO PARTICIPANT OR BENEFICIARY.—A penalty collected under this subparagraph shall be paid to the participant or beneficiary involved.

"(3) SECRETARIAL ENFORCEMENT AUTHORITY.—

"(A) GENERAL RULE.—The Secretary has the authority to impose a penalty on any failure of a group health plan to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 702.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, ana exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)(F)) is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(B) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended—

(i) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(ii) by adding at the end the following:

"(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(2) LIMITATIONS ON GENETIC TESTING.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan or a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(d) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (c) shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg–22)(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the following provisions shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), or (c) of section 2702.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each individual to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date such failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(16) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(17) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a health insurance issuer and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.".

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61)(b)) is amended to read as follows:

"(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S. C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F) and (c) of section 2702 and the provisions of section 2702(b) to the extent that such provisions apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor and the Secretary of Health and Human Services (as the case may be) shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 18 months after the date of enactment of this title; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 18 months after the date of enactment of this title.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: "(including information about a request for or receipt of genetic services by an individual or family member of such individual)".

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 9802(b) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ", except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—For purposes of this section, a group health plan shall not adjust premium or contribution amounts for a group on the basis of genetic information concerning an individual in the group or a family member of the individual (including information about a request for or receipt of genetic services by an individual or family member of such individual).".

(b) LIMITATIONS ON GENETIC TESTING.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(d) GENETIC TESTING AND GENETIC SERVICES.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan shall

not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to—

"(A) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(B) limit the authority of a health care professional who is employed by or affiliated with a group health plan and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(C) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), and (d) shall apply to group health plans and health insurance issuers without regard to section 9831(a)(2).".

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(6) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(A) the spouse of the individual;

"(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

"(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

"(7) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(8) GENETIC INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'genetic information' means information about—

"(i) an individual's genetic tests;

"(ii) the genetic tests of family members of the individual; or

"(iii) the occurrence of a disease or disorder in family members of the individual.

"(B) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(9) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of the Treasury shall issue final regulations in an accessible format to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 18 months after the date of enactment of this title.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E)(i) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy, and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an eligible individual on the basis of genetic information concerning the individual (or information about a request for, or the receipt of, genetic services by such individual or family member of such individual).

"(ii) For purposes of clause (i), the terms 'family member', 'genetic services', and 'genetic information' shall have the meanings given such terms in subsection (v).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a policy for policy years beginning after the date that is 18 months after the date of enactment of this Act.

(b) LIMITATIONS ON GENETIC TESTING.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(v) LIMITATIONS ON GENETIC TESTING.—

"(1) GENETIC TESTING.—

"(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

"(i) limit the authority of a health care professional who is providing health care services with respect to an individual to request that such individual or a family member of such individual undergo a genetic test;

"(ii) limit the authority of a health care professional who is employed by or affiliated with an issuer of a medicare supplemental policy and who is providing health care services to an individual as part of a bona fide wellness program to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

"(iii) authorize or permit a health care professional to require that an individual undergo a genetic test.

"(2) DEFINITIONS.—In this subsection:

"(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual—

"(i) the spouse of the individual;

"(ii) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; or

"(iii) any other individuals related by blood to the individual or to the spouse or child described in clause (i) or (ii).

"(B) GENETIC INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'genetic information' means information about—

"(I) an individual's genetic tests;

"(II) the genetic tests of family members of the individual; or

"(III) the occurrence of a disease or disorder in family members of the individual.

"(ii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of an individual.

"(C) GENETIC TEST.—

"(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

"(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(D) GENETIC SERVICES.—The term 'genetic services' means—

"(i) a genetic test;

"(ii) genetic counseling (such as obtaining, interpreting, or assessing genetic information); or

"(iii) genetic education.

"(E) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.".

(2) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

"(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (v).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 18 months after the date of enactment of this Act.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2004, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2004, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2004.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2004 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after *the close of the first legislative session of the State legislature that begins on or after July 1, 2004. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.*

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) APPLICABILITY.—Except as provided in subsection (d), the provisions of this section shall apply to group health plans, health insurance issuers (including issuers in connection with group health plans or individual health coverage), and issuers of medicare supplemental policies, without regard to—

(1) section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a));

(2) section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg–21(a)); and

(3) section 9831(a)(2) of the Internal Revenue Code of 1986.

(b) COMPLIANCE WITH CERTAIN CONFIDENTIALITY STANDARDS WITH RESPECT TO GENETIC INFORMATION.—

(1) IN GENERAL.—The regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) shall apply to the use or disclosure of genetic information.

(2) PROHIBITION ON UNDERWRITING AND PREMIUM RATING.—Notwithstanding paragraph (1), a group health plan, a health insurance issuer, or issuer of a medicare supplemental policy shall not use or disclose genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(c) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

(1) IN GENERAL.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) for purposes of underwriting, determinations of eligibility to enroll, premium rating, or the creation, renewal or replacement of a plan, contract or coverage for health insurance or health benefits.

(2) LIMITATION RELATING TO THE COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy shall not request, require, or purchase genetic information (including information about a request for or a receipt of genetic services by an individual or family member of such individual) concerning a participant, beneficiary, or enrollee prior to the enrollment, and in connection with such enrollment, of such individual under the plan, coverage, or policy.

(3) INCIDENTAL COLLECTION.—Where a group health plan, health insurance issuer, or issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning a participant, beneficiary, or enrollee, such request, requirement, or purchase shall not be considered a violation of this subsection if—

(A) such request, requirement, or purchase is not in violation of paragraph (1); and

(B) any genetic information (including information about a request for or receipt of genetic services) requested, required, or purchased is not used or disclosed in violation of subsection (b).

(d) APPLICATION OF CONFIDENTIALITY STANDARDS.—The provisions of subsections (b) and (c) shall not apply—

(1) to group health plans, health insurance issuers, or issuers of medicare supplemental policies that are not otherwise covered under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note); and

(2) to genetic information that is not considered to be individually-identifiable health information under the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(e) ENFORCEMENT.—A group health plan, health insurance issuer, or issuer of a medicare supplemental policy that violates a provision of this section shall be subject to the penalties described in sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5 and 1320d–6) in the same manner and to the same extent that such penalties apply to violations of part C of title XI of such Act.

(f) PREEMPTION.—

(1) IN GENERAL.—A provision or requirement under this section or a regulation promulgated under this section shall supersede any contrary provision of State law unless such provision of State law imposes requirements, standards, or implementation specifications that are more stringent than the requirements, standards, or implementation specifications imposed under this section or such regulations. No penalty, remedy, or cause of action to enforce such a State law that is more stringent shall be preempted by this section.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to establish a penalty, remedy, or cause of action under State law if such penalty, remedy, or cause of action is not otherwise available under such State law.

(g) COORDINATION WITH PRIVACY REGULATIONS.—The Secretary shall implement and administer this section in a manner that is consistent with the implementation and administration by the Secretary of the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(h) DEFINITIONS.—In this section:

(1) GENETIC INFORMATION; GENETIC SERVICES.—The terms "family member", "genetic information", "genetic services", and "genetic test" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by this Act.

(2) GROUP HEALTH PLAN; HEALTH INSURANCE ISSUER.—The terms "group health plan" and "health insurance issuer" include only those plans and issuers that are covered under the regulations described in subsection (d)(1).

(3) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term "issuer of a medicare supplemental policy" means an issuer described in section 1882 of the Social Security Act (42 insert 1395ss).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 106. ASSURING COORDINATION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(b) AUTHORITY OF THE SECRETARY.—The Secretary of Health and Human Services has the sole authority to promulgate regulations to implement section 105.

SEC. 107. REGULATIONS; EFFECTIVE DATE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury shall issue final regulations in an accessible format to carry out this title.

(b) EFFECTIVE DATE.—Except as provided in section 104, the amendments made by this title shall take effect on the date that is 18 months after the date of enactment of this Act.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term "family member" means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "genetic information" means information about—

(i) an individual's genetic tests;

(ii) the genetic tests of family members of the individual; or

(iii) the occurrence of a disease or disorder in family members of the individual.

(B) EXCEPTIONS.—The term "genetic information" shall not include information about the sex or age of an individual.

(5) GENETIC MONITORING.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (such as obtaining, interpreting or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term "genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTION.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee); or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee (or information about a request for or the receipt of genetic services by such employee or family member of such employee).

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee (or information about a request for the receipt of genetic services by such employee or a family member of such employee) except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a bona fide wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) USE OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) Use of Genetic Information.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member (or information about a request for or the receipt of genetic services by such member or family member of such member); or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member (or information about a request for the receipt of genetic services by such member or a family member of such member) except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a bona fide wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members;

(c) Preservation of Protections.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) Use of Genetic Information.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or a family member of such individual) in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) Acquisition of Genetic Information.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual (or information about a request for the receipt of genetic services by such individual or a family member of such individual) except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a bona fide wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services;

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals;

(c) Preservation of protections.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) Treatment of Information as Part of Confidential Medical Record.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member), such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member.

(b) Limitation on Disclosure.—An employer, employment agency, labor organization, or joint labor-management committee shall not *disclose genetic information concerning an employee or member (or information about a request for or receipt of genetic services by such employee or member or family member of such employee or member) except—*

(1) to the employee (or family member if the family member is receiving the genetic services) or member of a labor organization at the request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall provide the employee or member with adequate notice to challenge the court order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation; or

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b, 2000e-16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e-16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) DEFINITION.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representative;

(F) 1 member shall be appointed by the Minority Leader of the House of Representative;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5,

United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) Administrative Provisions.—

(1) Location.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) Detail of government employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) Information from federal agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) Report.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) establish a violation under this title for an employer, employment agency, labor organization, or joint labor-management committee of a provision of the amendments made by title I;

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(5) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(6) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule); and

(7) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations in an accessible format to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISION

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 1824) was agreed to.

(The amendment is printed in today's Record under "Text of Amendments.")

Mr. FRIST. Mr. President, this legislation and the unanimous consent that was just obtained signifies an important accomplishment of this body but an accomplishment that resulted after about 6 years of work. As with so much important legislation, I think we sometimes take for granted how much work it takes to get to a certain point. Then when we present the bill, debate the bill, and then pass the bill, we move very quickly on to other issues.

What the unanimous consent just said was that we will be voting on this Tuesday when we get back from recess; that all time for debate and discussion on this particular issue, which I should add over the last 6 years has been debated a lot on this floor, will have been exhausted.

For more than 6 years, Members of this body have worked on this issue. I have worked with Senator Olympia Snowe for about 5¾ years, along with Senators Jeffords, Enzi, Gregg, Hagel, Collins, and DeWine on this issue of genetic nondiscrimination. Today, with the invaluable contributions of Senators Daschle and Kennedy, we bring to the Senate floor this solid, important, significant legislation that, if I had to summarize, I would say provides individuals, citizens, patients, with strong protections against the potential of genetic discrimination in health insurance.

I especially want to take this opportunity to commend the chairman of the Health, Education, Labor and Pensions Committee, Chairman Judd Gregg, for his leadership on this issue. In large part, it is due to his passion and commitment to this issue, to the principle of fairness and of equity, which has driven this process forward.

I also commend President Bush for his dedication in ensuring strong protections against genetic discrimination and for bringing attention to this critical matter.

When we began work on this issue many years ago, we were looking ahead at what we anticipated, which was the anticipation of the decoding of the human genome. At that time, we looked to the future. We wanted to preempt potential problems. Yes, it has taken 6 years, but finally with passage a week from next Tuesday we can be satisfied that we accomplished that goal set out 6 years ago.

This decoding of the human genome, which is about 3 billion bits of information that we did not have 15 years ago that we have now, has been accomplished. In fact, it was this year that scientists, working in collaboration with the National Human Genome Research Institute at the National Institutes of Health, published a final draft documenting the sequence of the entire human genetic code.

The publication of this final draft occurred more than 2 years ahead of schedule and almost 50 years to the day from the historic publication by Dr. James Watson and Dr. Francis Crick of DNAs double helix.

This dazzling accomplishment has begun to usher in a whole new era of medical understanding. It has already begun to expand our understanding of human development and health, as well as disease. For example, the discovery of disease genes holds great promise. Based on this discovery, scientists may be able to design drugs to treat specific genes and genetic defects. Organs and tissues may be specifically engineered for use in transplantation. Preventive care will be based in part on genetic testing.

This explosion of knowledge, these tremendous advances in science and technology, are also fraught with risk, which this legislation will minimize.

When I first joined Senator Snowe in this effort several years ago, at that point in time almost a third, one out of three, of the women offered a test for breast cancer risk at the National Institutes of Health declined the test. The reason they gave at that time for declining the test was that the result might in some way be made available to an insurance company which would then use that data, that information, to discriminate against them in whether health insurance would be issued to them.

I think it is a tremendous example of the danger of having a threat of discrimination, preventing one from getting a test that might be useful to them. Thus, that example led me to strongly believe then, and I do now, that we must protect people from the threat of genetic information in any way being used against them. That is a practical responsibility. It is a moral responsibility and it is one with this legislation that this body speaks to directly.

Simply stated, if unchecked, the fear of genetic discrimination would have the potential of keeping people from participating in very useful research studies. It had the potential for keeping people from taking advantage of new genetic technologies, and it had the potential of keeping an individual from having the opportunity to obtain information that demonstrated that they are not at risk for a potential genetically determined disease.

The fear of genetic discrimination has the potential to prevent citizens from making informed health decisions for themselves or their loved ones.

Congress, of course, has a rich history in battling against discrimination, most notably through the landmark 1964 Civil Rights Act. We think also of the 1990 Americans With Disabilities Act and the Health Insurance Portability and Accountability Act. The legislation before us now extends those very same protections to citizens who have genetic markers, a move that, ultimately, I believe, through this legislation, will allow us to save lives.

Genetic research, this unraveling of the genetic code, genetic testing will undoubtedly unleash tremendous advances to the benefit of mankind—thrilling advances, possible cures to illnesses today that seem vexing, that we do not fully understand. The potential medical advances from our knowledge of the human genome will be more dramatic than any of the advances that I had the opportunity to directly participate in over 20 years in the practice of medicine—just from this single unraveling of the genetic code.

As we greet the future, as we look at new technology, this is just one example of this body acting proactively, acting preemptively, so that such potential use in a discriminatory fashion of medical advances is kept from hurting the American people. We must take care to protect our body politic, and this legislation does just that. I am pleased by the progress we have made thus far, and I do congratulate each of my colleagues on their dedication to this issue over the last several years.

This legislation stands squarely on our time-tested civil rights laws establishing comprehensive, equitable, fair, consistent, and reasonable protections. I strongly support this bill, and I look forward to its swift passage when we vote on Tuesday, following our recess.

Mr. GREGG. Mr. President, this year we celebrated the 50 year anniversary of the now fabled discovery by Watson and Crick of the double helix. And this year the scientists at the NIH Human Genome Project completed the sequencing of human DNA.

These are major historical developments that will permanently change the course of biological science. The color of our eyes and the treatment of disease are now understood through the lens of genetics. As the science has progressed, so too have reservations with what we will do with this new information we are uncovering. Unlocking our genetic code unleashes new power. And power produces new responsibilities in protecting the privacy of our genetic information and protecting it from misuse.

Scientific advances in field of genetics hold great promise for medical prevention of new treatments and therapies. However, because our public policies lag behind the science, the promise of the Human Genome Project is going unfulfilled. Individuals are afraid to get genetic tests or seek genetic counseling out of fear that they will lose their health insurance or face discrimination in their employment.

After 6 years, numerous hearings, and hours of deliberation, I am pleased the Senate is finally taking up this important legislation, which was unanimously reported out of the Health, Education, Labor, and Pensions Committee on May 21, 2003. I am also pleased that the first civil rights legislation adopted under my chairmanship deals with an issue of truly 21st century concerns. This is the first civil rights act of the 21st century.

Genetic discrimination is an issue that affect all Americans. Everyone has genes. Everyone has hereditary medical traits. It's a non-partisan issue. This is reflected in the fact that this legislation is truly a bipartisan product. For more than a year, the HELP Committee has worked hard to marry together two major pieces of legislation—one sponsored by Senators SNOWE/FRIST/JEFFORDS and the other sponsored Senators DASCHLE and KENNEDY.

This legislation established in Federal law basic legal protections that prohibit discrimination in health insurance or employment based on genetic information.

A key component of the legislation is its privacy provisions. Although current law already contains medical privacy rules covering genetic information, this legislation addresses some additional concerns and closes loopholes that are unique to genetics. For instance, it protects the privacy of genetic information at work and prohibits the use of genetic information in health insurance underwriting.

This bill prohibits an employer from making employment decisions—hiring, firing, etc.—based on genetic information, or even that fact than an individual or family member requested or received genetic services.

This bill prohibits health insurance plans from denying eligibility or enrollment in the health plan based on genetic information. And it prohibits health insurance plans from charging higher premiums based on an individual's—or his or her family member's—genetic information.

Most importantly, the legislation recognizes that all individuals, whether they are healthy or sick, and all medical information, whether genetic or otherwise, should be afforded the same protections under law.

While genetic discrimination may not be widespread at this point in time, this legislation ensures that discriminatory practices will never become common practice. From the past we have learned that employees, employers, insurers and others all work best together when the rules are clear and opportunities for personal achievement and health are available. This legislation tells everyone what is expected of them and avoids the trip wires and uncertainty of some of our existing laws.

Any concerns about new regulations on employers or health plans are far outweighed by the benefits of scientific advances that will further revolutionize the medical field. With no silver bullet solution in sight to cure what ails our expensive and troubled health care system, I believe all stakeholders will welcome reasonable legislation that fosters medical advances that can lead to prevention and cure disease.

It is my hope that the bipartisan spirit that brought the parties together to craft this historic legislation will continue as we seek to realize the full potential of the human genome project.

The PRESIDING OFFICER. Without objection, S. 1053 is considered read a third time.

Mr. FRIST. Mr. President, I yield back all time on both sides, and I ask the bill be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, Calendar Nos. 388 and 389. I further ask unanimous consent the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ARMY

The following named officer for appointment as Vice Chief of Staff, United States

Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. George W. Casey, Jr., 1204.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David C. Nichols, Jr., 5011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZING REGULATIONS RELATING TO THE USE OF OFFICIAL EQUIPMENT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 238, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 238) authorizing regulations relating to the use of official equipment.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 238) was agreed to, as follows:

S. RES. 238

Resolved, That (a) the Committee on Rules and Administration of the Senate may issue regulations to authorize a Senator or officer or employee of the Senate to use official equipment for purposes incidental to the conduct of their official duties.

(b) Any use under subsection (a) shall be subject to such terms and conditions as set forth in the regulations.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the chairman and the ranking minority member of the Finance Committee, pursuant to Public Law 103-296, appoints Sylvester J. Schieber, of Maryland, as a member of the Social Security Advisory Board for a 6-year term.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Rene Drouin of New Hampshire, vice Charles Terrell of Massachusetts, to the Advisory Committee on Student Financial Assistance for a 3-year term.

ORDERS FOR FRIDAY, OCTOBER 3, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Friday, October 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the minority leader or his designee and the second 15 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of S. 1689, the Iraq/Afghanistan Supplemental Appropriations bill.

The PRESIDING OFFICER. Is there objection?

The assistant minority leader.

Mr. REID. Everyone within the sound of our voice, staff, Members, should understand that tomorrow is a free day. They can come and offer amendments. They might have to wait for a minute until someone else offers an amendment. They can speak as long as they want. Tomorrow is the day that people have the opportunity to offer amendments.

We are going to come back Tuesday after the recess. We have a lot of work to do. If we get amendments laid down, the two leaders can set up a time we can vote on them and finish debating them. So I hope people understand tomorrow is an excellent day for the offering of amendments.

No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, tomorrow morning, as was just pointed out, following morning business, the Senate will resume consideration of the Iraq/Afghanistan Supplemental Appropriations bill. There will be no rollcall votes during tomorrow's session. Senators will have the opportunity throughout tomorrow to come to the floor and offer amendments on the bill. However, no action will occur on any of the amendments tomorrow.

Under a previous order, the next rollcall vote will occur Tuesday, October 14, at 2:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:36 p.m., adjourned until Friday, October 3, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 2003:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOSE ANTONIO APONTE, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2007, VICE MARTHA B. GOULD, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SANDRA FRANCES ASHWORTH, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004, VICE PAULETTE H. HOLAHAN.

EDWARD LOUIS BERTORELLI, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005, VICE C. E. ABRAMSON, TERM EXPIRED.

CAROL L. DIEHL, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005, VICE WALTER ANDERSON, TERM EXPIRED.

ALLISON DRUIN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2006, VICE REBECCA T. BINGHAM, TERM EXPIRED.

BETH FITZSIMMONS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2006, VICE JOSE-MARIE GRIFFITHS, TERM EXPIRED.

PATRICIA M. HINES, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005, VICE LAVAR BURTON, TERM EXPIRED.

COLLEEN ELLEN HUEBNER, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2007, VICE JEANNE HURLEY SIMON.

STEPHEN M. KENNEDY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2007, VICE DONALD L. ROBINSON.

BRIDGET L. LAMONT, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2008, VICE MARILYN GELL MASON, TERM EXPIRED.

MARY H. PERDUE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2008, VICE FRANK J. LUCCHINO, RESIGNED.

HERMAN LAVON TOTTEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2008, VICE BOBBY L. ROBERTS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM WELSER III, 4623

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARRY R. TREXLER

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

VINCENT A. BERKLEY
ROBERT D. BREWER III
DAVID J. LIPMAN
GRIFFIN P. RODGERS
JOSE H. RODRIGUEZ
ANDREW A. VERNON

To be senior surgeon

ROBERT F. BRANCHE
ROBERT F. BREIMAN
SCOTT D. DEITCHMAN
JEFFREY L. JONES
DAVID C. RUTSTEIN
HILLARD S. WEINSTOCK

To be surgeon

THOMAS W. HENNESSY
NEWTON E. KENDIG
MARK N. LOBATO
ERIC A. MANN
AUBREY K. MILLER
MARK A. MILLER
ELENA H. PAGE
JAY P. SIEGEL
MARK J. TEDESCO

To be senior assistant surgeon

ELISE A. BELTRAMI
ANTHONY B. CAMPBELL
COY B. FULLEN
JULIE M. MAGRI
JOEL D. SELANIKIO
MITCHELL I. WOLFE

To be dental surgeon

MICHAEL R. KWASINSKI
DEBORAH R. NOYES
SUSAN B. TIEDE
RICK D. VACCARELLO
GREGORY WHELAN

To be senior assistant dental surgeon

ROBERT T. DVORAK
DAVID C. FEIST
TANYA T. HOLLINSHED-MILES
JAMES J. PALERINO
ALAN C. PETERSON
STEVEN K. RAYES
KRISTIN E. SHAHAN
LYNN C. VAN PELT
CLAUDIA G. VONHENDRICKS

To be senior nurse officer

ELIZABETH A. AUSTIN
JACQUELYN A. POLDER

To be nurse officer

SUSAN K. FRITZ
LONNA J. GUTIERREZ
DAVID W. KELLY
CAROL L. KONCHAN
STEPHANIE V. MIDDLETON
MAURICE M. SHEEHAN
TONI JOY SPADARO

To be senior assistant nurse officer

KEVIN J. BARTLETT
SALLY E. BROWN
BRIAN R. CRONENWETT
BERNADETTE DAYZIE
IRENE H. DUSTIN
JAMES L. GIBSON
JUDY L. GLENN
DE ALVA HONAHNIE
MARK A. JIMENEZ
EUNICE F. JONES-WILLS
RONALD D. KEATS
JANIE M. KIRVIN
DEBORAH L. LAKE
LESLIE R. LIGHTWINE
LORI M. LUU
STEPHANIE C. MANGIGIAN
MOIRA G. MCGUIRE
DEBRA J. MCKELLIPS
ANTHONY E. MILLKAMP
CATHERINE B. MOSHIER
MICHELE E. NEHREBECKY
MADELYN RENTERIA
JAMES L. VICKROY
BRYAN E. WEAVER
DOMINIC T. WESKAMP

To be assistant nurse officer

FELICIA A. ANDREWS
MICHELLE E. BROWN-STEPHENSON
MICHAEL W. FORBES
BARBARA A. FULLER
SHERRY L. MCREYNOLDS
DARYL W. PERRY
JANET E. SEEGERS

To be senior assistant engineer officer

KEITH E. FOY
RICHARD J. GELTING
RAMSEY D. HAWASLY
ROBERT J. LORENZ
ERIC L. MATSON
MARY C. MINER
PETER T. NACHOD
DELREY K. PEARSON
MARJORIE E. WALLACE

To be assistant engineer officer

MATHEW J. MARTINSON
BRENT D. ROHLFS

To be scientist director

CHRISTINE J. LEWIS

To be senior scientist

LYNDA S. DOLL
SHARON O. WILLIAMS-FLEETWOOD

To be scientist

DAVID A. CRAGO
LAUREN C. IACONO-CONNORS

To be senior assistant scientist

LISA J. COLPE
KIERAN J. FOGARTY
FRANK R. HERSHBERGER
DOUGLAS A. THOROUGHMAN

To be senior assistant sanitarian

KIMBERLY K. CHAPMAN
LISA J. FLYNN
CHRISTOPHER T. KATES
DUANE M. KILGUS
ROBERT B. KNOWLES
JENNIFER M. LINCOLN
KATHY S. SLAWSON
JOHN D. SMART
ELIZABETH B. WRIGHT

To be senior veterinary officer

DOUGLAS A. POWELL

To be senior assistant veterinary officer

KAMELA D. EVANS-DAVIS
KATHERINE A. HOLLINGER

To be senior pharmacist

JENEVA S. ARNOLD
JOAN C. GINETIS
JOHN C. NIDIFFER

To be pharmacist

KENT L. REDLAND

To be senior assistant pharmacist

JAMES L. BRESETTE
CAROLE C. BROADNAX
TAMARA A. CLOSE
DEBRA A. DOTSON
MELINA N. FANARI
WALTER L. FAVA
LOUIS E. FELDMAN
RICHARD K. GLABACH
JANETTE L. HARRELL
PAUL E. HUNTZINGER
EUN S. JEON
TENA L. JESSING
DAVID J. KATSULES
KOUNG U. LEE
HOUDA MAHAYNI
ERIC M. MUELLER
SANDRA M. SHIPP
GREGORY W. SMITH
LISA P. SMITH
KIMBERLY A. STRUBLE
DEREK E. TESCHLER
DEBORAH J. THOMPSON
ROBERT J. TOSATTO
JACQUELINE H. WARE
NINA L. WATSON
EDWARD N. YALE

To be assistant pharmacist

CHRISTOPHER RON CRAZYTHUNDER
GREGORY S. DAVIS
ROSS P. GREEN
NASSER MAHMUD
VLADA MATUSOVSKY

To be senior dietitian

EDITH M. CLARK

To be senior assistant dietitian

JEAN M. KELAHAN
ELAINE B. LITTLE
APRIL P. SMITH

To be senior assistant therapist

SCOTT P. GUSTAD
RICHARD SHUMWAY
RONALD R. WEST

To be senior health services officer

ROBERT A. LATINA

To be health services officer

THEODORE P. CHIAPPELLI
MARGARET A. MCDOWELL
DIANE L. RULE
WILLIAM BOYD WYETH

To be senior assistant health services officer

JOHN J. CARDARELLI II
THOMAS A. COSTELLO
MONICA R. KUENY
KIMBERLY M. LEWANDOWSKI-WALK
MONICA PASQUALE RUEBEN
DELORES E. STARR
SYLVIA J. TETZLAFF
BRUCE W. TOPEY

To be assistant health services officer

NADINE R. BROWN
ELIZABETH A.HASTINGS
BETH ANNE HENSON
KAREN J. SICARD
JAMES A. SYMS

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 2003:

THE JUDICIARY

WILLIAM Q. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

JOHN A. HOUSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

ROBERT CLIVE JONES, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

PHILIP S. FIGA, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. GEORGE W. CASEY, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID C. NICHOLS, JR.

EXTENSIONS OF REMARKS

IN MEMORIAM OF WAYNE A. STEEN, SR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to a leader in the volunteer fire services community, Wayne A. Steen, Sr., of Delaware. This Sunday, October 5, 2003, Mr. Steen will be honored as part of the National Fallen Firefighters Memorial in Emmitsburg, Maryland.

Wayne passed away in September of 2001, due to complications from an aneurysm he suffered while responding to a fatal traffic accident in 1995. Along with his family, I am pleased that Wayne will now receive the national recognition that he deserves for his dedication to the fire services community and to public safety.

Wayne dedicated 34 years of public service to the Mill Creek Fire Company where he held numerous offices before becoming Deputy Chief. Wayne was also an officer of the Delaware State Fire Chiefs Association and a life member of New Castle County Fire Chiefs Association, the Eastern Division of the International Association of Fire Chiefs, and the Delaware Valley Fire Chiefs Association. In 1996, Wayne was named Honorary Deputy Chief and given the President's Award by the Mill Creek Fire Company. Such honors serve as a testament to Wayne's selfless devotion to public safety, and it is fitting that the Nation now join his colleagues at the Mill Creek Fire Company in recognizing Wayne's exceptional leadership and service record.

This Sunday, Wayne Steen, Sr.'s contributions to the fire services, along with those of 104 additional fallen firefighters will be memorialized at the National Fallen Firefighters Memorial, and their names will be added to the roll of fallen heroes. His commitment to public service has earned him a place in our Nation's fire services' history. Wayne's selflessness and dedication to the safety of others will always remain in our memories.

CUBS WIN!

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. EMANUEL. Mr. Speaker, I rise with great pride following last night's National League Central Division champion Chicago Cubs' first playoff victory on the road since 1945.

I am proud to represent tens of thousands of loyal and patient Cubs fans who have so patiently waited for this opportunity to compete for its first National League Pennant in almost 60 years and its first World Series title since 1908. I join the City of Chicago in cheering for the Cubs to overcome history by this year's nearly 90 wins and first place in the Central division.

I think most long-time Cubs fans would agree that there could not have been a more exciting route to the playoffs than the 2003 season. All season long, Chicago traded first place back and forth with the Houston Astros in the major league's most competitive division. After this weekend's victory against Pittsburgh, jubilant fans remained celebrating in the stands an hour after the game as Cubs players jogged around the perimeter of the field to salute their fans and soak up the delirious atmosphere at Wrigley Field.

Those of us on Chicago's north side are especially grateful for the arrival of first-year manager Dusty Baker, his winning attitude and proven leadership on the field and in our community. Dusty and his outstanding coaching staff made believers out of the players and Cubs fans. He held our team together during some of the season's most difficult times.

We must attribute much of this year's success to Dusty's clever off season personnel moves and Sammy Sosa's great batting, including his towering 40th home run this past weekend that made him the first player in National League history to hit 40 home runs in six consecutive seasons. This historic feat was achieved on top of slamming his 500th home run earlier this season. Sammy has become as much a part of Chicago as the stuffed pizza and Navy Pier. His pride in his native Dominican Republic is but one example of the cultural diversity that makes Chicago the great city it is today, and how baseball has been woven into the fabric of our Nation's history.

When I attended one of the Cub's home victories earlier this year, I was joined by the Chaplain of the House of Representatives, The Rev. Daniel P. Coughlin, before the game to honor his 89-year-old mother, Louise Coughlin, as the Cub's Usher of the Year. Moments like these and the team's winning ways are what made 2003 such a special season and why I will always be proud to represent the Cubs in Congress.

Mr. Speaker, I salute the Cubs for their first-place finish, and I join with the entire City of Chicago and Cubs fans everywhere in wishing them continued success in the playoffs. I join Cubs fans in cheering that one of baseball's most storied franchises ends a nearly century long championship drought. Win or lose, Chicagoans will be always be proud of their Cubs.

A JOB FOR THE JUDICIARY COMMITTEE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. UDALL of Colorado. Mr. Speaker, a recent editorial in the Denver Post calls on the Judiciary Committee to perform the oversight function of calling Attorney General John Ashcroft to account.

The editorial evidently was prompted by the Attorney General's recent move to restrict plea bargaining in federal criminal cases. I think the editorial has it just right, and I urge the Judiciary Committee to promptly begin hearings on this and other Justice Department policies under the current administration. For the information of our colleagues, I am attaching the full text of the Denver Post editorial.

ASHCROFT'S PLEA PLOY

Attorney General John Ashcroft's scheme to make it tougher for federal prosecutors to reach plea bargains with criminal defendants is an ill-considered proposal that bespeaks an unrealistic view of the capacity of the American court system. Some observers say Ashcroft's plan is merely a ploy to make his boss, President George W. Bush, look tough on crime for the 2004 election. But all this sound-bite buffoonery accomplishes is to make the Bush administration look patently stupid. Even the greenest cub reporter on the federal court beat learns quickly that more than 90 percent of federal criminal cases are settled with plea bargains. Defendants plead guilty, often to a lesser charge or fewer counts, and this is taken into account at sentencing.

Plea bargains avoid going to trial in federal courts where dockets already are critically crowded. In exchange for guilty pleas, defendants can get some reduction in sentences, although formulaic federal sentencing guidelines adopted in the 1980s give judges very little discretion. The U.S. Justice Department says the new policy is intended to counter dangerously lenient sentencing practices by some federal judges. Utter nonsense. It's no accident our federal prisons are jammed to the rafters. And Ashcroft's claim to be acting in the interest of fairness is beyond laughable.

We recall that when the late Dale Tooley ran for Denver district attorney in 1972, he excoriated his predecessor for plea bargaining. Once elected, though, Tooley quickly realized the deals were necessary to prevent hopeless logjams in court. Even former federal prosecutors told The New York Times that Ashcroft's approach was too rigid. "A check-the-box analysis really does mask differences," said a former top Manhattan fed. "Crimes are different, places are different, people are different." Beyond being unrealistic, at times it seems that Ashcroft is intent on dismantling most of the traditional safeguards and liberties so venerated by President Bush's conservative constituency. He is the chief architect of the USA

Patriot Act, which has eroded basic constitutional freedoms.

He has secretly proposed being given sweeping, arbitrary powers in the name of national security while debasing constitutional guarantees against illegal search and seizure and seeking broad powers to tap phones and other communications without court supervision. He has asked Congress for greater latitude in seeking the death penalty and to expand the crimes for which it can be imposed. He has asked his minions in U.S. attorneys' offices to keep tabs on which federal district judges mete out sentences more lenient than sentencing guidelines. He has assailed the ancient common-law concept of proportionality in sentencing and the concept of an independent judiciary.

Ashcroft's Machiavellian attacks on fundamental liberties under the pretext of combatting international terrorism are a betrayal of his oath to uphold the Constitution. President Bush should jerk Ashcroft's leash. Failing that, the judiciary committees of Congress should.

RECOGNIZING JOSÉ-LUIS OROZCO FOR HIS COMMITMENT TO BILINGUAL EDUCATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to José-Luis Orozco, whose commitment to bilingual education is being honored by the National Hispanic Caucus and the National Association for Bilingual Education (NABE) in Washington D.C.

Throughout the last quarter century, José-Luis Orozco has established himself as one of the premier bilingual educators in the United States. His accomplishments and hard work as an author, songwriter, performer and recording artist in the field of bilingual education will be recognized and commemorated in our nation's capital today.

Born in Mexico City, José-Luis Orozco discovered his love of music at a young age under the influence of his paternal grandmother. At age 8, he joined the Mexico City Boys Choir, traveling to 32 countries where he gained the cultural knowledge he shares with children through his wonderful books and songs.

At age 19, Orozco immigrated to California where he gained a bachelors degree at the University of California, Berkeley and a Masters in Multicultural Education from the University of San Francisco.

Originally a teacher, José-Luis Orozco found his true passion in sharing with children the songs and rhymes he picked up on his world travels.

Over his more than 30 year career as an author, songwriter, performer and recording artist, José-Luis Orozco has shared his work with millions of children throughout the country. He has recorded 13 volumes of Lirica Infantil, Latin American children's music, and written two award winning books, Diez Deditos (Ten Little Fingers) and De Colores and other Latin American Folk Songs for Children. These works have become an essential teaching tool used in tens of thousands of multilingual classrooms across the country.

José-Luis Orozco's determination to enrich the lives of children has made him a true legend in multilingual education. The world will forever remember José-Luis Orozco as the educator who has and will continue to make learning fun for millions of children through the medium of music.

IN RECOGNITION OF NATIONAL FIRE PREVENTION WEEK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CASTLE. Mr. Speaker, it is with great sadness that I rise today to honor and pay tribute to a leader in the volunteer fire services community, Louis A. Rickards, of Lewes, Delaware. A tireless advocate, Mr. Rickards was a dedicated leader within the fire community. Tragically, on February 3, 2002, Louis Rickards passed away. This Sunday, October 5, 2003, Mr. Rickards' admirable life will be honored as part of the National Fallen Firefighters Memorial in Emmitsburg, Maryland.

Not surprisingly at the time of his death, Louis was on his way to a Delmarva Volunteer Fireman's Association Executive Meeting in Virginia, a lasting example of the dedication Louis gave to the firefighting community throughout his 39 years of service. His level of devotion to the community is exceptional among individuals, and his record of service is exemplary.

Louis began his career with the Lewes Volunteer Fire Company at age sixteen as a volunteer firefighter, then rising in the ranks to serve as Fire Chief for seven years, and as the Company's President for thirteen terms until his death in 2002. His passion for the fire services extended beyond the walls of the fire house, and he shared this with others as the primary author of a book published on the 100th year anniversary of the Lewes Volunteer Fire Company. Louis further demonstrated his commitment to public safety as a member of the Delaware State police, retiring after 25 years of service.

This Sunday, Louis Rickards' accomplishments, along with those of 104 additional fallen firefighters will be memorialized at the National Fallen Firefighters Memorial, and their names will be added to the roll of fallen heroes. His commitment to public service has earned him a place in our Nation's fire services' history, and he remains in our memories as an example for those who wish to dedicate their lives to the safety of others.

THANKING SUPPORTERS OF THE RAVENSWOOD LINE REHABILITATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. EMANUEL. Mr. Speaker, I rise today to express my appreciation to the members of the Transportation Appropriations Committee for their leadership in support of the rehabilitation and expansion of Chicago's Ravenswood Elevated Line.

Built more than a century ago, the Ravenswood Line, known by Chicagoans as the "Brown Line," is one of the City's fabled elevated trains and serves as a vital link between the area that I'm proud to represent—the northwest side—and downtown. Along the way, it winds through some of Chicago's historic neighborhoods: Ravenswood, North Center, Wrigleyville, Lakeview, Lincoln Park, and of course, the Loop.

With more than 60,000 commuters each day, ridership has increased approximately 73 percent since 1979. In the past year alone, the number of riders has increased by 10 percent, the highest rate of growth anywhere in the Chicago Transit Authority's (CTA) rail transportation system.

Because of the Brown Line's age, it can only accommodate six-car trains, and not the eight-car trains used elsewhere on the CTA system. Thus, the Ravenswood Line is not able to handle the growing demand. In fact, it is not unusual for commuters to wait several full trains before being able to board a train in the morning rush hour. Clearly, the Brown Line renovation is necessary to keep pace with the rapidly growing demand for mass transit services in Chicago.

For these reasons, since arriving in Congress I have worked closely with the City of Chicago, CTA, and U.S. Department of Transportation to ensure that the Brown Line revitalization received the support it needed to continue. I was also pleased to appear before the Transportation Appropriations Subcommittee to discuss why expanding the line is so important to ensure the safety of Chicago commuters and to improve its efficiency.

I am pleased that both Committees agree that the Brown Line rehabilitation is a critically necessary and worthwhile project. It was included in the original Transportation Equity Act for the 21st Century (TEA–21), and I am hopeful that it will be included in the upcoming bill to reauthorize TEA–21. On behalf of Chicago's riders, I am deeply grateful that the members of the Appropriations Committee included this project in the Fiscal Year 2004 Transportation-Treasury Bill passed two weeks ago by this body. Because of this support, the Ravenswood Line rehabilitation project will be able to stay on schedule, benefiting my district, and indeed the entire City of Chicago.

Mr. Speaker, I would like to personally thank all the members who supported this project crucial to Illinois' Fifth Congressional District, particularly Speaker Hastert and Congressman Lipinski for their assistance, hard work and unyielding commitment to the project. Further, I look forward to working with them in support of this project as the bill moves into conference and onto the President's desk for signature.

REMEMBERING ARIE TAYLOR

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. UDALL of Colorado. Mr. Speaker, Colorado is poorer this week because of the death of Arie Taylor. As the Denver Post accurately stated in a recent editorial, Ms. Taylor—the first Africa-American woman to serve in our Legislature—was one of the truly great figures in Colorado politics. An outspoken champion of equality and opportunity, Ms. Taylor exemplified the tradition of collegiality that was once the hallmark of Colorado's political debates. A role model for many Coloradans, Ms. Taylor also should be an example of how we as legislators and public figures should conduct ourselves.

The complete editorial from the Denver Post follows:

ARIE TAYLOR 1927–2003, ROLE MODEL FOR ALL

Colorado politics lost one of its truly great figures with the death Saturday of Arie Taylor, the first African-American woman elected to the legislature.

Like many of Denver's African- Americans, Taylor moved to Colorado after serving in the military. The Ohio native served as a staff sergeant in the Women's Air Force from 1951 to 1955. Although she never had been stationed in Denver, she had heard favorable things about the city from an Air Force colleague and moved here in 1958. About two-thirds of her family eventually followed her from Cleveland.

Taylor, who studied at Miami University of Ohio and Case Western Reserve University, ran an accounting business for many years and also held jobs with the city.

A fervent champion of minority and women's rights, Taylor, 76, was beloved on both sides of the aisle.

A passionate warrior on behalf of causes in which she believed, Taylor was good humored and gregarious, and she genuinely enjoyed what she did.

Taylor represented House District 7 from 1972 until 1984 and won a reputation as an outspoken advocate for African-Americans, women, the poor, the elderly and other groups of people who were disadvantaged.

During the 1968 Democratic National Convention in Chicago, she castigated Southern delegations for being all white and was described by a Chicago paper as a "large, fierce black woman."

Taylor never shied away from that description. Indeed, when U.S. Rep. Scott McInnis arrived at the Colorado Capitol after being elected to the state legislature two decades ago, his 2-year-old son said, "Papa, now there's a big, fat black woman" within Taylor's earshot. The mortified McInnis proceeded to lecture the boy.

Toward the end of the day, Taylor recounted the story to the chamber, and asked the speaker of the House for an official rebuke "against Rep. Scott McInnis," noting that "his son took one look at me and called me a big, fat black woman. . . . He shouldn't lecture his son for telling the truth. The fact is, I am a big, fat black woman."

It's worth noting that when Taylor served in the legislature, there was a collegiality among lawmakers that transcended party lines. People who fought over issues tooth and nail on the floor nonetheless were good friends in private life, a tradition that sadly seems to have been supplanted in recent years by a take-no-prisoners mentality more suited to professional wrestling than good government.

"She was involved in many controversies," recalled Omar Blair, the first black president of the Denver school board. "She was a role model for a lot of young people and even a few old people like myself."

Today, Coloradans of all colors have cause to mourn the loss of the businesswoman and lawmaker with the floppy hats and a heart bigger than the Great Plains.

INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. BERKLEY. Mr. Speaker, I rise today to celebrate the 43rd anniversary of the Independence of the Republic of Cyprus.

After 80 years of British colonial rule, Cyprus became an independent Republic on October 1, 1960. Despite a history filled with disappointment and tragedy, the people of Cyprus remain committed to the core principles enshrined in their Constitution as well as the basic rights and freedoms for all people of Cyprus—Greek Cypriots, Turkish Cypriots and Cypriots from all ethnic and religious communities.

In recent years there have been significant advances in US-Cyprus relations and in relations between Cyprus and members of the European Union. Having signed the Accession Treaty to the European Union on April 16, 2003, Cyprus should be joining the EU in May of next year.

However, EU laws and financial benefits will apply only to the southern Greek Cypriot part of the island, which is the internationally recognized state. Unfortunately, the celebration of this historic event, as well as the anniversary of the independence of Cyprus, is clouded by the fact that 37 percent of the Republic's territory continues to be illegally occupied by Turkish military forces in violation of UN Security Council resolutions and international law.

The government of Cyprus is to be commended for its continued efforts to seek a peaceful solution to the nearly thirty-year-old Turkish occupation. I'm proud that the United States has repeatedly supported international efforts, including dozens of United Nations' resolutions, to resolve this dispute. The international community clearly is in agreement that reunification underline any future settlement. A "two-state" solution that would make the division permanent would not only give credence to an illegal invasion and the forced displacement of over 200,000 Greek Cypriots, it would be inconsistent with Cyprus's history and constitution.

I'm proud to state that I am a cosponsor of H. Res. 320. This legislation supports the removal of Turkish occupation troops from the Republic of Cyprus and expresses strong support for the European Parliament to do the same.

Mr. Speaker, Cyprus is to be congratulated for its 43rd anniversary and for its relentless pursuit of peace. However, until reunification is complete, the people of Cyprus will be unable to truly celebrate their independence.

CONCURRENT RECEIPT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, Congress should fully fund concurrent receipt this session. It's the right thing to do. We owe it to the soldiers, airmen, sailors and marines, who have served as a source of great pride in our Nation, to fully fund the retirement that they have earned without penalizing them because they are also disabled. For every dollar given in disability pay, a dollar is taken out of retirement pay. That is wrong.

Time and time again, our veterans' needs are being ignored. Not only do America's veterans face this issue of concurrent receipt, but VA still needs $1.8 billion to bring the fiscal year 2004 appropriation to the level set forth by the Budget Resolution. Where are our priorities?

Right now, there are 140,000 Americans serving in Operation Iraqi Freedom. Now, more than ever, Congress needs to take action and fully fund concurrent receipt. We must promise this generation of servicemembers that they will be entitled to a full retirement for a career spent in the military. Today's soldier is tomorrow's veteran. We must show today's soldier that we will take care of him tomorrow.

Last year, the Bush Administration threatened to veto any bill that contained concurrent receipt. The Administration forced Congress to compromise and our veterans paid the cost. Conferees provided for a special compensation for 35,000 veterans who could prove that they had a combat-related disability that made them eligible for this special pay. Compensating just 35,000 veterans, out of over 500,000 veterans affected, is absolutely unacceptable! Now is the time for us to correct the national embarrassment caused by the careless treatment of America's veterans.

Any proposal that leads one to believe that it is furthering last year's authorizing of special compensation, by limiting receipt of special compensation to injuries or illnesses incurred while undertaking official military duties only, is a sham! This plan would fundamentally alter eligibility requirements for disability compensation. A proposal such as this could also affect VA health care and vocational rehabilitation because these services are based on service-connected disability status. I urge Congress to reject any proposal that amends Title 38's definition of service-connection.

The Administration will argue that there is a cost barrier to fully funding concurrent receipt. This argument shows where the Administration's priorities are misplaced. If we can come up with another $87 billion for the war in Iraq, then we can surely find the money to bring our Nation's military retirees on par with the rest of federal employees. About $21 billion of the $87 billion is to rebuild the Iraqi infrastructure. If we can come up with $21 billion to build schools and hospitals in Iraq, then we certainly can come up with the money to fully fund concurrent receipt for the men and women who fought so bravely on behalf of this great Nation.

I ask that Congress fully fund concurrent receipt this Session. I further ask that VA be given the $1.8 billion it needs so that we can show our veterans that we respect the sacrifices they made on our behalf. We need to stop talking the talk and start walking the walk.

CONGRATULATIONS, MARTIN J. "HOOT" McINERNEY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate Martin J. "Hoot" McInerney, who will receive the 2003 Goodfellow of the Year Award at the 14th Annual Tribute Breakfast on Friday, October 3, 2003 sponsored by the Old Newsboys' Goodfellows Fund of Detroit.

The prestigious award is presented to distinguished and noteworthy people who have contributed significantly to the community. "Hoot" McInerney richly deserves this honor.

Mr. McInerney is a successful car dealer and philanthropist. He is involved in a number of organizations and charities that reflect his commitment to helping people. He is a founder of the St. Joseph Mercy Men of Mercy, the J.P. McCarthy Foundation and the Millie Schembechler Memorial Golf Benefit. He also provides leadership and support for these charities.

In addition to founding numerous charities, "Hoot" McInerney also generously donates to many local, national and international organizations. Among the many charities he supports are several Catholic churches and schools, the Police Athletic League Tournament, Focus: HOPE, Operation Read, Special Olympics, Children's Hospital and the Old Newsboys' Goodfellow Fund of Detroit.

The Goodfellows have given to the needy children of our community by offering emergency dental care, shoes, camperships, college scholarships and a variety of other programs to provide help through tough economic times. The program the Goodfellows are best known for is the gift packages. This year their goal is to buy Christmas gift packages for 41,500 needy Detroit area school children.

On a personal note, I know of no one who has a wider range of friendships than "Hoot".

Mr. Speaker, I ask my colleagues to join me in recognizing this outstanding community leader, Martin J. "Hoot" McInerney as he receives the 2003 Goodfellow of the Year award and to congratulate the Goodfellows as they honor its 89 year-old pledge of "No Kiddie Without a Christmas."

TRIBUTE TO LAFAYETTE COUNTY HEALTH DEPARTMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the Lafayette County Health Department which is celebrating its 50th Anniversary on October 9, 2003.

The Lafayette County Health Department has proudly served the residents of Lafayette County since 1953. In that year, a sixteen member County Health Steering Committee was appointed to analyze various health problems in Lafayette County. In 1957, the steering committee recommended hiring the first county health nurse, Catherine Boedeker Winfrey. It was also in 1957 that the county started receiving public health funds. With the funds, the Lafayette County Health Department started massive polio immunization clinics and started to dispense tuberculosis medicines. They also provided dressings to cancer patients and provided classes in home nursing, first aid, babysitting, and civil defense. Hearing and vision screening were started in the county's schools. The Lafayette County Health Department became the lead agency in coordinating disaster plans for the county.

In 1963, immunization services were expanded to include the prevention of diphtheria, pertussis, tetanus, and the smallpox diseases. The Lafayette County Health Department implemented Maternal Child Health programs to educate the public about prenatal and infant health issues in 1967. Mass immunizations for rubella were available in 1970, the same year that family planning services were offered for the first time. In 1973, child health conferences were started. This program offered free well child check-ups as well as other programs to promote healthy children.

Through the 1980's and 1990's the Lafayette County Health Department continued its many services. In 1980, the department added Environmental Sanitarian services to offer inspections of food establishments and public sanitation outlets. In 2000, the department developed a Mentoring Moms program for mothers in the county.

Mr. Speaker, the Lafayette County Health Department has provided valuable public health services to the people of Lafayette County for the past 50 years. I hope that the other Members of the House will join me in thanking them for their wonderful years of service.

SOUTH SALEM HIGH SCHOOL INDUCTS FIRST ATHLETIC HALL OF FAME MEMBERS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. WALDEN of Oregon. Mr. Speaker, later this evening South Salem High School in Salem, Oregon will kick off the school's 50th anniversary celebration by inducting the inaugural class into its Athletic Hall of Fame. In total, 14 athletes, three coaches, one team and two community boosters will be honored in what I am sure will be a ceremony filled with many memories of the past and pride for what the South Salem "Saxon" community has accomplished.

Lara Tiffin ('86), Athletic Director, Guido Caldarazzo, Interim Principal, and the entire selection committee should be recognized for their enormous contributions in putting together these ceremonies.

Although my district does not include Salem, as a member of the Oregon Legislature I spent much of my time in Salem, and my long time chief of staff and his fiancée are both South Salem graduates, so I feel a part of that community in many ways.

Those of us in Congress who travel extensively throughout our districts recognize the unique role high school athletics plays in our local communities. High school athletics is a bonding experience for the young men and women competitors and a powerful social environment for the student body at large. The athletic fields and gymnasiums of our local high schools are a gathering place for parents, families and community leaders, and the team's accomplishments are often a source of pride for local newspapers and media. Perhaps above all high school athletics is a forum where coaches pass on lessons of life—not just plays from a playbook.

Mr. Speaker, I ask my colleagues to join me in congratulating South Salem High School on its 50th anniversary and congratulating the inaugural class of the South Salem Athletic Hall of Fame. They include: Gary Allen ('63), Gary Barbour ('72), Phil Brus ('72), Phil Burkland ('55), Dana Collins Amack ('56), Gary Edmonds ('68), Scott Freeburn ('67), Bob Horn ('72), Dave Johnson ('63), Daniel Moore ('58), Bruce Patterson ('56), Neil Scheidel ('55), Jack Scott ('57), and Greg Specht ('58) as athletes. Dick Ballantyne (basketball '54-'70), Lee Gustafson (football '54-'60) and Marv Heater (football '61-'72), as coaches. Pappy Aschenbrenner (Principal '54-'72) and Phil Webb ('54) as special "Community Members." And the entire 1954 football team who in their first year of existence were State co-champions.

Way to go, Saxons!

RECOGNIZING THE WESTMINSTER AT LAKE RIDGE RETIREMENT COMMUNITY 10TH ANNIVERSARY CELEBRATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to acknowledge Westminster at Lake Ridge Retirement Community as they celebrate ten years of community service on September 19, 2003.

The vision for Westminster started over 25 years ago when the late Myles Golbranson led a group of Presbyterians in creating a life-care community. Several years later, in 1989, Westminster was established and in January of 1993 it opened its doors as a continuing care community, making this vision a reality. Since then, Westminster has remained dedicated to its mission: to provide a continuum of housing, healthcare and related services to older adults that promote independence, dignity and personal fulfillment.

Westminster is a major Prince William County employer and provides a wealth of volunteer opportunities. The residents of Westminster have committed thousands of volunteer hours to local schools, hospitals, and civic and cultural events. For example, the Flying Fingers knit hundreds of caps and blankets each year for newborn babies at Potomac Hospital. Prince William County residents also give back to Westminster; Boy Scouts, Girl Scouts and church groups make regular visits.

Today Westminster has grown to house 400 residents, and opens its doors to countless others involved in the Rotary Club, business networking meetings, support groups, community groups, and local Chamber of Commerce groups. Westminster also holds numerous special events including countywide blood drives, health fairs, and political forums.

For ten years, Westminster, in cooperation with the adult community of River Ridge, has provided invaluable living, volunteer, political and charity opportunities to the Prince William County community. In doing so, Westminster most certainly has fulfilled its mission.

Mr. Speaker, in closing, I would like to thank Westminster at Lake Ridge Retirement Community as they celebrate their 10th anniversary. They have provided a quality retirement lifestyle for active senior citizens, and contributed greatly to the community at large. I ask that my colleagues join me in congratulating ten years of caring, volunteerism, and activism.

IN SUPPORT OF HOSPITALS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to express my support for hospitals, both in my district and throughout the country. Rural hospitals have been especially hard hit, and without the support of two important provisions in the Medicare bill, their livelihood will be threatened.

I support keeping a full market basket for hospitals in HR 1. Without this annual reimbursement adjustment to keep up with inflation, hospitals could stand to lose 12 billion in inpatient payments. For my home state of Illinois, this could mean a loss of $92 million over three years. Providers, especially those in rural areas like my district, depend on this money to stay open in traditionally underserved communities.

Restoring the Indirect Medical Education payments is another one of my priorities for the Medicare bill. IME payments go to teaching hospitals, whose role is crucial to the survival of our health care system. These payments acknowledge teaching hospitals' higher costs due to the specialized treatment provided to sicker patients. Not only do they provide unique care, teaching hospitals are also producing our next generation of caregivers. Unfortunately, these hospitals will lose more than 4 billion dollars over the next four years because of a cut last year. The reinstatement of the IME to 6.5% would enable these hospitals to continue their mission.

These important provisions will enhance the quality of care and will make a major difference for Medicare beneficiaries all over the country.

I applaud my colleagues on the Conference Committee for the hard work they have done and continue to do to reach agreements for the good of our constituents.

A SPECIAL TRIBUTE TO ASHLAND UNIVERSITY ON THE 125TH ANNIVERSARY OF ITS CHARTER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to an outstanding institution of higher education. Ashland University is marking a "Year of Celebration" on the occasion of the 125th Anniversary of the school's chartering in Ashland, Ohio.

Ashland, Ohio's original settlers trace their roots back to a small group of "brothers" who emigrated in 1708 from Schwarzenau, Germany in search of religious and intellectual freedom.

Like Ashland's first citizens, the history of this vibrant institution reads as a truly American story. It all began in the summer of 1877 at a town meeting. The German Baptist Brethren Church proposed the establishment of an institution of higher education if the community could raise ten thousand dollars. The resulting fundraising campaign proved successful, and on February 20, 1878, Ashland College was chartered.

Classes started on September 17, 1879 with eight faculty members and between fifty-five and seventy-five students. From this modest beginning, Ashland's enrollment has grown to five thousand six hundred graduate and undergraduate students.

Ashland College became Ashland University in 1989. The University is and remains a liberal arts institution in the finest tradition of higher education. As such, it is a teaching university, empowering its students not only with current knowledge but also with the power of deliberate reasoning to face the challenges and new horizons known only to the future.

I would note that the University's Ashbrook Center for Public Policy is a nationally recognized academic forum for the study, research and discussion of the principles and practices of American constitutional government and politics. The Ashbrook Center's programs are directed to the scholarly defense of individual liberty, limited constitutional government and civic morality, which together constitute our democratic way of life.

Mr. Speaker, truly great institutions of higher education not only educate their students, but also inspire them toward a lifetime of service as well. Indeed, Ashland University's 125 years of teaching provides our state with a rich legacy of intellectual, spiritual, social, cultural and physical development.

I ask my colleagues to join me in recognizing Ashland University's "Year of Celebration," and to extend to the entire Ashland University family our very best wishes.

HONORING RAYMOND G. BOLAND

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to honor Raymond G. Boland who served as Secretary of the Wisconsin Department of Veterans Affairs for eleven years.

Throughout his tenure, Secretary Boland initiated a number of programs aimed at bettering the lives of Wisconsin veterans. Although it is impossible to quantify all Secretary Boland has accomplished, I would like to highlight three programs that demonstrate his unyielding dedication to veterans.

The 1994 establishment of the Veterans Assistance Program made great strides towards ending homelessness among veterans. In working to better the lives of veterans and increase job accessibility, Secretary Boland implemented the Troops to Teachers Program in 1995. This important program has allowed veterans with baccalaureate degrees to obtain teaching certification at an accelerated pace. Finally, Secretary Boland's dedication to veterans was demonstrated by his 1998 creation of the Wisconsin Women's Veterans program, which continues to focus on the specific needs of women veterans.

Secretary Boland's outstanding work has not gone unnoticed. In 1997, Secretary Boland received the American Veterans Silver Helmet Award as the Civil Servant of the Year. The following year, he was awarded the Department of the Army Distinguished Civilian Service Medal. Most recently, in recognition of his commitment to ending veteran homelessness, Secretary Boland was presented with the second annual Jerald Washington Memorial Founders' Award by the National Coalition for Homeless Veterans.

I am proud today to stand with the Wisconsin Department of Veterans Affairs and veterans of Wisconsin in recognizing Secretary Raymond G. Boland for his outstanding work and dedication to better the lives of veterans.

IN HONOR OF THE 10TH ANNIVERSARY OF THE DALLAS STARS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to the 10th Anniversary of the Dallas Stars first regular season NHL hockey game in Dallas. The Dallas Stars had a successful start to their career in Big D, as the Stars defeated the Detroit Red Wings 6–4 at Reunion Arena on October 5, 1993.

In the ten years since the Stars moved to Dallas from their previous home in Minnesota, The Stars have advanced to the playoffs eight years, with playoff berths in 1994, 1995, 1997, 1998, 1999, 2000, 2001, and 2003. The Stars won Lord Stanley's Cup in 1999 in a six-game series against the Buffalo Sabres. The championship Stars team was captained by defenseman Derian Hatcher, the very first American born Captain of a Stanley Cup championship team in the history of the NHL. The Stars then repeated as Western Conference Champions the following year.

In addition to the exceptional record of the Dallas Stars over the past ten years, the moving of the Stars to Dallas has created a huge expansion of hockey throughout our schools and communities in North Texas. Before the Stars came to Dallas, it was almost unheard of for schools to have interscholastic hockey teams. The North Texas community has not only fully embraced the Stars, but has taken a heart to the sport of hockey. Without the Stars, none of this expansion of hockey throughout North Texas would have occurred in such a rapid fashion.

Under the leadership of head coach Dave Tippett, general manager Doug Armstrong, and owner Thomas O. Hicks, the Dallas Stars are poised to start another great season. I wish the Dallas Stars all the best for their season opener against the Mighty Ducks on October 8th at the American Airlines Center in Dallas, and for the rest of the upcoming season. Congratulations to the Stars franchise on their 10th year anniversary of their move to the Lone Star State of Texas.

A PRIVATE SECTOR EFFORT TO IMPROVE CIVIC EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CRANE. Mr. Speaker, I would like to acknowledge the award-winning educational videotapes given free to our nation's high schools, community colleges, and others produced by the Committee for Citizen Awareness (CCA). In particular, I would like to focus on those Americans across the country who are working with the CCA to enable these civic videotapes to be seen free by their fellow citizens in their locale.

All Americans can agree on the need for a well-informed citizenry. The involvement of our people in our republic is the guarantee of our freedom. Surveys have shown that the information contained in these videotapes help our citizens understand and exercise their civic responsibility.

The secret to America's greatness lies in its citizens, as individuals and, when combined, in organizations. A good example of this is the local organizations cooperating with the CCA. Such support for their community's educational institutions and their citizens' civic understanding makes America a better country.

Those of us in Washington, D.C. who do all we can to make sure that our republic functions properly are particularly grateful to those who contribute from the private sector as is the case with the CCA.

John J. Bratsakis, Jr., President of Community Trust Credit Union.

Richard M. Wardrop, Jr., Chairman and Chief Executive Officer of A K Steel Corporation.

Valdimir E. Ostoich, Co-Founder and Vice President of Abaxis, Inc.

Gary Jester, President of Advancial Federal Credit Union.

Karen Lambert, Chief Executive of Advocate Good Shepherd Hospital.

Marilyn Carp, President of AEGON.

Helen Jimenez Dichoso, President and CEO of Allied Health Services.

Kenneth S. Leonard, President and CEO of America's Credit Union, A Federal Credit Union.

Mr. Tippets, President and CEO of American Airlines Federal Credit Union.

Douglas W. Kohrs, President and CEO of American Medical Systems.

John R. Gibson, Chairman, President, and CEO of American Pacific Corporation.

Dorinda M. Simpson, President and CEO of American Partners Federal Credit Union.

Bernaldo Dancel, President and CEO of Amerix Corporation.

Brenda Berry, Dean of Student Services of Andover College.

Larry C. Glasscock, President and CEO and Gray Somers, Vice-President and General Manager of Anthem Blue Cross & Blue Shield.

Thomas F. Gordon, J.D., LL.M, President of Avila College.

Dan Smith, President and CEO of Bay Area Hospital.

Lois B. DeFleur, President of Binghamton University.

Ronald A. Battista, President of Blue Cross & Blue Shield of Rhode Island.

Michael Cascone, Jr., Chairman, President, and CEO of Blue Cross & Blue Shield of Florida.

David Joyner, Senior Vice President, Network Manager of Blue Shield of California.

Craig M. Ames, President and COO of BryanLGH Medical Center.

Dr. Steffen H. Rogers, President of Bucknell University.

Dr. Marilyn C. Beck, President of Calhoun Community College.

David A. Woodle, Chairman and CEO of C-COR.

Gary Oppedahl, President and CEO of Cell Robotics International, Inc.

Trudy Prince, President and CEO of Central Florida Healthcare Federal Credit Union.

Robert Young, President and CEO of Central Vermont Public Service Corporation.

Ronald L. Turner, Chairman, President, and CEO of Ceridian Corporation.

Martha W. Miller, President and CEO of Choice Community Credit Union.

Dr. Thomas W. Cole, President Emeritus of Clark Atlanta University.

Melinda Estes, M.D., CEO of Cleveland Clinic Florida.

Dr. Randal R. Wisbey, President of Columbia Union College.

J. Alan Pughes, President and CEO of Community One Federal Credit Union.

David E. Addison, President and CEO of Constitution State Corporate Credit Union.

Thomas A Dattilo, Chairman, President, and CEO of Cooper Tire and Rubber Company.

Jim Sinegal, President and CEO of Costco Wholesale.

Father O'Connor, President of DeSales University.

David Nelms, President and COO of Discover Financial Services, Inc.

Victor A. Roque, President of Duquesne Light.

Dr. Stephen M. Jordan, President of Eastern Washington University.

Daniel A. Carp, Chairman and Chief Executive Officer of Eastman Kodak Co.

Rebecca Rae Stilling, President of EDFUND.

Barrett O'Connor, President of EFS Bank.

Dr. Stafford L. Thompson, President of Enterprise State Junior College.

Joseph E. O'Dell, CEO of First Commonwealth Financial Corp.

Gary Burkart, Director of Public Affairs of Flagstar Bank.

Garry Jones, President of Full Sail Real World Education.

Dr. John A. Davitt, Superintendent and President of Glendale Community College.

Aaron Dobrinsky, Chairman of the Board of Go America Communications.

Bob Ambrose, Manager of Government Affairs of Great River Energy.

Stephen W. Pogemiller, President and CEO of Heritage Community Credit Union.

Patricia J. Ellis, Chairman of the Board of Directors of HEW Federal Credit Union.

Mike Laign, President and CEO of Holy Redeemer Health System.

Dr. John S. Erwin, President of Illinois Central College.

Larry F. Altenbaumer, President of Illinois Power.

Carmella Grahn, Executive Vice President of IndyMac Bank.

Dr. Glen R. Roquemore, President of Irvine Valley College.

Craig M. Bradley, President and CEO of Kane County Teachers Credit Union.

Frank J. Perez, Chief Executive Officer, Kettering Medical Center Network and Kettering Adventist HealthCare of Kettering Medical Center Network.

Dr. Norm Nielsen, President of Kirkwood Community College.

Richard Gifford, CEO of LAFCU.

Susan Ramsey Wilson, Director of Marketing and Public Relations of Lake Cumberland Regional Hospital.

Steve Newberry, President and COO of Lam Research Corporation.

Don Logan, President and General Manager of the Las Vegas 51s.

Bob Armstrong, Vice President of Clinical Services of Lima Memorial Health System.

Susan J. Ganz, CEO of Lion Brothers Company Inc.

Dr. Algeania W. Freeman, President of Livingstone College.

Dr. Craig Dean Willis, President of Lock Haven University.

Charlie Etheredge, Principal of Locklin Technical Center.

Stephen Endaya, President and CEO of Los Angeles Police Federal Credit Union.

Dr. Tyree Wieder, President of Los Angeles Valley College.

Dr. John A. Rock, Chancellor of LSU Health Sciences Center in New Orleans.

J. Dwane Baumgardner, Vice Chairman of Magna Donnelly.

Dr. Mary Cantrell, Director of Manatee Technical Institute.

Keith Campbell, Chairman of the Board of Mannington Mills, Inc.

Michael Minkos, General Manager of Mass. Municipal Wholesale Electric Company.

Martin A. White, Chairman and CEO of MDU Resources Group, Inc.

Lawrence J. Burns, VP for Institutional Advancement of Medical College of Ohio.

Alan Kaufrnan, Treasurer and CEO of Melrose Credit Union.

John E. Brubaker, President of Members Heritage Federal Credit Union.

David P. Benn, CEO of Memorial Hospitals Association.

Jim Roberts, Vice President, Public Affairs of Minnesota Power (aka ALLETE).

Dr. Drew Bogner, President of Molloy College.

J. Stewart Fuller, CEO of Monterey Credit Union.

Louis W. Sullivan, M.D., President Emeritus and Nigel Harris, M.D., Dean and Senior Vice President of Academic Affairs of Morehouse School of Medicine.

Tim Hayward, Administrator and CEO of Nacogdoches Memorial Hospital.

Michael Leggiero, President and CEO of North Hudson Community Action Corporation.

Dr. Robert C. Ernst, President of Northcentral Technical College.

Ray Ferrero, Jr., J.D., President of Nova Southeastern University.

Bruce M. Elegant, President and CEO of Oak Park Hospital.

Dr. Richard Thompson, Chancellor of Oakland Community College.

Gerald D. Fitzgerald, President and CEO of Oakwood Healthcare Inc.

Dan Evans, Dean of Ohio University Southern Campus.

Gary Wehrle, President, and CEO of Pacific Crest Bank.

Bruce Markowitz, CEO and President of Palisades Medical Center.

James McNulty, Chairman and Chief Executive Officer of Parsons Corporation.

Chester A. Wynn, President and CEO of Passavant Area Hospital.

Dr. Ann M. Williams, Campus Executive Officer, Lehigh Campus and Asst. Dean for Academic Affairs, Burns-Lehigh Valley College of Penn State Lehigh Valley Campus.

Michael P. Falcone, CEO of Pioneer Companies.

Jeff Sterba, Chairman, President and CEO of PNM Resources, Inc.

Richard E. Yochum, President and CEO of Pomona Valley Hospital Medical Center.

Paul Bonell, President and CEO of Premier Community Credit Union.

Earnest Gibson III, Administrator and CEO of Riverside General Hospital.

Jeffrey Philipps, President and CEO of Rosauers Supermarkets, Inc.

Sam W. Downing, President and Chief Executive Officer of Salinas Valley Memorial Healthcare System.

Christopher W. Evenson, President of Salt Lake City Credit Union.

Frank T. Beirne, CEO of Samaritan Hospital.

Jeffrey H. Farver, President and CEO of San Antonio Federal Credit Union.

John J. Smolinksy, President and CEO of Saugus Federal Credit Union.

Dr. Richard L. Behrendt, President of Sauk Valley Community College.

Nancy Layton, Marketing Manager of Service Credit Union.

Kelby Krabbenhoft, President and CEO of Sioux Valley Hospitals and Health System.

Vincent J. McCorkle, President and CEO of Sisters of Providence Health System.

Louis Giancola, President of South County Hospital.

Ingo Angermeier, President and CEO of Spartanburg Regional Healthcare System.

Ernest G. Clark, Executive Director of Spencerian College.

Dr. Andrew A. Lasser, Dr. P.H., President and CEO of St. Joseph Hospital.

Dr. Charles L. Cotrell, President of St. Mary's University—San Antonio, Texas.

John Maher, CEO of St. Vincent's.

Dr. Vic Morgan, President of Sul Ross State University.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 524, 525, and 526. Had I been present, I would have voted "nay" on rollcall votes 524 and 525. I would have voted "yea" on rollcall vote 526.

IN HONOR OF REVEREND JOSEPH P. SHEA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Father Joseph Shea, Pastor of Holy Family Catholic Church, for receiving the Spirit of Giving Award in recognition of his selfless dedication to the Glendale Community.

Father Joseph Shea is a graduate of St. John's College Seminary where he received a Bachelor of Arts in Philosophy. He is also a graduate of the Continuing Formation in Ministry Program at the University of Notre Dame. He was ordained into the priesthood in 1978. Prior to joining the Holy Family Parish, Father Shea served as associate pastor of St. Ignatius of Loyola Church in Highland Park until 1982. He was subsequently transferred to St. John Vianney Church in Hacienda Heights where he was also associate pastor. In 1989, Cardinal Roger Mahoney appointed Father Shea as the Director of the Office of Vocations. He worked in this office until 1995, promoting and encouraging vocations to the priesthood and religious life throughout the Archdiocese of Los Angeles.

Father Shea has been the Pastor of Holy Family Catholic Community since July of 1996. Under Father Shea's leadership, the parish engineered a Strategic Plan 2000 to build a strong vision for the new millennium. The plan's mission is for all registered parishioners to dedicate themselves to the support of the spiritual, educational, cultural, youth, and community outreach programs through active participation.

Father Shea is highly dedicated to civic affairs. He serves on the Verdugo Mental Health Board of Glendale, the Board of Directors for Glendale's Community Center, Catholic Charities Loaves and Fishes, and the Institute for Urban Research and Development. He is an active member of the Glendale Human Relations Coalition, Kiwanis Club of Glendale, and the Recreation Facilities and Open Space Committee for the city. He is a newly appointed member to the Advisory Board of Glendale's Adventist Medical Center. Additionally, he is a member of the Board of Directors for the Cardinal McIntyre Fund for Charity, serves on the Archdiocese of Los Angeles Department of School Board, and Dean of Deanery 6 of the L.A. Archdiocese. Father Shea is a remarkable man with an unwavering passion for community service and limitless energy.

I ask all Members of Congress to join me today in commending Father Joseph P. Shea for his commitment to service throughout the community and for his incomparable Spirit of Giving.

TRIBUTE TO 100TH ANNIVERSARY OF GEORGETOWN UNIVERSITY SCHOOL OF NURSING & HEALTH STUDIES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. NORTON. Mr. Speaker, I am very pleased to recognize one of the nation's premier schools of nursing and health studies, here in the District of Columbia, the Georgetown University School of Nursing & Health Studies, as it celebrates its centennial anniversary.

In December 1903, a committee at Georgetown Hospital formally created the Georgetown University Training School for Nurses. One hundred years later, now called the School of Nursing & Health Studies, the school is celebrating its long-standing traditions as well as its continued status as a leader in health care education.

The School of Nursing & Health Studies, located in the newly renovated St. Mary's Hall, has been at the forefront of the health care field, preparing future leaders to respond to the growing complexity of health care delivery at all levels. Graduates pursue various health professions within nursing, medicine, law, health policy, health management, and public health, among many other careers. Students have an opportunity to study and intern at health care facilities and agencies throughout Washington, D.C., including Georgetown University Hospital, the National Institutes of Health, and the World Health Organization.

Both the Nursing and Health Studies majors focus on cura personalis—the care and development of the whole person—by educating students for a meaningful life, challenging them intensively, but also supporting them in their learning. The School embraces the Jesuit inspired principles shared by the entire University community, which emphasize the pursuit of knowledge with a responsibility to contribute to the common good.

Mr. Speaker, one hundred years have seen remarkable changes and advances in health care, yet the School of Nursing & Health Studies continues its core mission of developing exceptionally qualified health professionals who can recognize and respond to the full human experience encountered in the health field. I hope you will join me in congratulating the School of Nursing & Health Studies and Dean Bette Keltner on this auspicious occasion.

TRIBUTE TO ALTHEA GIBSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with sadness that I pay tribute to the memory of a remarkable woman who was the first black player to win

Wimbledon and a pre-eminent figure in women's tennis, Althea Gibson. I would like to extend my greatest sympathy to the Gibson family by taking a moment to reflect on the rich life of this fine person.

The eldest of five children, Gibson was born in South Carolina but raised in the Harlem section of New York City. While her future opponents were developing their tennis on the courts of country clubs she was getting into trouble on West 143rd which was a play area blocked off to traffic. She learned paddle ball, a sort of poor-girl tennis with solid wooden rackets.

She was a self-described "born athlete" who broke racial barriers not only in tennis but in the Ladies Professional Golf Association. She even toured with the Harlem Globetrotters basketball team after retiring from tennis in the late 1950s.

On Aug. 28, 1950, three years after Jackie Robinson had broken the color barrier in major league baseball, Ms. Gibson became the first black player to compete in the precursor to the U.S. Open.

Ms. Gibson dominated women's tennis from 1956–58, winning 11 Grand Slam titles: five in singles, five in doubles and one in mixed doubles.

She captured the Wimbledon and U.S. championships in 1957 and 1958, and also won the French Open, and three Wimbledon doubles titles (1956–58).

After the circuit, she launched herself into the business of supporting herself. She toured with the Harlem Globetrotters. She was a proud member of a community service organization, Alpha Kappa Alpha Sorority, Inc.

Mr. Speaker, Ms. Gibson was known as a proud woman who for years declined to take money from friends who tried to help when she was living on Medicare and Social Security payments. Her front door bore a simple plaque: "Bless this home and all who enter."

I ask my colleagues to join me in remembering the honorable and gracious memory of Althea Gibson. I am certain that her legacy will endure for years to come.

RECOGNIZING MR. JOSEPH M. FERRAINA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the accomplishments of Mr. Joseph M. Ferraina, a man of true character and compassion. Mr. Ferraina is being honored as "Man of the Year" by the Long Branch Elks in New Jersey for the many contributions he has made to his community. I can think of no one more deserving to receive this award.

Mr. Ferraina's accomplishments are extensive. Through his "can do" attitude and determination he has overcome many obstacles in life. At age thirteen, Mr. Ferraina emigrated from Argentina to America. At the time, he did not know any English and found himself in third grade classes when he was the age of a ninth grader. Despite a lack of faith and encouragement from school counselors, Mr. Ferraina persevered, ultimately earning his Bachelors of Arts Degree from Jersey City State College and a Masters Degree from Monmouth University. He has also continued to do graduate work at both Seton Hall University and Rider College.

Mr. Ferraina has had a long and brilliant career in education where it began as a Spanish teacher in the Long Branch Junior High School in 1973. By 1978, he became Assistant Principle only to be become Principle of the Middle School four years later. In 1992 Mr. Ferraina was chosen as Assistant Superintendent and Superintendent of Schools in 1994. In 2000, he was given the honor of New Jersey Superintendent of the Year for his numerous innovative programs and practices.

Mr. Ferraina is an active member in the Long Branch Rotary Club where he has served as president. He is on the Monmouth Medical Center Board of Trustees and the Ronald McDonald House Board of Directors. In addition, Mr. Ferraina is member of The Drug and Alcohol Abuse Council, the first aid squad, the Board of Directors of the Greater Long Branch Chamber of Commerce, and the Long Branch Free Public Library Board of Trustees. This is just a sampling of Mr. Ferraina's community based affiliations, and indicative of his commitment to serving the community.

Mr. Ferraina has been recognized on many occasions for his noble endeavors. In 1998 and 1999, he received a proclamation from New Jersey Governor Christine Todd Whitman for offering BEST PRACTICES, which are outstanding and innovative school programs. Active in a variety of civic and educational organizations, he was named Principal of the Year by the Monmouth County Elementary and Middle School Administrators Association in 1991. Among many other awards and honors, Mr. Ferraina has received a Resolution of Appreciation from the City of Long Branch, the Community Involvement Award from the Knights of Pythias, the Community Service Commendation from the Superior Court of New Jersey, and the Humanitarian Award from the NAACP of Long Branch.

Mr. Speaker, it is apparent that Mr. Ferraina has and continues to be an asset to his community for his tireless devotion to educating our youth. Accordingly, I ask that my colleagues rise up and join me in honoring this most respectable man, Mr. Joseph M. Ferraina.

TAX ON DISABLED VETERANS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to join my colleagues in condemning the gross injustice being perpetrated upon the greatest of American heroes, our disabled veterans.

Due to an antiquated law, more than 700,000 disabled veterans had been unable to receive both their compensation from the Department of Veterans Affairs (VA) and their military retirement pay. We ended this disgraceful treatment for some of our disabled veterans with the passage of last year's Defense Authorization Act. Now, veterans with disability ratings of 60 percent and higher are eligible to receive a special compensation that offsets the egregious tax on disabled veterans. But thousands more are still waiting for relief.

Veterans are the only group of federal retirees who face such a punishing offset, levied against them simply for being disabled. This penalty is simply wrong. The retirees that it affects have already sacrificed too much in service to our country to have to forfeit their VA compensation.

H.R. 303, of which I am a proud cosponsor, is just the first step. This bipartisan legislation would allow retired members of the Armed Services with service-connected disabilities to collect the full veterans' disability compensation to which they are entitled. It guarantees that disabled retirees receive a fair benefit package, and its overwhelming support, has helped bring the issue of concurrent receipt to the forefront of our legislative agenda. Yet even with 370 cosponsors, the Republican leadership refuses to bring the bill to the Floor. We have launched a discharge petition to force H.R. 303 to be considered, and still they block us. There are 203 signatures on the petition, but the Republican leadership has warned its members not to sign on, so it is going to be a fight for the last 15 signatures. I say to you that this is a fight we must win.

Now, there is even talk of redefining what "disabled veteran" means. How dare anyone attempt to cheat veterans out of the benefits we promised and they rightly earned? It is unconscionable that Members of our own body are sabotaging attempts to correct an inequity. We must resist any move to restrict veterans' access to healthcare and compensation.

It is reprehensible that a Civil War era law is still robbing our veterans of fair compensation that is rightly theirs, and I call upon my colleagues to fight this embarrassing mistake and restore to our heroes just a small amount of what we owe them.

PERSECUTION, FORCED LABOR, ORGAN HARVESTING AND CAPITAL PUNISHMENT IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. WOLF. Mr. Speaker, I continue today to bring to our colleagues attention human rights abuses in China provided here by the Laogai Research Foundation. They tell a desperately tragic story of a peoples thrown into harsh and brutal labor camps—without trial—who are then forced to do dangerous work, are regularly beaten, tortured, deprived of food and sleep, or summarily executed with their organs removed without the consent of the victims or their family. Many of the Chinese government's victims are religious men and women who, simply by wishing to follow their conscience, are considered a danger to the state.

"IN THEIR OWN WORDS" STATEMENTS ON FORCED LABOR, ORGAN HARVESTING AND CAPITAL PUNISHMENT IN CHINA PROVIDED BY LAOGAI RESEARCH FOUNDATION

The Laogai is an integral part of China's economy, serving as a principal source of cheap labor and organs. Its victims suffer from torture, arbitrary detainment, forced labor, organ harvesting, and execution.

Human rights groups have documented over 1,000 Laogai camps in China and estimate that the Laogai has a population of 4 to 6 million prisoners.

The Chinese Communist Party seeks to single out and eliminate all who "endanger state security." Thousands of political/religious prisoners are currently being imprisoned or otherwise detained, including China Democracy Party founders Wang Youcai and Qin Yongmin, Internet activists Yang Zili and Huang Qi, Tiananmen Square demonstrators, protestants, Catholics, Tibetan nuns and monks, journalists, academics, and Falun Gong practitioners.

There is little to deter those who inflict torture upon inmates of the Laogai. Confessions extracted through torture are routinely used to convict individuals in court. Forms of torture that are commonly documented in Chinese prisons include: use of electric batons, beating with fists and clubs, the use of handcuffs and leg irons in ways that cause intense pain, suspension by the arms, deprivation of food or sleep and solitary confinement.

According to conservative estimates, over 200,000 people are serving sentences in reeducation through labor (Laojiao) camps with no trial or sentencing procedure of any kind—all that is necessary is the directive of any official in China's Public Security Bureau.

All prisoners are forced to meet production quotas that are enforced through withholding of food rations. Many camps force prisoners to work 16 to 18 hours a day. Prisoners often labor in highly unsafe conditions, including work in mines and with toxic chemicals. Prisoners do not receive payment for their labor or any profit generated from the products they produce.

Forced labor is an integral part of China's economy, producing approximately $800 million dollars in sales. Despite specific agreements that ban forced labor goods these goods continue to flow out of China. Cooperation by Chinese authorities has been characterized by the State Department as "sporadic, at best." Most requests to hold an investigation are either ignored or denied.

The Laogai's victims also suffer organ harvesting, and execution.

Despite the claims that prisoners give consent for the use of their organs for transplant, evidence suggests that an overwhelming majority of prisoners, or their families, never gave consent before execution.

Prisoners are shot in the back to preserve their corneas and shot in the head in order to preserve the heart.

Recently, China began implementing the use of mobile execution vans, similar to vans used in Nazi Germany prior to its use of concentration camps. The use of mobile execution vans will allow doctors to remove organs in a timely manner and a clean environment.

According to Amnesty International, China executes more prisoners every year than the rest of the world combined. In 2002, the State Department recorded over 4,000 executions after summary trials. Some scholars estimate that as many as 10,000–20,000 are executed yearly. According to the Chinese criminal law code there are over 60 capital offenses. Prisoners are executed for crimes ranging from murder to theft to arson to drug trafficking. Prisoners are occasionally executed in front of crowds in fields or stadiums.

RECOGNIZING THE WORK OF THE CARON FOUNDATION

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. PITTS. Mr. Speaker, the Caron Foundation is a not-for-profit organization whose mission is to provide an enlightened and caring treatment community in which all those affected by alcoholism or other drug addiction may begin a new life.

The great work of this organization began when Richard J. Caron, an industrialist and recovering alcoholic from Reading, PA, and his wife Catherine, spent hours in their home "chit chatting" with people who came to them for help.

Dick published a newsletter, which he called Chit Chat, to reach out to others who needed support and an encouraging word. In 1957, after years of opening their home to those needing a guiding hand in recovery, they established a halfway house. Before long, this too proved to be inadequate to accommodate the many individuals who sought their counsel.

In 1959, the Carons purchased a historic resort hotel on South Mountain in Wernersville, PA, and opened Chit Chat Farms—a facility that has gained an international reputation for excellence as one of the first and foremost chemical dependency treatment centers in the United States.

Now in its fifth decade of providing quality services, Caron offers a full spectrum of gender-specific chemical dependency treatment programs to meet the needs of everyone—from adolescents to seniors. Today, the Caron Foundation, rooted in the "Chit Chat" tradition, stands as a beacon of hope to individuals and families whose lives have become unmanageable because of chemical dependency.

The Caron Foundation, one of the Nation's oldest and largest not-for-profit chemical dependency treatment providers, is located in a serene mountain setting in Berks County, PA. The Foundation is nearing completion of a 4-year $16 million master campus improvement and renovation project. This facility will enable Caron Foundation to continue to serve thousands in need of help.

On Sunday, October 19, 2003, the Foundation will host an official campus dedication ceremony, appropriately themed, A Celebration of Growth and Change. John Schwarzlose, President and CEO of the Betty Ford Center will be the keynote speaker; among the honored guests will be the well-known philanthropist, Mrs. Leonore Annenberg.

This celebration will allow Caron's Board of Directors and leaders to recognize the many donors whose generosity and support made this project possible.

It will also provide Caron with an opportunity to showcase the newly constructed buildings, as well as the beautifully restored historic buildings that have been part of Caron's history for more than 45 years.

It's time that we pay proper tribute to the people and organizations that make such a profound difference in the lives of people in desperate need to hope. The Caron Foundation has given so many the opportunities to make a new choice and start a new life.

HISPANIC HERITAGE MONTH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, commemorating the extraordinary contributions that Hispanic-Americans have made to our country throughout history. During this one-month period of celebration and tribute, we honor the culture and achievements of the Hispanic community, all of which have played a historic role in our Nation.

I am proud, honored and privileged to represent a region in Congress that is extraordinarily diverse and home to many citizens who are of Hispanic heritage. To commemorate Hispanic Heritage Month, I would like to highlight the remarkable accomplishments of an organization in my district committed to serving its neighbors.

Founded in 1946, La Casa de San Gabriel Community Center is a family community ministry serving 5,800 clients per year, ranging from infants to the elderly. La Casa is unique in that it is a centrally located facility addressing the multicultural needs and interests of its diverse community—primarily Hispanic and Native American working poor—in their efforts to overcome the barriers of underemployment, poverty, inadequate housing, limited education, and lack of medical care. These efforts on behalf of the community have been extraordinary.

Today, with an estimated Hispanic population of over 38 million in our country, we must also recognize that our efforts to commemorate Hispanic culture should not be limited merely to a one-month period.

In addition to recognizing great accomplishments, we must also demonstrate our commitment to ensuring equality of opportunity for all Americans. Specifically, we must ensure that educational resources are readily available to all Americans. Since the future of our children is perhaps one of our most vital priorities, educational programs such as Head Start need to be supported and funded, rather than cut from our minority communities. We must also support economic empowerment and provide economic security for all Americans and work to ensure access to health care for the uninsured and underserved.

Cesar Chavez once said, "We need to help students and parents cherish and preserve the ethnic and cultural diversity that nourishes and strengthens this community and this Nation." As we reflect on Mr. Chavez's words and on this month of festivities and celebrations to honor Hispanic-Americans, let us remain steadfast in our commitment to civil rights for all Americans and promote increased representation in Government from all facets of our diverse country.

TRIBUTE TO WAYNE PUBLIC LIBRARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McCOTTER. Mr. Speaker, I rise today in tribute to the Wayne Public Library, which this year celebrates its 80th anniversary of service to the people of Wayne, Michigan.

Founded in June, 1923, and tucked within the Morrison and John Shoe Store on Michigan Avenue, the library was run by Ms. Emma John, the shoe store owner's daughter, who lent out the initial stock of 500 volumes to some 886 registered patrons in-between waiting on shoe customers.

My, how times—and shoe styles—have changed.

Today, the Wayne Public Library operates in a state-of-the-art facility of 24,000 square feet, which houses both Adults' and Children's reading rooms; meeting rooms; reference services; and numerous special events and classes for the entire community.

Mr. Speaker, I ask my colleagues to join me in congratulating and thanking the Wayne Public Library for their 80 years of outstanding service to the people of Wayne, Michigan.

MENTAL HEALTH AWARENESS WEEK 2003

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of Mental Health Awareness Week. With the Census Bureau reporting yesterday that the number of people without health insurance shot up last year by 2.4 million, the largest increase in a decade, raising the total to 43.6 million, showing there is no hiding that our Nation is facing a health crisis. The reason behind this remarkable increase has been blamed on soaring health costs and many workers losing coverage provided by their employers. Although it is usually a misconception that those who are uninsured are also unemployed, the number of full-time workers without health insurance rose by 897,000 last year, to 19.9 million. Among people living in poverty, 49 percent of those worked full-time were uninsured. Beside a lack of information and education about mental illness, being uninsured plays a significant role on whether an individual reaches out for help or even receives treatment.

In our Nation, one percent of the population has been diagnosed with schizophrenia, one percent has been diagnosed with manic depression and between 5–10 percent of Americans will experience at least one episode of major depression. This gives us a base number of about 14–24 million individuals. If you add in the millions who suffer with panic attacks or Obsessive-Compulsive Disorder, and include the more than four million who suffer with dementing illnesses, such as Alzheimer's Disease. Then if we include substance abuse and other addictive disorders, we reach a number that includes a quarter to a third of the American public who suffers with some form of mental illness. During any one year period, up to 50 million Americans, more than 22 percent, will suffer from a clearly diagnosable mental disorder. These numbers demonstrate the need for mental health care and coverage. Yet, instead, services are disappearing and many, specifically minorities, are backing away from the services that still remain.

Minorities in America face severe economic, cultural, linguistic and physical barriers for treatment of mental illness. According to a report from the U.S. Public Health Service, these difficulties prevent thousands from being properly treated. The study explains that minorities are no more likely than whites to suffer from mental illnesses. However factors often keep African Americans, Hispanics, American Indians, Native Hawaiians, and Asian Americans from getting the help they need and when they do, the treatment may be substandard or too late.

For Asian Americans, studies have shown that they underutilize mental health services much more than other populations. The National Research Center found that Asians were underrepresented in the outpatient system, and they were more likely than African Americans, Whites, and Hispanics to have psychotic disorders. Although overall rates of mental illness among Hispanics roughly equal that of whites, young Hispanics have higher rates of depression, anxiety disorders, and suicide. The study also found that Hispanics born in the United States are more likely to suffer from mental illness than those born in Mexico or living in Puerto Rico. With African Americans being overrepresented in populations at high risk for developing mental illness—namely, the homeless, prisoners and children in foster care—the need for mental health treatment is generally higher. All three of these particular cultures have stigmas attached to mental illness along with social battles preventing treatment from being obtained. Even research on the mental health of minorities is sparse considering it was only in 1994 when the National Institute of Health started to require that its funded studies include minorities and that studies indicate a subject's race.

The research that does exist is startling. About 25% of African Americans do not have health insurance and many who do are more likely to receive care from a primary health provider rather than a mental health specialist or end up in the emergency room looking for help. As I mentioned, African Americans are over-represented in high-need populations that are particularly at risk for mental illnesses. One population group is the homeless, of which African Americans make up about 40% of the homeless population. Another is the prison population that is comprised of nearly half of all prisoners in State and Federal jurisdictions and almost 40% of juveniles in legal custody are African American. African American children and youth constitute about 45% of children in public foster care and more than half are waiting to be adopted. African Americans are also more likely to be victims of serious violent crime. One study reported that over 25% of African American youth exposed to violence met diagnostic criteria for post-traumatic stress disorder. When compared to whites who exhibit the same symptoms, African Americans tend to be diagnosed more frequently with schizophrenia and less frequently with affective disorders. In addition, one study found that 27% of blacks compared to 44% of whites receive antidepressant medication. Moreover, the newer SSRI medications that have fewer side effects are prescribed less often to African Americans than to whites. And while the rate of bipolar disorder is the same among African Americans as it is among other Americans, African Americans are less likely to receive a diagnosis and, therefore, treatment for this illness.

One of the high-risk populations that overly effect the African American population, the prison population, is of an extreme concern of mine. This year an estimated 600,000 exoffenders will be reentering communities across the nation. According to the U.S. Department of Justice, about 283,000 people who are incarcerated on any given day in the United States are known to have a mental illness, with almost 550,000 others on probation. The rate of mental illness in the jailed population is four times greater than that in the general population. The Cook County Jail in Chicago has become, by default, the largest psychiatric facility in the state of Illinois. At least 10% of the Facility's 10,000 detainees are on psychiatric medications. Because the jail is overcrowded, prisoners must be released every day, whether they are ready or not, to make room for new arrivals. Unfortunately, our prison system's purpose is social control, not treatment. This means most of the detainees who have a mental illness are released with just a prescription and the address of a mental health facility and receive very little follow-up.

Mr. Speaker, we have made much progress in mental health awareness—we are talking about it today, which would have been unheard of 15 years ago. But we have so much to do. In our recent budget crisis, states are cutting mental health funding first and not realizing the cost it will be on our society later. Education and breaking down misconceptions that many cultures face need to be improved. We need to ensure that our citizens are receiving the help they need by providing equal mental health services to all.

HONORING HUGH LEE "H.L." CULBREATH, JR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Hugh Lee "H.L." Culbreath, Jr., one of Tampa Bay's most influential and charitable business leaders. H.L.'s passing last weekend is a tremendous loss for our entire community.

A graduate of the U.S. Naval Academy, H.L. served our country in the Navy for 10 years. His final assignment was as a staff member to President Dwight Eisenhower at the White House and as officer in charge of Camp David.

In 1957, H.L. returned to his native Tampa to begin working for TECO Energy. Over the course of his 40 years of dedicated service to TECO, H.L. worked his way up the ladder to become chief executive officer and chairman of the board. Along the way, H.L. instilled in TECO the idea that giving back to the community is good for business.

H.L.'s contributions, civic activities and honors are countless, but his life long endeavor to improve the quality of life for Tampa Bay residents and bolster our city's reputation is clear. In an effort to enrich downtown Tampa, he fought to establish the Tampa Bay Performing Arts Center and served as its inaugural chairman and trustee. H.L. fought to bring a National Football League franchise to Tampa, and our Buccaneers justifiably rewarded him for his efforts by winning the Super Bowl this year.

H.L. served as chairman of the Board of Governors of the Greater Tampa Chamber of Commerce and the Committee of One Hundred, a member of the Mayor's Downtown Advisory Committee, a board member and chairman of the Hillsborough County Hospital Authority, a member of the Florida Council of 100, which gave him the Hall of Fame award. He was active in the United Way and honored for his contributions to Boy Scouting by the Explorers of the Boy Scouts of America, Gulf Ridge Council. The Tampa Civitan Club named H.L. Citizen of the Year in 1979 and the Hillsborough County Bar Association gave him a Liberty Bell award, in recognition of his community service.

H.L. personified the attributes of leadership and service to an exemplary level, rarely seen in our community. For members of the Tampa Bay community, H.L.'s impact is as far as the eye can see and will endure for countless generations. On behalf of our community, I extend my deepest sympathies to his family and friends.

CONGRATULATIONS TO COLE WOOD—A 6TH GRADER WHO UNDERSTANDS FREEDOM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BERRY. Mr. Speaker, I rise today to recognize Cole Wood, a young man whose definition of freedom won him the "Spring 2003 Essay Contest" at the Sixth Grade Academic Center in Jonesboro, Arkansas.

Mr. Speaker, when Cole Wood was asked to define the word freedom for the essay contest he chose to focus on the Bill of Rights, the Constitution and, "the great presidents that have brought this nation through times of thick and thin."

Freedom, for so many Americans, is still taken for granted. While Mr. Cole's essay rightfully draws our attention to the founding father's legacy, it should also call to mind those men and women who have fought so bravely to ensure that our freedom endures. More importantly, it should evoke our sense of duty to those veterans and remind us that they deserve our support as well as our respect.

Mr. Wood also recalled the tragedy of September 11th as he described the meaning of freedom: "At first I was scared, but when I saw all the people donating and sticking together, I didn't feel sad anymore, I felt proud and strong. I was proud to be an American, proud to know I was free."

That pride is what makes this country great. It is the pride that inspires young people like Mr. Wood to be responsible leaders of our nation. It is the pride that should infect every decision we make as elected representatives.

On behalf of Congress, I extend congratulations to Cole Wood for winning this essay contest and for reminding all public servants why we are here today.

MOBILE MACHINERY TAX FAIRNESS ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today, along with Congressman POMEROY and 79 original cosponsors from both sides of the aisle, to introduce the Mobile Machinery Tax Fairness Act. This legislation is designed to preserve the longstanding exemption of special mobile equipment, or "mobile machinery," from federal highway excise taxes.

Mr. Speaker, since the highway trust fund was originally created almost 50 years ago, it has been the policy of the federal government to exclude from taxation certain vehicles whose primary purpose is to perform an off-road function. Mobile machines, such as mobile cranes, concrete pumpers, and mobile drill rigs, bucket trucks, and digger derricks, only use the public highways to travel back and forth from the job site, and sometimes stay there for weeks or months at a time.

However, in June of 2002, with little debate and no input from Congress, the Internal Revenue Service (IRS) proposed a complete elimination of the mobile machinery exemption.

If adopted, the IRS proposal would force businesses that use mobile machinery to pay the vehicle excise tax (12 percent of the chassis price) and, the motor fuel tax (18.4 cents per gallon on gas and 24.4 cents per gallon on diesel), as well as the tire excise tax and heavy vehicle use tax.

This change would cost the affected businesses tens of millions of dollars each year in increased taxes. Furthermore, a significant majority of the firms that would be paying this tax are smaller businesses in economically sensitive industries such as commercial and residential construction, oil and gas production, and timber harvesting.

Finally, the IRS proposal would undermine current economic policy by counteracting, and in some cases eliminating, the depreciation bonus for new equipment enacted by Congress as part of the "Post-9/11" economic stimulus package.

IRS has since delayed its regulatory proposal. However, it is now using two recent Federal court decisions to effectively deny nearly all claims for mobile machinery-related tax refunds.

Only Congress can head off IRS's actions and restore the exemption which has served industry for 26 years. My legislation simply preserves the current regulatory exemption in statutory form and I ask my colleagues to support this important legislation.

HONORING THE 150TH ANNIVERSARY OF WARTRACE, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. GORDON. Mr. Speaker, I rise today to honor the 150th anniversary of one of the friendliest towns you will ever find—Wartrace, Tennessee. Established as a railroad depot, the town was chartered by Bedford County on October 3, 1853.

Early frontier settlers endured fighting between British and French soldiers and attacks by hostile Indians. Legend even has it that the town was named after an old Cherokee Indian war trail. But as the frontier moved westward and the area became more civilized, industry and tourism flourished with the railroad.

Today the town has settled into a less hectic pace of life. Wartrace is now a small Middle Tennessee community with a strong sense of unity and a desirable quality of life. I congratulate its leaders and Mayor Donald Gallagher for developing Wartrace into a safe, neighborly community. May the town's next 150 years be as prosperous and successful as its first 150 years.

HONORING KERRY G. NEIS, DEPARTMENT OF THE ARMY CIVILIAN FIREFIGHTER

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. EVERETT. Mr. Speaker, I would like to pay tribute to a hero from my congressional district in Alabama who gave his life in the line of duty. Kerry G. Neis of Enterprise died last December as a result of an accident during a training mission at Fort Rucker, Alabama.

Neis, a Department of the Army Civilian firefighter stationed at Fort Rucker, leaves behind a wife, Katherine, and their daughter, Sarah.

Neis' dedication to duty has earned him the respect of not only his comrades at Fort Rucker and across the Wiregrass, but among his peers around the nation. He will be honored along with America's other fallen firefighter heroes during the National Fallen Firefighters Foundation's Memorial Weekend conducted this October 4 and 5 in Washington, DC.

The following in an excerpt from a tribute to her late husband submitted by Katherine Neis for the Memorial Weekend ceremony.

> At 31 years old, Kerry was shockingly taken from us on December 4, 2002 in a tragic accident, when his firetruck jumped out of gear and ran away. No one, not his crew, his captain, or fellow firefighters could have expected it, and it was over before any of them even knew what had happened. But even in

death, Kerry's life of service and dreams of helping others in need continue. New training procedures have been implemented and new safety mechanisms have been installed on the trucks. Kerry is still working hard to ensure the happiness and security of us all.

On behalf of this House, I offer my condolences to Kerry Neis' family as we remember the life and sacrifice of one of America's heroes.

TRIBUTE TO IRA AND KATHY GRIBIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my good friends, Ira and Kathy Gribin, who are being honored by the Hope Through Housing Foundation with the prestigious Founder's Award. Their commitment to providing affordable housing for low-income families in Southern California has earned them this recognition.

I have had the privilege of working with Ira for many years and know first-hand of his strong work ethic and legendary accomplishments. Ira has been a leader in the real estate business since 1946 and has been an active member of numerous national and local realtor associations for many years. He served as President of the National Association of Realtors, the Realtors National Marketing Institute, the California Association of Realtors and the San Fernando Valley Board of Realtors. Additionally, he has served as a board member of many real estate and non-profit organizations and is co-founder of Gribin von Dyl, Realtors.

Ira's vast knowledge on issues related to real estate, financing and management has helped him become a renowned and sought after authority in these fields. He has taught at the University of Southern California and California State University Northridge, and has also served on the University of California President's Advisory Committee. The demand for Ira's talents has transcended the private sector into the public service arena as well. He served as Commissioner of Transportation and Commissioner of the Housing Authority for the City of Los Angeles.

I have known Kathy for many years, and can attest to her invaluable service and outstanding contributions to the Hope Through Housing Foundation. Prior to her arrival in California, she enjoyed a fruitful career as a school teacher. Once in California, she became a successful real estate broker. In 1992, she expanded her career, earning an M.A. in Marriage, Family and Child Counseling. Her education and experience made her keenly aware of the acute need for affordable housing in Southern California and prompted her to dedicate time, energy and resources to creating affordable housing for low-income children, seniors and families. She used her business acumen and extensive knowledge of the industry to positively impact numerous low-income families. Kathy is currently President of Desert Horizons Women's Club, a member of the Board of Directors of Desert Horizons Owners Association and an avid golfer.

On a personal note, both Ira and Kathy are wonderful human beings, delightful to be with and deeply committed to humanitarian ideals. I think it's particularly noteworthy that Ira—as a leader in the California Association of Realtors 39 years ago—played a decisive and public role in fighting an initiative designed to repeal California's Fair Housing law. It took great courage to take a view not widely held by his professional colleagues at that time, and he put himself into considerable potential risk to his business endeavors, but Ira nonetheless steadfastly affirmed his opposition to racism and his commitment to the American dream of affordable housing for all people.

Mr. Speaker, I invite my colleagues to join me in congratulating and thanking Ira and Kathy Gribin for their many outstanding contributions and to wish them continued success.

RESOLUTION COMMEMORATING THE LIFE AND ACHIEVEMENTS OF ALTHEA GIBSON, H. RES. 386

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CUMMINGS. Mr. Speaker, it is with a profound sense of pride that I rise today in support of the Resolution, sponsored by Representative JUANITA MILLENDER-MCDONALD, commemorating the life and achievements of the great African American tennis legend, Althea Gibson. This trailblazer died on Sunday, September 28, 2003 at the age of 76. I stand here today to pay tribute to her fighting spirit.

Mr. Speaker, long before there was a Venus or Serena Williams there was Althea Gibson. As we celebrate the impressive records accumulated by these two tennis stars we often forget that it was just a little over 50 years ago that tennis was an all-white sport.

Born on August 25, 1927 in Silver, South Carolina, this 5-foot-11 black woman boldly challenged the conventional wisdom of the day. Overcoming the depths of racism and adversity, Althea Gibson's pioneering efforts to integrate the sport paved the way for the likes of Arthur Ashe, Venus and Serena Williams, Tiger Woods, and future generations of aspiring African American athletes. America owes her a tremendous debt.

Her list of accomplishments is impressive. Breaking the color barrier in the 1950s, Althea Gibson became the first African American woman to compete at and win the Wimbledon and U.S. national tennis titles. She was also the first African American player on the Ladies Professional Golfers Association Tour. Between 1956 and 1958, Althea Gibson captured the Wimbledon and United States championships and won the French Open and three Wimbledon doubles titles. In 1957, she was the first African American to be voted by the Associated Press as its Female Athlete of the Year. She won that honor again in 1958.

Ms. Gibson attended Florida A&M University where she was initiated as a member of Alpha Kappa Alpha Sorority, Incorporated. She died as a "golden soror" of this elite organization after being a member of the sorority for over 50 years.

In closing, Mr. Speaker, I leave you with words that are attributed to this great first lady of tennis— ". . . here stands before you a Negro woman, raised in Harlem, who went on to become a tennis player . . . and finally wound up being a world champion, in fact the first black woman champion of the world."

Mr. Speaker, again it is my honor and privilege to lend my wholehearted support to this important resolution—which honors and commemorates the life and achievements of this great African American woman. I urge all of my colleagues to support the Resolution, H. Res. 386, which honors the indomitable spirit of Althea Gibson.

SUPPORTING GOALS OF IMMIGRANT WORKERS FREEDOM RIDE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. MCCOLLUM. Mr. Speaker, yesterday, hundreds of immigrant workers all over the country converged in Washington on their way to New York City as part of the Immigrant Workers Freedom Ride. They are here to raise awareness about the plight of immigrant workers.

Over the years, the United States has been called a nation of immigrants. The fact that we are a melting pot for so many different cultures, races and religions makes us unique in the world. It has helped mold our national character. For more than 300 years, various ethnic, cultural, and social groups have come to our shores to reunite with their loved ones, to seek economic opportunity, and to find a haven from religious and political persecution. They bring their hopes and dreams and in turn, contribute, enrich and energize America.

In my home state of Minnesota, immigrants have worked hard to establish a rich culture and strong economy.

Many immigrants in my state become American citizens. In 2002, over 5,400 immigrants became American citizens in Minnesota. Sixty-five percent of immigrants in my state who are eligible for naturalization become citizens.

These new Americans work hard, pay taxes and make indispensable contributions to our economy. Through their tax payments, they help finance the costs of schools, health care, roads, welfare payments, Social Security, and the nation's defense.

I am proud to be a cosponsor of a resolution introduced by my colleagues Representatives HILDA SOLIS and MIKE HONDA supporting the goals of the Immigrant Workers Freedom Ride: to create a clear road to citizenship for all immigrant workers, allow workers to reunite their families, ensure immigrants' civil rights and liberties, and protect the rights of immigrants in the workplace.

Our country was founded on the strength of our immigrant communities. A strong immigration system is a sign of a confident and successful nation, and we should welcome those who, in that spirit, seek to make the United States their home.

IN HONOR OF DR. JOAN PATON ACOSTA

HON. XAVIER BECERRA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 2, 2003

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize and pay tribute to Dr. Joan Paton Acosta, an outstanding educator, a passionate advocate for our youth, and a wonderful friend and confidant. Dr. Acosta will retire this Thursday, October 2, 2003, after 38 years of exceptional service to the students and families of the Los Angeles Unified School District (LAUSD).

A Los Angeles native, Joan is a product of the very school district to which she committed her professional career. She is a proud alumna of 68th Elementary, Audubon Junior High, and Dorsey High School. Her public education served her well on the path toward achieving a masters from California State University at Los Angeles in 1968, and a doctorate from Claremont Graduate University in 1978.

Joan has become such an indispensable asset at LAUSD, with so many accomplishments, that her curriculum vitae is not stored on its computer database, but within the veteran microfiche files. She began her career with the school district on February 1, 1965, as a third grade teacher at Ford Boulevard Elementary School. Since that initial teaching position, Joan has worked as a special education teacher, an advisor and administrative coordinator at the Office of Legislation and Government Affairs, an administrator at the Office of Chief Advisor, and as an administrator in legislation and grants for the Division of Special Education. In 1984, Joan received the prestigious Theodore Bass Memorial Teacher in Politics Award, for her political activism and contribution to education.

Los Angeles families are forever indebted to Dr. Acosta for her instrumental role in the pursuit of an accurate Census for the year 2000. Her work organizing LAUSD's "We Count" outreach campaign targeting typically undercounted and highly mobile minority families ensured that thousands of Angelenos were counted, many for the first time.

Mr. Speaker, most of us wake up in the morning and, after subduing the regular aches and pains of life, move on to enjoy another day. We take for granted that simplicity of life. Joan Acosta understood how precious and complex living each and every "next day" could be, especially for our children. Joan leaves her work in Los Angeles and our nation's capitol, Washington D.C., as a true champion for disabled students. I am personal witness to—and willing victim of—her tenacious advocacy for increased funding for special education programs and reauthorization of the Individuals with Disabilities and Education Act.

In addition to her hard work and dedication to the students of LAUSD, Joan has also fought for the teachers of the Los Angeles Unified School District. Joan was one of the initial organizers of United Teachers Los Angeles (UTLA), which today represents the 44,000 teachers, counselors, psychologists, and nurses in LAUSD. Widely recognized by the teaching community as a leader, Joan has been elected by her fellow educators to represent them on the Board of Directors of UTLA, all the way to the 2.7 million strong National Education Association (NEA), where she served as the alternate to the NEA Board of Directors from California, and as a member of the body's Resolutions Committee.

Regardless of what department or position Joan has served, she has always left a lasting mark, thanks to her professional demeanor, devotion to education, and cheerful disposition. Her smile is infectious, and I have never known her to start a day without it. Joan has rightfully earned her reputation as a dedicated public servant, committed educator, and advocate for the rights of all students and employees of the Los Angeles Unified School District.

Joan's retirement marks the final chapter in a distinguished career in education that began and ends in Los Angeles. I wish her much luck and leisure in the days to come when she can enjoy her cherished pastimes of wine tasting and traveling. However, if I know Joan, I am sure we have not witnessed the last of her talents. She will always be a powerful and unyielding voice for children.

Mr. Speaker, as family, friends, and colleagues gather to celebrate Joan's many accomplishments, it is with great admiration and pride that I ask my colleagues to join me today in saluting this exceptional woman. May we all be fortunate to wake up for many days to come and appreciate the simplicity of a better life that Dr. Joan Paton Acosta has secured for our children.

NEW FREEDOM COMMISSION ON MENTAL HEALTH RESOLUTION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 2, 2003

Mrs. NAPOLITANO. Mr. Speaker, I rise today to introduce my resolution regarding the report by the President's New Freedom Commission on Mental Health. I urge my colleagues to support this resolution and adopt the goals and recommendations of the Commission's report. As we commemorate Mental Illness Awareness Week, we must take steps to implement these goals and ensure affordable, accessible, and high quality mental health care for all Americans.

I commend the Commission for their insightful and informative report. Almost one quarter of all Americans currently suffer from a diagnosable mental disorder, but a only small fraction of them actually receive the treatment they need. This is unacceptable. The Commission's report provides us with six key goals and corresponding recommendations that will help ensure that all Americans who need mental health services receive them in an effective manner.

The goals of the Commission are as follows:

(1) To help all Americans understand that mental health is essential to overall health;

(2) To make mental health care consumer and family driven;

(3) To eliminate disparities in mental health services;

(4) To make early mental illness screening, assessment, and referral to services common practice;

(5) To ensure delivery of excellent mental health care and acceleration of mental illness research; and

(6) To use technology to access mental health care and information.

It would be a tragedy to ignore the Commission's report and its sensible recommendations. Every year we lose approximately 30,000 lives in the U.S. to suicide. Every year we lose millions of dollars in lost productivity due to mental illness. Many of these lives and dollars could be saved if high quality mental health services were accessible to all.

I call upon all of my colleagues in Congress and my friends in the Administration and in the mental health advocacy community to work together and take the necessary steps to implement the Commission's goals and dramatically improve mental health care in this Nation.

CONGRATULATIONS TO TAIWAN ON FORTHCOMING NATIONAL DAY

HON. MELVIN L. WATT

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 2, 2003

Mr. WATT. Mr. Speaker, I rise today to recognize and congratulate Taiwan on its forthcoming National Day. In recent years, Taiwan has impressed the world with its spectacular economic and political accomplishments. Even though Taiwan has many challenges ahead, I am confident Taiwan will continue to prosper both economically and politically now and in the future.

HONORING WAYNE AND JO HITCHCOCK

HON. MICHAEL BILIRAKIS

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 2, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor two wonderful individuals who dedicated their lives to defending America and helping those who fought for our freedom.

Wayne and Jo Hitchcock were long-time constituents and close friends of mine. Wayne was an Army Air Corps tail gunner who flew missions over Hungary during World War II. He was shot down during his 14th mission and subsequently spent 13 months as a prisoner-of-war in Stalag 17B, which was liberated by Patton's Third Army in May of 1945. Wayne received the Air Medal with one Oak Leaf, the European Campaign Medal with four stars, and the Prisoner of War Medal for his heroism.

Wayne returned to his native Indiana after the war and became a homebuilder, land developer, and real estate broker. He also returned to government service and retired after serving as a postmaster for 23 years. He then moved to Florida where he and Jo devoted themselves to helping ex-prisoners of war.

I met Wayne and Jo before I was first elected to Congress. I am glad I did. They helped educate me about the many issues important to those who served our country in uniform, especially ex-prisoners of war. They brought to my attention an inequity which penalized the survivors of veterans who were completely disabled at the time of their deaths but whose deaths were not the result of their service-connected disability. To receive the benefits to which they were entitled, these widows had to meet requirements far above those of their counterparts whose husbands died as a result of their service-connected disability. I introduced legislation, which eventually became law, to fix this problem after Wayne and Jo brought it to my attention.

Wayne and Jo were actively involved with the American Ex-Prisoners of War, serving on various committees and posts at the department. Wayne eventually served as the Senior Vice-Commander and as the National Legislative Chairman and Legislative Reporter. He became National Commander in 1997. He also was a life member of the Veterans of Foreign Wars, American Legion, and the Disabled American Veterans.

In addition to their work for ex-prisoners of war, Wayne and Jo also were very active in many volunteer and charitable organizations in the community. Wayne was a forty-year member of Lions International and was Boy Scout Master for more than 20 years. Jo spent her time running from meeting to meeting of the many charitable organizations to which she belonged. After Wayne's death in 1999, she also served as president of a local Ex-POW chapter until her death earlier this year.

Mr. Speaker, Wayne and Jo Hitchcock were two outstanding individuals who loved their country and those who fought for it. They made this country better for ex-prisoners of war and for the many people with whom they came into contact. I miss them both, as do the many people who are forever indebted to them.

SUPPORTING THE IMMIGRANT WORKERS FREEDOM RIDE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BACA. Mr. Speaker, I rise to give tribute to the Immigrant Freedom Ride. These immigrants have crossed the country to ask Congress to allow them a process for naturalization, increase the number of visas for family reunification, and to protect the civil and labor rights of immigrants.

Immigrants need a process to earn legal status. These immigrants work hard, pay taxes, and want to be productive legal members of our society.

Many immigrants live in solitude. Work and send their money home so that their children and families can survive. That is why immigrants need more visas so we can reunite families. No parent should be forced out of necessity to miss out on the life of his or her child.

And, we must protect the civil rights of all immigrants—including the undocumented. Too many immigrant workers are fired if they speak up about labor violations. Labor protections should apply to all workers, not just citizens. These demands are just.

Immigrants break their backs picking our fruits and vegetables, building our homes, and making our clothes. But, they will no longer be silent. They demand fair treatment.

This is a wakeup call. Immigrants are angry and will not be silent anymore.

I support the ideals of the Immigrant Freedom Ride and aim to help immigrants achieve these goals.

HONORING DOCTOR DAWOOD FARAHI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Dawood Farahi on his inauguration as the seventeenth president of Kean University. Dr. Farahi was inaugurated on Tuesday, September 30, 2003, at the Wilkins Theatre on the campus of Kean University.

On February 24, 2003, the Kean University Board of Trustees unanimously elected Dr. Dawood Farahi to be the seventeenth president of Kean University. Dr. Farahi has been described as the embodiment of Kean University for his commitment to educational quality and affordability for its students. His leadership will undoubtedly bring Kean University to an even higher level of academic excellence.

Dr. Farahi was recently special assistant to the president of Kean University for both operations and technology. During this time, Dr. Farahi was responsible for the supervision of budget management, position control, enrollment services, and the office of computers and information systems. He created and implemented the Technology Institute, which provides training for faculty and staff in order to integrate computers into the curriculum and begin developing distance-learning courses.

Dr. Dawood Farahi has worked closely with state, county, and municipal officials in problem solving and technical capacities. Dr. Farahi developed and implemented a strategic information plan for the City of Elizabeth, New Jersey. As a result, the Elizabeth Police Department has been lauded as one of the 10 best in the nation. Working with the Elizabeth public school system, Dr. Farahi created the Vision 2000 Strategic Plan, which is now used as a model for many urban schools in New Jersey and throughout the nation.

Dr. Farahi was a Fulbright Scholar, and received a Ph.D with honors from the University of Kansas. He has been a full-time professor at Kean University since 1989, teaching Quantative Methods, Management Information Systems, and Strategic Management, and was honored in 1993 as the Graduate Teacher of the Year, and was named Teacher of the Year in 1996.

Today, I ask my colleagues to join me in honoring Dr. Dawood Farahi on his appointment as the seventeenth president of Kean University.

H. RES. 384, A BILL HONORING THE IMMIGRANT WORKERS FREEDOM RIDE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of House Resolution 384 that celebrates the successful journey of the Immigrant Workers Freedom Ride.

Inspired by the Freedom Riders of the 1960's Civil Rights Movement, a broad coalition of individuals including immigrants, union officials, religious leaders, and civil rights activists set out on September 20, 2003 from ten major U.S. cities to educate the public and elected officials about immigrant rights and the injustices of our country's current immigration policies. Over the last 12 days, 900 freedom riders in 18 buses have visited more than 100 cities, towns, and work places.

The freedom riders have educated communities across America about the hardships faced day after day by immigrant workers and their families. Immigrants work in every industry in America. They are construction workers, doctors, nurses, janitors, meat packers, farmworkers, engineers, and soldiers. They care for our children, tend to our elderly, pick and serve our food, build and clean our houses, and what they ask for in return is a fair and equal opportunity to achieve the American dream. Yet, our broken immigration system impedes many because they are unable to live and work freely. Far too many immigrants are exploited by their employers, separated from family, and unprotected by our laws. The Immigrant Workers Freedom Riders have renewed the spirit of the Civil Rights Movement in order to draw attention to the needs of this marginalized community.

But that is not where their effort ends. They have a plan of action—a solution to many of the hardships encountered by so many immigrants in this country. Their plan has four key proposals: a new legalization program for undocumented immigrants; the right of immigrants to reunite with their families; the protection of immigrants in the workplace; and civil rights and civil liberties for all.

To bring their plan to the attention of our national leaders, the Immigrant Workers Freedom Ride arrived in Washington, D.C. on October 1, 2003. I welcome, and congratulate them for embarking on this historic journey.

I particularly want to acknowledge the two buses of freedom riders from Los Angeles. Several of the participants are my constituents who have taken time from their jobs and left their families and children behind in order to make the long journey to Washington, D.C.

I met with a group of them on Thursday, October 2. What they told me was truly inspiring. Some have been in this country for several years while others have only recently arrived, but they all have a love and appreciation for America. They don't want or expect handouts. They believe in hard work and doing their part for our country. What they do want, Mr. Speaker, is what we all want—the opportunity to prosper and to obtain a good life for themselves and their families. They want to be full participants in every aspect of our society.

I applaud the Immigrant Workers Freedom Riders and commend the organizers for helping to ensure that immigrant voices are heard. I am encouraged by the support they have garnered across the country, and I hope that their tour will serve as a catalyst for fair and meaningful reform of our nation's immigration laws. Our immigrant community deserves greater protections under the law, and Congress has an obligation to provide it.

In the words of Rev. Martin Luther King Jr.: "Let us therefore continue our triumphal march to the realization of the American dream . . ."

In keeping with Rev. Martin Luther King Jr.'s legacy, we are reminded today that the struggle for civil rights continues for many. The Immigrant Workers Freedom Ride is a renewal of a struggle for fairness and equality for all. I am hopeful that my colleagues and all of America will embrace it.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. PORTMAN. Mr. Speaker, on September 30, 2003, I was absent attending a meeting in my Congressional District in Ohio and missed the votes on Roll Call Number 524, the Motion to Instruct Conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act; Roll Call Number 525, the Motion to Instruct Conferees on H.R. 1308, the Tax Relief, Simplification and Equity Act; and Roll Call Number 526, on H. Res. 357, Honoring the Life and Legacy of Bob Hope.

Had I been present, I would have voted "Nay" on Roll Call Number 524, "Nay" on Roll Call Number 525, and "Yea" on Roll Call Number 526.

CHILD NUTRITION PROGRAM EXTENSIONS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CASTLE. Mr. Speaker, along with my colleagues, Representatives JOHN A. BOEHNER, GEORGE MILLER, and LYNN WOOLSEY, I am introducing legislation to extend for one year provisions in the Child Nutrition Act, the Richard B. Russell National School Lunch Act, and the Commodity Distribution Reform Act that are vital to our Nation's effort to ensure that low income children have access to safe and nutritious food in school, after school, and during the summer months.

Members of the Committee on Education and the Workforce are busy preparing legislation to reauthorize and improve all the child nutrition programs included in the Child Nutrition Act and the Richard B. Russell National School Lunch Act, including the National School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants, and Children, known as WIC, the Child and Adult Care Food Program, the After School Snack Program, and the Summer Food Service Program. I have been pleased with this effort and the progress made in preparing a bill for introduction.

Despite our progress, Committee Members do not want to draft such important legislation in haste and so need additional time to ensure that any changes to the current law best serve the interests of the children whom these programs are intended to reach. Without the extensions included in this legislation, millions of needy children could lose access to healthy meals and snacks that are critical for their healthy growth and development and academic success in school.

This legislation includes a very important provision that allows children of our Armed Forces to continue receiving free- or reduced-price meals at school if they meet eligibility requirements. Without this legislation, families living in privatized military housing could not exempt their housing allowance from the income amount used to determine their children's eligibility for free- or reduced-price meals, like those living in military-owned housing currently can. Taking school meal subsidies from children when many of their mothers and fathers are fighting for our nation's security at home and abroad would have a devastating effect on these families.

Also included in this legislation is a provision that would continue the ability of for-profit child care centers to participate in the Child and Adult Care Food Program. This program provides meals and snacks to children in for-profit centers when at least 25 percent of the children meet the income eligibility criteria for free- and reduced-price meals.

Additionally, this legislation would extend the authority for schools, churches, and community organizations to operate Summer Food Service Program sites, and in 14 states, continue operation of special pilot programs that reduce paperwork requirements and thereby increase the number of low-income children who receive free meals and snacks during the summer months.

Finally, this legislation ensures that until a child nutrition reauthorization bill is signed into law, commodity distribution to schools will be maintained at sufficient levels and that schools will have funds available to replace commodities that pose a potential health or safety risk to students.

The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the House and Senate complete work on legislation reauthorizing both the Child Nutrition Act and Richard B. Russell National School Lunch Act in their entirety.

PREVENT PRICE GOUGING DURING A DISASTER—SUPPORT THE P.I.G. ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. KLECZKA. Mr. Speaker, as we have just seen following Hurricane Isabel, some vendors charged residents exorbitant rates for essential goods and services following the storm. A recent Washington Post article reports that in one instance, a tree-cutting firm wanted $17,000 to remove five trees that had already fallen to the ground. The same article refers to gasoline being sold for over $3 a gallon and bottles of water sold for $5 apiece.

While most merchants are honorable and help their neighbors by providing at a reasonable cost the products or services during a crisis, others seek to take advantage of these people in their time of need. Today I am introducing the Permanently Inhibit Gougers (P.I.G.) Act that would prohibit vendors from increasing prices on goods and services widely needed during a declared disaster.

Specifically, prices could not be increased by more than 10 percent in excess of the average price of a product over the last 90 days. This restriction would apply for the seven days before a foreseeable event and for the 90 days following a disaster. Increases in excess of 10% would be branded an unfair or deceptive business practice under the Federal Trade Commission Act. Reasonable exceptions would be made for vendors allowing them to raise their prices proportionally when their cost of doing business or acquiring wholesale goods increases during a crisis.

Additionally, violators would be subject to a civil penalty of up to $250,000. People who are the victims of price gouging would be able to sue the purveyor for damages up to three times the amount they overpaid.

Congress must act to prevent unscrupulous vendors from taking advantage of consumers during an emergency. We need to make it clear that such despicable behavior, which is as shameless as looting, will be punished severely in order to ensure that our constituents are not gouged at the worst possible time. I urge my colleagues to send gougers a strong message by signing on as cosponsors of this legislation.

HONORING CONSULEGIS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate an important semi-annual conference that will be taking place in my district over the span of four days in October. Becker & Poliakoff, a highly respected and diverse commercial law firm based in Hollywood, Florida, has been chosen to host the Fall meeting of Consulegis, an international network of law firms.

Consulegis, an international association of independent law firms, was first founded in

Germany to provide cross-country services when numerous restrictions once were in place that hindered commerce between many countries in Europe. Members of this organization include law practices that achieve the hallmark of being independent, commercially minded, and possessing the highest professional standards. Since its initial inception, the organization has grown rapidly, once encompassing more of Europe and then later expanding to include members from other continents of the world.

The founding principles that guide this exemplary international group are based on the premise that within our globalized commercial framework, cooperation and cohesion amongst a strong network of firms will bring forth the ideal results for their respective clients. Simply by working together, Consulegis and its independent firms can rely on a number of resources and a solidified level of trust to achieve their goals.

Mr. Speaker, it is truly a special occasion to rise today and honor this event. Not only am I proud of the respected law firm in my district, Becker & Poliakoff, which has proven worthy as a member of Consulegis to host this crucial conference, but I am encouraged by this organization's efforts to bridge gaps in the international community. Indeed, forming a reliable network of professionals all seeking to help their clients and spur growth in our international commercial framework only has proven to be positive in every sense. From partnerships such as Consulegis and the cooperation they foster, these firms have been trailblazers in understanding and harnessing the beneficial context of the international economy.

TRIBUTE TO CALVIN HOPPER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen. Calvin Hopper has worked for many years in the field of nuclear safety. His dedication and hard work has earned him widespread recognition, including the Outstanding Achievement Award from Colorado State University—Pueblo. Calvin is well accomplished in his field, and I am honored to recognize his achievements today.

Calvin is a distinguished Senior Development Engineer at Oak Ridge National Laboratory, where he works in nuclear criticality safety process analysis and program management. Prior to his current work, Calvin held many positions in the field, including helping to develop the Department of Energy Standard Practices Guide for criticality safety projects for the U.S. Nuclear Regulatory Commission. In addition, Calvin has served as the Deputy Advisor and Technical Expert to the U.S. Nuclear Technical Advisory Group and is a member of the American Nuclear Society, where he serves as chairman of several committees. Outside of his professional life, Calvin works to give back to his community through involvement in the Habitat for Humanity and the Oak Ridge Symphony Orchestra and Band.

Mr. Speaker, Calvin Hopper is a dedicated scientist and active citizen. His distinguished professional achievements and commitment to his community are truly an inspiration to us all. I am honored to join with my colleagues in recognizing Calvin here today.

ON THE ACCOMPLISHMENTS OF BOB MURPHY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. WEINER. Mr. Speaker, back home in New York, Mets fans are coping with the retirement of New York Mets announcer Bob Murphy. Murph was an original Met, having called Mets games since their inception in 1962, 42 seasons ago. He saw, and brought home to us, every peak and trough in between.

It's hard to explain the special bond that Mets fans have with Bob Murphy. But it is akin to a long-term friendship that begins in early childhood, suffers with you through adolescence, struggles with you through young adulthood, and triumphs with you through maturity. Friends who spend every summer day and night together, and whose hearts ache to be reunited during the long, cold winter.

As children, Bob Murphy tucked us in to bed at night. He sat with us in the classroom as we smuggled a radio into school. He rode with us as we sat in traffic. No matter what else was transpiring in our life, we could always turn to Bob Murphy bringing us a routine game in the middle of June, and be put totally at ease. Bob Murphy had that calming effect on us. Chicken pox, report cards, girlfriends all came and went—but through the years, Bob Murphy never left our side. He shared those moments with us all while bringing us to the edge of our seat, sharing with us the emotional roller coaster that comes with being a Mets fan.

He brought us laughter; he brought us tears (in the early years, often at the same time). In their history, the Mets have won two World Series and four pennants. But, nestled between those accomplishments, they have suffered at some of the leanest years that baseball has ever seen. All the while, our emotions likewise ran the gamut; and there was Bob Murphy to share them with us.

His work behind the mike was as good as they come. One of my favorite calls remains the wild pitch thrown by Bob Stanley in the sixth game of the 1986 World Series. Everyone remembers the Bill Buckner error from that game. But, in truth, the biggest moment of that inning came a few pitches earlier, when Stanley's pitch to the backstop allowed Kevin Mitchell, the tying run, to score. Murph's succinct call was perfect. The excitement in his voice was unmistakable, and he let his brevity and his repetition indicate the profoundness of the moment.

"Gets away! Gets away! Here comes Mitchell! Here comes Mitchell! Tie game! Tie game . . .!" And with that last "tie game" his voice trailed off—or maybe it was drowned out—to the loudest eruption that Shea Stadium has ever heard.

We're going to miss him. Bob Murphy gave a lot to us, more than we can ever thank him for. But today, on behalf of my colleges in the House of Representatives, I wish Bob Murphy the happiest of recaps to a tremendous career.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. McCOLLUM. Ms. Speaker, due to a scheduling conflict on September 25th, I was unable to vote on rollcall vote 522 and 523.

Had I been present, I would have voted "yes" on rollcall vote 522, the Motion to Instruct Conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act. It is vitally important that the Medicare Conferees accept the Senate-passed provisions requiring a federal "fallback" prescription drug benefit; agree to the best provisions improving Medicare payments to health care providers in rural areas; and reject the cut in payments to hospitals in the House bill which will adversely affect hospitals in rural areas.

I would also have voted "yes" on rollcall 523, the Motion to Instruct Conferees on H.R. 1588, the Defense Authorization Act. At a time when we are asking more from our Reservists and National Guard than ever before, it is only fair that we provide these heroic women and men with the proper health care they need to care for themselves and their families. I will continue to support efforts toward a strong health care system for all our military women and men, and I encourage my colleagues to do the same.

RUFINO MENDOZA ELEMENTARY SCHOOL

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding elementary school in my district. As a former school teacher, it is my distinct pleasure to honor Rufino Mendoza Elementary School in Fort Worth, TX. Recently, Mendoza was recognized by the U.S. Department of Education as a national "Blue Ribbon school."

Rufino Mendoza Elementary was recognized for outstanding academic improvement, and Mendoza has worked very hard to achieve this honor. Mendoza has overcome incredible odds to offer the very finest education possible. Ninety-seven percent of the students at Mendoza Elementary school are of a minority background, and 87 percent of those students come from low-income families. In fact, most of the students qualify for the free lunch program, and 56 percent speak Spanish as their primary language.

In the past 4 years, Mendoza has moved from being simply "acceptable" to being an example of excellence for all schools across the Nation. Mendoza recognized its educational challenges 4 years ago and designed a plan to directly meet those challenges. Mendoza Elementary called together school administrators, teachers, and school district officials in a cooperative agreement to study the needs of each student. The result is an education system that is based on the needs and potential of every student.

I am very proud of the students, parents, teachers, and administrators at Rufino Mendoza Elementary. Thanks to their hard work, Mendoza is a symbol of hope and achievement for students in our community and across this Nation.

Rufino Mendoza Elementary, congratulations on being named a Blue Ribbon school.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, on Thursday, September 25, 2003, I voted against the Kind motion to instruct conferees on H.R. 1, the Medicare Modernization Act, when I intended to vote in the affirmative. The rolreall vote was 522. Let the record show I intended to vote "yea" on the motion.

TRIBUTE TO DR. JAMES HALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen. Dr. James Hall of Livermore, California is a dedicated research scientist who diligently works to improve the safety of all Americans. James is a graduate of Colorado State University—Pueblo and is being recognized by that institution for his outstanding work in the field of science with their Outstanding Alumnus award. James is well accomplished in his field, and I am honored to recognize his achievements here today.

James is a Principal Investigator at Lawrence Livermore National Laboratory (LLNL) in. Livermore, California. His work includes utilizing nuclear technology to screen luggage and air cargo. James is a leader in his field, publishing over 60 articles, and he is a member of the American Physical Society. In the past, James worked with the U.S. Underground Nuclear Test Program and was selected by the Department of Energy to serve as their representative to the Eighth Joint Compliance and Inspection Commission in association with the Strategic Arms Reduction Treaty (START).

Mr. Speaker, James Hall exemplifies a life devoted to science and technological advancement. Through his hard work and dedication, James has worked to improve lives through scientific discovery. For his many accomplishments, I am honored to pay tribute to Dr. James Hall here today.

INTRODUCTION FOR THE KEEPING FAMILIES TOGETHER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. STARK. Mr. Speaker, there is a tragedy going on across our country every day in which parents are being forced to turn over custody of their severely emotionally disturbed children to state child welfare agencies or the juvenile justice system as their only means of obtaining desperately needed mental health services. These instances of child custody relinquishment happen when families are uninsured or have inadequate health insurance to pay for treatment of their child's illness. Because this nation's social safety net is not designed to help these families stay together, parents are being forced to turn their child over to the state in order to get the medical attention they so desperately need.

The "Keeping Families Together Act" which Senator COLLINS, Senator PRYOR, Representative RAMSTAD and Representative KENNEDY, and I are introducing today will help end this barbaric practice of child custody relinquishment.

The problem is widespread. In a report we requested, the U.S. General Accounting Office report found that parents placed over 12,700 children in 19 states and 30 counties into the child welfare system or juvenile justice system as their only means to assure that these children could receive vitally needed mental health services.

The GAO report looked at a limited number of states and acknowledged that the number of families impacted nationwide is much higher. To add further credence to that finding, a recent survey conducted by the National Alliance for the Mentally Ill (NAMI) found that 25% of parents of children with serious emotional disturbance reported being advised to relinquish custody of their child in order to access needed mental health services.

According to another report by the Bazelon Center for Mental Health Law, the situations that cause parents and guardians to give up their seriously emotionally disturbed children to state agencies include the following:

The family has either exhausted their private health insurance benefits or their benefits do not cover required mental health services (e.g. Residential Treatment Program).

The family lives in a state or jurisdiction in which Medicaid services do not adequately address mental health needs and agency placement provides access or priority status for entry into needed care.

The family lives in a state or jurisdiction in which children are deprived of federally mandated mental health services through the Individuals with Disabilities Act (IDEA) as a result of an exceedingly restrictive definition of serious emotional illness. That is, these schools often label these children as solely "discipline problems."

The family lives in a state or jurisdiction in which the local child welfare system erroneously interprets federal law (Title IV–E of the Foster Care and Adoption Assistance Program) as requiring relinquishment of custody even for temporary out-of-home placements.

As all of these reports highlight, families are acting out of desperation to get immediately needed mental health services for their children. In essence, the juvenile justice and child welfare systems have become the mental health providers of last resort for far too many families.

Both the child welfare system and juvenile justice systems are ill equipped to meet these children's needs. Even worse, the psychological bond between parent and child is unnecessarily disrupted. These children feel abandoned and their parents feel guilty over their parental rights and decision-making authority and to a state agency. The stigma is real—to families themselves and to those around them. Good parents don't have their children taken away. But, in fact, the need to relinquish custody in these instances doesn't have anything to do with parenting skills. It has everything to do with our system being broken and continuing to allow these children with significant mental health needs to fall through the cracks.

We have known about this problem for many years. In fact, I first introduced legislation in 1995 attempting to address this issue. Since then I have been working with my colleagues to educate the public and other members of Congress about this issue and to find a bipartisan solution.

Our legislation, the "Keeping Families Together Act" is the result of this bipartisan and bicameral process. Our bill provides new funding to states that are willing to develop systems that assure these children get the mental health services they need without pulling apart their families.

It provides $55 million in new family support grants to states that are willing to end the practice of child custody relinquishment and cover all these children's mental health services under Medicaid, CHIP or any other health program of their choosing. These monies can then be used to improve access to mental health and family support services that keep families together. They can also be used to create statewide care coordination programs and to deliver mental health care and family support services for these families.

Additionally, the bill establishes a federal interagency task force that is responsible for monitoring the family support grants and working with representatives of affected families to make recommendations to Congress to improve mental health services and to foster interagency cooperation in order to remove barriers that have caused child custody relinquishment. The task force is also required to provide biannual reports to Congress on its progress in improving the delivery of mental health services to seriously ill children.

The bill also provides states with the option of moving children out of hospital-based psychiatric care and into home and community based care options, which will allow them to remain with their families.

The Keeping Families Together Act is an important first step toward eliminating child custody relinquishment. I look forward to working with my colleagues to quickly enact this legislation so states can develop innovative new programs that address these children's mental health needs while keeping their families together. Once we've learned what has effectively worked at the state level to restructure these programs, we will need to return to this issue at the federal level and enact broad legislation to end the practice of forced child custody relinquishment nationwide.

INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, the term "family values" can be politically loaded, but there is nobody in this body who doesn't want to strengthen families. Likewise, I am confident there is nobody in this body who would not be horrified by the prospect of parents being forced to turn custody of their children over to state bureaucrats as a condition of meeting their basic health needs. Nevertheless, each year thousands of families are broken up because parents are forced to relinquish their custody rights to the state in order to obtain mental health services for their children.

Forty years ago, my uncle, President Kennedy, signed legislation intended to allow people with mental illnesses to gain their dignity back, and to get out of warehouse-like institutions and back into the communities where they belong. The bill my colleagues, Mr. STARK, Mr. RAMSTAD and I are introducing today, the Keeping Families Together Act, is submitted in the same spirit.

Services to treat mental disorders in children are expensive and private insurance tends to run out after a few months, leaving parents unable to afford the cost. Without any other way to get their kids the treatment they need, parents all too often must choose between custody and care. The General Accounting Office reported in April that parents in 19 states were forced to place 12,700 children in state welfare or juvenile justice agencies in 2001 in order to obtain mental health services for them. Unfortunately, this estimate is considered to be low, because 31 states did not respond to the survey.

The problem is not about resources per se; the fact is, we're still spending lots of money, but instead of spending it to keep families together, we're tearing families apart. Clearly, we already have enough broken families in this country—the last thing we should be doing is breaking up more. It's cruel and barbaric to force children out of their families and it's inhumane to give a mom or dad the Hobson's choice between their child's health and safety or custody. It is unconscionable that we frequently reward the parents who make this ultimate sacrifice by treating them like common criminals. The current situation is not only awful for the parents. It's also hard to imagine any more counterproductive thing to do to children with serious emotional disturbances than to make them feel rejected by their parents.

The Keeping Families Together Act will provide competitive grants to states to help eliminate the problem of forced parental custody relinquishment of such children. Ultimately, it will facilitate the design of care for these most desperate children, so that when a moment of crisis occurs there is an alternative to the child welfare and juvenile justice systems. It will build on existing resources to develop an improved system of care through a collaborative process including required state and private partners, as well as other entities that the governor of the state determines appropriate.

In proposing the community mental health services act in 1963, President Kennedy said that our long history of neglect of the mentally ill must end, "if our Nation is to live up to its own standards of compassion and dignity." As long as we continue to pull families apart as a condition for receiving mental health care, we are failing our own standards. I look forward to working with my colleagues in both Houses, from both parties, to end this blight.

HONORING SUFFOLK COUNTY COMMANDER PAUL DEVAUL'S COMMITMENT TO AMERICAN VETERANS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor the longtime dedication of Junior Past County Commander Paul DeVaul to the American Legion and veterans across the country. As Suffolk County Commander for the past two years, Mr. DeVaul has exemplified true commitment to Legionnaires and has proven to be a hero to veterans everywhere. I commend the American Legion for bestowing a well-deserved Testimonial on Mr. DeVaul.

As a member of Bay Shore Post No. 365 since 1990, Paul's steadfast devotion to our veterans community serves as a benchmark for what can be accomplished through an allegiance to history and experience as a community activist. Mr. DeVaul has formed a lasting bond between the American Legion and the Long Island community by establishing recognition programs for groups who support veterans and their organizations. As the current recording Secretary for the Soldiers and Sailors Memorial Committee, Paul has successfully aided his Post to take full control of the post home.

Mr. DeVaul is not only dedicated to improving the lives of our veterans but our youth as well. In creating a scholarship for outstanding music students in high school marching bands and developing an awe-inspiring Flag Day celebration for Commack elementary school, Paul has demonstrated the positive roles that our veterans organizations have in our communities.

Paul is an effective advocate for our veterans population and has a wealth of knowledge about American history. He is well-known in the community and can be counted on to deliver consistently heartfelt and moving addresses which comforted the grief stricken Long Islanders in the aftermath of September 11, 2001.

After having spent time with Mr. DeVaul I consider him a true patriot and am proud to rely on his valuable insight as a member of my Veteran's Advisory Committee. I look forward to continuing my work with Paul on initiatives that advance the goals of the American Legion and all veterans. His commitment is exemplary and I have no doubt that Paul DeVaul will continue his great works for many years to come.

IN HONOR OF STANLEY FRIEDLANDER, RESIDENT OF THE 11TH CONGRESSIONAL DISTRICT OF OHIO AND PRESIDENT OF THE AMERICAN LAND TITLE ASSOCIATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a fellow Ohioan whose career and service deserves recognition. Stanley Friedlander is the outgoing president of the American Land Title Association (ALTA). The American Land Title Association is composed of 2,400 title insurance companies, their agents, independent abstracters and attorneys who search, examine, and insure land titles to protect owners and mortgage lenders against losses from defects in titles. Many of these companies also provide additional real estate information services, such as tax search, flood certification, tax filing, and credit reporting services. These firms and individuals employ nearly 100,000 individuals and operate in every county in the country.

Stanley's entrepreneurial spirit is inspiring. While attending Kent State University, Stanley started his first job in the title insurance industry and within a year had launched his own title agency. Currently, Mr. Friedlander is the president of Continental Title Agents Corporation, which he co-founded 30 years ago, based in Cleveland, OH. Stanley's four-decade career has been committed to helping the American dream of homeownership come true. It is no surprise that Stanley became president of the American Land Title Association.

As a title agent, Stanley insures that a property bought by a consumer comes with all ownership rights or a "clean title." When purchasing a home or other real estate, one actually does not receive the land, but rather a title to the property, which may be limited by rights and claims asserted by others. Problems with title can limit one's use and enjoyment of real estate, as well as bring financial loss to both the individual purchaser and the mortgage lender.

Protection is available through title insurance. Title insurance, unlike other types of insurance, offers protection against loss arising from hazards and defects already existing in the title. The common types of problems include: deeds, will and trusts that contain improper vesting and incorrect names, outstanding mortgages, judgments and tax liens, easements or incorrect notary acknowledgments. Specifically, a previously undisclosed heir may make a claim against a property or a forged deed was used in the transfer of title making it invalid. Title insurance offers financial protection against these and other hazards through negotiations by the title insurer with third parties, payment for defending against an attack on title as insured, and payment of claims.

As President of ALTA, Stanley is committed to guiding his industry through a time of potential challenges and recently testified before the House Financial Subcommittee on Housing and Community Opportunity.

Mr. Friedlander is also a leader in his community. He has served on the Moreland Hills Community Council and is currently involved as a member of the community's Planning Commission and the Cuyahoga County Bar Association's Grievance Committee. He is also involved in Cleveland's Hebrew Free Loan Association whose mission is to provide interest free loans to those in need. Stanley has been active in the Ohio Land Title Association (OLTA), where he chaired the Education Committee, served on the Board of Governors, and as OLTA president.

Mr. Friedlander is married to Cheryl Karner, a common pleas court judge. Together they have two children, Jennifer and Joey both in their early twenties.

I am pleased to submit this statement for the CONGRESSIONAL RECORD. I congratulate Mr. Friedlander on his service to ALTA during the past year and wish him continued success.

TRIBUTE TO DANA PERINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McINNIS. Mr. Speaker, I am honored to rise before this body of Congress and this nation today to pay tribute to an outstanding citizen. Dana Perino of Washington, D.C. is a talented and dedicated public servant. Dana is a product of Colorado State University—Pueblo and is being honored by that institution with its Outstanding Alumna award. For her dedication and hard work to her nation, I am honored to recognize Dana here today.

Dana has dedicated many years to the field of communications. She is the Director of Communications for the White House Council on Environmental Quality, which oversees implementation of the National Environmental Policy Act by all Federal agencies. Dana acts as one of the administration's primary spokeswomen with regard to environmental issues, taking complex issues and making them understandable so the message can get out to concerned citizens. Prior to her work with the White House, Dana served as press secretary for former Congressman Dan Schaefer and a staff assistant in my office. From that humble beginning, Dana has gone on to do great things.

Mr. Speaker, Dana Perino is a committed and hard working public servant. Her years of service to the citizens of Colorado and the Nation at large are truly an inspiration to us all. I am honored to join with my colleagues in paying tribute to Dana here today. Congratulations and I wish you all the best in your future endeavors.

HONORING ZURETTI GOOSBY, JR., HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Zuretti Goosby, Jr., an extraordinary citizen of Humboldt County, California who has devoted his life to public service. He is being honored for his dedication to the highest and best principles of our democracy and for his contributions to the community.

Zuretti Goosby, Jr., who serves as Field Representative for State Senator Wesley Chesbro, has been a respected leader dedicated to empowering the economically disadvantaged. He was the Executive Director of the Redwood Community Action Agency which provides a broad spectrum of services to those in need. He has tirelessly committed his time, knowledge and considerable skills to enhancing health care services to those who are underserved and continues his service on various community policy and planning committees and boards of directors, including the Community Open Door Health Centers and St. Joseph's Hospital Advisory Committee. In addition, he served as President of the Board of the National Native American AIDS Prevention Center and Vice President of the Board of the Volunteer Center of the Redwoods Advisory Council.

Zuey Goosby, former Executive Director of the Yurok Tribe, has devoted himself to protecting the civil and human rights of all people, recognizing that many of our fellow citizens are still victimized by racism and poverty. He continues to contribute his efforts on behalf of indigenous cultures. He is committed to protecting the natural resource treasures of Northern California. He is a member of the City of Eureka Trails Committee and a member of the Board of Governors of the North Coast Regional Land Trust, the Humboldt Arts Council, Mainstreet Media Project and the Arcata Community Recycling Center.

A highly regarded member of the North Coast community, Zuey Goosby was born in Oakland, California and grew up in San Francisco. He and his late wife Sara came to Humboldt County and raised their two daughters, Jenckyn and Dara with care and devotion. He is a master gardener, kayaker and active walker.

Zuey Goosby is being recognized this year for his outstanding contributions to the political process by the Humboldt County Democratic Central Committee as the Democrat of the Year 2003.

Mr. Speaker, it is appropriate at this time that we recognize Zuretti Goosby, Jr. for his unwavering commitment to the ideals and values that sustain our great country.

THE HEALTH CARE SAFETY NET AMENDMENTS TECHNICAL CORRECTIONS ACT OF 2003

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CAPUANO. Mr. Speaker, I rise today in strong support of H.R. 3038, the Health Care Safety Net Amendments and Technical Corrections Act of 2003. This bill makes small but significant technical changes to the Health Care Safety Net Improvement Act that I cosponsored in the 107th Congress.

As a co-chair of the Community Health Centers Caucus, I would like to recognize a fellow co-chair of the Caucus, and Chairman of the Subcommittee on Health, Mr. BILIRAKIS, as well as the Ranking Member, Mr. BROWN, for their work in bringing this bill to the floor.

In the 107th Congress, this body passed the Health Care Safety Net Improvement Act of 2002 with strong bipartisan support, demonstrating a continuing commitment to the work of community health centers and the National Health Service Corps. The technical amendments in this bill ensure that the original goals of that legislation will be realized.

It is fitting that we consider this bill today, as new Census Bureau figures released this week show that the number of uninsured Americans has increased at an even greater rate than anticipated. Community health centers play an invaluable role in serving this medically underserved population.

In addition, a recent study by the George Washington University confirmed what many of us who have personally witnessed the work of health centers in our districts have long known, that the presence of community health centers in medically underserved communities reduces racial and ethnic disparities in key measures of community health. Researchers showed a clear association between the high penetration of community health centers in a state and narrower rates of disparity in infant mortality, access to prenatal care, and total death rates.

The Health Care Safety Net Amendments and Technical Improvements Act will ensure that this essential work can continue. I urge my colleagues to support community health centers and vote yes on H.R. 3038.

GONE WITH GLOBALIZATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, on Tuesday, September 30, one of our nation's most thoughtful commentators on public policy, E.J. Dionne, Jr., published a very important article about globalization. E.J. Dionne is an enlightened and sophisticated student of world affairs, and he has been a consistent voice against isolationism, xenophobia, or any other prejudice against the rest of the world. So it seems to me particularly worth noting when he questions some of the assumptions that have long governed the opinion of many of the most highly educated people in this country about globalization. E.J. Dionne is not an opponent of increasing global economic integration, but like many of us who understand the inevitability of this, in this column he makes some extremely important points about how it has played out, and, what thoughtful public policy ought to be to deal with the downside of globalization. Indeed, the very fact that he here describes that downside makes this an important article, because too many of those who have embraced international economic integration have done so through an excessively rosy set of glasses.

It is not coincidental, Mr. Speaker, that both Mr. Dionne and I have a very important connection to the city of Fall River, Massachusetts. He was born and grew up there, and his family remained an important part of that city's cultural, religious and educational life for decades after he moved to Washington. I have had the privilege of representing Fall River in this body since 1982, and he and I have thus both had a chance to see first hand what the downside of globalization has been among many of our more vulnerable, hardworking citizens.

The balanced view of globalization which E.J. Dionne takes in this article is one that is sorely lacking in many quarters, and because this is one of the most important public policy issues confronting our country, I ask that E.J. Dionne's article be printed here.

[From the Washington Post, Sept. 30, 2003]

GONE WITH GLOBALIZATION

(By E.J. Dionne Jr.)

Except for the saints in our midst, everyone has prejudices including the well educated and well-to-do: But when upscale folks have prejudices, they usually call them ideas, convictions or principles.

So how can you tell when a principle is merely a prejudice? When someone keeps making an argument even though the facts suggest it no longer holds up.

It is time to ask whether the overwhelming support for free trade and globalization among well-off, highly educated people is more a prejudice rooted in their own self-interest than a matter of high principle.

Okay, maybe that's too harsh. So try this: Even if globalization made a lot of sense during the buoyant 1990s, shouldn't the troubling economic developments since 2000 force people to modify their views? Is it not now undeniable that globalization has serious costs that are not merely "transition problems" and that these costs are borne disproportionately by certain parts of the country and the society?

Now, I don't want to be accused of prejudice myself, so let me stipulate that most educated folks really believe on principle in free trade. They can rely on reams of writing by intelligent economists to support their view.

Moreover, no one likely to hold power in our country would return us to the days of William McKinley and high tariff walls. The globalizers are right when they argue that too many Americans are now reliant on the global economy for such policies to work.

But it ought to be equally obvious that the globalizers in both political parties were too carefree when they asserted in the 1990s that, well, yes, there are "losers" from globalization, but there are so many more "winners" that we really shouldn't worry. Those who lost out in this grand process would eventually find their footing, the argument went, and government could help them make the transition. By the way, where was all that help? In any case the prophets of our bright future said the United States shouldn't worry about "old" industries such as steel or apparel. It should worry about leading the way in all that is "new" and "high tech."

Having grown up in Fall River, Mass., a place whose job base was once rooted in the apparel industry, I've always felt that writing off an industry as, "old" is a lot easier for people who never depended on it. Maybe, that's an "old economy" prejudice on my part, especially since my home town has been remarkably inventive in giving birth to new enterprises.

Still, it's not a form of prejudice to cite statistics showing that the sharp decline in manufacturing jobs over the past few years has been accompanied by a decline in overall family incomes.

Consider the Census Bureau's report for 2002 showing that U.S. household incomes had declined for the third year in a row and that the number of Americans living in poverty had increased by 1.7 million in a year. The old manufacturing states—including Michigan, Illinois, Ohio, and Missouri—were among those hit the hardest. (Politicians take note: These are swing states.)

The economists reassure us that the poverty rate is a "lagging" indicator and that a robust recovery will start lifting people up again. But will it? Is it not just as plausible to worry that the flight of jobs to China and elsewhere, courtesy of globalization, has combined with big improvements in productivity to create an economy that leaves many of our fellow citizens behind even in flush times?

The Institute for Supply Management, which keeps some of the best numbers on manufacturing, pleased the stock market earlier this month with report showing that economic activity in manufacturing grew in August, as it had in July. But its manufacturing employment index actually fell and remained below the 50 percent break-even point for job creation for the 35th consecutive month

If supporters of globalization really do hold principles and not prejudices, they should admit that the facts make it increasingly difficult to say that everything will eventually get better for everyone and that changes in the system will only make it worse. Worse for whom exactly?

Our tax and social policies are supposed to respond to inequities as they arise. But our current approach seems based mostly on begging China to fix its currency and praying for 5 percent growth. Michigan, as it sometimes has in the past, will just have to rely on a pass and a prayer.

The evidence suggests that we're not in the New Economy anymore but in a New New Economy with problems that weren't supposed to arise. The real lagging indicator is our economic thinking.

IN MEMORY OF BARRY BERINGER, CHIEF SCIENCE COMMITTEE COUNSEL, 1989–2003

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the memory of Barry Beringer, Chief Cousel of the House Science Committee, who passed away last week at the age of 57.

Originally from New Jersey, Barry graduated from Dickinson College in Carlisle, PA in 1968 with a bachelor's degree in political science. He received his law degree three years later from American University Law School in 1971. After working for several years in the Reagan Administration as Associate Undersecretary of Economic Affairs in the Department of Commerce, Barry began working for the Science Committee in 1989.

I met Barry when I came to Congress in 1993. Like many Congressional freshmen, I was eager to go to work on getting many of my ideas incorporated into Federal policy, but I had little understanding of the politics and processes of Capitol Hill. It was Barry who in many ways served as my mentor as I learned about policymaking in the House. He was always available to answer questions, and was an extremely patient and knowledgeable resource for members. He had the highest respect of members of Congress and his colleagues in the House. More importantly, Barry was a caring man and a great friend to all of us who knew and worked with him.

I want to extend my heartfelt sympathy to Barry's wife Bonnie and their two children during this difficult time. He will be deeply missed by all of us.

TRIBUTE TO THE HONORABLE LOLA SPRADLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from my district. Lola Spradley of Beulah, Colorado is a dedicated public servant and a good friend. For years, Lola has worked to meet the needs of the citizens of the great State of Colorado through her work in the Colorado General Assembly, where she currently serves as Speaker of the House. For her dedication to Colorado, Lola is being recognized by Colorado State University—Pueblo with its Outstanding Service to the Community Award. She is a valuable public servant, and I am honored to pay tribute to Lola here today.

Lola is a true pioneer in Colorado politics, serving as the first female Speaker in the Colorado State General Assembly. For years, Lola has represented the needs of her district, working tirelessly to ensure that their voice is heard in the State Capitol. Before her term as Speaker, she served as the House Majority Leader from 2001 to 2002. In addition to her work in the State House, Lola has served on the Governor's Advisory Committee on Technology and as Chair of the Correctional Industries Advisory Committee.

Mr. Speaker, Lola Spradley has dedicated many years of service to the great State of Colorado. As Speaker of the House and as Representative of District Sixty, Lola diligently meets the needs of her constituents. I am honored to join with my colleagues today in paying tribute to Lola Spradley here today. Congratulations on your recognition, Lola, and I wish you all the best.

AMI SEMICONDUCTOR INITIAL PUBLIC OFFERING

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate AMI Semiconductors on their initial public offering of common stock on the Nasdaq National Market. AMI Semiconductors began trading publicly on the Nasdaq on September 24, 2003, under the name AMIS.

AMIS is a leader in the design and manufacture of customer specific integrated mixed signal semiconductor products. The company focuses on the automotive, medical and industrial markets, which have significant analog interface requirements for real world applications.

Two years ago, AMI Semiconductors moved its headquarters from San Diego, California to Pocatello, Idaho, where it opened a new engineering and research center in the city. In 2001, the company appointed Christine King as its CEO and President. AMIS forged new territory by making Ms. King the first woman in the world to be named as the president of a semiconductor company.

While its headquarters are located in Idaho, AMIS maintains a global presence. It keeps sales offices and technical support centers throughout Asia, Europe and the USA. AMIS employs over 2,400 people worldwide, and about 1,100 of those employees work at their company headquarters in Pocatello. AMI Semiconductors has been a real asset to Idaho's local economy and business development. It is now the largest private employer in Pocatello, bringing new jobs and new economic growth to the area. In the past six months alone, they have created 130 new jobs in the region.

I want to take this opportunity to congratulate AMI Semiconductors on their initial public offering. I look forward to following their accomplishments in the business world and working with them over the coming months and years.

IMMIGRANT WORKERS FREEDOM RIDE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. HONDA. Mr. Speaker, I rise today to express how thrilled I am to honor the immigrant workers for making their courageous journey across the country to fight for equality and civil rights. Modeled after the 1961 Freedom Rides of the U.S. civil rights movement, today's Immigrant Workers Freedom Riders are converging in Washington, D.C., after having visited cities and towns across America to raise awareness about the plight of immigrant workers.

This country was founded and built by immigrants. They are still the backbone of our country and we must continue to fight for their civil rights and immigration reform. Like countless Americans throughout our history, the Freedom Riders visiting our nation's capital today are seeking to fulfill their American Dream. They work hard and contribute tremendously to our country, and to our economy. They deserve fair and equal treatment.

We must come together to continue to educate our communities about the plight of these workers, and to end the injustices and indignities these immigrants face daily.

The Immigrant Worker Freedom Ride is sponsored by a large coalition of religious groups, labor unions, immigrant advocates, and civil rights organizations. State legislators and political leaders across the country have endorsed the Freedom Ride, including the Congressional Asian Pacific American Caucus, the Congressional Hispanic Caucus, and the Congressional Black Caucus.

There are many members of Congress like myself, who support efforts for meaningful and long overdue reforms such as: Providing a "Road to Citizenship" for immigrant workers, reuniting families in a timely fashion by streamlining our outdated immigration policies, and protecting and restoring workplace rights for immigrants.

Together, we will ensure that our message of equality and human dignity is heard. We will educate other members of Congress, and convince them to join our efforts.

HONORING DISTINGUISHED LATINO WRITERS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. HINOJOSA. Mr. Speaker, in recognition of the National Book Festival sponsored by the Library of Congress and First Lady Laura Bush, I rise today to honor three distinguished Latino Writers.

Jose-Luis Orozco is in many respects a multi-cultural teacher and musician and is recognized across the country for his contributions to bilingual education and literacy. His recordings and books share and transmit Latin American traditions and culture to millions of children. As a children's author, songwriter, performing artist, he has recorded 13 volumes of Lirica Infantil, Latin American Children's Music. He has also written two award winning books, De Colores and Other Latin American Folks Songs for Children (Dutton 1994) and Diez Deditos, Ten Little Fingers. (Dutton 1997).

Mr. Orozco was born in Mexico City. At the age of ten he traveled the world with the Mexico City Boys Choir. In 1970 after graduating from Mexico City School of Music, he moved to the United States. Initially, on a two week visit, Orozco permanently stayed and completed his master's degree in Multi-cultural Education from the University of California, Berkeley.

Jose-Luis Orozco continues to perform for children around the country at concert halls, libraries, and schools. He is a recognized expert in children music is a featured speaker and presenter at numerous educational conferences for teachers, parents, and librarians. Mr. Orozco is a valued resource for all who seek to use music as a multi-cultural learning tool. His passion and dedication to multi cultural education through music has impacted countless of individuals throughout the country.

Pam Munoz Ryan is the author of the novel Esperanza Rising, winner of the Pura Belpre Medal, a the Jane Addams Peace Award, and the American Library Associations' Top Ten Books for Young Adults and the Americas Award. In addition, her novel Riding Freedom has also gained wide recognition winning the Willa Cather Award and the California Young Readers Medal. Pam Munoz Ryan is also recognized for her picture books for young and older readers, such as the award winning Amelia and Eleanor Go For A Ride and also her work, When Marian Sang, is a recipient of the American Library Association's Sibert Honor, including the National Council of Teachers in English's Orbits Pictus Award.

Pam Munoz Ryan was born and raised in California in the San Joaquin Valley. She is the oldest of three sisters. She grew up surrounded by her aunts, uncles, and grandparents. During her childhood many hours were spent at the local library where her love of literature was cultivated. After receiving her Bachelor's and Master's degrees from San Diego State University, she became a teacher, an administrator, and after the encouragement from a friend a writer. Through her life's passion, as writer Pam Munoz Ryan has touched many lives.

Judith Ortiz Cofer is an English and Creative Writing Franklin Professor at University of Georgia. A native of Puerto Rico, her lectures center on biculturalism and the creative processes. She is driven by a deep belief in freedom of expression and the necessity to disseminate the literature and art of the many people contributing to the culture of the United States.

Her literary work is respected through the country being awarded The Anisfield Wolf Award for The Latin Deli, a collection of essays, short fiction, and poetry. In addition, she was awarded the first Pura Belpre Medal by Reforma of the American Library Association (1996) for her book, An Island Like You: Stories of the Barrio, which also garnered the American Library Association Best book of the Year 1995–96. She also is the author of Line in the Sun, a novel, a collection of personal essay and short stories, and her work Silent Dancing was awarded a PEN/Martha Albarnd Special citation for nonfiction.

Judith Ortiz Cofer has been awarded several fellowships from the National Endowment for the Arts and Witter Bynner Foundation For Poetry. In 1998 Judith Ortiz Cofer was awarded Paterson Book Prize for her work, The Year of Our Revolution: New and Selected Stories and Poems at Passaic County Community College; additionally, she was the recipient of Christ Janner Award in Creative Research from the University of Georgia. The Rockefeller Foundation also awarded her residency at the Bellagio, Italy Conference Center in 1999.

In celebration of Hispanic Heritage Month and The National Book Festival, I hope we take time to recognize the contributions of these and many other fine Hispanic authors. America's people come from rich and diverse cultural backgrounds. Literature is at the root of America's culture. These three authors have added tremendously to our diverse American cultural fabric

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NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2608. This bill is the result of excellent bipartisan work by my colleagues on the Science Committee. I commend my colleagues, Congressmen SMITH and BAIRD, and Congresswoman LOFGREN for their leadership on this important issue.

Mr. Speaker, the reauthorization of the National Earthquake Hazards Reduction Program will promote good science and intelligent planning, and it will save lives. It is a smart investment in the future of this nation. This program rallies all the resources available in the federal government with expertise in earthquake response and damage mitigation, and focuses them on the task of readying ourselves for the next "big one." It brings together FEMA, the U.S. Geological Survey, the Office of Science and Technology Policy and the OMB, in a concerted effort to assess our needs and to make preparations.

The bill will enable us to develop effective measures for hazards reduction, and will encourage implementation of those hazard reduction measures by Federal, State, and local governments through grants, standards development, and information sharing. This is a solid approach.

I was particularly pleased that an amendment I offered in Science Committee markup was accepted unanimously and is in the bill before us today. That amendment will ensure that the research that stems from this program taps into the great expertise and resources at this nation's Historically Black Colleges and Universities, as well as those that serve predominantly Hispanics, Native Americans, and other populations under-represented in the sciences. This will also ensure that our federal programs are inclusive of all Americans, not exclusive as they have been too often in the past.

Again, this is an excellent bill that resulted from strong bipartisan work. I was pleased to be a part of that process, and am pleased to support it today.

RECOGNIZING OF NATIONAL FIRE PREVENTION WEEK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. CASTLE. Mr. Speaker, I rise today to recognize the observance of National Fire Prevention Week beginning Sunday, October 5, 2003. Celebrated every year since President Calvin Coolidge's official proclamation dedicating this week to educating the public on the benefits of practicing basic fire prevention measures, National Fire Prevention Week has undoubtedly given many the informational tools essential to saving lives and preventing unnecessary fire damage.

This week begins with the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland to honor those heroes that lost their lives in the line of duty. To honor those that gave the ultimate sacrifice, I authored legislation, that became public law in 2001, to lower all flags on federal buildings to half staff on this day of remembrance.

During National Fire Prevention Week we must all educate and learn to protect ourselves and others. I urge all individuals to take the proper steps to ensure the safety of their families and loved-ones by installing and routinely checking smoke detectors, developing and practicing home evacuation plans, and identifying potential fire hazards throughout the home.

This year's National Fire Prevention Week theme is "When Fire Strikes: Get out! Stay out!" As a member of the Congressional Fire Services Caucus, I know the vital importance of this message. In the United States nearly 6,000 people die each year in their homes, nearly 80 percent of all fire fatalities. Tragically, many fires and can be prevented if only individuals practice the proper preventative measures.

Mr. Speaker, I commend the National Fire Protection Association for their work each year in commemorating Fire Prevention Week. I also would like to thank the fine men and women of our fire and emergency services teams for the outstanding job they do in fighting fires and saving lives. I ask my colleagues to join me in urging all Americans to take the basic precautions that could save their lives.

WHITE HOUSE RECERTIFIES AN ILL-DESERVING GUATEMALA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. TOWNS. Mr. Speaker, yesterday, a memorandum on Guatemala's many problems from the highly respected Washington-based Council on Hemispheric Affairs (COHA) was placed in the CONGRESSIONAL RECORD. The following timely memorandum authored by William McIntire, a research fellow at COHA, is a continuation of COHA's analysis of the ominous situation in Guatemala. COHA, a non-partisan organization that has long been committed to addressing issues associated with human rights, democracy and economic justice throughout the Western Hemisphere, has been referred to by Senator EDWARD KENNEDY a number of years ago as "one of our Nation's most respected bodies of scholars and policymakers."

WHITE HOUSE RECERTIFIES AN ILL-DESERVING GUATEMALA

(By William B. McIntire, COHA Research Fellow)

On Monday, September 15, the White House recommended to Congress that their certification of Guatemala, which was previously revoked due to failure of that country's authorities to be faithful allies in Washington's war on drugs, be renewed. This move, a stunning reversal of a Bush administration decision made last January to decertify for reasons of non-performance, qualifies the country to receive U.S. financial aid to fight drug traffickers. Applied to Guatemala, however, U.S. recertification remains a largely symbolic action as Washington waived all sanctions against Guatemala last January and never halted the flow of aid to that country. Guatemala will now, nevertheless, gain the prestige of being a U.S. ally when it comes to the drug war, when the whole process is actually a sham. Alongside similar actions against Burma and Haiti, the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) announced its original decertification decision last January, which was a reflection on the escalating ineffectiveness of Guatemala's counter-narcotics efforts, as a result of President Alfonso Portillo's lackluster performance. The quantity of drugs seized by the Guatemalan government, which was rising annually until Portillo took office, plummeted in 2000 to only 13 percent of the amount seized the year before. In 2002 the Guatemalan police reportedly embezzled more than twice the quantity of drugs than they confiscated. The government's patently spurious commitment to the UN-brokered 1996 peace accords was also cited as a basis for Washington's decision to decertify last January. By its present action, the Bush administration graphically shows Latin America that when it comes to Washington's much touted war against drugs, there is no doubt that trade comes first.

WHITE HOUSE HOPES TO CHANGE GUATEMALA'S WAYS

In his briefing on the president's certification determination, INL Acting Assistant Secretary Paul Simons observed that last year's "suspension of assistance to Guatemala would result in further deterioration of precisely those Guatemalan institutions that are essential to combating the influence of organized crime." As a result, the State Department decided that, despite its decision to decertify Guatemala, financial sanctions that would normally accompany such a decision would not be exercised because they would only further undermine the country's already highly delicate democratic institutions.

More directly, President Bush's decision to rescind last January's largely symbolic decertification will be an obvious effort to woo Guatemala, which has the region's largest population and economy, into supporting a Central American Free Trade Agreement (CAFTA). CAFTA is a prototype of Washington's Free Trade Area of the Americas (FTAA) scheme, which has been one of its highest priorities, and because of Guatemala's economic significance, it is a prime target for Washington's courtship. As a result, Bush's drug war is being crucified on the cross of free trade. Thus, it comes as no surprise that the Bush administration would not permit a small matter like Guatemala's abysmal drug interdiction record of late to jeopardize the achievement of CAFTA. As negotiations for the trade pact continue, Washington has also received criticism for not pursuing strong labor and environmental regulations as part of its core.

CAFTA: IS IT WORTH THE SACRIFICE?

To the chagrin of some in Washington, Guatemala's Constitutional Court recently gave former dictator Efrain Rios Montt its blessing to run for the presidency despite a constitutional provision that bars all coup participants from doing so. Rios Montt rose to power during a military coup in March 1982 and promptly set about a "scorched earth" campaign, murdering thousands of Mayan peasants. U.S. Ambassador to Guatemala John R. Hamilton has publicly warned that U.S. relations with Guatemala would be compromised if Rios Montt made his way back to power. Still, in the face of reaching a free trade accord, the recertification of Guatemala reveals the true stripes of Washington's foreign policy, and the insignificance it accords to the anti-drug war and the rising human rights toll in Guatemala. In the name of Washington's free trade blitzkrieg, the White House has sacrificed the integrity of its professedly unwavering commitment to fight corruption and drugs in the very same Central American countries in which it allegedly endeavors to expand democracy, while promoting its all-important trade accord.

MORE HOLES THAN SWISS CHEESE IN WHITE HOUSE RECERTIFICATION OF GUATEMALA

On Monday, September 15, the White House, using doctored information and skimpy statistics, recommended to Congress the recertification of Guatemala, reversing a Bush administration decision made last January in response to the dramatic evidence of Guatemala's failure to meaningfully cooperate with Washington's anti-drug efforts. Recertification would normally qualify the newly reaccredited country to receive U.S. financial aid. However, for Guatemala, it remains a largely symbolic action, since Washington originally had waived all sanctions against the country, maintaining the flow of bilateral aid in the interest of preserving what meager anti-narcotics operations that remain active in the country. Shortly after the original decertification, 21 members of the U.S. Congress asserted that, until Guatemala was recertified as the result of a dramatically improved drug interdiction record, they would not vote to ratify the Central American Free Trade Agreement (CAFTA).

In his Monday memorandum to the State Department President Bush, using self-obfuscating language, touted Guatemala's "willingness to better its counternarcotics practices," but shied away from coming forth with any evidence to support it. Instead, the country was merely omitted from a section of the memorandum listing nations that had "failed demonstrably . . . to adhere to their obligations under international counternarcotics agreements." Whereas Guatemala, Haiti and Myanmar had been blacklisted in January, only the latter two remained in the September 15 statement. The Bush administration, understandably sheepish when it came to recertifying Guatemala only months after decertifying it, and with no tangible evidence to justify doing so, camouflaged the announcement in the memorandum, hoping not to draw too much attention to its actions. The underhanded nature of this decision represents a massive downgrading of the authenticity of both Washington's and Guatemala's supposed anti-drug efforts. Guatemala would certainly not qualify for certification if actually put to even a minimally objective test. In making its determination, Washington proved once again that its certification process was little better than a total sham.

A WHITE HOUSE DECEPTION

Since the White House decertified Guatemala last January, the DEA observed that the country had become the "preferred Central American location for storage and consolidation of drug loads," and boats and light aircraft regularly bring drugs into the country. The official White House report had to acknowledge that Guatemala's alleged improvements were only the "initial steps" that had to be taken and the "permanence of these improvements had yet to be determined." In other words, no significant steps have been made to curtail the flow of narcotics through Guatemala. Meanwhile, the White House is concerned mainly with fulfilling its free trade aspirations in Central America and realizes that they would not likely be achieved if Guatemala remains uncertified. Thus ignoring the true deficiency of Guatemala's anti-drug efforts, the Bush administration is trying to slyly sweep its failed anti-drug campaign in the country under the rug, caricaturing the entire certification process just as the Clinton administration did with Mexico in 1997. As with the present Bush administration, free trade logistics, specifically the North American Free Trade Agreement (NAFTA), rather than a faithful evaluation of that country's anti-drug performance, were the order of the day.

President Bush expects "Guatemala to continue its efforts and to demonstrate further progress in the coming year," apparently hoping that recertification will self-prophetically lead to increased cooperation with his war on drugs, a trend he claims erroneously in the memorandum has already been manifest in the recent attitude of Guatemalan authorities. Interestingly, only hours before the White House announcement, Guatemalan officials announced that they had just seized record quantities of drugs, perhaps hoping to gull some ingenues into believing that interdictions had reacquired past levels. Suspiciously, no arrests had been made, nor statistics cited, to reinforce this claim. Some allege that previously seized drugs had been recycled and "seized" again to create the false pretense of successful interdiction.

By spinning the facts of Guatemala's performance (pointing to the country's supposedly renewed dedication to counter-narcotics efforts) and continuing to use the certification process as a political weapon, the White House risks further disenchanting its remaining hemispheric allies in its fading war against drug traffickers.

TRIBUTE TO DR. PAUL SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Dr. Paul Smith of Pueblo West, Colorado is a dedicated physician who has worked tirelessly to improve the care given to our veterans. An alumnus of Colorado State University—Pueblo, Paul is being recognized by that institution with their award for Outstanding Service to the University, and I am honored to recognize his achievements here today.

Paul was instrumental in the creation of the Eastern Colorado Health Care System, which merged with the Southern Colorado Health System of the Veterans Administration and the Denver VA Medical Center. He serves as the Associate Chief of Staff for Community-Based Care, where he is responsible for overseeing seven Veterans Administration clinics in central and southern Colorado. In addition to his dedication to our nation's veterans, Paul has remained active in the Colorado State University—Pueblo community by serving on search and screening committees, advising on the restructuring of the Student Health Services, and donating his time to the university's health clinic.

Mr. Speaker, Paul Smith is the kind of dedicated and devoted citizen who makes our communities a better place. His tireless work has improved the lives of countless veterans and members of the community at large. I am honored to join with my colleagues in paying tribute to Paul Smith here today. I wish him all the best in his future endeavors.

HOUSE OF REPRESENTATIVES—*Friday, October 3, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 3, 2003.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, the sacred scriptures reveal Your constant desire to protect, to care for, and to offer comfort to Your people.

As we call to mind the 105 firefighters who lost their lives in the line of duty this last year across this country, we are stunned by the sheer number, 105.

As their families, survivors, gather at the National Fallen Firefighters Memorial in Emmitsburg, Maryland, this weekend to memorialize and celebrate life, we are filled with compassion and pray for their healing.

The loss of these fallen heroes can never be forgotten. Their total dedication and ability to risk everything can never be fully comprehended by us. For You alone know the full measure of a single life. You alone know the quantum relationships formed by life and the depth of love uncovered and left behind. Therefore, You alone can offer full comfort now.

May the example of these ordinary Americans who have given their lives that others may live inspire Members and us all to be dedicated in our public service and generously gracious in all we do now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 7, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4652. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets [Regulations H and Y; Docket No. R-1156]; Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 03-21] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC74); Department of the Treasury, Office of Thrift Supervision [No. 2003-48] (RIN: 1550-AB79) received October 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4653. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Funds or Securities of Clients by Investment Advisers [Release No. IA-2176; File No. S7-28-02] (RIN 3235-AH26) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4654. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Investment Company Advertising Rules [Release Nos. 33-8294; 34-48558; IC-26195; File No. S7-17-02] (RIN: 3235-AH19) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4655. A letter from the Chief of Staff, Consumer & Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule—Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 [CG Docket No. 02-278] received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4656. A letter from the Deputy Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA-135-FOR] received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4657. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No. 0330612150-3214-02; I.D. 082903B] received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4658. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule—Import Restrictions Imposed on Archaeological Materials from Cambodia [CBP Decision 03-28] (RIN 1515-AD34) received September 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4659. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule—Preferential Treatment of Brassieres Under The Caribbean Basin Economic Recovery Act [CBP Dec. 03-29] (RIN: 1515-AD24) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4660. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—New Markets Tax Credit [Notice 2003-68] received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4661. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Taxation of split-dollar life insurance arrangements (Rev. Rul. 2003-105) received September 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than October 31, 2003.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than October 31, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WALDEN of Oregon (for and Mr. DEFAZIO): introduced a bill (H.R. 3249) to extend the term of the Forest Counties Payments Committee; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3228: Mr. BURR and Mr. OWENS.

SENATE—*Friday, October 3, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who has given us the rich heritage of this good land, You know our needs for this day better than we do. Help us to listen to the quiet direction of Your Spirit. Consecrate our speech to Your service, that we may not sin with our tongues.

Keep us free from all untrue and unkind words. Remove from us all anxiety, and give us moral and physical courage for the living of these days.

As Your Senators today seek to do what is right, make Your way clear to them. Strengthen them to face the pressures that come with working for freedom. When their day's work is done, may they feel Your smile and hear Your whisper of "well done." And, Lord, bless our military men and women. Let them this day feel Your presence. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 3, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from Rhode Island, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, I ask unanimous consent I be permitted to speak for up to 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

CLASS ACTION LAWSUITS

Mr. SESSIONS. Mr. President, I will discuss this morning a very important issue of legal reform that is needed in the United States. I have been a practicing lawyer for most of my adult life and have litigated in quite a number of different forums. I believe in the legal system. It is critical for America's vitality. There is no doubt in my mind the strength of this American democracy, the power of our economy, our ability to maintain freedom and progress is directly dependent on the superb legal system of which we are a part.

We have a magnificent number of lawyers around this country. Some have been criticized, and rightly so, but for the most part they are good, aggressive attorneys utilizing the laws that are available.

This Congress passes laws involving litigation in America. It is incumbent upon us as the years and centuries go by to periodically review what is happening in our courts. We ask ourselves, are the results that are occurring effective? Are they furthering our national policy, correcting wrongs, punishing wrongdoers, generating compensation for those who suffer losses in a fair and objective way?

Anyone who knows much about the system today knows there are some problems. Lawyers are utilizing principles of law that enhance the problem. There are court decisions that allow them to go further than they have before. As a result, everyone is paying huge amounts of money for insurance. Americans buy a homeowner's policy with an umbrella in case someone sues them. Americans in business review their insurance and liability policies on a regular basis, frequently calling insurance companies and asking for more coverage, more protection. Without even asking for more coverage and more protection, the rates are going up all over America.

One matter we need to talk about and act on is class action lawsuits. A bill to reform class action lawsuits has been considered for a number of years in this body. It was considered in the Senate Judiciary Committee of which I am a member. After several years of discussion we voted it out this year by a 12–7 vote, a bipartisan vote. Several Democrats and all Republicans voted for it. It is a bill that is responsible. It is restrained. It will do the job in many of the cases where abuses are occurring. It is the right thing to do. It can help balance the scales a bit in litigation. It will help fulfill the responsibility of this Congress to monitor how our laws are working in the real world. As a result, we can fix the problems out there.

What is a class action? A class action is a litigation filed by a plaintiff's attorney on behalf of not just one alleged wrong person, but on a class or a group. The lawyer files the case in a court against a defendant, or maybe more than one defendant, on behalf of a large group of plaintiffs who he alleges suffered similar losses and therefore the case should be tried in one forum, a verdict rendered, and each plaintiff then told what they ought to get as compensation for the losses they have incurred.

A class action is good. Some people have been so upset about class action abuses they think we ought to throw the baby out with the bath water. That is not true. A good class action is good for everyone. For example, if a national company made a defective product and shipped it all over America and they were negligent in doing so, they ought to be responsible for the damages that product has caused in America. For every person, maybe hundreds of thousands, even millions to file a lawsuit in every circuit court in America makes no sense. We have a vehicle by which it can be brought in a single court, and it can go forward from that point.

Where can you file? You can file, amazingly, in almost any venue in America. The plaintiff can search this country over to select the single most favorable forum for his lawsuit and the single most favorable district in America. That is a lot to choose from. That

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

is one of the problems we have with class actions.

There are a number of other problems. Lawyers are alert to this. Some specialize in this kind of litigation. They identify something they think is wrong. Maybe no victim has even complained about it. They identify the victim and talk them into filing the lawsuit. They pay little attention to the plaintiff they name as the lead plaintiff in a lawsuit.

I know of one case in Alabama where the defendant died, and was dead for quite some time, and the lawsuit just went right on as if nothing had ever happened. There was not even a named plaintiff living as the central plaintiff in the lawsuit.

But that points out to me that the case becomes, after a period of time, driven by the plaintiff's lawyer and driven by the interests of the defendant. And if it is filed in a smaller rural circuit court, the judge could be overwhelmed with a huge amount of litigation and want it off his docket.

So really the abuse occurs like this: The plaintiff is in a situation where each victim is only entitled to a little bit of money. I will talk about some of those cases in a little bit as to what kind of verdicts get rendered. So they get a little bit for 200,000 plaintiffs, and then they get their fee—multimillion-dollar fees.

The judge is happy because this case could have gone on for years and clogged up his busy circuit court docket in rural Illinois or Alabama or Texas. He is glad to have it gone.

The defendant wants the case gone. The defendant has no responsibility to the individual plaintiffs in the class. The defendant wants the case gone. So what does he do? He will agree to pay the attorneys very high fees and the plaintiffs themselves small amounts of compensation to get rid of the case. And it goes off the docket which is completely wiped clean.

So there are some problems that are out there, and it is not healthy. We have had a string of those cases that have occurred around the country that have not been becoming of the legal system.

The lawyers' primary interest should be to their clients. Courts should have a primary interest in seeing that justice is done. Defendants ought to pay for what they are required to pay and the losses that have occurred. But defendants ought not to be intimidated or coerced or extorted really by the threat of a major lawsuit going on for years in which their company is abused and abused in court for some minor wrong they are willing to pay to correct and willing to compensate the victims for.

So they are in court, and they are willing to pay. They want to fix it, but, no, no, that is not enough. They want punitive damages and more litigation time. And just to get rid of it, defendants agree to pay, and they agree to compensate. Oftentimes—and there are quite a number of cases that show this—the lawyers are the ones who really get the compensation, and not the victims.

In many of the cases, the liability is very dubious, but the companies feel obliged to pay something to get out of the lawsuit, anyway. The damages are very speculative. Sometimes damages have never even really been proven.

I want to mention one more thing about the venue. Let's assume a major automobile company designed an automobile—and they have had cases of this kind—and the seatbelt is defective, and maybe it poses a risk or maybe, when you put it on, it bruises your hand and causes a blister or otherwise is designed in a way that is not as fine as it should have been designed.

Let's say someone wants to file a lawsuit against one of the major manufacturers in Detroit. They do not have to file that lawsuit in Detroit. They can go all over America and find somebody who was damaged by that seatbelt. And there will be that kind of vehicle in every county in America, no doubt about it. They can go to counties in which there is only one sitting circuit judge who they happen to know who perhaps is favorable to plaintiffs' cases. They can pick the county in America they think has the most favorable jury for these kinds of cases, and they can then file their suit there and begin this kind of action we have seen here. Not only can they do that, they do that.

There is a county, I believe in southern Illinois, where routinely cases of this kind are chosen to be filed out of the whole United States because they believe it is favorable. The same has been true—"60 Minutes," I believe, or one of the shows on television has shown this to have occurred in Mississippi. They named the county and interviewed the people there, and they talked about the verdicts that are rendered there. And it is not healthy.

They have done it in Alabama, my home State. We passed some tort reform, and Alabama laws have improved, but there are still cases being filed there and in other States. They choose the most favorable forum. This is not what our Founders had in mind.

Let me read from the Constitution, the part of the Constitution that is relevant to this issue. It is article III, section 2, dealing with the courts. It talks about the power of the Federal courts and what their jurisdiction is. It says:

> The judicial Power [of the United States] shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, . . .

And it goes on to say:

> to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States; . . .

Now our Founding Fathers had thought about this issue, and the issue is: If you have a lawsuit filed between a person from Alabama and a defendant from Massachusetts, maybe at the time of the founding of our country and even to this very day, the person in Massachusetts might not be comfortable having his case tried in Alabama or vice versa. So they say: What do you do if you have a lawsuit between two States? The home-State plaintiff, for example, can choose the forum. He can have a friendly court. Maybe he knows all the jurors on the jury in the jury box. Maybe the judge goes to church with him. Maybe they are best friends and play golf together. And he is going to sue a fellow way off there, who has a lot of money, and he will just have a little friendly help for his local constituents.

That is what the Founding Fathers thought about. In football we call it home cooking, or in baseball, if you get adverse opinions by the umpire against a visiting team. So it is home cooking. They prevented that. They put it in the Constitution. They would go to Federal court where judges are not elected judges but they are lifetime-appointed judges. Any appeal from their ruling goes to the U.S. Supreme Court in Washington, DC. Why? Because that would be a more objective, fair forum.

Now, good and clever plaintiff lawyers have learned if they sue General Motors or Ford or Chrysler, who are headquartered maybe in Detroit, on behalf of an Alabama or an Illinois citizen—then that case is going to be in Federal court, right? That is what the Constitution says—but, no, they will also add the local Ford dealership in Illinois or Alabama or Mississippi or Colorado, wherever they file the lawsuit that they choose is the best place. They will name one defendant, at least, who is in that same State, and it breaks diversity under case law, and the case gets tried in the local State.

So the principle there is important. In a case involving a class action, in which you are involving hundreds of thousands of plaintiffs all over America in every State in America, and the prime defendant, the central, responsible defendant is an out-of-State corporation, our Founding Fathers, I have no doubt, believed that should be in Federal court.

So I say to my friends who are concerned about federalizing litigation—and they believe States ought to be able to set their own rules for litigation—I really, truly say to you, this is not one of those cases in which the Federal Government is taking over things they should not take over. The Constitution contemplated those kinds of cases would be in Federal court, where you have a lifetime-appointed Federal judge, whose appeal will be to a court of appeals of a whole region, and whose final appeal will be to the United States Supreme Court, the Court that sits over the entire country.

So that is why I think we have had so much success in gaining support for this reform. I believe we can do that. And for a whole lot of reasons, under the Federal laws we are able to pass, and under the leadership or jurisdiction of a Federal judge, we will have far fewer bad verdicts. We will reduce the ability of the plaintiff to choose the most favorable forum in the whole United States in which to file a lawsuit.

Let me mention to you some of the cases. There are a lot of them that have been out there that caused difficulties and have caused an uproar and a concern.

The Toshiba case, Shaw versus Toshiba Information Systems, was a class action filed in Texas complaining of an entirely theoretical defect in the floppy disk controllers of Toshiba laptops. They are sold all over America. Why did they choose a county in Texas to file a lawsuit? They were able to do that in a State court, even though the asserted defect had never resulted in injury to any user of the defendant's product. Not a single one of the customers had ever reported a problem due to this defect. Facing a potential liability of $10 billion, what the plaintiffs claimed, Toshiba felt they needed to settle the claim, and they did.

This was the result: The class members received between $200 and $400. In cash? No; $200 and $400 off any future purchases they may make from Toshiba. They received no compensation. The two named plaintiffs in the lawsuit, individuals who bought this Toshiba laptop, received $25,000 each. And the attorneys, what did they receive? One hundred forty-seven point five million dollars. Tell me that is legitimate. Not so.

Here is one with Blockbuster. A class action suit was filed in Texas—another Texas case—which alleged Blockbuster had unfairly charged for overdue movie rentals. They had overcharged people when they were late turning in their video rentals. They were faced with 23 lawsuits in 13 other jurisdictions around the country. This was a class action lawsuit. They decided they better settle the case. In the settlement, the trial lawyers received $9.25 million in fees and expenses. The individual plaintiffs who were alleged to have been wronged received two free movie rentals and $1 off coupons for future movie rentals. They got nothing, no money paid out of pocket directly of the $9.25 million. I suspect some of those plaintiffs didn't even know they were being named as a plaintiff in the case. They got a $1 coupon, threw it in the trash can, just like you throw them in the trash can that come out of your newspaper. You don't have time to fool with them.

Here is one with Sony Pictures. Typical of how these things can develop. In advertising for their films, Sony wrongfully created a fictional film reviewer. This fictional film reviewer fabricated some quotes. Despite Sony's numerous apologies and offer to pay $350,000 to settle the inquiry by a State attorney, a class action was filed. Sony was willing to pay. They knew they had messed up. They were willing to pay. That is so often the case in these matters. The lawyers then went out and found two moviegoers to head the class of plaintiffs. They claimed they were jousted into seeing "A Knight's Tale," the movie, by ads quoting this fictional reviewer calling the films lead actor the year's hottest new star.

It was all bogus, which most of us know those ads are bogus anyway. The attorney originally sought refunds on the ticket prices but later demanded $4.5 million to settle the case.

There is a host of other cases. I could go on.

Aetna, a Federal judge awarded $24 million in attorney's fees out of an $82 million settlement in a class action against Aetna. There was one against Golf Digest, Cell Phones. The Bank of Boston case, which involved my State of Alabama, was pretty egregious also. A class action was filed by a Chicago attorney against the Bank of Boston, and they decided to file it in Mobile County, AL. That is odd, is it not? The case alleged that the bank did not promptly post interest to real estate escrow accounts. The settlement limited the maximum recovery for the class members to $9. After the State approved the settlement, the bank disbursed more than $8 million to the class action attorney in legal fees, and credited most of the accounts of the victims with paltry sums. The legal fees, equal to 5.3 percent of the balance in each account, were debited to those accounts. So the attorney's legal fees were taken out of the bank accounts of the class victims. A lot of these people did not even know a class action had been filed, let alone that they owed an attorney a fee for the $9 in recovery he had received for them.

What is even worse is that for a number of accounts, the debit to their account exceeded the credit they obtained in the settlement, meaning that the attorney's fees that came out of their account exceeded the $9 benefit they had received from the class action settlement.

For example, Dexter Kamowitz of Maine, who did not initiate the lawsuit against the Bank of Boston and probably knew little about it, received a credit of $2.19 under the class action settlement. At the same time the class action attorney debited his account for $91.33 for legal fees, producing a net loss of $89.14. Such results, as might be expected, produced outrage from class members in other States around the country. Judge Frank Easterbrook, Circuit Judge of the Seventh Circuit, asked this question: What right does Alabama have to instruct financial institutions headquartered in Florida to debit the account of citizens in Maine and other States?

That is a good question. How can a circuit court in Alabama order a bank headquartered in Florida to debit the account of a victim in Maine? That is bizarre. That is the kind of thing we are dealing with.

This bill has received great scrutiny. It is not going to end class actions. It is going to end the abuses of class actions. It will take only the biggest, clearly interstate cases of class actions. It will allow them to be tried before a more neutral forum of a Federal court. It will provide some controls in the way these cases are handled, the way attorney's fees are set. It will control the abuses of coupon-type settlements. It will do a lot of things that are very healthy and proper and appropriate and overdue.

That is what we need to do in this matter. Class actions will continue. They can continue in State court, if it is primarily a State class. They can continue in Federal court, if it is primarily a Federal class. That is the right thing for us to do.

We need to bring it up in the Senate before this session is over. If we do that, we will have served our constituents well. We will have monitored the legal system that we set up, control, and regulate by the laws we pass. We will have responded to abuses and created a system that is fair and more just for the plaintiffs, the defendants, and the particular plan.

I thank the Chair, and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. What is the regular order?

The ACTING PRESIDENT pro tempore. The regular order would be to lay the bill before the Senate.

Mr. GREGG. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1689) making emergency appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low priority activities that should not be the responsibility of U.S. taxpayers, and shift $600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Reid (for Stabenow) amendment No. 1823, to provide emergency relief for veterans healthcare, school construction, healthcare and transportation needs in the United States, and to create 95,000 new jobs.

Mr. GREGG. Mr. President, I wish to speak briefly. I understand the Senator from North Dakota is also going to speak. I want to talk on this piece of legislation but, more importantly, on the overall approach we take toward fighting terrorism as a nation.

First off, as to this bill, which is obviously an extraordinarily expensive bill—over $80 billion, much of which goes to support our forces in Iraq, which is absolutely critical, and some of which goes to assisting in the rebuilding of Iraq—many of my colleagues and others have questioned the dollars going to the rebuilding of Iraq and whether that is an appropriate way to spend American tax dollars. I think, however, we have to look at this issue not from the standpoint of whether it is benefiting Iraq but whether it is benefiting us, the American people.

I don't think there is any question but that it benefits the American people. Our purpose here is to defeat terrorism. Our purpose here is to undermine the capacity of those people who would use violence against Americans and against our system and against our Nation. We learned from 9/11, regrettably, that there are, unfortunately, groups out there who subscribe to what is known as Muslim fundamentalism, who are willing to pervert the Muslim faith, and who wish to pursue actions of violence against us as a nation, and against Americans as people, simply because we exist. For whatever reasons, they see us as their enemies, and there are a variety of reasons, which I will not go into. They obviously have the capacity and have shown their willingness to do us damage and harm. We have to respond to that.

Fortunately, we have a President who understands this—understands it in a way that I think many of us don't fully appreciate. I happen to, however, greatly admire it. The fact is, in President Bush we have someone who is very focused on the issue of protecting the United States and all Americans, defeating the threat of terrorism, and finding terrorists and bringing them to justice before they can do us harm. As part of that effort, there is a philosophy that I think is very appropriate that we are pursuing as a nation, which is that we will go out and find the terrorists before they can find us. We will kick over the rocks under which they hide and bring them to justice in whatever manner is appropriate—before they can get out from underneath the rocks under which they hide and plan to attack us. The basic theory is to cause the terrorists to worry about where they are going to sleep tonight rather than to be thinking about whom they are going to attack tomorrow.

It requires an aggressive international policy, but it is a policy directed at protecting us, Americans, across our Nation, giving us a better opportunity of avoid another 9/11, another attack on our country on our soil. As part of that effort, we have replaced a dictatorial, repressive, genocidal, maniacal regime in Iraq, a regime which clearly represented a threat to its neighbors and was a breeding ground for terrorists and a potential, if not real, supporter of those who would do us harm in the United States.

The strategy of the war was brilliantly executed by our military, our men and women. We have to admire their courage, their expertise, and the manner in which they comported themselves in Iraq. Their success militarily is in large part due to the fact that we are willing to spend our national treasury to support them, and we must continue to do that. That is what this supplemental is about.

So supporting our troops with the dollars they need and the equipment they require is a given. There is no one in this body who would question that.

The second part is the rebuilding of Iraq. Why is that important to us as a nation? Well, if we are going to undermine the fundamentalist Muslim terrorist threat, we must undermine their breeding ground, where they are able to recruit, and their philosophy for recruitment.

We have been extremely successful as a nation so far, I believe, in pursuing a tactical war against terrorists, and we can continue this tactical war and we will probably have to continue it for years to come. By that I mean finding the terrorists, following the dollars, tracking them down, using our expertise, our intelligence capability, and our military to neutralize their ability to attack us—whether it is in Afghanistan, Iraq, Buffalo, or Seattle—finding them before they can do us harm, eliminating their resources and sources of resources, and working an international coalition of law enforcement agencies and military forces that is capable of doing them physical harm before they can do us physical harm.

That is a tactical approach. It is one that is being pursued with great aggressiveness at all sorts of different levels—internationally, of course, and obviously in Iraq and Iran, but across the globe, such as in the Philippines and India and Pakistan, and domestically with the creation of the Homeland Security Department and the restructuring of our own domestic law enforcement community.

But that is tactical. That means you find the individual or the cell, you find the group of fundamentalist terrorists who are gathered together, you get the information on where they are, you disrupt them and, if you can bring them to justice, you do. That is tactical. That is not going to resolve the problem for us because, regrettably, no matter how you look at this, if you are honest about it, there is a cultural and a religious issue involved.

There are a billion people in this world who subscribe to the Muslim faith. It is a strong and good faith with an incredible history. But if only 1 percent of those billion people are attracted to the perversion of that faith and follow a Muslim fundamentalist view of the world—terrorist view of the world—that is 10 million people. That is potentially 10 million people who want to do us physical harm. Hopefully, it is not that high.

So if we are to pursue a lasting resolution of this issue, a tactical approach will keep us, hopefully, safer, but it will not resolve the underlying problem. We need much more of a strategic approach, something that looks at the forces which create the threat and undermines those forces. That is where the issue of addressing the reconstruction of Iraq comes in. There are a variety of ways we can address people who are members of the Muslim faith, especially in the Middle East and show them that we, as a nation, are not a threat to them but are actually an avenue of opportunity. But today those options don't really exist in the Middle East.

If we can prove to people who subscribe to the Muslim faith and might be attracted to a fundamentalist terrorist approach that democracy works and is a great option for them, the market-oriented approach works and there is great opportunity for them, that education that encompasses the expansion of the mind relative to not only Western values, but Eastern values, and the issues of especially science and its potentials is of great value, then we will have created an opportunity for people to take a different look at what we stand for as a nation and say: Maybe rather than being a threat, you are an avenue of opportunity.

That is where Iraq comes in. If we are able to settle Iraq over the next 3 to 5 years in a way which allows it to grow as a democracy, in a way which allows it to grow as a market economy, in a way which allows its people, especially its children, to attend schools which teach a variety of values and especially the opportunities which come from quality education, if we are able to produce such an Iraq, it will be a shining light in the middle of the Middle East. It will be a place that people can look to and say, My goodness, democracy does work; market economies do mean more prosperity for my family and me; balanced education is a good thing. We will have set up a natural magnet to attract a positive view of these forces which have done so much for us as a nation and for the West, specifically democracy, market economies, and education.

Today that does not exist really in the Middle East, but this is our opportunity, an unintended consequence possibly of this war in Iraq, but clearly a potential consequence of significant and positive opportunity to create an Iraq, one of the larger nations in the Middle East and one of the wealthier nations in the Middle East, a nation with exceptional history and with a people who have historically been extraordinarily productive, to create a nation which realizes the dreams of freedom, opportunity, economic well-being, and education, which most people in the world subscribe to and desire, and that is why stabilizing Iraq is so important. If we accomplish that, we will fundamentally undermine the philosophy of the Muslim fundamentalists and their message to the Middle Eastern population, which is that America is a threat, an enemy, and that Americans must be destroyed and our culture must be attacked.

It will benefit us Americans in our country; it will benefit us in New Hampshire; it will benefit us in New York; it will benefit us in Pennsylvania; it will benefit us in California to have a nation in the Middle East which is a viable option to the threat and the message of fundamental Islam that goes to this whole strategic issue.

As we pursue our fight against terrorism, we have to have a two-track approach, in my mind. One is tactical, which I outlined. That is what we are doing in Afghanistan, obviously, and in Iraq with our military. It is what we are doing in working to break up the money in the European countries and to find the cells in the United States, and what we have to continue to pursue aggressively through the Department of Homeland Security, the FBI, and the CIA.

At the same time, we need to have a strategic track. It has to go beyond just reconstructing an Iraq and making it a democratic nation. It has to go to messaging. It has to go to communication. It has to go to education. We need to spend significant thought on planning and probably treasury on the issue of a strategic approach to set up different initiatives which will have the effect of undermining the capacity of the Muslim fundamentalists to recruit and to make their case against America by communicating more effectively throughout the Middle East and also across other Muslim nations in the southeast, such as the Philippines and Indonesia, and Pakistan, by creating initiatives which encourage market-oriented approaches, which encourage leaders who subscribe to democracy, which encourage leaders who subscribe to education.

It has to be more than just a haphazard exercise. It actually has to be a structured exercise. It is much more difficult, much less tangible than a tactical approach, but it needs the same type of attention and energy.

We are not doing that right now as a nation. We are certainly not doing that as a government, in my opinion, and we as a Congress should be thinking about how we can do this.

As we move down this road, I believe this is something to which we have to pay significant attention, but clearly, one step in this exercise of a strategic approach is to assist in the creation of a democratic, market-oriented nation in the middle of the Middle East, specifically Iraq, which subscribes to the teaching of its young a value system which is consistent with the beliefs of freedom and democracy and market forces. That is why it is so imperative that we make this investment in Iraq. It is not about protecting them. It is not about rebuilding Iraq, although that is certainly an outcome of it. It is about creating an opportunity to undermine the sources which breed the fundamentalist Islamic movement and, thus, lessening the threat against Americans and our culture.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from North Dakota who has an amendment and a longer statement. I ask unanimous consent that he be recognized after me to offer his amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, is there an amendment pending?

The ACTING PRESIDENT pro tempore. The Reid-Stabenow amendment is pending.

Mr. BOND. I ask unanimous consent that amendment be temporarily set aside so that I may offer an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1825

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself and Senator MIKULSKI and ask that it be immediately considered.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 1825.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional VA Medical Care Funds for the Department of Veterans Affairs)

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for medical care and related activities under this heading for fiscal year 2004, $1,300,000,000, to remain available until September 30, 2005.

Mr. BOND. Mr. President, this is an amendment that Senator MIKULSKI and I believe is very important to provide adequate funding for medical care for the Veterans Affairs Department. This amendment provides $1.3 billion in emergency funding for the Department of VA medical care account which truly is an emergency.

This amendment addresses the medical care needs of returning servicemembers from Iraq and Afghanistan who will require medical care service from the VA.

As many of my colleagues know, the VA cannot currently keep up with the demand of the current veteran population, as illustrated by the tens of thousands of veterans who have been told to wait at least 6 months to get an appointment. Even more distressing is the fact that many of them may have to wait up to 2 full years, and that is unacceptable. If the VA cannot currently help those who are in the system, how will they be able to help those veterans returning from Iraq and Afghanistan?

In the legislation before us today, we have provided emergency funds for the Department of Defense to fight these wars and reconstruction funds to ensure that we win the peace, we secure the peace and bring our troops home. I support these funds. They are vitally needed. I hope we can get them approved when we return. However, I believe we also need to ensure that when our troops do return home, the Government will be there to treat their medical care needs. If we are willing to provide emergency funding to fight the wars, we must be willing to provide emergency funding to meet the medical care needs to treat the injuries and the wounds suffered by our valiant heroes in the wars. In other words, we must ensure that there is a continuum of care for our service members from basic training to deployment to discharge.

Let me illustrate the current pressing and urgent needs for these emergency funds. According to a September 2, 2003, Washington Post article, the number of service members wounded in action in Iraq totals 1,124 since the war began in March. This Post article states:

> The rising number and quickening pace of soldiers being wounded on the battlefield have been overshadowed by the number of troops killed since President Bush declared an end to major combat operations May 1.

USA Today, in this past Wednesday's edition, has reported that at least seven times as many men and women have been wounded in battle as those killed in battle. This is a copy of that article, and it is entitled "Trip Home is Just Start of Road Back."

I am not going to offer these articles for the RECORD but I would refer those publications to my colleagues who are interested. We know the wounded are arriving in Washington every week. I point out these numbers do not include military men and women who are returning from Afghanistan and other parts of the world after fighting the war on terrorism.

According to the VA, some of our returning service men and women are currently being served through VA–DOD sharing agreements. Others, such as PVT Jessica Lynch, of whom we all know a great deal, are being discharged and turning to the VA for specialized services. This level of demand for VA services has not been foreseen or anticipated.

Further, we know that overall demand for VA medical care is not going to lessen. We have already seen the VA medical care system being overwhelmed by the staggering increase in demand for its medical services. Since 1996, the VA has seen a 50-percent increase in growth, or 2 million patients in total users of the medical care system. Moreover, enrollments have increased by some 3.1 million since 1999 alone, and the VA projects that its enrollments will grow by another 2 million patients from a current level of 7 million to 9 million in 2009. This is a historic and unprecedented increase in the level of service.

Again, I urge my colleagues to support these emergency funds. At a time of war with thousands of injured troops returning from battle, it is clearly an emergency to include these funds. It is our moral responsibility to ensure that we provide adequate resources to the VA to meet the vital medical needs of our veterans. If these emergency funds are not included in the bill, the VA will have enormous difficulties in treating veterans returning from Iraq and Afghanistan, due to the current backlog of veterans waiting for care. Without those funds, those waiting veterans will wait longer for medical care and the VA will be forced to deny medical care to another 585,000 veterans. I cannot accept these outcomes. I do not believe my colleagues will accept these outcomes. This is medical care they have earned through the risk of life and limb, and all too often their long-term health.

I ask my colleagues to think about our service members who have already returned from service, our service members who are continuing to serve and those who want to serve. If we do not provide these funds, what kind of message does this send to those currently fighting overseas and those who will be sent overseas?

I hope my colleagues agree with me that we want to tell these men and women that we will not turn our backs on them and that we will keep our promises to them.

I thank the Chair and I thank my colleague.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BOND. Yes.

Mr. DORGAN. Mr. President, I ask the Senator from Missouri if he would add my name as a cosponsor to the amendment.

Mr. BOND. I would be happy to do so. I ask unanimous consent that Senator DORGAN be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I believe there will be others who wish to do so. I thank the Chair and I thank my colleague from North Dakota.

Mr. President, I rise in support of the Bond-Mikulski amendment. This amendment is simple and straightforward. It would add $1.3 billion to the Iraq and Afghanistan supplemental for veterans' medical care.

Our men and women serving in Iraq and Afghanistan have my steadfast support, and so do those men and women who fought before them. Our veterans need to know that America is with them, and that we owe them a debt of gratitude. Congress should show that gratitude with deeds, not just words. That means making our troops and our veterans a priority in the Federal checkbook.

As the ranking member on the VA–HUD Appropriations Subcommittee, my guiding principle for the VA budget is that promises made to our veterans must be promises kept. I believe this means no membership fees or toll charges on veterans to get health care or prescription drugs, and no waiting lines for veterans to get medical care or to get their claims processed.

Under a law passed after the Persian Gulf war, VA must give priority to returning troops for immediate medical care. The Veterans Programs Enhancement Act of 1998 requires VA to provide 2 years of medical care benefits for returning servicemembers. This law was originally passed to meet the medical care needs of veterans who served in the first Persian Gulf war. The law applies to servicemembers who are in Iraq now.

But the VA medical care system is under tremendous stress. During August, I traveled to VA clinics across Maryland. I saw dedicated staff providing quality medical care. But they are stretched to the limit.

Nationally, there are over 100,000 veterans waiting longer than 6 months to see a VA doctor. Some veterans are waiting as long as 2 years. The wait for specialty care like spinal cord injury care, blind rehab, and prosthetics can be even worse. The Blinded Veterans Association tells us that there are 2,600 veterans waiting up to 1 year for admission into a blind rehab center.

Our veterans didn't stand in waiting lines when they were called up to serve our country. They shouldn't have to stand in line or pay toll charges to get the medical care they deserve. The Bond-Mikulski amendment is necessary to keep our promises to our Nation's veterans by ensuring that soldiers returning from war, and the veterans who fought before them, will get the medical care they deserve.

The President's budget proposed a new $250 annual membership fee for veterans, and increased copayments for veterans' prescription drugs and visits to the doctor. Senator BOND and I have worked together on a bipartisan basis this year to reject these proposals. This funding will ensure VA has the resources necessary to meet the needs of our veterans and returning troops.

I thank Senator BOND and urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Bond-Mikulski amendment described by the Senator from Missouri makes a great deal of sense to me. It seems to me that keeping our promise to our veterans is also a part of national security and national defense. We have a very serious problem in the VA health care system. It is going to grow worse, not better, and we need to add these resources.

As we know, the number of people who have been wounded in Iraq and are going to come back home and justifiably lay claim to the health care they were promised in our VA system, we must provide the funding for that.

I think all of us in this Chamber have had the experience of visiting with veterans with respect to their experience in the VA health care system. They will tell us of seeing the posters of Uncle Sam pointing at them saying, Uncle Sam wants you, and on the bottom of the poster it said, free health care for life.

Many of our veterans have experienced something substantially less than that when they come home from having served our country, and that is why I think it is very important for us to provide the funding that is needed in the VA health care system.

I recall one day being at a town meeting and a man named Thor came up to me. He had served in the Air Corps in the Second World War, had fought for this country, had done all that his country had asked of him, many years ago. Now he was without much income, in his late seventies, and he was having all kinds of health problems, some of it related to his service in the Second World War. He was not able to get the help he needed.

The day he came to the meeting I held, he told me he was having trouble with his teeth and could not eat. He had false teeth. His teeth did not fit. They were cutting his mouth and he could not get new teeth from the VA system. At age 75 or 80 years of age, having served in the Second World War, done for this country what this country asked him to do, now living in very low-income circumstances, he should not have to beg VA to get new teeth. That ought not be the way it happens.

I happened to get him new teeth because I had a friend who was a dentist. He talked to some people who run a laboratory and he was able to get a new set of teeth. But we ought to take care of these needs more systematically. We ought to fund the VA health care system to provide for the needs of these veterans. It is a promise we have made and, in my judgment, a promise we ought to keep. So I am pleased to add my name as a cosponsor to the Bond-Mikulski amendment.

AMENDMENT NO. 1826

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN and Ms. LANDRIEU, proposes an amendment numbered 1826.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that Iraqi oil revenues be used to pay for reconstruction in Iraq)

Beginning on page 25, strike line 5, and all that follows through page 28, line 15, and insert the following:

FINANCING OF RECONSTRUCTION

The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

Mr. DORGAN. I offer this amendment on behalf of myself and Senators DURBIN and LANDRIEU. This amendment is identical to that which I offered in the Appropriations Committee, and which lost on a 15-to-14 vote. It is the identical language. So my colleagues on the Appropriations Committee, at least, will be acquainted with the provisions and the specific language of this amendment.

My colleague spoke earlier today about the goals we share for Iraq—our country's objectives in the Middle East and around the world. We all want the Iraqi people to have a better country and to be able to control their own destiny. We all want to foster a democracy in Iraq, in which the Iraqi people are free to make their own decisions, could build a model economy with a market system that works, one that provides an expansion of economic opportunity and jobs for the Iraqi people—all of us would aspire to have that happen.

Some of my colleagues, however, have said this can only happen if you inevitably link the two pieces of the appropriations request sent to us by the President, the $87 billion which includes the amount of money for the defense needs, which is some $66 billion, and the $20-plus billion for the reconstruction of Iraq. They say it must remain a single piece of legislation, inextricably linked, that cannot in any way be taken apart because one part makes the other work.

I suppose it is like a loose thread on a cheap suit. You pull the thread and the arm falls off, so you can't take any part of this and adjust it or change it. That is what we are told.

I believe there are pieces of this legislation that can be changed, and I think changed for the better, in ways that will still accomplish the goals the President and we have for the country of Iraq, but that will also help the American taxpayer.

At the outset, let me say that I believe that the portion of the request relating to our military is important and is urgent, and this Congress will enact it very quickly. I don't think America sends its sons and daughters to war and then decides it will not fund that which is necessary for them to carry out their mission. That would be unforgivable. We have a responsibility to do that, and we will do that.

The second portion of this request, dealing with the reconstruction of Iraq, is a different story. I think there are a couple of aspects to remember about that.

First, the infrastructure of the country of Iraq was deliberately not targeted by the American military attack. The attack, which was called Shock and Awe, which most of us saw on television, did not target electric generation facilities, the electric grid, roads, bridges, dams. It deliberately did not target those. As a result of that, we do not have a country in which their infrastructure has been devastated by carpet bombing of the type that happened in some places during World War II.

Second, many of the reconstruction items in the 20-plus billion request by the administration are not urgent. I will describe that in some detail.

Third, the cost of the reconstruction effort need not, and ought not, to be borne by the American taxpayer. If the United States was the only possible source of funding for reconstruction, that would be one thing. But that is not the case. The fact is that Iraq has a wealth of oil reserves, and Iraq can easily use those resources to finance its own reconstruction. My amendment would help construct a mechanism for the Iraqis to do exactly that.

My amendment simply proposes that there be established an Iraq Reconstruction Finance Authority, in Iraq, by the Governing Council of Iraq, working with the Coalition Provisional Authority. The Governing Council of Iraq is made up of Iraqis. They would create an Iraq Reconstruction Finance Authority. That authority would securitize or sell securities against the value of future oil that will be pumped in Iraq. Iraq has the second largest reserves of oil in the world and has substantial capability to pump a dramatic amount of oil in order to raise ample funds to reconstruct Iraq.

Simply, my amendment says let Iraqi oil pay for the reconstruction of Iraq, not the U.S. taxpayer. And let Iraqis use that Iraqi oil revenue to reconstruct Iraq. This has nothing to do with the United States grabbing part of the resources that belong to the people of Iraq. On the contrary, my amendment says that the Iraqi people, through the Governing Council of Iraq, should use Iraqi oil revenue to reconstruct the country of Iraq. It is very simple. It is not hard to understand.

Some believe that if we followed this approach, we would be accused of grabbing Iraqi oil. They will say: You attacked Iraq because you wanted their oil.

That can't be the case because there is nothing here that would put American hands on Iraqi oil. It would be Iraqis in the country of Iraq using Iraqi oil to reconstruct Iraq. It simply relieves the burden of $21 billion from the shoulders of the American taxpayers, which is what is proposed by the administration for the reconstruction of Iraq. It says instead of having the U.S. taxpayers borrow the money, or the Federal Government borrow the money or pay taxes to reconstruct Iraq, Iraqis can use their oil resources to do that.

Ambassador Bremer said that by July of next year, Iraq will be pumping 3 million barrels of oil per day. That is $160 billion of net export value of oil for the country of Iraq in 10 years. They can easily sell securities against that future production of oil and use that to reconstruct Iraq.

As I indicated, this is the second largest oil reserve in the world. This is not a small resource. This is liquid gold under the sands of Iraq. When they pump it and sell it to a world that needs oil, they will have $16 billion a year. And Iraq could obtain immediate funding for reconstruction by selling securities, or obtaining loans, backed by that future revenue stream.

The concept of securitizing these oil reserves has been endorsed by a number of sources and experts. The endorsement comes from a number of corners of thought. The President and Chairman of the Export-Import Bank, Philip Merrill, has said he supports that concept of using Iraqi oil for reconstruction. In fact, the Export-Import Bank used a similar approach for Russian oil and gas after the fall of the Soviet Union, which was credited with helping to stabilize the industry's finances and restoring Russia's infrastructure in the early 1990s.

Mr. Merrill, the head of the Export-Import Bank says: What we want to do is securitize this flow of oil.

Now, when Ambassador Bremer appeared before the Appropriation Committee, he said that this approach wouldn't work. Ambassador Bremer said you can't have Iraq securitize its oil, or use future sales of oil to reconstruct Iraq, because Iraq owes a lot of money. It has foreign debt. Ambassador Bremer said the foreign debt was owed to Russia, France, and Germany.

After that hearing, I did a little research. It turns out that the largest foreign debt owed by Saddam's regime was not to Russia, France, and Germany.

The largest foreign debt of the Saddam regime was owed to the Saudis, and the Kuwaitis, and the other Gulf Countries. The two largest single creditors, by far, are Saudi Arabia and Kuwait. Saddam's regime also owed some money to Russia, Japan, France, and Germany, that is true, but the largest foreign debt was owed to the Saudis and the Kuwaitis.

I just don't understand the Ambassador's contention that Iraqi oil must be sold right away in order to pay off the Saudis and the Kuwaitis. First of all, Saddam Hussein and his henchmen owed this money. Saddam Hussein ran the country of Iraq, and he engaged in strategies and policies that resulted in these debts. Ambassador Bremer suggested that some successor government in Iraq will inherit the debt. My question is, Why? Why not say to the Saudis and the Kuwaitis: You are owed a lot of money by Saddam Hussein and his henchmen. Find them, and collect it from them.

The Iraqi people ought not have to bear the burden of Saddam Hussein's debt. It doesn't make any sense to me. This man is gone. His government no longer exists. And Iraq is sitting on top of an enormous oil resource.

But we are told now that the American taxpayer should pay to reconstruct Iraq, because Iraqi oil revenues need to be immediately turned over to the Saudis and the Kuwaitis to settle Saddam's debts.

I am sorry. It doesn't add up to me. It doesn't work for me. I don't understand the perversity of a strategy that says the American taxpayer shall bear the burden so that Iraq's assets can be free to pay the Saudis and the Kuwaitis past foreign debt.

Does this make sense to anybody? If you answer, yes, we think this makes sense, the American taxpayers will pay the bill, and Iraqi oil will pay the Saudis, then I am sorry, you need to go back and do some remedial training someplace. You are not thinking straight.

Now, there are those who argue that the current Iraqi Governing Council is not a duly elected government, and has no standing to do anything with Iraq's oil.

But on Friday, Ambassador Bremer said the following:

> The Iraqis are perfectly ready now to accept a lot of responsibility, and they are doing that. There are Iraqi ministers running all 25 ministries. . . . They are making policy in every ministry. They are responsible for the budgets of their ministry. They've got to spend the money. They can move the money around within their budget. They have great latitude. And they are now operating ministries.

The Governing Council of Iraq is made up of Iraqis. They are running Iraq's Oil Ministry, among others. It seems to me that they have the capability to securitize future Iraq oil revenues and pay this reconstruction cost.

Is the Governing Council of Iraq somehow less legitimate than Saddam Hussein's government? To anyone who argues that the Governing Council of Iraq cannot enter into debt on behalf of Iraq, I ask this: Do you think that Saddam's regime was a duly elected government?

In 1995, Saddam ran for President of Iraq unopposed, and he won 99.96 percent of the vote. That's right. Less than four one-hundredths of one percent of the voters voted against Saddam.

In August of 2000, Saddam Hussein ran again for President. He ran unopposed. This time, the official reelection count was better. With 100-percent voter turnout, he received 100 percent of the vote. That was the official result announced by the Iraqi government.

In that election, there were no polling booths. Voters were required to hold their ballot over their heads as the approached the ballot box, so that everybody could see how they voted. When they voted, they had to parade past 28 portraits of Saddam Hussein, and they had to hold these ballots over their heads so they could demonstrate how they voted.

Was that a duly constituted government? I don't think so. The Iraq Governing Council is much more legitimate than the Saddam regime, in my estimation. Why would anyone argue with that? Who wants to come to the Senate floor and say that the debts incurred by Saddam's regime are legitimate, but securities that would be issued by the current Governing Council would not be legitimate?

I ask that again because I think it is important.

Why would anyone argue that the massive debts run up by Saddam Hussein's government are legitimate and payable, but securities issued by the current government of Iraq's Governing Council against future oil revenues with which they could reconstruct Iraq would somehow not be legitimate? It doesn't make any sense.

Until a few months ago, the Administration was telling everyone that Iraq's oil would allow the Iraqis to pay for their own reconstruction.

Let me show what Mr. Ari Fleischer at the White House said about this. He was the President's spokesperson. He said in February of this year:

> And Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden of their own reconstruction.

He is, of course, talking about Iraqi oil, the second largest oil reserve in the world.

Shortly after that time, Mr. Wolfowitz, the Deputy Secretary of Defense, said:

> . . . the oil revenues of that country could bring in between $50 and $100 billion over the course of the next two or three. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

That is the administration speaking. They say Iraq can finance its own reconstruction, and relatively soon, because it has massive oil resources.

Defense Secretary Donald Rumsfeld, in March of this year, said:

> I don't believe that the United States has the responsibility for reconstruction, in a sense. . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things.

That is the Secretary of Defense saying the American taxpayer is not going to have to pay for the reconstruction of Iraq.

Vice President CHENEY, on national television in March of this year, said:

> In Iraq we have a nation that's got the second largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cashflow in the relatively near future, and that flow of resource

> obviously belongs to the Iraqi people and needs to be put to use by the Iraqi people. And that will be one of our major objectives.

This administration has said time and time and time again that the reconstruction of Iraq will be done with Iraqi oil.

Let me describe a "Nightline" program with Ted Koppel and Mr. Natsios, head of USAID, the lead reconstruction agency in our country.

> Mr. Koppel: I understand that more money is expected to be spent on this than was spent on the entire Marshall plan for the rebuilding of Europe after World War II.
>
> Mr. Natsios: No. This doesn't even compare. The Marshall plan was $97 billion. This is $1.7 billion.
>
> Mr. Koppel: I mean, you talk about 1.7. You are not suggesting the rebuilding of Iraq is going to be done for $1.7 billion?
>
> Mr. Natsios: Well, in terms of the American taxpayers' contribution, I do. This is for the U.S. The rest of the rebuilding of Iraq will be done by other countries that have already made pledges: Britain, Germany, Norway, Canada and Iraqi oil revenues. They are going to get $20 billion in revenues but the American part of this will be $1.7 billion.

Again, this is the lead person on the reconstruction of Iraq speaking last March.

> Mr. Koppel: I understand. But as far as reconstruction goes, the American taxpayer will not be hit for more than $1.7 billion no matter how long the process takes?
>
> Mr. Natsios: That is our plan, and that is our intention.

Over and over and over again, Mr. Natsios said exactly the same thing.

It is strange that not many months later all of those folks—Secretary Rumsfeld, Vice President CHENEY, Deputy Secretary Wolfowitz, Mr. Natsios—all said the same thing. And now there is this eerie silence from those folks who told the American taxpayer, you won't have to pay for this, Iraqi oil will pay for it.

Now they send up a $21 billion request to say to the American taxpayer, you will pay for this. And, by the way, you can't change any element of this, because this all fits together like a puzzle; take out one piece and you destroy the puzzle.

Now, in Ambassador Bremer's request, part of the nearly $21 billion involves items that are clearly not related to any damage caused by our military action:

> $1 billion to rehabilitate power distribution networks that were in a highly deteriorated condition before the war.

This has nothing to do with the war. It is just 20 years of devastation by Saddam Hussein's government.

> $50 million to rectify the actions of the former regime and reconnect the Euphrates River to 30 villages and 100 farms.

That is an irrigation water project and has nothing to do with the war.

There is $50 million to restore a marsh and rectify some of the environmental tragedies "of the past 25 years"; $50 million for water projects in Basra, a "long neglected city"; $125 million to restore railroad tracks that suffered from "severe neglect over time."

There are a whole series of things like that, that on their face are not a result of the war and in many cases not particularly urgent. Here is a pretty symbolic item: $1.6 million requested to build museums and memorials. I have never heard of an urgent request for a museum. I have heard of important requests for museums, but I have never heard of a request for a museum that is urgent or an emergency. I am wondering if there is anyone in our country who thinks that the building of a new museum in Iraq is an emergency.

Many have mentioned, and I did in the Appropriations Committee, some of the expenditures: For a 4-week business course for executives, $10,000 per student. That 1-month catchup course in business is double the monthly cost of going to Harvard Business School.

There is $55 million for computer training, $330 a month for half-day courses; $1,500 per student for a 6-month second language English course; $9 million to study ZIP Codes for the postal service in Iraq; $100 million for 2,000 garbage trucks; $4 million to start telephone area codes.

The fact is, many of these items are not an emergency and not urgent. And the American taxpayer should not have to pay for any of this, because Iraq has the resources to pay for its own reconstruction. Yet we have this piece of legislation that we are told is not separable, it comes as one piece; pull a string on the cheap sweater and the arm comes out; take one piece out and it destroys the rest. That is nonsense.

When you look at the $66 million requested by the Pentagon to support our troops, no question: We need to do that, and we need to do that now. But when you look at the $21 billion with respect to reconstruction, in my judgment, that can be done by having Iraqis securitize Iraqi oil, and using that financing for the reconstruction of their own country.

I said when I started, everyone has the same ultimate objective. I want not just Iraqi people, I want people around this world, to have opportunity and hope, to live free, to live in circumstances where they have an economy in their country that expands and produces jobs and opportunity.

There is a hopelessness and helplessness in many parts of the world. One-half of the population of the world lives on less than $2 a day. One-half have never made a telephone call; 150 million have no access to potable water that is healthy and is of good quality; 150 million kids are not in school. This is a big, challenging world.

We are focused now on the country of Iraq. I want things to go well in Iraq. I want our soldiers to be safe. I want them to be able to come home as soon as possible. I want the Iraqi people to come through this experience believing their country has turned a corner and they can live in freedom and have some hope and have the opportunity to make a good future for themselves.

But as we do all of that, we have some responsibilities at home. We need to be able to deal with those. We are lucky to be Americans, lucky to be alive now and to live in what I think is the greatest country in the world, but we have a lot of challenges. We have huge homeland security issues right here at home.

The plain fact is, we have had major studies done, most notably the Hart-Rudman study by two of our former colleagues for the Council of Foreign Relations. That study says we are dangerously unprepared. In fact, that is the title of the study. We have a lot of things to do at home to make sure we are prepared to protect our country against another attack by terrorists. We can't just write a blank check for Iraq's reconstruction, and say spend whatever you need, let's spend $9 million for new ZIP Codes and buy pickup trucks and build prison beds at $50,000 a bed in Iraq. We have urgent needs here, in this country, and we do not have infinite resources.

With respect to the country of Iraq, our country ought to be supportive. We ought to be helpful. We ought to aspire to have the same kind of future for the folks in Iraq that we want for ourselves; that is, a future of hope. But that does not mean the American taxpayer ought to bear the burden of solving problems created by Saddam Hussein when he borrowed money from Saudi Arabia, Kuwait, Russia, France, Germany, and others. It does not mean we ought to bear that burden. Those debts ought to be forgiven or restructured. Iraqis ought to be able to use their oil resource to pay for the reconstruction of Iraq right now. Very simple.

Sometimes we get so rigid in this political process, we do not hear each other; we talk past each other. The discussion about this in the committee came down to this: the President says it has to be this way now, and therefore it must be this way and we cannot consider another way. I offered two amendments in the Appropriations Committee. The first amendment, identical to the one I am offering today on the Senate floor, was that there should be created an Iraq Reconstruction Finance Authority. They should borrow money against future Iraq oil and reconstruct Iraq. It is the burden of Iraqi oil, not the burden of the American taxpayer, to reconstruct Iraq.

That amendment lost by a vote of 15 to 14, though at least one of my colleagues on the other side of the aisle expressed support for the concept, and said he might consider this approach on the Senate floor.

So I offered a second amendment in the Appropriations Committee, which said that instead of providing a 20 billion-plus dollar grant, we should extend Iraq a loan. That is not something I prefer, because I think Iraqis can finance their reconstruction by securitizing their oil. But it is a better approach than just extending a grant.

I lost that second amendment as well, by a vote of 15 to 14. I understand that a number of my colleagues on both sides of the aisle are interested in this concept.

So we will have these debates in the Senate: I expect that we will vote on the amendment I offered today, once we return. My hope is we can find a bipartisan way to agree on something that shows common sense.

Most of us know little about Iraq. But Iraq is not a desperately impoverished country. Iraq sits on top of the largest reserves imaginable. The oil reserves exist under that sand. There is only one country that has larger reserves. That is Saudi Arabia. Iraq has great capability to invest in itself and build and grow and provide opportunity for the Iraqi people.

Even as we aspire to have that happen, we had better look inward a bit in this country and ask ourselves where we are headed. We are facing record Federal budget deficits. This year, we also had the largest trade deficit in the history of this country, by far.

The combined budget and trade deficit is very close to $900 billion. Yet people walk around here as if it is "Hear no evil, see no evil, speak no evil." It is as if none of this exists.

All of this money we are talking about today, $87 billion—all of it is borrowed against our children's futures. Why?

The President wants to have it all: We need tax cuts. We need increased military spending. We need increased homeland security spending, and, at the same time, $87 billion now for Iraq, on top of the $79 billion earlier this year.

Someone, someday, in some way, pays the cost of that. That cost comes with a lower standard of living in this country if we do not get our fundamentals in order. You just cannot keep doing this.

Mathematics is taught the same way from Maine to California. There is only one way to add and subtract.

What we require, I think, is a bit of backbone from Republicans and Democrats, this President and the Congress, to stand up and take a look at what we are facing, our budget deficits, our trade deficits, our long-term future economic health, and decide we have to put things back on track. That is important for this country.

Yes, I care about Iraq, as do my colleagues. Yes, we should be concerned about the reconstruction of Iraq. But that is a burden that Iraqis can bear, by using their vast oil resources. It is not a burden that ought to be borne by the American taxpayer.

The Senate will not be in session next week. But I will seek to have a vote on this amendment when we return.

I thank my colleagues. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Presiding Officer.

CALL FOR APPOINTMENT OF SPECIAL COUNSEL

Mr. President, I take the floor again today, as I said I would do every day, until this matter is resolved, until the individual or individuals who leaked the name of a CIA undercover agent to the press are identified and prosecuted to the full extent of the law.

So I take the floor again today to again recap what has gone on, and also to ask the President to become more fully engaged in finding out who did this.

As I said earlier this week on the floor, President Bush can resolve this matter, literally in an hour, by calling his senior staff members in the Oval Office and asking them one by one if they were involved. It would be very simple. Call them in and ask them: Were you involved in this, yes or no?

Bear in mind, the Washington Post story on Sunday—this is when it all came out in the open—reported a senior administration official revealed two other "senior White House officials" had leaked the undercover CIA agent's identity to six reporters before the so-called Novak column ran in July. So again, a whistleblower in the White House revealed—and this is according to the Washington Post—a senior administration official. In the Post on September 28, last Sunday, they quoted the senior official who said:

> Clearly, it was meant purely and simply for revenge, the senior official said of the alleged leak.

It was purely and simply for revenge against Mr. Wilson, obviously. So we know now a whistleblower in the White House, a senior administration official—we don't know who—revealed two other senior White House officials had leaked the undercover CIA agent's identity to six reporters prior to the Novak column running in July 14. Someone was pretty busy in the White House calling six reporters. And the senior administration official said it was "purely and simply for revenge."

Why doesn't Mr. Bush simply call them into the Oval Office and ask them one by one: Were you involved in these leaks? We know at least three of these senior administration officials know the full story. We know now at least three senior administration officials know the full story. The odds are many more know the story as well, that there was some talk around the White House back in July about doing this. I find it hard to believe some low-ranking individual called six reporters without having this cleared at the highest echelons in the Bush administration. Obviously, we know there are three. There may be more.

Mr. Bush could resolve this matter literally by lunchtime if he were to call the senior officials in the Oval Office, lay down the law, and get some answers.

I was driving in to work this morning and I heard on the radio that the President is flying to Wisconsin this morning for yet another fundraiser. People have their priorities, I guess. I think our priority should be getting to the bottom of this as soon as possible and finding out who made these leaks, not flying off for yet another fundraiser in Wisconsin.

Again, instead of a serious, straightforward approach, the President now is trying to make light of the matter. He was joking and laughing about it yesterday with some foreign journalists.

I refer to a story that appeared in the Washington Post this morning, Friday, October 3. Headline: "Justice to Begin Leak Interviews Within Days." I will have more to say about that. I will quote directly from the article in the paper this morning:

> As pressure built on his aides,

—regarding finding who leaked this information—

> Bush joked about the matter. During a roundtable discussion with reporters for African news organizations, he was asked about three reporters in Kenya who were detained this week in what some journalists saw as an effort to intimidate them into revealing sources. The detention drew a condemnation from the International Federation of Journalists which complained that the government has been harassing and brutalizing journalists.
>
> "I'm against leaks," Bush said, to laughter. "I would suggest all governments get to the bottom of every leak of classified information." Turning to the reporter who asked the question, Martin Mbugua of the Daily Nation, Kenya's largest daily newspaper, Bush said "By the way, if you know anything, Martin, would you please bring it forward and help solve the problem."

I guess I find this remarkable, a matter as serious as this, disclosing the identity of an undercover agent in the midst of our war on terrorism, where we have to rely upon good intelligence, we have to rely upon the security of these individuals, and to let them know that at no time, now or in the future, will they be outed, which could do serious harm not only to them but to their sources and to others. Rather than approaching this in that serious manner, the President is joking about the matter as if this is ha-ha, some kind of a lighthearted little diversion from his fundraising activities.

I will say this: This is not a laughing matter. The President may take it lightly, but I don't believe our intelligence agencies, nor do I believe those of us here in the Congress will take it lightly either. And neither do the American people take it lightly.

This is a deadly serious matter of national security. The President of the United States should make it his personal business to resolve it as soon as possible. In fact, I would suggest the President should publicly commend the individual who told the Washington Post last Sunday about the leak, promise to protect that whistleblower's job, give that person a certificate of merit for being truthful and honest and helping to expose those who may have leaked this information, rather than joking about it with foreign journalists and asking them if they know anything about it, would they please help him out.

I understand from today's news reports that the Justice Department has set a deadline for White House documents related to the matter. That is great. But I still don't understand why it has taken at least 2 months for them to request this information since exposing the identity of an undercover CIA agent is a violation of Federal law punishable with up to 10 years in prison. Also I believe it goes further than just releasing classified information.

This is an issue, as I said, about compromising the safety of our undercover agents and the investigative efforts to prevent future threats to the United States. Again, let me just go back to this timeline.

On July 6, former Ambassador Joseph Wilson's op ed appears in the New York Times, questioning President Bush's assertion that Iraq had sought uranium from Niger.

On July 14, Robert Novak publishes a column saying "senior administration officials" have identified Wilson's wife as "an agency operative of weapons of mass destruction."

On July 24, Senator SCHUMER calls on the FBI director to open a criminal investigation based on that call.

In late July, the FBI notified Senator SCHUMER they sent an "inquiry" to the CIA.

Then it appears that nothing happens for 2 months.

On September 23, the Attorney General says he and CIA Director Tenet sent a memo to the FBI requesting an investigation.

So in July the FBI says they sent an inquiry to the CIA. In September the Attorney General says they sent a memo to the FBI requesting an investigation. On September 26, the Department of Justice officially launches its investigation.

But interestingly, it took 4 days after that official launch for the Justice Department to call White House Counsel Gonzales and notify him of the official investigation and to tell them to preserve documents, phone logs, et cetera.

Today, October 3, according to the newspaper, we understand the Attorney General wants to quickly move the investigation along. Again, I don't understand why it took President Bush and Attorney General Ashcroft so long to get moving on this investigation, when they appeared to move so quickly in wanting to question our congressional Intelligence Committees last year for allegedly leaking "classified information." In fact, the FBI was coming down, as Senator DURBIN said on the floor, asking them to take lie detector tests. But now we don't seem to be moving very rapidly in trying to get to the bottom of this real—not alleged, but real—leak of classified information.

I have other concerns as well, and that has to do with the clear conflict of interest Mr. Ashcroft has with this administration.

I refer to this chart. There was a story in the newspaper about the close connections Mr. Ashcroft has had with senior White House officials. This chart kinds of shows it. We have Attorney General Ashcroft, then Mr. Karl Rove, senior assistant to the President, who was a paid consultant for Ashcroft for Governor in 1984. Mr. Rove was a paid consultant for Ashcroft for Governor in 1988. Mr. Rove was a paid consultant for Ashcroft for the Senate in 1994. Today, he is political director and senior advisor to President Bush.

Then there is Jack Oliver. He was campaign manager for Mr. Ashcroft in 1994. Mr. Oliver was deputy chief of staff in Senator Ashcroft's office in the Senate. Mr. Oliver now is a deputy finance chair for the Bush-Cheney reelection team for 2004. Now we understand that, with these connections, these people so high up in the administration, such as the Attorney General—President Bush is his boss. The Attorney General says he can do the investigation. Give me a break. That is why we need a special counsel. That is why the American people see this as an inherent conflict of interest, with all of these people so closely tied together. That is why we need an appointed special counsel.

Some argue this is purely politics, that we are blowing this incident out of proportion. Well, what makes this so serious is this administration released its classified information for revenge to punish those who told the truth at the risk of national security and the safety of others.

I have been hearing all of these spins coming out of the White House about Mr. Wilson and politics, and so I was looking at this and I wanted to get to the bottom of it. I looked at this and I saw the spin coming out of the White House and the Republican Party. Here is Mr. Gillespie, RNC chair:

> The fact is that Ambassador Wilson is not only a, you know—a former foreign service officer, former ambassador, he is himself a partisan Democrat who is a contributor and supporter of Senator Kerry's Presidential campaign.

That is Ed Gillespie, RNC chair, on September 30.

Then, here is the former RNC communication director, Cliff May. He said:

> Wilson is no disinterested career diplomat—he's a pro-Saudi, leftist partisan with an ax to grind. And too many in the media are helping him and allies grind it.

What are the facts. The fact is we found out Mr. Wilson has given money to the Presidential campaign of Senator JOHN KERRY. But he also contributed money to George Bush during the 2000 election. GOP Representative Ed Royce, a Republican from California, received $1,000 from Wilson between 2000 and 2001. I don't know Mr. Wilson; I never met him in my life, but it looks as though he is one of those independents who gives to both sides depending on who he thinks is best qualified. The fact is former President Bush—the first President Bush—praised Wilson for his courageous leadership when he was Ambassador in Baghdad in 1990. He praised him for his courageous leadership, saying:

> What you are doing day in and day out under the most trying conditions is truly inspiring. Keep fighting the good fight. You and your stalwart colleagues are always in our thoughts and prayers.

Yet spokesmen for the Republican Party want to make Mr. Wilson some leftist partisan with an ax to grind. No, don't get to the bottom of it, you see. Don't find out who leaked it. Attack Mr. Wilson's character. Have we seen this before? We sure have.

So, again, this is no laughing matter. Quite frankly, I just don't understand the President joking lightheartedly about this, but he did. The President needs to take it seriously. The American people take it seriously; we take it seriously. He can take care of it very quickly, as I said, by calling in those senior advisors and asking them, one by one, if they have knowledge of this. Mr. Ashcroft can hardly investigate his own boss, with all of the connections he has. He can hardly be asked to investigate.

That is why under "recusals" in the Department of Justice Resource Manual it says:

> If a conflict of interest exists because a United States Attorney has a personal interest in the outcome of the matter or because he/she has or had a professional relationship with parties or counsel. . . . Where there is the appearance of a conflict of interest, the United States Attorney should consider a recusal.

I can think of no better example of an appearance of a conflict of interest, nor where the U.S. Attorney has had a professional relationship with parties or counsel. They should recuse themselves. That is what the Attorney General should do, and he should appoint a special counsel to proceed further to investigate this matter to find out who leaked it.

I will close with this. As I said yesterday, it is not just the person or two persons who leaked this to six reporters; how did these individuals get that classified information? Who gave that to them? Did it come from the NSC? Is that now politicized? Did it come from the CIA? Did someone in the White House request this kind of classified information in order to put it out?

That is why I said yesterday, and I repeat again today, there is a cancer growing on this administration, and the best way to get rid of a cancer is to excise it. The best way to excise it is for the President himself to get involved, for the Attorney General to recuse himself, appoint a special counsel, and let's get to the bottom of this, not in a matter of weeks or months but in the next few days.

Nothing less will suffice for those brave men and women working all over the globe to get the intelligence and the information we need to fight global terrorism and to reassure them that this will never happen again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. Mr. President, I ask unanimous consent that I be allowed to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1618

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 282, S. 1618, a 6-month extension of the FAA authorization; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, at the request of other Senators, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I reclaim the floor. I am disappointed that my Republican colleagues objected to this request because the future of our aviation system is an extremely important matter.

On Tuesday just past, the authorization for the Federal Aviation Administration expired under its previous authorization, called Air-21, and we are struggling to get something done that can pass both Houses and serve the public, as they should be, in aviation.

My UC request was to pass a 6-month extension of all aviation programs so we can continue this critical airport improvement program without any interruption.

The continuing resolution that the majority brought to the floor last week intentionally omitted funding for certain important airport construction programs under the Airport Improvement Program. It is $3.4 billion for fiscal year 2004. The fiscal year is now 3 days old.

I think it is irresponsible to allow this critical funding to lapse in the current economy. Job loss is at an all-time high, and the preliminary U.S. Census Bureau data shows that transportation construction is down 8.7 percent from this time last year. Withholding any part of the $3.4 billion in construction projects makes this problem even worse.

Why did we need to consider a continuing resolution for aviation programs at all? The Senate passed a bill reauthorizing FAA programs on June 12 of this year. The House passed it before then. But we cannot get a bill passed because since that time, Republican leaders, at the behest of the President, have decided to wage an ideological battle over privatizing our air traffic control system rather than doing what the public wants and needs.

I suggest the White House leave its ideological debates at the Heritage Foundation. Let us pass an FAA bill. The public wants safe skies—and I agree with them—not cutbacks in safety, not cutbacks in security.

The biggest problem the White House created in the FAA conference report is overprivatizing our air traffic control system. Despite clear language prohibiting this in both the House and Senate versions of the bill, conference leaders ignored the clear mandates and bowed to the will of the ideologues in the White House.

In all of my years of serving in this Chamber, I have never seen such disregard by conference leaders of a clear safety mandate by colleagues in both Chambers. A bipartisan majority in the Senate voted 56 to 41 for an amendment that I offered to prevent privatization of our air traffic control system. We voted to heed the lessons gleaned from the attacks of September 11, the lessons of our Space Shuttle Program, the Shuttle *Columbia* disaster, and the experiences of our foreign counterparts to avoid making the same mistakes that will end up costing our society more.

September 11, 2001, was a most tragic day, perhaps the most tragic in our history, when America's invincibility was pierced. Almost 3,000 people were killed. In my State of New Jersey, nearly 700 people lost their lives in the terrorist attacks.

As my colleagues know, Transportation Secretary Mineta ordered all aircraft in U.S. airspace grounded that day. It was a massive undertaking in just a few hours. Some 5,000 planes were guided to safe harbor, and our air traffic control system managed that unprecedented effort flawlessly.

I show on this chart what happened on September 11, 2001. At 8:30 in the morning, the skies looked like this to those who were watching the scopes in the towers in the FAA: All of these little green stars, symbols, depict an airplane. The sky was filled. If we look at the northeast corner of our country, including New York and New Jersey, we almost cannot see the black portion of the map because the traffic was so heavy at 8:30 in the morning on that fateful day.

At 9:45, after the attack had begun, we start to see a lessening. There is much more of the map visible.

At 10:45, an hour later, look what happened: Those thousands of airplanes with passengers in every one of them, almost 5,000 airplanes in the sky at that time, and the FAA had to jump in and the controllers had to exercise their best judgment because they had to direct these airplanes to a safe landing place regardless of what their original destination was. We see a totally different picture. There are very few spots where we see airplanes in the sky.

The terrorists crippled our aviation system, and it was the FAA, our heroes, who managed this terrible task that day because they knew what their responsibilities were and they jumped to it. We didn't know whether there were going to be other planes brought down that morning, but the FAA did its job. The Secretary ordered the planes out of the sky, and people were able to touch down in almost every case safely. The cases that did not were those that were suicidally brought down by maniacs.

On September 11, those who operated our Federal air traffic system demonstrated great heroism and dedication. Air traffic controllers across the Nation performed heroically as they guided the thousands of aircraft out of the sky. Technicians who certify and maintain the high-tech equipment kept it operating reliably throughout the crisis, and flight service station controllers talked directly to the pilots to let them know what was happening and to tell them the best places they could look to for a quick, safe landing.

In my home State, from the tower at Newark International Airport, the air traffic controllers could see the World Trade Center burning in front of their eyes. As they worked to return Americans to the ground safely, they knew that people were dying in front of them.

In the aftermath of these tragic events, the American people demanded private baggage screeners becoming Federal employees. But it seems backward to me that the administration, who quickly got on the problem with the baggage handlers because the private side was not handling it well, put them into Government hands—I believe 28,000 was the total number—and they still want to contract out the air traffic control system to the lowest bidder. It is one thing to assure ourselves that the baggage that goes aboard these airplanes is free of explosives and damaging material, I agree with that, but it is worse to ignore the fact that airplanes full of people, perhaps my grandchildren, my children, other people's children and their families, are in those airplanes. Do we not want the best that we can get in safety and protection for our people? I think so.

The risks of privatizing highly technical and complex operations speak for themselves. On February 1 of this year, our country suffered another tragedy. The Space Shuttle *Columbia* tragically exploded over the skies of Texas, and we lost some of the most courageous Americans on that day. Immediately after that accident, it was our air traffic control system that worked flawlessly to guide aircraft around the falling debris.

Following this disaster, the *Columbia* Accident Investigation Board, led by ADM Harold Gehman, published its findings. The board found that cross-cutting and a drive for ever-greater efficiency at NASA—a pioneer in Government privatization—had eroded NASA's ability to assure mission safety.

Now, if safety lapses can lead to the *Columbia* Shuttle accident and the failure to guarantee the safe return of our brave astronauts from mission STS-107, just how much are we willing to gamble on the safety of the 2 million Americans who travel in our skies every day?

The lessons of privatization are hard learned and should not be ignored. Other countries have tried this already and they have paid the price. Australia, Canada, and Great Britain all have privatized systems that did not live up to the promised benefits of privatization. Just to clear the air, privatization means that these tasks will be handed over to companies whose mission it is to make a profit and who will try to do the job at the cheapest prices.

A member of Parliament of the British House of Commons named Gwyneth Dunwoody said this:

> The privatization of the United Kingdom's air traffic control system was a grave mistake, and one that the United States can still avoid making. British air traffic controllers are among the best in the world, and they fought tooth and nail to keep ATC in the public sector.

The public sector means in government.

> They insisted that the sale of the national air traffic services would lead to a collapse in morale, the unwise introduction of inadequate and unreliable equipment, and an increasing danger of catastrophic accidents. The Government did not listen and went ahead. They were wrong and the air traffic controllers were right.

Costs have gone up and safety has gone down since Great Britain adopted privatization. Near misses have increased by 50 percent and delays have increased by 20 percent. Do we want to risk near misses in the skies over America? Do we want to take a chance because we can buy security on the cheap? I do not think so, and I am going to do whatever I can to prevent that from happening.

The British Government has already had to bail out the privatized air traffic control company twice. When is this administration going to take off the ideological blinders from its eyes and learn the lessons taught to our British friends?

President Bush himself should be quite familiar with the importance of our air traffic control workforce. Last month, on September 10, the day before the second-year anniversary of the most tragic attack on our soil, the President traveled to a fundraiser in Florida. As Air Force One, the President's airplane, approached for a landing, air traffic controllers noticed an unidentified car on the runway that Air Force One was attempting to land on. Disaster was avoided because of the quick reaction of those air traffic controllers in Jacksonville.

Despite these lessons, the administration has pushed hard to privatize through the contract tower program which has been beneficial to many small airports across the country. Most of these 200 or so small airports would not otherwise have an air traffic control tower.

There are many more. Some 4,000 small airports exist that could use this program, but the administration wants to use the program to privatize some of the busiest airports in the country. Examples of some of the busiest airport towers: They want to privatize the eighth busiest airport in the country, Van Nuys, CA, almost a half a million flight operations in 2002; the 18th most busy, the Denver Centennial Airport in Colorado, over 400,000 flight operations in 2002. In fact, those two airports are busier than Washington Dulles, which was 23rd with 392,000 flight operations in the year 2002. We look at Arizona, the 24th busiest airport, Phoenix/Deer Valley Municipal Airport, 390,000 flight operations in 2002. The list goes on. We are looking at the 50 busiest airports in the country.

Some may notice that two airports were dropped out of the list, both in the State of Alaska. Now, why is Alaska exempted? The chairman of the Transportation Committee in the House of Representatives is Congressman YOUNG. He is chairman of the committee because he has seniority. Well, he made sure that the two Alaskan airports that were listed for privatization were taken off the list. They are smart in Alaska. They know they have to fight to protect themselves. They are a long distance from the mainland, but they are smart enough to exempt themselves from this dangerous privatization scheme.

I do not believe the safety of every other airport in our national aviation system is any less important than the safety at Alaska's airports.

The White House interfered in our process and altered language in the FAA conference bill so they would be explicitly allowed to privatize some of the busiest air traffic control towers in the world. It is for this reason that I and many of my colleagues are not going to agree. We are not going to accept any FAA reauthorization conference report without language prohibiting privatization of our air traffic control system. I am going to fight until the will of the Senate is heeded. Others have pledged to do the same thing.

I want to make clear to my colleagues that we passed legislation to prevent privatization of the air traffic control system. It was bipartisan. There were 11 Republicans and the remainder Democrats who passed that bill.

The system is made up of many important parts, including the air traffic controllers themselves, those who run the towers, the technicians who have the responsibility to certify that the equipment is working, and the flight service station controllers who communicate directly with the pilots as they make their way to their destination.

As FAA conference leaders did not abide by the will of both the Senate and the House to prohibit privatizing our air traffic control systems, my colleague, Senator ROCKEFELLER, the ranking member of the Commerce Committee's Subcommittee on Aviation, and I, introduced S. 1618. It is the Temporary Federal Aviation Administration Reauthorization Act of 2003. This legislation extends funding for reauthorization for all aviation programs, including the AIP program, for 6 months, and it also addresses the immediate safety and security needs while FAA conference leaders work with us to go back and fix the problems they created for themselves in the FAA conference report.

But, unfortunately, my unanimous consent request to pass this extension was objected to by the majority. In the meantime, our Government operates under a continuing resolution that means we couldn't get our work done in time, that as fiscal year 2003 ended we were not prepared, though we knew a year in advance that the new fiscal year was going to start with October 1, 2003. I find it outrageous that the Republican leadership in Congress would effectively punish our economy with further job losses in order to afford the opportunity to the White House to wage their ideological battles.

I am appalled they would intentionally zero out the Airport Improvement Program, again, the program that keeps updating our airports across the country. It is over $3 billion. I am appalled they would intentionally zero that out, zero out the opportunity to put Federal funds in there for airport construction programs, to muscle their plan through the Congress. It is not going to happen.

Our economy cannot stand to lose any more jobs, and using a continuing resolution to cancel a program which will provide $3.4 billion in AIP funding is just irresponsible.

I hope when we get this bill up my colleagues will work with us so we can do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

MORNING BUSINESS

Mr. SESSIONS. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SESSIONS. Mr. President, I want to share a few thoughts. I will probably talk about it next week on the supplemental for our activities in Iraq.

I congratulate and will be forthright in my support for the military men and women who are serving so extraordinarily well and Ambassador Bremer for his leadership in an effort to create a new government in Iraq where the people can live and progress and have the benefits of progress that have been denied them for so long.

I am exceedingly pleased with what they are doing. They are operating at risk, particularly in certain areas of Iraq—at less risk in other areas. Progress continues to be made throughout the country. I am proud of that.

I was a Federal prosecutor and attorney general of Alabama. I served in law enforcement for over 15 years. I went to Iraq in August and asked specifically to visit the Iraqi police training center, which I was allowed to do. From the beginning of this effort, it was clear to me that the key to a prosperous and healthy and stable and peaceful Iraq is the bringing on of a capable police force.

It is not as easy as you would think. The Iraqi police were functionaries under Saddam Hussein. He had a tough secret police that did the heavy, vicious work, and he had other police who were poorly trained, and many of them not functioning at the level at which we would expect police in the United States to function. So it is not an easy thing.

Originally the plan was to bring on a smaller police force. I urged them to go to a larger police force, and they certainly are doing that. We now have 35,000 police up and operating in Iraq. These are Iraqis. The goal is going to be to double, or more, that number.

We also have plans to bring on an Iraqi Army, which is exactly the right thing. Our numbers were smaller but now we are looking to have a 40,000-person army. We could go more. I would have thought at first glance that we would have a larger army. But the truth is, Iraq is not subject and not expecting and we should not worry too much about an invasion of Iraq. What we have in Iraq is a suppression of pure and simple crime—criminals, thugs, gang members, and that sort of thing. We have the remnants of a Baathist regime that is attempting to sabotage a new and free government in the hopes they can at some point in the future recapture control of Iraq. Then we have Islamic extremists, not out of the heart of Islam but this extremist element that is slipping into the country and participating. So this is quite a different thing than what normally an army would confront.

These comments are relevant because a large part of the supplemental that the President has asked for has been for the training of police and security forces. The administration, Ambassador Bremer also plans to bring on a substantial number of security forces. Those would protect sites such as the oil companies or the electricity or the water companies that may be subject to sabotage and may require a different kind of training; maybe less training.

I point out these officers are being paid less than $100 per month. And I suppose for the most part they pay their own food, rent, and that kind of thing. But in salary alone, we could hire 20 Iraqi police officers for the cost of one American soldier there on salary, not counting the support group that has to keep that soldier there, not counting the food they have or the retirement benefits or any of those things. So we can probably do 30 or 40, maybe 50 Iraqi soldiers for the cost of 1 American soldier. The price, as I understand the salaries for the soldiers and police, are not a lot different, and run, generally, under $100 a month. This is the right way to go.

I had the opportunity when I visited in Iraq in August to go to the base, the operating base of a military police unit from my home State of Alabama. They were first rate. Over half of them were police officers in the State, patrolling State Troopers and sheriff's deputies and others. They have real-world experience. They told me they were patrolling with Iraqi police officers on a daily basis. They go to the Iraqi police station, they buddy up, and go out and patrol in that fashion. That is precisely what we need to see more of.

There are a lot of reasons for that. Our soldiers, the mere presence of them, sends a clear message that we will not allow any organized group to assume control or domination over any area of Iraq.

Really, they are not good police officers because they can't speak the language.

They may be some of the best police officers in Alabama or anyplace in the country, and they may have been trained going through the FBI Academy. But if you can't speak the language, you really can't be as effective as you would like to be. What they are effective at is encouraging and strengthening the local Iraqi police officers. They are good at training them, showing them how to keep records and how to maintain intelligence. They can provide integrity, courage, and a sense of consciousness that we are going to be with those Iraqi police officers who stand for a new Iraq, who put on that uniform, and who go out on patrols in neighborhoods where people know them and their families. If they will show that courage and step out there and do the job, they can be successful and create a country that would be quite different than they have had before. I know that can happen. I am really convinced that can happen.

I am pleased that this supplemental has a good deal of money for that. Some Members complain, well, we don't mind helping our American soldiers over there, but we don't want to spend our money on infrastructure or police training.

By the way, the infrastructure money includes training for police and soldiers and for deployment of police and soldiers. I think that is wrong. What we know is this: We know we are spending almost $4 billion a month to sustain our military forces there at some risk. There is no doubt about it. We have lost 90 soldiers since May 1. I suppose it has been 120 days since that time. It is very disturbing.

I went by Walter Reed the weekend before last. I talked to soldiers who lost limbs, who had been injured and are rehabilitating. Their spirit was terrific. But it does not cause you to lose appreciation. It causes you to increase appreciation for them. I know the Senator from Texas has lost soldiers from Texas. We have lost 10 soldiers from my home State of Alabama since this war began. I have had the burden of calling families to express my personal sympathy and the sympathy on behalf of our country for their service.

What do we do here? People say let us support our troops. Let us make sure they have the money, but we want to attack this extra money. It is $60 billion of this $87 billion for soldiers and maintaining our military presence. It is $20 billion for reconstruction, which includes bringing on a military and a police force.

I am going to tell you frankly what my view is. I believe we need to help this country create a new country, one that provides opportunities for all Iraqis to succeed.

Dr. Chalabi was the president last month of the council. They rotate. He was here this past week. I note that some have criticized Dr. Chalabi here and there. But he has been very effective as a leader over there, it appears to me. He is outspoken and brilliant. He went to the Massachusetts Institute of Technology. He majored in mathematics. He went to the University of Chicago and got his Ph.D. in mathematics. He was dean of the American University School in Beirut, Lebanon. He spent 4 years living with the Kurds in northern Iraq as he helped to participate in the effort to overthrow the evil regime of Saddam Hussein. He was sharing his vision of how they have already passed laws to allow economic progress to occur. They have already passed rules that would break down the racial traditions. He said they had a law. Saddam Hussein went back to determine racial ancestries to the fifth generation and completely wiped them out. People are going to be given a chance no matter what background or religion or ethnic group they are from to progress. It is exciting to hear people who have been there talk about it. The key to it is going to be the police.

One Senator said, well, they are not very good. Senator KENNEDY said they are not effective. I asked our MPs in August about Baghdad. Baghdad is a tough area. Some of the areas are very peaceful, and things going along much better than some of the areas in Baghdad. There are tough areas. They said: We like these police officers. They are working with us. We patrol with them on a daily basis. One young soldier told me, with no brass around: We bonded with them.

That is an important concept.

At Walter Reed the week before last, one of the soldiers who was injured was an MP. He is a good-looking young man. I asked him some questions. I asked him about local police, did he work with them. Yes.

I asked: How good were they? What he said to me really kind of shocked me.

He said: That is exactly what President Bush asked me when he came by here.

The President was at Walter Reed and visited with him and asked him that question. How are the local police doing? He said: Yes, they are not ready to take over the country right now. But he said they are good. There are some good ones. He talked about when they went on patrol. One of the Iraqi policeman was at the rear of the patrol. They took fire. He returned fire in an effective and courageous way. He was impressed with him. He said that he showed discipline and courage under stress. He was impressed.

I also had the opportunity to meet the chief of police in Baghdad. He is a very impressive man; a two-star general under Saddam Hussein who made negative comments about Saddam Hussein which resulted in him being put in jail for 2 years.

When asked by Secretary Wolfowitz at one point why he spoke out against Saddam Hussein, he said he really didn't speak out. He was talking to his closest friend, questioning him, and it leaked back to Saddam Hussein and he goes to jail. That is the kind of life under which they lived. This man is courageous. Some say the police don't have gumption. But he goes out personally on raids. They are doing raids every night seizing weapons and arresting dangerous individuals.

Two weeks before I got there, leading a raid late one night, the chief of police—you will not see that much in America cities—was out on a raid and was shot in the leg and wounded. He came back to work sooner than he was supposed to according to the doctors because he wanted to be there. He wanted to show his commitment and wanted to get the work done for Iraq.

Subsequent to my return, there was a bomb attempt to kill him.

There is a tough, dangerous group out there. How do you get them? We are not going to get them with rolling tanks down the street. We are not going to get them with armored vehicles on the streets with Americans who really become targets. We are going to get them by utilizing intelligence from individuals. We are going to utilize individual police officers who are Iraqi citizens, who believe in a new Iraq, who are willing to step up and be counted, and who can change that country forever.

It is an exciting thing out there. I particularly wanted to share my thoughts today.

I do not agree with the comments of the distinguished Senator from Massachusetts who suggested that the police in Iraq are not effective and can't do the job. No, we shouldn't walk away from that. We shouldn't leave them out there exposed. If we stay to back them up, we will be able to draw down our soldiers. And the sooner we can draw down our soldiers, the better we are going to be. That local police force can be the key to stabilizing the country so that a new government can be formed—a free, independent constitutional government that provides legal protection for all.

I think we can be successful. We have made a commitment as a country. We voted in this body 77 to 12 to undertake this activity. We were told that all kinds of bad things would happen. Some have happened. We lost some soldiers. But we lost fewer than most people were predicting. We didn't have the house-to-house fighting in Baghdad. We didn't have the thousands of casualties that many predicted. We didn't have a humanitarian disaster. We did not have a lot of things that were predicted. But the looting that took place exceeded anything I imagined. We found out the infrastructure in Iraq was far more damaged, having had far less updating and improvement in 20 or 30 years of his warring than most people imagined. It will take more money than we thought.

So we get electricity turned on in that country and have it reliable for the first time ever, we get the water on, a healthy water system, a police force, and a continuing strengthening of that government.

We will have a new government and we will have been successful in eliminating a major threat to this world and eliminating one of the most despicable evil leaders this world has seen. I will put him in the top 10 at any time. Any person who sees the graves of people killed by him knows that is true. You see the pleasure the people have of seeing him gone. It is overwhelming. A European poll not too long ago said 87 percent of the Iraqi people did not want the United States to leave right now.

We will be able to help them do something special, create a better life for that area of the world, and in the long run that will be a magnificent advantage to us. We do not want to take over their oil or their land or dictate religious faith. We simply want them to progress, to be successful, to create a good government so their people will be able to live in peace and harmony. That is our goal. It is a great goal and worthy of the United States.

This supplemental is critical. I am a frugal Member of this body. I am proud of the Watchdog of the Treasury Awards I get. I watch closely how we spend money. But right now, let's do the right thing. Step up the effort to create a stable Iraq, step up the timetable of bringing our troops home, and help step up the time the people of Iraq can have a decent government.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOSHUA ALEXANDER BOYCOTT

Ms. MURKOWSKI. Mr. President, I stand before you today to speak of a young man who has touched many of the lives here in the Senate Chamber. It is with great sadness that I rise today to talk about a young man from Alaska. Alaska and the country lost this young man last week.

On Friday, just 1 week ago, one of my former Senate pages, Joshua Alexander Boycott, was killed in a car accident in his hometown of Fairbanks. It was one of those mornings. He was driving his younger brother to school. In Fairbanks at this time of year, winter is starting to happen. It was the first snowfall, with slippery, icy roads. Apparently Josh lost control of the vehicle and was killed.

Josh was one of those young Americans, those young Alaskans whom we look at and we can identify instantly as a young man going places. I look at the beautiful faces of the young pages who serve in this Chamber. I look at each one of them and I see the potential and the greatness in each and every one of these beautiful young men and women. Josh had that.

Josh came to the Senate during the 2002 fall semester. He was one of those who so thoroughly enjoyed what he did in the Senate as a page. For those who are not familiar with the routines and rituals of the pages on the Senate floor, it may seem that oftentimes what pages do is a bit mundane—filling glasses of water, standing guard at the door during the votes, getting lecterns for Senators so they may speak, running errands all over. It is not exactly intellectually challenging, high-powered stuff. But Josh enjoyed every bit of it. He would stand there and open the door with a big smile and a "Good morning." It was not just to me, his Senator from Alaska, it was to every Senator who came through. He was so thoroughly enjoying being part of the process. He was well liked by the other pages with whom he worked. He did exceptionally well in the page school.

Again, the pages certainly know the routine they have to deal with on a daily basis: Very early morning hours, attending page school, full, long days, attending to their duties here in the Senate Chamber. And then in the evening, it is not as though you have the night off and can go do what you want; it is time to study and do all that is required of you. It is an extremely rigorous schedule, but there were no complaints from Josh. He was thriving on it because he was doing exactly what he wanted to do.

The last time I saw Josh was in late July. He was one of two Alaskans selected to attend the American Legion Boys Nation, a conference at Marymount University just outside of Washington, DC. After the conference ended, he came up to my office to say hi to everybody because he made great friends here. I was fortunate enough to be having a party for my summer interns at my home that night. We were having a barbecue at the house, so I invited Josh over to join us. He fell right in with this group of new Alaskans he hadn't met, but by the end of the evening it was obvious everybody enjoyed him as much as I had. It was a wonderful conversation. We were talking about what it is he wanted to do when he grew up, where he wanted to go next. He actually had aspirations of attending my alma mater in Washington, DC, which is Georgetown. Josh was in the process of applying to the university.

What he really wanted to do was return to Washington, DC, to continue his passion for politics. He had seen so much, he had observed so much, and was so stimulated by what he saw around him that he wanted to come back and make a difference. I have no doubt that were he able to, he would have done just that.

In addition to being a great young man everybody liked, he was a great student. He was at the top of his class, ranking 15 out of 262 seniors. He scored over 1500—actually, 1510—out of a possible 1600 on his SAT exam. He was an incredible singer. I had the privilege of being serenaded, if you will, by his singing choral group in Fairbanks. I looked over and said, wait a minute, don't I know that boy from somewhere? It was during the summer months. He left DC as a page and he was then back in Fairbanks. I looked over and I thought, wait a minute, that is Josh. What is he doing singing like a bird. It was beautiful, just gorgeous.

Josh was a dynamic young man, a gifted young man who had a future that I think we can look to and say he was making a difference. It is a tragedy Josh's life was cut short. He was truly an extraordinary young man who brought so much joy and so much pleasure to everybody who was around him. I personally feel blessed to have known him, to have been able to share some of his short time with him. I ask that we remember his friends, and particularly his family, who are grieving for this loss at this particular time.

But as we reflect on the life and contributions of a young man such as Josh Boycott, I suggest all those who are able to serve us here as pages in the Senate look at this as a gift, an opportunity to be in a place of service, to be in a place where you can learn, and you can give back so much at a later point in your life.

So, again, I am blessed to have known Josh. I know many in this Chamber feel the same way. I mentioned yesterday in the cloakroom that I was going to be speaking about Josh, and everyone in the cloakroom remembered him. He has been gone from the Senate Chamber now for over 6 months. All the Senate pages look alike—in terms of their dress, that is—yet Josh had distinguished himself.

So it is with great love and respect that we pay tribute to this fine young man and to his family during this time of mourning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG BENEFIT

Mr. FRIST. Mr. President, health care affects each of us in very personal ways. As a physician, but also being majority leader, people will come to me and ask: What are you doing about this particular health care issue? It might be a senior who asks: Why don't I have access to prescription drugs as I did when I was 60 years of age and employed by a company, and all of a sudden it disappears when I go into Medicare?

That is the type of question to which this body has responded and, indeed, we have passed a prescription drug benefit appropriately coupled with health care—Medicare specific—modernization, in the sense that it brings the Medicare Program up to today's standards, the type of health care to which other people have access.

We are addressing in the conference between the House and the Senate this Medicare prescription drug package. We had two meetings today with the various conferees, in a bipartisan way—the House and Senate together working through the details of marrying the House and the Senate bill. I am absolutely confident that under the leadership of Chairman Bill Thomas in the House and Vice Chairman Chuck Grassley in the Senate that this conference will deliver a bill in October that will accomplish that goal of health care security and access to prescription drugs for all seniors.

People also ask me: What about those people who do not have access to health insurance, those people who are not in Medicare at all? Medicare is our program for seniors and individuals with disabilities. What about those who are not in Medicaid, which is our unique Federal-State partnership through which health care is delivered for the underserved and the impoverished or poor of the Nation? What if one is not in an employer-sponsored plan as I mentioned?

Most people who are not in Medicare and Medicaid, the overwhelming majority get their health care through employer-sponsored plans. What if somebody is not in one of those plans today? What if one is not in the SCHIP program, the program that originated in our Congress that reaches out to children predominantly run by States, or if one is not in a Government program or not in the private program and thus uninsured? What are you doing, Senator FRIST, and what will you do?

This week, the Census Bureau confirmed what many of us felt and feared, and that is that the number of people without health insurance increased last year to over 43 million. That is about one out of every seven Americans under the age of 65. That represents a 5.7 percent increase over 2001. So the uninsured number is increasing, and there are a lot of reasons why. We have talked in our various conferences and committees and debated why that number is increasing. One can parse the statistics and numbers and say that is how many do not have insurance over a period of time, and 6 months later many of them will have insurance.

Putting all that aside, I argue that the uninsured are among the greatest health care challenge we have in the United States of America today. Thus, I believe we have a real obligation not to say we have so much else going on that we cannot address that but that we do have really a moral obligation to address this issue of the uninsured and to do it in a systematic way.

As I mentioned before, very much of our focus has been on Medicare today. I will mention shortly some of what we have been doing with regard to the uninsured, but there is still a lot we need to be doing. If we step back and look at our economy, although the economy itself is improving—and maybe not as quickly as a lot of us would like, but the economy is getting better each day—in spite of that, the budget pressures at the State level and the job losses from last year combined in a very complex way to increase the number of uninsured to 43 million people. To me, this is one of the most daunting health challenges—I would say it is even beyond health policy challenges—that we have affecting our Nation.

I say that in part because of personal experience. I have had the opportunity to treat Medicare and Medicaid patients and the uninsured through the transplant program in which I had the opportunity to participate in Nashville. Both in the acute care and in the chronic care, it is obvious that if one has no health insurance, no help with being able to access health care with a lowered financial burden, one's quality of health care suffers. It is not as good as the health care of people who have some type of insurance, private sector or public insurance.

The uninsured are four times less likely to receive dental care and necessary medical care. They are five times less likely to obtain prescription drugs. They are four times more likely—and this really makes sense—to access the emergency room for routine care rather than the more efficient, and arguably more effective, channels of being able to see a physician or go to a doctor's office.

The lack of affordable health care is also one of the key factors that affects what we call health care disparities among the underserved or minorities themselves; that is, where a person of one race has different health care outcomes than those of another race or one socioeconomic level versus another socioeconomic level. It does not explain it all, but it is clearly one of those variables we can affect, and we have to do it in a coordinated way because our health care system in America, which is the best in the world, no question about it, overall health care in the United States is of higher quality than anywhere in the world.

If we do look at the numbers that were released this week, they were a year old, and since they were compiled—because they are historical data, being a year old—the economy has improved over that year, and indeed almost all economists expect that, depending on how one looks at the statistics, we will have annualized growth of nearly 4 percent in the coming months. It may go higher than that and come back down a little bit, but we will have good, significant growth in the coming months.

Indeed, the Associated Press this week reported:

> America's consumers, flush with tax cuts that left them with extra cash in their wallets, ratcheted up their spending by a strong .8 percent in August, helping to power an economic resurgence.

So I think we are seeing improvements in our economy. That is only just beginning to be reflected in jobs. We did have encouraging news earlier this morning from the Labor Department that U.S. companies show a net increase of 57,000 jobs. That is good news for the economy, but also that is good news overall for health insurance or medical insurance. Why? Because most Americans in this country get their health care through their employer, through jobs. Thus, as we grow the economy and add jobs to the economy, we do have an expansion in medical coverage.

While the recovery takes hold, it is clear that we have an obligation to respond with policies and that as we look at the future agenda in health care, we need to focus on the uninsured.

Some of what we are doing now in this body, in response to what we recognize is a major problem and one that is growing, are the following: Last month, the Senate passed the Labor, Health, and Human Services appropriations bill. In that bill, we had $1.6 billion for community health centers. We met the President's request for an additional $122 million in funding over last year, which was an increase over last year. This response by this body enables us to move toward the President's goal of enabling community health centers to serve an additional 6 million patients by the year 2006.

We all have community health centers in our States, districts, and regions, and we know the vital role they play in reaching out to the underserved or those without health insurance today.

I say we all know, and I say that in part because I have been so involved in health care issues, being a physician, but I think we need to shine a light on them. They serve a tremendous need and respond in an innovative, flexible way that is locally driven, which is something that cannot be praised enough.

Second, as I said, many people get their insurance through Federal programs or joint Federal-State programs. There is a program called SCHIP. Basically when you hear SCHIP, think health care for children. In July, the Senate fulfilled the President's request to extend the availability of $2.7 billion in Federal SCHIP funds that either expired at the end of 2002 or will expire in the current fiscal year. These funds will be available to allow States to continue the program without which, if we had not acted, as many as a million children would have lost health coverage. That has now become law.

In addition, in terms of looking at what we are doing, focusing on this whole issue of the uninsured, if you look to the jobs and growth package, the 2003 jobs and growth package that we passed—people always talk about the tax cuts, tax relief which is so instrumental in pulling us out of this recession and stimulating our economy, but in there as well was $20 billion in fiscal relief that goes directly to the States, and about $10 billion of that was specifically targeted at enabling the States to maintain gains they had made in health care for the poor through their Medicaid Programs through a tool or through the technique of the enhanced Medicaid Federal match rate. That is the technical way of saying the Federal Government, in an enhanced way, helps the States with funds that go directly to the State.

I mentioned those two or three examples because it is important for our colleagues and others on the other side of the Capitol, in the other body, and really our constituents, to understand that we in the Senate are addressing the issues of the uninsured. President Bush has made tax credits, what we call refundable tax credits for low- and middle-income families, a major part of his proposal to address the issues of the uninsured and to expand health coverage. He also has consistently supported medical savings accounts and promoted the expansion of medical savings accounts in other ways that can offer affordable health care options to those who might not have insurance today.

The President and we, or many of us—about half of us; not all of us—in this body continue to fight hard for medical liability reform, medical litigation reform, malpractice reform. The reason for that is not to in any way jeopardize the very good system we have, that if there is harm and injury there is just and fair compensation, but the purpose for that is to get rid of the unnecessary lawsuits, the excessive lawsuits that drive up the costs of health care that ultimately are passed on to patients, driving up the cost of health insurance for everybody. Meaning, if you don't have sufficient resources, you simply give up your health insurance or you can't get it in the first place. Again, it is an important part of the President's initiative, as well as our own initiative on this floor. For my colleagues, I will say we will keep coming back to address this whole issue of medical liability.

The cause of 43 million people who lack insurance today is difficult to characterize, in terms of a generalization. It does take a targeted approach to identify who the 43 million people are and then target specific approaches to them. Therefore, it has to be comprehensive but it is also very complex by its very nature.

I think the tone of a lot of the debate today on the uninsured has been polarizing. Because of that polarizing framework, a lot of people have been hesitant to put it out front and to put an agenda out front. I wish to share with my colleagues my commitment to work to find workable solutions to a problem that is increasing, a problem that directly affects the health care of 43 million but indirectly affects the health care, really, of us all.

In that regard, I have asked Senator JUDD GREGG, our colleague from New Hampshire, to lead a Senate Republican task force on uninsured and access to affordable health care coverage. I have asked Senator GREGG and his task force to propose a series of recommendations to address the uninsured issue so we can both debate, discuss, and through committees but also on the floor attack this problem head on.

The task force will be looking at all options, including new ideas. I look at it as a place that ideas can be brought, that we can debate and discuss, and hopefully we will look at many of the ideas that have been proposed in the past but also reach out and obtain new ideas, creative ideas, ideas we may not yet have thought about or that we haven't addressed in the past.

I do intend to take these recommendations and use them as a basis in establishing a legislative agenda so we can on this floor systematically address the issue of the uninsured.

In closing, I appreciate Senator GREGG's willingness to take on this task. I look forward to working with him and his task force in addressing this pressing issue. I am confident that out of this task force we will get new ideas, innovative thinking, dynamic ideas that will allow us to deliver real solutions to the American people who do not have health insurance today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before he leaves the floor, I say to the distinguished majority leader how much I have enjoyed working with him over the years on this issue of health care. As he knows, Senator HATCH and I have worked for many months on a bipartisan proposal that we would like to be part of the discussion he is going to launch. I have come to the conclusion that, as pressing as the financial issues are with respect to health care, the social and ethical issues are going to be even more important as we face this demographic tsunami of millions of baby boomers who are retiring in 2010 and 2011. So I am grateful the majority leader continues his interest in health care.

I continue to have a bipartisan interest in working with the majority leader, who has spent so much time on those issues over the years. I know I speak for Senator HATCH in this regard as well.

We have to break the gridlock on this issue. Literally for 60 years, if you look at the parallel between what Harry Truman tried in the 81st Congress in 1945 and what was tried in 1993 and up to this day, we see, unless we find a way to take a fresh approach, as the distinguished majority leader said today, we are not going to break this gridlock.

So I welcome your statement today. I am anxious to work with you and the chairman of the committee, Senator GREGG, to pursue these proposals.

Mr. FRIST. Mr. President, just briefly responding through the Chair, I very much appreciate those comments because, just as we have done with Medicare, it is going to take strong bipartisan support to get good, effective legislation through.

Second, the point about why now versus 10 years ago, 20 years ago, or 30 years ago—I agree wholeheartedly. We have this huge demographic shift that didn't occur 10 years ago or 20 years ago or 30 years ago or 40 years ago, that we are realizing right now. It gives us a perfect reason for all of us to come together to address these problems—the uninsured is a major one for both of us—in a way that may be unprecedented, at least in the last 10, 20, or 30 years.

I very much appreciate those comments and look forward to working with my colleague.

IRAQI GASOLINE PRICES

Mr. WYDEN. Mr. President, I come to the floor this afternoon because I am troubled by what appears to be a request by the Bush administration in the Iraq supplemental that would have our citizens use their hard-earned tax dollars to subsidize the cost of gasoline in Iraq so Iraqi citizens would only have to pay 10 cents a gallon.

The questions I am going to raise this afternoon with respect to this proposal can all be found essentially on page 29 of the report with respect to the request for the supplemental funds for rehabilitation and reconstruction of Iraq.

For those who are following this discussion, this is under the question of the purchase of oil products at page 29 of the request for the supplemental.

I want to begin asking some questions about the fairness of this Bush proposal and about how this subsidy program that is in this report would work if it was actually to be funded by the Senate.

Today I also intend to send a letter to the President trying to get answers to some of these questions. But I would tell the Senate that here is what we know at present.

The Bush administration has included in its Iraq supplemental funding request an estimated cost of $900 million to cover the difference between "Iraqi demand and refinery production to establish and maintain a 30-day reserve in all major petroleum products to ensure no interruption in basic services due to terrorist activity."

The administration's funding request specifies:

> $600 million will be needed in the first quarter of 2004 to compensate for the large difference between demand and production and to build this 30-day reserve.

The first question is, How much is going to be spent on creating this reserve, and how much is going to be spent on purchasing gasoline for Iraqis? Using demand data from the Energy Information Agency's latest report on Iraq and current market conditions, it is estimated the establishment of a 30-day fuel product reserve would cost approximately $200 million. If that amount is correct, that would mean roughly $400 million would be spent to purchase gasoline and other petroleum products for Iraqis in the first 90 days of next year. Iraq is importing about 750,000 gallons of gasoline a day, according to recent statements by senior oil ministry officials.

Based on those statements, Iraq would need about 67.5 million gallons during the first quarter of 2004. If that estimate is correct, U.S. taxpayers would be paying almost $6 per gallon for the gasoline that is provided to Iraqis by the United States in the first quarter of 2004.

The question I ask today and in the days ahead will be: Why does it cost $6 per gallon to provide gasoline to Iraqis when the cost in neighboring countries such as Saudi Arabia and Kuwait is less than $1 per gallon and below the $2 per gallon cost almost everywhere in our country?

According to an article in the Houston Chronicle on September 28, the United States has already spent hundreds of millions of dollars to provide gasoline to Iraq under the contract previously issued with Halliburton. My question here would be: What is the cost of gasoline that has been sent to Iraq by the United States? What was the wholesale price involved here that Halliburton paid for the gas sent to Iraq at taxpayer expense?

Of course, I think our citizens would want to know what profit was made on these deliveries.

The Houston Chronicle also reported that in Iraq the low-octane government-subsidized gasoline sells for less than a dime a gallon.

I ask unanimous consent that the article from the Houston Chronicle entitled "U.S. Taxpayer Footing Bill for Cheap Iraqi Gasoline" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle; Sept. 28, 2003]

U.S. TAXPAYERS FOOTING BILL FOR CHEAP IRAQI GASOLINE

By Michael Hedges

BAGHDAD, Iraq.—Mahmoud Ali, a gap-toothed 15-year-old, worked steadily under a penetrating sun at his rather monotonous job outside the large Mansur filling station here.

Taking turns with his two uncles, Ali waited in line in the family's 1982 Chevrolet to get a tank of cheap gasoline, which the locals call benzene, at the station subsidized by the Iraqi Oil Ministry.

After filling up the faded white Chevy, the men pulled the vehicle to a curb. There, they siphoned the fuel into 20-liter plastic jugs to sell at triple the posted price to other drivers too frustrated to wait in the lengthy lines.

Then, one of the men drove the Chevy back to the line to sweat it out until another full tank of fuel could be secured.

Selling fuel at three time its state-set price about 100 yards from a line of 14 working pumps would be a hard dollar to earn in another economy.

But it works here in Iraq, because the low-octane, government-subsidized fuel sells for less than a dime a gallon. Even working-class Iraqis earning a few dollars a day are willing to pay outrageous mark-ups to avoid the line.

"Benzene is cheaper than water here," local journalist Qais Al-Bashir said Friday.

What it is costing American taxpayers is another story.

Since the fall of Saddam Hussein's regime last April, Iraq's resuscitated oil industry has been unable to produce enough gasoline, cooking oil and other petroleum products to meet the country's needs.

So far, U.S. taxpayers have spent some $562 million under the Halliburton contract to bring in gasoline and other fuels and make needed repairs to Iraq's gas distribution network, according to the Army Corps of Engineers. In fact, that effort has accounted for nearly half the $1.22 billion worth of work that Halliburton has performed in Iraq since the war.

"The benzene we sell here comes from Turkey, Kuwait and Saudi Arabia," said Majed Mohammed, 44, who manages the Mansur station for the Iraqi Oil Ministry.

"Before the war," he said, " it was 100 percent from Iraq. But now we have problems with sabotage of the pipelines. The refineries are working at far less than capacity."

Mohammed, who has worked for the Oil Ministry for 21 years, said artificially low fuel prices are nothing new to his country.

"The cost is subsidized by the ministry," he said. "It was like that before the war when Saddam was here, and it is the same now. We are obliged to do it because of the needs of the people. If we didn't, there would be major problems and even more anger at the Americans."

Iraq is importing about 750,000 gallons of gasoline a day, according to recent statements by senior Oil Ministry officials. Expectations by the Bush administration that oil could fund the massive rebuilding of the country—or at least the needs of its people in the immediate future—have not been met.

Iraq's oil output is less than half the pre-war level of 2.3 million barrels per day and only about one-third the 3.2 million barrels produced by the nation before the 1991 Persian Gulf War and the subsequent United Nations embargo.

Experts differ on when Iraq's fuel production capacity will reach 1990 levels. The Coalition Provisional Authority, which oversees the U.S.-led occupation, has said that production could reach 3 million barrels per day by later summer of 2004. Private analysts have said it could take at least a couple of years to reach that level.

For the foreseeable future, the occupation authority will have to spend massive amounts to underwrite the fuel used by Iraqis. And conservation seems unlikely in a country where decades of cheap gasoline have created a culture in which driving around in aging, fume-spewing cars is seen as a form of recreation.

"Iraqis always loved to drive, and there are more cars than ever now—cars from Kuwait and Jordan that have come in since the war," said Mohammed, the Mansur filling station manager.

Even on Friday, the Muslim holy day, lines formed at the city's fuel stations.

"We used to be open 24 hours a day before the war, so there were no lines," Mohammed said. "Now we have a curfew, and people don't feel safe to wait in line after dark because of the explosions."

The 10-person staff at the Mansur station provides its own security, and a stack of AK-47s is kept handy in the main office.

Not all the city's fuel stations are owned and operated by the Oil Ministry, though none is a truly private business.

Meqdam Abdullah, 30, runs a station near the Sheraton Ishtar Hotel in central Baghdad that his family leases from the Oil Ministry. In exchange, officials sell fuel to the station at a slightly reduced price. By averaging sales of more than 100,000 liters a day, the station ekes out a small profit, Abdullah said.

But it is a tough business. During the war, the station got caught in a firefight between U.S. soldiers and armed looters, as evidenced by patched bullet holes.

Since the war ended, thieves have struck more than once, taking, among other things, the station's generator that is needed to produce electricity. Abdullah's family had to pay the looters to get the generator back. It was a necessary expense, because officials provide electricity to Baghdad in sequences of three hours on, three hours off.

Like many other Iraqis, Abdullah said the failure of U.S. authorities to provide security is his biggest complaint in the post-Saddam era. The lack of consistent electricity is the second.

He attributed the sporadic power to some inscrutable form of manipulation similar to the times, he said, that Saddam cut off fuel to disfavored minorities.

"America," Abdullah said, "is the world's great superpower, and it can't get the electricity back? I can't believe that."

The generator briefly failed at the service station on Friday. Ironically, dirty fuel provided by the government because of poor refining was believed to be the cause, Abdullah said.

For a while, the station was quiet. But as the generator sputtered back to life, cars immediately veered into the lanes besides the pumps.

The only types of gasoline transaction not largely controlled by the Oil Ministry here are the bootleg operations like those of Ali and his uncles.

"It is illegal, but no one bothers with them," shrugged Mohammed, the Mansur station manager.

On Friday, business was slow as Ali and his uncles offered large plastic jugs of fuel for sale.

"It is always slow like this on Fridays, because it is the holy day," Ali said. "But we'll be back tomorrow. We always do well on Saturdays."

Mr. WYDEN. Mr. President, my question flowing from what we have learned and the various issues we have been exploring throughout the days since we learned about this is, Were U.S. taxpayer funds spent to keep the cost of gasoline in Iraq at this heavily subsidized low price?

I am of the view that our taxpayers deserve to get answers to these questions. I think we deserve to get them before Congress votes on the Bush administration's funding request.

I can tell my colleagues in the Senate that when I read page 29 of this particular report with respect to oil products purchased, I was very concerned. My citizens and the folks I represent in the Pacific Northwest consistently pay some of the highest gasoline prices in our country. Oregon, Washington, and California have been very hard hit with respect to gas prices. It amounts to a quasi-monopoly in 27 States in our country. We have red lining. We have zone pricing, and a whole host of anticompetitive practices. Now we have outlined on page 29 of this request for supplemental funds what appears to be a request from the administration to have the hard-earned tax dollars of our citizens go to subsidize the cost of gasoline in Iraq so Iraqi citizens will only have to pay 10 cents a gallon. I can tell my colleagues there are people we represent here in the Senate who are not paying that kind of money.

That is why I want to get the details on this proposal. I am amplifying on the questions I am asking today in a letter to the President of the United States. We also come away with a concern that the administration seems to be willing to support creating a reserve in Iraq to protect Iraqi citizens against interruptions in gasoline and diesel fuel supplies when there is no gas and diesel reserve in the United States to protect our citizens in the event of terrorist activity or other disruptions.

This proposal in the report which I have outlined and referred to specifically so that colleagues can see it raises some very troubling questions.

Given what we already know now that the administration has included in its Iraq supplemental funding request an estimated cost of $900 million to cover the difference between Iraqi demand in refinery production to establish and maintain this reserve due to possible terrorist activities, I think it is time for the Senate to take out a sharp pencil and review this proposal very carefully. I think it raises fundamental questions with respect to fairness and with respect to how the hard-earned tax dollars of our citizens are being used at a time when in my State, with the highest unemployment rate in the country, there is a world of hurt.

I urge my colleagues to take a good look at this proposal because I intend to focus more on it when the Senate comes back after having the opportunity to be home and gather with the people we represent.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARITABLE CHOICE

Mr. FRIST. Mr. President, in April of this year the Senate passed, with an overwhelming vote of 95 to 5, a bill called the charitable choice bill. It is obviously bipartisan legislation that was shepherded through this body by Senator SANTORUM, and a lot of work, over a long period of time, has been put into the efforts for passage of this legislation.

Two weeks ago, the House of Representatives passed its version, H.R. 7, by a vote—again, it was overwhelming—of 408 to 13.

The regular process of the House and the Senate is that the bill will proceed to a conference on the differences between these two bills. Unfortunately, it is my understanding that we will be unable to reach an agreement today, this afternoon, before adjourning to go on break, to appointment conferees on the part of the Senate.

There is, simply put, an objection on the other side of the aisle, and with so many Members who have left for the day, I will not ask for a formal consent agreement. But clearly, I am disappointed that we were unable to take the next logical regular order step in finishing this bill. I do hope we can clear this agreement with my Democratic colleagues just as soon as we return from this nonlegislative period.

Another disappointment for me, as we prepare to adjourn, has to do with the partial-birth abortion ban bill—disappointment that we are not able to progress with the legislative process until we get back. When we do return, I will seek an agreement for the consideration of the conference report to accompany S. 3, the partial-birth abortion ban bill. In fact, it is S. 3 which shows the priority of this body toward this important legislation.

Yesterday the House of Representatives passed the conference report, and as soon as we get back, we will be scheduling it for consideration. The bill passed the Senate on a bipartisan vote of 64 to 33. With the conference complete and with the House having passed the agreement, it is imperative that the Senate consider this measure in short order so the President can sign this legislation into law.

As I watched yesterday with the House completing their responsibilities on this legislation, I was hopeful that we could do that, pass it today. Why? Because this is a bill that I believe will save lives. It is a ban on a procedure that offends the sensibilities of almost all Americans, a procedure that the will of this Congress said to ban, and a bill the President will sign. Yet we will not be able to, at this juncture, consider it until we get back.

I know discussions have begun on both sides of the aisle as to how much debate time will be needed. I encourage members to move quickly on what we expect to be the final action—the final action—on this important priority. I will speak directly to the issue as soon as we return, but I wanted to put my colleagues on notice that we will be moving forward and will be scheduling this conference report for Senate action as soon as we possibly can.

KURT DODD

Mr. BYRD. Mr. President, as the ranking member of the Committee on Appropriations, it is my sad duty to inform the Senate family of the passing this morning of Kurt Dodd. Kurt served as the Democratic clerk on the Interior and Related Agencies Subcommittee from 1998 to 2000.

Those of us who knew Kurt, and particularly those of us who were lucky enough to have worked closely with Kurt, will truly miss his gracious manner, his soft-spoken style, and his profound dedication to duty. I have said on many occasions that the individuals who hold staff positions here in the Senate are, in my opinion, some of the smartest, most dedicated individuals in government service. Kurt Dodd stood at the head of that line. No one knew more about his areas of responsibility than Kurt. No one was more responsive to the needs of the Members of our committee than Kurt. And no one was more widely respected for his integrity and honor, than was Kurt.

Mr. President, on behalf of the Committee on Appropriations, and I am sure on behalf of the entire U.S. Senate, I send deepest condolences to Kurt's family.

THE 16TH ANNUAL NANCY HANKS LECTURE ON ARTS AND PUBLIC POLICY

Mr. KENNEDY. Mr. President, each year, a prominent member of the Nation's cultural community is invited to deliver a lecture on the role of the arts in the public policy. These annual lectures are tribute to the memory of Nancy Hanks, who served as chairperson of the National Endowment for the Arts from 1969 to 1977, and who had the wide respect of all of us on both sides of the aisle.

Robert Redford was honored as this year's Nancy Hanks Lecturer, and he delivered an impressive address at the Kennedy Center last month.

His remarks emphasized the fundamental importance of the arts in our public policy, as an essential expression of our freedom and as an indispensable part of our national imagination at its best.

The unfortunate reality today is that when the economy suffers, support for the arts and for arts education is reduced. In communities across the Nation, funding for the arts and for cultural programming are facing serious reductions. Robert Redford's address reminds us of the unacceptable price we pay for neglecting the arts.

Today, Robert Redford is an American cultural icon, and his accomplishments as an actor and director are renowned throughout the world. His advocacy for the arts is less well known, but he deserves great credit for his impressive leadership and dedication in elevating the national debate on this vital issue. Many of us feel it is his finest role of all.

At the beginning of his lecture, speaking of his own early years, he says:

> I grew up in a time when democracy was taken for granted since it was drummed into our minds as a fundamental definition of America and why it was great. I was shaped by WWII and a time when we were all united in its purpose—unlike conflicts of today. Because times were tough, and my family resources slim, we didn't have fancy toys or luxuries and had to be creative in inventing worlds of our own. My imagination was my most valuable commodity and thankfully it became a life force for me at a very young age. I saw the world around me not only as it was. I saw the world around me as it could be. Art and the imagination that give it life became my closest companions.

Before anyone was much interested in what I had to say, they were interested in what I created. As a kid, I remember sketching everything in sight. My parents and their friends played cards and I began drawing them as a group, individual faces and the like. Then I moved under the table and began sketching their feet at which point I think everyone started to worry. Even though they thought I was a bit weird, I got attention and encouragement for my "art" at a young age.

His lecture will be of interest to all of us in Congress and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF ROBERT REDFORD AT THE AMERICANS FOR THE ARTS' 16TH ANNUAL NANCY HANKS LECTURE ON ARTS AND PUBLIC POLICY

I've been coming to Washington, D.C. for the past 30 years, either filming here, as was the case in All the President's Men, or for lobbying efforts on behalf of issues relating to the environment, energy, human rights and art. In the beginning, it was a heady experience to be in the halls of power surrounded by history and event, feeling what it is like to be an integral part of a democracy—particularly if you were fortunate enough to move someone on an important issue.

In time, you experience changes in political climates, different attitudes and priorities. The strength of the system that controls decisions and compromises became clear over time, and expectations of success had to be tendered with failure relating to these realities. But still, you feel fortunate to have access to the ears that made decisions.

Even though you knew that celebrity was maybe a door opener, it nonetheless cuts both ways in politics. Like the time I was on the Presidential campaign trail and speaking to thousands of kids on a college campus about the importance of their vote and environmental issues. In the roar of their connection with what I was saying, I thought for a moment "I'm really getting through here!" Then I walked off stage and immediately a reporter stuck a microphone in my face and said, "Who do you think is better looking, you or Dan Quayle?

So, just when you might be feeling your oats, reality has a way of sneaking up and putting it all in perspective. But as a citizen and an artist, I try to remember that it is a right and responsibility to be able to partake in the process of democracy I'm here today because of my belief that art is a great translator of that which is both familiar and unfamiliar and that it is through art that we can come to know ourselves and others. To me, the vitality and insight which art brings to civil society is more important now than ever.

I grew up in a time when democracy was taken for granted since it was drummed into our minds as a fundamental definition of America and why it was great. I was shaped by WWII and a time when we were all united in its purpose—unlike conflicts of today. Because times were tough, and my family financial resources slim, we didn't have fancy toys or luxuries and had to be creative in inventing worlds of our own. My imagination was my most valuable commodity and thankfully it became a life force for me at a very young age. I saw the world around me not only as it was. I saw the world around me as it could be. Art and the imagination that gave it life became my closest companions.

Before anyone was much interested in what I had to say, they were interested in what I created. As a kid, I remember sketching everything in sight. My parents and their friends played cards and I began drawing them as a group, individual faces and the like. Then I moved under the table and began sketching their feet at which point I think everyone started to worry. Even though they though I was a bit weird, I got attention and encouragement for my "art" at a young age.

While I was a poor student academically, I shined in sports and in art and my third grade teacher was next to recognize that art was a legitimate means of expression for me as I struggled with more traditional approaches.

I remember she had me come to the front of the room and draw a story on this big pad of newsprint on an easel. I think we were studying English and she used it as a basis to make a point. The whole class seemed to get it and all learned a little about sentence structure and storytelling in away that engaged and made sense. I didn't know what "it" was that they got, but it sure felt good.

My teacher's encouragement of my artistic tendencies continued, making me realize art was something legitimate to pursue and that it was integral to how I was finding my way in this world and making sense of things. If not for this, I may have taken a path that wasn't as fulfilling and productive. That's the main reason I'm here, to pay tribute to the work that so many of you do every day, to keep art alive in schools and in communities all across the country.

Being in this hall tonight prompted me to remember some of the writings of President John F. Kennedy. I became reacquainted with a speech he gave in 1963 at Amherst College where he paid tribute to the American poet Robert Frost, and reflected on the value of the arts to a society. It was less than a month before his assassination.

"I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America, which will steadily raise the standards of artistic accomplishment and will steadily enlarge cultural opportunities for all of our citizens."—John F. Kennedy.

To me, art, in all its forms, is the purest reflection of the most diverse aspects of us as individuals, as communities, as nations and as cultures. It's art that feeds and nurtures the soul of a society; provokes thought; inspires critical thinking; and fosters understanding of things foreign to our own immediate world. In the end, art plays a primary role in encouraging healthy tolerance of diversity in any culture. In times like these—in this very hour—more of this kind of encouragement would serve us well. Joseph Campbell felt that a society without mythology was doomed. I feel the same way about the role that art can play in a society's sustainable future. On the surface, it may not have the weight of the SEC, the Dept. of Defense, or Social Security and other programs that may be easier to quantify. But it is still a part of the whole. More importantly, it exemplifies one of our great, maybe our greatest critical luxuries—freedom of expression.

Throughout the 80s and into the 90s, battles over free expression were furious and frequent. On the one side, the perception that art was undermining the moral fabric of our society began to stick and took on a life of its own and it became the order of the day. When the moralistic posturing gave way to the rationale to cut funding, for a time it was the political value of attacking the arts that increased significantly in stature. By falsely positioning the debate as one of morals and money, these forces hoped to use fear to obscure the real truth—the value of art to every community—and fear is a very dangerous platform to work off of.

I wondered then, why aren't they going after tabloid media or corporate greed with such a vengeance? Why isn't there the same fervor about the dismal state of literacy in our schools, the AIDS epidemic, or homeless men, women and children? Why is the zeal not pointed at the virtual flood of guns and drugs into our nation's streets, or pollution into our air and water and the resulting public health implications? When has a painting ever instigated the destruction of a culture? Is a song or a play, a painting or a photograph that much of a threat to our nation's well-being? That notion seems particularly absurd in light of the larger threats we are currently facing.

Luckily the collective voice against this trend won out, and of course, the political winds changed substantially. And, while the cultural wars may have subsided, they still rear their ugly head too frequently. But there's more than one way to strangle the arts and today, funding cuts being discussed all across this country at all levels of government could paint a truly devastating picture when all is said and done.

As most of you know all to well, when the economy is in as bad a shape as it is now, art becomes the "throw-away." Art and art education becomes the funding cut they feel won't have a tangible effect. In other words, it's the cut from which they think nobody will suffer and they think nobody will notice its absence. Well that's not true. It may take a while to get it, but society at large will suffer and I believe, society at large will ultimately notice.

Government support for the arts is not the frivolous give-away that some would have you believe. It's a good investment and it is sound economic development. Art and public policy is good business. Let's look at the financial stake government has in the arts. The non-profit arts world is roughly a $134 billion a year industry, employing millions. It generates nearly $81 billion in spending by those who partake in its cultural offerings and is responsible for some $24 billion in taxes going back to federal, state and local governments annually.

And, this doesn't take into consideration the impact the non-profit sector has as the training ground for writers, musicians, actors, dancers, painters, photographers, filmmakers and the like. It doesn't take into consideration the ultimate effect these people and their work have on a thriving multibillion dollar private sector.

So, supporting the arts is good business and the numbers bear this out. It's also good public policy. A study by the Justice Dept., Americans for the Arts and the NEA demonstrated that arts programs helped at-risk youth stay out of trouble, perform better in school and improve how they felt about themselves and their future. How do you put a price on that?

Yet, President Bush recommended virtually no increase for arts grants administered by the NEA. President Bush also recommended terminating funding of the Arts in Education program, which is administered through the Dept. of Education. State legislatures all across the country are making substantial cuts. Several states proposed wiping out their entire state budget for the arts.

Are these federal and state governments missing something in turning their backs on the arts? You bet they are. We need people in office who will have a vision for our country that goes beyond the next election. We need people in office who understand that encouraging creative pursuit could be critical to any number of sectors, from the next great technological idea to the next historic medical discovery. How do you put a price on that?

Creativity is made all the more special because it is a great intangible. It can come from the most unlikely places and from those that might not fit the "traditional" model of the artist. Creativity is inherent in all great endeavors whether traditionally artistic or not. It is creativity that must continue to be nurtured if we hope to reap the benefits of the many great minds we don't yet know. How do you put a price on that?

Yes there are pressing needs all around us. But completely ceasing to fund the arts is sadly short sighted in any economy. Governments have to find a way to remain in the mix of resources for the arts and the private sector—corporations, foundations and individuals—they all need to find ways to help fill the gap during these tough times such as we're in now.

And that includes my industry, which benefits greatly from a vital and thriving artistic force. When one thinks of Hollywood, art isn't necessarily the first thing to come to mind. Some would say it is often anti-art. No. It's first a business. But it is a business that cannot exist without creative talent in every facet of the making of its product. So, in the end, the challenge to create art still rests squarely on the artist not the industry. As in any medium, sometimes we succeed and sometimes we fail. But we succeed often enough to create films that inspire, expose, transform and provoke, amuse, entertain and even teach.

Just as all other arts did at the moment of their own conception, cinema transformed the world. For good or for bad, it is a universal communicator on a global platform. Film is an indigenous American art form even though it's always been a struggle to have it taken seriously as an art form. But we can't deny that business has significantly infiltrated the practice of art in general, and in particular film. The constant talk of grosses—dollars and cents as the benchmark of a film's worth—is very debilitating to the body of serious film discussion and appreciation. And after all, where would the business of film be without art as its seed.

While mine is a somewhat solid industry, it will be important in the years to come for it to embrace risks as readily as is does, sure things. It must sure that freedom of artistic expression is honored and nurtured across a broad spectrum. I believe strongly that keeping diversity alive in my industry will keep the industry alive.

For example, the Sundance Institute is a step toward making sure diverse voices and the creative energy they bring with them are given an opportunity to grow and evolve. Those who come to the Sundance labs to make films and those who come to the Festival to show films really are a microcosm of the kind of diverse voices which our industry needs to continue to support and nurture if it wants to maintain itself. They are also the kind of voices that will join in characterizing us to the rest of the world in the years to come. It's all connected.

Even after two decades, Sundance continues to be a community work in progress, success and failure simultaneously evident, treating failure as a step toward growth, rather than the destruction of a vision. I look at the Sundance Film Festival and the innovative hustle demonstrated by scores of young filmmakers to bring their vision to the screen. They haven't curled up and died because they can't get government backing for their projects. Somehow they find a way. But I'm sure if I took a quick poll, I'd find that most of them found art, found their voice, in neighborhood, community and school arts programs. That's where they began the dance with the wonders of creativity.

By the way, I started the Sundance Institute with a grant from the NEA when many others were skeptical of the idea's potential and ultimate worth. I will always be grateful to the NEA for believing in us at the time. It was instrumental in getting us started. It wasn't just the seed funding, but the seal of approval that gave the idea impetus.

What most of you know that maybe others don't is that out there right now is some kid with a great song in their head we've yet to hear or a novel in their heart that has yet to be written. There's someone out there that hasn't picked up a paintbrush yet but has a masterpiece on the horizon. There's a kid out there who hasn't picked up a camera yet but could end up making a memorable film of their time.

What most of you know that others might not as clearly see, is that the nurturing of creativity comes into play in everything from world diplomacy to world economics, business endeavors to social endeavors and everything in between. It is creativity that gives all of it the nuance that often makes the difference. In all its forms, art plays a critical role in finding our way as people and as a culture.

As President Kennedy said that day in Amherst: "I see little more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him."

We hear the word freedom bandied about a lot these days. It's a sacred concept. How fortunate we are to have it. How viscerally we need to feel the commitment to protect it. To be able to be part of a freedom of expression that allows us to tell stories of our choice in the uniqueness of our own voices as citizens and as artists is not to be taken lightly. To be able to freely voice dissent in our hearts or in our art is something to protect at all costs. But then, the glory of art is that it can, not only survive change, it can inspire change.

It is for all these reasons that it behooves government to sustain an environment that enables, supports and nurtures the free and creative expression of its citizenry.

I have great hope for the future of art and thus civil society as I look out over this room, and imagine the collective power, the collective voice that will not cower in the face of budget slashing critics, and will not surrender its advocacy for art and free expression.

My hope comes from not only those gathered here tonight, but from the efforts of grassroots, state and national organizations; young artists I meet at Sundance film labs; inner-city elementary school kids who are learning to play music and write poetry; the literary and theater programs in prisons; and traveling exhibitions to rural communities all across the country.

Thank you to the co-sponsors of this evening. To Americans for the Arts my gratitude for your tireless and effective advocacy on behalf of art and all that comes with that. You truly make a difference and we're all the better for it. And to the Film Foundation a recognition and respect for the important work you do to inspire young artists through education and for protecting and restoring some of the greatest films of all time and thus enabling the diverse perspective of it all to live on.

Lastly, it is an honor to pay tribute to the memory and the contribution of Nancy Hanks whom I knew and remember fondly. Nancy Hanks had a profoundly gifted perspective on cultural policy in the United States, that being access to the arts. Her legacy is the success of many of your programs; the creative mastery of many of the artists here tonight; and the commitment to freedom of expression that we collectively embrace. The life she lived really meant something.

So we go forth here tonight to continue to try to enlighten those who dismiss the arts as unnecessary, irrelevant or dangerous. And we do so not only in the memory of Nancy Hanks, but in the name of the active and deserving imagination of every American child.

REMEMBERING THE HEROES OF THE SECOND WORLD WAR

Mr. LIEBERMAN. Mr. President, I wish to recognize a small group of heroes who are gathering this Saturday at the Jefferson Barracks National Cemetery to honor their fallen comrades and to ensure that future generations of Americans remember the tremendous sacrifices of those who served in the Pacific theater during the Second World War.

These former heroes—prisoners of war all—will dedicate a plaque that marks a humble grave within the sea of headstones of those who made the ultimate sacrifice on behalf of a grateful nation. The inscription of the plaque reads:

VICTIMS OF THE JAPANESE MASSACRE. PUERTO PRINCESA, PALAWAN, P.I., DECEMBER 14, 1944

These U.S. prisoners of war of the Japanese were on the island of Palawan, P.I., as slave laborers building an airfield for the Japanese military. Believing that an invasion by the U.S. forces was imminent, the prisoners were forced into three tunnel air raid shelters, thus following orders from the Japanese High Command to dispose of prisoners by any means available. Buckets of gasoline were thrown inside the shelters followed by flaming torches. Those not instantly killed by the explosions ran burning from the tunnels and were machine gunned and bayoneted to death.

Only a few survived this horror. Amongst those who did was Mr. Dan Crowley of Simsbury, CT. I thank Mr. Crowley for sharing his experiences with my staff and I, and educating all of us about an important event in U.S. history.

Few words can truly express the horror that those 123 soldiers, sailors, and marines must have suffered as they were cut down in their service to their country. I stand today and offer my respects to the memories of these valiant men and their families. Their story serves to remind all of us of the price of freedom and the sometimes tragic fate of those who have paid its ransom for us all.

DC VOUCHERS

Mr. CORZINE. Mr. President, I would like to take a few moments to discuss my opposition to the voucher provision in the D.C. appropriations bill.

Our government promises every child in the United States a free and appropriate public education. The very idea that Federal funds that should be going to our Nation's public schools to fulfill that promise will instead be siphoned away to private schools is of great concern to me.

As a product of public schools, and the child of a public school teacher, I am a strong supporter of the public school system. I often say that while we cannot be a Nation of equal outcomes, we can and must be a Nation of equal opportunities. Our public schools are the key to equal opportunity for all American children.

Although the voucher program we are discussing today would only impact the District of Columbia, it clearly would have national implications. It is a calculated first step toward broader voucher programs, which would drain resources from our public schools—the very schools that are free and open to all children, and accountable to parents and taxpayers.

Simply put, vouchers are not the answer to our educational ills—they are bad education policy driven by ideological goals.

Wouldn't our energy be better focused on strengthening our public schools, which can and do succeed with adequate resources? To succeed, schools need high-quality teachers, a rigorous curriculum, high expectations, parental involvement, and effective management. All of these require adequate resources.

In 2001, Congress passed the No Child Left Behind Act, which was intended to reform public education by establishing high standards for every student, providing Federal incentives to boost low-performing schools, and creating accountability.

Unlike vouchers, which even supporters acknowledge would reach only a small fraction of children, No Child Left Behind was intended to implement proven, effective reforms in all schools not just for a few students, but for all students.

But the administration and this Congress are not living up to the promise of No Child Left Behind and are underfunding it by over $8 billion. This leaves millions of children behind and places additional burdens on already burdened State and local education budgets.

And, on top of underfunding No Child Left Behind, we are now considering giving funds to schools that are not even subject to its provisions.

As we know, No Child Left Behind would ensure oversight and accountability, including testing standards and teacher qualification standards. But the voucher program we are considering today does not provide the same system of accountability or oversight of these private schools, nor does it set the same criteria for the very people that will be teaching our children.

In fact, this bill allows any private school to apply to participate in the program, but there is no evaluation process before they are accepted to participate. This leaves D.C. children vulnerable to poor-performing schools.

I ask proponents of the bill: How can we ask our public schools to fulfill the significant mandates of No Child Left Behind, when we are refusing those schools adequate funds and at the same time giving Federal money to schools that are not even required to abide by many of its mandates?

Proponents of the voucher program say that it provides parents with "choice" that they do not currently have. This is simply not true. The District of Columbia already offers three alternatives to traditional public schools. First, D.C. has the largest number of public charter schools per capita in the Nation. If we pass this voucher program, these charter schools will remain underfunded. Yet we still want to give private schools money.

Second, D.C. has established 15 public transformation schools that have, for the first time ever, succeeded in raising the scores of low-income children in low-performing schools. Again, however, the very programs in these transformation schools that have succeeded are now seeing cuts in funding. Yet we still want to give private schools money.

Finally, D.C. allows parents who are not content with their neighborhood school to send their child to out-of-boundary schools that are accountable to public education standards. Yet we still want to give private schools money.

If this is not school choice, then what is? Why can't we give these types of schools a chance to succeed rather than undermining them and draining funds from their already successful programs?

Proponents of vouchers also claim that the program in this bill is a pilot program and should be given a chance. But Milwaukee and Cleveland both tried to implement a voucher program, and a GAO study of the programs in these two cities found no or little difference in voucher and public school students' performance.

Our cities have tried vouchers and have not succeeded. Our children should not be guinea pigs for programs that have simply not been proven effective at raising academic achievement.

I am not the only one opposed to this program. My friend and colleague in the House of Representatives, ELEANOR HOLMES NORTON, along with the majority of the D.C. City Council and School Board, also oppose any voucher program. In addition, the residents of the District of Columbia are overwhelmingly opposed to private school vouchers.

Let's not turn D.C. into a laboratory for school vouchers. Vouchers are not the solution to improving educational opportunity in D.C. or anywhere else in America. Let's instead focus on fulfilling the promise of No Child Left Behind by fully funding it, and giving our public schools the resources they need to truly succeed.

MOTHER TERESA: A BELOVED SAINT FOR OUR TIME

Mr. HARKIN. Mr. President, on October 19, Mother Teresa of Calcutta will be officially beatified in Rome. I say "officially," because in the eyes of so many people around the world, Catholic and non-Catholic alike, she is already recognized as an extraordinary saint. She is, without question, one of the most beloved individuals of our time.

Why is this? By all means, her accomplishments are well known and respected. Mother Teresa founded the Missionaries of Charity and oversaw the organization's amazing growth. By the time of her death, the order had grown to include more than 5,000 sisters, brothers, and volunteers, operating some 500 centers around the world. Even here in Washington, DC, we witness Missionaries of Charity on the streets of this city, tending to the homeless and feeding the hungry.

But there is another reason why this woman is so beloved. It is because we live in a world of such extraordinary material abundance, a world that prizes youth and health. And yet here was a woman who willingly and lovingly embraced poverty, and devoted her life to the old, the sick, and the dying. And more than that, she inspired thousands of people all across the world to join her in that mission.

I remember hearing about a journalist who visited one of Mother Teresa's hospices in Calcutta. He watched as one of the sisters bathed and dressed the terrible wounds of a leper who was near death. The journalist said to the sister, "You know, I wouldn't do that for all the money in the world." To which the sister answered, "Neither would I."

In 1979, when Mother Teresa accepted the Nobel Peace Prize, she said:

> I chose the poverty of poor people. But I am grateful to receive the Nobel Prize in the name of the hungry, the naked, the homeless, the blind, the lepers, all the people who

> feel unwanted, unloved, uncared for throughout our society, people that have become a burden to society and shunned by everyone.

That is just an amazing statement, an amazing testament. Mother Teresa was powerfully motivated by the words of Jesus in the Gospel of Matthew, "As you did for the least of these your brethren, you did on to me." And just as Jesus inspired Mother Teresa, the soon-to-be Saint Teresa of Calcutta inspires all of us. She is a saint for all time, but she speaks with special urgency to us today.

NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. DODD. Mr. President, I rise today to remind my colleagues that October is National Spina Bifida Awareness Month and to pay tribute to the more than 70,000 Americans and their family members who are currently affected by Spina Bifida—the Nation's most common, permanently disabling birth defect.

Spina bifida is a neural tube defect that occurs when the central nervous system does not properly close during the early stages of pregnancy. Spina bifida affects more than 4,000 pregnancies each year, with 1,500 babies born with spina bifida each year. There are three different forms of spina bifida with the most severe being myelomeningocele spina bifida, which causes nerve damage and severe disabilities. This severe form of spina bifida is diagnosed in 96 percent of children born with this condition. Between 70 and 90 percent of the children born with spina bifida are at risk of mental retardation when spinal fluid collects around the brain.

The exact cause of spina bifida is not known, but researchers have concluded that women of childbearing age who take daily folic acid supplements reduce their chances of having a spina bifida pregnancy by up to 75 percent. Progress has been made convincing women of the importance of consuming folic acid supplements and maintaining diets rich in folic acid. However, this public education campaign must be enhanced and broadened to reach segments of the population that have yet to heed this call.

Although folic acid consumption reduces the risk and incidence of spina bifida pregnancies, we will still have babies born with spina bifida who need intensive care and families that need guidance and support in caring for and raising these children. The result of this neural tube defect is that most babies suffer from a host of physical, psychological, and educational challenges, including paralysis, developmental delay, numerous surgeries, and living with a shunt in their skulls in an attempt to ameliorate their condition. Today, approximately 90 percent of all babies diagnosed with this birth defect live into adulthood, approximately 80 percent have normal IQs, and approximately 75 percent participate in sports and other recreational activities. With proper medical care, people who suffer from spina bifida can lead full and productive lives. However, they must learn how to move around using braces, crutches or wheelchairs, and how to function independently. They also must be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

After decades of poor prognosis and short life expectancy, breakthroughs in research combined with improvements in health care and treatment children with spina bifida are now living long enough to become adults with this condition. Yet, with this extended life expectancy people with spina bifida now face new challenges in the fields of education, job training, independent living, health care for secondary conditions, aging concerns, and other related issues.

I am grateful for my colleague from Missouri, Senator BOND who, along with myself, sponsored the Birth Defects and Developmental Disabilities Prevention Act of 2003, S. 286. This important legislation helps prevent spina bifida as well as meets the current and growing needs of individuals with spina bifida live active, productive, and meaningful lives. Our legislation helps those with spina bifida and their families learn how to treat and prevent secondary health problems which range from learning disabilities and depression to severe allergies, and respiratory and skin problems that make life difficult and at times, fraught with danger that make life difficult for these patients by authorizing the National Spina Bifida Program at the Centers for Disease Control and Prevention, CDC. All of these problems can be treated or prevented, but only if those with spina bifida are properly educated and taught what they need to do to keep themselves healthy. The national program focuses and coordinates the agency's efforts to educate health care providers about the range of spina bifida issues—including the availability of in utero surgery—as well as help promote the dissemination of information regarding how to prevent the myriad complications of the condition.

Last year, I chaired a hearing of the Committee on Health, Education, Labor, and Pension's Subcommittee on Children and Families on birth defects, in which Connecticut resident Fred Liguori's testimony provided a parent's valuable perspective on spina bifida. After losing two pregnancies, the Liguori's were informed their unborn child had spina bifida. After careful consideration and information from the SBAA, the Liguoris elected to proceed with in utero surgery that could reduce the effects of spina bifida. Since the late 1990s, doctors at four U.S. hospitals have been operating before birth on babies diagnosed with spina bifida. By closing the spinal lesion early in pregnancy, these doctors believe they can minimize the damage created by fluid leaking from the spine, as well as by the spinal cord's contact with amniotic fluid. Surgeons have found that closing the hole in the spine in this fashion before birth may correct breathing problems in 15 percent of the children receiving the procedure and may reduce the need for a shunt to drain brain fluid build up by between 33 percent and 50 percent. While the in utero surgery was successful, their three-year-old son still requires extensive therapy and medical attention. Fred Liguori's testimony made it clear that a national spina bifida program is critically needed for the prevention of this condition and to improve the quality of life for those individuals and their families living with spina bifida. Fortunately, in fiscal year 2003, Congress was wise to provide $2 million in funding to establish and support a national spina bifida program and is poised to provide a much-needed increase in funding for fiscal year 2004. The House provided a $500,000 increase while the Senate included a total of $3 million for the program for fiscal year 2004. I strongly urge my colleagues to support the Senate allocation as this level of funding is needed to ensure that the CDC has the resources necessary to support and expand its comprehensive efforts to prevent spina bifida, improve quality-of-life for those living with the condition, and to deliver important public health messages to those communities most at-risk for a spina bifida pregnancy.

I want also to recognize the special work of the Spina Bifida Association of America, SBAA, an organization that has helped people with spina bifida and their families for nearly 30 years, working every day—not just in the month of October—to prevent and reduce suffering from this devastating birth defect. The SBAA was founded in 1973 to address the needs of the individuals and families affected by and is currently the only national organization solely dedicated to advocating on behalf of the spina bifida community. As part of its service through 60 chapters in more than 100 communities across the country, the SBAA puts expecting parents in touch with families who have a child with spina bifida. These families answer questions and concerns and help guide expecting parents. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Together the SBAA and the Spina Bifida Association of Connecticut, SBAC, work tirelessly to help families meet the challenges and enjoy the rewards of raising their child. I would like to acknowledge and thank SBAA and the SBAC for all that they have done for the families affected by this birth defect, especially those living in my State. I would also like to commend the leadership of Hal Pote, President of the Spina Bifida Foundation—uncle of Greg Pote who lives with spina bifida, Alex Brodrick, President of the Spina Bifida Association of America, father of Joel Brodrick who lives with spina bifida, and Cindy Brownstein who serves as Chief Executive Officer of the SBAA. The spina bifida community and our Nation owe a tremendous debt to the SBAA for its work over the past three decades.

As a Nation, we have accomplished a great deal in our battle against birth defects. However, much more work remains to be done. I urge all of my colleagues and all Americans to endorse the important efforts to prevent spina bifida but also to support those already living with this often debilitating birth defect. Those living with spina bifida and their loved ones deserve our utmost support. It is my hope that by recognizing National Spina Bifida Awareness Month we can move closer to the laudable goal of eventually eliminating the suffering caused by this terrible birth defect.

NICS IMPROVEMENT ACT

Mr. LEVIN. Mr. President, I bring the National Instant Criminal Background Check Improvement Act, formerly called the Our Lady of Peace Act, to the attention of my colleagues. On March 12, 2002, a priest and a parishioner were killed at the Our Lady of Peace Church in Lynbrook, NY, by a man who was able to obtain a gun despite the fact that he had a prior disqualifying mental health commitment and a restraining order that should have prevented him from purchasing a gun. The man who committed this double murder passed a Brady background check because the NICS database did not have the necessary information to determine that he was ineligible to purchase a firearm.

The NICS Improvement Act would provide funding to fix the hole in the current NICS background check system caused by the failure of many states to computerize and update their criminal history records. While the Brady check system currently provides fast responses to firearms dealers for over 90 percent of gun purchasers within a few minutes, responses are occasionally delayed because information concerning state and local convictions is not up-to-date or available. This can result in delays for some who lawfully seek to purchase a gun and the failure to block gun sales to some unlawful purchasers. To fix this problem States need adequate funding to input and update criminal history data. This bill would provide $1 billion to help States do just that.

This is not a small problem. According to Americans for Gun Safety, 25 States have automated less than 60 percent of their criminal conviction records. Twenty States do not automate domestic violence or temporary restraining order records. This shortcoming in our public safety system, according to AGS statistics, has allowed over 10,000 prohibited buyers to obtain a gun because the background check could not be completed within the three business days as required by the law.

The NICS Improvement Act has been sponsored by Senators on both sides of the aisle, and I urge my colleagues to support it.

ADDITIONAL STATEMENTS

TRIBUTE TO ALTHEA GIBSON

• Mr. LAUTENBERG. Mr. President, I rise today to mourn the loss of Althea Gibson, a sports legend in professional tennis and golf and a pioneer for African-Americans in all walks of life. Ms. Gibson passed away in East Orange this past Sunday after suffering from respiratory complications.

Althea Gibson was born on a cotton farm in Silver, SC, in 1927 but spent most of her childhood in Harlem, NY. She eventually moved to New Jersey.

At an early age, Althea Gibson showed great promise in sports. Her favorite was basketball but she excelled at table tennis, too. Musician Buddy Walker noticed her ability and gave her a tennis racket as a gift when she was 14. The harsh reality of racial segregation left her unable to play tennis on public courts while growing up. Fortunately, two prominent African-American doctors had a private tennis court and gave Ms. Gibson the opportunity to play tennis there.

By the early 1940s, Ms. Gibson began her tennis career as an amateur, playing in tournaments organized by the American Tennis Association, ATA, a predominantly African-American organization.

In 1947, she won the first of 10 straight ATA National Championships. Within a few years, Ms. Gibson was ready to compete outside of the ATA.

Her talent and record should have been sufficient for her to compete against white players in tournaments sanctioned by the United States Lawn Tennis Association, USLTA. But it took the help of Alice Marble, a champion tennis player herself, who wrote an article in American Lawn Tennis magazine. Ms. Marble noted that Gibson wasn't invited to participate in the USLTA championships for any reason other than "bigotry." Ms. Marble wrote, "I think it's time we face a few facts . . . If tennis is a game of ladies and gentlemen, it's time we acted in a gentle manner, not like sanctimonious hypocrites."

Ms. Gibson finally received an invitation to play in the 1950 National Tennis Championships and made her historic debut at Forest Hills against Louise Brough, who had just won her third consecutive Ladies' Singles Championship at Wimbledon.

One year later, Ms. Gibson became the first African-American to compete at Wimbledon.

Between 1956 and 1958, she dominated the world of tennis, becoming the first African-American to win major tournaments, including the French Open singles and doubles, the Italian Open singles, Wimbledon singles and doubles, and the U.S. Open singles.

She was selected as the Associated Press Athlete of the Year in 1957 and again in 1958, the first African-American woman to be so honored.

Despite her success and fame, she encountered pernicious segregation throughout her career. Oftentimes when she competed at tournaments, she couldn't stay at the hotels the white players used, or join them for meals at restaurants. But her strength of character, her poise, and her determination carried her though such indignities. And she was gracious, too, writing in her autobiography, "I Always Wanted To Be Somebody": "If I made it, it's half because I was game enough to take a lot of punishment along the way and half because there were a lot of people who cared for me."

In 1958, Ms. Gibson retired from amateur tennis and began a short-lived career in professional basketball for the Harlem Globtrotters. She also pursued a professional career in golf, becoming the first African-American woman on the Ladies Professional Golf Association, LPGA, tour in 1962.

Over the years, Ms. Gibson received many awards and accolades. Some of her most esteemed awards were her induction into the National Lawn Tennis Association Hall of Fame, the International Tennis Hall of Fame, the Black Athletes Hall of Fame, and the International Sports Hall of Fame.

Just a few weeks ago I was eulogizing another New Jerseyan who broke the color barrier, my friend Larry Doby, who played baseball for the Cleveland Indians. What Larry Doby and Jackie Robinson did for baseball, what Jesse Owens did for track and field, Althea Gibson did for tennis. She paved the way for Arthur Ashe, Zina Garrison, and Venus and Serena Williams.

Althea Gibson could have rested on her laurels. But her work wasn't done when she retired from the world of professional sports. She was the New Jersey State Commissioner of Athletics for 10 years (the first African-American woman to hold the post) and served on both the New Jersey State Athletics Control Board and the Governor's Council on Physical Fitness.

The Althea Gibson Foundation, created in her honor and based in Newark, NJ, lives on, helping urban youth develop their tennis and golf skills and improve their lot in life.

It is clear that the life Ms. Gibson led has served as an inspiration for African-Americans and all people. While I am saddened by her death, I am glad that she graced us with her presence. Ms. Gibson taught each of us that "without struggle there can be no progress." She struggled, she succeeded, and we are all better for it.●

TRIBUTE TO DR. BARBARA LAZARUS

● Mr. BINGAMAN. Mr. President, I rise today to pay a special tribute to one of the true educational leaders of our time, Dr. Barbara Lazarus, whose contribution to expanding educational access for women and people of color has been immeasurable. It is not often that a single individual envisions how the world can be more just, has the talent to implement that vision, and conveys the passion that attracts others to the cause. Dr. Lazarus embodied all of these attributes and more, working tirelessly for inclusion and understanding.

Dr. Lazarus, an educational anthropologist, served as the associate provost for academic affairs at Carnegie Mellon University until her untimely death this past July. While at Carnegie Mellon, she became a nationally recognized leader in promoting women in science and engineering, and she won Carnegie Mellon's Doherty Prize, the university's highest honor for educational contributions. Dr. Lazarus touched the lives of hundreds of students and staff through her efforts to give women and minorities increased access to nontraditional occupations. Her commitment to promoting women and minorities in science and engineering has had an important impact throughout American higher education, as programs she created to overcome barriers have been replicated across the country.

Also concerned with reaching children, especially girls, she invented "Explanatoids," short lessons explaining the science behind everyday phenomena, from roller coasters to curve balls. This project, too, is being replicated at playgrounds and other institutions, including the Smithsonian's Air and Space Museum.

Prior to joining Carnegie Mellon, Dr. Lazarus was the director of the Center for Women's Careers at Wellesley College where her groundbreaking work focused on the role of professional women in a global, multicultural society. She became the codirector and the only non-Asian member of the Asian Women's Institute Commission on Women and Work. In that capacity, she organized meetings in several Asian countries that brought together women scholars, government leaders, and activists to address the challenge of moving Asian women from traditional to nontraditional roles, particularly in the workplace.

Throughout her career, Dr. Lazarus wrote books, articles, and gave hundreds of talks to share her ideas and inspire others in this work. She will be missed by her family, as well as the hundreds of friends, faculty, and students who were inspired by her counsel. And she will be missed by all of us for her significant contributions addressing important issues of our time, and general improvement of our human condition.●

LOCAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Lincoln, RI. On August 28, 2000, Jesse Ousley, a gay teenager, was severely beaten by a police officer using antigay invectives. Ousley received a bloody nose, two black eyes, and numerous contusions, including marks on his neck, allegedly from the police officer's attempt to strangle him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

IN RECOGNITION OF THE NAAMANS LITTLE LEAGUE

● Mr. CARPER. Mr. President, on behalf of Senator BIDEN and myself, I congratulate Coaches Joe Mascelli, Bob Waters and H.J. Lopes, and the Naamans Little League team. Their accomplishment of becoming the first Delaware team to reach the Little League World Series demonstrates the success that comes from hard work, perseverance, dedicated coaching, and the support of parents and fans.

The Little League World Series, held during the month of August in Wiliamsport, PA, ended a dramatic, record-breaking season for the Naamans Little League team. The Delaware State champions and Mid-Atlantic regional champions final overall record through district, state, regional, and world series play was 14–3. They finished their world series experience at 1–2, with a win over Iowa and losses to Arizona and Texas.

This year, the Mid-Atlantic Regional championship team consisted of 12 players: Jarad Carney, Kevin Czachorowski, Scott Dougherty, Cory Firmani, Constantine Fournaris, Danny Frate, Michael Julian, Zack Lopes, Tim Marcin, Dave Mastro, Vince Russomagno, and Kip Skibicki.

Coach Mascelli said his team gained a lot from this experience, both on the field and off the field. One of the highlights was the tremendous outpouring of fan support, not just from residents of Delaware, but also from people around the nation and the world. They were flooded with letters and emails from states across the nation, including California, and countries as far away as Germany. Coach Mascelli also said his players received an education beyond baseball. They all handled their celebrity status with the public and the media with a maturity well beyond their years. The team's objective at the Little League World Series was to represent the state of Delaware with class and dignity. We are proud to say that the Naamans team accomplished just that.

Today, we congratulate the Naamans Little League and coaches Mascelli, Lopes, and Waters. They accomplished something that no other Delaware team has done, and they made each one of us proud.●

TRIBUTE TO HUGH GREGG

● Mr. SUNUNU. Mr. President, on Wednesday I introduced S. 1692, to designate the U.S. Post Office Building at 38 Spring Street in Nashua, NH as the "Hugh Gregg Post Office Building," and honor one of our State's most beloved and hardest working public servants.

On September 24, New Hampshire lost one of its great citizens, statemen, and historians when Hugh Gregg passed away at the age of 85. Hugh Gregg was an alderman and then mayor of his hometown of Nashua, leading the city through a time of economic transition by bringing prosperity back to the mill yards lining the Merrimack River in Nashua after they had gone in silent in the 1940s. He was elected the youngest Governor in New Hampshire history at the age of 34, then returned to the private sector to pursue successful ventures as a lawyer and businessman. It was at this point that Hugh Gregg began to evolve into one of the most important figures in New Hampshire history.

Hugh Gregg's love of New Hampshire and politics inspired his passion for preserving, and often-times defending New Hampshire's first-in-the-nation Presidential primary. He was involved formally and informally with many campaigns over the years, and was a virtual encyclopedia of knowledge regardingthe history of New Hampshire's unique role in electing Presidents of the United States. In 1998

Hugh Gregg, who is often referred to as the Godfather of the New Hampshire primary, help found the New Hampshire Political Library, which was and is the only nonpartisan, nonprofit institution in the State dedicated to politics and the primary.

Hugh Gregg held high the New Hampshire values of honesty, frankness and caring throughout a life of political, business, and community leadership. I was just one among his countless friends who turned to him for his advice and perspective over the years, receiving sound counsel often accompanied by a touch of dry wit. My thoughts and prayers go out to Hugh Gregg's wife, Cay, his son and our colleague in the Senate, JUDD GREGG, and the entire Gregg family. My family and I, and all of New Hampshire will miss Hugh Gregg very much.

Mr. President, naming the Post Office in Nashua for Hugh Gregg is an appropriate way to remember the life of one of New Hampshire's most enduring and endearing personalities. I ask that my colleagues in the House and Senate move quickly to pass this legislation in his honor.•

MAJOR GENERAL ARNOLD L. PUNARO

• Mr. WARNER. Mr. President, on October 14, 2003, at Marine Barracks 8th & I, Washington, D.C.—the oldest post in the U.S. Marine Corps—GEN James L. Jones, Supreme Allied Commander Europe and Commander, U.S. European Command and the former Commandant of the Marine Corps will officiate at a retirement ceremony for MG Arnold L. Punaro. GEN Punaro is completing 35 years of superlative commissioned service in the United States Marine Corps and is someone I have worked with both in and out of uniform for over 25 of these years. Contingent on the Senate schedule, I intend to be present and join his many friends in wishing him and his family fair winds and following seas.

Many here will recall Arnold's outstanding 24 year career in the U.S. Senate working for our former Senate Armed Services Committee Chairman, Senator Sam Nunn. He started as an intern in Senator Nunn's office in 1973, and rose to become Staff Director of the Senate Armed Services Committee. During that 24-year period he was involved in every major national security decision and set a standard of excellence and leadership that few others achieve. While he came from Georgia, I am proud to say he has been a Virginia resident for 30 years and someone with whom I worked closely during his years in the Senate.

Simultaneously, he was engaged in a highly successful career in the United States Marine Corps which he entered out of college in 1968. At the peak of the draft, he was a volunteer into a tough outfit that I know well. He was an infantry platoon commander in combat in Vietnam where he was wounded in battle and decorated for heroism.

Following active duty service, he went into the reserves in 1973. Over the next 30 years he would serve with distinction in both command and staff billets to include mobilization for Desert Shield/Desert Storm in 1990. He also was mobilized in 1993 to serve as the Commander of Joint Task Force Provide Promise, Forward, in command of all U.S. troops serving in the former Yugoslavia and in Macedonia. His command was part of a multi-national force and provided much needed stability in that region.

He was promoted to general officer in 1994, and served as Commanding General of several major commands for 5 of his 9 years as a general. Just as he was the longest serving Staff Director of the Senate Armed Services Committee, he had the longest tenure as Commanding General of the 4th Marine Division—one of the legendary divisions of World War II Iwo Jima fame. Today this division has over 20,500 Marines and Sailors located in 105 cities and 38 states. The vast majority fought in Operation Iraqi Freedom. Under his leadership, the 4th Division's warfighting readiness was significantly improved as was demonstrated in Iraq and, upon his departure, he turned over an organization that had achieved the highest readiness ratings that DoD provides.

That does not surprise any of us who worked closely with him over the years because he was known as someone who always had a vision and knew how to get things done—both strategically and tactically. He was direct, forceful, and always focused on reaching the goal.

He was most recently mobilized—for the third time in his reserve career—for Operation Enduring Freedom and Operation Iraqi Freedom as both the U.S. Marine Corps Director of Reserve Affairs and a Special Assistant to the Supreme Allied Commander, Europe. During this period the U.S. Marine Corps had the largest call-up of its reserves in their history with a 99 percent show-rate, a rapid deployment to their operational assignments faster than required and great success in combat operations. His experience and leadership were crucial in both the mobilization and demobilization phase.

During this same period his oldest son, Joe Punaro, a 2LT in the Marine Corps was serving as a platoon commander in Iraq in the same Regiment his father served in Vietnam—the 7th Marines of the 1st Marine Division. Joe worked for me as an intern in 2000 and I had the pleasure of visiting with him in Kuwait prior to the invasion. Arnold's daughter Julie is student teaching at Thomas Jefferson High School; daughter Meg is at Mary Washington College and plays on their field hockey team which is in the top ten, and son Daniel is a senior in high school and an aspiring college lacrosse player. His wife Jan has kept them all on this highly successful course.

MG Punaro has now completed two outstanding careers—one in the Senate and one in the Marine Corps. He is a superb leader, thinker and doer. He is now on his third career as a senior executive for a key Virginia company.

On behalf of the members of the Senate Armed Services Committee and Staff as well as the Senate, I want to extend our deepest congratulations and the gratitude of a grateful Nation.•

HONORING OUR ARMED FORCES

• Mrs. LINCOLN. Mr. President, in recent months I have risen on several occasions to pay tribute to the men and women who are fighting in Iraq and elsewhere in the global war on international terror. Today I rise once again to pay tribute and to honor a young man who was recently killed in action in Iraq—Dustin K. McGaugh. Dusty was killed Tuesday near Balad, Iraq. He was 20 years old.

Dusty grew up in Springdale, AR, and graduated from high school in Tulsa, OK. After graduation, he joined the Army ROTC. His father, James McGaugh, told one newspaper in Arkansas that Dusty joined the Army because he was looking for direction in life and because he "wanted to serve and be part of something important." Dusty enlisted shortly before September 11, 2001—in fact, when the terrorist attacks occurred on that horrible day, he was undergoing basic training in boot camp. One newspaper account quotes a close friend who told of Dusty being so dedicated to his Army service that he finished his last three weeks of basic training after breaking his shin bone in a fall. Dusty decided not to report his injury, so that he might graduate from basic training on time with his colleagues. He graduated with special honors. In April of this year, Dusty's unit—the U.S. Army 17th Field Artillery Brigade—was deployed to the Middle East. He accepted his mission with pride and served with honor.

Dusty is survived by his father James of Springdale; his brother, James McGaugh, of Claremore, OK; his mother, Marina Hayes, of Tulsa; his stepmother, Katrina McGaugh, of Springdale; and a twin sister, Windy McGaugh, of Derby, KS. I ask my colleagues to join me in extending our deepest condolences to Dusty's family and friends.

When he learned that he would be going to Iraq, Dusty reportedly told one friend, "I believe in this. I want to serve our country." His resolve and his commitment to his country will not be forgotten. The mission continues in Iraq, and we remain confident that

Dusty McGaugh's courage and sacrifice will have been given in a worthy cause.●

● Mr. JOHNSON. Mr. President, I rise today to honor SSG Daryl Devries of Armour, SD. Staff Sergeant Devries was recently awarded the Purple Heart for injuries suffered while serving in Iraq.

Daryl was injured when a rocket-propelled grenade struck the Humvee he was riding in while on security patrol in northern Iraq. Daryl, who is a member of the 200th Engineer Company, was sent to Iraq in April to help assemble and secure a bridge across the Tigris River.

The Purple Heart was established by General George Washington at Newburgh, NY, on August 7, 1782, during the Revolutionary War. The Purple Heart, which is awarded to a member of the Armed Forces who is wounded or killed in an armed conflict, is unique in that an individual is not recommended for the decoration; rather they are entitled to it. Daryl joins a heroic and honorable group of soldiers who have sacrificed their own wellbeing in service to our country.

Let me also express my admiration for the South Dakota National Guard. With 750 members of the National Guard serving in Iraq, South Dakota has one of the highest rates of mobilization in the Nation. This high rate of service is a reflection of the hard work and pride South Dakota National Guard members maintain. These brave and accomplished servicemen and women regularly win national awards and rank at or near the top in National Guard performance tests and competitions. They represent South Dakota principles with remarkable distinction.

I know Staff Sergeant Devries is a valued member of the South Dakota National Guard. As the father of a soldier who has recently returned from active duty service in Iraq, I am especially appreciative of his skilled and courageous actions. This prestigious award is a reflection of his military professionalism and extraordinary bravery.

Mr. President, I join with all South Dakotans in expressing my gratitude to Staff Sergeant Devries. We are all proud and thankful for all that he has done and continues to do in the service of the United States of America.●

● Mr. JOHNSON. Mr. President, I rise today to honor SP Tyler Campbell of Lemmon, SD. Specialist Campbell was recently awarded the Purple Heart for injuries suffered while on patrol in northern Iraq in July.

Tyler, who is a member of the 854th Quartermaster Company, was sent to Iraq in April to help assemble and secure a 300-meter bridge across the Tigris River.

The Purple Heart, which was established by General George Washington at Newburgh, NY on August 7, 1782, during the Revolutionary War, is awarded to a member of the Armed Forces who is wounded or killed in an armed conflict. Tyler richly deserves this prestigious award, and joins a honorable group of soldiers who have admirably sacrificed their own safety while serving our country.

Let me express my admiration for the South Dakota National Guard. With 750 members of the National Guard serving in Iraq, South Dakota has one of the highest rates of mobilization in the Nation. This high rate of service is a reflection of the hard work and pride South Dakota National Guard members maintain. These brave and accomplished servicemen and women regularly win national awards and rank at or near the top in National Guard performance tests and competitions. They represent South Dakota principles with remarkable distinction.

I know Specialist Campbell is a valued member of the South Dakota National Guard. As the father of a soldier who has recently returned from active duty service in Iraq, I am especially appreciative of his skilled and courageous actions. This prestigious award is a reflection of his military professionalism and extraordinary bravery.

Mr. President, I join with all South Dakotans in expressing my gratitude to Specialist Campbell. We are all proud and thankful for all that he has done and continues to do in the service of the United States of America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered one of its clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 71. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on October 2, 2003, by the president pro tempore (Mr. STEVENS):

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4643. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's report on The Impact of the Caribbean Basin Economic Recovery Act (CBERA); to the Committee on Finance.

EC-4644. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's report on the Andean Trade Preference Act (ATPA)—Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution; to the Committee on Finance.

EC-4645. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Strategic Plan which covers the fiscal period 2003 through 2008; to the Committee on Finance.

EC-4646. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC-4647. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Algeria and the United Kingdom; to the Committee on Foreign Relations.

EC-4648. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC-4649. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Emergency Wartime Supplemental Appropriations Act, the report of a license for the export of items in the national interest of the United States to Iraq; to the Committee on Foreign Relations.

EC-4650. A communication from the Director of the Office of Personnel Management and the Secretary of the Treasury, transmitting, pursuant to law, a report relative to funding for benefits attributable to the military service of current and former employees of the Postal Service; to the Committee on Governmental Affairs.

EC-4651. A communication from the Archivist of the United States, transmitting, the Strategic Plan of the National Archives and Records Administration; to the Committee on Governmental Affairs.

EC–4652. A communication from the Postmaster General, United States Postal Service, transmitting, pursuant to law, two reports relative to military service of current and former Postal Service employees and a proposal to expend savings accrued to the Postal Service as a result of P.L. 108-18; to the Committee on Governmental Affairs.

EC–4653. A communication from the Chairman, National Capital Planning Commission, transmitting, a report entitled "Designing for Security in the Nation's Capitol"; to the Committee on Governmental Affairs.

EC–4654. A communication from the Secretary of Labor, transmitting, pursuant to law, a letter relative to the Department of Labor's expenditure of a portion of the special $1000 filing fees paid by employers who seek access to H-1B nonimmigrant employees; to the Committee on Health, Education, Labor, and Pensions.

EC–4655. A communication from the Secretary of Labor, transmitting, the Department of Labor's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–4656. A communication from the Railroad Retirement Board, transmitting, the Board's Strategic Plan for 2003 through 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–4657. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Charitable Choice Regulations Applicable to States Receiving Substance Abuse Prevention and Treatment Block Grants, Projects for Assistance in Transition from Homelessness, Formula Grants, and to Public and Private Receiving Discretionary Funding from SAMHSA" (RIN0930–A11) received on September 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4658. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Charitable Choice Provisions Applicable to Programs Authorized Under the Community Services Block Grant Act" (RIN0970–AC13) received on September 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4659. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Charitable Choice Provisions Applicable to the Temporary Assistance for Needy Families Program" (RIN0970–AC12) received on September 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4660. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2004" (RIN0938–AM67) received on September 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4661. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to activities and operations of the Public Integrity Section, Criminal Division , and reporting nationwide Federal law enforcement effort against public corruption; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes (Rept. No. 108–162).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mrs. MURRAY):

S. 1710. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE:

S. 1711. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key development programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself and Mr. LEVIN):

S. 1712. A bill to re-establish and reform the independent counsel statute; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. BOND):

S. 1713. A bill to amend title IV of the Small Business Investment Act of 1958, relating to a pilot program for credit enhancement guarantees on pools of non-SBA loans; to the Committee on Small Business and Entrepreneurship.

By Mr. CORZINE:

S. 1714. A bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1715. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

By Mr. CHAFEE (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 1716. A bill to amend the Federal Water Pollution Control Act to authorize the use of funds made available for nonpoint source management programs for projects and activities relating to the development and implementation of phase II of the storm water program of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. BROWNBACK, Mr. SPECTER, and Mr. DODD):

S. 1717. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, Mr. THOMAS, and Mr. MCCAIN):

S. Res. 239. A resolution designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DORGAN, Mr. BINGAMAN, Mr. JOHNSON, Mr. DOMENICI, Mr. MCCAIN, Mr. THOMAS, and Mr. HATCH):

S. Res. 240. A resolution designating November 2003 as "National American Indian Heritage Month"; to the Committee on the Judiciary.

By Mr. GRAHAM of South Carolina:

S. Res. 241. A resolution expressing the sense of the Senate regarding the Palestinian Authority; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. Res. 242. A resolution to express the sense of the Senate concerning the do-not-call registry; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. Con. Res. 72. A concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 595

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 1214

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1214, a bill to provide a partially refundable tax credit for caregiving related expenses.

S. 1231

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1231, a bill to eliminate the burdens and costs associated with electronic mail spam by prohibiting the transmission of all unsolicited commercial electronic mail to persons who place their electronic mail addresses on a national No-Spam Registry, and to prevent fraud and deception in commercial electronic mail by imposing requirements on the content of all commercial electronic mail messages.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Minnesota (Mr . DAYTON) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1594

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1594, a bill to require a report on reconstruction efforts in Iraq.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1630

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1685

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1685, a bill to extend and expand the basic pilot program for employment eligiblity verification, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. RES. 231

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 231, a resolution commending the Government and people of Kenya.

AMENDMENT NO. 1798

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1798 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1816

At the request of Mr. DASCHLE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 1816 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1816

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1816 proposed to S. 1689, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 1711. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key development programs; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I rise today to introduce the Community Economic Development Expertise Enhancement Act of 2003.

This regulation would provide funding for nonprofit, community-based economic development organizations and for the establishment of partnerships between these organizations. Most importantly, the legislation would authorize grants to promote the use of mentors to improve the operational capabilities of community-based organizations in the areas of project development, personnel management, legal services, and financial management. These and other eligible uses of the funding would increase the capacity of these organizations to expand community development activities throughout the country.

Over the past several decades, our Nation has seen the emergence of community-based organizations that have helped break the cycle of poverty for millions of families. Today, according to the National Congress of Community Economic Development, there are more than 3,600 of these organizations, many of which serve some of our Nation's most economically challenged communities. These include both urban and rural areas, as well as suburban regions.

Typically, community development corporations have annual budgets ranging from $200,000 to $500,000 and staffs averaging about six members. Their lack of personnel, expertise and financing often creates real constraints on their ability to make even greater contributions to their community.

This legislation would expand our investment in these organizations, and expand their capacity to build homes, create jobs, improve public safety, provide critical social services, increase access to capital, and turn around communities now filled with despair. The bill would serve a wide range of communities with different economic, geographic, and social characteristics.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Economic Development Expertise Enhancement Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are a multitude of community economic development programs administered by the Federal Government that assist many of the most economically distressed areas in the United States in—

(A) revitalizing physical and economic structures; and

(B) providing support to small- and medium-sized businesses to encourage and assist the businesses in generating long-term jobs and economic opportunity;

(2) there are many nonprofit, nongovernmental, community-based economic development organizations, including faith-based organizations, that have successfully operated community economic development programs that create jobs, build homes, and revitalize local markets;

(3) Federal community economic development programs in effect as of the date of enactment of this Act are intended to leverage private sector investment as part of an overall community development effort;

(4) Federal community economic development programs connect residents of distressed neighborhoods to jobs and opportunities of the regional marketplace, replacing economic distress with opportunity;

(5) Federal community economic development programs—

(A) provide financial assistance, including tax credits and loan guarantees;

(B) involve private investment institutions and universities; and

(C) provide technical expertise for small businesses;

(6) Federal community economic development programs in effect as of the date of enactment of this Act build on ongoing efforts to encourage economic growth in distressed communities by—

(A) helping to create new affordable housing opportunities;

(B) allowing communities to address important public safety, access to capital, infrastructure, and environmental concerns; and

(C) providing social services, including affordable health care, transportation, child care, and youth development;

(7) the continuing success of Federal community economic development programs will

depend in great measure on the ability of community-based organizations and private sector institutions to form partnerships that connect residents of distressed neighborhoods to jobs and other opportunities;

(8) the Federal Government administers various programs that employ the services and capabilities of community-based organizations to deliver a wide range of services to residents of distressed communities;

(9) Federal community economic development programs help achieve lasting improvement and enhance domestic prosperity by the establishment of stable and diversified local economies, sustainable development, and improved local conditions;

(10) there is a need for greater cooperation between the Federal Government, States, and other entities to ensure that, consistent with national community economic development objectives, Federal programs are compatible with, and further the objectives of, State, regional, and local economic development plans and comprehensive economic development strategies;

(11) while economic development is an inherently local process, the Federal Government should work in closer partnership with community-based economic development organizations to ensure that—

(A) resources are fully utilized; and

(B) all people in the United States have an opportunity to participate in the economic growth of the United States; and

(12) extending technical assistance to community-based economic development organizations may be necessary or desirable—

(A) to alleviate economic distress;

(B) to encourage and support public-private partnerships for the formation and improvement of economic development strategies that promote the growth of the national economy;

(C) to stimulate modernization and technological advances in the generation and commercialization of goods and services; and

(D) to enhance the effectiveness of United States companies in the global economy.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a new source of Federal funding to enhance the capabilities of nonprofit, nongovernmental, community-based economic development organizations, or collaborations of those organizations, to leverage private sector investment as part of an overall community development strategy;

(2) to establish educational programs for nonprofit, nongovernmental, community-based organizations to expand the project development capabilities of those organizations;

(3) to increase the use of tax incentives to leverage private sector investment in community economic development projects;

(4) to promote and facilitate investments in community-based economic development projects from traditional and nontraditional capital sources;

(5) to encourage partnerships between community-based organizations that will expand and enhance the expertise of emerging nonprofit, nongovernmental organizations in using private sector investment as part of the comprehensive community development strategies of the organizations; and

(6) to ensure that viable community economic development projects are successfully pursued throughout the United States in communities having a wide range of economic, geographic, and social characteristics.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMUNITY-BASED ECONOMIC DEVELOPMENT ORGANIZATION.—

(A) IN GENERAL.—The term "community-based economic development organization" means a nonprofit, nongovernmental organization that—

(i) has the primary mission to serve, or provide investment capital for, low-income communities and low-income individuals; and

(ii) either—

(I) maintains accountability to residents of low-income communities through representation of those residents on any governing board of the organization or on any advisory board to the organization; or

(II) maintains accountability to low-income communities by having a governing board that primarily consists of leaders of community-based development organizations from the region or State of the organization.

(B) INCLUSION.—The term "community-based economic development organization" includes any faith-based organization that complies with the requirements under clauses (i) and (ii) of subparagraph (A).

(C) TREATMENT OF COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—The requirements of subparagraph (A) shall be deemed to be met by any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

(2) COMMUNITY ECONOMIC DEVELOPMENT PROJECT.—The term "community economic development project" means a project that involves—

(A) investment in business enterprises, including investments in the form of loan origination, equity investment, and monetary assistance to home buyers or to business owners for business development projects; or

(B) the construction or rehabilitation of facilities, including commercial or industrial facilities, homes, apartment buildings, and community parks.

(3) LOW-INCOME COMMUNITY.—The term "low-income community" has the meaning given the term in section 45D of the Internal Revenue Code of 1986.

(4) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means any individual who—

(A) lives in an area other than a metropolitan area and whose median family income does not exceed 80 percent of the statewide median family income; or

(B) lives in a metropolitan area and whose median family income does not exceed 80 percent of the greater of the statewide median family income or the metropolitan area median family income, as those terms are used in section 45D of the Internal Revenue Code of 1986.

(5) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4. GRANTS TO INCREASE CAPACITY AND EXPERTISE OF NONPROFIT, NONGOVERNMENTAL COMMUNITY-BASED ORGANIZATIONS INVOLVED IN COMMUNITY ECONOMIC DEVELOPMENT ACTIVITIES.

(a) GRANT AUTHORITY.—The Secretary may provide grants under this section only—

(1) to eligible community-based economic development organizations; and

(2) for the purposes described in subsection (c).

(b) ELIGIBLE COMMUNITY-BASED ECONOMIC DEVELOPMENT ORGANIZATION.—

(1) DEFINITION.—In this section, the term "eligible community-based economic development organization" means a community-based economic development organization, or a collaboration of organizations (including city or State community economic development associations), that demonstrates management capacity by meeting, as determined by the Secretary, 2 or more of the requirements in paragraph (2).

(2) REQUIREMENTS.—The requirements referred to in paragraph (1), with respect to an eligible community-based economic development organization, are—

(A) completion of construction of 10 or more dwelling units of affordable housing;

(B) completion of construction of a commercial, industrial, retail, or community facility project;

(C) the past or present provision, in partnership with community-based economic development organizations, of training, education, capacity, technical assistance, or other mentoring services;

(D) the exhibition of willingness to form operational partnerships and execute contractual agreements with emerging community-based economic development organizations; and

(E) the possession of tangible assets the value of which is not less than the value of the grant requested under this section.

(c) USE OF FUNDS.—

(1) PURPOSES.—Amounts from a grant provided under this section may be used only—

(A) to pay salaries or administrative expenses of the grantee or an emerging community-based economic development organization that is undertaking a community economic development project;

(B) to provide technical assistance to an emerging community-based economic development organization that is undertaking a community economic development project; or

(C) to conduct training or research, and to carry out technical assistance, relating to community economic development through subgrants under paragraph (2), including subgrants for program evaluation and economic impact analyses.

(2) EXPENDITURE.—Amounts from a grant provided under this section may be—

(A) used directly by the eligible community-based economic development organization receiving the grant; or

(B) redistributed by the recipient to a nonprofit, nongovernmental entity in the form of—

(i) a grant;

(ii) a loan;

(iii) a loan guarantee;

(iv) a payment to reduce interest on a loan guarantee; or

(v) other appropriate assistance.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall promulgate rules, including guidelines and procedures, to provide for the selection of eligible community-based economic development organizations for grants under this section.

(2) CRITERIA.—The rules promulgated under paragraph (1) shall—

(A) be based on a determination of the relative effectiveness of the organizations in carrying out the purposes of this Act; and

(B) provide for consideration of—

(i) the number of eligible community-based economic development organizations eligible to receive assistance under programs other than this section;

(ii) the extent to which grant amounts provided under this section will enhance the capabilities of community-based economic development organizations in underserved States and localities;

(iii) the extent to which an eligible community-based economic development organization applying for a grant does not have access to other traditional local financial sources;

(iv) the extent to which an eligible community-based economic development organization represents nonprofit, nongovernmental organizations that serve low-income communities and individuals; and

(v) the extent to which an eligible community-based economic development organization will implement a plan to become financially sustainable.

(e) AMOUNT.—A grant provided under this section to a single grantee shall be in an amount that is not less than $250,000 and not greater than $1,000,000.

(f) PROHIBITION OF MATCHING FUNDS REQUIREMENT.—The Secretary may not require a grantee under this section to provide amounts from sources other than this section to fund the specific activities to be carried out with grant amounts provided under this section.

(g) ELIGIBILITY FOR COMMUNITY REINVESTMENT ACT CREDITS.—In determining whether an eligible community-based economic development organization is meeting the credit needs of the community of that organization for the purpose of section 804(a) of the Community Reinvestment Act of 1977 (12 U.S.C. 2903(a)), the appropriate Federal financial supervisory agency (as defined in section 803 of that Act (12 U.S.C. 2902)), in assessing and taking into account the record of any regulated financial institution, may consider as a factor investments in community economic development projects of eligible community-based economic development organizations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to provide grants under this section $75,000,000 for each of fiscal years 2004 through 2006.

(2) SET-ASIDE FOR TECHNICAL ASSISTANCE AND TRAINING.—

(A) IN GENERAL.—Of the amount made available under this Act for each fiscal year, subject to subparagraph (C), $10,000,000 shall be available only for technical assistance and training activities, to be conducted by organizations described in subparagraph (B).

(B) ORGANIZATIONS.—The organizations referred to in subparagraph (A) are national community development organizations, State community development associations, and city community development associations, that have extensive nationwide partnerships and experience in working with community-based economic development organizations in accordance with section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect on April 30, 2000.

(C) RESERVATION.—Of the amount reserved for use under this paragraph, not less than $4,000,000 shall be used for the support of development organizations in rural areas.

SEC. 5. ASSESSMENT OF COMMUNITY-BASED ECONOMIC DEVELOPMENT EXPERTISE.

(a) CAPABILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to assess the capability needs of community-based economic development organizations that—

(A) analyzes, evaluates, and recommends processes to improve the administrative and operational capabilities of the organizations to acceptable levels of success in support of the role of the Federal Government in community economic development; and

(B) assesses the extent to which Federal agencies may—

(i) incorporate the organizations into the formulation of the strategic plans of funding agencies; and

(ii) if the extent or quality of that type of involvement is satisfactory, support the role of the Federal Government in community economic development.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this subsection.

(b) ANNUAL REPORTS TO CONGRESS.—Not later than the first March 1 occurring after the end of each fiscal year for which amounts are made available for grants under section 4, the Secretary shall submit to Congress a report that includes—

(1) an evaluation of the progress made during the fiscal year covered by the report, to enhance the administrative and operational capabilities of community-based economic development organizations in support of the role of the Federal Government in community economic development;

(2) an assessment of the extent to which Federal agencies have, during that fiscal year, involved community-based economic development organizations in—

(A) carrying out community economic development programs administered by the agencies; and

(B) delivering services under those programs that enhance the operational capabilities of the organizations; and

(3) a plan for making recommendations for actions or measures to further involve community-based economic development organizations in the strategic operations of Federal agencies in support of community economic development.

(c) FINAL EVALUATION.—

(1) IN GENERAL.—On termination of the grant program under section 4, the Secretary shall select an independent entity that has experience in national community economic development activities, nonprofit community-based developers, and impact evaluation and analysis to conduct an evaluation of the impact of the grant program.

(2) REPORT.—Not later than 180 days after the conclusion of the last fiscal year for which amounts are made available for grants under section 4, the entity conducting the evaluation under this subsection shall submit to the Secretary and Congress a final report regarding the evaluation.

SEC. 6. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Secretary's Advisory Council on Community Economic Development" (referred to in this section as the "Advisory Council").

(b) DUTIES.—The Advisory Council shall make recommendations to the Secretary, for use in carrying out this Act, including recommendations on—

(1) developing plans under section 5(b)(3); and

(2) reviewing and making recommendations on plans that have been developed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Council shall consist of not less than 19 members, to be appointed by the Secretary, as described in paragraphs (2) and (3).

(2) NONVOTING MEMBERS.—The nonvoting members of the Advisory Council shall be—

(A) the Secretary of Housing and Urban Development;

(B) the Secretary of Health and Human Services;

(C) the Assistant Secretary for Economic Development of the Department of Commerce;

(D) the Administrator of the Community Development Financial Institutions Fund; and

(E) the Under Secretary of Agriculture for Rural Development.

(3) VOTING MEMBERS.—

(A) IN GENERAL.—The Advisory Council shall have not less than 14 voting members, to include—

(i) at least 2 individuals who conduct research on community economic development activities;

(ii) at least 2 individuals who are experts in community economic development financing;

(iii) at least 3 individuals who are publicly elected officials; and

(iv) at least 7 individuals who are representatives of community-based economic development organizations that carry out community economic development activities.

(B) LIMITATION.—No voting member of the Advisory Council may be an officer or employee of the Federal Government.

(d) TRAVEL EXPENSES.—Members of the Advisory Council shall not receive any compensation for service on the Advisory Council, other than travel expenses (including per diem in lieu of subsistence), in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 7. COORDINATION WITH THE ANNUAL BUDGET REQUEST OF THE PRESIDENT.

The President of the United States shall include with each annual budget of the Federal Government required to be submitted under section 1105(a) of title 31, United States Code, a report regarding Federal financial support for community economic development that includes—

(1) a detailed summary of the total level of funding committed to community-based economic development organizations by all Federal agencies;

(2) a statement of—

(A) projected funding levels for the grant program under section 4 for the upcoming fiscal year and each fiscal year thereafter until fiscal year 2010; and

(B) projected funding levels for financial assistance for economic development activities for each Federal agency that provides that assistance;

(3) an identification and analysis of the method (including grant agreements, procurement contracts, and cooperative agreements (as those terms are used in chapter 63 of title 31, United States Code)) by which financial assistance is provided for each economic development activity; and

(4) recommendations for specific activities and measures—

(A) to enhance community-based economic development capacity building in States having less concentrated economic and infrastructure resources; and

(B) to strengthen nationwide community-based economic development.

By Mr. LIEBERMAN (for himself and Mr. LEVIN):

S. 1712. A bill to re-establish and reform the independent counsel statute; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am very pleased to be joining today with Senator LEVIN in introducing the Independent Counsel Reform Act of 2003. With this bill, we hope to convince our colleagues that an improved independent counsel statute can serve an essential purpose. We want to convince our colleagues that our legislation will preserve the ideals that motivated the enactment of this statute in the years after Watergate, that no person is above the law, and that our highest government officials must be subject to our laws in the same way as any other person. If they are guilty, they must be held accountable. If they are not, they must be cleared. In these cases the American people are more likely to trust the findings of an independent counsel's investigation and conclusions. Officials who are wrongly accused will receive vindication that is far more credible to the public than when it comes from the Department of Justice. As a result, the public's confidence in its government is enhanced by the independent counsel statute.

In 1999, as the independent counsel law was expiring, I joined with Senators LEVIN, SPECTER, and COLLINS in introducing the Independent Counsel Reform Act of 1999. That year, we drafted new provisions to curb the excesses we had seen in some of the investigations conducted under the prior incarnation of the law. The revisions ensure that there will be fewer Independent Counsel appointed, and that their actions will in many respects be constrained by the same sorts of guidelines and practical restraints that govern regular federal prosecutors. The bill we are introducing today retains these suggested reforms. In fact, it is virtually identical to the Independent Counsel Reform Act of 1999, with a single exception I will describe in a moment.

We made those substantial changes after the Committee on Governmental Affairs had held five hearings on the Independent Counsel statute. During the hearings we heard from numerous witnesses who had served as Independent Counsel, and as Attorney General, from former prosecutors and from defense attorneys. Many witnesses supported the statute, even defense attorneys who had represented targets in Independent Counsel investigations. Both witnesses who opposed the statute outright, and those who advocated keeping it in some form, suggested a number of improvements to the statute. We carefully considered those recommendations before we sat down to draft a bill that retained the essential features of the old law while reducing its scope, limiting the powers of the Independent Counsel, and bringing greater transparency into the process.

For example, the threshold for seeking the appointment of an Independent Counsel will be raised, so that a greater amount of evidence to back up allegations of criminal conduct will be required. The attorney General will also be entitled for the first time to issue subpoenas for evidence and convene grand juries during the preliminary investigation, and would be given more time to conduct preliminary investigations. This change responds to concerns that, in the past, the Attorney General's hands have been tied during the preliminary investigation stage. With our bill, the Department of Justice will be able to conduct a more substantial preliminary investigation.

In another change that will reduce the number of Independent Counsel appointed, officials covered by the statute will be limited to the President, the Vice President, the President's Chief of Staff, and Cabinet members. This is a major reduction compared to the number of officials covered by the Independent Counsel statute when it expired. The Attorney General will retain the discretionary authority to appoint an Independent Counsel to investigate non-covered individuals when the Attorney General determines that investigation or prosecution by the Department of Justice would result in a personal, financial or political conflict of interest. This discretionary authority was part of the Independent Counsel law from 1983 to 1999; although the provision was not included in the bill we introduced that year, it has been included in this bill because of the promulgation, after our bill was introduced, of new regulations by the Department of Justice.

In many administrations, high level political advisers can have enormous influence, much more even than some Cabinet members. When we first introduced the Independent Counsel Reform Act of 1999, I hoped that criminal allegations against officials not covered by the statute could be handled either by the Department of Justice, or, in cases involving high-level officials or other conflicts of interest, through the appointment by the Attorney General of a Special Counsel. After our bill was introduced, however, then Attorney General Reno issued revised regulations for the appointment of Special Counsel, which provide that the Attorney General may block any investigative or prosecutorial action being pursued by the Special Counsel. The regulations also allow the Attorney General to shut down the investigation entirely, or starve it of funds. These revisions, and others, constituted a major reduction in a Special Counsel's autonomy. As Robert Fiske had testified during our committee hearings in 1999, he accepted his 1994 appointment to be the Whitewater Special Counsel only after satisfying himself that the regulations then in effect granted him the same powers as would have been available to an Independent Counsel. Now, with the variety of control mechanisms in place under the Department's 1999 regulations, it is far too easy for an Attorney General to stifle an investigation in ways less dramatic and less public than actually removing the Special Counsel.

Under the legislation we are introducing today, each Independent Counsel will have to devote his full time to the position for the duration of his tenure. This will prevent the appearance of conflicts that may arise when an Independent Counsel continues with his private legal practice, and it will expedite investigations as well. The Independent Counsel will also be expected to conform his conduct to the written guidelines and established policies of the Department of Justice. The prior version of that requirement contained a loophole, which has been eliminated.

There have been many complaints about runaway prosecutors, who continued their investigations longer than was necessary or appropriate. Our bill will impose a time limit of two years on investigations by Independent Counsel. The Special Division of the Court of Appeals will be able to grant extensions of time, however, for good cause and to compensate for dilatory tactics by opposing counsel. Imposing a time limit with flexibility allows Independent Counsel the time they genuinely need to complete their investigations, and deters defense counsel from using the time limit strategically to escape justice. But the time limit will also encourage future Independent Counsel to bring their investigations to an expeditious conclusion, and not chase down every imaginable lead.

Our bill makes another important change that will prevent expansion of investigations into unrelated areas. Until now the statute has allowed the Attorney General to request an expansion of an Independent Counsel's prosecutorial jurisdiction into unrelated areas. This happened several times with Judge Starr's investigation, and I believe those expansions contributed to a perception that the prosecutor was pursuing the person and not the crime. An Independent Counsel must not exist to pursue every possible lead against his target until he finds some taint of criminality. His function, our bill makes clear, is to investigate that subject matter given him in his original grant of prosecutorial jurisdiction.

We are bringing greater budgetary transparency to the process by directing the Independent Counsel to produce an estimated budget for each year, and by allowing the General Accounting Office to comment on that budget. This greater transparency will provide more incentive for Counsel to budget responsibly.

Another correction we are making is to eliminate entirely the requirement that an Independent Counsel refer evidence of impeachable offenses to the House of Representatives. The impeachment power is one of Congress's essential Constitutional functions, and no part of that role should be delegated by statute to a prosecutor.

Our bill was unsuccessful in the 106th Congress. Perhaps one of the reasons was that we were still too close to one or two controversial investigations that turned some against the statute; perhaps the wounds were still too raw. Now with a fresh perspective gained through the passage of time, Congress should reconsider what it has given up by allowing the Independent Counsel law to lapse for the past four years. Hopefully, occasions will be few and far between when serious and credible criminal allegations emerge against high-level officials. When this happens, however, the public will question how we can be certain that the incident is being appropriately investigated. Indeed, in the absence of an Independent Counsel law, some may even question whether allegations are as likely to surface in the first place. If people with knowledge of criminal wrongdoing suspect that their information may be covered up rather than acted upon, they would be less likely to take the risk of coming forward.

The controversy that has enveloped the White House in the past week illustrates the need for an Independent Counsel law. According to news reports, two high-level Administration figures, which some reports have placed in the White House, willfully disclosed the name of a covert CIA operative. If true, this disclosure would be a serious criminal law violation, one that may well have endangered not just the covert operative, but the people abroad who worked with her in service to the United States. The disclosures were reportedly made to punish the agent's husband, Ambassador Joseph Wilson, for questioning the accuracy of comments made by the President about Iraq's nuclear weapons program. The Department of Justice recently initiated an investigation, but according to a recent poll the public overwhelmingly prefers that the investigation not be handled by the Department. Although we do not yet know which individuals may be implicated as a result of a thorough investigation, many Americans question whether Attorney General Ashcroft can preside impartially over a probe that could prove very damaging to his close associates in the White House, and to the President. An Independent Counsel statute is absolutely essential so that we have an institutionalized means for addressing allegations such as these. We should not, as we are now, forced into an ad hoc and situationally driven discussion of whether the Department of Justice can investigate a particular case.

I have always believed that the Independent Counsel statute embodies certain principles fundamental to our democracy. The alternative to an Independent Counsel statute is a system in which the Attorney General must decide how to handle substantive allegations against colleagues in the Cabinet, or against the President. Often the President and the Attorney General are long-time friends and political allies. The Attorney General will not be trusted by some to ensure that an unbiased investigation will be conducted. In other cases, many will question the thoroughness of an investigation directed from inside the Department. In a time of great public cynicism about government, the Independent Counsel statute guarantees that even the President and his highest officials will have to answer for their criminal malfeasance. In that sense, this statute upholds the rule of law and will help stem the distrust toward government. The Independent Counsel statute embodies the bedrock American principle that no person is above the law.

I ask unanimous consent that the text of the Independent Counsel Reform Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reform Act of 2003".

SEC. 2. INDEPENDENT COUNSEL STATUTE.

Chapter 40 of title 28, United States Code, is amended to read as follows:

"CHAPTER 40—INDEPENDENT COUNSEL

"Sec.

"591. Applicability of provisions of this chapter.
"592. Preliminary investigation and application for appointment of an independent counsel.
"593. Duties of the division of the court.
"594. Authority and duties of an independent counsel.
"595. Congressional oversight.
"596. Removal of an independent counsel; termination of office.
"597. Relationship with Department of Justice.
"598. Severability.
"599. Termination of effect of chapter.

"§ 591. Applicability of provisions of this chapter

"(a) PRELIMINARY INVESTIGATION WITH RESPECT TO CERTAIN COVERED PERSONS.—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(b) PERSONS TO WHOM SUBSECTION (a) APPLIES.—The persons referred to in subsection (a) are—

"(1) the President and Vice President;

"(2) any individual serving in a position listed in section 5312 of title 5; and

"(3) the Chief of Staff to the President.

"(c) PRELIMINARY INVESTIGATION WITH RESPECT TO OTHER PERSONS.—When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(d) EXAMINATION OF INFORMATION TO DETERMINE NEED FOR PRELIMINARY INVESTIGATION.—

"(1) FACTORS TO BE CONSIDERED.—In determining under subsection (a) or section 592(c)(2) whether grounds to investigate exist, the Attorney General shall consider only—

"(A) the specificity of the information received; and

"(B) the credibility of the source of the information.

"(2) TIME PERIOD FOR MAKING DETERMINATION.—The Attorney General shall determine whether grounds to investigate exist not later than 30 days after the information is first received. If within that 30-day period the Attorney General determines that the information is not specific or is not from a credible source, then the Attorney General shall close the matter. If within that 30-day period the Attorney General determines that the information is specific and from a credible source, the Attorney General shall, upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 30-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 30-day period, commence a preliminary investigation with respect to that information.

"(e) RECUSAL OF ATTORNEY GENERAL.—

"(1) WHEN RECUSAL IS REQUIRED.—

"(A) INVOLVING THE ATTORNEY GENERAL.—If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General.

"(B) PERSONAL OR FINANCIAL RELATIONSHIP.—If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General.

"(2) REQUIREMENTS FOR RECUSAL DETERMINATION.—Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to that information.

"§ 592. Preliminary investigation and application for appointment of an independent counsel

"(a) CONDUCT OF PRELIMINARY INVESTIGATION.—

"(1) IN GENERAL.—A preliminary investigation conducted under this chapter shall be of those matters as the Attorney General considers appropriate in order to make a determination, under subsection (b) or (c), with respect to each potential violation, or allegation of a violation, of criminal law. The Attorney General shall make that determination not later than 120 days after the preliminary investigation is commenced, except that, in the case of a preliminary investigation commenced after a congressional request under subsection (g), the Attorney General shall make that determination not later than 120 days after the request is received. The Attorney General shall promptly notify the division of the court specified in section 593(a) of the commencement of that preliminary investigation and the date of commencement.

"(2) LIMITED AUTHORITY OF ATTORNEY GENERAL.—

"(A) IN GENERAL.—In conducting preliminary investigations under this chapter, the Attorney General shall have no authority to plea bargain or grant immunity. The Attorney General shall have the authority to convene grand juries and issue subpoenas.

"(B) NOT TO BE BASIS OF DETERMINATIONS.—The Attorney General shall not base a determination under this chapter—

"(i) that information with respect to a violation of criminal law by a person is not specific and from a credible source upon a determination that that person lacked the state of mind required for the violation of criminal law; or

"(ii) that there are no substantial grounds to believe that further investigation is warranted, upon a determination that that person lacked the state of mind required for the criminal violation involved, unless there is a preponderance of the evidence that the person lacked that state of mind.

"(3) EXTENSION OF TIME FOR PRELIMINARY INVESTIGATION.—The Attorney General may apply to the division of the court for a single extension, for a period of not more than 90 days, of the 120-day period referred to in paragraph (1). The division of the court may, upon a showing of good cause, grant that extension.

"(b) DETERMINATION THAT FURTHER INVESTIGATION NOT WARRANTED.—

"(1) NOTIFICATION OF DIVISION OF THE COURT.—If the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are no substantial grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court, and the division of the court shall have no power to appoint an independent counsel with respect to the matters involved.

"(2) FORM OF NOTIFICATION.—Notification under paragraph (1) shall contain a summary of the information received and a summary of the results of the preliminary investigation.

"(c) DETERMINATION THAT FURTHER INVESTIGATION IS WARRANTED.—

"(1) APPLICATION FOR APPOINTMENT OF INDEPENDENT COUNSEL.—The Attorney General shall apply to the division of the court for the appointment of an independent counsel if—

"(A) the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are substantial grounds to believe that further investigation is warranted; or

"(B) the 120-day period referred to in subsection (a)(1), and any extension granted under subsection (a)(3), have elapsed and the Attorney General has not filed a notification with the division of the court under subsection (b)(1).

In determining under this chapter whether there are substantial grounds to believe that further investigation is warranted, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations.

"(2) RECEIPT OF ADDITIONAL INFORMATION.—If, after submitting a notification under subsection (b)(1), the Attorney General receives additional information sufficient to constitute grounds to investigate the matters to which that notification related, the Attorney General shall—

"(A) conduct such additional preliminary investigation as the Attorney General considers appropriate for a period of not more than 120 days after the date on which that additional information is received; and

"(B) otherwise comply with the provisions of this section with respect to that additional preliminary investigation to the same extent as any other preliminary investigation under this section.

"(d) CONTENTS OF APPLICATION.—Any application for the appointment of an independent counsel under this chapter shall contain sufficient information to assist the division of the court in selecting an independent counsel and in defining that independent counsel's prosecutorial jurisdiction so that the independent counsel has adequate authority to fully investigate and prosecute the subject matter and all matters directly related to that subject matter.

"(e) DISCLOSURE OF INFORMATION.—Except as otherwise provided in this chapter or as is deemed necessary for law enforcement purposes, no officer or employee of the Department of Justice or an office of independent counsel may, without leave of the division of the court, disclose to any individual outside the Department of Justice or that office any notification, application, or any other document, materials, or memorandum supplied to the division of the court under this chapter. Nothing in this chapter shall be construed as authorizing the withholding of information from the Congress.

"(f) LIMITATION ON JUDICIAL REVIEW.—The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court.

"(g) CONGRESSIONAL REQUEST.—

"(1) BY JUDICIARY COMMITTEE OR MEMBERS THEREOF.—The Committee on the Judiciary of either House of the Congress, or a majority of majority party members or a majority of all nonmajority party members of either such committee, may request in writing that the Attorney General apply for the appointment of an independent counsel.

"(2) REPORT BY ATTORNEY GENERAL PURSUANT TO REQUEST.—Not later than 30 days after the receipt of a request under paragraph (1), the Attorney General shall submit, to the committee making the request, or to the committee on which the persons making the request serve, a report on whether the Attorney General has begun or will begin a preliminary investigation under this chapter of the matters with respect to which the request is made, in accordance with section 591(a). The report shall set forth the reasons for the Attorney General's decision regarding the preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin.

"(3) SUBMISSION OF INFORMATION IN RESPONSE TO CONGRESSIONAL REQUEST.—At the same time as any notification, application, or any other document, material, or memorandum is supplied to the division of the court pursuant to this section with respect to a preliminary investigation of any matter with respect to which a request is made under paragraph (1), that notification, application, or other document, material, or memorandum shall be supplied to the committee making the request, or to the committee on which the persons making the request serve. If no application for the appointment of an independent counsel is made to the division of the court under this section pursuant to such a preliminary investigation, the Attorney General shall submit a report to that committee stating the reasons why the application was not made, addressing each matter with respect to which the congressional request was made.

"(4) DISCLOSURE OF INFORMATION.—Any report, notification, application, or other document, material, or memorandum supplied to a committee under this subsection shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, make public such portion or portions of that report, notification, application, document, material, or memorandum as will not in the committee's judgment prejudice the rights of any individual.

"§ 593. Duties of the division of the court

"(a) REFERENCE TO DIVISION OF THE COURT.—The division of the court to which this chapter refers is the division established under section 49 of this title.

"(b) APPOINTMENT AND JURISDICTION OF INDEPENDENT COUNSEL.—

"(1) AUTHORITY.—Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and define the independent counsel's prosecutorial jurisdiction. The appointment shall be made from a list of candidates comprised of 5 individuals recommended by the chief judge of each Federal circuit and forwarded by January 15 of each year to the division of the court.

"(2) QUALIFICATIONS OF INDEPENDENT COUNSEL.—The division of the court shall appoint as independent counsel an individual who—

"(A) has appropriate experience, including, to the extent practicable, prosecutorial experience and who has no actual or apparent personal, financial, or political conflict of interest;

"(B) will conduct the investigation on a full-time basis and in a prompt, responsible, and cost-effective manner; and

"(C) does not hold any office of profit or trust under the United States.

"(3) SCOPE OF PROSECUTORIAL JURISDICTION.—

"(A) IN GENERAL.—In defining the independent counsel's prosecutorial jurisdiction under this chapter, the division of the court shall assure that the independent counsel has adequate authority to fully investigate and prosecute—

"(i) the subject matter with respect to which the Attorney General has requested the appointment of the independent counsel; and

"(ii) all matters that are directly related to the independent counsel's prosecutorial jurisdiction and the proper investigation and prosecution of the subject matter of such jurisdiction.

"(B) DIRECTLY RELATED.—In this paragraph, the term 'directly related matters' includes Federal crimes, other than those classified as Class B or C misdemeanors or infractions, that impede the investigation and prosecution, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

“(4) Disclosure of identity and prosecutorial jurisdiction.—An independent counsel's identity and prosecutorial jurisdiction may not be made public except upon the request of the Attorney General or upon a determination of the division of the court that disclosure of the identity and prosecutorial jurisdiction of that independent counsel would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of the independent counsel shall be made public when any indictment is returned, or any criminal information is filed, pursuant to the independent counsel's investigation.

“(c) Return for Further Explanation.—Upon receipt of a notification under section 592 from the Attorney General that there are no substantial grounds to believe that further investigation is warranted with respect to information received under this chapter, the division of the court shall have no authority to overrule this determination but may return the matter to the Attorney General for further explanation of the reasons for that determination.

“(d) Vacancies.—If a vacancy in office arises by reason of the resignation, death, or removal of an independent counsel, the division of the court shall appoint an independent counsel to complete the work of the independent counsel whose resignation, death, or removal caused the vacancy, except that in the case of a vacancy arising by reason of the removal of an independent counsel, the division of the court may appoint an acting independent counsel to serve until any judicial review of the removal is completed.

“(e) Attorneys' Fees.—

“(1) Award of fees.—Upon the request of an individual who is the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, if no indictment is brought against that individual pursuant to the investigation, award reimbursement for those reasonable attorneys' fees incurred by the individual during the investigation which would not have been incurred but for the requirements of this chapter. The division of the court shall notify the independent counsel who conducted the investigation and the Attorney General of any request for attorneys' fees under this subsection.

“(2) Evaluation of fees.—The division of the court shall direct the independent counsel and the Attorney General to file a written evaluation of any request for attorneys' fees under this subsection, addressing—

“(A) the sufficiency of the documentation;

“(B) the need or justification for the underlying item;

“(C) whether the underlying item would have been incurred but for the requirements of this chapter; and

“(D) the reasonableness of the amount of money requested.

“(f) Disclosure of Information.—The division of the court may, subject to section 594(h)(2), allow the disclosure of any notification, application, or any other document, material, or memorandum supplied to the division of the court under this chapter.

“(g) Amicus Curiae Briefs.—When presented with significant legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.

“§ 594. Authority and duties of an independent counsel

“(a) Authorities.—Notwithstanding any other provision of law, an independent counsel appointed under this chapter shall have, with respect to all matters in that independent counsel's prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include—

“(1) conducting proceedings before grand juries and other investigations;

“(2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that the independent counsel considers necessary;

“(3) appealing any decision of a court in any case or proceeding in which the independent counsel participates in an official capacity;

“(4) reviewing all documentary evidence available from any source;

“(5) determining whether to contest the assertion of any testimonial privilege;

“(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;

“(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;

“(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1986 and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General;

“(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case, in the name of the United States; and

“(10) consulting with the United States attorney for the district in which any violation of law with respect to which the independent counsel is appointed was alleged to have occurred.

“(b) Compensation.—

“(1) In general.—An independent counsel appointed under this chapter shall receive compensation at the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

“(2) Travel expenses.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.

“(3) Travel to primary office.—

“(A) In general.—After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended for successive 6-month periods if the independent counsel and the division of the court certify that the payment is in the public interest to carry out the purposes of this chapter.

“(B) Relevant factors.—In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), that employee shall consider, among other relevant factors—

“(i) the cost to the Government of reimbursing those travel and subsistence expenses;

“(ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

“(iii) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that the travel and subsistence expenses would not be incurred; and

“(iv) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.

“(c) Additional Personnel.—For the purposes of carrying out the duties of an office of independent counsel, an independent counsel may appoint, fix the compensation, and assign the duties of such employees as such independent counsel considers necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES–4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed.

“(d) Assistance of Department of Justice.—

“(1) In carrying out functions.—An independent counsel may request assistance from the Department of Justice in carrying out the functions of the independent counsel, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant to matters within that independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform that independent counsel's duties. At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice may be detailed to the staff of the independent counsel to the extent the number of staff so detailed is reasonably related to the number of staff ordinarily assigned by the Department to conduct an investigation of similar size and complexity.

“(2) Payment of and reports on expenditures of independent counsel.—The Department of Justice shall pay all costs relating to the establishment and operation of any office of independent counsel. The Attorney General shall submit to the Congress, not later than 30 days after the end of each fiscal year, a report on amounts paid during that fiscal year for expenses of investigations and prosecutions by independent counsel. Each such report shall include a statement of all payments made for activities of independent counsel but may not reveal the identity or prosecutorial jurisdiction of any independent counsel which has not been disclosed under section 593(b)(4).

"(e) REFERRAL OF DIRECTLY RELATED MATTERS TO AN INDEPENDENT COUNSEL.—An independent counsel may ask the Attorney General or the division of the court to refer to the independent counsel only such matters that are directly related to the independent counsel's prosecutorial jurisdiction, and the Attorney General or the division of the court, as the case may be, may refer such matters. If the Attorney General refers a matter to an independent counsel on the Attorney General's own initiative, the independent counsel may accept that referral only if the matter directly relates to the independent counsel's prosecutorial jurisdiction. If the Attorney General refers any matter to the independent counsel pursuant to the independent counsel's request, or if the independent counsel accepts a referral made by the Attorney General on the Attorney General's own initiative, the independent counsel shall so notify the division of the court.

"(f) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—

"(1) IN GENERAL.—An independent counsel shall comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws except when that policy requires the specific approval of the Attorney General or another Department of Justice official. If a policy requires the approval of the Attorney General or other Department of Justice official, an independent counsel is encouraged to consult with the Attorney General or other official. To identify and understand these policies and policies under subsection (l)(1)(B), the independent counsel shall consult with the Department of Justice.

"(2) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material.

"(3) RELIEF FROM A VIOLATION OF POLICIES.—

"(A) IN GENERAL.—A person who is a target, witness, or defendant in, or otherwise directly affected by, an investigation by an independent counsel and who has reason to believe that the independent counsel is violating a written policy of the Department of Justice material to the independent counsel's investigation, may ask the Attorney General to determine whether the independent counsel has violated that policy. The Attorney General shall respond in writing within 30 days.

"(B) RELIEF.—If the Attorney General determines that the independent counsel has violated a written policy of the Department of Justice material to the investigation by the independent counsel pursuant to subparagraph (A), the Attorney General may ask the division of the court to order the independent counsel to comply with that policy, and the division of the court may order appropriate relief.

"(g) DISMISSAL OF MATTERS.—The independent counsel shall have full authority to dismiss matters within the independent counsel's prosecutorial jurisdiction without conducting an investigation or at any subsequent time before prosecution, if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.

"(h) REPORTS BY INDEPENDENT COUNSEL.—

"(1) REQUIRED REPORTS.—An independent counsel shall—

"(A) file with the division of the court, with respect to the 6-month period beginning on the date of his or her appointment, and with respect to each 6-month period thereafter until the office of that independent counsel terminates, a report which identifies and explains major expenses, and summarizes all other expenses, incurred by that office during the 6-month period with respect to which the report is filed, and estimates future expenses of that office; and

"(B) before the termination of the independent counsel's office under section 596(b), file a final report with the division of the court, setting forth only the following:

"(i) the jurisdiction of the independent counsel's investigation;

"(ii) a list of indictments brought by the independent counsel and the disposition of each indictment, including any verdicts, pleas, convictions, pardons, and sentences; and

"(iii) a summary of the expenses of the independent counsel's office.

"(2) DISCLOSURE OF INFORMATION IN REPORTS.—The division of the court may release to the Congress, the public, or any appropriate person, those portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make those orders as are appropriate to protect the rights of any individual named in that report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in that report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that the individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to the final report.

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of the independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44.

"(i) INDEPENDENCE FROM DEPARTMENT OF JUSTICE.—Each independent counsel appointed under this chapter, and the persons appointed by that independent counsel under subsection (c), are employees of the Department of Justice for purposes of sections 202 through 209 of title 18.

"(j) STANDARDS OF CONDUCT APPLICABLE TO INDEPENDENT COUNSEL, PERSONS SERVING IN THE OFFICE OF AN INDEPENDENT COUNSEL, AND THEIR LAW FIRMS.—

"(1) RESTRICTIONS ON EMPLOYMENT WHILE INDEPENDENT COUNSEL AND APPOINTEES ARE SERVING.—

"(A) INDEPENDENT COUNSEL.—During the period in which an independent counsel is serving under this chapter—

"(i) that independent counsel shall have no other paid employment; and

"(ii) any person associated with a firm with which that independent counsel is associated may not represent in any matter any person involved in any investigation or prosecution under this chapter.

"(B) OTHER PERSONS.—During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, that person may not represent in any matter any person involved in any investigation or prosecution under this chapter.

"(2) POST EMPLOYMENT RESTRICTIONS ON INDEPENDENT COUNSEL AND APPOINTEES.—Each independent counsel and each person appointed by that independent counsel under subsection (c) may not—

"(A) for 3 years following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter if that individual was the subject of an investigation or prosecution under this chapter that was conducted by that independent counsel; or

"(B) for 1 year following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter involving any investigation or prosecution under this chapter.

"(3) ONE-YEAR BAN ON REPRESENTATION BY MEMBERS OF FIRMS OF INDEPENDENT COUNSEL.—Any person who is associated with a firm with which an independent counsel is associated or becomes associated after termination of the service of that independent counsel under this chapter may not, for 1 year following that termination, represent any person in any matter involving any investigation or prosecution under this chapter.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'firm' means a law firm whether organized as a partnership or corporation; and

"(B) a person is 'associated' with a firm if that person is an officer, director, partner, or other member or employee of that firm.

"(5) ENFORCEMENT.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection. The designated agency ethics official for the Department of Justice shall be the ethics adviser for the independent counsel and employees of the independent counsel.

"(k) CUSTODY OF RECORDS OF AN INDEPENDENT COUNSEL.—

"(1) TRANSFER OF RECORDS.—Upon termination of the office of an independent counsel, that independent counsel shall transfer to the Archivist of the United States all records which have been created or received by that office. Before this transfer, the independent counsel shall clearly identify which of these records are subject to rule 6(e) of the Federal Rules of Criminal Procedure as grand jury materials and which of these records have been classified as national security information. Any records which were compiled by an independent counsel and, upon termination of the independent counsel's office, were stored with the division of the court or elsewhere before the enactment of the Independent Counsel Reauthorization Act of 1987, shall also be transferred to the Archivist of the United States by the division of the court or the person in possession of those records.

"(2) MAINTENANCE, USE, AND DISPOSAL OF RECORDS.—Records transferred to the Archivist under this chapter shall be maintained, used, and disposed of in accordance with chapters 21, 29, and 33 of title 44.

"(3) Access to Records.—

"(A) In general.—Subject to paragraph (4), access to the records transferred to the Archivist under this chapter shall be governed by section 552 of title 5.

"(B) Access by Department of Justice.—The Archivist shall, upon written application by the Attorney General, disclose any such records to the Department of Justice for purposes of an ongoing law enforcement investigation or court proceeding, except that, in the case of grand jury materials, those records shall be so disclosed only by order of the court of jurisdiction under rule 6(e) of the Federal Rules of Criminal Procedure.

"(C) Exception.—Notwithstanding any restriction on access imposed by law, the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to the records transferred to the Archivist under this chapter.

"(4) Records provided by congress.—Records of an investigation conducted by a committee of the House of Representatives or the Senate which are provided to an independent counsel to assist in an investigation or prosecution conducted by that independent counsel—

"(A) shall be maintained as a separate body of records within the records of the independent counsel; and

"(B) shall, after the records have been transferred to the Archivist under this chapter, be made available, except as provided in paragraph (3) (B) and (C), in accordance with the rules governing release of the records of the House of Congress that provided the records to the independent counsel.

Subparagraph (B) shall not apply to those records which have been surrendered pursuant to grand jury or court proceedings.

"(l) Cost and Administrative Support.—

"(1) Cost controls.—

"(A) In general.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) Liability for invalid certification.—An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.

"(C) Department of Justice policies.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds.

"(2) Budget.—The independent counsel, after consulting with the Attorney General, shall, within 90 days of appointment, submit a budget for the first year of the investigation and, on the anniversary of the appointment, for each year thereafter to the Attorney General and the General Accounting Office. The General Accounting Office shall review the budget and submit a written appraisal of the budget to the independent counsel and the Committees on Governmental Affairs and Appropriations of the Senate and the Committees on the Judiciary and Appropriations of the House of Representatives.

"(3) Administrative support.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(4) Office space.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. The office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until the office space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies.

"(m) Expedited Judicial Consideration and Review.—It shall be the duty of the courts of the United States to advance on the docket and to expedite to the greatest extent possible the disposition of matters relating to an investigation and prosecution by an independent counsel under this chapter consistent with the purposes of this chapter.

"§ 595. Congressional oversight

"(a) Oversight of Conduct of Independent Counsel.—

"(1) Congressional oversight.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and the independent counsel shall have the duty to cooperate with the exercise of that oversight jurisdiction.

"(2) Reports to congress.—An independent counsel appointed under this chapter shall submit to the Congress annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. The report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made.

"(b) Oversight of Conduct of Attorney General.—Within 15 days after receiving an inquiry about a particular case under this chapter, which is a matter of public knowledge, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that committee with respect to the case:

"(1) When the information about the case was received.

"(2) Whether a preliminary investigation is being conducted, and if so, the date it began.

"(3) Whether an application for the appointment of an independent counsel or a notification that further investigation is not warranted has been filed with the division of the court, and if so, the date of that filing.

"§ 596. Removal of an independent counsel; termination of office

"(a) Removal; Report on Removal.—

"(1) Grounds for removal.—

"(A) In general.—An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability), or any other condition that impairs the performance of that independent counsel's duties.

"(B) Good cause.—In this paragraph, the term 'good cause' includes—

"(i) a knowing and material failure to comply with written Department of Justice policies relevant to the conduct of a criminal investigation; and

"(ii) an actual personal, financial, or political conflict of interest.

"(2) Report to division of the court and congress.—If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for the removal. The committees shall make available to the public that report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report. The division of the court may release any or all of the report in accordance with section 594(h)(2).

"(3) Judicial review of removal.—An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia. A member of the division of the court may not hear or determine any such civil action or any appeal of a decision in any such civil action. The independent counsel may be reinstated or granted other appropriate relief by order of the court.

"(b) Termination of Office.—

"(1) Termination by action of independent counsel.—An office of independent counsel shall terminate when—

"(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by the independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete those investigations and prosecutions; and

"(B) the independent counsel files a final report in compliance with section 594(h)(1)(B).

"(2) Termination by division of the court.—The division of the court, either on its own motion or upon the request of the Attorney General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by the independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete those investigations and prosecutions. At the time of that termination, the independent counsel shall file the final report required by section 594(h)(1)(B). If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel.

"(3) Termination after 2 years.—

“(A) GENERAL RULE.—Except as provided in subparagraph (B), the term of an independent counsel shall terminate at the expiration of 2 years after the date of appointment of the independent counsel and any matters under investigation by the independent counsel shall be transferred to the Attorney General.

“(B) EXCEPTIONS.—

“(i) GOOD CAUSE.—An independent counsel may petition the division of the court to extend the investigation of the independent counsel for up to 1 year for good cause. The division of the court shall determine whether the grant of such an extension is warranted and determine the length of each extension.

“(ii) DILATORY TACTICS.—If the investigation of an independent counsel was delayed by dilatory tactics by persons that could provide evidence that would significantly assist the investigation, an independent counsel may petition the division of the court to extend the investigation of the independent counsel for an additional period of time equal to the amount of time lost by the dilatory tactics. If the division of the court finds that dilatory tactics did delay the investigation, the division of the court shall extend the investigation for a period equal to the delay.

“(c) AUDITS.—

“(1) IN GENERAL.—On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after the date on which the office is terminated.

“(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall—

“(A) conduct a financial review of a mid-year statement and a financial audit of a year-end statement and statement on termination; and

“(B) report the results to the Committee on the Judiciary, Committee on Governmental Affairs, and Committee on Appropriations of the Senate and the Committee on the Judiciary, Committee on Government Reform, and Committee on Appropriations of the House of Representatives not later than 90 days following the submission of each statement.

“§ 597. Relationship with Department of Justice

“(a) SUSPENSION OF OTHER INVESTIGATIONS AND PROCEEDINGS.—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding that matter, except to the extent required by section 594(d)(1), and except insofar as the independent counsel agrees in writing that the investigation or proceedings may be continued by the Department of Justice.

“(b) PRESENTATION AS AMICUS CURIAE PERMITTED.—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

“§ 598. Severability

“If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by that invalidation.

“§ 599. Termination of effect of chapter

“This chapter shall cease to be effective 5 years after the date of enactment of the Independent Counsel Reform Act of 2003, except that this chapter shall continue in effect with respect to then pending matters before an independent counsel that in the judgment of that counsel require the continuation until that independent counsel determines those matters have been completed.”.

SEC. 3. ASSIGNMENT OF JUDGES TO DIVISION TO APPOINT INDEPENDENT COUNSELS.

Section 49 of title 28, United States Code, is amended to reads as follows:

“§ 49. Assignment of judges to division to appoint independent counsels

“(a) IN GENERAL.—Beginning with the 3-year period commencing on the date of the enactment of the Independent Counsel Reform Act of 2003, 3 judges shall be assigned for each successive 3-year period to a division of the United States Court of Appeals for the District of Columbia to be the division of the court for the purpose of appointing independent counsels. The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

“(b) OTHER JUDICIAL ASSIGNMENTS.—Except as provided in subsection (e), assignment to the division of the court shall not be a bar to other judicial assignments during the term of the division of the court.

“(c) DESIGNATION AND ASSIGNMENT.—The Chief Justice of the United States shall designate and assign by a lottery of all circuit court judges, 3 circuit court judges 1 of whom shall be a judge of the United States Court of Appeals for the District of Columbia, to the division of the court. Not more than 1 judge may be named to the division of the court from a particular court.

“(d) VACANCY.—Any vacancy in the division of the court shall be filled only for the remainder of the 3-year period in which that vacancy occurs and in the same manner as initial assignments to the division of the court were made.

“(e) RECUSAL.—Except as otherwise provided in chapter 40 of this title, no member of the division of the court who participated in a function conferred on the division of the court under chapter 40 of this title involving an independent counsel shall be eligible to participate in any judicial proceeding concerning a matter that—

“(1) involves that independent counsel while the independent counsel is serving in that office; or

“(2) involves the exercise of the independent counsel's official duties, regardless of whether the independent counsel is still serving in that office.”.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. BOND):

S. 1713. A bill to amemd title IV of the Small Business Investment Act of 1958, relating to pilot program for credit enhancement guarantees on pools of non-SBA loans; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Credit Liquidity Act of 2003, and I am pleased to be joined by my colleagues, Senator PRYOR and Senator BOND, as sponsors of this bill.

The genesis of this legislation was a proposal made by the Small Business Administration. When the President's Fiscal Year 2004 budget request was transmitted to the Congress this past February, it stated that the SBA was exploring a possible new approach to expand the opportunities of small businesses to access capital markets by facilitating the securitization of non-SBA small business loans, i.e., loans that were not already guaranteed by the SBA. Increasing access to capital is a high priority of small businesses, and has been one of the Committee's priorities throughout its history. We are always seeking innovative ways to increase access to capital for small businesses, while at the same time measuring the cost and risk of loss that the Federal government must incur to facilitate such financing. Accordingly, we recognized the potential benefits of this proposal for small businesses across the Nation.

At our roundtable on April 30, 2003, the Committee discussed the idea of the securitization of non-SBA small business loans. The SBA reported that it had been exploring this type of program for some time and thought the idea had considerable merit. The agency was uncertain, however, whether it had the statutory authority to develop and implement such a program, absent legislative authorization. After the roundtable, we consulted with the SBA and with participants in the small business financing industry to determine the program's appropriate elements.

In addition to the support the SBA expressed for the proposal in its budget request, at the Committee's roundtable, and in subsequent discussions with Committee staff, the SBA took other steps to help make the proposal a success. For example, the agency entered into a contract with Dun & Bradstreet and with Fair, Isaacs, Co., to create a credit scoring model for small businesses, similar to individual consumer credit scores, to help small businesses gauge their credit quality. The scoring model will be an important asset to the pooling proposal by providing uniformity of pricing, thus reducing one obstacle to the securitization of non-SBA small business loans. The Office of Advocacy of the SBA has also helped build support for the proposal by publicizing the need to take the foundational steps to build a secondary market for small business loans, rather than later trying to create such a market in one step when economic pressures called for an immediate response.

Support for a program to securitize small business loans has also been advocated by the Board of Governors of the Federal Reserve System. In its September 2002 Report to the Congress on the Availability of Credit to Small Businesses, the Federal Reserve stated that the securitization of small business loans could "substantially influence the availability of credit" to small businesses. The Federal Reserve noted that one primary benefit of a secondary market would be that small business borrowers could enjoy lower financing costs.

In addition to the Federal Reserve report, other studies have shown that small businesses could benefit from an efficient secondary market for small business loans. Several, including the Federal Reserve report, have noted that a primary obstacle to a widespread secondary market for small business loans has been the lack of standardized information to evaluate and price small business loans efficiently for resale. As noted, the SBA has exercised foresight by securing the contract with Dun & Bradstreet and Fair, Isaacs to address this problem. With the information provided by this new credit-scoring model, the securitization of non-SBA small business loans will be far more feasible.

With input from the SBA, small businesses, and financial firms in hand, and having considered many studies regarding small business credit and the effectiveness of secondary markets, we included a provision similar to this Act in S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, which was approved unanimously by the Committee on July 10, 2003.

Working with Senator PRYOR and with other colleagues, we endeavored to provide sufficient specificity in the instructions the legislation gives the SBA regarding the pilot program, so as to ensure that the pooling proposal provides the greatest benefit to small businesses in need of capital while limiting risk to the Federal government.

Unfortunately, despite all the hard work and input from the SBA and from other participants in the small business financing industry, some apparently either failed to recognize or understand the benefits for small businesses that exist in this idea that originated with the SBA. In the interest of expediting the passage of S. 1375 before the SBA's authorizing legislation expired, I reluctantly removed that provision from S. 1375 to focus on those elements of the bill that had to be enacted before the legislation expired. I continue to appreciate the benefits of this proposal, and I am now introducing this provision as a separate bill. With the support this proposal already has, I am confident we can implement this innovative program, and I look forward to the benefits it can provide as we try to assist small businesses to prosper, create more jobs, and pull the economy out of its current doldrums.

The Small Business Credit Liquidity Act of 2003 authorizes the Small Business Administration (SBA) to develop and implement an innovative three-year pilot program to facilitate the securitization of small business loans in order to increase the liquidity of capital available to small businesses. Under the pilot program, the SBA could provide partial guarantees on pools of securitized small business loans that are not otherwise guaranteed by the SBA. The legislation seeks to increase capital available to small businesses, without creating additional risk for the government since the SBA's guarantees would be paid for by fees charged to the financial firms administering the pooling of loans, and thus no appropriations will be necessary.

I believe this pilot program has a great potential to provide increased access to capital on terms that are beneficial to small businesses. The pilot program will also allow lenders, including small lenders such as community banks, to utilize their capital better, and make more loans available to small businesses on better terms, by increasing the liquidity of existing loans.

The pooling structure is based on similar arrangements for home mortgages, credit card loans, and car loans, which have active secondary markets based upon their pooling and securitization. The increased liquidity of loans provided by a secondary market allows lenders to be confident that the loans they make can be sold to investors, so that the lenders can utilize again capital that is otherwise locked into existing loans. In addition, because lenders receive a quick "turnaround" on the loans that they make and then sell to investors, the profit that the lenders receive from the interest rates charged to borrowers becomes less important for the lenders, who can receive a smaller per-loan profit, but increase the number of loans they make, and thereby receive a greater profit. Lenders are thus able to make more loans and to provide better terms to borrowers on those loans.

As Chair of the Committee on Small Business, I realize that access to credit for small businesses is often a challenge. The Committee has consistently found that encouraging more lending to small businesses that have a likelihood to succeed, grow, and create new jobs is a sound national policy. The pilot program takes advantage of the successful example of the prior securitizations of SBA small business loans, and of changes in the investment community, to facilitate lending in the small business community for years to come.

This pilot program is not a departure from the SBA's current practice of guaranteeing loans and regulating the securitization of those loans. The SBA already regulates the securitization of both guaranteed portions of 7(a) and 504 loans to small businesses and non-guaranteed portions of the same loans. These loans are made both by Federally-regulated lenders and by lenders that are not federally regulated. In Fiscal Year 2002, the SBA regulated the securitization of $3.4 billion in government-guaranteed 7(a) loans to small businesses. When the guaranteed portions of the 7(a) loans are securitized separately from the non-guaranteed portions, the SBA is guaranteeing 100 percent of the loan pools.

This bill authorizes a pilot program with a much more modest SBA involvement than is represented by the SBA's current financing programs. Under the pilot program, financial firms approved by the SBA would pool loans not individually guaranteed by the SBA. These pooling entities would then issue securities offering returns based upon the returns from the loans in the pool. The securities would be rated by a rating agency and sold to investors.

The pooling entities, also known as "loan poolers," would also offer a partial "first-loss" guarantee to investors on the securities' returns. If the loans had insufficient returns to pay the expected returns on the securities, the pooling entities' guarantees would be the first guarantees called into performance to pay investors. The SBA would issue partial, not complete, "second-loss" guarantees on the return from the securities, but not on individual loans within the pool. The agency's guarantees would thus be available only after the first-loss guarantees offered by the loan poolers are exhausted.

Significantly, the cost of the SBA guarantees will be fully funded by fees paid by the loan poolers, so no Federal appropriations will be necessary. The bill provides that the SBA will adjust the fees required from the poolers under the pilot program annually, as necessary.

The legislation also includes other provisions to ensure that the pilot program will not lead to increased risk or liability for the government. In particular, it caps the SBA's guarantees on any loan pool at a maximum of 25 percent of the value of the securities issued for that loan pool. In contrast, the SBA's guarantees for the 7(a) and 504 loan programs are as high as 90 percent and 40 percent, respectively, of each loan in those programs. Moreover, in the 504 loan program the SBA is in a first-loss position, sustaining the loss of its full guaranteed amount on a defaulted loan before the private lender incurs any loss, whereas in the pilot program the SBA will be in a second-loss position.

In addition, the bill requires that firms licensed as loan poolers adhere to certain standards, such as being well-capitalized and maintaining sufficient reserves. The bill also provides that the SBA will set standards for the licensed poolers and will review these entities annually to verify that they are conforming with SBA requirements. Among the requirements the SBA would establish for such loan poolers would be standards relating to loan delinquency, default, liquidation, and loss rates. If any licensed loan pooler fails to meet the SBA's standards, the SBA may terminate the pooler's participation in the pilot program.

To ensure that the pilot program is initially implemented on a manageable scale, the legislation specifies that no individual loan pool created by a licensed pooler will exceed $350 million in loans in fiscal year 2004, $400 million in loans in fiscal year 2005, or $450 million in loans in fiscal year 2006. The bill also specifies that the SBA's total guarantees under the pilot program will not exceed $2.1 billion for fiscal year 2004, $3.25 billion for fiscal year 2005, or $4.5 billion for fiscal year 2006.

Finally, this legislation requires three separate types of reports to ensure that the pilot program is properly monitored and evaluated. First, the SBA must provide to the Senate and House Committees on Small Business a report detailing the pooling program before it is implemented, and wait 50 days after submitting the report before implementing the program. In addition, the SBA must file with the Congress, in the SBA's Budget Request and Performance Plan, an annual report about the program's performance. To strengthen the on-going oversight of the pilot program, the bill also specifies that the SBA's annual report to Congress will include information about the pooled loans, including delinquency, default, loss, and recovery rates. Third, the GAO is required to study the program once implemented, and report on the program's performance, including any effects the program may have on the 504 or 7(a) programs, before calendar year 2006.

My Small Business Committee has received expressions of support for the pilot program from representatives of thousands of small businesses that believe the program could improve access to capital, and could improve the terms of loans received, for many small businesses, particularly those without significant real estate property to use as collateral. In particular, support for the program has been expressed by minority-owned small businesses and by women-owned small businesses. For these small businesses, which often have less real estate collateral than other small businesses, this pilot program holds great potential for creating capital resources to meet their financing needs.

For instance, a recent study by the SBA's Office of Advocacy, issued in September 2003, reveals that small businesses owned by women are more likely than other small businesses to rely on expensive personal credit cards to finance the business, rather than more traditional types of loans. For these small businesses, an increase in the availability of traditional business loans, with lower financing costs and on terms beneficial to the borrowers, would be a welcome development.

In addition, the same study showed that minority-owned small businesses, in addition to being less likely than other small businesses to obtain credit, were far less likely to obtain their credit from traditional Federally regulated depository institutions, and were more likely to resort to financing their businesses through sources such as family, friends, and acquaintances of the business owners. While this bill does not address subjective lender behavior, it does address the objective cost/profit opportunity presented to a lender by a loan to a small business, including a minority-owned or women-owned small business. If a lender is able to sell a conventional small business loan in an efficient secondary market, the potential downside cost of the loan to the lender, e.g., its default risk, is decreased, and the lender is assured that its capital will still be available for other loans.

Financial firms currently involved in the pooling and securitization of loans issued in the SBA's two primary loan guaranty programs, under Section 7(a) of the Small Business Act ("7(a) loans") and under Section 504 of the Small Business Investment Act of 1958 ("504 loans"), have also expressed their support for the program, and have stated their belief that it will increase small businesses' access to effective capital.

In closing, the Small Business Credit Liquidity Act of 2003 is an innovative approach to a persistent problem for small businesses in this country—access to capital. I believe it has the potential to address this problem for small businesses with effectively no risk to the Federal Government. At a time when our small enterprises are helping to lead the country back onto the road to economic recovery, we should be doing all we can to eliminate obstacles facing small businesses, which hold the greatest potential for job creation in America today. This bill is an important step in that direction, and I urge my colleagues to join me in supporting its enactment.

I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS CREDIT LIQUIDITY ACT OF 2003

SUMMARY OF PROVISIONS

The Small Business Credit Liquidity Act of 2003 authorizes the Small Business Administration (SBA) to develop a three-year pilot program to facilitate the securitization of small business loans, and thereby improve the opportunities for small businesses to obtain capital by increasing the liquidity of small business loans.

Under the pilot program:

Financial firms, after being licensed by the SBA, would create "pools" of conventional small business loans, i.e., small business loans not individually guaranteed by the SBA.

These financial firms, also known as "loan poolers," would then issue securities, rated by rating agencies, which would offer returns based upon the returns from the loans in the pools. The securities would be sold to private investors.

The loan poolers would offer partial "first-loss" guarantees to investors on the securities' returns (i.e., on the pools themselves, rather than on individual loans). If the loans had insufficient returns to pay the expected returns on the securities, the pooling entities' guarantees would be the first guarantees called into performance to pay investors.

The SBA would issue additional guarantees, on the pools rather than on individual loans, that would be in a "second loss" position, meaning that the private investors would receive the full first-loss guarantees from the loan poolers before any SBA guarantee was applied. The SBA's second-loss guarantees for each pool would be limited to 25 percent of the size of that pool.

The SBA's second-loss guarantees would be funded exclusively through fees paid by loan poolers, and would therefore require no appropriated funds.

The SBA would be required to report its plan for the program to the Senate and House Committees on Small Business before implementing the program. The SBA would also be required to file with the Congress, in the agency's Budget Request and Performance Plan, an annual report about the program's performance. In addition, the General Accounting Office (GAO) would be required to study the pilot program after it began and analyze its results.

To ensure that the pilot program is initially implemented on a manageable scale, loan pools under the pilot program would have maximum individual sizes beginning at $350 million for fiscal year 2004 and increasing to $450 million for fiscal year 2006. In addition, the SBA's guarantees would be limited to maximum amounts of $2.1 billion for fiscal year 2004, $3.25 billion for fiscal year 2005, and $4.5 billion for fiscal year 2006.

The program will sunset at the end of fiscal year 2006 unless it is reauthorized by Congress.

S. 1713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Credit Liquidity Act of 2003".

SEC. 2. PILOT PROGRAM FOR GUARANTEES ON POOLS OF NON-SBA LOANS.

Title IV of the Small Business Investment Act of 1958 (15 U.S.C. 692 et seq.) is amended by adding at the end the following:

"PART C—CREDIT ENHANCEMENT GUARANTEES

"SEC. 420. (a)(1) The Administration is authorized, upon such terms and conditions as it may prescribe, in order to encourage lenders to increase the availability of small business financing by improving such lenders' access to reasonable sources of funding, to provide a credit enhancement guarantee, or commitment to guarantee, of the timely payment of a portion of the principal and interest on securities issued and managed by not less than 2 qualified entities authorized and approved by the Administration.

"(2) The entities authorized under this subsection to act as issuers and managers of pools or trusts of loans shall be well-capitalized, as defined by the Administration, and shall maintain sufficient reserves to allow securities to be issued representing interests in each pool or trust that are rated as investment grade by a nationally-recognized rating agency.

"(3) The authority of the entities authorized under this subsection shall be reviewed annually by the Administration and may be renewed upon the satisfactory completion of such review.

"(4) The Administration shall set and maintain standards for entities authorized under this subsection, including standards relating to delinquency, default, liquidation, and loss rates.

"(5) If an entity authorized under this subsection fails to meet the standards set pursuant to paragraph (4), the Administration may terminate the entity's participation in the pilot program under this subsection.

"(b)(1)(A) The Administration may provide its credit enhancement guarantees in respect of securities that represent interests in, or other obligations issued by, a trust, pool, or other entity whose assets (other than the Administration's credit enhancement guarantee and credit enhancements provided by other parties) consist of loans made to small business concerns.

"(B) As used in this paragraph, the term 'small business concern' has the meaning given that term in either the Small Business Act (15 U.S.C. 631 et seq.) or this Act (15 U.S.C. 661 et seq.).

"(2) The credit enhancement guarantees provided by the Administration under paragraph (1) shall be second-loss guarantees that are only available after the full payment of credit enhancement guarantees offered by the entities authorized to act as issuers and managers of pools or trusts of loans under this section.

"(3) A pool or trust of loans shall not be eligible for guarantees under this section—

"(A) if the value of such loans exceeds $350,000,000 in fiscal year 2004;

"(B) if the value of such loans exceeds $400,000,000 in fiscal year 2005; or

"(C) if the value of such loans exceeds $450,000,000 in fiscal year 2006.

"(4) All loans under paragraph (1) shall be originated, purchased, or assembled and managed consistent with requirements prescribed by the Administration in connection with this credit enhancement guarantee program.

"(5) The Administration shall prescribe requirements to be observed by the issuers and managers of the securities covered by credit enhancement guarantees to ensure the safety and soundness of the credit enhancement guarantee program.

"(c) The full faith and credit of the United States is pledged to the payment of all amounts the Administration may be required to pay as a result of credit enhancement guarantees under this section.

"(d)(1) The Administration may issue credit enhancement guarantees in an amount—

"(A) not to exceed $2,100,000,000 in fiscal year 2004;

"(B) not to exceed $3,250,000,000 in fiscal year 2005; and

"(C) not to exceed $4,500,000,000 in fiscal year 2006.

"(2) The Administration shall set the percentage and priority of each credit enhancement guarantee on issued securities at a level not to exceed 25 percent of the value of the securities so that the amount of the Administration's anticipated net loss (if any) as a result of such guarantee is fully reserved in a credit subsidy account funded wholly by fees collected by the Administration from the issuers or managers of the pool or trust.

"(3) The Administration shall charge and collect a fee from the issuer based on the Administration's guaranteed amount of issued securities, and the amount of such fee shall equal the estimated credit subsidy cost of the Administration's credit enhancement guarantee.

"(4) The fees provided for under this subsection shall be adjusted annually, as necessary, by the Administration.

"(5) The Federal government shall not appropriate any funds to finance credit enhancement guarantees under this section.

"(e) REPORT AND ANALYSIS.—

"(1) REPORT.—

"(A) IN GENERAL.—During the development and implementation of the pilot program, the Administrator shall submit a report on the status of the pilot program under this section to Congress in each annual budget request and performance plan.

"(B) CONTENTS.—The report submitted under subparagraph (A) shall include, among other items, information about the loans in the pools or trusts, including delinquency, default, loss, and recovery rates.

"(2) ANALYSIS AND REPORT.—Not later than December 30, 2005, the Comptroller General shall—

"(A) conduct an analysis of the pilot program under this section; and

"(B) submit a report to Congress that contains a summary of the analysis conducted under subparagraph (A) and a description of any effects, not attributable to other causes, of the pilot program on the lending programs under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of this Act.

"(3) IMPLEMENTATION.—

"(A) REPORT.—After completing operational guidelines to carry out the pilot program under this section, the Administration shall submit a report, which describes the method in which the pilot program will be implemented, to—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business of the House of Representatives.

"(B) TIMING.—The Administration shall not implement the pilot program under this section until the date that is 50 days after the report has been submitted under subparagraph (A).

"(f) SUNSET PROVISION.—This section shall remain in effect until September 30, 2006.".

By Mr. CORZINE:

S. 1714. A bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, today I am introducing legislation, the FHA Multifamily Housing Loan Limit Adjustment Act of 2003, that will improve access to affordable housing for families living in high cost areas where there is a shortage of such housing. This bill was introduced earlier this year by Congressmen GARY MILLER (R-CA) and BARNEY FRANK (D-MA) and was recently approved by the House Financial Services Committee.

The Multifamily Housing Loan Limit Adjustment Act of 2003 is supported by housing and community advocates and has also been endorsed by the National Association of Home Builders, the National Association of Realtors, the Mortgage Bankers Association, the Manufactured Housing Institute, and the National Affordable Housing Management Association.

The Federal Housing Administration's Multifamily Housing programs are among HUD's most successful. The Federal Government has tried a number of different approaches to providing housing over the last 50 years. The most successful of these rely heavily on a public/private partnership that encourages the private sector to produce housing with support from the Federal Government. The FHA mortgage insurance programs have been extremely successful in producing new and rehabilitated housing with little or no cost to the Federal Government.

As you know, rising construction costs have resulted in a shortage of moderately priced affordable rental units. Rent increases now exceed inflation in all regions of the country, and new affordable rental units have become increasingly harder to find. Because of the current dollar limits on loans, FHA insurance cannot be used to help finance construction in high-cost urban areas such as the New York/New Jersey metropolitan area, Philadelphia and San Francisco.

HUD statistics demonstrate this—in 2002 and 2003, no multifamily loans have been FHA insured in New York City, Philadelphia, Los Angeles, Seattle, Massachusetts, or New Jersey.

Increasing the limits on loans for rental housing would create more incentives for public/private investment in communities through America and spur the new production of cooperative housing projects, rental housing for the elderly and new construction or substantial rehabilitation of apartments by for- and non-profit entities.

The National Association of Home Builders estimates that increasing the limits in high cost areas will allow for an additional 6,000 units of rental housing to be built each year in the cities limited by the current law. These 6,000 units will generate $318 million in new income to the residents and businesses in these cities, $38 million in added revenues to the local governments, and 6,720 new jobs. Over a ten year period, the cumulative effects of the additional building will contribute $9 billion in new income to the cities where the limits currently constrain new rental production.

While Congress approved legislation I introduced in 2001 to increase the statutory limits for FHA-insured multifamily project loans to account for inflation, we failed to act on a key provision in my bill to raise the loan limits for high cost areas. I am reintroducing that portion of my bill gain, with the hope that two years later, we can finally achieve the increases we need to make the FHA multifamily programs succeed in all our communities, particularly in those high costs areas that so desperately need additional affordable rental housing.

There is currently no HUD program designed to provide rental housing for working families from 60 percent to 100 percent of median income who are unable to find decent, affordable housing near where they work. Yet, the most recent Census data reveals that these working families, including vital municipal workers like teachers and police officers, are increasingly vulnerable and the lack of decent, affordable housing is increasingly being seen as a significant impediment to local economic growth. This is one reason why the FHA multifamily programs are so important.

Without this much-needed adjustment to the FHA multifamily loan limits, access to affordable housing for our working-citizens will continue to lag, thousands of more families will join the 14 million people who currently face severe housing needs and our nation's economy will suffer.

I hope my Senate colleagues will support the legislation and help ensure that America's working families have access to affordable housing.

I ask unanimous consent that the text of the legislation and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Multifamily Loan Limit Adjustment Act of 2003".

SEC. 2. MAXIMUM MORTGAGE AMOUNT LIMIT FOR MULTIFAMILY HOUSING IN HIGH-COST AREAS.

Sections 207(c)(3)(B), 213(b)(2)(B)(i), 220(d)(3)(B)(iii)(II), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) of the National Housing Act (12 U.S.C. 1713(c)(3)(B), 1715e(b)(2)(B)(i), 1715k(d)(3)(B)(iii)(II), 1715*l*(d)(3)(ii)(II), 1715*l*(d)(4)(ii)(II), 1715v(c)(2)(B)), and 1715y(e)(3)(B)) are each amended—

(1) by striking "110 percent" and inserting "170 percent"; and

(2) by striking "140 percent" and inserting "170 percent".

SEC. 3. CATCH-UP ADJUSTMENTS TO CERTAIN MAXIMUM MORTGAGE AMOUNT LIMITS.

(a) SECTION 207 LIMITS.—Section 207(c)(3)(A) of the National Housing Act (12 U.S.C. 1713(c)(3)(A)) is amended by striking "$11,250" and inserting "$17,460".

(b) SECTION 213 LIMITS.—Section 213(b)(2)(A) of the National Housing Act (12 U.S.C. 1715e(b)(2)(A)) is amended—

(1) by striking "$38,025" and inserting "$41,207";

(2) by striking "$42,120" and inserting "$47,511";

(3) by striking "$50,310" and inserting "$57,300";

(4) by striking "$62,010" and inserting "$73,343";

(5) by striking "$70,200" and inserting "$81,708";

(6) by striking "$49,140" and inserting "$49,710";

(7) by striking "$60,255" and inserting "$60,446";

(8) by striking "$75,465" and inserting "$78,197"; and

(9) by striking "$85,328" and inserting "$85,836".

NAHMA, NATIONAL AFFORDABLE
HOUSING MANAGEMENT ASSOCIATION,
Alexandria, VA, October 2, 2003.

Hon. JON S. CORZINE.
U.S. Senate, 502 Senate Hart Building, Washington, DC.

DEAR SENATOR CORZINE: I am writing to convey the National Affordable Housing Management Association's (NAHMA) strong support for the FHA Multifamily Housing Loan Limit Adjustment Act.

NAHMA represents owners and individuals involved with the management of affordable multifamily housing developments. Affordable properties owned and managed by NAHMA members are subject to the regulations of federal agencies including the U.S. Department of Housing and Urban Development, the U.S. Rural Housing Service, and the Internal Revenue Service. NAHMA members provide quality affordable housing to more than two million Americans with very low and moderate incomes. Executives of property management companies, owners of affordable rental housing, public agencies and vendors that serve the affordable housing industry constitute NAHMA's membership.

The FHA multifamily insurance programs are an important component of any affordable housing strategy. Your legislation, which increases the maximum Federal Housing Administration (FHA) multifamily mortgage loan limits in high cost areas from 110 to 170 percent above the base loan limits, will help increase the availability of affordable housing for low-to-moderate income families. This bill will encourage production of multifamily developments in some of the most expensive areas in the nation—where affordable housing is often desperately needed.

NAHMA is pleased to offer its strong support for the FHA Multifamily Housing Loan Limit Adjustment Act. I look forward to working with you to advance this important legislation.

Sincerely,

KRIS COOK, CAE,
Executive Director.

NATIONAL ASSOCIATION OF REALTORS, NATIONAL ASSOCIATION OF HOME BUILDERS, MORTGAGE BANKERS ASSOCIATION,
October 2, 2003.

Hon. JON S. CORZINE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORZINE: On behalf of the membership of our associations who represent the home buying, home building, and home financing industries, we are writing in support of legislation you intend to introduce to increase the Federal Housing Administration (FHA) multifamily loan limits in high-cost areas. Over the past 2 years, Congress and the Administration have taken steps to update the FHA multifamily loan limits. However, one final hurdle remains since the current maximum FHA multifamily mortgage limits are inadequate and continue to constrain new construction and rehabilitation in many urban and suburban areas, where construction costs are significantly higher than in the rest of the country.

The FHA's multifamily mortgage insurance programs enable qualified borrowers to obtain long-term, fixed-rate, nonrecourse, financing for a variety of multifamily properties that are affordable to low- and moderate-income families. This public/private partnership has resulted in a successful program providing housing for a portion of the population not usually served by private industry alone. In addition to serving a valuable purpose, according to recent calculations by HUD and OMB indicate that virtually all of the FHA multifamily insurance programs operate on a break-even basis or raise revenue for the government.

Without higher FHA multifamily loan limits in high-cost markets, critical housing needs will go unmet. Those who will be most affected will include low- and moderate-income families, including important community service providers such as teachers, firefighters, and police officers. By increasing the maximum loan limit for FHA's multifamily programs, these programs can help provide the housing opportunities necessary for the economic and social well being of our Nation. We applaud your efforts to increase the availability of affordable housing in our Nation's high-cost areas.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1715. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the Department of Interior Tribal Self Governance Amendments of 2003, a bill that is a companion to the bill we introduced yesterday, the Department of Health and Human Services Tribal Self Governance Amendments of 2003.

Taken together, these bills will strengthen the government-to-government relationship between the United States and Indian tribes by shepherding in the next phase of Indian Self Governance.

Due to the Federal reservation status of Indian lands, the Department of the Interior, among all Federal agencies, has historically had the most significant impact on the lives of Indians.

This longstanding relationship with Indian tribes has often been stormy, with Federal bureaucrats providing all or nearly all services to Indian tribes and their members, including police, fire, education and health care services.

The Federal-tribal relationship took a decided turn for the better in 1975 with the enactment of the Indian Self

Determination and Education Assistance Act of 1975, Pub. L. 93–638. Since passage of Pub. L. 93–638, Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs within the Bureau of Indian Affairs and the Indian Health Service.

The bill I am introducing today will expand the provisions of Self Governance within the Department of the Interior by creating a Demonstration Project within the Department of the Interior for non-BIA programs.

This Demonstration Project is integral to the continued success of Self Governance for Indians, as there remain many non-BIA programs with the Department that affect the ability of Indian tribes to better serve their members.

I urge my colleagues to join me in supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of the Interior Tribal Self-Governance Act of 2003”.

SEC. 2. AMENDMENT.

The Indian Self-Determination and Education Assistance Act is amended by striking title IV (25 U.S.C. 458aa et seq.) and inserting the following:

“TITLE IV—TRIBAL SELF-GOVERNANCE

“SEC. 401. DEFINITIONS.

“In this title:

“(1) COMPACT.—The term ‘compact’ means a compact under section 404.

“(2) CONSTRUCTION PROGRAM.—The term ‘construction program’ means a tribal undertaking to complete any or all included programs relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community health, irrigation, agriculture, conservation, flood control, transportation, or port facilities or for other tribal purposes.

“(3) CONSTRUCTION PROJECT.—The term ‘construction project’ means a tribal undertaking that constructs 1 or more roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community health, irrigation, agriculture, conservation, flood control, transportation, or port facilities or for other tribal purposes.

“(4) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(5) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement under section 405(b).

“(6) GROSS MISMANAGEMENT.—The term ‘gross mismanagement’ means a significant violation, shown by clear and convincing evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds being made available for the included programs assumed by an Indian tribe.

“(7) INCLUDED PROGRAM.—The term ‘included program’ means a program that is eligible for inclusion under a funding agreement (including any portion of such a program and any function, service, or activity performed under such a program).

“(8) INDIAN TRIBE.—The term ‘Indian tribe’, in a case in which an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf in accordance with section 403(a)(3), includes the other authorized Indian tribe, inter-tribal consortium, or tribal organization.

“(9) INHERENT FEDERAL FUNCTION.—The term ‘inherent Federal function’ means a Federal function that cannot legally be delegated to an Indian tribe.

“(10) INTER-TRIBAL CONSORTIUM.—

“(A) IN GENERAL.—The term ‘inter-tribal consortium’ means a coalition of 2 more separate Indian tribes that join together for the purpose of participating in self-governance.

“(B) INCLUSION.—The term ‘inter-tribal organization’ includes a tribal organization.

“(11) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(12) SELF-GOVERNANCE.—The term ‘self-governance’ means the program of self-governance established under section 402.

“(13) TRIBAL SHARE.—The term ‘tribal share’ means an Indian tribe’s portion of all funds and resources that support secretarial included programs that are not required by the Secretary for the performance of inherent Federal functions.

“SEC. 402. ESTABLISHMENT.

“The Secretary shall carry out a program within the Department to be known as the ‘Tribal Self-Governance Program’.

“SEC. 403. SELECTION OF PARTICIPATING INDIAN TRIBES.

“(a) IN GENERAL.—

“(1) CONTINUING PARTICIPATION.—An Indian tribe that was participating in the Tribal Self-Governance Demonstration Project at the Department under title III on October 25, 1994, may elect to participate in self-governance under this title.

“(2) ADDITIONAL PARTICIPANTS.—

“(A) IN GENERAL.—In addition to Indian tribes participating in self-governance under paragraph (1), an Indian tribe that meets the eligibility criteria specified in subsection (b) shall be entitled to participate in self-governance.

“(B) NO LIMITATION.—The Secretary shall not limit the number of additional Indian tribes to be selected each year from among Indian tribes that are eligible under subsection (b).

“(3) OTHER AUTHORIZED INDIAN TRIBE, INTER-TRIBAL CONSORTIUM, OR TRIBAL GOVERNMENT.—If an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution).

“(4) JOINT PARTICIPATION.—Two or more Indian tribes that are not otherwise eligible under subsection (b) may be treated as a single Indian tribe for the purpose of participating in self-governance as a consortium if—

“(A) if each Indian tribe so requests; and

“(B) the consortium itself is eligible under subsection (b).

“(5) TRIBAL WITHDRAWAL FROM A CONSORTIUM.—

“(A) IN GENERAL.—An Indian tribe that withdraws from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance if the Indian tribe is eligible under subsection (b).

“(B) EFFECT OF WITHDRAWAL.—If an Indian tribe withdraws from participation in an inter-tribal consortium or tribal organization, the Indian tribe shall be entitled to its tribal share of funds and resources supporting the included programs that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

“(C) PARTICIPATION IN SELF-GOVERNANCE.—The withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization shall not affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance on behalf of 1 or more other Indian tribes.

“(D) WITHDRAWAL PROCESS.—

“(i) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its tribal share of any included program that is included in a compact or funding agreement.

“(ii) EFFECTIVE DATE.—

“(I) IN GENERAL.—A withdrawal under clause (i) shall become effective on the date specified in the resolution that authorizes transfer to the participating tribal organization or inter-tribal consortium.

“(II) NO SPECIFIED DATE.—In the absence of a date specified in the resolution, the withdrawal shall become effective on—

“(aa) the earlier of—

“(AA) 1 year after the date of submission of the request; or

“(BB) the date on which the funding agreement expires; or

“(bb) such date as may be agreed on by the Secretary, the withdrawing Indian tribe, and the tribal organization or inter-tribal consortium that signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

“(E) DISTRIBUTION OF FUNDS.—If an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization, the withdrawing Indian tribe—

“(i) may elect to enter into a self-determination contract or compact, in which case—

“(I) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds and resources supporting the included programs that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated to the funding agreement of the inter-tribal consortium or tribal organization); and

“(II) the funds referred to in subclause (I) shall be withdrawn by the Secretary from the funding agreement of the inter-tribal consortium or tribal organization and transferred to the withdrawing Indian tribe, on the condition that sections 102 and 105(i), as appropriate, shall apply to the withdrawing Indian tribe; or “(ii) may elect not to enter into a self-determination contract or compact, in which case all funds not obligated by the inter-tribal consortium associated with the withdrawing Indian tribe's returned included programs, less closeout costs, shall be returned by the inter-tribal consortium to the Secretary for operation of the included programs included in the withdrawal.

“(F) RETURN TO MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some included programs carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

“(b) ELIGIBILITY.—To be eligible to participate in self-governance, an Indian tribe shall—

“(1) complete the planning phase described in subsection (c);

“(2) request participation in self-governance by resolution or other official action by the tribal governing body; and

“(3) demonstrate, for the 3 fiscal years preceding the date on which the Indian tribe requests participation, financial stability and financial management capability as evidenced by the Indian tribe's having no uncorrected significant and material audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency.

“(c) PLANNING PHASE.—

“(1) IN GENERAL.—An Indian tribe seeking to participate in self-governance shall complete a planning phase in accordance with this subsection.

“(2) ACTIVITIES.—The planning phase—

“(A) shall be conducted to the satisfaction of the Indian tribe; and

“(B) shall include—

“(i) legal and budgetary research; and

“(ii) internal tribal government planning and organizational preparation.

“(d) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, an Indian tribe that meets the requirements of paragraphs (2) and (3) of subsection (b) shall be eligible for grants—

“(A) to plan for participation in self-governance; and

“(B) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

“(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) shall not be a requirement of participation in self-governance.

“SEC. 404. COMPACTS.

“(a) IN GENERAL.—The Secretary shall negotiate and enter into a written compact with as Indian tribe participating in self-governance in a manner that is consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) CONTENTS.—A compact under subsection (a) shall—

“(1) specify the general terms of the government-to-government relationship between the Indian tribe and the Secretary; and

“(2) include such terms as the parties intend shall control year after year.

“(c) AMENDMENT.—A compact under subsection (a) may be amended only by agreement of the parties.

“(d) EFFECTIVE DATE.—The effective date of a compact under subsection (a) shall be—

“(1) the date of the execution of the compact by the Indian tribe; or

“(2) another date agreed to by the parties.

“(e) DURATION.—A compact under subsection (a) shall remain in effect for so long as permitted by Federal law or until terminated by written agreement, retrocession, or reassumption.

“(f) EXISTING COMPACTS.—An Indian tribe participating in self-governance under this title, as in effect on the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2003, shall have the option at any time after that date—

“(1) to retain its negotiated compact (in whole or in part) to the extent that the provisions of the compact are not directly contrary to any express provision of this title; or

“(2) to negotiate a new compact in a manner consistent with this title.

“SEC. 405. FUNDING AGREEMENTS.

“(a) IN GENERAL.—The Secretary shall negotiate and enter into a written funding agreement with the governing body of an Indian tribe in a manner that is consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) INCLUDED PROGRAMS.—

“(1) BUREAU OF INDIAN AFFAIRS AND OFFICE OF SPECIAL TRUSTEE.—

“(A) IN GENERAL.—A funding agreement shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding for all programs carried out by the Bureau of Indian Affairs and the Office of Special Trustee, without regard to the agency or office within which the program is performed (including funding for agency, area, and central office functions in accordance with section 409(c)), that—

“(i) are provided for in the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

“(ii) the Secretary administers for the benefit of Indians under the Act of November 2, 1921 (25 U.S.C. 13), or any subsequent Act;

“(iii) the Secretary administers for the benefit of Indians with appropriations made to agencies other than the Department of the Interior; or

“(iv) are provided for the benefit of Indians because of their status as Indians.

“(B) INCLUSIONS.—Programs described in subparagraph (A) shall include all programs with respect to which Indian tribes or Indians are primary or significant beneficiaries.

“(2) OTHER AGENCIES.—A funding agreement under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding for all programs carried out by the Secretary outside the Bureau of Indian Affairs, without regard to the agency or office within which the program is performed, including funding for agency, area, and central office functions in accordance with subsection 409(c), to the extent that the included programs are within the scope of paragraph (1).

“(3) DISCRETIONARY PROGRAMS.—A funding agreement under subsection (a) may, in accordance with such additional terms as the parties consider to be appropriate, include programs administered by the Secretary, in addition to programs described in paragraphs (1) and (2), that are of special geographical, historical, or cultural significance to the Indian tribe.

“(4) COMPETITIVE BIDDING.—Nothing in this section—

“(A) supersedes any express statutory requirement for competitive bidding; or

“(B) prohibits the inclusion in a funding agreement of a program in which non-Indians have an incidental or legally identifiable interest.

“(5) EXCLUDED FUNDING.—A funding agreement shall not authorize an Indian tribe to plan, conduct, administer, or receive tribal share funding under any program that—

“(A) is provided under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.);

“(B) is provided for elementary and secondary schools under the formula developed under section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008); and

“(C) is provided for the Flathead Agency Irrigation Division or the Flathead Agency Power Division (except that nothing in this section affects the contract authority of the Flathead Agency Irrigation Division or the Flathead Agency Power Division under section 102).

“(6) SERVICES, FUNCTIONS, AND RESPONSIBILITIES.—A funding agreement shall specify—

“(A) the services to be provided under the funding agreement;

“(B) the functions to be performed under the funding agreement; and

“(C) the responsibilities of the Indian tribe and the Secretary under the funding agreement.

“(7) BASE BUDGET.—A funding agreement shall, at the option of the Indian tribe, provide for a stable base budget specifying the recurring funds (including funds available under section 106(a)) to be transferred to the Indian tribe, for such period as the Indian tribe specifies in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations.

“(8) NO WAIVER OF TRUST RESPONSIBILITY.—A funding agreement shall prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, court decisions, and other laws.

“(c) AMENDMENT.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe.

“(d) EFFECTIVE DATE.—A funding agreement shall become effective on the date specified in the funding agreement.

“(e) EXISTING AND SUBSEQUENT FUNDING AGREEMENTS.—

“(1) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of 1 or more included programs identified in a funding agreement, or unless otherwise agreed to by the parties to the funding agreement—

“(A) a funding agreement shall remain in effect until a subsequent funding agreement is executed; and

“(B) the term of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

“(2) EXISTING FUNDING AGREEMENTS.—An Indian tribe that was participating in self-governance under this title on the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2003 shall have the option at any time after that date—

“(A) to retain its existing funding agreement (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

“(B) to negotiate a new funding agreement in a manner consistent with this title.

"(3) MULTIYEAR FUNDING AGREEMENTS.—An Indian tribe may, at the discretion of the Indian tribe, negotiate with the Secretary for a funding agreement with a term that exceeds 1 year.

"SEC. 406. GENERAL PROVISIONS.

"(a) APPLICABILITY.—An Indian tribe may include in any compact or funding agreement provisions that reflect the requirements of this title.

"(b) CONFLICTS OF INTEREST.—An Indian tribe participating in self-governance shall ensure that internal measures are in place to address, pursuant to tribal law and procedures, conflicts of interest in the administration of included programs.

"(c) AUDITS.—

"(1) SINGLE AGENCY AUDIT ACT.—Chapter 75 of title 31, United States Code, shall apply to a funding agreement under this title.

"(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by—

"(A) section 106 of this Act or any other provision of law; or

"(B) any exemptions to applicable Office of Management and Budget circulars granted by the Office of Management and Budget.

"(3) FEDERAL CLAIMS.—Any claim by the Federal Government against an Indian tribe relating to funds received under a funding agreement based on an audit under this subsection shall be subject to section 106(f).

"(d) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate included programs or reallocate funds for included programs in any manner that the Indian tribe determines to be in the best interest of the Indian community being served, so long as the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

"(e) RETROCESSION.—

"(1) IN GENERAL.—An Indian tribe may fully or partially retrocede to the Secretary any included program under a compact or funding agreement.

"(2) EFFECTIVE DATE.—

"(A) AGREEMENT.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective on the date specified by the parties in the compact or funding agreement.

"(B) NO AGREEMENT.—In the absence of such a specification, the retrocession shall become effective on—

"(i) the earlier of—

"(I) the date that is 1 year after the date of submission of the request; or

"(II) the date on which the funding agreement expires; or

"(ii) such date as may be agreed on by the Secretary and the Indian tribe.

"(f) NONDUPLICATION.—A funding agreement shall provide that, for the period for which, and to the extent to which, funding is provided to an Indian tribe under this title, the Indian tribe—

"(1) shall not be entitled to enter into a contract with the Secretary for funds under section 102, except that the Indian tribe shall be eligible for new included programs on the same basis as other Indian tribes; and

"(2) shall be responsible for the administration of included programs in accordance with the compact or funding agreement.

"(g) RECORDS.—

"(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of an Indian tribe shall not be treated as agency records for purposes of chapter 5 of title 5, United States Code.

"(2) RECORDKEEPING SYSTEM.—An Indian tribe shall—

"(A) maintain a recordkeeping system; and

"(B) on 30 days' notice, provide the Secretary with reasonable access to the records to enable the Department to meet the requirements of sections 3101 through 3106 of title 44, United States Code.

"SEC. 407. PROVISIONS RELATING TO THE SECRETARY.

"(a) TRUST EVALUATIONS.—A funding agreement shall include a provision to monitor the performance of trust functions by the Indian tribe through the annual trust evaluation.

"(b) REASSUMPTION.—

"(1) IN GENERAL.—A compact or funding agreement shall include provisions for the Secretary to reassume an included program and associated funding if there is a specific finding relating to that included program of—

"(A) imminent jeopardy to a physical trust asset, natural resource, or public health and safety that—

"(i) is caused by an act or omission of the Indian tribe; and

"(ii) arises out of a failure to carry out the compact or funding agreement; or

"(B) gross mismanagement with respect to funds transferred to an Indian tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

"(2) PROHIBITION.—The Secretary shall not reassume operation of an included program unless—

"(A) the Secretary first provides written notice and a hearing on the record to the Indian tribe; and

"(B) the Indian tribe does not take corrective action to remedy gross mismanagement or the imminent jeopardy to a physical trust asset, natural resource, or public health and safety.

"(3) EXCEPTION.—

"(A) IN GENERAL.— Notwithstanding subparagraph (2), the Secretary may, on written notice to the Indian tribe, immediately reassume operation of an included program if—

"(i) the Secretary makes a finding of both imminent and substantial jeopardy and irreparable harm to a physical trust asset, a natural resource, or the public health and safety caused by an act or omission of the Indian tribe; and

"(ii) the imminent and substantial jeopardy and irreparable harm to the physical trust asset, natural resource, or public health and safety arises out of a failure by the Indian tribe to carry out its compact or funding agreement.

"(B) REASSUMPTION.—If the Secretary reassumes operation of an included program under subparagraph (A), the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after the date of reassumption.

"(c) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

"(1) FINAL OFFER.—If the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary.

"(2) DETERMINATION.—Not more than 45 days after the date of submission of a final offer, or as otherwise agreed to by the Indian tribe, the Secretary shall review and make a determination with respect to the final offer.

"(3) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the time specified in paragraph (2), the Secretary shall be deemed to have agreed to the offer.

"(4) REJECTION OF FINAL OFFER.—

"(A) IN GENERAL.—If the Secretary rejects a final offer (or 1 or more provisions or funding levels in a final offer), the Secretary shall—

"(i) provide timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

"(I) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

"(II) the included program that is the subject of the final offer is an inherent Federal function;

"(III) the Indian tribe cannot carry out the included program in a manner that would not result in significant danger or risk to the public health; or

"(IV) the Indian tribe is not eligible to participate in self-governance under section 403(b);

"(ii) provide technical assistance to overcome the objections stated in the notification required by clause (i);

"(iii) provide the Indian tribe a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised (except that the Indian tribe may, in lieu of filing an appeal, directly proceed to bring a civil action in United States district court under section 110(a)); and

"(iv) provide the Indian tribe the option of entering into the severable portions of a final proposed compact or funding agreement (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

"(B) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian tribe exercises the option specified in subparagraph (A)(iv)—

"(i) the Indian tribe shall retain the right to appeal the rejection by the Secretary under this section; and

"(ii) clauses (i), (ii), and (iii) of that subparagraph shall apply only to the portion of the proposed final compact or funding agreement that was rejected by the Secretary.

"(d) BURDEN OF PROOF.—In any administrative hearing or appeal or civil action brought under this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting a final offer made under subsection (c) or the grounds for a reassumption under subsection (b).

"(e) GOOD FAITH.—

"(1) IN GENERAL.—In the negotiation of compacts and funding agreements, the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy.

"(2) POLICY.—The Secretary shall carry out this Act in a manner that maximizes the policy of tribal self-governance.

"(f) SAVINGS.—To the extent that included programs carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 409(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and included programs.

“(g) Trust Responsibility.—The Secretary may not waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

“(h) Decisionmaker.—A decision that constitutes final agency action and relates to an appeal within the Department brought under subsection (c)(4) may be made—

“(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

“(2) by an administrative law judge.

“(i) Rule of Construction.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance, and any ambiguity shall be resolved in favor of the Indian tribe.

“SEC. 408. CONSTRUCTION PROGRAMS AND CONSTRUCTION PROJECTS.

“(a) In General.—An Indian tribe participating in self-governance may carry out a construction program or construction project under this title in the same manner as the Indian tribe carries out other included programs under this title, consistent with the provisions of all applicable Federal laws.

“(b) Federal Functions.—An Indian tribe participating in self-governance may, in carrying out construction projects under this title, elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to carry out a construction project, by adopting a resolution—

“(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under those laws; and

“(2) accepting the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the responsible Federal official under applicable environmental law.

“(c) Negotiations.—

“(1) In general.—In accordance with all applicable Federal laws, a construction program or construction project shall be treated in the same manner and be subject to all provisions of this Act as are all other tribal assumptions of included programs under this Act.

“(2) Construction projects.—A provision shall be included in the funding agreement that, for each construction project—

“(A) states the approximate start and completion dates of the construction project, which may extend for 1 or more years;

“(B) provides a general description of the construction project;

“(C) states the responsibilities of the Indian tribe and the Secretary with respect to the construction project;

“(D) describes—

“(i) the ways in which the Indian tribe will address project-related environmental considerations; and

“(ii) the standards by which the Indian tribe will accomplish the construction project; and

“(E) the amount of funds provided for the construction project.

“(d) Codes and Standards; Tribal Assurances.—A funding agreement shall contain a certification by the Indian tribe that the Indian tribe will establish and enforce procedures designed to ensure that all construction-related included programs carried out through the funding agreement adhere to building codes and other codes and architectural and engineering standards (including public health and safety standards) identified by the Indian tribe in the funding agreement, which codes and standards shall be in conformity with nationally recognized standards for comparable projects in comparable locations.

“(e) Responsibility for Completion.—The Indian tribe shall assume responsibility for the successful completion of a construction project in accordance with the funding agreement.

“(f) Funding.—

“(1) In general.—At the option of an Indian tribe, full funding for a construction program or construction project carried out under this title shall be included in a funding agreement as an annual advance payment.

“(2) Entitlement.—Notwithstanding the annual advance payment provisions or any other provision of law, an Indian tribe shall be entitled to receive in its initial funding agreement all funds made available to the Secretary for multiyear construction programs and projects carried out under this title.

“(3) Contingency funds.—The Secretary shall include associated project contingency funds in an advance payment described in paragraph (1), and the Indian tribe shall be responsible for the management of the contingency funds included in the funding agreement.

“(4) Reallocation of savings.—

“(A) In general.—Notwithstanding any other provision of an annual Act of appropriation or other Federal law, an Indian tribe may reallocate any financial savings realized by the Indian tribe arising from efficiencies in the design, construction, or any other aspect of a construction program or construction project.

“(B) Purposes.—A reallocation under subparagraph (A) shall be for construction-related activity purposes generally similar to those for which the funds were appropriated and distributed to the Indian tribe under the funding agreement.

“(g) Approval.—

“(1) In general.—If the planning and design documents for a construction project are prepared by an Indian tribe in a manner that is consistent with the certification given by the Indian tribe as required under subsection (d), approval by the Secretary of a funding agreement providing for the assumption of the construction project shall be deemed to be an approval by the Secretary of the construction project planning and design documents.

“(2) Reports.—The Indian tribe shall provide the Secretary with construction project progress and financial reports not less than semiannually.

“(3) Inspections.—The Secretary may conduct onsite project inspections at a construction project semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

“(h) Wages.—

“(1) In general.—All laborers and mechanics employed by a contractor or subcontractor in the construction, alteration, or repair (including painting and decorating) of a building or other facility in connection with a construction project funded by the United States under this title shall be paid wages at not less than the amounts of wages prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

“(2) Authority.—With respect to construction, alteration, or repair work to which that subchapter is applicable under this subsection, the Secretary of Labor shall have the authority and functions specified in the Reorganization Plan numbered 14, of 1950.

“(3) Applicability of subsection.—Notwithstanding any other provision of law, this subsection does not apply to any portion of a construction project carried out under this Act—

“(A) that is funded from a non-Federal source, regardless of whether the non-Federal funds are included with Federal funds for administrative convenience; or

“(B) that is performed by a laborer or mechanic employed directly by an Indian tribe or tribal organization.

“(4) Applicability of tribal law.—This subsection does not apply to a compact or funding agreement if the compact, self-determination contract, or funding agreement is otherwise covered by a law (including a regulation) adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.

“(i) Applicability of Other Law.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), the Federal Acquisition Regulation, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction program or project conducted under this title.

“SEC. 409. PAYMENT.

“(a) In General.—At the request of the governing body of the Indian tribe and under the terms of a funding agreement, the Secretary shall provide funding to the Indian tribe to carry out the funding agreement.

“(b) Advance Annual Payment.—At the option of the Indian tribe, a funding agreement shall provide for an advance annual payment to an Indian tribe.

“(c) Amount.—Subject to subsection (e) and sections 405 and 406 of this title, the Secretary shall provide funds to the Indian tribe under a funding agreement for included programs in the amount that is equal to the amount that the Indian tribe would have been entitled to receive under contracts and grants under this Act (including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members) without regard to the organization level within the Federal agency in which the included programs are carried out.

“(d) Timing.—Unless the funding agreement provides otherwise, the transfer of funds shall be made not later than 10 days after the apportionment of funds by the Office of Management and Budget to the Department.

“(e) Availability.—Funds for trust services to individual Indians shall be available under a funding agreement only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the Indian tribe.

“(f) Multiyear Funding.—A funding agreement may provide for multiyear funding.

“(g) Limitation on Authority of the Secretary.—The Secretary shall not—

“(1) fail to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

“(2) withhold any portion of such funds for transfer over a period of years; or

“(3) reduce the amount of funds required under this Act—

“(A) to make funding available for self-governance monitoring or administration by the Secretary;

“(B) in subsequent years, except as necessary as a result of—

“(i) a reduction in appropriations from the previous fiscal year for the program to be included in a compact or funding agreement;

“(ii) a congressional directive in legislation or an accompanying report;

“(iii) a tribal authorization;

“(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

“(v) completion of an activity under an included program for which the funds were provided;

“(C) to pay for Federal functions, including—

“(i) Federal pay costs;

“(ii) Federal employee retirement benefits;

“(iii) automated data processing;

“(iv) technical assistance; and

“(v) monitoring of activities under this Act; or

“(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance.

“(h) Federal Resources.—If an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles), or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

“(i) Prompt Payment Act.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this Act.

“(j) Interest or Other Income.—

“(1) In general.—An Indian tribe may retain interest or income earned on any funds paid under a compact or funding agreement to carry out governmental purposes.

“(2) No effect on other amounts.—The retention of interest or income under paragraph (1) shall not diminish the amount of funds that an Indian tribe is entitled to receive under a funding agreement in the year in which the interest or income is earned or in any subsequent fiscal year.

“(3) Investment standard.—Funds transferred under this title shall be managed using the prudent investment standard.

“(k) Carryover of Funds.—

“(1) In general.—Notwithstanding any provision of an Act of appropriation, all funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended.

“(2) Effect of carryover.—If an Indian tribe elects to carry over funding from 1 year to the next, the carryover shall not diminish the amount of funds that the Indian tribe is entitled to receive under a funding agreement in that fiscal year or any subsequent fiscal year.

“(l) Limitation of Costs.—

“(1) In general.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

“(2) Notice of insufficiency.—If at any time an Indian tribe has reason to believe that the total amount provided for a specific activity under a compact or funding agreement is insufficient, the Indian tribe shall provide reasonable notice of the insufficiency to the Secretary.

“(3) Suspension of performance.—If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

“SEC. 410. CIVIL ACTIONS.

“(a) Inclusion as Contract.—Except as provided in subsection (b), for the purposes of section 110, the term ‘contract’ shall include a funding agreement.

“(b) Contracts With Professionals.—For the period during which a funding agreement is in effect, section 2103 of the Revised Statutes (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (25 U.S.C. 476) shall not apply to a contract between an attorney or other professional and an Indian tribe.

“SEC. 411. FACILITATION.

“(a) In General.—Except as otherwise provided by law, the Secretary shall interpret each Federal law (including a regulation) in a manner that facilitates—

“(1) the inclusion of included programs in funding agreements; and

“(2) the implementation of funding agreements.

“(b) Regulation Waiver.—

“(1) Request.—An Indian tribe may submit a written request for a waiver to the Secretary identifying the specific text in regulation sought to be waived and the basis for the request.

“(2) Determination by the secretary.—Not later than 60 days after the date of receipt by the Secretary of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian tribe.

“(3) Ground for denial.—The Secretary may deny a request for a waiver only on a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law.

“(4) Failure to make determination.—If the Secretary fails to approve or deny a waiver request within the time required under paragraph (2), the Secretary shall be deemed to have approved the request.

“(5) Finality.—The Secretary's decision shall be final for the Department.

“SEC. 412. DISCLAIMERS.

“Nothing in this title expands or alters any statutory authority of the Secretary so as to authorize the Secretary to enter into any funding agreement under section 405(b)(2) or 415(c)(1)—

“(1) with respect to an inherent Federal function;

“(2) in a case in which the statute establishing a program does not authorize the type of participation sought by the Indian tribe (without regard to whether 1 or more Indian tribes are identified in the authorizing statute); or

“(3) limits or reduces in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

“SEC. 413. APPLICABILITY OF OTHER PROVISIONS.

“(a) Mandatory Application.—Sections 5(d), 6, 102(c), 104, 105(f), 110, and 111 apply to compacts and funding agreements under this title.

“(b) Discretionary Application.—

“(1) In general.—At the option of a participating Indian tribe, any or all of the provisions of title I or title V shall be incorporated in a compact or funding agreement.

“(2) Effect.—Each incorporated provision—

“(A) shall have the same effect as if the provision were set out in full in this title; and

“(B) shall be deemed to supplement or replace any related provision in this title and to apply to any agency otherwise governed by this title.

“(3) Effective date.—If an Indian tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation—

“(A) shall be effective immediately; and

“(B) shall control the negotiation and resulting compact and funding agreement.

“SEC. 414. BUDGET REQUEST.

“(a) Requirement of Annual Budget Request.—

“(1) In general.—The President shall identify in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title.

“(2) Duty of secretary.— The Secretary shall ensure that there are included, in each budget request, requests for funds in amounts that are sufficient for planning and negotiation grants and sufficient to cover any shortfall in funding identified under subsection (b).

“(3) Timing.—All funds included within funding agreements shall be provided to the Office of Self-Governance not later than 15 days after the date on which funds are apportioned to the Department.

“(4) Distribution of funds.—The Office of Self-Governance shall be responsible for distribution of all funds provided under this title.

“(5) Rule of construction.—Nothing in this subsection authorizes the Secretary to reduce the amount of funds that an Indian tribe is otherwise entitled to receive under a funding agreement or other applicable law.

“(b) Present Funding; Shortfalls.—In all budget requests, the President shall identify the level of need presently funded and any shortfall in funding (including direct program costs, tribal shares and contract support costs) for each Indian tribe, either directly by the Secretary of Interior, under self-determination contracts, or under compacts and funding agreements.

“SEC. 415. REPORTS.

“(a) In General.—

“(1) Requirement.—On January 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this title.

“(2) Analysis.—A report under paragraph (1) shall include a detailed analysis of tribal unmet need for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this subchapter.

“(3) No additional reporting requirements.—In preparing reports under paragraph (1), the Secretary may not impose any reporting requirement on participating Indian tribes not otherwise provided for by this Act.

"(b) CONTENTS.—A report under subsection (a) shall—

"(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds;

"(2) identify—

"(A) the relative costs and benefits of self-governance;

"(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and members of Indian tribes;

"(C) the funds transferred to each Indian tribe and the corresponding reduction in the Federal bureaucracy;

"(D) the funding formula for individual tribal shares of all Central Office funds, with the comments of affected Indian tribes, developed under subsection (d); and

"(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of inherent Federal functions by type and location;

"(3) contain a description of the methods used to determine the individual tribal share of funds controlled by all components of the Department (including funds assessed by any other Federal agency) for inclusion in compacts or funding agreements;

"(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of not less than 30 days); and

"(5) include the separate views and comments of each Indian tribe or tribal organization.

"(c) REPORT ON NON-BIA PROGRAMS.—

"(1) IN GENERAL.—In order to optimize opportunities for including non-Bureau of Indian Affairs included programs in agreements with Indian tribes participating in self-governance under this title, the Secretary shall—

"(A) review all included programs administered by the Department, other than through the Bureau of Indian Affairs, without regard to the agency or office concerned;

"(B) not later than January 1, 2004, submit to Congress—

"(i) a list of all such included programs that the Secretary determines, with the concurrence of Indian tribes participating in self-governance, are eligible to be included in a funding agreement at the request of a participating Indian tribe; and

"(ii) a list of all such included programs for which Indian tribes have requested to include in a funding agreement under section 405(b)(3) due to the special geographic, historical, or cultural significance to the Indian tribe, indicating whether each request was granted or denied and stating the grounds for any denial.

"(2) PROGRAMMATIC TARGETS.—The Secretary shall establish programmatic targets, after consultation with Indian tribes participating in self-governance, to encourage bureaus of the Department to ensure that a significant portion of those included programs are included in funding agreements.

"(3) PUBLICATION.—The lists and targets under paragraphs (1) and (2) shall be published in the Federal Register and be made available to any Indian tribe participating in self-governance.

"(4) ANNUAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall annually review and publish in the Federal Register, after consultation with Indian tribes participating in self-governance, revised lists and programmatic targets.

"(B) CONTENTS.—The revised lists and programmatic targets shall include all included programs that were eligible for contracting in the original list published in the Federal Register in 1995, except for included programs specifically determined not to be contractible as a matter of law.

"(d) REPORT ON CENTRAL OFFICE FUNDS.—Not later than January 1, 2004, the Secretary shall, in consultation with Indian tribes, develop a funding formula to determine the individual tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs for inclusion in the self-governance compacts.

"SEC. 416. REGULATIONS.

"(a) IN GENERAL.—

"(1) PROMULGATION.—Not later than 90 days after the date of the enactment of the Department of the Interior Tribal Self-Governance Act of 2003, the Secretary shall initiate procedures under subchapter III of chapter 5, of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out the amendments made by that Act.

"(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement the amendments shall be published in the Federal Register not later than 1 year after the date of enactment of that Act.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire on the date that is 18 months after the date of enactment of that Act.

"(b) COMMITTEE.—

"(1) MEMEBERSHIP.—A negotiated rulemaking committee established under section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives.

"(2) LEAD AGENCY.— Among the Federal representatives, the Office of Self-Governance shall be the lead agency for the Department of the Interior.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

"(d) EFFECT.—

"(1) REPEAL.—All regulatory provisions under part 1000 of title 25, Code of Federal Regulations, are repealed on the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2003.

"(2) EFFECTIVENESS WITHOUT REGARD TO REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(3) INTERIM PROVISION.—Notwithstanding this subsection, any regulation under part 1000 of title 25, Code of Federal Regulations, shall remain in effect, at an Indian tribe's option, in implementing compacts until regulations are promulgated.

"SEC. 417. EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.

"Unless expressly agreed to by a participating Indian tribe in a compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except for—

"(1) the eligibility provisions of section 105(g); and

"(2) regulations promulgated under section 416.

"SEC. 418. APPEALS.

"In any administrative appeal or civil action for judicial review of any decision made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

"(1) the validity of the grounds for the decision; and

"(2) the consistency of the decision with the provisions and policies of this title.

"SEC. 419. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title.".

By Mr. CHAFEE (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 1716. A bill to amend the Federal Water Pollution Control Act to authorize the use of funds made available for nonpoint source management programs for projects and activities relating to the development and implementation of phase II of the storm water program of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, I am pleased to be joined by my colleagues Senator BOND of Missouri and Senator JEFFORDS of Vermont in introducing legislation today that addresses an issue of great concern for our States and regions—the availability of Clean Water Act Section 319 funding for development and implementation of the Phase II Storm Water Program.

Stormwater runoff carries with it a host of contaminants as it runs over rooftops and lawns, parking lots and new construction sites, depositing nutrients, toxic metals, and sediments into downstream waterbodies. In many areas of the country, and particularly strongly urbanized areas, stormwater ranks high on the list of priority pollution sources impacting the water quality of our lakes, rivers, streams, and bays. As States proceed with development of the federally-mandated Phase II Storm Water Program to address critical stormwater runoff, the costs of implementing the requirements of the program are becoming a major concern for States and the municipalities.

At issue is whether funds provided to States through Section 319 of the Clean Water Act may be used for the purposes of developing and implementing the Environmental Protection Agency (EPA) Phase II Storm Water Rule that went into effect in March 2003. This issue is significant because the Phase II Program requires States to regulate stormwater discharges, which have historically been treated as nonpoint sources, as if they are point sources under the National Pollutant Discharge Elimination System (NPDES) Program. As a result, it is possible that federally-mandated State nonpoint source control programs, which have been funded by 319 monies in the past, may have to find new funding sources even as stormwater requirements are increased.

In recent years, the Environmental Protection Agency's Nonpoint Source Program has increasingly focused on impaired waters and stormwater-related concerns as the agency has moved toward a watershed-based approach. Although the Clean Water Act appears silent on the eligibility of Section 319 funding to address stormwater issues currently falling under the NPDES Program, EPA has thus far interpreted the Act to prohibit 319 funds from being used for implementation of the Phase II Storm Water Program. In recent months, a lack of clarity also exists on the use of Section 319 funding in geographic areas covered by the Phase II Program. Phase II applies to all populated areas of 1000 people or greater per square mile. In Rhode Island, nearly all of the state's impaired waters are included in Phase II areas. Given a strict EPA interpretation of the law, Section 319 funds could not be used in any of these areas.

Last year, the Senate approved and the President signed into law the Great Lakes and Lake Champlain Act of 2002 which contains a provision providing a one-year extension, during fiscal year 2003, for states to retain flexibility in using 319 funding for addressing their stormwater concerns. We are introducing legislation today that builds upon the fiscal year 2003 fix by providing permanent authority for states to use Section 319 monies for development and implementation of the Phase II Storm Water Program. Further, the legislation clarifies that 319 monies may be used in Phase II geographic jurisdictions.

The Phase II Storm Water Program is an important step toward protecting our Nation's waters from stormwater discharges, and striving for an integrated strategy in preventing, controlling, and reducing pollution entering our waterbodies. The legislation introduced today provides critical flexibility to States and municipalities as they continue to struggle financially with coming into compliance with the Phase II Program. I encourage my colleagues on the Environment and Public Works Committee, and in the Senate, to join us in expeditiously approving this important legislation. Thank you.

Mr. JEFFORDS. Mr. President, I rise before the Senate today to join my colleagues Senator CHAFEE and Senator BOND to introduce legislation to provide funding for storm water control and management. This legislation will ensure that smaller communities required to comply with the storm water phase II regulations will continue to have access to section 319 grant funds under the Clean Water Act.

The storm water phase II regulations went into effect on March 10, 2003. These regulations require that smaller communities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement best management practices to control storm water discharges and prevent water pollution. Existing EPA policy requires that once a community obtains an NPDES permit, it can no longer use section 319, non-point source funding. However, there are no dedicated, alternative funding sources available for storm water management. As smaller communities, like many of those in Vermont, are working hard to implement strong programs to control storm water runoff, it seems counterintuitive to remove one of the main funding sources these communities use for this purpose.

During the 107th Congress, as Chairman of the Environment and Public Works Committee, I supported Senator CHAFEE's efforts to put in place a one-year fix to this problem, allowing section 319 funds to be used for storm water controls during fiscal year 2003. This one-year fix passed the EPW Committee, the full Senate, and the full House unanimously. I hope that we have the same level of support during the 108th Congress.

In our efforts to make our nation's water cleaner, non-point sources of pollution remain our next major hurdle. Storm water runoff is one area where we can make an immediate difference in the amount of pollution reaching our waters with an investment in best management practices and control techniques. We need to make more resources available to communities working hard to reduce the impact of storm water runoff on water quality. This legislation is step one of a long list of actions that I believe this Congress should take to make more resources available for storm water management.

A ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASE II STORM WATER PROGRAM IMPLEMENTATION AND MANAGEMENT.

Section 319(h) of the Federal Water Pollution Control Act (33 U.S.C. 1329(h)) is amended by adding at the end the following:

"(13) PHASE II STORM WATER IMPLEMENTATION.—A State may use funds from a grant provided under this subsection—

"(A) to carry out a project or activity relating to the development or implementation of phase II of the storm water program of the Environmental Protection Agency established by the final rule entitled 'National Pollutant Discharge Elimination System—Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges", promulgated by the Administrator on December 8, 1999 (64 Fed. Reg. 68722); and

"(B) to implement a management program in a geographic jurisdiction for phase II of the program described in subparagraph (A).".

By Mr. HATCH (for himself, Mr. BROWNBACK, Mr. SPECTER, and Mr. DODD):

S. 1717. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, today, I am pleased to introduce the "Cord Blood Stem Cell Act" of 2003. I am particularly gratified that Senators BROWNBACK, SPECTER, and DODD have joined me as cosponsors of this bipartisan bill. The purpose of the Cord Blood Stem Cell Act is to create a network of qualified cord blood banking centers to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support research using such cells.

As my colleagues are aware, thousands of Americans receive and are saved by bone marrow transplants each year. But, thousands more die for lack of an appropriate donor. The good news is that for several years, experts from a few centers have collected and preserved the blood and stem cells from human placenta and umbilical cords. These cells can provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a bone marrow match cannot be found, transplantation of these cells can be a life-saving therapy.

In some cases cord blood stem cell transplants provide an advantage relative to bone marrow transplants because they reduce risk to the donor, they are readily available, and they lower the risk of transplant complications. Cord blood stem cells also increase the success of transplantation from donors to recipients who are not fully matched, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and several metabolic diseases. However, despite initial successes, not enough cord blood exists currently to meet the need. Currently, the number of cord blood stem cell units in the United States is insufficient to meet the need.

The bipartisan Cord Blood Stem Cell Act of 2003 proposes to establish an inventory of 150,000 cord blood stem cell units that reflects the diversity of the United States and will enable at least 90 percent of Americans to receive an appropriately matched cord blood stem cell transplant. The inventory would provide a critical resource for those in need of transplants and allocate a certain proportion of units to sustain further research on cord blood stem cells.

The National Cord Blood Stem Cell Network, administered by the Secretary of Health and Human services and a Board of Directors appointed by the Secretary, would be a system of qualified donor banks which will acquire, test, and preserve cord blood stem cells, educate and recruit donors, and make such cells available to transplant centers for stem cell transplantation. The Network would establish a National Cord Blood Stem Cell Registry, which would acquire and distribute donated units of cord blood, provide health care professionals with the ability to search the entire registry for a suitable donor match for patients and maintain a database to document the activities of the Network.

I ask unanimous consent that a brief section-by-section analysis of the National Cord Blood Stem Cell Act be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CORD BLOOD STEM CELL ACT OF 2003

Section 1—Short Title: Cord Blood Stem Cell Act of 2003

Section 2—National Cord Blood Stem Cell Bank Network:

Subsection (a): Sets fourth the definitions to be used for the purposes of this document.

Subsection (b): (1) In general—A national cord blood stem cell bank containing of 150,000 units will be established and provided for by qualified cord blood stem cell banks. (2) Purpose of donor banks—The banks will acquire tissue type, test, cryopreserve, and store donated cord blood stem cell units and make cord blood units available. Ten percent of this cord blood inventory will be allocated for research. (3) Eligibility of donor banks—In order to create an effective donor bank it must obtain all licenses, certifications, and registrations needed to operate. It must preform adequate screenings of the cord blood in order to eliminate transmission of disease and other harmful infections. Donor banks must uphold the utmost confidentiality to protect the patients and the donors under HIPAA. A donor bank must encourage an ethnically diverse population of cord blood stem cells. A donor bank must also develop an adequate system of communication for nationwide usage of cord blood stem cells, and educate the public on the advantages of donating and utilizing cord blood stem cells.

Subsection (c): Administration of the Network—Cord blood stem cell banks shall be run by a board of directors, including a chairman. Each member of the board of directors shall serve a 3-year term, and the board will be represented by various experienced people. Each year ⅓ of the board of directors' terms will expire.

There shall also be a National Cord Blood Stem Cell registry. The registry shall find appropriate cord blood for matched candidates; allow searches in the registry for a suitable donor for patients; and maintain a healthy, updated database.

The Database shall be confidential under HIPAA, and will be carefully monitored by the Secretary.

Subsection (d): Authorization of Appropriation—Authorizes $15 million for FY2004.

This is a therapy that can be life-saving for many Americans with diseases that can be treated by stem cell transplantation; particularly for many minorities and other Americans who are unable to find a matching bone marrow donor. I am pleased to introduce this bill that will save lives by providing Americans with the opportunity to receive a promising therapy.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH, Senator BROWNBACK, and Senator SPECTER in introducing legislation to advance the use of umbilical cord blood for clinical applications and research. I first became aware of the potential therapeutic benefits of cord blood when my daughter was born 2 years ago. At that time, our doctor informed me and my wife that preserving a small amount of blood from the umbilical cord could prove enormously beneficial later in her life. Should she become ill with a disease requiring bone marrow reconstitution, he told us, her own cord blood stem cells could be used. This would eliminate the need to find a suitable bone marrow donor.

The bill that we are introducing today will begin a new national commitment to the development of this technology—which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including sickle cell anemia and certain childhood cancers. However, the use of cord blood is still fledgling. Recent developments have suggested that the stem cells derived from cord blood may be useful in treating a much wider range of diseases, such as Parkinson's disease, diabetes, and heart disease.

Like many Americans, I had never heard of cord blood before the birth of my daughter. It is not widely used—at least in this country. In the first 8 months of this year, 95 percent of all bone marrow reconstitutions were done using a bone marrow transplant. Only 5 percent used cord blood. This figure is surprising when we consider the potential benefits of cord blood relative to bone marrow.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office, GAO, report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry, NBMDR, only 4,056 received a transplant—a 27-percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation, it also does not require as exact a match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications of both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, given all of these benefits, has the use of cord blood not become much more prevalent in the United States? In Japan, where the use of cord blood in clinical settings is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. This is thanks to legislation passed by Congress in 1986 that established a National Registry for bone marrow. By the way, that legislation is due to be reauthorized next year—and I would like to voice my strong support for that reauthorization.

Our bill would create a similar infrastructure for cord blood. Specifically, it would direct the Secretary of Health and Human Services, HHS, acting through the Administrator of the Health Resources and Services Administration, HRSA, to establish a National Cord Blood Stem Cell Bank Network, as well as a registry of available cord blood units. The network and registry would be required to collect a minimum of 150,000 units, which should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Donor banks would also be required to educate the general public about the potential benefits of cord blood, and encourage an ethnically diverse population of cord blood donors. Given the untapped potential of cord blood, at least 10 percent of the available units must also be made available for research. Finally, the legislation authorizes an appropriation of $15 million for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.

Mr. President, before finishing today I would like to make it clear that I strongly support the continuation of the excellent work done by the National Marrow Donor Program (NMDP). Cord blood should act as a complement to—not a replacement for—bone marrow. In many cases, a bone marrow transplant is still the preferred therapy. Physicians should have the ability to decide on a case-by-case basis which is best for their patients. That is why I am hopeful that the NMDP will have a very active role in designing and supporting the National Cord Blood Stem Cell Network and

Registry. Ideally, the two will work together to provide a single resource where doctors can search both cord blood stockpiles and a list of marrow donors for a suitable match for their patients.

I firmly believe that the creation of a national infrastructure for cord blood will, in time, save the lives of thousands of gravely ill Americans. We have a responsibility to encourage use of cord blood where appropriate today, and invest in research to fully tap the potential of this technology. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—DESIGNATING NOVEMBER 7, 2003, AS "NATIONAL NATIVE AMERICAN VETERANS DAY" TO HONOR THE SERVICE OF NATIVE AMERICANS IN THE UNITED STATES ARMED FORCES AND THE CONTRIBUTION OF NATIVE AMERICANS TO THE DEFENSE OF THE UNITED STATES

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, Mr. THOMAS, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 239

Whereas Native Americans have served with honor and distinction in the United States Armed Forces and defended the United States of America for more than 200 years;

Whereas Native Americans have served in wars involving the United States from Valley Forge to the 2003 hostilities in Afghanistan and Iraq;

Whereas Native Americans have served in the Armed Forces with the highest record of military service of any group in the United States;

Whereas the courage, determination, and fighting spirit of Native Americans have strengthened and continue to strengthen the United States, including the United States Armed Forces;

Whereas Native Americans have made the ultimate sacrifice in defense of the United States, even in times when Native Americans were not citizens of the United States;

Whereas the establishment of a National Native American Veterans Day will honor the continuing service and sacrifice of Native Americans in the United States Armed Forces; and

Whereas November 7th, a date that falls within the traditional observance of Native American Indian Heritage Month, would be an appropriate day to establish a National Native American Veterans Day: Now, therefore, be it

Resolved, That the Senate—

(1) honors the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States;

(2) designates November 7, 2003, as "National Native American Veterans Day";

(3) encourages all people in the United States to learn about the history of the service of Native Americans in the Armed Forces; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities to demonstrate support for Native American veterans.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senators INOUYE, BINGAMAN, JOHNSON, and THOMAS in submitting a resolution to honor Native American Indian veterans for their service in the Armed Forces of the United States and to designate November 7, 2003 as "National Native American Veterans Day".

As the events of conflict in Iraq continue we all hope and pray for the safe return of the men and women who are overseas, far from home protecting our nation and others.

Native Americans have fought in wars and conflicts that date back to the days before the Revolution and fought alongside the colonists during the Revolutionary war.

Native people continued the call by enlisting in the armed services of the United States to fight in the many conflicts of our past including the War of 1812, the Civil War, and the Spanish-American war in 1898.

In 1868, the U.S. Army established the Indian scouts to utilize their special skill of scouting the enemy. Theodore Roosevelt recruited Native Americans to be part of his famous Rough Riders. This is probably a little known fact.

Within the last century, approximately 12,000 Native Americans served in World War I, 44,000 in World War II and the Korean War, 42,000 in the Vietnam war, and at the end of the 20th century there were nearly 190,000 Native American Indian men and women serving in the military.

At the same time, few people know that American Indians were not made citizens until Congress enacted the Indian Citizenship Act in 1924.

In 2001, I was honored to take part in ceremonies awarding the Congressional gold medal to the Navajo Code Talkers who made such a great contribution to the war efforts in the Pacific during World War II. At a time when the Japanese were breaking the codes developed by American intelligence, the Code Talkers made use of the Navajo language to confound the enemy and communicate military strategy and positions without compromise. Of all the codes developed in World War II, the Navajo language code was the only one not broken during World War II.

The Code Talkers story is not the only one worthy of recognition. Only recently was it rediscovered that an Oneida woman, Tyonajanegen, fought alongside her husband, an American army officer, during the American Revolution. Sacajawea, a Shoshone woman, guided and served as an interpreter for Lewis and Clark during their expedition. Native women also served in the Spanish American War and World War I as military nurses. Approximately 800 Native women served in World War II. They continued to answer the call throughout the military campaigns of the Korean War, the Vietnam War, Operations Desert Shield and, recently, Desert Storm.

We also honor the memory of Lori Piestewa, a Hopi woman, who fought valiantly and bravely to protect her fellows during the invasion of Iraq. Just as we cheered when Jessica Lynch was rescued and returned home, all Americans were saddened to learn of Lori Piestewa's fate.

Some warriors served this country valiantly, yet fell, not by a bullet, but by a broken heart. Ira Hayes is one such man. He was a Pima Indian from the Gila River Indian Reservation in Arizona. He eventually died a broken man, a victim of alcoholism and despair but to me will forever be known as an American hero who will forever be known as one of the Marines who raised the American flag with five others atop Mount Suribachi after taking the island of Iwo Jima from the Japanese.

Indian people have special admiration and respect for our veterans. They pray for ones still in battle, alongside their fellow Americans, so that they can have a safe journey back to their loving homes and families. They pray for the ones who have fought, and now, continue their journey through life's struggles.

I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 240—DESIGNATING NOVEMBER 2003 AS "NATIONAL AMERICAN INDIAN HERITAGE MONTH"

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DORGAN, Mr. BINGAMAN, Mr. JOHNSON, Mr. DOMENICI, Mr. MCCAIN, Mr. THOMAS, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the Earth;

Whereas American Indians and Alaska Natives have served with valor in all of the wars of the United States, beginning with the Revolutionary War and continuing through the conflict in Iraq, and the percentage of Native Americans serving in the United States armed services has significantly exceeded the percentage of Native people in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the world in many fields, including agriculture, medicine, music, language, and the arts;

Whereas American Indians and Alaska Natives should be recognized for their contributions to the United States, including as local and national leaders, artists, athletes, and scholars;

Whereas such recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a month during which many Americans commemorate a special time in the history of the United States, when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2003 as "National American Indian Heritage Month"; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators INOUYE, DORGAN, BINGAMAN, JOHNSON, DOMENICI, MCCAIN, THOMAS and HATCH in submitting a resolution to recognize the many contributions American Indians and Alaska Natives have made to our great Nation and to designate November, 2003, as "National American Indian Heritage Month" as Congress has done for nearly a decade.

Native people have left an indelible imprint on many aspects of our everyday life that most Americans take for granted. The arts, education, science, the armed forces, medicine, industry, and government are a few of the areas that have been influenced by American Indian and Alaska Native people over the last 500 years.

In the medical field, many of the healing remedies that we use today derive from practices used first by Native people hundreds of years before we incorporated them into western medicine.

Native people revere the natural environment, have great respect for elders and veterans, and cherish the family which is the center of Indian life and culture. These values are deeply rooted, strongly embraced and thrive with generation after generation of Native people.

From the difficult days of Valley Forge through our peace keeping efforts around the world today, American Indian and Alaska Native people have proudly served and dedicated their lives in the military readiness and defense of our country in wartime and in peace. It is a fact that on a per capita basis, Native participation rate in the armed Forces outstrips the rates of all other groups in the Nation.

Many Native men and women have made the ultimate sacrifice in defending the Nation, some before they were granted citizenship in 1924.

Many of the words in our language have been borrowed from Native languages, including many of the names of the rivers, cities, and States across America. Indian arts and crafts have also made a distinct impression on our heritage.

By designating November 2003, as "National American Indian Heritage Month" we will continue to encourage self-esteem, pride, and self-awareness among American Indians and Alaska Natives of all ages and remind all Americans of the contributions of the Native people of this great land.

SENATE RESOLUTION 241—EXPRESSING THE SENSE OF THE SENATE REGARDING THE PALESTINIAN AUTHORITY

Mr. GRAHAM of South Carolina submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 241

Whereas the Palestinian people have a right to live in peace with the Israeli people in a free and independent Palestinian state;

Whereas the leadership of both these peoples must be committed to moving the peace process forward;

Whereas violence undermines the establishment of a free and independent Palestinian state;

Whereas violence in Israel and the occupied territories effects the stability of the entire region;

Whereas Yasser Arafat has taken insufficient action as Chairman of the Palestinian Authority to reduce violence and terrorist acts;

Whereas Chairman Arafat has established ties to those responsible for the violence;

Whereas high level officials in Chairman Arafat's administration and Chairman Arafat himself have illegally imported weapons and, according to the Department of State, sponsored a ship bringing more than 50 tons of weapons, including rockets, explosives, and assault rifles, to the Palestinian Authority;

Whereas Chairman Arafat's administration is demonstrably corrupt, as proven by the findings of the International Monetary Fund with respect to the actions of Chairman Arafat to redirect $900,000,000 in government revenue to private bank accounts between 1995 and 2000;

Whereas the Palestinian Authority supports Hamas, an organization that is committed to the destruction of the state of Israel, and which threatens in its Covenant that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it";

Whereas the Palestinian Authority has supported Hamas and Islamic Jihad;

Whereas Chairman Arafat consistently refuses to accept a two-state solution to the violence between Israelis and Palestinians;

Whereas the Palestinian people need a strong leader capable of controlling militant groups; and

Whereas the Palestinian people need a strong leader committed to negotiating a peace for them and their neighbors: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Chairman Yasser Arafat is not an agent for peace, and the United States should not continue dialogue with Chairman Arafat regarding the establishment of a peace between Israelis and Palestinians; and

(2) the United States should consider reducing future financial assistance to the Palestinian Authority if the Palestinian Authority continues to fail to control groups like Hamas and Islamic Jihad whose goal is to destroy both Israel and the peace process.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE DO-NOT-CALL REGISTRY

Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas on September 25, 2003, the United States District Court for the District of Colorado decided the case of Mainstream Marketing Services, Inc. v. Federal Trade Commission, 2003 U.S. Dist. LEXIS 16807;

Whereas the case considered the constitutionality of the amended telemarketing sales rules promulgated by the Federal Trade Commission, which established a do-not-call registry;

Whereas the district judge held that the do-not-call registry violated the First Amendment free speech rights of telemarketers and was therefore unconstitutional;

Whereas on September 25, 2003, Congress passed legislation reaffirming the authority of the Federal Trade Commission to establish the do-not-call registry;

Whereas over 50,000,000 telephone consumers have signed up for the do-not-call registry, which was to go into effect on October 1, 2003; and

Whereas the people of the United States have the right to protect the privacy of their homes from unsolicited commercial telemarketing calls: Now, therefore, be it

Resolved, That the Senate—

(1) strongly disapproves of the decision of the United States District Court in Mainstream Marketing Services, Inc. v. Federal Trade Commission; and

(2) directs the Senate Legal Counsel—

(A) to intervene in any case brought to defend the constitutionality of the do-not-call registry; or

(B) if unable to intervene, to file an amicus curiae brief in support of the constitutionality of the do-not-call registry.

Ms. MURKOWSKI. Mr. President, I come to the floor today to address yet another misguided judicial action that is threatening again to prevent the "Do-Not-Call Registry" from going into effect on Wednesday, October 1. This body just last week addressed the misguided application of the law from a Federal Court in Oklahoma.

Not 48 hours had passed before the lawyers for the telemarketers found another judge to halt the implementation of that program—this time on constitutional grounds.

The U.S. District Court for the District of Colorado in Mainstream Marketing Services, Inc., et. al. v. Federal Trade Commission, last Friday held that the FTC "Do-Not-Call Registry violated the Right of Free Speech provisions of the United States Constitution.

How many times must this body speak before the courts will listen?

Americans are outraged that their right to privacy can be invaded every night while they try to eat dinner with their families. Our lives are busy enough throughout the day with work and school, after school activities and preparing for the next day. To have a little quiet time at dinner is not too much to ask, yet these telemarketing companies now feel it is their right to disturb our few moments of family solitude.

In the first case they brought against the regulations they argued lack of authority. Now they argue lack of constitutional support. What is next, lack of ability to abide by what the Administration, Congress and the American people are clamoring for?

Those who seek to stop the implementation of this program assert they are protected by a right of free speech. Therein lies the problem.

The commercial speech that the telemarketers seek to preserve is not held to the same standard under the First Amendment as individual right of speech. Further, the FTC regulations are not arbitrary and capricious because the FTC considered the comments of thousands of people and clearly made findings justifying their regulations.

Now, Congress has subsequently acted to establish in law the authority for the FTC to say that telemarketers do not enjoy a free rein into our homes by using the telephone.

I say it is the people who have the right to decide they do not want to be hounded by telemarketers and those who would interrupt the sanctity of their homes.

The U.S. Supreme Court has found that one aspect of residential privacy is the right to avoid unwanted communications. The Supreme Court also has repeatedly held that individuals are not required to welcome unwanted speech into their homes and that the government may protect this freedom.

The entire purpose of the FTC's "Do No Call Registry" program is to allow Americans to opt-out of receiving these annoying phone calls. In my judgment the court's decision to stop this program tilts our privacy rights out of balance in favor of these telemarketing companies.

As we heard repeatedly on the Senate floor last week, in just the few short months since the FTC adopted these rules nearly 50 million people have registered to stop these harassing phone calls.

Alaskans were looking forward to the implementation of this FTC rule to give them the peace and quiet they have sought for so long. We need this FTC rule to protect our citizens and their privacy.

Americans and Congress have spoken. People do not like to be disturbed by unwanted and harassing phone calls from people selling products over the phone. The Administration listened to the cries of Americans. Congress listened to the cries of Americans. Now the courts must respect the choice of the people by allowing this rule to go into effect.

Unfortunately, the most recent court opinion on this issue shows yet again that the justice system in America is broken and badly in need of repair.

The resolution that I submit today is different from what the Senate voted on last week. This resolution states that it is the sense of the United States Senate that the court's judgment in this most recent case was in error.

The Resolution further authorizes the Senate Legal Counsel to intervene in this most recent case to assert the constitutionality of the "Do-Not-Call Registry," or if it is unable to intervene, to file an amicus curiae brief in support of the constitutionality of the do-not-call registry.

Once again I ask this body: How many times must we speak before the courts will let this rule go into effect? Hopefully the courts will pay attention today.

I am proud to submit this resolution and I hope this body will act quickly on this measure to send yet another message to our courts that the privacy of our homes cannot be invaded.

SENATE CONCURRENT RESOLUTION 72—COMMEMORATING THE 60TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CADET NURSE CORPS AND VOICING THE APPRECIATION OF CONGRESS REGARDING THE SERVICE OF THE MEMBERS OF THE UNITED STATES CADET NURSE CORPS DURING WORLD WAR II

Mr. DASCHLE submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 72

Whereas the United States experienced an extreme shortage of nurses and medical personnel during World War II, and this shortage was filled in part by the 180,000 women of the United States Cadet Nurse Corps;

Whereas the United States Cadet Nurse Corps was under the jurisdiction of the Public Health Service, a branch of the uniformed services of the United States;

Whereas the United States Cadet Nurse Corps was established pursuant to the Act of June 15, 1943 (Chapter 126; 57 Stat. 153), commonly known as the Bolton Act in honor of Congresswoman Frances Payne Bolton who introduced the legislation;

Whereas the members of the United States Cadet Nurse Corps were required to undergo training that involved 12-hour days in hospitals followed by classes, with specific standards for admission into the Corps;

Whereas the members of the United States Cadet Nurse Corps made a pledge upon entrance into their post to be available for military, governmental, or essential civilian services for the duration of World War II;

Whereas the members of the United States Cadet Nurse Corps wore uniforms with patches certified by the Secretary of the Army and served under the authority of commissioned officers;

Whereas members of the United States Cadet Nurse Corps were charged with the reception of sick and wounded members of the Armed Forces and performed other duties in promotion of the public interest in connection with military operations;

Whereas the United States Cadet Nurse Corps was responsible for saving civilian hospital nursing services by providing 80 percent of the nursing staff for civilian hospitals during World War II;

Whereas some members of the United States Cadet Nurse Corps left their families and served all across the Nation in various hospitals, occasionally substituting for doctors; and

Whereas the United States Cadet Nurse Corps remains unrecognized as a military organization and its members remain unrecognized as veterans of the United States Army: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the members of the United States Cadet Nurse Corps for their patriotism and civic activism in a time of emergency during World War II; and

(2) honors the 60th Anniversary of the creation of the United States Cadet Nurse Corps.

Mr. DASCHLE. Mr. President, today I am submitting a concurrent resolution to honor a special group of women who served their Nation during World War II, veterans of the Cadet Nurse Corps.

During World War II, 250,000 nurses were sent to the front lines to care for Allied troops. By 1942, there was such a shortage of civilian nurses in the United States that many immunizations were cancelled and hundreds of clinics were closed. An alarmingly high number of babies were being delivered at home, without the assistance of medical professionals, and some hospitals were forced to shut wards.

To alleviate this shortage, nearly 180,000 young women answered the call of government recruiters to join the Cadet Nurse Corps. These young women staffed domestic hospital wards while the overseas nurses cared for wounded troops on the front lines. The Cadet Nurses comprised nearly 80 percent of the nursing staff for civilian hospitals during World War II, and, without their service, our Nation could not have afforded to make such a tremendous commitment to providing medical attention to our troops overseas.

Recently, a number of former Cadet Nurses who trained at St. Luke's Hospital in Aberdeen, SD, gathered for a reunion. This year, as you may know, marks the 60th anniversary of the establishment of the Cadet Nurse Corps. The reunion drew about a dozen former members of the Corps, including several who now live out of State.

Among the participants was Esther Roesch Buechler, and her story provides insight into what it was like to serve as a Cadet Nurse.

Esther, now 78 years old, grew up in Roscoe, a small community in north-central South Dakota. She was born with a number of medical problems that have inspired her to help others in need. With great support from her father, she was determined to devote her life to medical care. Upon her graduation from high school in 1943, Esther joined the Cadet Nurse Corps. Assigned to St. Luke's, she recalls long, arduous hours at a clinic whose nursing staff had been decimated by the war. Later in her training, she was sent to the VA nursing home in Des Moines, Iowa, where she treated World War I veterans, as well as new veterans from the World War II campaign. Following her Cadet Nurse Corps experience, Esther served in various hospitals for nearly 10 years before she retired to raise her children. And she passed her commitment to medical service on to her children—her oldest son currently works as a paramedic.

Cadet Nurses like Esther were an essential part of our military force. They were members of the Public Health Service, one of our Nation's seven uniformed services. They served under the authority of commissioned officers, wearing patches certified by the Secretary of the Army. And they treated the injuries of troops returning home from the war front. Despite their dedicated service to our Nation, it is unfortunate that the Department of Defense has elected to block efforts to recognize these women as military veterans.

During the existence of the Cadet Nurse Corps, more than 124,000 Cadet Nurses graduated from 1,125 schools operating nurse training programs around the country. Without the Cadet Nurses, our battlefield medical services, as well as our health care here at home, could not have carried on with the same proficiency. For their tremendous service to our nation, I salute the Cadet Nurse Corps, and I ask you to join with me in supporting this resolution honoring their patriotism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1825. Mr. BOND (for himself, Ms. MIKULSKI, Mr. DORGAN, and Mr. JEFFORDS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1826. Mr. DORGAN (for himself and Ms. LANDRIEU) proposed an amendment to the bill S. 1689, supra.

SA 1827. Mr. FRIST (for Mr. FEINGOLD) proposed an amendment to the bill S. 1642, to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

TEXT OF AMENDMENTS

SA 1825. Mr. BOND (for himself, Ms. MIKULSKI, Mr. DORGAN, and Mr. JEFFORDS) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL CARE

For an additional amount for medical care and related activities under this heading for fiscal year 2004, $1,300,000,000, to remain available until September 30, 2005.

SA 1826. Mr. DORGAN (for himself and Ms. LANDRIEU) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 25, strike line 5, and all that follows through page 28, line 15, and insert the following:

FINANCING OF RECONSTRUCTION

The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

SA 1827. Mr. FRIST (for Mr. FEINGOLD) proposed an amendment to the bill S. 1642, to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes; as follows:

At the end, add the following:

SEC. 2. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, October 3, 2003, at 9:30 a.m., in closed session, to receive a briefing on the interim report on Iraq's weapons of mass destruction programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 147, 308, 343, 354, 363, 379, 387, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 403, 404, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

DEPARTMENT OF JUSTICE

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

DEPARTMENT OF HOMELAND SECURITY

Penrose C. Albright, of Virginia, to be an Assistant Secretary of Homeland Security. (New Position)

DEPARTMENT OF JUSTICE

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

DEPARTMENT OF ENERGY

Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

DEPARTMENT OF JUSTICE

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2006. (Reappointment)

John Francis Bardelli, of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years, vice John R. O'Connor.

DEPARTMENT OF STATE

Richard Eugene Hoagland, of the District of Columbia, a Career Member of the Senior

Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Pamela P. Willeford, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

James Casey Kenny, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.

W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

William Cabaniss, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

David L. Lyon, of California, a Career Member of the Senior Foreign Service, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to be Ambassador to the Republic of Kiribati.

Roderick R. Paige, of Texas, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

H. Douglas Barclay, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

DEPARTMENT OF JUSTICE

Karin J. Immergut, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

DEPARTMENT OF HOMELAND SECURITY

C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN356-3 Foreign Service nomination of Pamela A. White, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

NOMINATION OF JACK LANDMAN GOLDSMITH III

Mr. LEAHY. Mr. President, we voted today on the nomination of Prof. Jack Goldsmith to head the Office of Legal Counsel at the Department of Justice. I have serious reservations about Professor Goldsmith's nomination. In particular, I am concerned about his positions as they relate to the international protection of human rights, the engagement of the United States in holding accountable those who commit crimes against humanity, the administration's use of military tribunals and, more broadly, our Nation's place in the global community.

Professor Goldsmith is a leading opponent of the use of the Alien Tort Claims Act, ATCA. For the past 23 years, judges have interpreted the ATCA to allow victims of torture and abuse to file claims in United States courts against foreign governments, torturers, and multinational corporations. Victims have used the act to bring claims against notorious violators of human rights, such as war criminal Radovan Karadzic, the former prime minister of the Philippines, Ferdinand Marcos, and the banks and companies that profited from Nazi war crimes. Professor Goldsmith's opposition to the use of ATCA reflects a disturbing shift away from international efforts to hold human rights abusers responsible for their inhumane treatment of innocent victims throughout the world.

Professor Goldsmith is also a vocal opponent of the International Criminal Court, ICC. Over the past few months, the ICC has taken steps toward becoming an effective tool to hold accountable those accused of war crimes, genocide, and crimes against humanity. Yet Professor Goldsmith has dismissed the Court as "futile" and "unrealistic." Many believe that the ICC is the best forum to bring the world's worst criminals to justice, but Professor Goldsmith has predicted that it is headed for the grave: I am hopeful that the United States can one day play a key role in ensuring that the ICC effectively carries out its historic mandate, and I worry that Professor Goldsmith has not demonstrated a commitment to leading the administration in this important direction.

Professor Goldsmith also vigorously defended the President's authority to try suspected terrorists by military tribunal, despite the concerns raised by many Americans and our allies about the legality of these practices. Legitimate questions have been raised about the administration's inconsistency in bringing some cases in federal court while referring other similar cases to military tribunals, where the defendants' rights are fewer and the procedures less clear. I urge Professor Goldsmith to take a hard look at the administration's recent treatment of prisoners of war: I fear it may have negative implications for the treatment of our own citizens abroad.

Professor Goldsmith's positions on ATCA, the ICC, and military tribunals reflect a broader, disturbing trend in his thinking, scholarship and writings. At a time when the United States should be increasing our engagement in the international community, I am concerned that Professor Goldsmith will advocate for less engagement. At a time when the United States should be increasing our global cooperation in areas such as the war on terrorism, the environment, and international peace and security, I am concerned that Professor Goldsmith will advocate for less cooperation. At a time when the United States should be reaffirming our commitment to protecting individual liberties, due process rights, and access to equal justice, I am concerned that Professor Goldsmith lacks a true commitment to these foundations of our democracy.

I am also alarmed by the veil of secrecy that has been drawn by Attorney General Ashcroft over the operations of the Office of Legal Counsel. I encourage Professor Goldsmith to allow the sun to shine into the Office of Legal Counsel by disclosing memoranda and opinions to the American public, insofar as such disclosure would not raise legitimate national security concerns.

I hope that, within the context of Professor Goldsmith's temporary appointment, he will look beyond his academic musings and offer the objective legal advice he promised this Senate he would provide. As he develops his legal opinions and advises the administration, I hope that he seriously considers the universally accepted international legal norms that have proven essential in protecting the rights of all members of our global community to freedom, security, and due process of law.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORITY FOR COMMITTEES TO REPORT LEGISLATIVE OR EXECUTIVE MATTERS UNTIL 4 P.M. TODAY

Mr. FRIST. Mr. President, I ask unanimous consent that committees have until 4 p.m. today to report legislative or executive matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the recess, committees be allowed to report legislative and executive matters on Wednesday, October 8, between the hours of 10 a.m. and 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. I ask unanimous consent that during the adjournment period of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF JOHNNY CASH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, H. Con. Res. 282.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) honoring the life of Johnny Cash.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I further ask consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the matter be printed in the RECORD, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 282) was agreed to.

The preamble was agreed to.

COMMENDING NATIONAL ENDOWMENT FOR DEMOCRACY ON ITS 20TH ANNIVERSARY

CALLING ON PEOPLE'S REPUBLIC OF CHINA TO RELEASE REBIYA KADEER

COMMENDING GOVERNMENT AND PEOPLE OF KENYA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 300, S. Con. Res. 66; Calendar No. 301, S. Res. 230; and Calendar No. 302, S. Res. 231, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution and the resolutions by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 66) commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

A resolution (S. Res. 230) calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, and for other purposes.

A resolution (S. Res. 231) commending the Government and people of Kenya.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. I further ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the matters be printed in the RECORD, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan nongovernmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

S. RES. 230

Whereas Rebiya Kadeer, a prominent businesswoman from Xinjiang Uighur Autonomous Region of the People's Republic of China, was arrested in September 1999, while trying to meet United States Congressional staff;

Whereas the Congressional staff was on an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rebiya Kadeer was convicted at a secret trial and sentenced on March 10, 2000, to 8 years in prison for "illegally giving state information across the border";

Whereas the newspapers she was carrying with her at the time of her arrest were all available to the public;

Whereas from 1993 to 1998, Rebiya Kadeer was elected as a member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Rebiya Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas Rebiya Kadeer's health is deteriorating in prison and she is finding it difficult to perform her prison labor due to sickness;

Whereas Rebiya Kadeer is the mother of 10 children;

Whereas the United States Department of State has repeatedly expressed concerns about the continued imprisonment of Rebiya Kadeer;

Whereas United States Assistant Secretary of State for Democracy, Human Rights, and Labor, Lorne Craner, visited Xinjiang in December 2002 with the expectation that she would soon be released;

Whereas the day before Secretary Craner's visit to Xinjiang, 3 of Rebiya Kadeer's children were taken into custody and were released later with strict instructions not to talk to anyone about their mother's case;

Whereas Rebiya Kadeer's case was brought up before a hearing of the Senate Foreign Relations Committee on September 11, 2003, by T. Kumar of Amnesty International USA;

Whereas Chinese authorities are ignoring repeated requests from the United States Congress to release her; and

Whereas President Bush is planning to attend the APEC Conference in October 2003, in Thailand and is planning to have meetings with the Chinese President, Hu Jintao, at the Conference: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and deplores the detention of Rebiya Kadeer and calls for her immediate and unconditional release;

(2) urges President Bush to take urgent steps to secure the release of Rebiya Kadeer as soon as possible; and

(3) urges President Bush to demand Rebiya Kadeer's immediate release when he meets with Chinese President Hu Jintao at the APEC Conference.

S. RES. 231

Whereas on December 27, 2002, the Republic of Kenya successfully held presidential, parliamentary, and local elections;

Whereas the elections were widely praised by objective international observers as free and fair;

Whereas the elections signal a major step forward for democracy in Kenya, particularly when compared with other elections held in Kenya since Kenya became an independent state in 1963;

Whereas the transition of power started by the elections culminated on December 30, 2002, when former President Daniel Toroitich arap Moi peaceably transferred the Kenyan presidency to President Mwai Kibaki;

Whereas the people of Kenya have manifested a strong desire to combat the endemic corruption that has crippled Kenyan society for years; and

Whereas the Government of Kenya has responded to this desire with concrete initiatives aimed at fostering transparency and accountability in Kenya: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of the Republic of Kenya for conducting free and fair elections;

(2) commends the Government of Kenya for the successful completion of a peaceful and orderly transition of power;

(3) expresses its desire to see this new democracy in Kenya thrive;

(4) acknowledges the suffering inflicted on the people of Kenya as a result of terrorist activity and appreciates the assistance and cooperation of Kenya to the global fight against terrorism;

(5) reaffirms the friendship that exists between the people of the United States and the people of Kenya, as 2 nations bound together by the shared values of democracy;

(6) applauds the regional peacemaking efforts of Kenya and the contributions of Kenya to international peacekeeping;

(7) commends the commitment and concrete steps taken by the Government and people of Kenya—

(A) to strengthen democracy, human rights, and the rule of law;

(B) to combat corruption, including through the passage by the Kenyan Parliament of the Public Officer Ethics Bill and the Anti-Corruption and Economic Crimes Bill;

(C) to improve access to education; and

(D) to prevent the transmission of HIV/AIDS;

(8) commits to working with the people of Kenya to continue making progress in combating corruption, encouraging development, fighting HIV/AIDS, and fostering respect for the rule of law and a climate of transparency; and

(9) welcomes the October 2003 visit of Kenyan President Mwai Kibaki to the United States.

EXTENDING THE DURATION OF THE IMMIGRANT INVESTOR REGIONAL CENTER PILOT PROGRAM

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1642, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1642) to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I urge the Senate to pass S. 1642, a bill to extend for 5 years the EB-5 immigrant investor visa regional center pilot program, which lapsed at the end of the fiscal year on Tuesday. I am pleased that Senators BROWNBACK and DASCHLE have joined me in sponsoring this bill. There are more than 25 regions in the Nation that have qualified as a "regional center" under this program, including in my State of Vermont. This designation allows them to attract foreign investment by adjusting the standard that investors must meet to obtain legal permanent resident status. The entrepreneurs must still meet a heavy burden, however, showing that their investment will create 10 or more jobs in these relatively depressed areas.

The pilot program is narrowly tailored to avoid fraud. An area seeking regional center status must provide, among other things, detailed information regarding how the center will promote economic growth through improved regional productivity, job creation, and increased domestic capital investment. The applicant must also provide a detailed explanation of why the regional center will have a positive impact on the regional or national economy in general.

The Judiciary Committee approved the language in this bill unanimously, as part of a substitute amendment to S. 1580, the Religious Workers Act of 2003. I am pleased to include an amendment from Senator FEINGOLD that the Judiciary Committee also unanimously approved, calling for a GAO study on the EB-5 program as a whole. Such a study will give us a better idea of how the program is working and what improvements may be needed.

This is an important program for my State and many other regions of the country, and I ask for the support of all Senators in extending it for an additional 5 years.

Mr. FRIST. I ask unanimous consent that the Feingold amendment, which is at the desk, be considered, agreed to, the bill as amended be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1827) was agreed to, as follows:

AMENDMENT NO. 1827

(Purpose: To require the General Accounting Office to report to Congress on the immigrant investor program)

At the end, add the following:

SEC. 2. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

The bill (S. 1642), as amended, was read the third time and passed, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PILOT IMMIGRATION PROGRAM.

(a) PROCESSING PRIORITY UNDER PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS TO PROMOTE ECONOMIC GROWTH.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(d) In processing petitions under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) for classification under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)), the Secretary of Homeland Security may give priority to petitions filed by aliens seeking admission under the pilot program described in this section. Notwithstanding section 203(e) of such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence.".

(b) EXTENSION.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "10 years" and inserting "15 years".

SEC. 2. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of H.R. 2152, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2152) to amend the immigration and nationality act to extend for an additional 5 years the special immigrant religious worker program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, this House bill is identical to S. 1580, the Religious Workers Act of 2003, of which I am a proud cosponsor. The bill extends for 5 years provisions of our immigration law that provide for special immigrant visas for religious workers sponsored by religious organizations in the United States. These visas allow religious denominations or organizations in the United States to bring in foreign nationals to perform religious work here. This modest program—which provides for up to 5,000 religious immigrant visas a year—was created in the Immigration Act of 1990, and has been extended ever since.

These religious workers contribute significantly not just to their religious communities, but to the community as a whole. They work in hospitals, nursing homes, and homeless shelters. They help immigrants and refugees adjust to the United States. In other words, they perform vital tasks that all too often go undone.

I have worked on this issue over the years, and cosponsored bills in 1997 and 2000 that would have made this program permanent. I still believe that it should be permanent but fully support a 5-year extension as the next best thing. Time is now of the essence as we have entered Fiscal Year 2004 and allowed this program to lapse.

The House passed this bill last month by voice vote. I urge the Senate to follow suit by approving this extension and sending it to the President without further delay.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2152) was read the third time and passed.

ACCOMPLISHMENTS THIS WEEK

Mr. FRIST. Mr. President, at this juncture I wish to take a second to thank everyone for their assistance throughout this week. It has been a busy week. We have accomplished a great deal. Earlier this week we began consideration of the Iraq supplemental request. We made good progress on the supplemental request and, as we had discussed, we will complete action on this request during the first week we return.

We also considered this week the DC appropriations bill. Although I am disappointed we were unable to finish that bill, we had very important debate and discussion, much of which centered around the opportunity scholarships for impoverished children in the District, support for public charter schools, as well as additional support for public schools in the District. We were not successful in passing that bill.

I do want to assure my colleagues that we will be coming back and addressing that important issue of opportunity scholarships for impoverished schoolchildren in the District. We have addressed it and we will continue to address it with the leadership of Mayor Anthony Williams as well as other local leaders.

Last night, we reached an agreement for final passage on a genetic nondiscrimination bill, which I spoke to in detail last night. The vote on final passage of that bill will occur at 2:30 on October 14. Last night, I commended the tremendous work on both sides of the aisle in addressing this legislation, under the leadership in large part of Senator OLYMPIA SNOWE, someone who has been working on this issue for at least 6 years because I know I have been working for at least the last 6 years on that important legislation. We completed debate on it last night. We will vote on it Tuesday, October 14. At that juncture, we will have addressed the issues of civil rights protections and the importance of preventing the use of genetic information in a discriminatory way. I look forward to that vote on October 14.

In addition, this week we passed H.R. 1925, called the Runaway Homeless and Missing Children's Protection bill. This is the House companion bill to Senator HATCH's bill which we passed earlier.

In addition, Chairman SHELBY helped in securing passage of S. 1680, the Defense Production Act. We are grateful for his efforts as this legislation expired earlier this week.

We were also able to pass TANF this week, the Temporary Assistance for Needy Families extension. Senators GRASSLEY and BAUCUS were instrumental in ensuring this was completed on time.

Chairman MCCAIN and the Commerce Committee finished up and the full Senate subsequently passed S. 1261, the Consumer Product Safety Commission reauthorization.

In addition, just a few moments ago, I read S. Con. Res. 66, which was a resolution commending the National Endowment for Democracy for its contributions to democratic development around the world. That resolution has been introduced and addressed because it is the 20th anniversary of the establishment of the National Endowment for Democracy. The sponsor of that resolution was Senator LUGAR.

I just wanted to mention that because I had the opportunity to sit through a board meeting and a review of the important programs the National Endowment for Democracy does, the programs reflecting the tremendous work in promoting democracy in countries all around the world. I am proud this body has passed this very important resolution to commend that organization for the productive and very important work around the world.

Finally, a short while ago, we were able to confirm, along with seven judges from earlier this week, a series of executive nominations. One of these nominations was Randall Tobias to be coordinator of U.S. Government activities to combat HIV/AIDS globally with the rank of Ambassador. This particular position, in essence, is the person in charge, the point person for the United States of America, in terms of our global efforts to address one of the greatest moral, humanitarian, and public health challenges of the last 100 years; that is, the global threat of HIV/AIDS, a little virus that we in this country knew nothing about just 25 years ago in 1980. It never had been in the United States. It didn't exist as a virus. But since that point in time it has taken the lives of over 40 million people, and is likely to take the lives of 10, 20, 30, or 40 more million people. The President of the United States in a bold initiative has committed $15 billion over 5 years to address the humanitarian challenge—a bold initiative, an unprecedented initiative on a single disease, a single entity. Randall Tobias, now Ambassador Tobias, will be the coordinator for that overall effort.

In closing, I thank my colleagues for cooperation during this work period. I encourage all to rest. Most are going back to their home States to be with constituents. I encourage them also to rest their batteries because we will return for a very busy final few weeks of this first session.

ORDERS FOR TUESDAY, OCTOBER 14, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, October 14; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee, and the second 30 minutes under the control of the minority leader or his designee; provided that following morning business the Senate resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, on Tuesday, October 14, following morning business, the Senate will resume consideration of the Iraq-Afghanistan supplement appropriations bill.

I encourage all Senators who have amendments to come to the floor Tuesday morning to offer those amendments. We will complete action on this bill by the close of the week we return from recess, and Senators should not wait until the last minute to come forward with their amendments.

The bill managers have done a tremendous job in moving this bill forward. They will be here Tuesday morning to continue to work through the remaining amendments. We will complete that bill that week.

Under a previous agreement, at approximately 2:30 p.m. on Tuesday, October 14, the Senate will vote on passage of S. 1053, the Genetic Nondiscrimination Act.

I inform all Members that vote on the passage of S. 1053 will be the first vote of that day. Senators, however, should expect rollcall votes throughout the afternoon as the Senate continues debate on amendments to the Iraq-Afghanistan supplemental appropriations bill.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 14, 2003, AT 9:30 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 71.

There being no objection, the Senate, at 2:40 p.m., adjourned until Tuesday, October 14, 2003, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate October 3, 2003:

DEPARTMENT OF TRANSPORTATION

JEFFREY A. ROSEN, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE KIRK VAN TINE.

DEPARTMENT OF STATE

EDWARD B. O'DONNELL, JR., OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

DEPARTMENT OF JUSTICE

MICHELE M. LEONHART, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE JOHN B. BROWN, III, RESIGNED.

ELECTION ASSISTANCE COMMISSION

PAUL S. DEGREGORIO, OF MISSOURI, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM OF TWO YEARS. (NEW POSITION)

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM OF TWO YEARS. (NEW POSITION)

RAYMUNDO MARTINEZ III, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM OF FOUR YEARS. (NEW POSITION)

DEFOREST B. SOARIES, JR., OF NEW JERSEY, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM OF FOUR YEARS. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

ELENA L. BRINEMAN, OF VIRGINIA
ROSE MARIE DEPP, OF OREGON
DIRK WILLEM DIJKERMAN, OF VIRGINIA
LUCRETIA D. TAYLOR, OF VIRGINIA
GORDON H. WEST, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

HARRY FELIX BIRNHOLZ, OF NEW YORK
GEORGE DEIKUN, OF CALIFORNIA
GENE V. GEORGE, OF FLORIDA
RICHARD H. GOLDMAN, OF WASHINGTON
DEBRA DEWITT MCFARLAND, OF FLORIDA
ALLAN E. REED, OF CALIFORNIA
MARK S. WARD, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARGARET R. ALEXANDER, OF THE DISTRICT OF COLUMBIA
BRUCE N. BOYER, OF MARYLAND
GERALD ANTHONY CASHION, OF VIRGINIA
JATINDER KAUR CHEEMA, OF VIRGINIA
CARLEENE H. DEI, OF FLORIDA
DAVID A. DELGADO, OF FLORIDA
HELEN KIM GUNTHER, OF TEXAS
ROBERT G. HELLYER, OF CALIFORNIA
JOYCE M. HOLFELD, OF THE DISTRICT OF COLUMBIA
ALAN R. HURDAS, OF VIRGINIA
HOMI JAMSHED, OF CALIFORNIA
JANE NANDY, OF VIRGINIA
ALEXANDER D. NEWTON, OF TEXAS
RONALD E. OLSEN, OF VIRGINIA
ROBERT A. PHILLIPS, OF VIRGINIA
WM. BRENT SCHAEFFER, OF TEXAS
KEITH E. SIMMONS, OF CALIFORNIA
SUSUMO KEN YAMASHITA, OF FLORIDA
MICHAEL J. YATES, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN J. HADLEY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

KENNETH C. BRILL, OF CALIFORNIA
JAMES B. CUNNINGHAM, OF PENNSYLVANIA
JAMES A. LAROCCO, OF MICHIGAN
W. ROBERT PEARSON, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KAREN AGUILAR, OF CALIFORNIA
KATHLEEN THERESE AUSTIN-FERGUSON, OF THE DISTRICT OF COLUMBIA
JOHN R. BAINBRIDGE, OF MARYLAND
SYLVIA J. BAZALA, OF NEW JERSEY
MARCIA S. BERNICAT, OF NEW JERSEY
DEBORAH ANNE BOLTON, OF PENNSYLVANIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JULIE GIANELLONI CONNOR, OF LOUISIANA
FREDERICK R. COOK, OF ILLINOIS
TIMOTHY JOHN DUNN, OF CALIFORNIA
STEPHEN ANTHONY EDSON, OF KANSAS
CYNTHIA GRISSOM EFIRD, OF NORTH CAROLINA
JAMES A. FORBES, OF NEVADA
J. ANTHONY HOLMES, OF CALIFORNIA
JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA
MIRIAM KAHAL HUGHES, OF FLORIDA
JAMES ROBERT KEITH, OF FLORIDA
CRAIG ALLEN KELLY, OF CALIFORNIA
MARY ANNE KRUGER, OF VIRGINIA
HELEN R. MEAGHER LA LIME, OF FLORIDA
JOYCE ELLEN LEADER, OF MARYLAND
ROBERT G. LOFTIS, OF COLORADO
STEPHEN GEORGE MCFARLAND, OF TEXAS
JAMES D. MCGEE, OF INDIANA
ALICE COOK MOORE, OF GEORGIA
JOE D. MORTON, OF MARYLAND
JOHN C. MURPHY, OF VIRGINIA
JOSEPH ADAMO MUSSOMELI, OF TEXAS
MARIANNE M. MYLES, OF NEW YORK
WANDA LETITIA NESBITT, OF PENNSYLVANIA
JOHN JACOB NORRIS JR., OF VIRGINIA
VICTORIA NULAND, OF CONNECTICUT
MAURICE S. PARKER, OF CALIFORNIA
DAVID D. PEARCE, OF MAINE
ROBERT CHAMBERLAIN PORTER JR., OF MAINE
JON R. PURNELL, OF NEW HAMPSHIRE
MARCIE BERMAN RIES, OF TEXAS
CAROL ANN RODLEY, OF MAINE
SANDRA J. SALMON, OF FLORIDA
NANCY MORGAN SERPA, OF NEW JERSEY
THOMAS ALFRED SHANNON JR., OF FLORIDA
MICHELE J. SISON, OF MARYLAND
FREDERICK J. SUMMERS, OF CALIFORNIA
BROOKS A. TAYLOR, OF NEW HAMPSHIRE
CHRISTOPHER WHITE WEBSTER, OF MARYLAND
ELIZABETH A. WHITAKER, OF NEW YORK
SETH D. WINNICK, OF NEW JERSEY
EMI LYNN YAMAUCHI, OF ILLINOIS
JAMES HOWARD YELLIN, OF PENNSYLVANIA
STEPHEN MARKLEY YOUNG, OF NEW HAMPSHIRE
JAMES P. ZUMWALT, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATED OF AMERICA, CLASS OF COUNSELOR:

PERRY MASON ADAIR, OF CALIFORNIA
CLAUDIA E. ANYASO, OF THE DISTRICT OF COLUMBIA
ABELARDO A. ARIAS, OF THE DISTRICT OF COLUMBIA
ANTHONY BENESCH, OF MARYLAND
STEPHEN J. BLAKE, OF ILLINOIS
ERGIBE A. BOYD, OF MARYLAND
SAMUEL VINCENT BROCK, OF FLORIDA
MARVIN S. BROWN, OF GEORGIA
MICHAEL ANTHONY BUTLER, OF VIRGINIA
ANNE TAYLOR CALLAGHAN, OF CALIFORNIA
ARNOLD A. CHACON, OF COLORADO
DANIEL A. CLUNE, OF MARYLAND
GENE ALLAN CRETZ, OF NEW YORK
ROBERT LAWRENCE DANCE, OF OHIO
DANIEL DAVID DARRACH, OF TEXAS
CHRISTOPHER J. DATTA, OF THE DISTRICT OF COLUMBIA
PAUL MARTIN DOHERTY, OF CALIFORNIA
ELLEN CONNOR ENGELS, OF VIRGINIA
JAMES FREDERICK ENTWISTLE, OF VIRGINIA
JONATHAN D. FARRAR, OF CALIFORNIA
JEFFREY DAVID FELTMAN, OF OHIO
KATHLEEN M. FITZPATRICK, OF MARYLAND
CAROL S. FULLER, OF PENNSYLVANIA
JUDITH G. GARBER, OF CALIFORNIA
PHILIP S. GOLDBERG, OF NEW YORK
ROBERT GOLDBERG, OF MARYLAND
GARY ANTHONY GRAPPO, OF FLORIDA
RAMONA HARPER, OF FLORIDA
MICHAEL J. HURLEY, OF WASHINGTON
AMY J. HYATT, OF CALIFORNIA
EARL MICHAEL IRVING, OF CALIFORNIA
CHERIE J. JACKSON, OF COLORADO
ROBERT PORTER JACKSON, OF TENNESSEE
TRACEY ANN JACOBSON, OF CALIFORNIA
RICHARD E. JAWORSKI, OF MICHIGAN
NABEEL A. KHOURY, OF NEW YORK
RONALD JAMES KRAMER, OF ILLINOIS
JUNE HEIL KUNSMAN, OF MISSOURI
WILLIAM E. LUCAS, OF MARYLAND
JOSEPH ESTEY MACMANUS, OF NEW YORK
PATRICIA L. MCARDLE, OF CALIFORNIA
M. LEE MCCLENNY, OF WASHINGTON
NANCY E. MCELDOWNEY, OF FLORIDA
JOSEPH SHERWOOD MCGINNIS JR., OF MARYLAND
CHRISTOPHER J. MCMULLEN, OF VIRGINIA
JAMES DESMOND MELVILLE JR., OF NEW JERSEY
W. MICHAEL MESERVE, OF MAINE
PATRICIA NEWTON MOLLER, OF COLORADO
RODERICK W. MOORE, OF RHODE ISLAND
WILLIAM H. MOSER, OF GEORGIA
THOMAS CLINTON NIBLOCK JR., OF TENNESSEE
BRIAN ANDREW NICHOLS, OF RHODE ISLAND
ROBERT LLOYD NORMAN, OF OHIO
NORMAN HARTMAN OLSEN JR., OF MAINE
ANDREW C. PARKER, OF PENNSYLVANIA
ISIAH L. PARNELL, OF FLORIDA
MARIA IFILL PHILIP, OF CALIFORNIA
DAVID A. QUEEN, OF FLORIDA
MARTIN RICHARD QUINN, OF PENNSYLVANIA
MICHAEL BERNARD REGAN, OF NEW JERSEY
DAVID MALCOLM ROBINSON JR., OF CONNECTICUT
TERRI L. ROBL, OF MARYLAND
THOMAS FLAKE SKIPPER, OF NORTH CAROLINA
JAY THOMAS SMITH, OF INDIANA
BARBARA J. STEPHENSON, OF FLORIDA
DONALD GENE TEITELBAUM, OF VIRGINIA
MARGARET A. UYEHARA, OF OHIO
VICENTE VALLE VALLE JR., OF FLORIDA

SHARON ENGLISH WOODS VILLAROSA, OF TEXAS
ROBERT S. WANG, OF CALIFORNIA
KEVIN MICHAEL WHITAKER, OF VIRGINIA
JOSEPH Y. YUN, OF OREGON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KEVIN MICHAEL BARRY, OF VIRGINIA
GLORIA K. BENEDICT, OF CALIFORNIA
LANNY ROGER BERNIER, OF FLORIDA
HERBERT L. CAMPBELL, OF RHODE ISLAND
ROBERT A. ECKERT, OF PENNSYLVANIA
MICHAEL T. EVANOFF, OF VIRGINIA
JOHN HERBERT FRESE, OF VIRGINIA
KAY E. GOTOH, OF VIRGINIA
MICHAEL J. KOVICH, OF MICHIGAN
CHARLENE RAE LAMB, OF FLORIDA
ATHENA M. MOUNDALEXIS, OF TENNESSEE
PAUL T. PETERSON, OF FLORIDA
JUSTINE M. SINCAVAGE, OF PENNSYLVANIA
KENNETH L. STANLEY, OF CALIFORNIA
STEVEN C. TAYLOR, OF ALASKA

CONFIRMATIONS

Executive nominations confirmed by the Senate October 3, 2003:

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

DEPARTMENT OF HOMELAND SECURITY

PENROSE C. ALBRIGHT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF ENERGY

RICK A. DEARBORN, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

DEPARTMENT OF STATE

RICHARD EUGENE HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

PAMELA P. WILLEFORD, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

JAMES CASEY KENNY, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

RANDALL L. TOBIAS, OF INDIANA, TO BE COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY, WITH THE RANK OF AMBASSADOR.

W. ROBERT PEARSON, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

WILLIAM CABANISS, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

DAVID L. LYON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BE AMBASSADOR TO THE REPUBLIC OF KIRIBATI.

RODERICK R. PAIGE, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

H. DOUGLAS BARCLAY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

ROBERT B. CHARLES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

C. SUZANNE MENCER, OF COLORADO, TO BE THE DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JACK LANDMAN GOLDSMITH III, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

MAURICIO J. TAMARGO, OF FLORIDA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2006.

JOHN FRANCIS BARDELLI, OF CONNECTICUT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

KARIN J. IMMERGUT, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE NOMINATION OF PAMELA A. WHITE.

EXTENSIONS OF REMARKS

APPOINTMENT OF CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, this is an outright attack on organized labor. Ever since George Bush and his administration were put in the White House by the Supreme Court, they have done nothing but cut taxes for the rich and destroy our country's labor movement.

The regulations put forth by the administration in March to change the Fair Labor Standards Act that would deny overtime pay to over 8 million employees is shameful. These regulations would be bad for many, many people: including first responders like nurses, police and firefighters, and also journalists, accountants, grocery clerks, and others. Millions more, who have long depended upon overtime work to help make ends meet, will face pay cuts, and at the same time, opportunities to work overtime are being done away with.

I urge my colleagues to vote to instruct conferees and to block the Bush administration from going on with this terrible change which would take overtime pay away from our country's hard-working people.

ST. CLARE'S HARVEST FESTIVAL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 2003

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor a tradition that for 30 years has brought together the families of some of the most vibrant communities in my Congressional District. The people of Denville, New Jersey and its surrounding municipalities in Morris County, and all of Northern New Jersey have gathered each year to enjoy the St. Clare's Harvest Festival, a day of family fun and frolic, all for a good cause, to benefit St. Clare's Hospital which also celebrates a milestone this year by providing 50 years of loving care and service to the people of Morris, Sussex and Warren Counties in northwestern New Jersey.

The hospital was initially created to care for the nuns and guests at St. Francis Health Resort, but the Sisters saw the need for a community hospital to assist the ever increasing population of Denville. We are all glad for their vision as St. Clare's has grown into an institution that delivers the highest quality health care, teaming up to provide the best medical care for New Jerseyans with the likes of the distinguished Memorial Sloan-Kettering Cancer Center.

Indeed, it wouldn't be Fall in Morris County without the St. Clare's Harvest Festival, but sadly, all of us who have treasured our time at the Festival know that this year it will end. On Saturday, October 4, thirty years of hard work, tireless volunteerism and good old-fashioned fun will culminate in the last Festival.

A wonderful fundraiser for the Hospital, the Harvest Festival was jointly established by the Sorrowful Mother, a Catholic order and Sister Mary Urban Harrer, who incidentally is celebrating her 90th year and remains thrilled that her efforts have come this far. Each year the Festival offers delicious homemade foods, the talents of local artisans and crafts men and women, and carnival rides and petting zoos for the area's children. A day at the Festival is a day filled with memories.

These memories and the 30 years of success would not be possible without legions of incredible volunteers who have dedicated so much of their time, energy and spirit to the Festival year after year. The cooperation and teamwork between community members and St. Clare's staff—the fantastic doctors, nurses and other health care professionals—is legendary. I especially want to recognize these individuals who deserve our praise and thanks for their commitment to serving their community and helping others. So many of my constituents will warmly recall the St. Clare's Harvest Festival and those who made it possible.

Though the Harvest Festival will no longer be a "fall fixture" on the calendars of thousands of citizens in New Jersey, St. Clare's Hospital will continue to serve our communities with the same loving care and compassion it has brought to the field of health care for the last 50 years.

Mr. Speaker, I know that you join me and my colleagues in congratulating all of those associated with the St. Clare's Harvest Festival on 30 years of success and in wishing the St. Clare's Hospital family another 50 years of outstanding community service.

IN HONOR OF MR. JOSEPH F. ALASKEY, JR.

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 2003

Mr. SWEENEY. Mr. Speaker, I rise today to pay tribute to Mr. Joseph F. Alaskey, Jr. On October 21st, 2003, Mr. Alaskey will be honored with a Lifetime Achievement Award at the Capital District Senior Issues Forum in Albany, New York. He is being honored for his heroics and bravery during his service to this great nation in World War II.

Mr. Speaker, on the night of December 8, 1944, the 2nd Platoon, Company A, 1276th Engineer Combat Battalion, with whom Mr. Alaskey was a Utility Repairman, attempted a patrol crossing of the Roer River in Flossdorf, Germany. While they were crossing, the enemies opened nearby dams, causing the river to flood.

Mr. Speaker, with a current rushing at 9 feet per second, Mr. Alaskey's assault boat capsized, slammed into a nearby bridge, and began to sink. As many of the men in Mr. Alaskey's battalion were drowning due to the weight of ammunition strapped to their backs, Mr. Alaskey was able to hold onto a beam and pull his battalion-mate J.C. Dyer from the raging river to safety.

Mr. Speaker, such an act of valor cannot go overlooked. Risking one's life for the sake of another is the greatest gift anyone can possibly give. I am proud to rise today in honor of Mr. Alaskey and his courage. I also extend congratulations to him for this truly distinguished Lifetime Achievement Award.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, I support a woman's right to make choices on her own behalf. Abortion should be a private decision made by the woman, with the aid of her family and her doctor. The government should stay out of private medical decisions.

Many, including myself, oppose the ban on partial-birth abortion because it may restrict the choices of a woman and her doctors in the second trimester. It is normally during this time that amniocentesis tests are given and therefore the time when fatal birth defects are usually found. We need to leave choice in the hands of the woman, especially when we are dealing with issues like fetal birth defects.

We all know that "Partial-birth" is a political term, not a medical term. This name is designed to throw fuel on the already heated abortion debate through graphic rhetoric and misinformation.

In describing what is banned, this bill does not reference a recognized, established medical procedure. In fact, the bill's language is deliberately vague—banning safe and common procedures. For example, this bill does not mention fetal viability, so it has the potential to restrict abortions throughout pregnancy. The Supreme Court has already ruled that we cannot do that. In Roe v. Wade and its companion case, Doe v. Bolton, the Supreme

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Court held that a woman has the right to choose legal abortion until viability. The Court said that states may ban abortion after that time, as long as exceptions are made to protect a woman's life or her health. Congress simply should not be legislating on this issue. This is one issue that Congress should leave to the states.

When President Bush signs this measure, he will become the first President since Roe v. Wade to recriminalize safe abortion procedures. Congressional leaders are moving toward the goal of ending legal abortion. This legislation is just one piece of the overall strategy. With anti-choice leaders now controlling both the House and Senate, banning abortion is once again becoming a top legislative priority.

Why when there are so many other pressing issues in this Nation, would Congressional leaders choose to introduce legislation that has already been held unconstitutional? In 2000, the Supreme Court found Nebraska's so-called "partial-birth" abortion ban unconstitutional. The Court found that the law was an unconstitutional burden on a woman's right to choose. The Nebraska law banned safe abortion procedures and lacked the constitutionally required exception to protect a woman's health. These same issues are present in the bill now before Congress.

I urge Congress to reject this ban on partial-birth abortion. I support a woman's right to make choices on her own behalf. The government should stay out of important health decisions, and leave those important health decisions to the woman, her family and her doctor.

RECOGNIZING THE SACRAMENTO RIVER CATS FOR WINNING THE 2003 PACIFIC COAST LEAGUE CHAMPIONSHIP

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to the 2003 Sacramento River Cats, the deserving winners of the 2003 Pacific Coast League Championship. The 2003 River Cats triumphantly completed the season by winning all its postseason games, including a three-game sweep of the Nashville Sounds. The 2003 River Cats demonstrated remarkable courage, determination, and teamwork that have made them a great source of civic pride and a local attraction. I ask all of my colleagues to join with me in saluting the remarkable 2003 Sacramento River Cats.

Throughout the course of the season, the Sacramento River Cats never left any doubt that they were top of the class of the Pacific Coast League. The River Cats displayed tremendous consistency and excellence as they finished with a league best record of 92 wins and 52 losses, a remarkable 18 games better than the closest competitor. The River Cats truly dominated the competition as 51 of the River Cats' victories were decided by more than 3 runs. Backed by a spirited and loyal fan base, the River Cats won a league-leading 50 games at home during the regular season. The River Cats also won the franchise's third division championship since relocating to Sacramento in 2000. By combining a high-octane offense; a tenacious pitching staff, and a steady defense, this year's River Cats posted the best overall record and road record in franchise history. It is clear that the 2003 Sacramento River Cats are one of the most dominant teams in the illustrious 100-year history of the Pacific Coast League.

The 2003 Sacramento River Cats are comprised of an outstanding blend of seasoned veterans with major league experience and exciting young players who are destined to be the superstars of tomorrow. This River Cats team is spearheaded by the all around excellence of Pacific Coast League's Rookie of the Year Bobby Crosby, Pitcher of the Year Justin Duchscherer and Most Valuable Player Graham Koonce. The 2003 River Cats became the first team to claim the three major individual awards in the history of the Pacific Coast League. This dazzling array of players, combined with a selfless commitment to team play, are major reasons why the River Cats enjoyed such unparalleled success during the 2003 season.

In addition to a wonderful roster, the 2003 River Cats also benefited greatly from the tutelage of one of the best coaching staffs and the leadership of one of the most progressive front offices in all of professional baseball. On the bench, the River Cats were lead by the 2003 Sporting News Minor League Manager of the Year Tony DeFrancesco. Mr. DeFrancesco and his able assistants were able to harness one of the greatest collections of gifted players in the Pacific Coast League into a balanced team that is epitomized by fair play and an unyielding commitment to teamwork. In the front office, the River Cats are led by the visionary leadership of President and CEO Art Savage and the astute management of Executive Vice Presidents Warren Smith and Robert Hemond. Under this leadership team, the River Cats have taken great steps to forge one of the strongest and most unique relationships in all of sports with their team supporters. Given the River Cats front office's commitment to the city of Sacramento, it is no wonder why the River Cats have led all of Minor League Baseball in attendance during each of their four years in Sacramento.

Mr. Speaker, as the Sacramento River Cats conclude their greatest season in franchise history and prepare to achieve greater triumphs in the future, I am honored to pay tribute to the many hard working men and women of the River Cats organization who brought so much joy and pride to the people of Capitol Region and River Cats fans everywhere. Their successes are considerable, and it is a great honor for me to have the opportunity to pay tribute to their accomplishments. I ask all my colleagues to join with me in congratulating the Sacramento River Cats on a wonderful season and wishing them greater success in future seasons.